

**Railroad and Public Service Commission, Authority of.
Electric Cars, Safety of Passengers.**

The railroad and public service commission has the power to order cars out of service, or changed in such manner as will give adequate service, if upon a hearing it is found that cars now in use are inadequate or dangerous to the traveling public.

August 29th, 1913.

Honorable Railroad and Public Service Commission,
Helena, Montana.

Gentlemen:

I beg to acknowledge receipt of yours of the 27th instant, signed by R. F. McLaren, secretary, submitting the question as to whether, under Chap. 52 of the Session Laws of the Thirteenth Legislative Assembly, you have the authority to order certain cars operated by the Butte Electric Railway Company out of service, for the reason that the steps upon the said cars are of such a height from the ground as to make them unsafe for use by women or elderly persons.

As noted in your letter, Sec. 5 of the said law requires every public utility to furnish reasonable and adequate service and facilities. In addition to this, Sec. 19 (a) of the said law has bearing upon this subject. It is in part as follows:

"If it shall in like manner be found that any regulation, measurement, practice, act or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this act, or if it be found that the service is inadequate, or that any reasonable service cannot be obtained, the commission shall have power to substitute therefor such other regulations, measurements, practices, services or acts, and make such order relating thereto as may be just and reasonable."

Sec. 19 (b) provides for a hearing upon such subjects.

You are, therefore, advised that under the provisions of Chap. 52 of the Session Laws of the Thirteenth Legislative Assembly your commission would have power after a hearing upon the subject to order such cars out of service, or changed in such manner as to give adequate service, if they found upon such hearing that the cars now used were inadequate for the service or dangerous to the traveling public.

Yours very truly,

D. M. KELLY,

Attorney General.