

Board of Railroad Commissioners, Power to Compel Railroad to Stop Trains Between Regularly Designated Stations. Railroad Commission, Authority to Require Railroads to Maintain Stations.

Under the provisions of Sec. 19, Chap. 37, Session Laws of 1907, the board of railroad commissioners has power to compel railroads to provide, maintain and operate sufficient train service for the proper and reasonable accomodation of the public, and under the provisions of this section it is within the power of the board to require a railroad company to maintain a station or stopping place at such points along its line as will reasonably accomodate the public,—the reasonableness thereof to be determined from the facts in each particular case.

May 23, 1911.

Board of Railroad Commissioners of the State of Montana:

Helena, Montana.

Gentlemen:

I am in receipt of your letter of May 18th, requesting my opinion as to whether or not your board has power to require the Oregon Short Line Railroad company to stop its trains at Willis, or at any other point between regularly designated stations, under the following statement of facts:

Willis is not a station and is situated at the foot of a 2% grade, 1½ miles from Glen station. It has been the custom of the Oregon Short Line to stop at Willis for passengers to get off and on, for several years past. The postoffice is located there in a store building. According to the statement of railway officials they have been stopping there to accomodate Butte people who might wish to go to Willis fishing, and have discontinued stopping there on account of the grade.

Under the provisions of Section 19, of Chapter 37, Session Laws of 1907, the board has power, and it is its duty to compel any and all railroads to provide, maintain and operate sufficient train service, both freight and passenger, for the proper and reasonable accomodation of the public, and to provide and maintain suitable waiting rooms for passengers, and suitable rooms for freight and baggage at all stations.

Under the provisions of this section it is within the power of the Board to require a railroad company to maintain a station or a stopping place at such points along its line as will reasonably accomodate the public.

The question as to whether or not a station should be installed, or the railroad company be required to stop its trains at any particular point to allow passengers to get off and on, is one of fact to be determined by your board, and the fact that Willis is situated at the foot of a 2% grade, and that the station of Glen is only 1½ miles beyond, are matters to be taken into consideration in determining the fact as to

whether or not the reasonable accomodation of the public would require a stopping place or station at this point. As a matter of law, the board has the right to compel the railroad company to stop at this point and to maintain a station there, if the reasonable accomodation of the public requires it, which fact has to be determined by your board from the particular circumstances of the case.

Yours very truly,

ALBERT J. GALEN,

Attorney General.