

not be required to obtain a permit under the provisions of this section; provided, however, that no electric railway company in operation upon any public or private road or existing or abandoned turnpike, when acquired hereunder shall be disturbed in its operation or in the maintenance of its roadbed and overhead construction, and all necessary repairs, together with the maintenance of the space between its tracks and two feet on each side thereof shall be performed by such railroad company under the supervision and to the satisfaction of said commission. And provided further, that whenever any State highway shall be constructed over or through any portion of any street or highway of any incorporated city or town of this State, such construction shall be in conformity with the grade or grades of such street or highway, as shall be approved by the municipal authorities of said city or town. Any violation of any provision of this section shall be a misdemeanor, and the person or corporation violating the same shall be liable to prosecution at the instance of said commission, or at the instance of any taxpayer, and upon conviction before any justice of the peace exercising jurisdiction in the county where the offense shall have been committed, shall be fined an amount of not less than twenty-five dollars (\$25) and no more than one hundred dollars (\$100) for each offense. Any person arrested under this section shall have the right to appeal to the circuit court of such county for trial, and all fines collected under this section shall be paid to the State Roads Commission and by it applied to the maintenance of said fund commission.

21A. NO ENTRANCE FROM ANY COMMERCIAL OR INDUSTRIAL PROPERTY SHALL BE MADE INTO ANY SUCH HIGHWAY EXCEPT IN ACCORDANCE WITH A PERMIT ISSUED BY THE STATE ROADS COMMISSION ON STATE HIGHWAYS THAT CARRY AN AVERAGE TRAFFIC VOLUME OF MORE THAN 2,000 VEHICLES PER DAY. ANY PERSON, FIRM OR CORPORATION VIOLATING THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO THE PENALTIES IMPOSED BY SECTION 21 OF ARTICLE 89B.

SEC. 2. *And be it further enacted,* That this Act shall take effect June 1, 1951.

Approved April 30, 1951.