

RAILROAD CODE OF 1993 (EXCERPT)
Act 354 of 1993

462.223 Railroad company; liabilities and restrictions.

Sec. 223.

A railroad company shall possess the general powers and be subject to the following liabilities and restrictions:

(a) To cause such examinations and surveys of the proposed railroad, or railroad bridge or tunnel to be made as may be necessary to the selection of the most advantageous route for the road, and for such purposes by its officers, agents, and servants to enter upon lands or waters of any person or company, but subject to liability for any damages caused. A corporation by its officers, agents, or servants shall not enter upon the land or water of any person or company to make an examination or survey until the corporation has executed and delivered to the judge of probate of the county where the land or water lies a bond to be approved by the judge, with 2 sufficient sureties running to the judge of probate of the county in his or her official name, for the use of any person interested, in the penal sum of \$5,000.00, conditioned upon the payment by the corporation of all damages sustained by any person or company due to an examination or survey. Upon delivery of the bond and approval by the judge of probate, he or she shall file it in his or her office, and when so filed it shall be considered a public record and may be proved in court by a certified copy thereof. A person or company having a claim for damages arising under this section may bring an action upon the bond in any court of the county having jurisdiction over the amount claimed in damages.

(b) To receive, hold, and take such voluntary grants and donations of real estate and other property as shall be made to it to aid in the construction, maintenance, and accommodation of a road or railroad bridge or tunnel, but the real estate thus received by voluntary grant shall be held and used for the purpose of the grant only.

(c) To purchase, and by voluntary grants and donations, receive, take and by its officers, engineers, surveyors, and agents, enter upon and take possession of, hold and use all such lands and real estate, franchises and other property as may be necessary for the construction, maintenance, and accommodation of its railroad or railroad bridge or railroad tunnels, stations, depots, and other accommodations. However, property shall not be taken until the compensation to be made is agreed upon by the parties, unless the consent of the owner is given.

(d) To lay out its road not exceeding 100 feet in width, and to lay out its bridge or tunnel and its bridge or tunnel approaches not exceeding 200 feet in width, and to construct the same, and for the purpose of cuttings and embankments and for procuring stone, gravel, or other material or for the purpose of draining its roadbed or tunnel, to take in the manner provided such further lands adjacent to and in the vicinity of its road or tunnel, as may be necessary for the proper construction, operation, and security of its road or tunnel.

(e) To construct its road or bridge over, upon, or across, or its railroad tunnel under any stream of water, watercourse, private road, street, lane, alley, or highway, and across or under any plank road, railroad, or canal which the route of its road or railroad bridge or railroad tunnel shall lie along or intersect. However, the corporation shall restore the stream, watercourse, private road, street, alley, lane, highway, plank road, railroad, or canal to its former state as near as may be, but shall not materially obstruct the navigation of any stream.

(f) To cross, join, and unite its railroad, bridge, or tunnel with any other railroad at any point on its route, and upon the grounds of such other railroad now or hereafter constructed with the necessary turnouts, sidings, and switches and other accommodations and conveniences in furtherance of the objects of its connections; and to make all such business arrangements as the companies may agree upon. Every company whose railroad shall be intersected by any other railroad shall unite with the owners of the other railroad in forming such intersections and connections, and grant facilities for them as hereinafter provided.

(g) To take, transport, carry, and convey persons and property on their road or bridge or through their tunnel and to receive tolls and compensation for that purpose.

(h) To erect and maintain all necessary and convenient buildings, stations, depots, fixtures, and machinery for the accommodation and use of their passengers, freight, and business, and to obtain and hold all the lands necessary for that purpose.

(i) To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid for that purpose.

History: 1993, Act 354, Imd. Eff. Jan. 14, 1994