

TITLE 62  
RAILROADS AND OTHER PUBLIC UTILITIES

CHAPTER 1  
RAILROAD CORPORATIONS -- GENERAL PROVISIONS AND POWERS

62-101. ELECTION OF DIRECTORS. Directors of railroad corporations may be elected at a meeting of the stockholders other than the annual meeting, as a majority of the fixed capital stock may determine, or as the by-laws may provide; notice thereof to be given as provided for notices of meetings to adopt by-laws in chapter 1 of title 30.

[(62-101) R.S., sec. 2663; reen. R.C. & C.L., sec. 2793; C.S., sec. 4793; I.C.A., sec. 60-101.]

62-102. ISSUANCE OF BONDS. Railroad corporations may borrow on the credit of the corporation, and under such regulations and restrictions as the directors thereof may impose, such sums of money as may be necessary for constructing, completing, equipping, extending and improving their railroad, and all else relative thereto, and for leasing, purchasing or operating the whole or any part of the railroad of any other railroad corporation, together with the franchises, powers, immunities, and all other property or appurtenances appertaining thereto, and may issue and dispose of bonds and promissory notes therefor bearing interest at a rate not exceeding ten per cent (10%) per annum, and may also issue bonds and promissory notes bearing interest not in excess of the rate aforesaid, in payment of any debts or contracts for constructing, completing, equipping, extending and improving their road, and all else relative thereto, and for leasing, purchasing or operating the whole or any part of the railroad of any other railroad corporation, together with the franchises, powers, immunities and all other property or appurtenances appertaining thereto and to secure the payment of any or all of such bonds and notes, they may mortgage their corporate property and franchises.

[(62-102) R.S., sec. 2664; reen. R.C., sec. 2791; am. 1911, ch. 11, sec. 1, p. 28; am. 1915, ch. 13, sec. 1, p. 49; reen. C.L., sec. 2794; C.S., sec. 4794; I.C.A., sec. 60-102.]

62-103. BONDS -- SINKING FUND -- CONVERSION INTO STOCK. The directors must provide a sinking fund, to be specially applied to the redemption of such bonds on or before their maturity, and may also confer on any holder of any bond or note issued, for money borrowed or in payment of any debt or contract for the construction and equipment of such road, the right to convert the principal due or owing thereon into stock of such corporation, at any time within eight (8) years from the date of such bonds, under such regulations as the directors may adopt.

[(62-103) R.S., sec. 2665; reen. R.C. & C.L., sec. 2795; C.S., sec. 4795; I.C.A., sec. 60-103.]

62-104. ENUMERATION OF POWERS. Every railroad corporation has power:

1. To cause such examination and surveys to be made as may be necessary to the selection of the most advantageous route for the railroad; and for such purposes their officers, agents and employees may enter upon the lands or waters of any person, subject to liability for all damages which they do thereto.

2. To receive, hold, take and convey, by deed or otherwise, as a natural person, such voluntary grants and donations of real estate and other property which may be made to it to aid and encourage the construction, maintenance and accommodation of such railroad.

3. To purchase, or by voluntary grants or donations to receive, take possession of, hold, and use all such real estate and other property as may be necessary for the construction and maintenance of such railroad, and for all stations, depots and other purposes necessary to successfully work and conduct the business of the road.

4. To lay out its road, not exceeding nine (9) rods wide, and to construct and maintain the same, with a single or double track, and with such appendages and adjuncts as may be necessary for the convenient use of the same: provided, that any such railroad corporation may take and hold any right of way or other property, of whatever width or extent that it may acquire under the laws of congress.

5. To construct its road across, along or upon any stream of water, water course, navigable stream, street, avenue or highway, or across any railway, canal, ditch or flume which the route of its road intersects, crosses or runs along, in such manner as to afford security for life and property; but the corporation must restore the stream or water course, road, street, avenue, highway, railroad, canal, ditch or flume thus intersected to its former state of usefulness as near as may be, or so that the railroad shall not unnecessarily impair its usefulness or injure its franchise.

6. To cross, intersect, join or unite its railroad with any other railroad, either before or after construction, at any point upon its route, and upon the grounds of such other railroad corporation with the necessary turnouts, sidings and switches, and other conveniences in furtherance of the objects of its connections; and every corporation whose railroad is, or shall be hereafter, intersected by any new railroad, must unite with the owners of such new railroad in forming such new intersections and connections, and grant facilities therefor. And if the two (2) corporations cannot agree upon the amount of compensation to be made therefor, or the points or the manner of such crossings, intersections and connections, the same must be ascertained and determined as is provided in the Code of Civil Procedure.

7. To purchase lands, timber, stone, gravel or other materials to be used in the construction and maintenance of its road, and all necessary appendages and adjuncts, or acquire them in the manner provided in the Code of Civil Procedure for the condemnation of lands; and to change the line of its road in whole or in part whenever a majority of the directors so determine, as is provided hereinafter, but no such change must vary the general route of such road as contemplated in its articles of incorporation.

8. To carry persons and property on their railroad and receive tolls or compensation therefor.

9. To erect and maintain all necessary and convenient buildings, stations, depots, fixtures and machinery for the accommodation and use of their passengers, freight and business.

10. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor within the limits prescribed by law, and subject to alteration, change or amendment by the legislature at any time.

11. To regulate the force and speed of their locomotives, cars, trains or other machinery used and employed on their road, and to establish, execute

and enforce all needful and proper rules and regulations for the management of its business transactions usual and proper for railroad corporations.

[(62-104) R.S., sec. 2666; reen. R.C. & C.L., sec. 2796; C.S., sec. 4796; I.C.A., sec. 60-104.]

62-105. PURCHASE, SALE AND GUARANTY OF SECURITIES. Any railroad corporation, whether chartered by, or organized under, the laws of this state or of the territory of Idaho, or of the United States, or of any other state or territory, may take, purchase, hold, sell and dispose of, or guarantee the payment of, the bonds and securities of any other railroad corporation whose line of railroad is continuous of, or by lease, traffic contract, or otherwise connected with, its own line.

[(62-105) 1890-1891, p. 16, sec. 1; reen. 1899, p. 10, sec. 1; reen. R.C. & C.L., sec. 2797; C.S., sec. 4797; I.C.A., sec. 60-105.]

62-106. BRIDGING NAVIGABLE STREAMS. Any railroad corporation heretofore duly organized and incorporated under the laws of this state, or of the United States, or of any other state or territory, or which may hereafter be duly incorporated and organized under the laws of this state, or of the United States, or of any other state or territory, and authorized to do business in this state and to construct and operate railroads therein, shall have, and hereby is given, the right to build and construct, possess and own, bridges across the navigable streams and waters within this state, over or across which the projected line or lines of railway of such railroad corporation, or either of them, will run: provided, that said bridges are to be constructed in good faith for the purpose of being made a part of the constructed line of said railroad, or a part of any of the line thereof to be constructed and in course of construction, and to be used by such railroad corporation as a part of its line of railroad so constructed, or to be constructed, for the more convenient, expeditious and safe operation thereof: provided further, that such bridges shall be so constructed as to not interfere with, impede or obstruct the navigation of such stream or navigable waters, and shall comply with, and be subject to, the acts of congress relating to navigable streams, and the rules and regulations of the executive departments.

[(62-106) 1890-1891, p. 32, sec. 1; reen. 1899, p. 20, sec. 1; reen. R.C. & C.L., sec. 2798; C.S., sec. 4798; I.C.A., sec. 60-106.]

62-107. CONSTRUCTION OF EXTENSIONS AND BRANCHES. Any railroad corporation chartered by or organized under the laws of this state, or of any state or territory, or under the laws of the United States, and authorized to do business in this state, may extend its railroad from any point named in its charter or articles of incorporation, or may build branch roads, either from any point on its line of road or from any point on the line of any other railroad connecting, or to be connected, with its road, the use of which other road between such points and the connection with its own road, such corporation shall have secured by lease or agreement for a term of not less than ten (10) years from its date. Before making any such extension, or building any such branch road, such corporation shall, by resolution of its directors or trustees, to be entered in the record of its proceedings, designate the route of such proposed extension or branch by indicating the place from and to which said railroad is to be constructed, and the estimated length of such railroad, and the name of each county in this state through or into which it

is constructed or intended to be constructed, and file a copy of such record, certified by the president and secretary, in the office of the secretary of state, who shall indorse thereon the date of filing thereof and record the same. Thereupon such corporation shall have all the rights and privileges to make such extension or build such branch, and receive aid thereto, which it would have had if it had been authorized in its charter or articles of incorporation.

[(62-107) 1890-1891, p. 124, sec. 1; reen. 1899, p. 81, sec. 1; reen. R.C. & C.L., sec. 2799; C.S., sec. 4799; I.C.A., sec. 60-107.]

62-108. CONSOLIDATION, SALES AND LEASES. Any such railroad corporation may consolidate its stock, franchises and property with any other railroad corporation, whether within or without the state, when such other railroad corporation does not own any competing line of railroad, upon such terms as may be agreed upon, and become one (1) corporation, by any name selected, which, within this state, shall possess all of the powers, franchises, and immunities, including the right of further consolidation with other corporations under this section, and be subject to all the liabilities and restrictions such as such corporations peculiarly possess, or were subject to at the time of consolidation by the laws then in force applicable to them or either of them. Articles stating the terms of consolidation shall be approved by each corporation by a vote of the stockholders owning a majority of the stock, in person or by proxy, at the regular annual meeting thereof, or a special meeting called for that purpose in the manner provided by the by-laws of the respective consolidating corporations, or by the consent, in writing, of such stockholders annexed to such articles; and a copy thereof, with a copy of the records of such approval or such consent, and accompanied by lists of their stockholders and the numbers of shares held by each, duly certified by the respective presidents and secretaries, with the respective corporate seals of such corporations affixed, shall be filed for record in the office of the secretary of state before any such consolidation shall have any validity or effect.

Any railroad corporation whose line is wholly or in part within this state, whether chartered by or organized under the laws of this state, or of any other state or territory, or of the United States, may lease or purchase and operate the whole or any part of the railroad of any other railroad corporation, together with the franchises, powers, immunities and all other property or appurtenances appertaining thereto; (or any railroad company may sell or lease the whole or any part of its railroads or branches within or without this state, constructed, or to be constructed, together with all property and rights, privileges and franchises pertaining hereto, to any railroad company organized or existing pursuant to the laws of the United States or of this state, or of any other state or territory of the United States); and all such purchases or leases heretofore made or entered into are for all intents and purposes hereby ratified and confirmed: provided, that in no case shall the capital stock of the company formed by such consolidation exceed the sum of the capital stock of the companies so consolidated, at the par value thereof, nor shall any bonds or other evidences of debt be issued as a consideration for or in connection with such consolidation.

[(62-108) 1890-1891, p. 124, sec. 2; reen. 1899, p. 81, sec. 2; am. 1901, p. 214, sec. 1; reen. R.C. & C.L., sec. 2800; C.S., sec. 4800; I.C.A., sec. 60-108.]

62-109. EXTENSIONS INTO THE STATE. Any railroad corporation chartered by or organized under the laws of the United States, or of any state or territory, whose constructed railroad shall reach or intersect the boundary line of this state at any point, may extend its railroad into the state from any such point or points to any place or places within this state, and may build branches from any point on such extension. Before making such extension, or building any such branch road, such corporation shall, by resolution of its directors or trustees, to be entered in the record of its proceedings, designate the route of such proposed extension or branch by indicating the place from and to which such extension or branch is to be constructed, and the estimated length of such extension or branch, and the name of each county in this state through or into which it is constructed or intended to be constructed, and file a copy of such record, certified by the president and secretary, in the office of the secretary of state, who shall indorse thereon the date of filing thereof and record the same. Thereupon such corporation shall have all the rights and privileges to make such extension, or build such branch, and receive such aid thereto as it would have had had it been authorized so to do by articles of incorporation duly filed in accordance with the laws of this state. It shall be the duty of railroad companies, when intersecting or crossing any other railroad in this state, to so arrange their sidetracks or switches that cars or freight may be readily transferred from one track to the other at the option of the shipper.

[(62-109) 1890-1891, p. 124, sec. 3; reen. 1899, p. 81, sec. 3; reen. R.C. & C.L., sec. 2801; C.S., sec. 4801; I.C.A., sec. 60-109.]

62-110. APPLICATION AND CONSTRUCTION OF PRECEDING SECTIONS. The three (3) preceding sections shall not apply to any corporations before such corporations shall have filed an acceptance of the provisions of the state constitution, as provided in section 7, of article 11, of the constitution, nor shall anything in said sections contained ever be so construed as to exempt any railroad property from taxation.

[(62-110) 1890-1891, p. 124, sec.sec. 4, 5; reen. 1899, p. 81, sec.sec. 4, 5; am. R.C., sec. 2802; reen. C.L., sec. 2802; C.S., sec. 4802; I.C.A., sec. 60-110.]