

**178.310 County roads taken for railroad purposes -- Correction of unsafe conditions.**

- (1) The fiscal court of a county in which any county road or portion thereof is taken for railroad purposes may, upon petition of any party interested, served upon the railroad company as any other civil process, appoint a committee of three (3) to inquire whether the road or portion thereof is unsafe for travel by reason of the railroad, and whether an alteration of the old road or the construction of a new road is necessary.
- (2) The committee shall examine the place where the danger is complained of, and shall give fifteen (15) days' written notice to the persons making the complaint and the persons complained of, of an opportunity to be heard. After the hearing, the committee shall report its findings to the fiscal court, which may make an order concerning the matter.
- (3) If the fiscal court orders any alteration or construction, and the railroad company fails to comply with the order, the fiscal court shall have the work done and may recover the cost from the railroad company, in the same manner that the cost of removing obstructions is recovered under KRS 179.280.
- (4) This section shall not apply to street railways or to public roads located in incorporated cities which have control of their roads, streets and alleys, or to roads which have been constructed since the railroad.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 384, sec. 312, effective June 17, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4351.