

They shall be deemed parties in interest and shall be given notice of hearing and opportunity to be heard.

38-E. The State Roads Commission may proceed with respect to any such crossing upon its own motion, or upon the petition of any railroad company or companies whose tracks cross or are crossed at grade, or upon the petition in writing of the Mayor and City Council or other governing body of any municipality, or of the County Commissioners of any county wherein any such crossing exists, setting forth the facts upon which relief under this Act is sought; whereupon said Commission shall fix a time and place for a hearing before it, and shall give such notice thereof as it shall deem reasonable to the municipality, County Commissioners and corporations, co-partnerships or individuals interested therein, and after such hearing shall determine or order, what, if any, alterations or changes in or connected with such crossing and public highway shall be made.

38-F. It shall be the duty of any railroad company or companies upon being required as herein provided to make such alterations, changes, relocation and/or opening, to proceed within the time and in the manner required by the State Roads Commission to make the same, and any railroad company or companies that shall fail, neglect or refuse to perform such duty shall be deemed guilty of a misdemeanor, and, upon conviction, subject to a fine of One Hundred (\$100.00) Dollars, for each day such company or companies shall fail, neglect or refuse to perform such duty. In addition to the penalty herein provided, any such company or companies shall be compelled by mandamus or other appropriate proceedings to make such alterations, changes, relocation and/or opening, or the Commission itself may make the same and charge such railroad company or companies with the entire expense thereof.

Whenever it shall be ordered or determined, either in the first instance, or upon the failure, neglect or refusal of the railroad company or companies, to comply with the order of the Commission, as above provided, that the Commission itself shall make such alterations, changes, relocation and/or opening, it shall be the duty of the railroad company or companies affected by the order to pay its or their share or all (as the case may be) of the expense, as, when and in the manner determined by the Commission. The failure, neglect or refusal of such railroad company or companies to pay its or their share or all (as