

Interstate Trains, Authority of Commission Over. Railroads, Authority of Commission to Require Interstate Trains to Stop.

The railroad commission has authority to require railroads to furnish adequate facilities to reasonably accommodate the public and in the event such services are not rendered by the local train the Commission has authority to require interstate trains to stop at particular stations in this state in order to furnish such reasonable accommodation and service to the public.

June 28, 1912.

Railroad Commission of Montana,
Helena, Montana.

Gentlemen:

I am in receipt of your letter of the 26th inst., requesting my official opinion as to whether or not your Commission has jurisdiction over the movement of interstate trains while passing through Montana, to the extent that you may require them to stop at particular places for the receipt or discharge of passengers, baggage and express.

Your board has general supervision of all railroads, express companies, sleeping car companies, freight and freight line companies, and any common carrier engaged in the transportation of passengers or property in this state. (Sec. 4378, Rev. Codes.) The term "railroad" shall be taken to mean any corporation, company or individual owning or operating any railroad, in whole or in part, in this state (Sec. 4373, Rev. Codes). And the Board shall have the power, and it shall be its duty, to compel any and all railroads subject to the laws of this state, to provide, maintain and operate sufficient train service, both freight and passenger, for the proper and reasonable accommodation of the public. (Sec. 4382, Rev. Codes).

It is apparent from the foregoing provisions that your board has jurisdiction over inter-state railroads carrying freight and passengers in this state, to the end that the people of this state shall receive reasonable accommodation from such roads.

A state railroad commission has the right, under a state statute, to compel a railroad company to stop its inter-state trains at stations within the state, if the company does not otherwise furnish proper and adequate accommodation to the particular locality.

Mississippi R. R. Co. v. Illinois Cent. R. R. 203 U. S. 335;
Lake Shore & Mich So. Ry. Co. v. Ohio, 173 U. S. 285;
R. R. Com. v. Atlantic Coast Line R. Co., 54 S. E. 224.

But after all local conditions have been adequately met, railways have the right to adopt special provisions for through traffic, and legislative interference therewith is unwarrantable and an infringement upon the provisions of the Constitution which requires that commerce between the states shall be free and unmolested.

C. C. C. & St. L. Ry Co. v. Illinois, 177 U. S. 514;
Illinois Central R. R. Co. v. Illinois, 163 U. S. 142;
St. Louis & S. F. R. Co. v. Reynolds, 110 Pac. 668.

From the foregoing decisions it appears that where a railroad commission is given jurisdiction over a railroad engaged as a common carrier in a state, even though it be an inter-state line, the commission has authority to require it to furnish adequate railroad facilities to reasonably accommodate the public along its line within the state. It is my opinion that your board has authority to compel an inter-state train to stop at particular stations in this state, if the reasonable accommodation of the citizens of the particular locality requires it, or to install additional local trains to reasonably accommodate the public. The question as to whether or not the public is being reasonably served is one of fact to be first determined by you, and if you find it is not, it is your duty to see that it is, either by requiring an interstate train to stop, or an additional local train or trains to be installed for that purpose.

Yours very truly,

ALBERT J. GALEN,

Attorney General.