

1983 WL 181758 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 17, 1983

*1 Philip L. Fairbanks, Esquire

Graber, Baldwin and Fairbanks
605 Carteret Street
Beaufort, South Carolina 29902

Dear Mr. Fairbanks:

As counsel for the Beaufort-Jasper Regional Transportation Authority (BJRTA), you have asked the opinion of this Office on the following questions:

1. Can [Sections 58-25-10, et seq., Code of Laws of South Carolina](#), 1976, be construed to permit BJRTA to engage in the operation of charter services which go outside of its region, so long as the trips originate and end in the region?
2. Does the provision of charter services within the restrictions provided in [43 Federal Register 58309](#), paragraphs 4, 6, endanger BJRTA's federal funding?

These questions will be discussed in the same order as presented by you.

1. You have advised us that BJRTA operates a public transportation system in Beaufort and Jasper counties, pursuant to [Section 58-25-10](#) to [58-25-80](#). Those sections provide for the creation of regional transportation authorities to provide transportation services within defined regional transportation areas. Sections 58-25-20(2), (5), 58-25-40, 6-11-110. More specifically, Section 58-25-20, which sets forth the powers of such authorities, states that they are authorized:

(h) To fix, alter, change, and establish rates, fares for the services and facilities within the area . . .

(i) To acquire and operate, or provide for the operation of, local transportation system . . . within the area . . . [emphasis added]

Also see, Section 58-25-40(5).

From the language of the cited sections, one must conclude that the General Assembly did not contemplate a regional transportation authority providing transportation services outside of its regional transportation area. Additionally, the plain meaning of the foregoing language confines the operation of an authority to that same area. Therefore, it is the opinion of this Office that [Sections 58-25-10, et seq.](#), cannot be construed to permit BJRTA to engage in the operation of charter services which go outside of its regional transportation area.

2. Because this question deals with the interpretation of a federal regulation, this question should be addressed to the federal authority responsible for interpreting or enforcing the regulation.

Sincerely,

James M. Holly
Assistant Attorney General

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