JBS revision 10/11/66 to versions of 6/10 and 9/25

27" x 42" Official Texas Historical Marker Gregg County
Gladewater Town Square

1239

FIRST FRANCHISED MOTOR BUS LINE IN TEXAS*

THE W.E.NUNNELEE BUS LINES BEGAN PASSENGER SERVICE FROM TYLER TO GLADEWATER AND MT.PLEASANT IN MARCH 1925; LATER ADDED BUSES FROM TYLER TO HENDERSON AND NACOGDOCHES. TWENTY-SIX VEHICLES WERE OPERATED OVER THE 205 MILES. THESE INCLUDED 7-PASSENGER AUTOMOBILES AND 12-,15-,16-,AND 19-PASSENGER BUSES.

FARE FROM TYLER TO GLADEWATER WAS \$1.WITH STOPS IN WINONA, STARRVILLE, FRIENDSHIP, THE 30-MILE RUN TOOK AN HOUR, OVER ROADS PAVED IN 1919 AND 1923.

ON AUG.1,1927, BUSES WERE PLACED UNDER REGULATION OF THE RAILROAD COMMISSION. THIS LINE HAD FRANCHISE NO.1; IT WAS ONE OF 247 COMPANIES RUNNING 865 PUBLIC PASSENGER VEHICLES ON 20,348 MILES OF TEXAS ROADS.

MANY OF THESE "BUSES"WERE AUTOS BUILT FOR PRIVATE USE.OTHERS HAD "STRETCHED" AUTO CHASSIS SEATING 10 OR MORE PASSENGERS.SEVERAL MODELS HAD DOORS THAT OPENED ALONG THE SIDE.UNCOMFORTABLE AND HARD TO DRIVE, THEY CONSTANTLY NEEDED NEW TIRES AND REPAIRS TO BRAKES AND VALVES.BREAKDOWNS WERE FREQUENT.

OVERHAULS(OFTEN MADE, OF NECESSITY, BY THE ROADSIDE)
WERE HANDLED BY MECHANICS LACKING SUITABLE TOOLS.

ALTHOUGH FAR DIFFERENT FROM THE AIRCONDITIONED,
SAFETY-ENGINEERED BUS OF TODAY, EARLY BUSES SHOWED
THE WAY TO A NEW ERA IN CONVENIENT TRANSPORTATION

Incise in base:

EARLY TRAVEL, COMMUNICATION AND TRANSPORTATION SERIES 1966****

ERECTED BY MOODY FOUNDATION****

1966****

SOUTHWELL GODER
TEXAS RISTURICAL FOUNDATION

^{*3/4&}quot; lettering **1/2" lettering ****Appropriate lettering

Southwestern Greyhound Lines, Inc. was formed from three predecessor companies, Western Greyhound Lines of Kansas City, Missouri which had formerly been known as Pickwick Greyhound Lines, Southland Greyhound Lines of San Antonio, Texas which had formerly been Southland Redball Bus Company and Southwestern Transportation Company, wholly owned subsidiary of the St. Louis, Southwestern Railroad (Cotton Belt).

The new company was formed in 1933 and general office established above the old bus station at 8th and Commerce Streets, Fort Worth, Texas.

Western Greyhound Lines at that time had operations in seven midwestern states; Arkansas, Colorado, Kansas, Missouri, New Mexico, Oklahoma and Texas. Southland Greyhound operated principally in Texas. Southwestern Transportation Company held original Railroad Commission of Texas Motor Bus Certificate No. 1 and its principal operations were in Arkansas, East Texas and Southeastern Missouri. Texas Motor Bus Certificate No. 1 has since been revised and now describes authority held by the present Greyhound Company, Central Greyhound Lines, Division of Greyhound Lines, Inc.

Mr. P. W. Tibbetts, who had been president of Southland Greyhound Lines in San Antonio and before that associated with motor bus operations in Minnesota, the birthplace of the bus industry, became Southwestern Greyhound Lines' first president and continued in that position until January 1952, being succeeded by Mr. E. F. Freeman, present day president of Central Greyhound Lines.

Although expansion and enlargement of bus operations were meager during the depression, the operations generally were successful because it was the cheapest and most convenient form of transportation.

The early history of the bus industry and that of Greyhound dates back more than 50 years ago. In Minnesota in 1914 Carl Eric Wickman and Andrew Anderson operated an hourly schedule over four miles of dirt road between Hibbing, Minnesota, and Alice, Minnesota with a "stretched" Hupmobile seating 10 passengers.

At about the same time J. T. Hayes began using elongated Model T Fords to haul passengers between San Diego and El Centro, California. Passengers were sometimes picked up in front of the Pickwick Theater in San Diego, and thus the famous Pickwick Stages came into being.

In 1915 the Hibbing Transportation Company was created by Wickman and Anderson and daily bus service was started between Hibbing and Duluth -- a distance of 90 miles. The following year the Hibbing Company was enlarged and called Mesabi Transportation Company -- five men with five buses. Each man was a company director, and officer and a bus driver.

Bus companies, many of them one-man operations began sprouting all over the United States. In stretching its fledgling service, the Mesabi Company became aware of several important facts: That people wanted and needed bus service; that the bus business was sound; and that more and more people would want to go more and more places. These simple beliefs were to serve as a premise for Greyhound's future growth.

In 1921 in Muskegon, Michigan, Frank Fageol manufactured the first real intercity type bus -- a slim, trim, gray bus that attracted attention. It soon was called "the Greyhound" by those who rode it. Fageol called his company the Safety Motor Coach Lines and in 1922 adopted the slogan, "Ride the Greyhounds." This was the first usage of the name Greyhound.

In 1922 Wickman had sold his interest in the Mesabi Company and formed Northland Transportation Company which became Northland Greyhound Lines, one of the largest of the lines that eventually consolidated to become Greyhound as we know it today - the nation's largest intercity passenger carrier encompassing 48 states and Canada.

Central Greyhound Lines is headquartered at 210 East
Ninth Street, Fort Worth, Texas, and is one of four divisions of
Greyhound Lines, Inc. Central Greyhound Lines serves nineteen states
and a Canadian Province, operating 82,000,000 miles a year over
22,000 miles of routes ranging from the Mississippi River to the
Rocky Mountains and from Canada to the Mexican Border.

Motor-Bus Transportation in Texas, A Brief Resume of the First 40 Years

Pages 1-6, Motor Bus Transportation in the U. S. A.

Page 7: First Motor-Bus Line in Texas

Page 8: Exhibit -- Schedules of Southwestern Transportation Company/ W. E. Nunnelee Bus Lines (holding Franchise No. 1)

Pages 9-19: General statute (passed February 15, March 15, 1927; approved April 1, 1927) regulating Motor-bus Transportation in Texas.

Pages 20-22: Summaries pertaining to the early years....

Page 23: 1966 summation of the industry.

Page 24: List of principal motor bus companies in Texas in 1966.

Page 25: "They Heralded the Age of Autos," story of an attempt to start a bus line to Snyder, Texas, in 1906.

Luxury Bus Service 10 Years Old

Ten years ago Continental Trailways began the first luxury bus service featuring a hostess aboard the company's plush Golden Eagle bus. In Texas it was to be a daily run between Dallas and Houston, with stops at Corsicana and Huntsville. The trip required 4½ hours.

Today, the company has three daily schedules to Houston, with two runs being non-stop. The trip is made in less than 4 hours. One schedule still stops at Corsicana and Huntsville but requires just minutes over the 4-hour mark to complete the trip.

Reservations are required on the Golden Eagle and the hostess serves refreshments and provides reading materials and other lux-cury items in air-conditioned comfort undreamed of in bus travel 10 years ago.

MOTOR BUS TRANSPORTATION IN THE U.S.A.

"In its early stage bus operation was almost entirely lacking in organization and regulation. Notwithstanding the more or less speculative character of the business, a great many individuals were attracted to it by the realization that money in substantial volume was to be had by transporting passengers over the highways at fixed rates of fare. These pioneers of the bus industry were men from all walks of life. Many of them were without prior transportation experience and lacking in both knowledge and appreciation of operating costs or sound business principles. Unrestrained competition, faulty and often unethical business practices and industrial chaos marked this pioneering period. Is it any wonder, therefore, that responsible transportation men made dire predictions of swift and certain demise for this new form of public transportation.

"In the short span of two years--1922 to 1924--more than 5,000 so-called bus companies came into being. All of these ventures were conducted on a small scale. Many of them were one-man businesses. At the time a few electric railways had started or were contemplating the operation of buses on an experimental scale. This mushroom growth of the industry was associated with all of the exciting elements which make the opening of a new mining camp so fascinating, but at the same time so fraught with financial disaster. Sadly hampered by the lack of sufficient capital to correct the costly mistakes which occur in any new and untried business, it is not surprising that some of the early bus companies were destined to failure. The remarkable thing is that any of them were able to survive and yet many of these 'shoe string' ventures successfully weathered early difficulties and grew into responsible organizations of substantial proportions.

"The most fantastic growth of the bus industry in the early part of the last decade was responsible for the ready sale of many million dollars of motor vehicle equipment. To be sure, a great many of these early vehicles were not designed to meet the severe requirements of public transportation service, but the demand for equipment of any kind was heavy. Prevailing terms of purchase were 25 per cent down and the balance in monthly payments spread over three years.

"Investigations in the field made at this time showed that the industry was deficient in maintenance facilities. In only a few shops was there any attempt to establish organized maintenance procedure or develop efficient shop methods and practices. Buses were patched up 'on the hoof' only after they had failed in service. Repairs were carried on in open lots and alleys, in tumbledown sheds and buildings of every description which had been rented with little thought of their suitability for maintenance work. Mechanics lacked suitable tools. Shop equipment and labor-saving devices, when not absent altogether, were pitifully inadequate. Accounting practices often failed to show true conditions concerning costs of operation. Average maintenance costs were found to be in excess of 7 cents per bus-mile, and these costs when added to other items of expense often made the total cost of operation exceed income by as much as several cents.

"Of course there were other problems too, but they were not apparent at the moment. The carrier's chief concern was to put this equipment in satisfactory operating condition. Only after this had been done could he turn his attention to other things. A 35-mile operation was regarded as a long haul back in the early '20s, but as the operators started to experiment on longer hauls, and finally tried out night runs, the manufacturers started to develop vehicles to meet the demands of such services. Improved equipment and improved maintenance methods and

practices have, in a very great measure, made possible the long haul inter-city operations of today.

"These, then, were the problems facing the motor carriers when, about 1925, they first began to concern themselves with the job of transforming haphazard, uncoordinated bus operations into some semblance of an organized transportation industry. In the half dozen years following almost unbelievable progress was made, and by 1932 substantial companies, well managed and with good credit, were common.

"The close of 1927 found but 56 manufacturers engaged in bus production; whereas, almost thrice that many had been building what purported to be a bus chassis in 1922....

"In the beginning buses were merely enlarged automobiles employing makeshift means to lengthen the chasis frame in order to permit the carrying of more passengers. These vehicles were unbalanced and lacked structural stamina. As a consequence, they broke down frequently and were costly both to maintain and operate. These automobile-buses were designed basically to have a life of from 25,000 to 50,000 miles. The service problem was terrific. Valves had to be ground often at every 2,500 miles, brakes were out at 5,000 and had to be replaced. Brake drums of low carbon steel not only had short life, but provided the most inferior sort of braking. Two-wheel brakes manually operated were the rule rather than the exception. Air brakes were unheard of so far as automotive adaption was concerned.

"Engine bearings that ran as much as 10,000 miles without trouble were still far and few between. Piston rings were in the same category. A 20,000 mile tire life was fabulous in 1922. The auto-bus, nevertheless, did prove conclusively the need for a vehicle with at least 300,000 miles of life.

"The first step of transition came with the construction of a more durable bus, which with the aid of considerable maintenance plus periodical overhauls could operate 30,000 miles per year and the over-all life of which might be extended to 300,000 miles or more under a program of continuous service and maintenance. This vehicle featured the extension of the chassis frame, mainly with the idea of reducing the overhang of the body and to provide more carrying capacity. And although it carried more people and was a more dependable vehicle from a mechanical standpoint, the first '300,000-mile' buses made little or no provision for passenger comfort or safety. Bodies were high off the ground, necessitating the use of as many as four steps to gain access to the body. The body framework was of wood panelled in either steel or plywood and fitted with narrow windows. The vehicle was poorly lighted, illy ventilated and inadequately heated by the hazardous expedient of running the engine exhaust pipe through the inside of the body. Seats upholstered in either rattan or imitation leather were skimpily cushioned and so closely spaced that knee room was virtually non-existent. Mechanically more rugged than its predecessor, this longer life bus of the early '20s at the same time was infinitely more difficult to manipulate. To drive one of these early forerunners of the modern bus with its stiff steering gear, stiffer clutch pedal and still stiffer brakes, required extreme physical exertion by an exceedingly strong driver.

"... With all its faults the vehicle was some improvement over its predecessor and it carried more passengers. But it was insufficiently powered, and still far from reliable and still too costly to operate. And while it too was not a bus as we know it in the modern times it was an important step in the evolution....

"Basic refinements in the early buses brought into the picture

for the first time something remotely resembling the dependable, safe and economically automotive vehicle which we know as the modern bus.... It became lower, more stable... Smaller wheels were adopted with dual tires on the rear axle to carry the heavier loads which had now increased to 20 passengers. Bodies were of composite design: that is, wood and metal... For the so-called long haul rider the well-cushioned reclining seat was developed... Hot-water heating replaced the dangerous and inefficient heaters... Four-wheel brakes, air-operated, won almost instant popularity. The need for greater speed and better acceleration to keep pace with other traffic hastened improvements in engine power output...

"Perhaps the most significant step of all time came about during the latter part of the '20s, when the first transit bus ushered in the era of chassisless construction. The transit bus was unique not only in that the so-called 'chassis' disappeared and became actually an part of an integral body structure, but also it marked the first attempt to relocate the engine from its conventional place under the hood up front. The first of these integral designs employed two engines, one on either side of the bus, mounted midway between front and rear wheels and driving rearwary in a straight line of the axle....

"Removing the engine from the front of the vehicle made available more useful passenger carrying space and in inter-city buses more baggage space. This enabled passenger capacity to be stepped up from a previous maximum of 29 to 40 seated passengers... Pneumatically operated doors... began to make their appearance... Comfort items were brought up to modern standards. This was the beginning of the real motor bus, and while these earlier vintage buses fell short of the performance, economy, comfort and safety characteristics of the present-day line of equipment, they, nevertheless, demonstrated that a 300,000-mile highway bus was

assured....

"The chassisless design enabled the bus builders to make notable improvements in their product and particularly in the direction of weight reduction. Because this particular design permitted virtually every piece of material going into the body to serve as a functional member, enormous savings in weight were made possible.... In some cases the combination of light-weight alloys and improved methods of construction made possible weight reductions of as much as 4,000 lbs.

. . .

"The evolution of the slow moving truck into the modern high speed motor bus has included so many fundamental engineering developments and technological advances ... that the modern motor bus in no way resembles the truck-bus vehicle from which it sprang.... Today's motor bus stands in a class by itself as the world's safest highway vehicle. Bus accidents are so rare that the infrequent accasion when a bus is involved in a fatality is front page news....

"Comparison of models built and sold by a large manufacturer of motor buses, for the years 1922, 1932 and 1942:

	1922	1932	1942
	Model	Model	Model
Capacity		29	31
Price per bus seat		\$311.00	\$ 274.00
Maximum Brake Horsepower	66	93	
Generator Capacity Watts	None	500	750
Gasoline Tank Capacity			
- (Gal	s.) 24	60	100

"From the foregoing table it is obvious that the purchasing power of the bus dollar has increased substantially...."

A condensation (directly quoted) from the book 20 Years' Progress in Commercial Motor Vehicles (1921-1942), by A. F. Denham (Distributed by Military Vehicles Division, Automotive Council for War Production, Washington, D. C., 1942), pages 211ff.

FIRST MOTOR-BUS LINE IN TEXAS.

While it is true that in 1966 Texas Motorbus Franchise No. 1 is owned by Southwestern Greyhound Lines, Inc., that corporation did not initiate bus service in Texas nor obtain the first Certificate of Convenience and Necessity issued by the Railroad Commission of Texas after appropriate legislation was enacted to cover the operation of carriers, early in 1927.

Files of the Texas Railroad Commission show that Certificate No.1 was obtained by Southwestern Greyhound by purchase made on November 1, 1933, from Southwestern Transportation Company.

Certificate No. 1 was the property, initially, of W. E. Nunnelee of Tyler and Gus Florence of Tyler, operating the W. E. Nunnelee Bus Lines, or Southwestern Transportation (see printed schedules of 1928, attached).

Files of the Railroad Commission show that the W. E. Nunnelee Bus Lines began operating in March 1925. By 1928, when the filed schedules were applicable, the company was running its lines with the following equipment:

7-passenger Studebaker touring cars
7-passenger Hudson sedans
12-passenger Studebaker buses
15-passenger Studebaker buses
1 19-passenger Studebaker buses
1 16-passenger Reo bus.

Some of this equipment had been purchased as early as April 1924.

RECEIVED

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RAILROAD Communich ¹

Southwestern Transportation Co.

NNELEZ DUS-LINES - Voter Retrical Companies

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Southwestern Transportation Co.

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GENERAL AND SPECIAL LAWS.

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REGULATING MOTOR-BUS TRANSPORTATION OF PASSENGERS ON THE PUBLIC HIGHWAYS.

H. B. No. 50.]

CHAPTER 270.

An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation or hire over the public highways of the State; defining motor-bus companies and declaring them to be common carriers; excepting motor-bus companies operating wholly within an incorporated town or city and suburbs thereof; defining the terms "Corporation," "Person," "Public Highway," "Highway Commission" and "Commission"; providing for the issuance of certificates of convenience and necessity, and of temporary certificates, to motor-bus companies and prescribing the terms and conditions under which such certificates shall be granted and issued, the factors which shall govern the "Commission" in granting same, the period of time for which the same shall be granted and the conditions under which they shall be held; requiring the Railroad Commission of Texas to supervise and regulate the public service rendered by every motor-bus company, to fix or approve maximum and minimum fares rates or charges to prescribe all rules in prescribe all rules of regulations necessary for the government of motor-bus companies, to prescribe routes, schedules, service and safety of operations of motorbus companies, to require filing of annual and other reports and data and do all things necessary to regulate all matters and companies the relaonship between motor-bus companies and the traveling public due and proper consideration given to the Highway laws of the State, orders, regulations, etc. of the Highway Commission, Commissioners Courts and the local government of municipalities; prescribing requirements of application for certificates, notice and time of hearing; requiring motor-bus companies to procure and keep in force liability and property damage insurance and prescribing the terms and conditions of such policies, providing for revocation of certificates for failure to comply; providing for enforcement of such liability in regard thereto; requiring operators of motor-bus companies to protect their employees by a Workman's Compensation Insurance; providing for the sale or transfer of any right, privilege, permit or certificate by any motor-bus company with the approval of the Commission; providing for the investigation and determination of complaints; authorizing the Commission or any member thereof or authorized representative to compel the attendance of witnesses, swear witnesses, take their testimony under oath; giving full power and authority to the Commission to perform all necessary things to carry out the purpose, intent and provisions of this Act; providing for service upon, attendance and fees of witnesses and officers; fixing penalty for violation of the law and the rules and regulations of the Commission; providing for the suspension, revocation, alteration or amendments of permits and of certificates; providing for fees to be charged for the purpose of defraying the expenses of regulation, the collection and deposit of all such fees, together with all fines recovered by the State Treasurer, method of disbursement, and making appropriation of such sums so collected; providing for the employment by the Commission of all experts, assistants and other help necessary to enable it at all times to properly administer and enforce this Act and to fix the compensation of such employees; making appropriation for initial expenses; providing for any deficiency and for transfer of surplus to the general revenue; providing for appeal from any action of the Commission; directing Board of Control to set aside necessary additional office space; providing that if any portion of this Act should be held unconstitutional the remainder shall not be invalid; repealing all laws and parts of laws in conflict herewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:
SECTION 1. (a) That the term "Corporation" when used in

this Act means a corporation, company association or joint stock association.

- (b) The term "Person" when used in this Act means an individual, firm, or co-partnership.
- The term "Motor-bus Company" when used in this Act means every corporation or person as herein defined, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor propelled passenger vehicle, not usually operated on or over rails, and engaged regularly in the business of transporting persons as passengers for compensation or hire over the public highways between points within the State of Texas, whether operating over fixed routes or otherwise, and provided further, that the term "Motor-bus Company" as used in this Act shall not include corporations or persons, their lesseess, trustees, or receivers, or trustees appointed by any court whatsoever, insofar as they own, control, operate, or manage motor propelled passenger vehicles operated wholly within the limits of any incorporated town or city and the suburbs thereof, whether separately incorporated or otherwise.
- (d) The term "Public Highway" when used in this Act means every street, road, or highway in this State.
- (e) The term "Highway Commission" when used in this Act means the Board of Highway Commissioners of the State of Texas.

(f) The term "Commission" when used in this Act means the Railroad Commission of the State of Texas.

SEC. 2. All motor-bus companies, as defined herein, are hereby declared to be "common carriers" and subject to regulation by the State of Texas, and shall not operate any motor propelled passenger vehicle for the regular transportation of persons as passengers for compensation or hire over any public highway in this State except in accordance with the provision of this Act, provided, however, that nothing in this Act or any provision thereof shall be construed or held to in any manner affect, limit, or deprive cities and towns from exercising any of the powers granted them by Chapter 147, pages 307 to 318 inclusive, of the General Laws of the State of Texas, passed by the Thirty-third Legislature, or any amendments thereto.

SEC. 3. It is hereby declared that when existing transportation facilities on any highway in this State do not provide passenger service which the Commission shall deem adequate to provide for public convenience on such highway, then such inadequacy of service shall be considered as creating a condition wherein the public convenience and necessity require the designation of, and provision for, additional service on such highway, and it shall be the duty of the Commission to issue certificate or certificates as herein provided, if in the opinion of said Commission the issuance of such certificate will promote the public welfare.

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SEC. 4. The Commission is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate the public service rendered by every motor-bus company operating over the public highways in this State, to fix or approve the maximum, or minimum, or maximum and minimum, fares, rate or charges of, and to prescribe all rules and regulations necessary for the government of each motor-bus company; to prescribe the routes, schedules, services, and safety operations of each such motor-bus company, to require the filing of such annual and other reports and of other data by such motor-bus company as the Commission may deem necessary; and to supervise and regulate motor-bus companies in all other matters affecting the relationship between such motor-bus companies and the traveling public, whether herein specifically mentioned or not. The Commission, in prescribing and adopting routes and dealing with all other matters affecting the physical operation and control of motor-bus companies over the public highways, under the power and authority of this Act, shall give due and proper consideration, in forming its conclusions and prescribing its orders and regulations, to the general highway laws of this State and to the orders, regulations, ordinances, or recommendations of the Highway Commission of Texas, or the Commissioners' Courts of any County or Counties or the local government of any municipality through or between which the routes for such motor-bus companies are prescribed and adopted.

SEC. 5. No Motor-bus company shall hereafter regularly operate for the transportation of persons as passengers for compensation or hire over the public highways of this State without first having obtained from the Commission under the provisions of this Act a certificate or permit declaring that the public convenience and necessity require such operation; proviced, however, that when it appears to the satisfaction of the Commission that any motor-bus company making application for a certificate or permit is operating and has been continuously operating a motor-propelled passenger vehicle service in good faith, over the particular highways designated in said application for certificate or permit, for a period commencing January 11th, 1927, or prior thereto, said motor-bus company, shall upon application be granted a temporary permit to operate just as said company shall have been operating during said period and no more; said temporary certificate or permit shall become permanent without notice and hearing before the Commission unless a protest shall be filed with the Commission as provided herein; and in the event protest is filed to the application of such motor-bus company then said temporary certificate or permit shall continue in effect until said application and protest is heard and decided upon by the Commission, and said hearing and decision shall be had and rendered by the Commission as speedily as possible.

At any time within thirty days after the day this Act shall take effect anyone affected by the granting of said certificate

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or permit may file with the Commission a protest against said certificate or permit becoming or being made permanent, but such protest to be considered by the Commission must be filed within the specified thirty days and shall be in writing, and the author or authors of said protest shall supply the applying motor-bus company with a copy of same, setting forth in reasonable detail the reasons for said protest. In the event of protest to any application of any existing motor-bus company, hearing upon such application and protest shall be had and decision rendered as provided for all other applications.

In all other matters the holders of temporary or permanent certificates or permits obtained in this manner shall be sub-

ject to all of the provisions of this Act.

Any right, privilege, permit, or certificate held, owned or obtained by any motor-bus company under the provisions of this Act may be sold, assigned, leased or transferred, or inherited; provided, however, that any proposed sale, assignment, lease or transfer shall be first presented in writing to the Commission for its approval or disapproval and the Commission may disapprove such proposed sale, assignment, lease, or transfer if it be found and determined by the Commission that such proposed sale, assignment, lease or transfer is not made in good faith or that the proposed purchaser, assignee, lessee or transferee is not able or capable of continuing the operation of the equipment proposed to be sold, assigned, leased or transferred, in such manner as to render the service demanded by the public necessity and convenience on and along the designated route.

Provided, however, that any right, privilege, permit or certificate held, owned or obtained by any Motor Bus Company under the provisions of this Act or owned or obtained by any assignee or transferee of any such Motor Bus Company shall be taken and held subject to the right of the State at any time to limit, restrict or forbid the use of the Streets and Highways of this State to any owner or holder of such right, privilege,

permit or certificate.

SEC. 6. The Commission is hereby vested with power and authority, and it is hereby made its duty upon the filing of an application for a certificate of public convenience and necessity, to ascertain and determine under such rules and regulations as it may promulgate, after considering existing transportation facilities on such highway, the service rendered and capable of being rendered thereby, and the demand for, or need of additional service, if there exists a public necessity for such service, and if public convenience will be promoted by granting said application and permitting the operating of motor vehicles on the highways designated in such application, as a common carrier for hire.

SEC. 7. The Commission shall also ascertain and determine if a particular highway or highways designated in said application are of such type of construction or in such state of repair, or subject to such use as to permit of the use sought to be made

by the applicant, without unreasonable interference with the use of such highway or highways by the general public for highway purposes. And if the Commission shall determine, after hearing that the service rendered or capable of being rendered by existing transportation facilities or agencies on such highways is reasonably adequate, or that public convenience on such highways would not be promoted by granting of said application and the operation of motor vehicles on the public highways therein designated, or that such highway or highways are not in such state of repair, or are already subject to such use as would not permit of the use sought to be made by the applicant without unreasonable interference with the use of such highway or highways by the general public for highway purposes, then in either or any of such event said application may be denied and said. certificate refused, otherwise the application shall be granted and the certificate issued upon such terms and conditions as said Commission may impose and subject to such rules and regulations as it may thereafter prescribe.

The Railroad Commission shall have no power in any event to refuse an application for a certificate of convenience and necessity on the ground that there are existing railroad or interurban railroad transportation facilities sufficient to serve the transportation needs of the territory involved.

In determining whether or not a certificate should be issued, the Commission shall give weight and due regard to (1) probable permanence and quality of the service offered by the applicant, (2) the finacial ability and responsibility of the applicant and its organization and personnel (3) the character of vehicles and the character and location of depots or termini proposed to be used, and (4) the experience of the applicant in the transportation of passengers and the character of the bond or insurance proposed to be given to insure the protection of its passengers and the public.

The Commission shall have the power and authority to grant temporary certificates to meet emergencies and shall have the power to make special rules and regulations to meet special conditions in different localities and for such time as in its judgment may be deemed expedient and best for the public welfare.

SEC. 8. No application for certificate shall be considered by said Commission except that it be reduced to writing and set forth the following facts:

- (a) It shall contain the name and address of the applicant, and the names and addresses of its officers; if any, and shall give full information concerning the financial condition and physical properties of the applicant.
- (b) The complete route or routes over which the applicant desires to operate, together with a brief description of each vehicle which the applicant intends to use, including the seating capacity thereof.

(c) A proposed time schedule and a schedule of rates showing the passenger farcs to be charged between the several points or localities to be served.

(d) It shall be accompanied by a plat or map showing the route or routes over which the applicant desires to operate, on which plat or map shall be delineated the line or lines of any existing transportation company or companies over the highways serving such territory, with the names and addresses of the owner or owners thereof, and shall point out the inadequacy of existing transportation facilities or services, and shall specify wherein additional facilities or service are required and would be secured by the granting of said application.

SEC. 9. Upon the filing of said application the Commission shall fix a time and place for hearing, and the place of hearing shall be the city of Austin, Texas, unless otherwise ordered by said Commission. Notice of the filing of said application, and the time and place of hearing shall be given by mail not less than ten days exclusive of the day of mailing before such hearing, addressed to the owner or owners of existing transportation facilities over the highways, serving such territory as applicant seeks to serve, as well as to the Highway Commission of the State of Texas, the County Judge or Judges of the Counties and to the Mayor of any incorporated city or town, through which such motor carriers seek to operate.

SEC. 10. The hearing shall be conducted under such rules and regulations as the Commission may prescribe, and all parties interested, including the Highway Commission of this State, may appear either in person or by counsel, and present such evidence and argument as they may desire and as the Commission may deem pertinent, in favor of or against the granting of said application. It shall be the duty of the Highway Commission of this State, upon the request of the Commission to furnish any and all information that it has at its command relating to the highway or highways designated in such application as well as such other information as said Commission may deem pertinent to the granting or refusal of such application. After such hearing, and such investigation as the Commission may make of its own motion, it shall be the duty of said Commission to either refuse said application and certificate, or to grant said application and issue said certificate, in whole or in part, upon such terms and conditions as it may impose, and subject to such rules and regulations as it may thereafter prescribe.

The Commission at any time by its order duly entered after hearing had upon notice to the holder of any certificate granted under this Act and an opportunity given such holder to be heard, at which hearing it shall be proven to the satisfaction of the Commission that such certificate holder has discontinued operation or has violated or refused or neglected to observe any of its proper orders, rates, fares, rules, or regulations, may suspend, revoke, alter or amend any certificate issued under the provisions

of this Act, provided that the holder of such certificate shall have the right of appeal as provided herein.

SEC. 11. The Commission shall, in the granting of any certificate to any motor bus company for regularly transporting persons as passengers for compensation or hire, require the owner or operator to first procure liability and property damage insurance from a company licensed to make and issue such insurance policy in the State of Texas covering each and every motor propelled vehicle while actually being operated by such applicant. The amount of such policy or policies of insurance shall be fixed by the Commission by general order or otherwise, and the terms and conditions of said policy or policies covering said motor vehicle are to be such as to indemnify the applicant against loss by reason of any personal injury to any person or loss or damage to the property of any person other than the assured and his employees. Such policy or policies shall furthermore provide that the insurer will pay all judgements which may be recovered against the insured motor bus company based on claims for loss or damage from personal injury or loss of or injury to property occurring during the term of the said policy or policies and arising out of the actual operation of such motor bus or busses, and such policy or policies shall also provide for successive recoveries to the complete exhaustion of the face amount thereof, and that such judgment will be paid by the insurer irrespective of the solvency or insolvency of the insured. Such liability and property damage insurance as required by the Commission shall be continuously maintained in force on each and every motor propelled vehicle while being operated in common carrier service. In addition to the insurance hereinabove set forth, the owner or operator shall also protect his empoyees by taking out workmen's compensation insurance either as provided by the Workmen's Compensation Laws of the State of Texas or in a reliable insurance company approved by the Railroad Commission of the State of Texas. The taking out of such indemnity policy or policies shall be a condition precedent to any operation and such policy or policies as required under this Act, shall be approved and filed with the Commission and failure to file and keep such policy or policies in force and effect as provided herein shall be cause for the revocation of the certificate and shall subject the motor bus company so failing to the penalties prescribed herein.

SEC. 12. The Commission shall have the power and authority under this Act to hear and determine all applications of motorbus companies; to determine complaints presented to it by motorbus companies, by any public official or by any citizen having an interest in the subject matter of the complaint, or it may institute and investigate any matter pertaining to automobile passenger transportation for compensation for hire upon its own motion. The Commission or any member thereof, or authorized representative of the Commission, shall have the power to compelt the attendance of witnesses, swear witnesses, take their testi-

mony under oath, make record thereof, and if such record is made under the direction of a Commission, or authorized representative of the Commission a majority of the Commission may upon the record render judgment as if the case had been heard before a majority of the members of the Commission. The Commission shall have the power and authority under this Act to do and perform all necessary things to carry out the purpose, intent, and provisions of this Act, whether herein specifically mentioned or not, and to that end may hold hearings at any place in Texas which it may designate.

SEC. 13. Each witness who shall be summoned to appear before the Commission or a Commissioner or authorized representative outside the county of his residence shall receive for his attendance the same per diem and fees as now provided for witnesses in attendance on district courts of this State in criminal cases; such fees and mileage shall be ordered paid upon proper voucher, sworn to by such witness and approved by the Commission or the Chairman thereof, out of the monies and funds arising under this Act; provided that no witness shall be entitled to any witness fees or mileage who is directly or indirectly interested in any motor-bus or other transportation company involved in or concerning which the investigation or hearing on account of which he is called shall relate, and no witness furnished with free transportation shall receive pay for the distance he may have traveled on such free transportation. All process issued by the Commission for summoning witnesses or other purposes shall be directed to the sheriff or any constable of any county in the State of Texas and any sheriff or constable of any county in this State shall promptly execute any subpoena or other document directed to him by the Commission and shall receive such fees for this service as is now paid for like services in the district courts of this State, such payment to be made on accounts properly verified and approved by the Commission or the Chairman thereof out of the fund provided in this Act.

SEC. 14. Every officer, agent, or employee of any corporation and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provision of this Act or fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement of the Commission shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding Five Hundred (\$500.00) dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Each day any provision of this Act or any rule, regulation, order, etc., of the Commission is violated shall constitute a separate offense, and the fact that the Commission may have caused prosecution for violation of its rules, regulations, etc, under the penal section of this Act shall not operate to prevent or limit the exercise of the authority of the Commission to suspend, revoke, alter or amend permits or certificates as provided in Section 10 of this Act.

SEC. 15. For the purpose of defraying the expense of administering this Act, every motor-bus company now regularly operating, or which shall hereafter regularly operate in this State, shall, in addition to other fees and charges provided for by law, at the time of the issuance of a certificate of convenience and necessity, as provided herein, and annually thereafter on or between September 1st and September 15th of each calendar year, pay a special minimum fee of Ten Dollars (\$10.00) for each motor propelled vehicle, and a further fee computed on the basis of fifty (50) cents per passenger seat for the rated passenger capacity of the vehicle or vehicles used.

If the certificate of convenience and necessity herein referred to is issued after the month of September of any year, the fees paid shall be proportionate to the remaining portion of the year ending August 31st following, but in no case less than one-fourth of annual fee. In case of emergencies or unusual temporary demands for transportation the fee for additional motor propelled vehicles for less periods shall be fixed by the Commission in such reasonable amounts as may be prescribed by general

rule or temporary order.

All fees accruing hereunder and all fines collected under the provisions of this Act shall be payable to the State Treasurer at Austin, Texas, and shall, by the State Treasurer, be deposited in the State Treasury at Austin and credited to the fund to be known and designated as the "Motor Transportation Fund" and out of which all warrants for expenditures necessary in adminis-

tering and enforcing this Act shall be paid.

The Commission shall have power to employ and appoint from time to time such experts, assistants, and other help, in addition to its present force, as may be deemed necessary to enable it at all times to properly administer and enforce this Act. Such persons and employees of the Commission shall be paid for the services rendered such sums as may be fixed and prescribed by the Commission in monthly installments, and such salaries, wages and all fees that may be paid to witnesses and officers shall be paid out of the motor transportation fund by the State Treasurer on warrant of the Comptroller of Public Accounts on order or voucher approved by the Commission or the Chairman thereof. All actual and necessary traveling expenses of the members of the Commission and employees shall also be paid out of the said motor transportation fund in the same manner as salaries, wages, and fees when such accounts shall have been itemized and sworn to by the Commission or employee incurring the expense and approved by the Commission or the Chairman thereof.

If the amount or total of such gross receipts collected under the provisions of this Act shall not be sufficient during any annual period to pay such salaries, costs, charges, fees, and expenses, then the deficit shall be paid by the State Treasurer out of any funds not otherwise appropriated. Until sufficient funds have accrued to said motor transportation fund for the payment

GENERAL AND SPECIAL LAWS.

of expenses, fees, etc. as provided herein, said expenses shall be paid by the State Treasurer out of any funds not otherwise appropriated, such sum to be paid out of the general revenue not to exceed the sum of Five Thousand Dollars (\$5,000.00), and said sum is hereby appropriated. Any surplus remaining in the motor transportation fund at the end of any fiscal year, after paying all such salaries, accounts, fees, and charges and after deducting such amount as may be contracted to be paid and incurred and such sum as may be reasonably estimated by the Commission for its use pending further collection of fees shall be paid over to the general revenue fund.

SEC. 17. If any such auto transportation company, association, corporation, or other party at interest be dissatisfied with any decision, rate, charge, rule , order, act, or regulation adopted by the Commission, such dissatisfied person, association, corporation, or party may file a petition setting forth the particular objection to such decision, rate, charge, rule, order, act, or regulation, or to either or all of them in the district court in Travis County, Texas, against said Commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature and shall be tried and determined as other civil causes in a said court; either party to said action may appeal to the appellate court having jurisdiction of said cause and said appeal shall be at once returnable to said appellate court having jurisdiction of said cause and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending; provided, that if the court be in session at the time such right of action accrues the suit may be filed during such term and stand ready for trial after ten days notice. In all trials under this section the burden of proof shall rest upon the plaintiff who must show by the preponderance of evidence that the decisions, rates, regulations, rules, orders, classifications, acts, or charges complained of are unreasonable and unjust to it or them. The Commission shall not be required to give any appeal bond in any cause arising hereunder and no injunction shall be granted against any order of the Commission without hearing unless it shall clearly appear that irreparable injury will be done the complaining party if the injunction is not granted.

SEC. 18. Whenever notice is required in this Act to be given ten days exclusive of the day of service and return shall be considered as reasonable notice; provided, that in case of emergency the Commission may hear any cause or complaint on less than ten days notice.

SEC. 19. The State Board of Control is hereby authorized and directed to set aside such additional office space in the Capitol at Austin as may be deemed necessary by the Commission for the proper performance of its added duties as herein defined.

SEC. 20. All laws and parts of laws in conflict herewith are hereby expressly repealed.

SEC. 21. If any section, sub-section, sentence, clause, or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

SEC. 22. The fact that there is at this time a large number of individuals, firms, and corporations using the highways of this State for the transportation of persons as passengers for hire, by motor propelled passenger vehicles, and the further fact that there is no law regulating this extensive branch of common carrier service, and no law to protect the public in its dealings with such common carrier, creates a public necessity requiring the suspension of the Consitutional Rule which requires all bills to be read in each House on three several days, and that such rule be and the same is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

[Note.—H. B. No. 50 finally passed the House Feb. 15, 1927, 101 yeas, 18 nays; the House refused to concur in Senate Amendments, and a Free Conference Committee appointed; House adopted Report of Free Conference Committee on March 15, 1927, no roll call vote shown; said Bill was amended and passed finally by the Senate on March 9, 1927, by viva voce vote; Senate adopted Report of Free Conference Committee on March 14, 1927, 18 yeas, 8 nays.]

Approved April 1, 1927. Effective (90) ninety days after adjournment.

MAXIMUM FEES OF COUNTY ATTORNEY IN CERTAIN COUNTIES.

S. B. No. 441.]

CHAPTER 271.

An Act fixing the maximum fees and excess fees that may be retained by the county attorney of any county having a population of as many as 35,000 and not more than 37,500 according to the census of 1920 in which county there is no city containing over 35,000 inhabitants, and such county attorney performs the duties of a district attorney and where there is no district attorney provided by law to perform such duties; and declaring an emergency

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The county attorney of any county having a population of as many as 35,000 and not more than 37,500 according to the census of 1920, in which county there is no city containing over 35,000 inhabitants, and such county attorney performs the duties of a district attorney and where there is no district attorney provided by law to perform such duties, shall be entitled to retain in fees a maximum of four thousand dollars per annum, and one-fourth of the excess fees in any one year until such one-fourth reaches the sum of five hundred dollars, the same to be calculated and disposed of as provided

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Summaries Pertaining to the Early Years, about the time of Regulation, and During Early Years of Regulation by the Railroad Commission of Texas.

From Texas Almanacs, Statistical Figures:

(After registration began in Texas for motor vehicles in 1917)

	*Autoes Registered	Buses Registered
1917	194,720	
1918	250,201	
1919	331,721	
1920	430,377	
1921	470,575	
1922	531,608	
1923	695,822	
1924	837,445	3,764
1925	979,093	4,241
1926	1,054,440	4,158
1927		3,260
1928		5,850
1929		4,341
1930		1,649
1931		1,428
1932		**1,994

*Figures on the autoes registered are from the Texas Almanac for 1926; those for the buses registered are from the Texas Almanac for 1933. There may have been intermingling for the earlier years, of private autoes and autoes used as buses.

**These are indicated by the Texas Almanac, 1933, to be only preliminary figures.

The roads over which these autoes and buses operated are described year after year in the Texas Almanac as having been 180,000 miles of public roads, including 18,000 to 20,000 miles of 'improved roads"; Federal Aid Highways accounted for 11,092 miles of these routes.

Narrative accounts of the motor-bus industry as given in the Texas Almanacs for recurring years do not altogether agree with the tabulated figures on page 20, just above.

From the Texas Almanac for 1928, page 288:

"The Railroad Commission of Texas assumed control of motor bus transportation at the beginning of the current fiscal year, Sept. 1, 1927.* At the time of publication of the Texas Almanac, the first month's report only was available, but it contained some enlightening figures. There were at that time 247 companies operating 865** passenger vehicles. Of these there were 25 machines of the street-car type -- that is, having passenger capacity of 25 or 30 persons each. There were 50 vehicles of the parlor car type, these being cars that carry 12 to 15 persons each. There were 743 closed passenger cars and 47 open cars. The total seating capacity of all these vehicles was placed at 8,650, or an average of ten to each vehicle."

*The Texas Almanac for 1929 contradicts this (see below).

**This is in comparison to the 3,260 given for the year 1927 in the

Texas Almanac for 1933.

From the Texas Almanac for 1929, page 187:

"The ... motor bus ... passenger vehicles ... have been operating under a dawision of the Railroad Commission of Texas since August 1, 1927.

"Only figures for five months of operation under State control were available at time of publication of <u>The Texas</u>

<u>Almanac</u>. These showed a total revenue of \$2,406,704.39 and a total operating expense of \$1,939,319.93. Total passengers carried numbered 1,855,248 for the period. There were 990

motor bus vehicles ranging in size from five to 29 passengers each. Motor bus routes had been authorized by the Railroad Commission over 20,348 miles of highway. Total schedule miles operated by all the motor buses of the State in the period numbered 17,874,324."

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This would average

From the Texas Almanac 1931, page 199:

operators operating a total of 829 buses. Operations for the first six months of 1930 showed that the motor buses had collected total revenues of \$3,025,556 and had paid in operating expenses \$3,439,367, leaving an operating loss of \$413,811. However, the corresponding six months of 1929 had shown operating revenues of \$3,521,178 and operating expenses of \$3,349,491, which left an operating profit of \$177,687. The number of passengers carried during the first six months of 1930 was 2,068,728 as against 2,597,223 in the first six months of 1929. Total bus miles in first six months of 1930 was 23,795,400 as against 21,771,476 bus miles during the first six months of 1929."

From Texas Almanac for 1933, page 192:

"There were 137 motor bus operators in Texas on December 31, 1931, according to the latest available report, and there were 727 buses in operation /Page 184 of the same Almanac shows 1,994 buses registered in Texas that year. 7 at that time.... Bus miles operated were 34,650,687; total passengers carried were 3,453,197."

From the 1966-1967 Texas Almanac, page 499:

"Increasing proportions of the freight tonnage and human traffic in Texas move by trucks and buses. State statistics comparable to those for railroads and airlines are not available for trucks and buses. The following information came from industry sources.

"... Registrations reported by the Texas Highway Department in the 12 months ended March 31, 1964, totaled ... for motor buses ... 1,215...."

Total highway mileage in Texas in 1964 was 61,604 miles. (<u>Ibid.</u>, page 484.)

Principal Motor Bus Lines in Texas in 1966, as furnished by Texas Motor Transportation Association, 406 East 11th, Austin.

Arrow Coach Lines P. O. Box 476 Brownwood, Texas

Central Greyhound Lines Div. Greyhound Corp. 205 South Lamar Dallas, Texas

Central Texas Bus Lines, Inc. Box 213 Waco, Texas

Continental Bus System 315 Continental Ave. Dallas, Texas

Continental Panhandle Lines, Inc. 400 Monroe Amarillo, Texas

Kerrville Bus Company Box 6154 Austin, Texas

Mack Lufkin Beaumont Coaches Box 159 Lufkin, Texas

New Mexico Transportation Company Box 1494 Roswell, New Mexico

Oilfield Bus Lines . P. O. Box 909 San Angelo, Texas

Painter Bus Lines, Inc. P. O. Box 797 Uvalde, Texas

Southwest Coaches, Inc. P. O. Box 1616 Oklahoma City, Oklahoma

Southwestern Transit Co., Inc. P. O. Box 569
Belton, Texas

Texas Bus Lines P. O. Box 418 Galveston, Texas

Texas Motor Coaches P. O. Box 110 Fort Worth, Texas Valley Transit Company P. O. Box 1870 Harlingen, Texas