

1981 WL 158001 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 6, 1981

*1 James H. Still
Executive Director
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211

Dear Mr. Still:

Pursuant to my conversation with you and Mr. Jim Betz, Executive Director of the South Carolina Public Railways Commission, we have examined [Code Sections 58-17-1610](#), et seq., Code of Laws of 1976, as amended, with reference to the question whether the reports required by 'each railroad company chartered by this State' or 'every railroad corporation' applies to the railroads operated by the Public Railways Commission.

In our opinion these provisions do not apply to the publicly-owned railroads operated by the Public Railways Commission. Those railroads are not chartered railroads within the meaning of Article 13, Chapter 17, of Title 58, nor are they private railroad corporations. By Act No. 232 of 1975 the Public Railways Commission was established 'to acquire, construct, maintain, equip and operate connecting, switching, terminal or other railroads * * * and be governed by rules and regulations of the Interstate Commerce Commission', among other powers and duties. The Public Railways Commission is an agency of the State, and consequently, the railroads operated by it are an activity of State government and are not chartered private railroad companies within the meaning of Article 13, Chapter 17, of Title 58.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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