

**416.140 Companies transmitting or selling electricity, gas, or gasoline may acquire rights for lines and appliances along roads and streams.**

- (1) Subject to the provisions of subsections (2) and (3) of this section, any person authorized under the laws of this state to conduct the business of producing or supplying water, electricity, gas or gasoline for purposes of light, heat, domestic use or power, or who is engaged in the business of the transmission or sale of water, electricity, gas or gasoline for such purposes, the aforesaid businesses being for a public purpose, may construct and maintain transmission or distribution lines, including placing and maintenance of pipes, poles, wires, crossarms and all other equipment incident thereto, for use in the transmission and sale of such water, electricity, gas or gasoline under, on, along or over any right-of-way used as a state highway, county road, public way or dedicated road outside the limits of a city, and over, under or across any of the waters of this state outside the limits of a city, and may construct and maintain along any right-of-way used for purposes of such state highway or county road all erections and appliances that are necessary to transform, convert and apply such water, electricity, gas or gasoline to the public purposes of lighting, heat, domestic use or power and to distribute and deliver it to the consumers.
- (2) The fixtures of the company shall not interfere with, obstruct or endanger the travel on and along the highway or road, nor obstruct the navigation of the waters, and the location of all transmission lines and other appliances shall be subject to the reasonable direction and regulation of the authorities having control of the highways, roads and waters through and over which the lines are constructed or proposed to be constructed.
- (3) Before any persons named in subsection (1) of this section shall proceed to place his wires, poles or other appliances on or over any part of the right-of-way of a state highway, he shall first obtain from the Department of Highways a permit so to do. Any poles, wires or other obstructions, heretofore or hereafter placed along, under, on or over any state highway that are found by the Department of Highways to be unreasonably interfering in any way with the convenient, safe and continuous use and maintenance of such highway shall, upon thirty (30) days' notice to the person or his chief agent, by the Department of Highways, be removed or relocated by such person at his own expense, except as otherwise provided in KRS 177.035. Whenever an order of the Department of Highways requires such removal or change in the location of any telephone, telegraph, electric light or other poles, signboards, fences, gasoline tanks and pumps, gas, water, sewerage, oil or other pipelines, or other similar construction or obstructions from the right-of-way of a state highway, and the owner thereof fails to remove or change the same at his own expense, except as otherwise provided in KRS 177.035, to conform to the order within the time stated in the notice, the Department of Highways shall proceed to cause the obstruction to be removed; the expense thereby incurred shall be paid out of any money available therefor, and shall be charged against the owner and levied and collected and paid into the State Treasury as provided by law.

**History:** Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(1). -- Amended 1972 Ky. Acts ch. 195, sec. 17. -- Amended 1966 Ky. Acts ch. 213, sec. 1. -- Recodified 1942

Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1599c-1, 1599c-3.