

## Opinion No. 13-1033

May 3, 1913

**BY:** FRANK W. CLANCY, Attorney General

**TO:** State Corporation Commission, Santa Fe, New Mexico.

### **RAILROADS.**

Corporation Commission cannot arrange schedules for departure or arrival of trains.

### **OPINION**

{\*198} I have had on my desk, as you are aware, for several months, your letter asking my opinion as to whether or not your authority extends so far as to require definite fixed schedules of train service to be maintained on branch lines so as to make connections with main line trains, and also as to your power to require trains to stop at points for the accommodation of the public when those trains are not scheduled to stop at such points.

I can understand that it might be very desirable for you to exercise such power and I am confident that you would not so exercise it as to be unreasonable or oppressive, and I have desired to advise you that you had such authority, but notwithstanding that desire I have been unable to find anything in our Constitution or statutes, or in the decisions of courts in other states, to enable me to give you a favorable opinion.

In the absence of specific authority from the legislature, I do not believe that you can undertake to arrange schedules for the departure or arrival of trains, even on railroads entirely within the state, as that would be too much of an interference with the operation and management of the railroads.

The same reasoning applies equally to the question of your authority to regulate or require the stopping of trains at points at which they are not scheduled to stop. If there were stations at which trains should stop for the accommodation of the public and a railroad company should refuse to stop any of its trains at such points, a different question would be presented, but as I understand your letter this is not the case. In the operation of a railroad, to accommodate the local public, it cannot be reasonable to require all trains to stop at all stations and, unless it can be shown that a railroad company entirely ignores the needs of the local public, you cannot interfere and substitute your judgment for that of those charged with the management of railroads as to what trains shall or shall not stop at local stations.