

Competitive Business on Railroads, Routing Of. Competitive Business Routed Over Different Lines of Railroad, Right of Competitor to Refuse to Handle Same Over Its Lines. Joint Rate, or Switching Charge, Must Be Complied With If Published by Competing Lines.

Where a car has been routed out of a particular place over the line of one railroad, consigned to an industry located upon the tracks of a competing line, the competing line of railroad has the right to refuse to handle such car unless the switching charge is paid for the same or the competing line has a joint rate published in its tariffs, in which case it must abide by such joint rate and handle such car.

Helena, Montana, November 22, 1910.

Montana Railroad Commission,

Helena, Montana.

Gentlemen:—

I am in receipt of your letter concerning the routing of shipments

on competitive business dated November 3, 1910, wherein you state that a car being shipped out of Bozeman, Montana, from an industry located on the tracks of the N. P. Railway Co., was routed by the consignor over the lines of the C. M. & P. S. Railway Co., but that the N. P. Railway Co. refused to switch the car on to the tracks of the C. M. & P. S.

You are advised that in my opinion the N. P. Railway Co. was fully justified in its refusal to handle this car from its terminals to the lines of a competitor where the delivery of the car at destination might have been made by the N. P. Co. unless a switching charge had been made and published by the N. P. in form of a tariff or unless there was a reciprocal agreement between the two roads. Of course, if such a switching charge or joint rate is found in the tariffs of a railroad it must of necessity conform to its tariff sheets, but in the absence of a tariff or agreement, I believe that a railroad company is fully justified in refusing the use of its terminal facilities on business which could have been handled entirely over its own lines.

Yours very truly,

ALBERT J. GALEN,

Attorney General.