



FRANK TEJEDA  
State Senator

The Senate of  
The State of Texas  
Austin 78711

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RQ-292

December 12, 1991

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Committee  
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Hon. Dan Morales  
Attorney General of Texas  
Supreme Court Blvd.  
P. O. Box 12548  
Austin, Texas 78711-2548

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DEC 20 91

Legislation Committee

REQUEST FOR AN ATTORNEY GENERAL'S OPINION

Question: May the City of San Antonio, a Home Rule City, enforce a Ground Transportation Ordinance which would prohibit charter bus or sightseeing operations within city boundaries unless the regional transit authority paid fees and was granted permits?

Dear Hon. Dan Morales:

The above question has presented itself because of the following facts:

1. The City of San Antonio is a Home Rule City.
2. VIA Metropolitan Transit Authority is a regional transit authority created pursuant to Article 1118x, Tex. Rev. Civ. Stat. Ann.
3. The Proposed Ground Transportation Ordinance would prohibit operation of ground transportation, including charter bus and sightseeing without a City Council finding that the operation was required by public convenience and necessity.
4. The purported Ground Transportation Ordinance to be passed by the City of San Antonio has regulatory provisions which require the payment of permit fees to the City, requiring VIA to employ only bus drivers who qualify for a City Chauffeur's license, requiring City inspections of VIA's equipment, requiring certain equipment specifications, and other regulatory requirements.

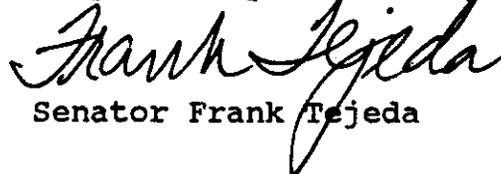
**ACCOMPANIED BY ENCLOSURES —  
FILED SEPARATELY**

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5. VIA Metropolitan Transit Authority operates and maintains a system not restricted to providing line service, but rather includes a large variety of other types of transportation services including charter and sightseeing services.
6. VIA Metropolitan Transit Authority is a regional transportation authority providing service to VIA's service area which includes the incorporated cities of San Antonio, Alamo Heights, Balcones Heights, Castle Hills, Leon Valley, Olmos Park, Shavano Park, Kirby, Grey Forest, China Grove, Hollywood Park, Windcrest, Elmendorf, Converse, and St. Hedwig and all unincorporated portions of Bexar County. Portions of the cities of Hill Country Village, Live Oak, Schertz, Cibilo, and Selma are also within the authority area.

Because of the potential implications, I would appreciate an answer to this question as quickly as possible. To help facilitate quickness, I have attached a legal memorandum prepared at my request by the attorneys for VIA Metropolitan Transit Authority discussing some of the legal problems presented by this statutory-ordinance conflict.

Respectfully submitted,



Senator Frank Tejada