

SHORT TITLE: Railroad companies; clarifying statutory reference;
repealing obsolete language; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 259

By: Stipe

AS INTRODUCED

An Act relating to railroad companies; amending 66 O.S. 1991, Section 7, which relates to powers of railroad corporations; deleting obsolete language; modifying certain powers; requiring certain railroad corporations to mail certain report; repealing 17 O.S. 1991, Sections 61, 62, 63, 74, 101, 102, 103, 104, 105.1, 105.2, 105.3, 105.4, 105.5, 111, 112 and 113, which relate to railroad companies; repealing 66 O.S. 1991, Sections 2, 3, 4, 5, 6, 10, 11, 18, 19, 20, 21, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 94, 95, 96, 96.1, 100, 101, 185, 186, 187 and 188, which relate to incorporation and powers; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 66 O.S. 1991, Section 7, is amended to read as follows:

Section 7. Every corporation formed under this article and every railroad corporation, authorized to construct, operate or maintain a railroad within this state, shall be a body corporate by the name designated in its articles, shall have perpetual succession, shall have the right to sue and be sued, may have a

common seal and alter the same at pleasure, and shall also have power:

First. To cause such examination and surveys for its proposed railroad to be made, either within or without this state, as may be necessary to the selection of the most advantageous route; and for such purpose by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damage which shall be done thereto.

Second. To take and hold such voluntary grants of real estate and other property, either within or without this state, as may be made to it, to aid in the construction, maintenance and accommodation of its railroad; but the real estate received by voluntary grant shall be held and used for the purposes of such grant only.

Third. To acquire under the provisions of this article, or by purchase, all such real estate and other property, either within or without this state, as may be necessary for the construction, maintenance and operation of its railroad, and the station, depot grounds, and other accommodations reasonably necessary to accomplish the objects of its incorporation; to hold and use the same, to lease or otherwise dispose of any part or parcel thereof, or sell the same when not required for railroad uses, and no longer necessary to its use.

Fourth. To lay out its road, not exceeding one hundred (100) feet in width, either within or without this state, and to construct the same; and for the purpose of cuttings and embankments and of obtaining gravel or other material to take such land as may be necessary for the proper construction, operation and security of the road, and for the protection of such road from snow, and to cut down any standing trees that may be in danger of falling on the road, making compensation therefor as provided by law for lands taken for the use of the corporation.

Fifth. ~~Subject to the provisions of Section 1388, to~~ To construct its railroad across, along, or upon any stream of water, watercourse, street, highway, toll or wagon road, plank road, turnpike, wharf, levee, river front, steamboat or other public landing, or canal which its route shall intersect, or touch; to carry any highway, street, toll, or wagon road, plank road, turnpike, which it shall touch, intersect, or cross, over or under its track, as may be most expedient for the public good; to change the course or direction of any highway, street, turnpike, toll or wagon road, or plank road, when made necessary or desirable to secure more easy ascent or descent by reason of an embankment or cut made in the construction of the railroad, and take land necessary therefor: Provided, that such highway or road be not so changed from its original course more than six (6) rods, nor its distance lengthened more than five (5) rods.

Sixth. To cross, intersect, join, and unite its railroad with any railroad heretofore, or hereafter constructed, at any point on its route, and upon the grounds of such 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, shall unite with the owners of such new railroad in forming such intersection and connections and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of the compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in the manner provided by law for the ascertainment and determination of damages for the taking of real property. But no corporation which shall have obtained the right-of-way and constructed its road at the point of intersection, before the application for the appointment of commissioners may be made shall be required to alter the grade or change the location of its

road, or be required to bear any part of the expense of making and maintaining such crossings.

Seventh. To have and use equal room, ground, rights, privileges and conveniences for tracks, switches, sidings and turnouts upon any levee, river bank or front, steamboat or other public landing, and upon any street, block, alley, square, or public ground within any incorporated town or city, any charter or ordinance of any such town or city to the contrary notwithstanding; and to accomplish this, may adjust, with other corporations, the ground to be occupied by each with such tracks, switches, sidings and turnouts; and if such corporations cannot agree upon such adjustment, and the amount of compensation to be paid for the purchase or necessary change of location and removal of any track previously laid, the same shall be ascertained and determined, and the common, mutual and separate rights adjusted in the manner provided by law for the ascertainment and determination of damages for the taking of real property. The commissioners provided by law may employ a competent engineer, and define, locate and plat the ground and assign to each corporation the part for the tracks and other conveniences for each, and may require the removal or purchase of tracks previously laid, so as to settle justly the rights of each corporation upon such ground, and assess the damages to be paid under the law providing for the taking of real property.

Eighth. To take and convey persons or property over their railroad by the power or force of steam or of animals, or by any mechanical power either within or without this state, and to receive compensation therefor, and to do all the business incident to railroad corporations.

Ninth. To erect and maintain all necessary and convenient buildings, stations, fixtures and machinery for the accommodation and use of their passengers, freight and business, subject to the statutes in relation thereto.

Tenth. To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor.

Eleventh. To have all the rights, privileges, immunities and powers vested or accrued by and pursuant to the Oklahoma General Corporation Act, Section 1001 et seq. of Title 18 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 22 of Title 66, unless there is created a duplication in numbering, reads as follows:

Every railroad corporation shall provide an identical copy of its annual report as filed with the Surface Transportation Board, or its successor, to the Corporation Commission on or before the first day of May of each year. Railroad corporations not required to file annual reports with the Surface Transportation Board shall furnish information to the Corporation Commission upon request.

SECTION 3. REPEALER 17 O.S. 1991, Sections 61, 62, 63, 74, 101, 102, 103, 104, 105.1, 105.2, 105.3, 105.4, 105.5, 111, 112 and 113, are hereby repealed.

SECTION 4. REPEALER 66 O.S. 1991, Sections 2, 3, 4, 5, 6, 10, 11, 18, 19, 20, 21, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 94, 95, 96, 96.1, 100, 101, 185, 186, 187 and 188, are hereby repealed.

SECTION 5. This act shall become effective November 1, 1997.

46-1-0178 RH