

TITLE 62
RAILROADS AND OTHER PUBLIC UTILITIES

CHAPTER 2
CONSTRUCTION OF RAILROADS

62-201. MAP AND PROFILE. Every railroad corporation in this state must, within a reasonable time after its road is finally located, cause to be made a map and profile thereof, and of the land acquired for the use thereof, and the boundaries of the several counties through which the road may run, and file the same in the office of the secretary of state; and also like maps of the parts thereof located in different counties, and file the same in the office of the recorder of the county in which such parts of the road are, there to remain of record forever. The maps and profiles must be certified by the chief engineer, the acting president and secretary of such company, and copies of the same, so certified and filed, be kept in the office of the secretary of the corporation, subject to examination by all parties interested.

[(62-201) R.S., sec. 2667; reen. R.C. & C.L., sec. 2803; C.S., sec. 4803; I.C.A., sec. 60-201.]

62-202. ALTERING LOCATION. If, at any time after the location of the line of the railroad and the filing of the maps and profiles thereof, as provided in the preceding section, it appears that the location can be improved, the directors may, as provided in subdivision 7, of section 62-104[, Idaho Code], alter or change the same, and cause new maps and profiles to be filed, showing such changes, in the same offices where the originals are on file, and may proceed, in the same manner as the original location was acquired, to acquire and take possession of such new line, and must sell or relinquish the lands owned by them for the original location, within five (5) years after such change. No new location as herein provided, must be run so as to avoid any points named in their articles of incorporation.

[(62-202) R.S., sec. 2668; reen. R.C. & C.L., sec. 2804; C.S., sec. 4804; I.C.A., sec. 60-202.]

62-203. TIME FOR COMMENCING AND COMPLETING CONSTRUCTION. Every railroad corporation must, within two (2) years after filing its original articles of incorporation, begin the construction of its road, and must every year thereafter complete and put in full operation at least five (5) miles of its road, until the same is fully completed; and upon its failure so to do, for the period of one (1) year, its right to extend its road beyond the point then completed is forfeited.

[(62-203) R.S., sec. 2669; reen. R.C. & C.L., sec. 2805; C.S., sec. 4805; I.C.A., sec. 60-203.]

62-204. CROSSINGS AND INTERSECTIONS. Whenever the track of one (1) railroad intersects or crosses the track of another railroad, whether the same be a street railroad, wholly within the limits of a city or town, or other railroad, the rails of either or each road must be so cut and adjusted as to permit the passage of the cars on each road with as little obstruction as possible; and in case the persons or corporations owning the railroads cannot agree as to the compensation to be made for cutting and adjusting the rails, the condemnation of the right of way over the one for the use of the

other road may be had in proceedings under the Code of Civil Procedure, and the damages assessed and the right of way granted as in other cases.

[(62-204) R.S., sec. 2670; reen. R.C. & C.L., sec. 2806; C.S., sec. 4806; I.C.A., sec. 60-204.]

62-205. USE OF STREETS -- CONSENT OF AUTHORITIES. No railroad corporation must use any street, alley or highway, or any of the land or water within any incorporated city or town, unless the right to so use the same is granted by a two-thirds vote of the town or city authority from which the right must emanate.

[(62-205) R.S., sec. 2671; reen. R.C. & C.L., sec. 2807; C.S., sec. 4807; I.C.A., sec. 60-205.]

62-206. CROSSING OTHER RAILROADS AND HIGHWAYS. Whenever the track of such railroad crosses a railroad or highway, such railroad or highway may be carried under, over, or on a level with the track as may be most expedient; and in cases where an embankment or cutting necessitates a change in the line of such railroad or highway, the corporation may take such additional lands and materials as are necessary for the construction of such road or highway on such new line. If such other necessary lands cannot be had otherwise, they may be condemned as provided in the Code of Civil Procedure; and when compensation is made therefor, the same becomes the property of the corporation.

[(62-206) R.S., sec. 2672; reen. R.C. & C.L., sec. 2808; C.S., sec. 4808; I.C.A., sec. 60-206.]