

268.530 Board to build bridges and culverts -- May charge cost to corporation acting under franchise or cause corporation to construct.

- (1) The board shall make all necessary bridges and culverts along or across any public highway or railroad which may be deemed necessary for the use or the protection of the work of reclamation in the district, except as provided in this section and in KRS 268.550.
- (2) If any bridge or culvert of any railroad or other corporation carrying on its business under a franchise is across any natural watercourse, drain or depression which is being improved by any district, and it is necessary to do any work under that bridge or culvert, or if a wider or larger bridge or culvert is needed there, the board shall give the corporation notice by delivering to its agent or officer in any county where any part of the district is situated a copy of the order of the board declaring the necessity of removing, constructing or enlarging the bridge or culvert.
- (3) The corporation shall then remove, construct or enlarge the bridge or culvert within the time specified in the order and notice, which shall be not more than thirty (30) days. The bridge or culvert shall be constructed so as not to interfere with the free flow of water through the drains of the district.
- (4) Should any corporation, after first being notified to remove, construct or enlarge any bridge or culvert, refuse or neglect to do so, then the board shall, unless it elects to compel the corporation to do the work as provided in subsection (6) of this section, have the work done. The board shall let the work according to plans and specifications to be provided at the expense of the corporation. The board shall first advertise that the work will be let to the lowest bidder by posting notices at three (3) or more public and conspicuous places in the vicinity where the bridge or culvert is to be removed, built or enlarged, for at least ten (10) days just before the letting of the work. This notice shall state the time, place and character of the work to be done.
- (5) If the board has the work done, it shall pay for the removal, construction or enlargement of the bridge or culvert, but shall then recover the cost and expenses in any court having jurisdiction from the corporation whose duty it was to do the work. Both the board and the corporation shall have the same right of appeal from any judgment rendered in any action as provided for individual landowners.
- (6) The board's right to remove, construct or enlarge the bridge or culvert shall not deprive the board from compelling the corporation to do it by proper proceedings. Mandamus may be issued for this purpose.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2380b-35.