

**278.540 Acquisition of right-of-way by telephone or telegraph company --
Condemnation.**

- (1) Any telephone company or telegraph company authorized to do business in this state shall, upon making just compensation, have the right to construct, maintain and operate its lines through any public lands of this state and on, across and along any public road, and across and under any navigable waters, but not in such a manner as to interfere with travel on the road or to obstruct the navigation of the waters.
- (2) Any telephone company authorized to do business in this state may, by contract with any person, construct, maintain and operate telephone lines on and across the real property of that person, and if it cannot obtain the right-of-way by contract it may, except as provided in KRS 416.090, condemn the right-of-way in the manner provided in the Eminent Domain Act of Kentucky.
- (3) Any telegraph company authorized to do business in this state that desires to construct, operate and maintain its lines on or along the right-of-way and structure of any railroad may, through an authorized agent, contract with the railroad company for that right.
- (4) The parts of this section relating to the rights of telephone companies do not apply to any city.

Effective: June 19, 1976

History: Amended 1976 Ky. Acts ch. 140, sec. 113, effective June 19, 1976. --
Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat.
secs. 4679c-1, 4679c-2, 4679d-1, 4679d-2, 4679d-3.