

Railway Commission, Authority to Compel the Furnishing of Cars on Another Line.

It is not within the power or province of the Railway Commission to compel a railroad to furnish cars or other equipment to an independent line of road for the purpose of facilitating the conduct of business over such independent road.

Helena, Montana, Nov. 8, 1907.

The Railroad Commission of Montana,
Helena, Montana.

Gentlemen:—

I am in receipt of your favor of the 7th inst., asking for opinion of this office as to whether you have the authority to compel the Northern Pacific Railway Company to furnish coal cars for use on the Yellowstone Park Railroad. It further appears from your letter that this Yellowstone Park Railroad is an independent line of road not owned or operated by the Northern Pacific Railway, and extends from the Bear Creek Coal Mines to Bridger, Montana, at which latter point it forms a junction with the Northern Pacific Railway.

You are advised that one common carrier cannot be compelled to furnish rolling stock or equipment for the use of another carrier, either public or private, unless by virtue of some contract or agreement between the two carriers. You therefore have no authority to compel the Northern Pacific Railway to furnish cars or other equipment on an independent line of road for the purpose of facilitating the conduct of business on and over such independent line. The way to deal with the situation presented would seem to be by regulation and order directed to the Yellowstone Park Railroad.

Yours very truly,

ALBERT J. GALEN,
Attorney General.