

## Opinion No. 46-4950

September 11, 1946

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. Don R. Casados State Corporation Commission Santa Fe, New Mexico

{\*273} In Opinion No. 4842, written January 26, 1946, Section 68-1325, subsection (f), of the 1941 Compilation, which exempts from the provisions of the act "busses traveling a fixed route, the greater portion of which lies within the boundary of any one (1) city," was under consideration, and the opinion held that the entire course of travel within and without a municipality should be taken into consideration in arriving at the proportionate percentage of the bus route which may be inside or outside a single municipality.

At that time, the writer had in mind a single route, lying partly within and partly without a single municipality, and under such a set of facts, the opinion would be correct. However, it has been called to my attention that in some cities bus companies operate perhaps two or more separate routes, having fixed terminal points. In such a case, I do not believe the Legislature intended that the entire mileage of all bus routes operated by the company should be cumulated, in order to allow a bus company to operate a single route, which might be from the city limits to a point outside the city limits. Each separate route, with fixed terminal points, would have to stand alone in determining the proportionate part that may lie within a municipality, or without such municipality, in the event a company operates more than one separate and distinct route.

I am taking this opportunity to clarify the conclusion reached in the former opinion, and to the extent herein mentioned, said opinion is hereby modified.