

December 10, 1937

Mr. Clay B. Simer
Vice Chairman
Arizona State Legislative Board
Brotherhood of Railroad Trainmen
Winslow, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Sir:

Replying to your letter of recent date you are advised that it is our opinion that a switchman with at least one year of actual experience is qualified to act as a flagman within your yard limits.

Section 649 of our Code, commonly known as the "full crew law", requires that all flagmen mentioned in the subdivisions contained in Section 649 shall have had at least one year's experience as a brakeman. However, you will note that said Section 649 expressly states that all trains operated outside of the yard limits shall be equipped with a designated crew with the exception of the fifth subdivision, which provides for all local freight trains.

Our Supreme Court in the case of Arizona Eastern Railroad Company vs. State, 29 Ariz. page 446, has given a definition of a local freight train as one operating along the line of railroad, and in view of the fact that the Legislature has not made provisions for the qualifications of trainmen operating within the yard limits, we have come to the conclusion above stated.

Yours truly,

JOE CONWAY
Attorney General

EARL ANDERSON
Special Assistant
Attorney General