

MAINE STATE LEGISLATURE

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CHAPTER 13

PHYSICAL CONNECTIONS

Sec.

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§ 251. Telephone and telegraph lines

Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that a physical connection can reasonably be made between the lines of 2 or more telephone companies or 2 or more telegraph companies whose lines can be made to form a continuous line of communication, by the construction and maintenance of suitable connections, for the transfer of messages or conversations, and that public convenience and necessity will be subserved thereby, or shall find that 2 or more telegraph or telephone companies have failed to establish joint rates, tolls or charges for service by or over their said lines, and that joint rates, tolls or charges ought to be established, the commission may, by its order, require that such connection be made, except where the purpose of such connection is primarily to secure the transmission of local messages or conversations between points within the same city or town, and that conversations be transmitted and messages transferred over such connection under such rules and regulations as the commission may establish, and prescribe through lines and joint rates, tolls and charges to be made and to be used, observed and enforced in the future. If such telephone or telegraph companies do not agree upon the division between them of the cost of such physical connection or connections or the division of the joint rates, tolls or charges established by the commission over such through lines, the commission shall have authority, after further hearing, to establish such division by supplemental order.

R.S.1954, c. 44, § 49.

§ 252. Railroads

Whenever it is practicable and the same may be accomplished without endangering the equipment, tracks or appliances of ei-

ther party, and whenever and wherever public convenience and interest require the same, the commission may, upon application and after reasonable notice and hearing, require the construction of physical connection between the tracks of any steam railroad company and electric railroad company. The expense of constructing such physical connection may be apportioned by the commission in such manner as it may deem equitable, if the parties to any such petition are themselves unable to agree as to the distribution of the cost of such construction. Said commission may, upon application and reasonable notice and hearing, require any such steam railroad company to permit any electric railroad company to haul, by means of such physical connection, loaded freight cars containing what is called "carload lots" from the tracks of such steam railroad company to points along the line of said electric railroad company for unloading the contents of such cars by the owners thereof and to haul empty freight cars from the tracks of such steam railroad company onto the tracks of such electric railroad company to be loaded for shipment, and such steam railroad company shall accept each such loaded car and transport the same over its lines in accordance with the proper and lawful billing of the shipper of the contents of any such car. Nothing in chapters 1 to 17 shall be construed to require through billing of freight between steam railroad companies and electric railroad companies; nor as requiring or authorizing said commission to require any electric railroad to engage in interstate commerce.

R.S.1954, c. 44, § 50.

§ 253. Connecting rail lines, traffic and compensation

Whenever a physical connection has been made between the tracks of a steam railroad company and an electric railroad company, either voluntarily or by order of the commission, as provided in section 252, such steam railroad company or electric railroad company shall at reasonable times, for reasonable compensation, and under reasonable rules and conditions, draw over their respective tracks the merchandise and cars of the steam railroad company or electric railroad company as the case may be with which such physical connection is so established, provided such cars are of proper gauge, are in good running order, properly equipped and loaded and otherwise safe for transportation. If the corporations cannot agree upon the times at which, or the rules and conditions under which, cars shall be drawn, or the compensation to be paid, the commission shall upon petition

of either party and notice to the other and after hearing the parties interested, determine the rate of compensation and fix such rules, conditions and periods, having reference to the convenience and interests of the corporations and of the public to be accommodated thereby. Any agreement entered into between any 2 or more such corporations under this section, or any order of the commission hereunder, shall at all times be subject to annulment, alteration or modification by said commission after notice and hearing.

R.S.1954, c. 44, § 51.

§ 254. Auxiliary service only

The duties imposed upon carriers and the authority conferred upon the commission by sections 252 and 253 shall extend only to an auxiliary service by electric railroads, and said commission shall not be authorized to require any physical connection or service in any case where there are existing steam railroad facilities which can be with reasonable convenience used by the persons who desire the above-named electric railroad service. Whenever any steam railroad freight car is hauled onto the rails of any electric railroad company, such car shall be returned to the steam railroad at the same junction point where taken without other use than that for which such car was taken. It shall be the duty of said commission in making any order for physical connection and the service provided for to reasonably protect each steam railroad company from "short hauling" itself. Nothing herein contained shall be construed as requiring any common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.

R.S.1954, c. 44, § 52.

§ 255. Short hauls by own railroad

In establishing any through route, the commission shall not require any company, without its consent, to embrace in any such route substantially less than the entire length of the railroad owned, leased, operated or controlled by it or operated in conjunction and under a common management therewith, which lies between the places to be served by such through route.

Nothing herein contained shall be construed to require, or as authorizing the commission to require, any steam railroad to "short haul" itself or to give the use of its tracks or of its ter-

minal facilities to another carrier engaged in a like or similar business.

R.S.1954, c. 44, § 53.

§ 256. Joint use of equipment

Whenever the commission, after a hearing had upon its own motion or upon complaint of a public utility affected, shall find that public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes or other equipment, or any part thereof, on, over or under any street or highway and belonging to another public utility, and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment or in any substantial detriment to the service, and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the commission may by order direct that such use be permitted and prescribe a reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the public utility to whom the use is permitted shall be liable to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment for such damage as may result therefrom to the property of such owner or other users thereof.

R.S.1954, c. 44, § 54.