

**AN ACT TO REGULATE  
TRANSPORTATION AND  
COMMERCE, ETC., AND CREATING  
A RAILROAD COMMISSION OF THE  
STATE OF OREGON, 1907**

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An Act to Regulate Transportation and Commerce, Etc., and Creating a railroad commission of the State of Oregon, 1907 by Various

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**VARIOUS**

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*Oregon transportation and Railroad laws*

PUBLISHED BY AUTHORITY

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SALEM, OREGON  
WILLIS S. DUNIWAY, STATE PRINTER  
1907

## RAILROAD COMMISSION LAW OF 1907.

### AN ACT

To regulate transportation and commerce, and common carriers thereof in this State, and, for that purpose, to create a Railroad Commission of Oregon, to provide for the appointment and election thereof, to fix the qualifications, salaries, powers, and duties of said commission, and the members thereof, and authorizing them to make and alter their rules and regulations, and to provide for demurrage and reciprocal demurrage, and for penalties for failure to furnish cars, and to regulate the mode and manner of establishing, making, and maintaining railroad crossings and connections, and to prevent unjust rates being imposed, and unjust discrimination by the carriers subject to this Act, and to insure adequate service by them, prescribing penalties for the violation of the provisions of this Act, prescribing the procedure and rules of evidence in relation thereto, making an appropriation to carry out the provisions hereof, and repealing so much of Section 5095 of the Codes and Statutes of Oregon, compiled and annotated by Hon. Charles B. Bellinger and William W. Cotton, as is inconsistent with the provisions of this Act, and declaring an emergency.

*Be it enacted by the People of the State of Oregon:*

COMMISSION CREATED—NUMBER OF MEMBERS—TERM OF OFFICE,  
APPOINTMENT AND CONFIRMATION—ELECTION—VACANCIES.

Section 1. A Railroad Commission is hereby created, to be composed of three commissioners. Immediately after the taking effect of this Act the Governor, Secretary of State, and State Treasurer, or a majority of them, shall appoint such commissioners; one of whom shall be from the State at large, one from the first congressional district, and one from the second congressional district. The term of office of the commissioner, appointed from the State at large shall expire on the first Monday in July, 1910, and his successor shall be elected by the voters of the State at the regular biennial election in June, 1910, for the full term of four years. The term of office of the other two commissioners shall expire in July, 1908, and their successors in office shall be elected by the voters of the congressional district

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from which they were appointed in June, 1908, for the full term of four years, and the successors in office of such commissioners shall be chosen by the voters of the State at large, or of the several congressional districts, as other State and congressional officers are elected for the full term of four years. Each commissioner appointed or elected under the provisions of this Act shall hold office until his successor is appointed or elected and qualified. Any vacancy shall be filled by appointment by the Governor, Secretary of State and State Treasurer for the unexpired term. Not more than two commissioners shall be appointed from the same political party.

QUALIFICATIONS OF COMMISSIONERS—REMOVAL—INTEREST IN RAILROADS FORBIDDEN—OATH AND BOND.

Section 2. The Governor, Secretary of State, and State Treasurer may, at any time, remove any commissioner, appointed by them, for inefficiency, neglect of duty, or malfeasance in office. Before such removal they shall give such commissioner a copy of the charges against him, and shall fix the time when he can be heard in his own defense, which shall not be less than ten days thereafter, and such hearing shall be open to the public. If he shall be removed, the Governor, Secretary of State, and State Treasurer shall file in the office of the Secretary of State a complete statement of all charges made against such commissioner, and their findings thereon, with a record of the proceedings. Such power of removal shall be absolute, and there shall be no right to review of the same in any court whatsoever.

No person so appointed or elected shall be pecuniarily interested in any railroad in this State, or elsewhere, and if any such commissioner shall voluntarily become so interested, his office shall *ipso facto* become vacant; and if he shall become so interested otherwise than voluntarily he shall, within a reasonable time, divest himself of said interest; failing to do so his office shall become vacant.

No commissioner, nor the secretary, shall hold any other office or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office.

Before entering on the duties of his office, each of the said commissioners shall take and subscribe to an oath or affirmation

to support the constitution of the United States, and of this State, and to faithfully and honestly discharge the duties of such office of commissioner; and that he is not pecuniarily interested in any railroad in this State or elsewhere, as the same is defined in this Act, nor in the stocks, bonds, securities, earnings, or contracts thereof, and that he holds no other office of profit, nor any position under any political committee or party; which oath or affirmation shall be filed in the office of the Secretary of State.

Each of the said commissioners shall also, before entering upon the duties of his office, execute a bond, payable to the State of Oregon, in the penal sum of \$10,000, with sureties to be approved by the Governor, Secretary of State, and State Treasurer, or a majority of them, for the faithful discharge of his duties and office, which said bond, when so executed and approved, shall be filed in the office of the Secretary of State. Each of said commissioners shall receive an annual salary of four thousand dollars, payable in the same manner as salaries of other State officers are paid.

#### ORGANIZATION OF COMMISSION.

Section 3. The commissioners appointed under this Act shall, within twenty days after their appointment, meet at the State capitol and organize by electing one of their number chairman, who shall serve until the commissioner to be elected in the year 1908 shall have qualified and taken office. Immediately after the commissioner or commissioners, elected in the year 1908, and biennially thereafter, shall have qualified and taken office, the commissioners shall meet at the office of the commission and elect a chairman, who shall serve for two years, and until his successor is elected.

#### QUORUM.

Section 4. A majority of the said commissioners shall constitute a quorum to transact business, and the act or decision of a majority shall be deemed the act or decision of the commission. No vacancy shall impair the right of the remaining commissioners to exercise all the powers of the commission.

#### SECRETARY, CLERICAL ASSISTANCE AND EXPERTS.

Section 5. Said commission shall appoint a secretary at a salary of not more than two thousand dollars per annum, and



may appoint an expert stenographer who shall receive an annual salary not exceeding twelve hundred dollars, and may employ such other expert help as may be necessary to perform any service it may require of them, and shall fix their compensation.

OATH OF SECRETARY—DUTIES—QUALIFICATION.

Section 6. The secretary shall take and subscribe to an oath similar to that of the commissioners, and shall keep full and correct records of all transactions and proceedings of the commission, and shall perform such other duties as may be required by the commission. Any person ineligible to the office of commissioner shall be ineligible to the office of secretary.

NAME OF COMMISSION—POWER TO SUE AND BE SUED—SEAL.  
AUTHENTICATION OF RECORDS—MEANING OF WORD COMMISSION AS USED IN ACT.

Section 7. The commissioners shall be known collectively as "Railroad Commission of Oregon," and in that name may sue and be sued. The commission shall have a seal with the words "Railroad Commission of Oregon," and such other design as it may prescribe, engraved thereon, by which it shall authenticate its proceedings and of which the courts shall take judicial notice. Whenever the word commission is used in this Act, it shall be taken to mean "Railroad Commission of Oregon."

OFFICE, SUPPLIES, SESSIONS HELD ELSEWHERE THAN CAPITOL.  
—ALLOWANCE FOR TRAVELING EXPENSES.

Section 8. The commission shall keep its office at the Capitol and shall be provided by the Secretary of State with suitable room or rooms, necessary office furniture, supplies, stationery, books, periodicals, maps, and all necessary expenses therefor shall be audited and paid as other State expenses are audited and paid. The commission may hold sessions at any place other than the Capitol when convenience of the parties so requires. The commissioners, secretary, and clerk, and such experts as may be employed, shall be entitled to receive from the State their actual necessary expenses while traveling on the business of the commission. Such expenditures to be sworn to by the person who incurred the expense and approved by the commission.

## RULES—ALL HEARINGS TO BE OPEN.

Section 9. The commission shall have power to adopt and publish rules or orders to govern its proceedings and to amend the same, and to regulate the mode and manner of all investigations and hearings of railroads and other parties before it, and all hearings shall be open to the public. Any person may appear before the commission, and be heard, or may appear by attorney.

CONFERENCE BY CORRESPONDENCE OR CONVENTIONS WITH  
OTHER COMMISSIONS.

Section 10. The commission may confer by correspondence, or by attending conventions, or otherwise, with the railroad commissioners of other states, and with the Interstate Commerce Commission, on any matters relating to railroads.

## WHAT EMBRACED IN TERM "RAILROAD"—WHAT TRANSPORTATION GOVERNED BY ACT.

Section 11. The term "railroad" as used herein shall mean and embrace all corporations, companies, individuals, associations of individuals, their lessees, trustees or receivers (appointed by any court whatsoever), that now, or may hereafter, own, operate by steam, electric or other motive power, manage or control, any railroad or interurban railroad or part of a railroad or interurban railroad as a common carrier in this State, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, used in connection therewith, whether owned or operated under a contract, agreement or lease or otherwise. The term "railroad" whenever used herein shall also mean and embrace all corporations, companies, individuals, associations of individuals, their lessees, trustees or receivers (appointed by any court whatsoever), engaged in the ownership, management or control of union depots or terminals in this State (which corporations, companies, individuals and associations are hereby declared to be common carriers), or the transportation of property within this State by express; and all duties required of and penalties imposed upon any railroad or any officer or agent thereof shall, in so far as the same are applicable, be required of and imposed upon express, union depot and terminal companies, and their officers and agents, and the commission

shall have the power of supervision and control of union depot, terminal and express companies to the same extent as railroads.

The provisions of this Act shall apply to the transportation of passengers and property, and to the receiving, delivering, switching, storing, elevation and transfer in transit, ventilation, refrigeration or icing, and handling of such property, and to all charges connected therewith; and shall apply to all railroad companies, union depot companies, terminal companies, car companies, oil companies, tank line companies, sleeping car companies, freight and freight line companies, and to all associations of persons, whether incorporated or otherwise, that shall do business as common carriers upon or over any line of railroad within this State, and to any common carrier engaged in the transportation of passengers or property wholly by rail or partly by rail and partly by water.

This Act shall not apply to the transportation of passengers being carried solely within the limits of cities by street and other railroads, and shall not apply to logging or other private railroads not doing business as common carriers.

**REASONABLY ADEQUATE SERVICE, EQUIPMENT AND FACILITIES EXACTED—CHARGES TO BE REASONABLE AND JUST.**

Section 12. Every such railroad is hereby required to furnish reasonably adequate service, equipment and facilities, and the charges made for any service rendered or to be rendered in the transportation of passengers or property or for any service in connection therewith, or for the receiving, switching, delivering, storing, elevation, and transfer in transit, ventilation, refrigeration, or icing or handling of such property, or for union depot or terminal facilities, shall be reasonable and just, and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

**SCHEDULES OF RATES AND JOINT RATES TO BE PRINTED AND KEPT ON FILE.**

Section 13. Every railroad shall print in plain type and file with the commission within a time to be fixed by the commission, schedules which shall be open to public inspection, showing all rates, fares and charges for the transportation of passengers and property, or use of union depot and terminals, and