

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 27 to 39, 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 26 to 39, 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.

29. 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 proportionate share, for the purpose of altering, in the manner provided in Section 27 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. 516.

30. 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 29, 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 29, 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 29, 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