

CARLOS LEÓN

6/3/21 – Austin City Council Meeting Consent Agenda – Item #40

<https://austintx.new.swagit.com/videos/122406> ; 10:18 AM - 10:21 AM (11:32 to 14:45 within clip)

Soy Carlos León. First and foremost, Gracias a Dios for letting me speak AGAINST Item 40. The City Manager should NOT work with CAP METRO on a Transit Oriented Study because CRIMINAL CAP METRO is NOT complying with Governor Abbott's Executive Order 36, though it has "the force and effect of law" under Texas Government Code 418.012.

The order says no governmental entity or official may require any person to wear a face covering or to mandate that another person wear a face covering, and that it shall supersede any face-covering requirement imposed by any local governmental entity or official..."

Yet, CAP METRO's COVID-19 website says Passengers are required to wear face masks until September. Therefore, CAP METRO bus drivers, supervisors, and security officers are ILLEGALLY REFUSING me service because I lawfully exercise my legal right to board and ride WITHOUT a mask.

To NOT comply, CAP METRO claims it's private, federal, and following the latest CDC order. However, per Texas Transportation Codes 451.001 and .052, CAP METRO is a Metropolitan Rapid Transit Authority - a governmental unit whose status and authority are derived from the Texas Constitution or Texas laws, performing public functions for public purposes of public necessity. whose operations are NOT proprietary.

Though CAP METRO gets federal money, nearly 80% of its income is from Texas sales tax. And the FTA says mask policies are local decisions, recognizing Texas sovereignty over Texas INTRASTATE travel. The CDC order, "REQUIREMENT FOR PERSONS TO WEAR MASKS WHILE ON CONVEYANCES AND AT TRANSPORTATION HUBS," applies only to travelers entering the U.S. or travelers going from one state to another, NOT to CAP METRO transporting Passengers WITHIN Texas, though INTRASTATE travel is a constitutional right [Lutz v. City of York].

Though YOUR mask rules are now recommendations, CAP METRO's are still requirements. Therefore, per my letters to Governor Abbott documenting all this, in front of you now, REJECT item 40; use City Code 13 – 2 - 12 to direct the city manager to immediately conduct an investigation into CAP METRO operations to determine whether its ground transportation service is complying with applicable state law.

In Jesus name, I pray. Amen. Thank you, Lord. God bless Texas, the United States of America, Constitutional law, and truth, and above all, como siempre, God's word. God Bless President Trump, who truly won the election in 2020.