

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That an additional section be added to Article 23 of the Code of Public General Laws, title "Corporations," sub-title "Railroad Companies," to follow Section 204, and to be known as Section 204A, and to read as follows:

204A. Every railroad company incorporated under the laws of this State shall have the right, wherever it considers that the crossing of its tracks by a public highway is dangerous, to provide at its own cost and expense that the said public highway shall be carried across its tracks either overhead by a bridge or under said tracks by a tunnel, and in order to construct such new crossing said railroad company is empowered to exercise the powers of condemnation, vested in it, for the purpose of acquiring such additional property and rights as it may require to construct the same. The bridge which said railroad company shall construct for an overhead crossing or the tunnel for the undergrade crossing shall be at least twenty feet wide, and the height of said tunnel from the surface of the roadway through it shall not be less than fourteen feet; and the grades approaching said overhead or undergrade crossings shall not be greater than a rise of six feet in the hundred. The said "tunnel" used in this section to describe the undergrade crossing may either be arched or the railroad tracks may be carried across the public highway on a bridge, as the railroad company may elect. For constructing the approaches to said overhead or undergrade crossings the railroad company may, at its own expense, change the grade of the public highway to be carried on said new crossing with the same rights and liabilities as are now vested in the County Commissioners in changing the grades of public highways. Whenever a railroad company shall construct an overhead or undergrade crossing under the terms of this section, all grade crossings within six hundred yards of the same may be closed by it and no new crossing shall be opened within that distance of said overhead or undergrade crossing; provided, that this prohibition as to the maintenance and opening of grade crossings shall not apply to incorporated towns or villages of two thousand or more inhabitants, subject, however, to the consent of the County Commissioners or municipal authorities of said counties and towns, and that all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed.

Public highways across railroad tracks.

Does not apply to towns of and over 2000 inhabitants.

SEC. 2. *And be it enacted,* That this Act shall take effect from the date of its passage.

Approved April 12, 1904.