

**177.170 Division of costs -- Payment.**

- (1) The cost of preparing the plans, specifications and estimates of cost and of advertising for bids shall be paid wholly by the railroad company. The state shall pay one-half (1/2) of the cost of the work within the right-of-way lines of the railroad company, extended across the highway, and the railroad company shall pay the other one-half (1/2) of the cost of the work lying within said lines. The department shall pay the entire cost of all work lying beyond the right-of-way lines of the railroad.
- (2) As the work progresses the department shall furnish to the railroad company, and the railroad company shall furnish to the department, a monthly statement showing in detail all amounts expended in connection with the work. On or about the fifteenth of each month the state highway engineer shall prepare a statement showing the total amount expended to the close of the preceding month, the amount paid or expended by each party up to that time, and the amount due from the department to the railroad company or from the railroad company to the department. Upon receipt of the statement each party shall pay to the other the amounts shown to be due thereby.
- (3) All payments made on such monthly statements shall be considered only payments on account, and upon final completion of the work the state highway engineer shall prepare and furnish to the railroad company a statement showing the total cost of the work, the amount paid or expended by the department or the railroad company, and the amount due from one to the other. Each party shall be afforded reasonable opportunities to verify the statements of expenditures by the other, and the balance due as certified by the state highway engineer in his final statement shall be paid by one (1) party to the other promptly upon receipt of such final statement.
- (4) The work lying within the right-of-way of the railroad shall be maintained at the expense of the railroad company, but the railroad company shall not be required to keep up the surface of the roadbed of the highway.

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4356z-6, 4356z-11.