

Cabooses in Freight Trains—Railroad Commission, Authority Of.

Statutes do not prohibit the coupling of cars behind a caboose. Under statute creating Railroad Commission it has authority to make rules governing the placing of cabooses in trains.

July 10th, 1919.

Hon. Railroad & Public Service Commission,
Helena, Montana.

Gentlemen:

I have a letter written to your Commission on July 3rd, 1919, by the Order of Railway Conductors of Seattle, Washington, in which information is requested as to whether or not cars may be hauled in the rear of cabooses in a railway train.

There is nothing in the statutes of the State of Montana prohibiting the coupling of cars behind a caboose. The only provision which at all touches upon this question is found in Section 8522. This section prohibits the placing of any freight car in the rear of passenger cars. A caboose cannot be considered as a passenger car as I take it the cabooses referred to in the letter to which this is an answer are used only for the accommodation of railroad employees.

The statutes of Montana creating the State Railroad Commission empowers it to make such rules and regulations governing the conduct of common carriers as they see fit, and in my opinion is ample to permit your Commission to make a rule governing the placing of cabooses in railroad trains. As to whether or not your Commission has attempted to regulate the hauling of cabooses and their proper places in the train, I have no information. So far as the statutory enactments of our state are concerned I am of the opinion that freight trains may be hauled in the rear of cabooses.

The letter from the Order of Railway Conductors to which this is a reply, is herewith returned.

Respectfully,

S. C. FORD,
Attorney General.