

Annotated Code of Maryland
(1971 Replacement Volume and 1974 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 208E of Article 41 - Governor-Executive and Administrative Departments, of the Annotated Code of Maryland (1971 Replacement Volume and 1974 Supplement) be and it is hereby repealed and re-enacted, with amendments, to read as follows:

Article 41 - Governor-Executive and Administrative
Departments

208E.

Notwithstanding any provision of any public or local law to the contrary, no railroad may construct, reconstruct, improve, widen, relocate or otherwise alter a crossing at grade over a State, county or municipal road, other than in Baltimore City, or over a private road, and no railroad may change the crossing protection equipment at such a crossing, unless application is made to, and approval given to the proposed crossing, modification of crossing, or change of crossing protection equipment by the Secretary of Transportation. This requirement shall not apply to track spurs or sidings to industries.

No public or private road may be constructed, reconstructed, improved, widened, relocated or otherwise altered at grade over a railroad, nor may the crossing protection equipment at such a crossing be changed, unless application is made to, and approval given to the proposed crossing, modification of crossing or change of crossing protection equipment by the Secretary of Transportation.

Upon application for approval, [a hearing shall be held] THE SECRETARY MAY, AT HIS DISCRETION, [[REQUIRE THE APPLICANT TO]] OR UPON REQUEST SHALL HOLD A HEARING on the proposed crossing, modification of crossing or change of crossing protection equipment, following notice to all parties in interest, including adjacent property owners. IF THE PROPOSED CHANGE WOULD DIMINISH OR DISCONTINUE A CROSSING PROTECTION, THE SECRETARY SHALL HOLD A HEARING. The Secretary, with the technical advice of the State Highway Administration as deemed necessary by him, may approve or disapprove the proposal and he may impose upon the party initiating the crossing project, under uniform standards and regulations, conditions necessary to insure public safety at the crossing, including but not limited to, requirements for the installation of, payment for and