

**416.090 Railroad right-of-way cannot be condemned.**

No part of the right-of-way of any railroad company, or any interest or easement therein, shall be taken by any condemnation proceedings, or without the consent of the railroad company, for the use or occupancy of any part of such right-of-way on, over and along the right-of-way longitudinally, by any telegraph, telephone, electric light, power or other wire company, with its poles, cables, wires, conduits or other fixtures. Nothing in this section is intended to prevent any such wire company from obtaining the right to cross the right-of-way of a railroad company, under existing laws, in such manner as not to interfere with the ordinary use or ordinary travel and traffic of the railroad.

**Effective:** October 1, 1942

**History:** Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 840a.