

178.360 Grade separation of proposed railroad and county road crossings.

- (1) After June 19, 1952, if the fiscal court proposes to construct a new county road across an existing railroad, or a railroad company proposes to construct a new railroad across an existing county road, the party proposing such construction shall provide the other party with plans and specifications for its proposed construction, showing the location thereof, and, if the proposed crossing is to be separated, a general plan for such separation. The fiscal court shall give at least ten (10) days' notice of a hearing to be held at a time and place stated in the notice, at which hearing it shall consider whether the proposed crossing shall be approved and whether a grade separation is reasonably necessary for the present and future safety and convenience of highway traffic and present and future efficient operation of the railroad company's facilities and the safety of its employees and passengers, and in accordance with the standards prescribed for grade separations in KRS 178.355.
- (2) If the fiscal court shall find that a grade separation is reasonably necessary at such proposed crossing, it shall approve, or provide for the submission and subsequent approval of, plans and specifications for the grade separation. The determinations of the fiscal court shall be by order, and its final determination shall be by final order, which shall fix the method of doing the work in the manner provided in subsection (4) of KRS 178.355, and which shall be served on the railroad company by certified mail, return receipt requested. If the fiscal court orders a grade separation at such proposed crossing, the entire cost of such separation shall be borne by the party proposing the crossing.
- (3) The fiscal court and the railroad company may agree by contract as to the method of constructing grade separations under this section and the distribution or allocation of cost thereof, under this section, and in such event, all notices, hearings and orders shall be deemed to have been waived, and the construction of the crossing shall be performed in accordance with the terms of the contract, with the same effect as though the work was being performed pursuant to a final order of the fiscal court.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 114, sec. 32, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 315, sec. 24. -- Created 1952 Ky. Acts ch. 187, sec. 3, effective June 19, 1952.