

# PAN AMERICAN RAILWAY CONGRESS

*Charter of the Association of the Pan American Railway Congress approved by the Sixth Congress of the Association at Havana April 1948*<sup>1</sup>

*United States participation authorized by joint resolution of Congress approved June 28, 1948*<sup>2</sup>

Asociacion del Congreso Panamericano de Ferrocarriles, *Charter of the Association of the Pan-American Railway Congress* (Buenos Aires, 1948)

## I. CONSTITUTION AND AIMS

Article I. The Association of the Pan-American Railway Congress is a Permanent Association whose aims are to promote to the development and progress of railways in the American Continent.

The Association carries out its aims by means of:

- a) The meeting of its members in Congresses that shall be held periodically.
- b) The publication of works and documents related to the Association's objects, and that of a periodic "Bulletin", which is its official publication.
- c) The maintenance of informative services and the studies of topics of general interest, in accordance with the National Commissions.

Art. 2. The Association is formed by the Government of Nations, railway companies, whether Official, Mixed or of Private capitals, as well as public autarchic institutions and real or juridical persons adhered, that accept these Statutes and contribute to the support of the institution, according to statutory provisions. The members are divided into:

- a) Born members: national governments, railways operated by the national or provincial state, railway companies of mixed and those of private capital.
- b) Permanent members: any persons, merchants, manufacturers and autarchic institutions.
- c) Transient members: those who only adhere the Congresses by paying a fee fixed in Article 25.

<sup>1</sup> The Sixth Congress met at Havana from Mar. 28 to Apr. 7, 1948.

<sup>2</sup> 62 Stat. 1060.

d) Life members: those who pay the amount fixed in Article 25.

The Association's members belonging to categories a), b) and d) are entitled to attend the Congresses separately or as delegates and receive its official publications free.

Those of category c), besides their right to attend the respective Congresses and participate in their deliberations, shall receive the official publications.

Only the born members shall be able to speak and vote in the deliberations.

The members of the Permanent Commission and the Reporters shall be able to speak but not to vote in the Congresses.

## II. PERMANENT COMMISSION

Art. 3. The Association of the Pan-American Railway Congress shall be ruled by a Permanent Commission whose seat will be in the city of Buenos Aires, and shall be composed of the resident members elected by Congress and one for each adhered nation, appointed by the respective National Commission. Likewise the members of the National Commissions residing in the city of Buenos Aires temporarily will be considered members of the Permanent Commission. To become a member of the Permanent Commission it is necessary to be related to railway activities, except for express decision of the Congress.

Art. 4. The Permanent Commission has in any time power to fill the vacancies of resident members which might occur, being the National Commissions previously consulted, and requesting the next Congress to ratify nominations.

Art. 5. The Permanent Commission has for its rights and duties:

a) To decide on the acceptance of members of categories b), c) and d), Art. 2. The Government's incorporation shall be recorded in its turn.

b) To intervene in the organization of Congresses together with the National Commissions and Organizing Committees; wherefore, the Permanent Commission shall take the necessary steps through the preparation of the schedules of work and other means, in accordance with circumstances, including the studies on topics submitted to Congress conveying particular interest, besides the suggestions made by the National Commissions.

c) To collaborate in the preparation and the publication of the Minutes and other documents of the Congress.

d) To make out annual budgets of the Association and to control the investments of its funds.

e) To organize the permanent services to be created with a view to investigation and study.

f) To sponsor the works, studies and publications which may agree with the aims of the Association.

g) An outline of the works carried out by the Permanent Commission from the previous meeting together with the report on the financial position of the institution, shall be submitted in each Congress.

h) To interpret these Statutes in doubtful cases that may arise in their application and to solve provisionally all unforeseen cases, with the obligation of reporting them to the next Congress.

i) The Permanent Commission by itself shall be able to appoint its honorary members by the unanimous vote of its members. In case of proposal by the National Commissions or the Organizing Committees a mere majority shall be enough.

Art. 6. The members of the Permanent Commission shall be replaced by halves when each Congress takes place. Retiring members can be re-elected. Those members who are no longer carrying out railroad activities of a public or private character, shall inform the Executive Committee and are not able to belong to the same, except for express decision agreed by the majority of their members.

Art. 7. The Permanent Commission shall hold meetings every two months. When required by the interest of the Association its Executive Committee could call special meeting. The Permanent Commission shall be in session by a first quorum of half plus one of its members.

Quorum failing at the first summons, the deliberations shall take place one hour later whatever be the number of present members.

The members of the Permanent Commission who are absent in three successive or five alternate meetings without a justified cause will cease "ipso facto" in holding their office.

Art. 8. The resolutions of the Permanent Commission shall be taken by a mere majority of votes of the present members, and the President having to decide in case of draw. Said resolutions shall be recorded in Minute, which shall be sent to the National Commissions for their information.

### III. EXECUTIVE COMMITTEE

Art. 9. At the first meeting held after its replacement the Permanent Commission shall nominate a President, two Vice-Presidents, a General Secretary and a Treasurer from among its own members, who shall form the Executive Committee. Besides, a paid Administrative Chief and an Accountant could be appointed.

Art. 10. The Executive Committee shall hold meetings any time under the President's decision in order to deal with urgent matters and said decisions should be ratified by the Permanent Commission at its first meeting.

The Permanent Commission as well as its Executive Committee shall adapt their action to the by-laws.

Art. 11. The Executive Committee has for its rights and duties:

- a) To execute the commands of the Congresses and those of the Permanent Commission.
- b) The resolution of the Association's affairs.
- c) The management of funds.
- d) The planning of works and publications to be carried out by its decision.
- e) The organization, direction and supervision of the permanent services of the Bulletin, Library, Archives and other branches of social activities.
- f) The printing in whole or in part of the reports and documents devoted to the Congresses that may be considered fit to be published in advance in order to facilitate their study.
- g) The appointment and removal of its personnel and the settlement of the salaries thereof.

#### IV. NATIONAL COMMISSIONS

Art. 12. In each adhered country a National Commission formed by a maximum of ten members elected at the end of each Congress, shall act. The former Presidents of the different Congresses shall actually be made born life members of the National Commission of their residence. Likewise, the Presidents of Delegation who attend the Congress, shall be made born members for the following period. In case of vacancies the National Commissions shall appoint their substitute members.

Art. 13. The National Commissions, in their jurisdiction, shall be organized with duties and rights alike to those of the Permanent Commission.

#### V. ORGANIZING COMMITTEES

Art. 14. The Organizing Committees of the Congresses shall be appointed by the respective national governments, being born members thereof those of the National Commissions. Likewise, the members of the permanent Commission present at the place where the deliberations of the Organizing Committees are held may intervene in their work as well.

The Organizing Committees shall appoint the Reporters of each Section and propose to the Congress one President and one Secretary for each one of them.

#### VI. CONGRESS MEETINGS

Art. 15. The Congresses shall be held every three years, at least. Each Congress shall appoint the place and date of the next one with the agreement of the Government of the country where it is to meet. In case of unforeseen events the Permanent Commission shall be able to modify the place and date of the next meeting, previously consulting the adhering governments.

Art. 16. The adhering governments and railways are entitled to send as many delegates as they think proper. Likewise, the public autarchic institutions shall be able to send delegates.

Art. 17. The delegations of each country shall have as a whole four votes, as follows:

- One for each National Government;
- One for railways operated by the State;
- One for mixed railway companies, and
- One for railway companies of private capital.

In case any of these categories do not exist in any country, the corresponding votes will be allotted in the most convenient way. In such cases said Commission shall grant the number of votes.

Art. 18. At the opening meeting of each Congress the Executive Board shall be elected, being formed by an Executive President, and as many Vice-Presidents as Delegations attending the same. Moreover, a General Secretary and Assistant Secretaries to be needed therein, shall form it.

Honorary Presidents shall be equally appointed by a majority of votes.

The debates and the rights and duties of the President and other members shall be adapted to the rules fixed by the Organizing Committee, or otherwise by the regulations of the House of Representatives of the country where the Congress is held.

Art. 19. The work of the Congress shall be performed through the subdivision in Sections in accordance with the nature and importance of the works submitted, and based on the distribution set up by the Organizing Committee.

The President of each Section shall be able to appoint the subcommittees to be considered necessary.

Art. 20. The Congress debates shall relate, first of all, to the Items of the Plan of Work. The Items that are not included in this Plan shall be dealt together with the similar ones, or separately, according to the decisions of the Organizing Committees.

The works shall be sent by triplicate to the Permanent Commission, one hundred and twenty days before the date fixed for the beginning of the Congress by means of the National Commissions, which shall be able to accept or reject them. The Permanent Commission in turn shall send them to the Organizing Committees.

Art. 21. In the debates, the Spanish, English and Portuguese languages shall be employed without distinction.

Minutes shall be drawn up in Spanish and in the language of the nation where the Congress is held. The objections demanded by their authors shall be recorded in the Minutes. Each delegate shall receive a copy of the Minutes, translated into his own language.

Art. 22. The Sections shall submit to Plenary sessions of the Congress the conclusions of the Items treated by them.

Art. 23. The resolutions of the Congress shall be taken by a mere majority, and in case of doubt, the voting shall be made nominally; in case of draw the President shall decide by his vote.

#### VII. FINANCIAL RESOURCES OF THE ASSOCIATION

Art. 24. The general expenses of the functioning of the Permanent Commission and its Executive Committee shall be paid by the Association's fund which shall be formed:

- a) By the resources and stock available at present;
- b) By membership dues;
- c) By subsidies and bequests.

Art. 25. The contributions shall be per annum in accordance to the following scale:

*Governments:* \$ U.S. 0,05 per kilometer of railway track operating in the country, with a minimum of \$ U.S. 100,00 and a maximum of \$ U.S. 5.000,00. These payments shall be fixed every two years according to the number of kilometers operated.

*Railways:* For all railways, whatever be their ownership or operating system, the annual fee shall be of \$ U.S. 0,05, per kilometer, with a minimum of \$ U.S. 25,00 and a maximum of \$ U.S. 2.000,00.

For Permanent members an annual fee of \$ U.S. 5,00, and for manufacturers, merchants and autarchic institutions \$ U.S. 10,00.

For Transient members a fixed membership fee of \$ U.S. 5,00.  
For life members an only membership fee of \$ U.S. 50,00.

The membership dues shall come into force as from January 1, 1949.

Art. 26. The financial year of the Association corresponds to the calendar year.

Art. 27. The Congress shall appoint a Commission in charge of auditing accounts and informing on them.

Art. 28. Any suggestion with a view to modify this Charter shall be submitted to the Congress by the Permanent Commission or by proposal of one or more National Commissions.

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Provisional Article. The Permanent Commission shall take the necessary steps before the respective governments upon the nomination of one or several representatives of the Institution in those countries not yet adhered, who shall perform railway activities.