

178.375 Appeals to Circuit Court from final orders of fiscal court.

- (1) Any railroad company dissatisfied with a final order of the fiscal court directing the elimination of any existing grade crossing or change of existing overhead or underpass structure under KRS 178.355, or a final order in respect of a new crossing under KRS 178.360, may, within twenty (20) days after receipt by the railroad company of a copy of the order, attested by the clerk of the fiscal court, file in the clerk's office of the Circuit Court of the county, together with a statement of the reasons why the order should not be enforced. On the filing of a copy of the order and the statement, the circuit clerk shall issue summons thereon in the same manner as summons is issued in equity actions in the Circuit Court. The trial of all appeals under this section shall be by a chancellor, and the evidence shall be taken by depositions or as the Circuit Court may direct.
- (2) On the hearing of the appeal, the Circuit Court shall determine whether under the standards hereinbefore prescribed, a grade separation or change in an existing overhead or underpass structure is reasonably necessary for the public safety, whether the plans and specifications prescribed by such order make reasonably adequate provision for present and future safety and convenience of highway traffic and present and future safety of operation of trains of the railroad company, its employees and passengers, and for future development of highway and railroad facilities.
- (3) Upon submission of the case, the Circuit Court shall embody its findings and conclusions of law in a final judgment, which may enjoin the fiscal court from enforcing its order, or direct the railroad company to proceed with the work in accordance with the order of the fiscal court, or in accordance with other plans and specifications prescribed by the court, or direct the fiscal court to proceed with the work in accordance with plans and specifications prescribed by the court.

History: Amended 1976 Ky. Acts ch. 62, sec. 95. -- Created 1952 Ky. Acts ch. 187, sec. 6, effective June 19, 1952.