

**56-1-9 Right of way in canyons.**

No railroad company whose right of way or whose track or roadbed upon such right of way passes through any canyon, pass or defile shall exclude any other railroad company from the use and occupancy of such canyon, pass or defile, for the purposes of its road, in common with the road first located, or from crossing its road at grade. And the location of such right of way through any canyon, pass or defile shall not cause the disuse of any wagon road or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of any such wagon road or highway is necessary to permit the passage of any railroad through any canyon, pass or defile, said railroad company shall before entering upon the ground occupied by such wagon road or highway cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road; provided, that such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass or defile.

No Change Since 1953