

An. Code, 1924, art. 91, sec. 36. 1912, art. 91, sec. 51. 1910, ch. 116, sec. 32S (p. 306).
1931, ch. 539, sec. 11.

25. The State Roads Commission is hereby authorized to establish a stone-crushing plant, or plants, to produce road material available most economically for water or other transportation, and shall have the power to rent, purchase or condemn stone quarries, gravel, clay, sand and shell deposits with rights of way thereto, and wharves and landings and switches for shipping or receiving material, and storage places, and to do all other things necessary and proper in connection with the purchasing, producing, accumulating and distributing such road material, including the hire and purchase of any and all means of land water transportation for the same.

Grade Crossings.

1931, ch. 539, sec. 12.

26. Whenever any railroad or railway company shall cross said road it shall be required to keep its own road-bed and the bed of the said highway in proper repair or else to have constructed an overhead or under-grade crossing subject to the approval of the said commission or in conformity to the provisions of Article 23 of the Annotated Code of Public General Laws as to crossings of railroad companies in regard to flagmen and electric bells; and the tracks of such railroads or railways shall be so constructed as to give absolutely safe and easy approach to and crossing thereof; and in case of failure so to construct, the said commission shall construct the same, and upon certification of said construction and the cost thereof, after due notification to such company to construct and its failure so to do the cost thereof shall *ex parte* be rendered a judgment against such company by the Circuit Court or any justice of the peace in such counties before whom such proceedings shall have been instituted.

1931, ch. 539, sec. 13.

27. Whenever a State highway and any railroad or railway, worked by steam or other power, cross each other at the same level and it shall appear to the State Roads Commission that such crossing is dangerous to public safety or that the public travel on such way is impeded thereby, the State 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.

State Roads Commission has power to close grade crossing and to provide new outlet over bridge at greater distance away. See notes to art. 3, sec. 40A of Md. Constitution. *Brehm v. State Roads Comm*, Daily Record, May 3, 1939.

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.*, 168 Md. 92.

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

28. Whenever a state highway crosses under or over any railroad or railway referred to in the preceding sections, by an underpass or overhead