

1974 WL 28057 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 5, 1974

*1 Mr. Donald R. Hinson
Executive Director
Appalachian Council of Governments
Drawer 6668
Greenville, South Carolina 29606

Dear Mr. Hinson:

Thank you for your letter of April 26, 1974, in which you posed various questions concerning Act 417 [1973 (58) 726] which establishes a Regional Transportation Authority.

Specifically, you have asked whether or not this act would prohibit one authority from operating vehicles in territory of another authority. This act prohibits one county, municipality or political subdivision from being a member in more than one authority and each individual authority is to provide regional transportation facilities for the members of its authority. Pursuant to Section 5 of this act, which establishes the authority's powers and duties, each authority is granted the right

(1) to acquire and operate, or provide for the operation of, local transportation systems, public or private, within the area. . .

It is apparent that the act foresees utilization of a transportation system only within each individual authority. Therefore, one authority could not operate transportation systems within the territorial area of another authority.

You also inquire if a 'single county authority' could belong to a multi-county authority. I understand your question to be whether or not one county which has established a Regional Transportation Authority can join a multi-county authority. This would be prohibited by the provisions of the act. The act expressly prohibits a county, municipality, etc., from being a member in more than one authority and therefore a 'single county authority' would not be authorized to join a multi-county authority.

You have also asked about the composition of the governing body of the authority. This act expressly provides that the governing body shall be composed of one member from each member county, municipality or political subdivisions and three members who will be appointed by the Governor. Therefore, a county with a large population would receive the same representation on the body as a county with a smaller population.

Additionally, you have asked if two counties join and authority if this automatically would include every municipality within that county and therefore require representation of all of the municipalities and political subdivisions within the county. Section 3 of the act states

The governing body of an authority should be composed of one member from each member county, municipality or political subdivision . . . (emphasis added)

Section 4 states

Any two or more counties, municipalities, other political subdivisions, or combinations . . . are authorized . . . to implement a regional transportation authority. . . . (emphasis added)

Apparently the act envisions combinations of county and county, municipality and municipality, etc. Therefore, if a county joins with another county they would be represented by one member each, but the municipality and political subdivision would not be represented unless they expressly join as members. See Section 4, Subsection 2.

Sincerely,

*2 Treva Ashworth
Assistant Attorney General

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