

## RAILWAY COMPANIES TAX

### **434.1 Definitions.**

As used in this chapter, unless the context otherwise requires, "*book*", "*list*", "*record*", or "*schedule*" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

Former §434.1 transferred to §434.2

### **434.2 When assessed statement required.**

On the second Monday in July of each year, the director of revenue shall assess all the property of each railway corporation in the state, excepting the lands, lots, and other real estate belonging thereto not used in the operation of any railway, and excepting railway bridges across the Mississippi and Missouri rivers, and excepting grain elevators; and for the purpose of making such assessment its president, vice president, general manager, general superintendent, receiver, or such other officer as the director of revenue may designate, shall, on or before the first day of April in each year, furnish the department of revenue a verified statement showing in detail for the year ended December 31 next preceding:

1. The whole number of miles of railway owned, operated, or leased by such corporation or company within and without the state.
2. The whole number of miles of railway owned, operated, or leased within the state, including double tracks and sidetracks, the mileage of the main line and branch lines to be stated separately, and showing the number of miles of track in each county.
3. A full and complete statement of the cost and actual present value of all buildings of every description owned by said railway company within the state not otherwise assessed.
4. The total number of ties per mile used on all its tracks within the state.
5. The weight of rails per yard in main line, double tracks, and sidetracks.
6. The number of miles of telegraph lines owned and used within the state.
7. The total number of engines, and passenger, chair, dining, official, express, mail, baggage, freight, and other cars, including handcars and boarding cars used in constructing and repairing such railway, in use on its whole line, and the sleeping cars owned by it, and the number of each class on its line within the state, each class to be valued separately.
8. Any and all other movable property owned by said railway within the state, classified and scheduled in such manner as may be required by the director of revenue.
9. The gross earnings of the entire road, and the gross earnings in this state.
10. The operating expenses of the entire road, and the operating expenses within this state.
11. The net earnings of the entire road, and the net earnings within this state.

[C73, § 810, 1317, 1318; C97, § 1334; S13, § 1334; C24, 27, 31, 35, 39, § **7046**; C46, 50, 54, 58, 62, 66, 71,

73, 75, 77, 79, 81, § 434.1]

C2001, §434.2

2003 Acts, ch 145, §286

**434.3 Continuing record.** Repealed by 86 Acts, ch 1241, § 49.

**434.4 Additional statements.** Repealed by 86 Acts, ch 1241, § 49.

**434.5 Record of railway lands.** Repealed by 86 Acts, ch 1241, § 49.

**434.6 Sleeping and dining cars.**

In addition to the matters required to be contained in the statement made by the company for the purposes of taxation, such statement shall show the number of sleeping and dining cars not owned by such corporation, but used by it in operating its railway in this state during each month of the year for which the return is made, the value of each car so used, and also the number of miles each month said cars have been run or operated on such railway within the state, and the total number of miles said cars have been run or operated each month within and without the state. Such statement shall show the average daily sleeping car and dining car service or wheelage operated on each part or division of the line or system within the state, designating the points on the line where variations occur, with the mileage of that part having the same daily service or wheelage.

[C97, § 1340; S13, § 1340; C24, 27, 31, 35, 39, § **7051**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.6]

**434.7 Gross earnings.**

For the purpose of making reports to the department of revenue, the gross earnings of railway companies, owning or operating a line or lines of railway partly within this state and partly within another state, or other states, or territory, or territories, upon their line or lines within this state, shall be ascertained and reported by said railway companies as follows, to wit: The aggregate of the earnings upon business originating and terminating within this state, upon business originating in this state and terminating elsewhere, upon business originating elsewhere and terminating in this state, and upon business neither originating nor terminating in this state but carried on or done over the line or lines in this state or over some part thereof, shall be reported; and with respect to all such interstate business the earnings in this state for the purpose of report shall be actually computed upon the basis of the length of haul or carriage in this state as compared with the length of haul or carriage elsewhere. It is hereby declared that for the purpose of making reports looking to the assessment of railway property for taxation, the gross earnings or business done or carried partly within this state and partly in another state, or other states, or territories, shall be that proportion of the entire earnings of such business that the haul or carriage in this state bears to the entire haul or carriage.

[S13, § 1340-a; C24, 27, 31, 35, 39, § **7052**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.7]

2003 Acts, ch 145, §286

**434.8 Method of accounting.**

The director of revenue shall have the power to prescribe such rules and regulations with respect to the keeping of accounts by the railway companies doing business in this state as will insure the accurate division of earnings as aforesaid, and uniformity in reporting the same to the department of revenue.

[S13, § 1340-b; C24, 27, 31, 35, 39, § **7053**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.8]

2003 Acts, ch 145, §286

#### **434.9 Net earnings.**

The director of revenue shall have the power to prescribe a method for all railway companies doing business in this state, together with the rules and regulations, for the ascertainment of the net earnings of the railway lines in this state, to the end that all such railway companies, in ascertaining and making report of net earnings, shall proceed upon the same basis and in a uniform manner.

[S13, § 1340-c; C24, 27, 31, 35, 39, § **7054**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.9]

2003 Acts, ch 145, §286

#### **434.10 Reports additional.**

The reports provided for in sections 434.7 to 434.9 are not in lieu of, but in addition to, the reports provided for by law, and they shall be made at the time and as a part of the reports already required.

[S13, § 1340-d; C24, 27, 31, 35, 39, § **7055**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.10]

#### **434.11 Additional rules and regulations.**

The rules, regulations, method, and requirements herein provided to be made by the director of revenue shall be made and communicated in writing or print to the said several railway companies and shall be and become binding upon said railway companies as provided in chapter 17A, provided, however, that the director shall have the power to prescribe supplemental or additional rules, regulations, and requirements in the manner prescribed by chapter 17A.

[S13, § 1340-e; C24, 27, 31, 35, 39, § **7056**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.11]

2003 Acts, ch 145, §286

#### **434.12 Refusal to obey.**

If any railway company shall fail or refuse to obey or conform to the rules, regulations, method, and requirements so made or prescribed by the director of revenue under the provisions of sections 434.7 to 434.11 or to make the reports therein provided, the director of revenue shall proceed to assess the property of such railway company so failing or refusing, according to the best information obtainable, and shall then add to the taxable valuation of such railway company twenty-five percent thereof, which valuation and penalty shall be separately shown, and together shall constitute the assessment for that year.

[S13, § 1340-f; C24, 27, 31, 35, 39, § **7057**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.12]

2003 Acts, ch 145, §286

#### **434.13 Operating expenses.**

There shall not be included in said operating expenses any payments for interest or discount, or construction of new tracks, except needed sidings, for raising or lowering tracks above or below crossings at grade in cities, for new equipment except replacements, for reducing any bonded or permanent debt, nor for any other item of operating expenses not fairly and reasonably chargeable as such in railway accounts.

[C97, § 1335; C24, 27, 31, 35, 39, § **7058**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.13]

#### **434.14 Amended statement.**

The director of revenue may demand, in writing, detailed, explanatory, and amended statements of any of the items mentioned in section 434.2, or any other items deemed by the director important, to be furnished the director by such railway corporation within thirty days from such demand, in such form as the director may designate, which shall be verified as required for the original statement. The returns, both original and amended, shall show such other facts as the director, in writing, shall require.

[C73, § 1318; C97, § 1335; C24, 27, 31, 35, 39, § **7059**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.14]

2003 Acts, ch 145, §286

#### **434.15 Assessment of railways.**

The said property shall be valued at its actual value, and the assessments shall be made upon the taxable value of the entire railway within the state, except as otherwise provided, and the actual value so ascertained shall be assessed as provided by section 441.21, and shall include the right of way, roadbed, bridges, culverts, rolling stock, depots, station grounds, shops, buildings, gravel beds, and all other property, real and personal, exclusively used in the operation of such railway. In assessing said railway and its equipments, the director of revenue shall take into consideration the gross earnings per mile for the year ending January 1, preceding, and any and all other matters necessary to enable the director to make a just and equitable assessment of said railway property. If a part of any railway is without this state, then, in estimating the value of its rolling stock and movable property, the director shall take into consideration the proportion which the business of that part of the railway lying within the state bears to the business of the railway without this state.

Trackless trolleys, buses, cars and vehicles used for the transportation of passengers owned and operated by any urban transit company as a part of an urban transit system shall not be included in the determination of the value of an urban transit system for taxation purposes.

[C73, § 1319; C97, § 1336; C24, 27, 31, 35, 39, § **7060**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.15]

2003 Acts, ch 145, §286

#### **434.16 Assessment of sleeping and dining cars.**

The director of revenue shall, at the time of the assessment of other railway property for taxation, assess for taxation the average number of sleeping and dining cars as provided in section 434.6 so used by such corporation each month and the assessed value of said cars shall bear the same proportion to the entire value thereof that the monthly average number of miles such cars have been run or operated within the state shall bear to the monthly average number of miles such cars have been used or operated within and without the state. Such valuation shall be in the same ratio as that of the property of individuals, and shall be added to the assessed valuation of the corporation, fixed under the preceding sections.

[C97, § 1341; C24, 27, 31, 35, 39, § **7061**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.16]

2003 Acts, ch 145, §286

#### **Footnotes**

See § 441.21

#### **434.17 Certification to county auditors.**

On or before the third Monday in August of each year, the director of revenue shall transmit to the county auditor of each county, through and into which any railway may extend, a statement showing the length of the main track within the county, and the assessed value per mile of the same, as fixed by a ratable distribution per mile of the assessed valuation of the whole property.

[C73, § 1320; C97, § 1337; S13, § 1337; C24, 27, 31, 35, 39, § **7062**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.17]

2003 Acts, ch 145, §286

#### **434.18 Plats.**

Every railroad company owning or operating a line of railroad within this state shall, on or before the first day of August 1902, place on file in the office of the county auditor of each county in the state into which any part of the lines of any said company lies, a plat of the lines of said companies within said county, showing the length of their said lines and the area of the land owned or occupied by said companies in each government subdivision of land not included within the platted portion of any city, within each of said counties, and the length of the said lines within the platted portion of cities. Companies having on file such plats of part or all of their lines, in any of said counties, shall be required to file plats only of that part of their lines not fully shown as above required on the plats now on file. On the first day of January of each year hereafter, like plats shall be filed of all new lines or extensions of existing lines built or completed within the calendar year preceding.

[S13, § 1337-a; C24, 27, 31, 35, 39, § **7063**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.18]

#### **434.19 Failure to file.**

In the event of the failure or refusal of any railroad company to file the plats required under section 434.18, at the time or according to the conditions named, then the county auditor may cause them to be prepared by the county surveyor and their cost shall, in the first place, be audited and paid by the board of supervisors, and the amount shall be levied by the board as a special tax against the company and the property of the company, which shall be collected as county taxes.

[S13, § 1337-b; C24, 27, 31, 35, 39, § **7064**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.19]

83 Acts, ch 123, § 179, 209

#### **434.20 Property assessed by local authorities.**

Lands, lots, and other real estate belonging to any railway company, not used exclusively in the operation of the several roads, and all railway bridges across the Mississippi and Missouri rivers, and grain elevators, shall be subject to assessment and taxation on the same basis as property of individuals in the several counties where situated.

[C73, § 808; C97, § 1342; C24, 27, 31, 35, 39, § **7065**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.20]

#### **Footnotes**

See also § 427.13

#### **434.21 Roadbeds.**

No real estate used by railway corporations for roadbeds shall be included in the assessment to individuals of the adjacent property, but all such real estate shall be the property of such companies for the purpose of taxation.

[C73, § 809; C97, § 1344; C24, 27, 31, 35, 39, § **7066**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.21]

#### **434.22 Levy and collection of tax.**

At the first meeting of the board of supervisors held after said statement is received by the county auditor, the board shall cause the same to be entered on its minute book, and make and enter in the minute book an order stating the length of the main track and the assessed value of each railway lying in each city, township, or lesser taxing district in its county, through or into which the railway extends, as fixed by the director of revenue, which shall constitute the taxable value of the property for taxing purposes; and the taxes on the property, when collected by the county treasurer, shall be disposed of as other taxes. The county auditor shall transmit a copy of the order to the council or trustees of the city or township.

[C73, § 1321; C97, § 1338; C24, 27, 31, 35, 39, § **7067**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.22]

2003 Acts, ch 145, §286; 2004 Acts, ch 1101, §55

#### **434.23 Rates purposes.**

All such railway property shall be taxable upon said assessment at the same rates, by the same officers, and for the same purpose as the property of individuals within such counties, cities, townships, and lesser taxing districts.

[C73, § 1322; C97, § 1339; C24, 27, 31, 35, 39, § **7068**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 434.23]