

OKLAHOMA STATUTES
TITLE 66. RAILROADS

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§66-1. Articles and certificate.

Any number of persons, not less than five, may form a corporation for the purpose of constructing, maintaining and operating a railroad for the transportation of freight and passengers, and for the purpose of maintaining and operating any railroad already constructed for the like purpose, by making articles of organization in which shall be stated:

1. Name - the name of the corporation.
2. Termini - the place from and to which such railroad is to be constructed, or maintained and operated, as the case may be.
3. Length and route - the estimated length of such railroad and name of each county in this state through or into which it is made or intended to be made.
4. Stock - the amount of the capital stock of the corporation, the number of shares of which it shall consist, and if such stock shall consist of common and preferred stock, the number and amount of each class.
5. Directors and their duty - the names and residences of the directors of the corporation, who shall manage its affairs for the first year, and until others are chosen in their places, and who shall be not less than five (5) nor more than thirteen (13) in number;

and each such person shall subscribe thereto his name, place of residence, and the number of shares of stock he agrees to take in such corporation. There shall be annexed to such articles an affidavit of at least three of the directors therein named, that the signatures thereto are genuine, and that it is intended in good faith to construct or maintain and operate the railroad therein mentioned; and thereupon said articles and affidavits shall be filed in the office of the Secretary of State, who shall endorse thereon the date of their filing, and record the same. After such filing a patent under the seal of the state, signed by the Governor and Secretary of State, shall be issued in substantially the following form:

To all to whom these presents shall come, Greeting:

Whereas (naming the person subscribing the articles of organization), have filed in the office of the Secretary of State certain articles of organization with a view of forming a corporation to be known as (here insert the name), and with a capital of (here insert the amount), for the purpose of constructing, maintaining and operating or maintaining and operating a railroad from toand having complied with the provisions of the statutes in such cases made and provided; therefore the State of Oklahoma hereby grants unto the above-named persons and their associates, successors and assigns, full authority by and under the said name ofto exercise the powers and privileges of a corporation for the purpose above stated and in accordance with their said articles of organization and the laws of this state.

In witness whereof these presents have been attested with the great seal and signed and countersigned by the Governor and Secretary of State attheday of, in the year one thousand nine hundred and

.....

Governor.

.....

Secretary of State.

Upon the issue of such patent, the subscribers to such articles, and all persons who shall hereafter become stockholders in such corporation shall be a corporation by the name specified in such articles, and shall possess all the powers and privileges, and be subject to all the provisions of the law regulating railroad corporations and the provisions of this chapter applicable thereto. R.L. 1910, § 1376.

§66-2. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-3. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-4. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-5. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-6. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-7. Powers of railroad corporations.

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. 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.

R.L. 1910, § 1382. Amended by Laws 1997, c. 29, § 1, eff. Nov. 1, 1997.

§66-7.1. Certain maps to be filed with Archives and Records Division of Department of Libraries.

Any railroad corporation abandoning any section of track or right-of-way in the state shall file a copy of all maps pertaining to said section of track or right-of-way with the Archives and Records Division of the Oklahoma Department of Libraries within six (6) months after a final decision and certificate of abandonment has been issued by the Interstate Commerce Commission.

Laws 1981, c. 39, § 1.

§66-8. Public Service Corporations - Capital stock - Indebtedness.

Public Service Corporations as defined by Section 34, Article IX, of the Constitution of the State of Oklahoma, may, by proper corporate action, and for lawful corporate purposes, borrow, from time to time, such sums of money at such rates of interest and upon such terms as may be deemed necessary or expedient and the total amount of indebtedness of such corporation so created shall not in any way be limited by the amount of their subscribed capital stock, nor shall the total of said indebtedness affect in any way the right of such corporations to reduce or increase their capital stock. Such corporations shall have the power to execute trust deeds, or mortgages, or both, as the occasion may require, on any of its property, or parts thereof, constructed or in process of construction, for amounts borrowed or owing by the corporation and therein to make provisions granting, transferring, or mortgaging their railroad track, right-of-way, depot ground, rights, privileges, franchise, immunities, exemptions, machine houses, power houses, rolling stock, transmission lines, furniture, tools, implements, appendages and appurtenances used in connection with such corporation's business in any manner whatever, then belonging to the corporation or which may thereafter belong to it, as security for any bonds or evidence of debt therein mentioned, in such manner as the corporation or directors shall think proper, and such instruments shall fully convey the same or so much thereof as shall be therein described. In case of sale by virtue of any such trust deed or upon foreclosure of any such mortgage, the persons acquiring title under such sale and their associates, successors and assigns,

or such corporation as they organize, according to law, with all the powers conferred upon corporations by this article, shall thereafter have, exercise and enjoy all such described grants which were purchased at such sale, including all rights, privileges, grants, franchises, immunities and advantages mentioned in such instruments which were possessed by such corporation making the same or contracting such debt, so far as the same relate or appertain to that portion of property granted or mortgaged and purchased at such sale and no further, as fully and absolutely in all respects as such corporation, its shareholders, officers and agents might have done if such sale had not taken place. And whenever the person so acquiring title under any such sale shall own or represent a majority in amount of the bonds or other evidence of debt secured by any such trust deed or mortgage, and shall also include the persons who owned at the time of the sale, a majority in amount of the capital stock of such mortgage or corporation, such purchasers and such corporation as they shall organize as aforesaid, shall also have, possess and enjoy any exemption, privileges or immunity previously granted by any law to such former corporation relating to any of the property so acquired, to the same extent as if such latter corporation had been named in such law as the grantee thereof.

R.L. 1910, § 1383; Laws 1923-24, c. 90, p. 108, § 1, emerg. eff. March 22, 1924.

§66-9. Extensions and branches may be built.

Any railroad corporation may, under the provisions of this article, extend its road from any point named in its charter or articles of organization, or may build branch roads either from any point on its line of road or from any point on the line of any other road connecting or to be connected with its road, the use of which other roads 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 such extension or building any such branch road, such corporation shall, by resolution of its directors, to be entered in the record of its proceedings, designate the route of such proposed extension or branch in the manner provided in Section 1376, and file a copy of such record, certified by the president and secretary, in the office of the Secretary of State, and cause the same to be recorded as provided in said Section 1376. 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 organization. But this section shall not be construed to authorize any railroad corporations to consolidate with each other.

R.L. 1910, § 1384.

§66-10. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-11. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-12. To restore stream or highway.

Every corporation constructing, owning, or using a railroad, shall restore every stream of water, watercourse, street, highway, plank road, toll or wagon road, turnpike, or canal, across, along, or upon which said railroad may be constructed, to its former state, or to such condition as that its usefulness shall not be materially impaired, and thereafter maintain the same in such condition against any effects in any manner produced by such railroad. When any lands shall be required in order to change any highway, street, turnpike, or plank road, toll or wagon road, the same may be condemned, taken, and compensation made in the manner provided by law, and, when taken, shall become a part of such highway, street, turnpike, or plank road, toll or wagon road, to the same extent as, and by the same tenure, by which the adjacent parts thereof are held.

R.L. 1910, § 1387.

§66-13. Repealed by Laws 1961, p. 496, § 1.

§66-14. What property subject to mortgage.

All rolling stock of any railroad corporation organized under the provisions of this article, used and employed in connection with its railroad, and all fuel necessary to the operation of the same, are declared and shall be held to be fixtures; and all such property, and all additional rights-of-way, depot grounds, and other real property, acquired subsequently to the execution of any trust deed or mortgage which shall have been described or provided for therein, shall be subject to the lien thereof to the same extent as the property therein described, which the corporation owned at the time of its execution.

R.L. 1910, § 1389.

§66-15. Execution of conveyance or lease.

Every conveyance or lease, deed of trust, mortgage or satisfaction thereof, made by any railroad corporation, of any franchises, real estate fixtures, or other real property, in pursuance of law, shall be executed and acknowledged in the manner in which conveyances of real estate by corporations are required to be, to entitle the same to be recorded, and shall be recorded in the office of the Secretary of State, who shall endorse thereon his certificate thereof, specifying the day and hour of its reception, and the volume and page where recorded, which shall be evidence of such facts. Every such record of any such instrument shall, from

the time of reception, have the same effect as to any property in this state described therein, as the record of any similar instrument in the office of a register of deeds may have by law as to property in his county, and shall be notice of the rights and interests of the grantee, lessee, or mortgagee, by such instrument to the same extent as if it were recorded in each and all of the several counties in which any property therein described may be situated.

R.L. 1910, § 1390.

§66-16. Repealed by Laws 2001, c. 354, § 8, eff. July 1, 2001.

§66-17. Repealed by Laws 2001, c. 354, § 8, eff. July 1, 2001.

§66-18. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-19. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-20. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-21. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-22. Reporting to Corporation Commission.

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 fifteenth 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.

Added by Laws 1997, c. 29, § 2, eff. Nov. 1, 1997. Amended by Laws 2002, c. 297, § 1, emerg. eff. May 22, 2002.

§66-51. Power to enter upon lands.

Every railroad corporation incorporated under this article, and any railroad corporation authorized to construct, operate or maintain a railroad within this state, has power and is authorized to enter upon any land for the purpose of examining and surveying its railroad, and to take, hold and appropriate so much real estate as may be necessary for the location, construction and convenient use of its road, including all necessary grounds for buildings, stations, workshops, depots, machine shops, switches, sidetracks, turntables, snow defences and water stations; all material for the construction of such road and its appurtenances, and the right-of-way over adjacent land sufficient to enable such corporation to construct and repair its road and the right to conduct water to its water stations, and to construct and maintain proper drains, and may

obtain the right to such real estate by purchase or condemnation in the manner provided by the law.

R.L. 1910, § 1397.

§66-52. May purchase or take realty.

Any railroad corporation may purchase and use real property for a price to be agreed upon with the owners thereof; or the damages to be paid by such corporation for any real property taken as aforesaid, when not agreed upon, shall be ascertained and determined as hereinafter provided.

R.L. 1910, § 1399.

§66-53. Taking by eminent domain - Commissioners - Appointment and proceedings - Right to construct road.

A. If the owner of any real property or interest therein, over which any railroad corporation, incorporated under the laws of this state, may desire to locate its road, shall refuse to grant the right-of-way through and over his premises, the district judge of the county in which said real property may be situated shall, upon the application or petition of either party, and after ten (10) days' notice to the opposite party, direct the sheriff of said county to summon three disinterested freeholders, to be selected by said judge as commissioners, and who shall not be interested in a like question.

B. The condemnor shall give notice to a condemnee by personal service or by leaving a copy of the notice at the condemnee's place of residence with some member of his family over fifteen (15) years of age, or by publication in the case of a condemnee who resides out of this state or a resident of this state who has departed herefrom with intent to avoid service of notice, or whose whereabouts or identity the condemnor, or his attorney, upon diligent inquiry is unable to ascertain, or an unknown heir, successor or assign of one in whom some right, title or interest in the property concerned was possessed, by publishing such notice once a week for two (2) consecutive weeks in a newspaper authorized by law to publish legal notices in the county where the petition is filed, the ten-day period to begin with the first publication. A copy of such notice and a copy of the petition shall be mailed to such opposite party's last-known mailing address within five (5) days of the first publication thereof. The procedure for service by publication as authorized herein shall in all other respects be as provided by law for service by publication in civil actions, except summons need not first be issued.

C. The commissioners shall be sworn to perform their duties impartially and justly; and they shall inspect said real property and consider the injury which said owner may sustain by reason of the condemnation and they shall assess the just compensation to

which said owner is entitled; and they shall forthwith make report in writing to the clerk of the court, setting forth the quantity, boundaries, and just compensation for the property taken, and amount of injury done to the property, either directly or indirectly, which they assess to the owner; which report must be filed and recorded by the clerk. A certified copy of the report may be transmitted to the county clerk of the county where the land lies, to be by him filed and recorded, without further acknowledgment or proof, in the manner and with like force and effect as is provided for the recording of deeds. And if said corporation shall, at any time before it enters upon said real property for the purpose of constructing said road, pay to said clerk for the use of said owner the sum so assessed and reported to him as aforesaid, it shall thereby be authorized to construct and maintain its road over and across said premises.

D. "Just compensation", as used in subsection C of this section, shall mean the value of the property taken, and in addition, any injury to any part of the property not taken. Any special and direct benefits to the part of the property not taken may be offset only against any injury to the property not taken. If only a part of a tract is taken, just compensation shall be ascertained by determining the difference between the fair market value of the whole tract immediately before the taking and the fair market value of that portion left remaining immediately after the taking.

R.L. 1910, § 1400; Laws 1971, c. 33, § 1, operative Jan. 1, 1972; Laws 1973, c. 28, § 1, eff. Jan. 1, 1974; Laws 1991, c. 175, § 2, emerg. eff. May 8, 1991.

§66-54. Taking by eminent domain - Owner entitled to compensation, when.

When possession is taken of property condemned, as provided herein, the owner shall be entitled to the immediate receipt of the compensation awarded, without prejudice to the right of either party to prosecute further proceedings for the judicial determination of the sufficiency or insufficiency of said compensation.

R.L. 1910, § 1401.

§66-55. Review of commissioner's report - Jury trial - Notice - Costs.

(A) The report of the commissioners may be reviewed by the district court, on written exceptions filed by either party, in the clerk's office within thirty (30) days after the filing of such report; and the court shall make such order therein as right and justice may require, either by confirmation, rejection or by ordering a new appraisement on good cause shown; or either party may within sixty (60) days after the filing of such report file with the clerk a written demand for a trial by jury, in which case the amount

of damages shall be assessed by a jury, and the trial shall be conducted and judgment entered in the same manner as civil actions in the district court. If the party demanding such trial does not recover a verdict more favorable to him than the assessment of the commissioners, all costs in the district court may be taxed against him.

(B) Within ten (10) days after the report of commissioners is filed, the court clerk shall forward to the attorney of record for the condemnor, the attorney of record for each condemnee, and to all unrepresented condemnees, a copy of the commissioners' report and a notice stating the time limits for filing an exception or demand for jury trial as specified in paragraph (A) of this section. This notice shall be on a form prepared by the Court Administrator, which shall be approved by the Supreme Court, and shall be distributed to all clerks of the district court by said Court Administrator. If a party has been served by publication, the clerk shall forward a copy of the report of commissioners and notice of time limits for filing an exception or demand for jury trial to the last-known mailing address, if any, and shall cause a copy of the notice of time limits to be published in one (1) issue of a newspaper qualified to publish legal notices, as defined in Section 106 of Title 25. After issuing the notices provided herein, the court clerk shall endorse on the notice form filed in the case, the date and that a copy of the report together with the notice was mailed to each party or his attorney of record, or the date the notice was published in compliance with the provisions hereof.

(C) The time limits for filing an exception and demand for jury trial, as prescribed in paragraph (A) of this section, shall be calculated from the date the report of the commissioners is filed in the case. On failure of the court clerk to give notice within the time prescribed in paragraph (B) of this section, the court, on application of any party, may extend the time for filing an exception to the report or a demand for trial by jury for a period not to exceed twenty (20) days from the date the application is heard.

(D) Where the party instituting a condemnation proceeding abandons such proceeding, or where the final judgment is that the real property cannot be acquired by condemnation or if the award of the jury exceeds the award of the court-appointed commissioners by at least ten percent (10%), then the owner of any right, title or interest in the property involved may be paid such sum as in the opinion of the court will reimburse such owner for his reasonable attorney, appraisal, engineering, and expert witness fees actually incurred because of the condemnation proceeding. The sum awarded shall be paid by the party instituting the condemnation proceeding. R.L. 1910, § 1402; Laws 1961, p. 497, § 1; Laws 1970, c. 322, § 1, eff. Jan. 1, 1971; Laws 1980, c. 195, § 1, emerg. eff. May 12, 1980.

§66-56. Taking by eminent domain - Appeal to Supreme Court.

Either party aggrieved may appeal from the decision of the district court to the Supreme Court; but such review or appeal shall not delay the prosecution of the work on such railroad over the premises in question, if such corporation shall first have paid to the owner of said real property, or deposited with the said clerk for said owner, the amount so assessed by said commissioners or district court; and in no case shall said corporation be liable for the costs on such review or appeal, unless the owner of such real property shall be adjudged entitled, upon either review or appeal, to a greater amount of damages than was awarded by said commissioners. The corporation shall in all cases pay the costs and expenses of the first assessment. And in case of review or appeal, the final decision may be transmitted by the clerk of the proper court, duly certified, to the proper register of deeds, to be by him filed and recorded as hereinbefore provided for the recording of the report, and with like effect. The fee of land over which a mere easement is taken, without the consent of the owner, shall remain in such owner subject only to the use for which it was taken.

R.L. 1910, § 1403.

§66-57. Eminent domain and condemnation proceedings by railroads.

The provisions of this article with reference to eminent domain shall apply to all corporations having the right to eminent domain, and shall apply to the State of Oklahoma and its various educational, reformatory, penal and eleemosynary institutions, including departments of state having the power to purchase real property for public purposes, and such institutions and departments shall have the right under this article to acquire fee simple title to the property taken. When the State of Oklahoma through the managing board or commission of the institution or department of state concerned is unable to purchase any real property needed for any such institution or department, condemnation proceedings to take the same and to pay damages therefor may be instituted in the name of the State of Oklahoma by the managing board or commission of the institution or department of state involved; and all such institutions and corporations shall have the right, under the provisions of this article, to acquire right-of-way over, under, along or across the property or right-of-way of any other such corporation, not inconsistent with the purposes for which such property was taken or acquired. In all cases of condemnation of property for either public or private use, the determination of the character of the use shall be a judicial question; and the procedure shall be as provided herein: Provided, that in case any corporation or municipality authorized to exercise the right of eminent domain shall have taken and occupied, for purposes for which it might have

resorted to condemnation proceedings, as provided in this article, any land, without having purchased or condemned the same, the damage thereby inflicted upon the owner of such land shall be determined in the manner provided in this article for condemnation proceedings. R.L. 1910, § 1404; Laws 1929, c. 24, p. 20, § 1, emerg. eff. March 19, 1929.

§66-58. Commissioners to act in all cases.

Freeholders so appointed shall be the commissioners to assess all the damages to the owners of real property in said county or subdivision; and said corporation may, at any time after their appointment, upon the refusal of any owner or guardian of any owner of lands in said county or subdivision to grant the right-of-way as aforesaid, by giving said owner or guardian ten (10) days' notice thereof in the manner required on the original appointment of commissioners, have the damages assessed in the manner hereinbefore prescribed. In case of the death, absence, or refusal or neglect of any of said freeholders to act as commissioners as aforesaid, the sheriff shall, upon the selection of the district judge, summon other freeholders to complete the panel, and said commissioners shall receive Three Dollars (\$3.00) per day each for their services, and the same shall be taxed in the bill of costs. R.L. 1910, § 1405.

§66-59. Settlement with incompetents.

Whenever any railroad corporation shall take any real property as aforesaid, of any minor, any person who is incapacitated or partially incapacitated as such terms are defined by Section 1-111 of Title 30 of the Oklahoma Statutes, the guardian of the minor, or incompetent person, may agree and settle with the corporation for all damages or claims by reason of the taking of such real property, and may give valid releases and discharges therefor upon the approval thereof by the judge of the county court. R.L. 1910, § 1406. Amended by Laws 1998, c. 246, § 31, eff. Nov. 1, 1998.

§66-60. Unknown owner.

If upon the location of said railroad it shall be found to run through the real property of any nonresident owner who is unknown to the corporation, or who has not been by it informed thereof, and has neither granted nor refused to grant the right-of-way through and over his said premises, the said corporation may give four (4) weeks' notice to such owner, if known, and if not known, by a description of such real property, by publication four (4) consecutive weeks in some newspaper published in the county or subdivision where such real property may lie, if there be any, and if not, in one nearest thereto on the line of their said road, that

said railroad has been located through and over his lands; and if said owner do not, within thirty (30) days thereafter, apply to the district judge to have the damages assessed, in the mode prescribed in this article, said corporation may proceed to have the damages assessed as herein before provided, subject to the same right of review and appeal, as in case of resident owners; and upon payment of damages assessed to the clerk of the district court, the corporation shall acquire all the rights and privileges mentioned in this article.

R.L. 1910, § 1407.

§66-61. Right-of-way on public lands - Damages to occupants.

Any railroad corporation is authorized to pass over, occupy and enjoy all the public lands, to the extent and in the manner prescribed by the Act of Congress approved March 3, 1875: Provided, that the damages accruing to any occupant or possessory claimant or other person who may reside on or have improvements upon said public land, shall be determined and paid by said railroad corporation as provided in this chapter for owners of private lands.

R.L. 1910, § 1408.

§66-62. Changing line or grade.

Whenever any railroad corporation shall find it necessary, for the purpose of avoiding annoyance to public travel, or dangerous or difficult curves or grades, or unsafe or unsubstantial grounds or foundations, or for other reasonable causes, to change the grade or location of any portion of its road, such railroad corporation shall be and is hereby authorized to make such changes of grade and location, not departing from its general route. And for the purpose of making any such change in the location and grades of any such roads as aforesaid, such corporation shall have all the rights, powers and privileges to enter upon and appropriate such real property, and make surveys necessary to effect such changes and grades, upon the same terms, and subject to the same obligations, rules and regulations as are prescribed by law; and shall also be liable in damages, when any may have been caused by such change to the owner of real property upon which such road was heretofore constructed, to be ascertained and paid, or deposited as herein provided; but no damages shall be allowed unless claimed within ninety (90) days after actual notice in writing of such intended change shall be given to such owner residing on the premises, or, if nonresident, notice by such publication in some newspaper in general circulation, as the district judge may order.

R.L. 1910, § 1409.

§66-63. Municipal authorities may convey - Improvement districts - How highways occupied.

If it shall be necessary, in the location of any part of any railroad, to occupy any road, street, alley or public way or ground of any kind, or any part thereof, it shall be competent for the municipal, or other corporation, or public officer, or public authorities owning or having charge thereof, and the railroad corporation, to agree upon the manner, and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary, in the judgment of the directors of such railroad corporation, to use or occupy such road, street, alley, or other public way or ground, such corporation may appropriate so much of the same as may be necessary for the purpose of such road, in the same manner and upon the same terms as are provided in this chapter for the appropriation of the property of individuals. Provided, however, that if any railroad shall be so located as to occupy any road or public way, constructed by any road improvement district organized under the laws of this state, for a greater distance than one-fourth ($1/4$) of one (1) mile, before any such railroad shall acquire the right to enter upon, use, occupy and maintain its railroad along such, and upon such public highway, it shall file in the office of the county clerk, in the county wherein such road improvement district is located, a statement showing the total length of the line proposed to be located along, and upon, such public highway, the amount of compensation they propose to pay to such road improvement district for the use of such public highway, and the time and manner in which such payment is to be made. Immediately upon the filing of such proposal, the county clerk shall notify the county commissioners and shall cause same to be published in one issue, at the expense of the railroad company, of some newspaper of general circulation within said road improvement district. The county commissioners shall meet within ten (10) days and shall immediately order an election to be held, within such road improvement district, for the purpose of submitting, to the qualified electors within such road improvement district, the question of accepting or rejecting the proposal of such railroad company. They shall pass all orders and resolutions necessary for the holding of such elections and shall canvass the returns thereof, and declare the result, and if three-fifths ($3/5$) of all the votes cast on such question shall be in favor of the acceptance of the proposal of said railroad company, the same shall be accepted and the board of county commissioners shall have power to execute all contracts and do all things necessary to secure to said road improvement district the performance of the conditions of such proposal of said railroad company.

R.L. 1910, § 1410; Laws 1910-11, c. 71, p. 167, § 1, emerg. eff. March 11, 1911.

§66-64. Execution of conveyances by certain estates and guardianships.

When an estate is being probated, or a minor or incompetent person has a legal guardian, the administrator or executor of the estate, or guardian of the minor or incompetent person, shall have the authority to execute all instruments of conveyance provided for in this chapter on behalf of the estate, minor or incompetent person without other proceedings than approval by the judge of the district court endorsed on the instrument of conveyance. Competent evidence to prove that reasonable compensation is being paid for the execution of said instrument shall be presented to the court prior to said approval.

Laws 1971, c. 33, § 2, operative Jan. 1, 1972.

§66-65. Purchase of abandoned real property or real property of bankrupt railroad company - Priority - Price.

A. 1. Any person who owns real property adjacent to real property owned by a railroad company shall have first priority to purchase such real property, at the price provided by subsection D of this section, from the railroad company upon the bankruptcy of the railroad company or the abandonment of the real property as determined by the Interstate Commerce Commission and offered for sale if such real property is not purchased within one (1) year by:

- a. Another railroad company;
- b. Businesses operated on such railroad property pursuant to a lease or other agreement which was in effect at the time bankruptcy or abandonment occurred;
- c. The State Department of Transportation under the authority of the Railroad Revitalization Act, Section 302.1 et seq. of this title;
- d. Other federal entities for valid public purposes; or
- e. In counties of over five hundred thousand (500,000) population, municipalities or counties, or joint agreements between municipalities and counties for valid public purposes.

2. If any of the persons or entities specified in paragraph 1 of this subsection fail to purchase any such real property, any state or local governmental entity shall be entitled to purchase the property for valid public purposes.

3. Provided, if more than one of the parties named in paragraph 1 or 2 of this subsection shall offer to purchase, they shall be granted a preference in the order specified in this subsection. If two (2) or more people own property adjacent to the same portion of railroad property, the person from whose property such railroad property was taken shall be entitled to the priority provided for in this section.

B. Notice for the sale of any real property under the provisions of this section shall be given by the bankruptcy court, the receiver, or the railroad company by publication once a week for two (2) consecutive weeks in a newspaper authorized by law to publish legal notices in the county where the real property is located.

C. Any purchase as provided for in this section shall be subject to any encumbrances on the real property. Nothing in this act shall affect any reversionary interest retained in the original grant.

D. The price of such property shall be established by the receiver or bankruptcy court if the railroad company is in bankruptcy or by the railroad company if such property is determined abandoned pursuant to this section.

E. However, for any railroad company purchasing property under subparagraph a of paragraph 1 of subsection A of this section, the Corporation Commission shall certify the intent of said railroad company to continue operation of rail service on said property as a prerequisite to making such purchase.

Laws 1981, c. 241, § 1, emerg. eff. June 23, 1981; Laws 1988, c. 289, § 14, operative July 1, 1988; Laws 1991, c. 266, § 1, emerg. eff. May 27, 1991.

§66-66. Railroad Division of Department of Transportation as trustee for purchaser.

The Railroad Division of the Department of Transportation is authorized to act as trustee for the purchasers of real property under the provisions of this act and, in such capacity, receive funds for such purpose from prospective purchasers, disburse such funds for such purpose, accept and make proper transfer of title and perform such further actions as are necessary to carry out the purposes of this act. No state funds shall be used for such purchase.

Laws 1981, c. 241, § 2, emerg. eff. June 23, 1981.

§66-81. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-82. Liability for violation.

In case of the refusal by such corporation or its agents to take or transport any passenger or property as provided in the preceding section; or in case of the neglect or refusal of such corporation or its agents to discharge or deliver passengers or property at the regularly appointed place, under the laws which regulate common carriers, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby with costs of action.

R.L. 1910, § 1412.

§66-83. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-84. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-85. Must receive and forward freight - Rate of speed - Penalty.

When such freight in car loads or less is tendered to said station agent and correct shipping instructions given, it shall be the duty of said company immediately to receive the same for shipment and issue bills of lading therefor, and when such shipments have been so received they must be carried forward at the rate of not less than sixty (60) miles per day of twenty-four (24) hours, computing from seven o'clock a.m., of the day following receipt of the same, except that if in case of fires, wrecks, destruction of bridges or tracks, or washouts, such company shall not be able to transport said cars at the rate of sixty (60) miles per day then and in that event such company shall be released from such provision during the time that such unavoidable obstacles exist; and for failure to receive and transport such shipments within the time herein prescribed, said company shall forfeit and pay to the consignee the sum of One Dollar (\$1.00) per car per day or fraction of a day on all car load freight and one cent (0.01) per hundred pounds per day, or fraction thereof on freight in less than car load lots, with minimum charge of five (0.05) cents for any one package, together with all actual damages the consignor or consignee may sustain thereby: Provided, that in computing the time of freight in transit, there shall be allowed twenty-four (24) hours at each point where transferring from one railroad to another is involved.

R.L. 1910, § 1415.

§66-86. Must give notice of arrival of freight.

Such railroad companies shall within twenty-four (24) hours after arrival of shipments give written notice by mail, or otherwise, to consignees of the arrival of the shipments together with the amount of freight charges thereon, and when goods or freight in car load lots arrive, such notice shall contain the number and initials of the car or cars, and if transferred in transit, the number and the initials of the car or cars in which originally shipped. Any railroad company failing to give said notice shall forfeit and pay to the consignee or other party whose interest is affected, the sum of One Dollar (\$1.00) per car per day or fraction of a day's delay, in all car load shipments, and one cent (\$0.01) per hundred pounds per day or fraction thereof on freight in less than car load lots with minimum charge of five cents (\$0.05) for any one package after the expiration of said twenty-four (24) hours, together with all actual damages sustained thereby.

R.L. 1910, § 1416.

§66-87. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-88. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-89. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-90. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-91. Action to enforce penalty - Attorney's fee.

Suit to collect any of the damages, penalties, forfeitures, demurrage or storage charges provided for herein, may be brought in any court of this state having jurisdiction of the subject matter and parties; and if the plaintiff therein recover judgment, such plaintiff shall also recover a reasonable attorney's fee for bringing such suit, to be taxed on motion and paid as other costs by defendant in such suit.

R.L. 1910, § 1421.

§66-92. Scope of law.

This article is not intended to repeal, modify, or affect any law concerning the shipment, transportation or delivery of any kind of freight without unnecessary delay, or within a reasonable time, or any other law concerning common carriers now in force unless in direct conflict herewith, and this article is hereby declared to be supplemental to such law.

R.L. 1910, § 1422.

§66-93. Injuries to persons.

In case any passenger on any railroad shall be injured while on the platform of a car while in motion, or in any baggage, wood or freight car, in violation of the printed regulations of the corporation posted up at the time in a conspicuous place inside of its passenger cars then in the train, such corporation shall not be liable for the injury, if it had furnished room inside its passenger cars sufficient for the accommodation of its passengers.

R.L. 1910, § 1423.

§66-94. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-95. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-96. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-96.1. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-97. Repealed by Laws 1994, c. 173, § 2, eff. Sept. 1, 1994.

§66-98. Repealed by Laws 1994, c. 173, § 2, eff. Sept. 1, 1994.

§66-99. Repealed by Laws 2014, c. 203, § 1, eff. Nov. 1, 2014.

§66-100. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-101. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-102. Repealed by Laws 1961, p. 497, § 1.

§66-103. Repealed by Laws 1961, p. 497, § 1.

§66-121. Changing highway.

Any railroad corporation may raise or lower any turnpike, plank road, or other way for the purpose of having its railroad pass over or under the same; and in such cases said corporation shall put such turnpike, plank road or other way, as soon as may be, in good repair.

R.L. 1910, § 1425.

§66-122. Changing highway - To provide temporary way.

Every railroad corporation, while employed in raising or lowering any turnpike or other way, or in making any other alterations, by means of which the said way may be obstructed, shall provide and keep in good order, suitable temporary ways to enable travelers to avoid or pass such obstructions.

R.L. 1910, § 1426.

§66-123. Bridge repairs.

Every railroad corporation shall maintain and keep in good repair all bridges, with their abutments, which such corporation shall construct for the purpose of enabling its road to pass over or under any turnpike road, canal, watercourse, or other way.

R.L. 1910, § 1427.

§66-124. Signs at crossings.

Every railroad corporation operating a line of road within this state must erect suitable signs of caution at each crossing of its road with a public highway.

R.L. 1910, § 1428; Laws 1963, c. 46, § 1, emerg. eff. May 2, 1963.

§66-125. Signs at crossings - Neglect.

In case any railroad corporation shall refuse or neglect, for a space of thirty (30) days after notice given by the board of county commissioners, to comply with the provisions of the preceding section, it shall become the duty of the county commissioners of each county through which any such railroad shall be in operation to

erect such signs, and the company shall be liable for all expenses so incurred by said commissioners.
R.L. 1910, § 1429.

§66-125a. Railroads - Highway crossings - Safety devices.

Whenever the public authorities having jurisdiction and control over any public highway or street in this state shall deem that the safety of lives and property at any railroad intersection with any highway or street, shall so require, such public authorities as are hereby authorized and empowered to construct or install, or to order the company owning such railroad so intersected, to construct or install, and thereafter maintain and operate, an automatic or mechanically operated barricading device, which, when giving warning, shall become a barrier in such highway or street; provided, however, that before any such device is constructed or installed, maintained and operated at a railroad intersection, the detailed plans of such device, with a description of the proposed mode of operation thereof, and a map showing the proposed location of the same, shall be first submitted to, and approved by, the State Highway Commission of Oklahoma.

Laws 1937, p. 398, § 1, emerg. eff. May 25, 1937.

§66-125b. Warning signs.

Whenever said barricading device shall be constructed or installed and maintained and operated, the public authorities having jurisdiction and control over the highway or street at such point shall erect and maintain a reflector warning sign with appropriate words thereon. If said barricading device is located at a railroad crossing, said warning shall be installed and maintained not less than four hundred (400) feet from the crossing, when said crossing is located on highways or streets where vehicular traffic is permitted to travel at speeds in excess of thirty (30) miles per hour; and not less than two hundred (200) feet from the crossing, when said crossing is located on highways or streets where vehicular traffic is permitted to travel at speeds not in excess of thirty (30) miles per hour. It shall be the duty of the driver of any vehicle, on approaching such warning sign, to place his vehicle under such control as to be able to bring such vehicle to a complete stop at a distance of not less than seventy-five (75) feet in advance of the crossing. The colliding of a vehicle with the barricading device at a crossing shall be prima facie evidence that the driver thereof did not comply with the provisions of this act, and such driver shall be deemed a reckless driver, and be subjected to the penalties provided for reckless driving under the motor vehicle laws of this state, and shall be liable for any damage done to such barricading device on account of such collision.

Laws 1937, p. 398, § 2, emerg. eff. May 25, 1937.

§66-125c. Expenses of construction.

The public authorities, or the political subdivision of the state, having jurisdiction and control over any public highway or street in which such barricading device is constructed or installed, maintained and operated, may expend public funds to pay the cost and expense thereof; provided, however, that the parties in interest may agree in writing otherwise.

Laws 1937, p. 399, § 3, emerg. eff. May 25, 1937.

§66-125d. Cooperation with federal government.

The public authorities, or political subdivision of the state or the Highway Commission of the state are authorized to cooperate with the federal government in the construction, or installing, maintaining and operating such barricading devices and other safety devices.

Laws 1937, p. 399, § 4, emerg. eff. May 25, 1937.

§66-126. Bells and whistles.

A bell of at least thirty (30) pounds weight, or a whistle, shall be placed on each locomotive engine, and shall be rung or whistled at the distance of at least eighty (80) rods from the place where the railroad shall cross any other road or street, under a penalty of Fifty Dollars (\$50.00) for every neglect, to be paid by the corporation owning the railroad, one-half thereof to go to the informer, and the other half to the state, and shall also be liable for all damages which shall be sustained by any person by reason of such neglect.

R.L. 1910, § 1430. Amended by Laws 1996, c. 222, § 1, eff. Nov. 1, 1996.

§66-127. Causeway.

When any person owns land on both sides of any railroad, the corporation owning such railroad, shall, when required to so do, make and keep in good repair one causeway or other safe and adequate means of crossing the same.

R.L. 1910, § 1431.

§66-128. Railroads to construct crossings.

A. It shall be the duty of every railroad company or corporation doing business, or operating a line of railroad, within this state, to construct a crossing across that portion of its track, roadbed or right-of-way over which any public highway may run, and maintain the same unobstructed, in a good condition for the use of the public, and to build and maintain in good condition all bridges and culverts that may be necessary on its right-of-way at such crossing.

B. Any railroad company or corporation that fails to construct and maintain said crossing in accordance with the recommendations set forth in the United States Department of Transportation Railroad-Highway Grade Crossing Handbook, for thirty (30) days after written notice by the Oklahoma Corporation Commission to the agent or employee of any railroad company or corporation in the county where such work or repairs are needed, shall be subject to a contempt proceeding before the Oklahoma Corporation Commission. R.L. 1910, § 1432. Amended by Laws 2018, c. 186, § 1, eff. Nov. 1, 2018.

§66-129. Rules and regulations governing crossing sign specifications.

The Oklahoma Corporation Commission is hereby delegated the authority to prescribe rules and regulations governing the design, construction and location of such suitable signs hereafter erected which shall conform to one of the then current standards of the Association of American Railroads for highway crossings crossbuck signs.

Laws 1963, c. 46, § 2, emerg. eff. May 2, 1963.

§66-130. Warning signal devices - Rules and regulations.

The Oklahoma Corporation Commission shall promulgate rules and regulations for the design, installation, construction, maintenance, inspection, and testing of warning signal devices at highway and railroad crossings in the State of Oklahoma.

Laws 1965, c. 201, § 1, emerg. eff. June 14, 1965.

§66-141. Railroads to fence their roads.

It shall be the duty of every person or corporation owning or operating any railroad in the State of Oklahoma to fence its road, except at public highways and station grounds, with a good and lawful fence.

R.L. 1910, § 1435.

§66-142. Lawful fence defined.

A lawful fence, under the provisions of the preceding section, shall be composed of posts and barb wires, four wires to be firmly fastened to the posts, such posts to be not more than one (1) rod apart, the top wire to be not less than fifty-four (54) nor more than fifty-eight (58) inches from the ground, and the bottom wire to be not more than twenty (20) nor less than fourteen (14) inches from the ground.

R.L. 1910, § 1436.

§66-143. Rights of adjacent land owners.

Any person owning or occupying land adjacent to any railroad track shall have the right to attach to the fence constructed along the track or right-of-way of said railroad company, any wires boards or other material, so as to make the fence of said railroad company sufficient to prevent any hogs or pigs from getting upon the track of said railroad company.

R.L. 1910, § 1437.

§66-144. Failure to fence - Penalty.

Whenever any railroad corporation or the lessee, person, company or corporation operating any railroad, shall neglect to build and maintain such lawful fence, such railroad corporation, lessee, person, company or corporation operating the same, shall be liable for all animals killed by reason of the failure to construct such fence.

R.L. 1910, § 1438.

§66-145. Railroads must fence right-of-way with hog wire, when.

Whenever the owner or occupant of any tract of land abutting on any line of railroad within this state shall desire to enclose any such tract of land for the purpose of making a hog, sheep or goat pasture, and shall construct a fence for said purpose about said tract of land on all sides except along the side abutting on such railroad, it shall be the duty of such railroad company to construct a good and sufficient fence not less than four and one-half (4 1/2) feet high, one barbed wire at bottom of such fence immediately above which shall be attached heavy woven wire not less than twenty-eight (28) inches high, and sufficient for the purpose of restraining swine, sheep and goats, with three barbed wires above the same, on the side of such tract, so far as the same extends along the line of such railroad, and maintain the same in good condition, so long as such owner or occupant of such tract may desire to maintain such pasture.

R.L. 1910, § 1439.

§66-146. Notice to railroads.

Whenever the owner or occupant of any tract of land desires to construct a fence as provided in the preceding section, he shall give written notice of his intention to the railroad company upon whose line such tract is situated, by personal service upon the agent of said company at the station within this state, nearest to such tract of land, giving in said notice a description of said land, and it shall be the duty of the railroad company to construct and complete its portion of such fence within sixty (60) days after the service of such notice: Provided, that if such owner or occupant fails to construct his portion of such fence, then the railroad company shall not be required to construct such fence.

R.L. 1910, § 1440.

§66-147. Owner of abutting land may construct if railroad refuses - Penalty.

If any railroad company shall neglect or refuse to comply with the provisions of the two preceding sections, it shall be lawful for the owner or occupant of such tract of land to construct or repair the fence along the line of such railroad, and the owner or occupant of such tract of land, shall be entitled to recover from such railroad company the cost of the material and labor used in constructing the railroad company's portion of such fence.

R.L. 1910, § 1441.

§66-161. Extension of road into state.

Any railroad corporation chartered by or organized under the laws of the United States or 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 this state from any such point or points to any place or places within the 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, to be entered in the record of its proceedings, designate the route of such proposed extension or branch in the manner provided in Section 1376, and file a copy of such record, certified by the president and secretary, in the office of the Corporation Commission, and cause the same to be recorded as provided in said Section 1376. 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 association duly filed in accordance with the provisions of this article.

R.L. 1910, § 1398.

§66-162. Repealed by Laws 1941, p. 462, § 1.

§66-163. Time extended.

Every railroad corporation organized under the laws of the Territory of Oklahoma, or of the Indian Territory, prior to the taking effect of the Constitution of this state and within three (3) years before said date and that has heretofore or shall within one (1) year from the taking effect of this act, in good faith, comply with the provisions of the Constitution of this state, and shall, in good faith, commence the construction of its works contemplated in its articles of incorporation or organization is hereby declared to be a domestic corporation under the Constitution and laws of this state.

Laws 1910-11, c. 104, p. 220, § 1.

§66-164. Domestication of foreign corporations in the Territory.

Every railroad corporation organized under the laws of any other state or territory or of the United States that has complied with the laws of the Territory of Oklahoma or of the Indian Territory, within three (3) years before the taking effect of the Constitution of this state, to authorize such corporation to transact business in either or both of such territories and organized for the purpose of constructing its line of railroad through the Territory of Oklahoma, or Indian Territory, or either or both of them, is hereby authorized and empowered to construct, maintain and operate its railroad with all proper branches or extensions thereof through the State of Oklahoma or any part thereof formerly constituting the Territory of Oklahoma or Indian Territory, or either or both of them, and may, by complying with the provisions of Section 1454 and the Constitution of this state become domestic corporation under the Constitution and laws of this state.

R.L. 1910, § 1452.

§66-165. Filing map of route.

Any railroad corporation organized under the laws of any other state or territory whose chartered line or route passes through the Territory of Oklahoma or Indian Territory or either or both of them, and whose chartered line or route was not specifically designated or described in its articles of incorporation or organization, is hereby authorized to prescribe its line or route through the State of Oklahoma by filing with the Secretary of State a copy of a resolution of its board of directors describing the same and a map duly certified by its president and chief engineer showing such route: Provided, that such route may be changed on account of engineering difficulties or for other sufficient reasons by resolution of its board of directors; and a duly certified copy of such resolution and a map showing such change in its route shall be filed with the Secretary of State.

R.L. 1910, § 1453.

§66-166. Domestication of foreign corporations filing resolutions.

Every railroad corporation organized under the laws of any other state or territory or the United States, that within three (3) years before the taking effect of the Constitution of this state, shall have complied with the laws of the Territory of Oklahoma or Indian Territory, to authorize such corporation to transact business in the Territory of Oklahoma or Indian Territory or either or both of them, and that shall file with the Secretary of State of this state a resolution of its board of directors duly certified by its president and attested by its secretary under the seal of such corporation

accepting the provisions of the Constitution of this state and agreeing that the Constitution and laws of this state applying to domestic corporations shall apply to such corporation in all respects, is hereby declared to be a domestic corporation under the Constitution and laws of this state.

R.L. 1910, § 1454.

§66-167. Foreign corporations - Increase of capital stock.

Every railroad corporation organized under the laws of any other state or territory or the United States, that shall have within the three (3) years prior to the taking effect of the Constitution of this state, complied with the laws of the Territory of Oklahoma or Indian Territory to authorize such corporation to transact business within the Territory of Oklahoma or of the Indian Territory, or either or both of them, and shall have complied with the provisions of the preceding section, whose chartered line or route shall pass through other states or territories, or other states and territories, and the Territory of Oklahoma or Indian Territory, or either or both of them, and the capital stock of which, as provided in its articles of incorporation, was or is insufficient to construct its contemplated railroad and which has been, or is, in order to construct the same, required by necessity to increase its capital stock, and may increase its capital stock under the laws of the state or territory of its creation, may file with the Secretary of State of this state a certified copy of the proceedings of its board of directors and stockholders authorizing such increase, and a certificate of its chief engineer, under oath, showing the estimated cost of its main line, sidetracks, and permanent improvements in the state, and such corporation shall pay to the Secretary of State one-tenth of one percent (1/10 of 1%) of such estimated cost, and such other fees as required by law, without being required to pay to the State of Oklahoma the fee required under Section 3253.

R.L. 1910, § 1455.

§66-168. Domestic corporations - Increase of capital stock.

Every railroad corporation organized under the laws of the Territory of Oklahoma or of the Indian Territory within three (3) years prior to the taking effect of the Constitution of this state, that has complied with the Constitution of this state, and the capital stock of which, as provided in its articles of incorporation, was or is insufficient to construct its contemplated railroad, and which has been, or is in order to construct the same, required by necessity to increase its capital stock, may increase its capital stock under the laws of this state, and may file with the Secretary of State a certified copy of the proceedings of its board of directors and stockholders authorizing such increase, and a certificate of its chief engineer under oath, showing the estimated

cost of its main lines, sidetracks, and permanent improvements in the state, and such corporation shall pay to the Secretary of State one-tenth of one percent (1/10 of 1%) of such estimated cost, without being required to pay to the State of Oklahoma the fee required under Section 3253: Provided, that such corporation shall pay all other fees required by law.

R.L. 1910, § 1456.

§66-169. Must begin work in two years.

Every railroad corporation accepting the benefits of this article regarding domestication or increase of stock, organized under the laws of any other state or territory or of the United States, or the Territory of Oklahoma or the Indian Territory that shall not within two (2) years commence, in good faith, its works as contemplated in its charter, shall forfeit all rights hereunder.

R.L. 1910, § 1457.

§66-170. Cancellation of charter rights.

An attested copy of the writing, in which any corporation which becomes a domestic corporation hereunder claims a domicile elsewhere than in this state, shall be made out forthwith by the clerk of the court in which such writing is filed, and shall be mailed by such clerk to the Secretary of State. When such attested copy is received by said Secretary of State, he shall immediately enter upon the records of his office an order canceling and annulling all charter rights of such corporation and such corporation shall thereafter enjoy only the privileges of a foreign corporation and shall forfeit all rights hereunder.

R.L. 1910, § 1458.

§66-181. Right to deal in passage tickets.

Any person having an established place of business in any town or city within this state, shall have the right to buy, sell and exchange passage tickets or other evidences of a right of passage from one place to another upon any railroad line or steamboat line and their connections that said tickets may have been regularly issued over and for.

R.L. 1910, § 1442.

§66-182. Purchasers may sell tickets.

Any person purchasing a ticket from the authorized office of any line for the transportation of passengers shall have the right to sell his ticket or tickets to any person doing business under the preceding section: Provided, that nothing herein shall be construed to prevent any town or city from regulating such business by any law deemed necessary for the protection of the public.

R.L. 1910, § 1443.

§66-183. Railway law enforcement officers - Power and authority.

Railway companies organized under the laws of this state, or doing business within the state, are hereby authorized and empowered at their own expense to appoint and employ law enforcement officers at such stations or other places on the lines of their railroads within this state, as said companies may deem necessary for the protection of their property, and the preservation of order on their premises, and in and about their cars, depots, depot grounds, yards, buildings or other structures; and said law enforcement officers shall have power and authority to arrest, with or without warrant, any person or persons who shall commit any offense against the laws of this state, or the ordinances of any town, city, or other municipality when such offense shall have been committed upon the premises of said companies, or in and about their cars, depots, depot grounds, yards, buildings, or other structures. Nothing herein contained shall be construed as restricting the lawful rights, powers or privileges of any sheriff, constable, policeman, or peace officer within their respective jurisdiction, and for the official acts of railway law enforcement officers, the railroad company making such appointment shall be held responsible to the same extent as for the acts of any of its general agents or employees.

R.L. 1910, § 1444; Laws 1994, c. 64, § 1, emerg. eff. April 15, 1994.

§66-184. Company may lease or sell.

Any railroad company, owning any railroad in this state, may sell or lease the whole or any part of its railroad and branches constructed or to be constructed, or any interest therein, together with all the property, rights, privileges, and franchises thereto pertaining, to any other railroad company, subject to the provisions of Article 9 of the Constitution: Provided, that no such sale or lease shall be entered into unless the line of railroad so sold or leased shall, when constructed, form a continuous line of railroad with the road of the company purchasing or leasing the same, either by direct connection therewith, or through an intermediate line or lines, constructed, or to be constructed, which such purchasing or leasing company shall have the right, by contract or otherwise, when completed, to use or operate, and any railroad company which shall so purchase or lease a railroad or railroads in this state shall possess and enjoy, within this state all the rights, powers, privileges, and franchises conferred by the laws of this state upon a railroad corporation formed thereunder.

R.L. 1910, §1446.

§66-185. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-186. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-187. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-188. Repealed by Laws 1997, c. 29, § 4, eff. Nov. 1, 1997.

§66-190. Blocking vehicular traffic at railroad intersections - Limits - Exceptions - Penalties.

A. As it is immediately necessary for the safety and welfare of the people, no railcar shall be brought to rest in a position which blocks vehicular traffic at a railroad intersection with a public highway or street for longer than ten (10) minutes.

B. Municipalities, county sheriffs and the Oklahoma Highway Patrol shall have the authority to issue a citation to any person or corporation that violates a provision of this section. Such person or corporation shall be subject to a fine of up to One Thousand Dollars (\$1,000.00) for each violation. Seventy-five percent (75%) of the collected fine shall be deposited to the credit of the general fund of the entity that issued the citation and the remaining twenty-five percent (25%) shall be credited to the Corporation Commission Revolving Fund established in Section 180.7 of Title 17 of the Oklahoma Statutes. A copy of the citation, along with any information regarding train identification, shall be sent to the Corporation Commission for enforcement of the penalty at a hearing before an administrative law judge of the Commission. The violating entity or individual may appeal the administrative law judge's decision to the Commission en banc. The Commission shall annually deliver an electronic report detailing the number of violations, number of rulings, number of appeals and amount of fines assessed under this section. Commission reports shall be delivered to the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Oklahoma State Senate and the Governor. The Commission shall promulgate rules and procedures to effectuate the provisions of this section.

C. 1. Railroads or other persons, firms or corporations operating over tracks within the State of Oklahoma shall not block vehicle traffic at any railroad grade crossing for a period of time in excess of ten (10) minutes except if the train is moving in a continuous forward or backward direction, or if the train is stopped for an emergency condition, including an accident, derailment, critical mechanical failure, track or bridge washout, storm, flood or other emergency situation.

2. A one-time exception of up to, but not exceeding, ten (10) additional minutes shall be authorized under the following conditions:

- a. when a train and its crew, operating under the rules of the Federal Railroad Administration (FRA), are unable to complete a switching maneuver while setting out or picking up railcars within the ten (10) minutes as set forth in paragraph 1 of this subsection,
- b. when a train is stopped to allow the passage of a second train and the stopped train has exhausted the ten (10) minutes as set forth in paragraph 1 of this subsection, or if the arrival of the second train is imminent and separation and coupling of the stopped train would result in further unnecessary blocking of motor vehicle or pedestrian traffic, and
- c. when a train is stopped for a red train signal.

3. When a train is cut or separated to prevent blocking of motor vehicle traffic at a public crossing, and a working charging station exists, the time required for recoupling a train and performing air tests as required by the FRA shall not be considered a violation of this section.

4. Every railroad shall be operated in such a manner as to minimize obstruction of emergency vehicles at public highway grade crossings.

Added by Laws 2019, c. 439, § 1, eff. July 1, 2019.

§66-201. Electric railways.

Corporations may be formed under the general railway laws of the State of Oklahoma who shall have the power to use electricity for the propulsion of their cars and rolling stock: Provided, that no surface conductor, third rail or other similar device for the transmission of such power other than for return circuit shall be used.

R.L. 1910, § 1482.

§66-202. Light and power franchises in cities and towns.

Such corporations in addition to the powers exercised by railroad corporations generally, may, with the consent of the authorities of any city or town in the State of Oklahoma located upon or along its lines, construct system of street railways upon such streets and upon such terms and conditions as may be agreed upon between such corporations and such city or town, and may also accept lighting contracts with such cities or towns, to supply the said cities or towns or the inhabitants thereof, with light or electric current for power. Such corporations may also acquire, by purchase or consolidation, plants, franchises, contracts, good will and other property of any existing street railway or lighting company.

R.L. 1910, § 1483.

§66-203. Repealed by Laws 2000, c. 140, § 1, emerg. eff. April 25, 2000.

§66-204. Operation of buses.

Owners of franchises for the operation of electric street railways propelled by means of tracks and trolleys shall have full power and authority under such franchises to extend such transportation system by means of buses or other self-propelled vehicles, and such transportation shall be and become a part of the general transportation system of such street railway company, subject to all regulations imposed on such vehicles by law. Laws 1925, c. 97, p. 146, § 1.

§66-251. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-252. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-253. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-254. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-255. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-256. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-257. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-258. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-259. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-260. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-261. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-262. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-263. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-264. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-265. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-266. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-267. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-268. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-269. Repealed by Laws 2014, c. 202, § 1, eff. Nov. 1, 2014.

§66-301. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-302. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-302.1. Citation.

This act shall be known and may be cited as the "Railroad Revitalization Act".

Laws 1978, c. 164, § 1, emerg. eff. April 10, 1978.

§66-303. Definitions.

As used in the Railroad Revitalization Act:

1. "Department" means the Oklahoma Department of Transportation;

2. "Railroad rights-of-ways", "trackage" or "projects" shall include within their meaning, but shall not be limited to: any roadbed, drains, fences, ties, switches, rails, ballast, signs, signals, lights, equipment, bridges, tools, crossings, underpasses, overpasses, construction and administration buildings and any and all other property, rights, easements and interests whether owned in fee or leased by this state, or at any public highway railroad crossing;

3. "Owner" shall include all individuals, copartnerships, associations, corporations, companies, transportation companies, public service corporations, the United States or any agency or instrumentality thereof, common carriers by rail and railroad companies having any title or interest in any real or personal property rights, easements and interest authorized to be acquired, leased or used by this act;

4. "Income" and "funds" and "revenue" shall include such money as may be appropriated, dedicated, granted or donated to the Department to accomplish the purposes of this act together with any funds otherwise dedicated to the Railroad Maintenance Revolving Fund; and

5. "Intermodal transportation" shall mean the linking of two or more modes of transportation including highway, mass transit, railroad, aviation or waterway transportation of all transportation-related industries in this state.

Added by Laws 1971, c. 348, § 3, emerg. eff. June 19, 1971. Amended by Laws 1978, c. 164, § 2, emerg. eff. April 10, 1978; Laws 1994, c. 173, § 1, eff. Sept. 1, 1994; Laws 1998, c. 376, § 1, eff. Nov. 1, 1998.

§66-304. Powers and duties.

A. The Department of Transportation is hereby authorized and empowered:

1. To acquire, construct, reconstruct, repair, replace, operate and maintain railroad rights-of-way and trackage projects at such locations and on such routes as it shall determine to be feasible and economically sound;

2. To enter into agreements with the owners of operating railroads for the acquisition and/or use of railroad rights-of-way and trackage on such terms, conditions, rates or rentals as the Department may consider to be in the best interests of the state;

3. To enter directly into agreements with owners of operating railroads or persons intending to operate as common carriers by rail to sell, lease, or sell by lease-purchase agreement any state-owned railroad property on such terms, conditions or amounts as the Department may consider to be in the best interests of the state and to promote the purposes of the Railroad Revitalization Act;

4. Prior to the sale of any railroad asset owned by the State of Oklahoma or the Department of Transportation, a process of request for proposal shall be initiated by the Department of Transportation with consultation by the Office of Management and Enterprise Services. Upon the issue date of a request for proposal regarding the sale of any railroad asset owned by the State of Oklahoma or the Department of Transportation, interested parties will have no less than ninety (90) days to provide a response. Following the close of the ninety-day response period, the Department of Transportation will conduct an evaluation of all submitted proposals, utilizing all available resources, and the Department of Commerce shall conduct an economic impact and/or activity study of all proposals. The Secretary of Transportation, Secretary of Finance, Secretary of Commerce, Secretary of Agriculture, and Secretary of Energy shall be responsible for preparing a recommendation to the Transportation Commission, based on its evaluation of all submitted proposals including the results of the economic impact and/or activity study, provided the recommendation meets all other statutory requirements needed for action by the Commission. The Secretary of Transportation, Secretary of Finance, Secretary of Commerce, Secretary of Agriculture, and Secretary of Energy will have up to ninety (90) days, upon the closing date of the request for proposal, to present its recommendation to the Transportation Commission. The Transportation Commission will be responsible for determining if the sale of railroad assets within its jurisdiction is in the best interests of the State of Oklahoma and for authorizing the sale of such assets. If a determination is rendered by the Transportation Commission that the sale of any railroad asset within its

jurisdiction is appropriate, notification must be made to the Speaker of the House of Representatives and the President Pro Tempore of the Senate in writing prior to the Commission meeting where final action will take place. All proceeds from the sale shall be deposited into the Railroad Maintenance Revolving Fund;

5. To acquire and hold real or personal property in the exercise of its powers for the performance of its duties as authorized by this act. Surplus property may be disposed of by the Department;

6. To acquire in the name of the Department, by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by exercise of the right of condemnation, such public or private lands and personalty, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, trackage, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of the Railroad Revitalization Act;

7. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under the Railroad Revitalization Act, and to employ rail planning and management consultants, consulting engineers, attorneys, accountants, construction and financial consultants, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; provided, that all such expenses shall be payable solely from funds made available under and pursuant to the provisions of the Railroad Revitalization Act or from revenues; provided, further, no attorney employed by the Department, nor any member of any law firm of which the member may be connected, shall ever be paid any fee or compensation for any special or extraordinary services;

8. To receive, accept and expend funds from the state, any federal agency, or from private sources, for rail planning and for administration of railroad assistance projects, and for or in aid of the acquisition, construction, reconstruction, replacement, repair, maintenance and operation of railroad rights-of-way and trackage and for rail service continuation payments to railroad companies for operating losses sustained by reasons of continuing service on a line which may otherwise be abandoned or which may experience a reduced level of service not in the public interest, where such continuation of service is carried out under a written agreement with the Department establishing the terms and conditions for such payments, and to receive and accept funds, aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such funds, aid or contributions may be made;

9. To adopt such rules and to do any and all things necessary to comply with rules, regulations or requirements of the United States Department of Transportation, any successor thereof, the Surface Transportation Board or any federal agency administering any law enacted by the Congress of the United States or having funds available for the purpose of the Department that are not inconsistent with or contrary to the prohibitions and restrictions of Oklahoma law or public interest;

10. To expend, not to exceed twenty percent (20%) of the funds available in the Railroad Maintenance Revolving Fund during any one (1) year, at locations approved by the Oklahoma Corporation Commission, such Railroad Maintenance Revolving Fund monies as may be budgeted by the Department of Transportation for the purposes of installing signal lights, gate arms, or other active warning devices where any public road, street, or highway crosses a railroad right-of-way; provided, however, nothing in this act shall negate, change, or otherwise modify any existing statutory or common law duty of a railroad company;

11. To expend income and funds from the Railroad Maintenance Revolving Fund in the exercise of any or all of the foregoing powers; and

12. To do all things necessary or convenient to carry out the powers expressly granted in this act.

B. It shall be unlawful for any member, officer or employee of the Department to transact with the Department, either directly or indirectly, any business for profit of such member, officer or employee; and any person, firm or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift, or consideration to such member, officer or employee.

Violation of this provision shall constitute a felony and upon conviction shall be punishable by incarceration in the State Penitentiary for a term not to exceed five (5) years or by a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

C. All meetings of the Department shall be open public meetings, and all records shall be public records, except when considering personnel.

Added by Laws 1971, c. 348, § 4, emerg. eff. June 19, 1971. Amended by Laws 1978, c. 164, § 3, emerg. eff. April 10, 1978; Laws 1980, c. 139, § 1, emerg. eff. March 26, 1980; Laws 1981, c. 214, § 1, emerg. eff. June 1, 1981; Laws 1997, c. 133, § 548, eff. July 1, 1999; Laws 1998, c. 376, § 2, eff. Nov. 1, 1998; Laws 1998, 1st Ex.Sess., c. 2, § 20, emerg. eff. June 19, 1998; Laws 1999, 1st Ex.Sess., c. 5, §

399, eff. July 1, 1999; Laws 2011, c. 120, § 1; Laws 2013, c. 377, § 1, eff. Oct. 1, 2013.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 548 from July 1, 1998, to July 1, 1999.

§66-304.1. Action to determine constitutionality of Railroad Revitalization Act.

The Department is authorized, in its discretion, to file an application with the Supreme Court of Oklahoma to determine the constitutionality of the Railroad Revitalization Act, Sections 302.1 through 309 of this title and the programs relating to funding or assistance to railroads contemplated thereby; and exclusive original jurisdiction is hereby conferred upon the Supreme Court to hear and determine such application. It shall be the duty of the Court to give such application precedence over the other business of the Court and to pass upon said application as speedily as possible. Laws 1980, c. 139, § 2, emerg. eff. March 26, 1980; Laws 1981, c. 214, § 2, emerg. eff. June 1, 1981.

§66-305. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-306. Essential governmental functions.

The Legislature hereby finds and declares that the exercise of the powers granted by the Railroad Revitalization Act is in all respects for the benefit of the people of the state, to enhance their safety at public railroad crossings, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as such the acquisition, construction, reconstruction, repair, replacement, operation and maintenance of railroad rights-of-way and trackage projects by the Department constitute the performance of essential discretionary governmental functions as set forth in Section 155 of Title 51 of the Oklahoma Statutes.

Added by Laws 1971, c. 348, § 6, emerg. eff. June 19, 1971. Amended by Laws 1978, c. 164, § 4, emerg. eff. April 10, 1978; Laws 1998, c. 376, § 3, eff. Nov. 1, 1998.

§66-307. Reports.

The Department shall make and submit to the Governor, on or before December 31 of each year, a full report showing anticipated projects, projects under construction and projects in operation, the financial condition of the Department and such other information as the Governor shall require.

Laws 1971, c. 348, § 7, emerg. eff. June 19, 1971; Laws 1978, c. 164, § 5, emerg. eff. April 10, 1978.

§66-308. Contracts.

All contracts for the construction, reconstruction, repair, replacement and maintenance of railroad rights-of-way or trackage shall be let by the Department to the lowest responsible bidder, or bidders, after notice by publication in the same manner as provided in the Public Competitive Bidding Act of 1974; provided, the Department may reject all bids and readvertise the same. Laws 1971, c. 348, § 8, emerg. eff. June 19, 1971; Laws 1978, c. 164, § 6, emerg. eff. April 10, 1978.

§66-309. Fund.

There is hereby created in the State Treasurer's office a revolving fund for the Department, to be designated the Oklahoma Railroad Maintenance Revolving Fund. The fund shall be composed of all revenues generated by the provisions of Sections 2201 et seq. of Title 68 of the Oklahoma Statutes, which are, beginning July 1, 1978, henceforth levied for and dedicated to the implementation of the provisions of this act together with any federal grants, or financial assistance payments or contributions by any state or agency thereof or any authority constituted by a state, private donation or the proceeds from any rail property sale or payments for the use of any rail property and any accumulated interest thereon. No state funds except those appropriated for the purposes of this act shall be expended by the Department of Transportation in furtherance of the provisions of this act. Laws 1971, c. 348, § 9, emerg. eff. June 19, 1971; Laws 1978, c. 164, § 7, emerg. eff. April 10, 1978; Laws 1981, c. 214, § 3, emerg. eff. June 1, 1981.

§66-309.1. Railroad Rehabilitation Act - Short title.

Sections 2 through 4 of this act shall be known and may be cited as the "Railroad Rehabilitation Act".
Added by Laws 2002, c. 297, § 2, emerg. eff. May 22, 2002.

§66-309.2. Railroad Rehabilitation Act - Definitions.

As used in the Railroad Rehabilitation Act:

1. "Qualified railroad entity" means any certified freight railroad regulated by the United States Surface Transportation Board; and

2. "Rehabilitation" means the replacement of antiquated rail; replacement or reconstruction of deteriorating roadbeds with adequate rail, ties and ballast; reconstruction of sidings and industrial leads; and bridge replacement or reconstruction.

Added by Laws 2002, c. 297, § 3, emerg. eff. May 22, 2002.

§66-309.3. Railroad Rehabilitation Act - Powers and duties of Department of Transportation.

The exercise of the powers granted to the Department of Transportation by the Railroad Rehabilitation Act will be in all respects for the benefit of the people of this state, for the increase of their commerce and prosperity and shall be recognized as an essential government function.

1. On or before November 1, 2002, the Department may make loans from the Oklahoma Railroad Maintenance Revolving Fund to a qualified railroad entity for the purpose of financing the rehabilitation of railroads in this state.

2. Rehabilitation loans shall be made upon such terms as the Department deems appropriate. The loans shall be at or below market interest and for a duration not to exceed ten (10) years. All loan applications are subject to the approval of the Transportation Commission.

3. The Department shall adopt within one hundred twenty (120) days of the effective date of this act any emergency rules necessary to the implementation of this act.

4. No more than fifty percent (50%) of the balance of the Oklahoma Railroad Maintenance Revolving Fund for any one (1) year may be encumbered for Railroad Rehabilitation Act loans and the aggregate amount of all loans from the Oklahoma Railroad Maintenance Revolving Fund shall not exceed Five Million Dollars (\$5,000,000.00).

Added by Laws 2002, c. 297, § 4, emerg. eff. May 22, 2002.

§66-310. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-311. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-312. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-313. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-314. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-315. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-316. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-317. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-318. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-319. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-320. Repealed by Laws 1978, c. 164, § 9, emerg. eff. April 10, 1978.

§66-321. Short title.

This act shall be known and may be cited as the "Oklahoma Tourism and Passenger Rail Act".

Added by Laws 1996, c. 255, § 1, eff. July 1, 1996.

§66-322. Purpose.

The purpose of the Oklahoma Tourism and Passenger Rail Act shall be to do all things necessary to restore passenger rail service to the state, to enhance the state's position as a tourist destination site and to improve the quality of life for residents of this state by offering an alternative mode of intrastate and interstate travel. Added by Laws 1996, c. 255, § 2, eff. July 1, 1996.

§66-323. Definitions.

As used in this act:

1. "Department" means the Department of Transportation;
2. "Railroad rights-of-way", "trackage" or "projects" shall include within their meaning, but shall not be limited to: any roadbed, drains, fences, ties, switches, rails, ballast, signs, signals, lights, equipment, bridges, tools, crossings, underpasses, overpasses, construction and administration buildings and any and all other property, rights, easements and interests whether owned in fee or leased;
3. "Owner" shall include all individuals, copartnerships, associations, corporations, companies, transportation companies, public service corporations, the United States or any agency or instrumentality thereof, common carriers by rail and railroad companies having any title or interest in any real or personal property rights, easements and interest authorized to be acquired, leased or used by this act;
4. "Income" and "funds" and "revenue" shall include such money as may be appropriated, dedicated, granted or donated to the Department to accomplish the purposes of this act together with any funds otherwise dedicated to the Oklahoma Tourism and Passenger Rail Revolving Fund as created by Section 5 of this act;

5. "Intermodal transportation" shall mean the linking of two or more modes of transportation including highway, mass transit, railroad, aviation or waterway transportation of all transportation-related industries in this state; and

6. "Passenger rail service" shall mean interstate or intrastate passenger rail service, including but not limited to a route linking stations in Oklahoma and Tulsa Counties with other primary points in the national railroad passenger system.

Added by Laws 1996, c. 255, § 3, eff. July 1, 1996.

§66-323.1. Repealed by Laws 2013, c. 227, § 19, eff. Nov. 1, 2013.

§66-324. Powers and duties of Department - Conflict of interest - Public meetings and records.

A. The Department of Transportation is hereby authorized and empowered to:

1. Acquire, construct, reconstruct, repair, replace, operate and maintain railroad rights-of-way and trackage projects at such locations and on such passenger routes as it shall determine to be feasible and economically sound;

2. Enter into agreements with the owners of operating railroads for the acquisition and/or use of railroad rights-of-way and trackage on such terms, conditions, rates or rentals as the Department may consider to be in the best interests of the state;

3. Enter directly into agreements with owners of operating passenger railroads to sell, lease, or sell by lease-purchase agreement any state-owned railroad property on such terms, conditions or amounts as the Department may consider to be in the best interests of the state and to promote the purposes of this act;

4. Acquire and hold real or personal property in the exercise of its powers for the performance of its duties as authorized by this act. Surplus property may be disposed of by the Department;

5. Acquire in the name of the Department, by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by exercise of the right of condemnation, such public or private lands and personality, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, trackage, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of this act;

6. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ passenger rail planning and management consultants, consulting engineers, attorneys, accountants, construction and financial consultants, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

provided, that all such expenses shall be payable solely from funds made available under and pursuant to the provisions of this act or from revenues; provided, further, no attorney employed by the Department, nor any member of any law firm of which he or she may be connected, shall ever be paid any fee or compensation for any special or extraordinary services;

7. Receive, accept and expend funds from the state, any federal agency, or from private sources, for passenger rail planning and for administration of passenger railroad assistance projects, and for, or in aid of the acquisition, construction, reconstruction, replacement, repair, maintenance and operation of passenger railroad rights-of-way and trackage and for passenger rail service continuation payments to railroad companies for operating losses sustained by reasons of continuing service on a line which may otherwise be abandoned or which may experience a reduced level of service not in the public interest, where such continuation of service is carried out under a written agreement with the Department establishing the terms and conditions for such payments, and to receive and accept funds, aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such funds, aid or contributions may be made;

8. Adopt such rules and to do any and all things necessary to comply with rules, regulations or requirements of the United States Department of Transportation, any successor thereof, the Interstate Commerce Commission or any federal agency administering any law enacted by the Congress of the United States or having funds available for the purpose of the Department that are not inconsistent with or contrary to the prohibitions and restrictions of Oklahoma law or public interest;

9. Expend income and funds from the Oklahoma Tourism and Passenger Rail Revolving Fund created in Section 5 of this act in the exercise of any or all of the foregoing powers; and

10. Do all things necessary or convenient to carry out the powers expressly granted in this act.

B. It shall be unlawful for any member, officer or employee of the Department to transact with the Department, either directly or indirectly, any business for profit of such member, officer or employee; and any person, firm or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift, or consideration to such member, officer or employee.

Violation of this provision shall constitute a felony and, upon conviction, shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars

(\$5,000.00), or by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or by both such fine and imprisonment.

C. All meetings of the Department shall be open public meetings, and all records shall be public records, except when considering personnel.

Added by Laws 1996, c. 255, § 4, eff. July 1, 1996.

§66-325. Oklahoma Tourism and Passenger Rail Revolving Fund.

There is hereby created in the State Treasurer's office a revolving fund for the Department of Transportation, to be designated the "Oklahoma Tourism and Passenger Rail Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall be composed of all revenues generated pursuant to the federal Intercity Passenger Rail Trust Fund Act of 1995, together with any federal grants, or financial assistance payments or contributions by any state or agency thereof or any authority constituted by the state, private donation or the proceeds from any rail property sale or payments for the use of any rail property and any accumulated interest thereon, or any revenues apportioned thereto pursuant to the provisions of subparagraph b of paragraph 3 of subsection A of Section 500.6 of Title 68 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Transportation in furtherance of the provisions of this act.

Added by Laws 1996, c. 255, § 5, eff. July 1, 1996. Amended by Laws 2001, c. 267, § 2, eff. July 1, 2001.

§66-326. Short title and application.

This act shall be known and may be cited as the "Interstate Midwest Regional Passenger Rail Compact".

The Interstate Midwest Regional Passenger Rail Compact is hereby enacted into law and entered into by this state as a party with any other state or states legally joining therein in substantially this form.

Added by Laws 1999, c. 70, § 1, emerg. eff. April 7, 1999.

§66-327. Purpose of compact.

PURPOSE

The purpose of this compact is to facilitate and promote the improvement and development of regional passenger rail service in the Midwest. A Commission is hereby created to achieve this purpose and to carry out the duties specified in this compact.

Added by Laws 1999, c. 70, § 2, emerg. eff. April 7, 1999.

§66-328. Powers and duties of Commission.

POWERS AND DUTIES OF THE COMMISSION

A. The duties of the Commission are to:

1. Secure the funding and authorization necessary to make passenger rail improvements a reality for the region;

2. Examine and facilitate ways that states can form partnerships to implement improved passenger rail service in the region;

3. Create and facilitate a long-term, interstate plan for high-speed rail passenger service implementation; and

4. Serve as a liaison with Amtrak, the Federal Railroad Administration, the High-Speed Ground Transportation Association, and other regions and entities to ensure that the Midwest is adequately represented and integrated into national plans for passenger rail development.

B. In addition to its exercise of these duties, the Commission may:

1. Provide the multistate leadership necessary to implement the Interstate Midwest Regional Passenger Rail Compact;

2. Work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service needs; and

3. Educate other state officials and the public on the advantages of passenger rail services as an integral part of an intermodal transportation system in the region.

Added by Laws 1999, c. 70, § 3, emerg. eff. April 7, 1999.

§66-329. Membership and compensation.

MEMBERSHIP AND COMPENSATION

The manner of appointment of Commission members, terms of office, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state pursuant to its laws, but each member shall be a resident of the state of appointment. Commission members shall serve without compensation, but the actual and necessary expenses incurred by a Commission member in the performance of duties shall be met by the state which the member represents, according to its laws.

Added by Laws 1999, c. 70, § 4, emerg. eff. April 7, 1999.

§66-330. Election of officers.

OFFICERS

The Commission shall annually elect from among its members a chair, and a vice-chair who shall not be a resident of the state represented by the chair, and a secretary-treasurer.

Added by Laws 1999, c. 70, § 5, emerg. eff. April 7, 1999.

§66-331. Powers and duties of officers.

POWERS AND DUTIES OF OFFICERS

The chair of the Commission shall, if present, preside at meetings of the Commission, serve as a principal spokesperson for the Commission, and perform other duties assigned by the Commission. The vice-chair shall perform the duties of the chair if the chair is absent or unable to perform required duties. The secretary-treasurer shall create and maintain a record of Commission meetings and shall receive and be responsible for money paid to the Commission and shall disburse money as authorized by the Commission according to law.

Added by Laws 1999, c. 70, § 6, emerg. eff. April 7, 1999.

§66-332. Meetings and administration.

MEETINGS AND COMMISSION ADMINISTRATION

The Commission shall meet at the call of the chair, or at the call of a majority of its members, upon fourteen (14) days' notice, but at least three (3) times in each calendar year.

Added by Laws 1999, c. 70, § 7, emerg. eff. April 7, 1999.

§66-333. Finance and budgeting.

FINANCE

The Commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials, and services from the federal government, from any party state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation. The Commission, out of the funds available to it, shall pay all expenses incurred by the Commission in executing the duties imposed upon it by this compact. The Commission shall not go into debt. The Commission shall submit to the officer designated by the laws of each party state, periodically as required by the laws of each party state, a budget of its actual past and estimated future expenditures.

Added by Laws 1999, c. 70, § 8, emerg. eff. April 7, 1999.

§66-334. Effective dates and entry of other states.

ENACTMENT AND EFFECTIVE DATE

This compact shall be open for membership for this state as a party with any other state or states legally joining therein. It shall become effective immediately after the passage of an act by any party states incorporating the provisions of this compact into the laws of such states. The compact shall become effective with respect to any eligible state when such state has enacted the compact into law. Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one (1) year after the effective date of such statute.

Added by Laws 1999, c. 70, § 9, emerg. eff. April 7, 1999.