

TITLE 62
RAILROADS AND OTHER PUBLIC UTILITIES

CHAPTER 11
RIGHTS OF WAY FOR OIL AND GAS PIPELINES

62-1101. GRANT OF AUTHORITY. Any person, company or corporation incorporated or that may hereafter be incorporated under the laws of this state or of any state or territory of the United States, and doing business in this state, for the purpose of owning, controlling or operating any pipeline for the transmission, delivery, furnishing, or distribution of natural, or manufactured, gas for light, heat, or power, or of owning, controlling and operating any pipeline for the transportation, distribution or delivery of crude petroleum, petroleum products, or of owning, controlling and operating any pipeline as defined by section [61-114](#), Idaho Code, shall have, and is hereby given, the right to construct, maintain, and operate such pipeline upon, along, and over, or under, any and all public roads, streets, and highways, except within the limits of incorporated municipalities, and across the right of way of any railroad, or railroad corporation, together with the necessary fixtures and appliances and other personal property, including telephone, telegraph and power lines, necessarily incident or appurtenant to the construction, operation, maintenance or management of such pipeline, in such manner and at such places as not to incommode the public use of the road, street, highway, or railroad, or to interrupt the navigation of water.

[(62-1101) 1931, ch. 30, sec. 1, p. 58; I.C.A., sec. 60-1101; am. 1951, ch. 57, sec. 1, p. 83.]

62-1102. CONDITIONS PRECEDENT TO EXERCISE OF RIGHT OF WAY. Before exercising the right of way herein and hereby granted, such person, company or corporation shall first apply to the board of county commissioners of the county within which said pipeline, or any part thereof, is located, or to be located, for permission to construct in the manner provided by law, and to acquire a right of way; and such board of county commissioners shall grant such permission and give such right of way upon the condition that the traffic upon such public roads, streets, and highways be as little as possible interfered with, and that such road or highway be promptly restored to its former condition of usefulness, and the restoration thereof be subject also to the supervision of the county commissioners of the county in which said road, street, or highway is situated. And the exercise of the privileges herein conferred shall be subject to the condition that the county shall be compensated for any damage done to such public road, street or highway, and shall be held harmless from any and all liability on account of the laying, construction, maintaining or operating of said pipeline, telegraph, telephone or power line.

[(62-1102) 1931, ch. 30, sec. 2, p. 58; I.C.A., sec. 60-1102; am. 1951, ch. 57, sec. 2, p. 83.]

62-1103. LIMITATION AND CONSTRUCTION OF CHAPTER. Nothing herein shall be construed to grant the right to occupy public roads for any railroad or car line of any kind. Nothing herein shall be construed as denying to any incorporated municipality the power and right to grant rights similar to those

expressed in section [62-1101](#)[, Idaho Code,] within the limits of such municipalities as to the public roads, streets, highways and public places and railroad rights of way within said municipalities; and any such municipality may grant any such right of way within its limits to any such person, company or corporation.

[(62-1103) 1931, ch. 30, sec. 3, p. 58; I.C.A., sec. 60-1103.]