

March 6, 1939

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ARIZONA ATTORNEY GENERAL

Mr. W. R. Hutchins
State Highway Engineer
Phoenix, Arizona

Attention: Arizona Highway Commission,
B. H. McAhren, Motor
Vehicle Superintendent

Re: Conyes Freight Lines

Dear Sir:

This matter was referred to this division by the Highway Commission at its meeting held March 3rd.

Mr. Conyes operates a fleet of trucks between Los Angeles and Salt Lake City, Utah, under the name of Conyes Freight Lines. These trucks cross the extreme northwest corner of Arizona over Highway 91, for a distance of about seventeen miles. They are engaged wholly in interstate commerce, and do not traverse any other portion of Arizona, nor do they do any hauling between points in Arizona on Highway 91.

A number of similar truck lines are engaged in trucking between California and Utah points and make use of this seventeen mile stretch of Arizona highway. The registration and weight fees on these trucks have heretofore been collected only by sending a patrolman up over the road to collect from unregistered trucks using the road. No attempt has been made to collect the gross income tax, which, for the small length of road, would be negligible.

Conyes Freight Lines propose to pay registration and weight fees upon five trucks, which it says is the average number of trucks used on this highway, and then be permitted to make use of unregistered trucks whenever they are needed to take care of its business.

We realize that the imposition of registration fees and heavy unladen weight fees upon these trucks for the use of so small a stretch of highway in Arizona works an unduly heavy burden upon these truck lines, inasmuch as they have to pay as much for using this small stretch of road as other trucks pay for traversing the entire state. Also that payment of these fees on five of the Conyes trucks would no doubt yield ample revenue to Arizona for the use of this road. We have

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also made every effort to find a way to equalize this disproportionate burden imposed upon the Conyes Truck Lines. We are, however, unable to find any legal justification for the plan proposed by the company. To attempt such a plan would result in complications with respect to other truck lines, both across this highway, and across other highways. The main difficulty, however, is that it would not be legal to permit the company's unregistered trucks to travel over the highways of Arizona as common carriers, even for a short distance.

Very truly yours,

JOE CONWAY
Attorney General

A. R. LYNCH
Assistant Attorney General