

Railroads, Should Report Accidents by Telegraph. Railroad Commission, Authority to Require Telegraphic Reports of Accidents.

Under sections 4365 and 4378, revised codes, the railroad commission has authority to promulgate a rule requiring railroads to report, by telegraph, serious accidents to the board.

Helena, Montana, March 29, 1910.

The Railroad Commission of Montana,

Helena, Montana.

Gentlemen:

I am in receipt of your letter of March 24, wherein you make inquiry as to the authority of the railroad commission to require telegraphic reports of accidents, under section 4380, revised codes, and also asking my opinion upon the advisability of bringing action against certain carriers who have neglected to make telegraphic report of accidents.

I believe, under section 4365, supplemented by section 4387, of the revised codes, the railroad commission has authority and jurisdiction to promulgate such a rule as you mention, requiring railroads to telegraph reports of accidents to the board.

Section 4379 requires the railroad commission, or some member deputed by it, to investigate serious railroad accidents. If the railroad commission does not receive wire reports, it would be almost impossible for them to arrive upon the scene, if in a remote part of the state, in time to properly investigate the physical aspects of a wreck, for instance, as the railway company would, of course, be justified in removing the wreck at the earliest possible moment.

As to the second question, I believe the good judgment and discretion of your board should be exercised in the bringing of suits for violation of the statute requiring prompt accident reports.

If you think that the matter is of sufficient importance, and, especially, if you believe the railroad companies are wilfully ignoring the statute, I will, at your direction, file such suits as you desire.

Very truly yours,

ALBERT J. GALEN,

Attorney General.