

proportionate share, for the purpose of altering, in the manner provided in Section 13 of this Article, the railroad grade crossings of the Baltimore and Ohio Railroad Company's tracks in the City of Cumberland, Allegany County.

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

1931, ch. 576.

15A. Owners of adjacent land or improvements abutting on or along the highways, which highways are affected by any grade crossing elimination under the provisions of this Article, who may be entitled to damages under the provisions of Section 15, may maintain an action at law for such damages against the State Roads Commission of Maryland and the railroad company or companies affected, and the consent of the State of Maryland to maintain any and all such actions is hereby expressly granted. The right to maintain any such action shall apply to damages suffered within the meaning of Section 15, subsequent to its enactment and approval on March 31st, 1927, and this section is expressly declared to be retroactive to the extent that it confers upon such adjacent property owners the right to maintain actions for damages within the meaning of said Section 15, but shall not be deemed to create any liability not already existing in the law. Any damages that may be recovered under the provisions of this section shall be regarded as a part of the expense of the grade crossing elimination and one-half of the same shall be paid by the railroad company or companies, and one-half by the State Roads Commission, the share of the State Roads Commission to be paid out of the receipts from the gasoline tax imposed by Section 212A of Article 56 of the 1929 Supplement to the Annotated Code of the Public General Laws.

1931, ch. 539, sec. 16.

16. The expense of removing, relaying or relocating any municipal county water or sewer pipes or other municipal or county pipes, conduits or subways, shall be borne by the railroads and the State Roads Commission as provided in Section 15. Plans under which these changes are to be made shall be approved by the owners of the structures involved.

1931, ch. 539, sec. 17.

17. Where the order of said State Roads Commission shall require changes in, or the removal of the property or construction of any telegraph, telephone, gas, electric, lighting, power, water, oil, pipe lines or other company or corporation, co-partnership or individual, they shall move or change the grade or location of their property or constructions in conformity with the order of the Commission. The cost of changing, removing or constructing the said lines shall be paid by the railroads and the State Roads Commission as provided in Section 15. Plans under which these changes are to be made shall be approved by the owners of the structures involved. They shall be deemed parties in interest and shall be given notice of hearing and opportunity to be heard.