§ 15-1733. Use of land occupied by a public highway.

1. Whenever, in order to complete any project as provided by title 17 of this article, it becomes necessary to use lands occupied by a public highway the licensee shall aply to the Commissioner of Transportation for permission to relocate such highway, the entire expense of such relocation to be borne entirely by the licensee including any damages to persons or property which may be caused by or result from such relocation. The new location shall be determined by the Commissioner of Transportation and the application of the licensee shall be accompanied by funds in an amount sufficient to provide for the cost of a survey, preliminary plans and all other expenses of the Commissioner of Transportation in determining a suitable relocation.

2. The licensee shall provide the necessary land for such relocated highway in accordance with land taking-maps prepared by the Commissioner of Transportation. If such relocation is on state land the fee to the land covered by the right of way shall remain in the state. If the licensee acquires private property for right of way in the relocation of a state or a county highway the fee in such right of way shall be deeded to the state or to the county in which the same is situated as the case may be. If the licensee acquires private property for right of way in the relocation of a town highway the fee in such right of way shall be deeded to the town or towns in which the same is situated.

3. Any such relocation shall be made by the licensee according to plans and specifications approved by the Commissioner of Transportation.

4. Upon the completion and acceptance of such relocated highway the original highway for which it is substituted shall be deemed abandoned as a public highway and the relocated highway shall thereafter be maintained in the same manner as was the original highway for which it was substituted.

5. The highway law shall apply to the relocation of highways as provided in this section so far as applicable thereto and not inconsistent with title 17 of this article.