

file
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ARIZONA ATTORNEY GENERAL
June 12, 1950

Wilson
Mr. Fletcher West Timmerman
1211 North 35th Street
Phoenix, Arizona

Dear Mr. Timmerman:

N/R
We have your request for an opinion as to what it takes to constitute a locomotive fireman. You ask:

"To qualify as a locomotive fireman, would it be necessary to take instructions, under the supervision of a qualified fireman, or make student trips under same, and be O.K.ed by an engineer, also take examination on the colors, book of rules and physical examination?"

You also state that in the Book of Rules of one of the railroad companies there are "certain qualifications that must be met before a student fireman can be marked up."

Section 69-128, Arizona Code Annotated 1939, sets up certain qualification requirements for engineers and for conductors, but there is no statute defining the qualifications of firemen.

It is possible that if this matter is covered by Rules adopted by agreement between the railroad company and the Brotherhood, that the qualifications there set up would be binding. If so, it would of course be a matter involving the contract between the company and the Brotherhood, rather than a requirement of state law.

Very truly yours,

FRED O. WILSON
Attorney General

LORNA E. LOCKWOOD
Assistant Attorney General

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