

Roads Commission may alter such crossings by substituting therefor a crossing not at the grade of such public highway, either by carrying such public highway under or over such railroad, or by reconstructing such railroad under or over such public highway, or by vacating, relocating or changing the lines, width, direction or location of such highway and the opening of a new highway in the place of the one ordered vacated, provided, however, that whenever the Commission deems it advisable, the Commission may order the company or companies operating such railroad to make such alterations, changes, relocation and/or opening, within such time as the Commission may fix, and according to plans to be approved by the Commission.

Change of grade in elimination of grade crossing, without taking or encroaching upon abutting land, does not entitle owner to consequential damages *Smith v. B. & O. R. R.* and State Roads Commn., Daily Record, Feb. 27, 1935.

1927, ch. 327, sec. 38A. 1931, ch. 539, sec. 14.

**14.** Whenever a state highway crosses under or over any railroad or railway referred to in the preceding sections, by an underpass or overhead bridge which was constructed prior to the year 1927 and such underpass or bridge carrying said highway under or over said railway shall, in the judgment of the State Roads Commission, become inadequate or unsafe to carry the traffic on said highway, then the said Commission may alter, reconstruct or relocate said existing underpass or overhead bridge in such a manner as said Commission may deem necessary and proper for the purpose of carrying said highway under or over said railroad; and in that event the provisions of Sections 13 to 24, inclusive, of this Article shall be and become applicable to such reconstruction or relocation to the same extent as when said state highway and said railroad crossed each other at grade, as defined in the preceding section. The provision of Sections 12 to 24, inclusive, of this Article shall not be applicable to any city street or suburban electric railway companies or to any extensions thereof.

This section referred to in construing art. 3, sec. 40A, of the Constitution. *Krebs v. State Roads Commn.* 160 Md. 586.

1927, ch. 327, sec. 38B. 1931, ch. 539, sec. 15. 1933, ch. 223, sec. 15.

**15.** One-fourth of the expense of such alterations, changes, relocation and/or opening, including damage to adjacent property, shall be paid by such railroad and three-fourths by the State Roads Commission. When two or more railroads use such crossings, each shall bear its proper proportion of the railroad's share of the expense, such proportion to be determined by the State Roads Commission.

The Mayor and City Council of Cumberland is authorized and empowered to advance to the State Roads Commission out of any surplus now in its hands from its General Improvement Bond Issue of 1920, or from any other surplus now in its hands, or from any money which may now be owed it, such sum as may be necessary, not exceeding one-half of the amount which the State Roads Commission will be required to pay as its