

**277.060 Powers and duties of railroad companies as to construction, alteration and maintenance of railroad line.**

- (1) Every railroad company may:
  - (a) Cause such examinations and surveys to be made as are necessary to the selection of the most advantageous route for its proposed railroad, and for that purpose its officers, agents and servants may enter upon the property of any person, subject to liability for all damage done by them to such property.
  - (b) Receive, hold and take possession of any voluntary grants and donations of property made to it to aid in the construction, maintenance and operation of the road; any real property so received shall be held and used for the purposes of the grant or donation only.
  - (c) Purchase, hold, take possession of and use all franchises and property necessary for the construction, maintenance and accommodation of its line of railroads, but the same shall not be taken or appropriated without the consent of the owner until the compensation to be made therefor is agreed upon or ascertained, and paid or deposited, as provided by the Eminent Domain Act of Kentucky.
  - (d) Lay out and construct its road not exceeding one hundred (100) feet in width, unless more than one (1) track is laid, in which case the width may be extended not exceeding fifty (50) feet for each additional track.
  - (e) Take, in the manner provided by the Eminent Domain Act of Kentucky such lands in the vicinity of or adjacent to its road as are necessary for cuts or embankments, the procurement of stone, gravel or other materials, or for draining the roadbed.
  - (f) Change, when it deems proper, the gauge of its road.
  - (g) Change the location or grade of any portion of its road for any reasonable cause, but shall not, except as otherwise provided by law, depart from the general route prescribed in the articles of incorporation.
  - (h) Construct its road upon or across any private road, highway, street, lane or alley, and across any railroad, canal or watercourse.
- (2) Every railroad company shall restore to its former condition, as near as may be, any private road, highway, street, lane, alley, railroad, canal or watercourse upon or across which it has constructed its road, and shall maintain the same in that condition within the right-of-way of the railroad company. It shall construct suitable road and street crossings for the passage of traffic by putting down planks or other suitable material between and on each side of the rails, the top of which shall be at least as high as the top of the rails.
- (3) If the railroad is constructed upon any public street or alley, the construction shall be upon such terms and conditions as are agreed upon between the company and the authorities of the city, and the road shall not be constructed until compensation is made, either by agreement or in the manner provided by the Eminent Domain Act of Kentucky, to the owners of the property adjoining those parts of the street or alley on which the road is to be constructed.

- (4) Any railroad company may build such spurs, switches, tracks or branches as are necessary to conduct its business or develop business along its line of road, and for that purpose shall have the same powers and be subject to the same restrictions and liabilities as are conferred or imposed upon it for the construction of its main line.

**Effective:** June 19, 1976

**History:** Amended 1976 Ky. Acts ch. 140, sec. 111, effective June 19, 1976. --  
Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat.  
secs. 768, 769.