

CHAPTER 236**(HB 501)**

AN ACT relating to public roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 178.025 is amended to read as follows:

- (1) Any road, street, highway or parcel of ground dedicated and laid off as a public way and used without restrictions on a continuous basis by the general public for fifteen (15) consecutive years, shall conclusively be presumed to be a public road.
- (2) ***In the absence of any record, the width of a public road right-of-way shall be presumed to extend to and include that area lying outside the shoulders and ditch lines and within any landmarks such as fences, fence posts, corner stones, or other similar monuments indicating the boundary lines.***
- (3) ***In the absence of both record or landmark, the right-of-way of a public road shall be deemed to extend to and include the shoulders and ditch lines adjacent to said road, and to the top of cuts or toe of fills where such exist.***

Section 2. KRS 178.290 is amended to read as follows:

- (1) Any person may build a sidewalk, composed of gravel, concrete or other suitable material, along the side of any public road in this state. The sidewalk shall not exceed sixty (60) inches in width and the construction and repair and the use of the sidewalk shall be without expense of any kind to any other person who may want to use it. All persons who desire shall be permitted to use the sidewalk, and it shall be so constructed as not to interfere with the traveling public on any public road. ***The governing body of each city, county, urban-county, consolidated local government, and charter***~~fiscal court of any~~ county may build and repair sidewalks along public roads where the need exists for the safety of school children. Before the beginning of construction of the sidewalk, written approval must be obtained from the governmental agency having jurisdiction over the public road.
- (2) The fiscal court may, where needed, build and maintain suitable areas for the safe turning around of school buses.

Approved April 22, 2006.