

Article - Transportation

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§8-639.

(a) Unless approved by the Secretary on application to him, and notwithstanding any other statute to the contrary:

(1) Except for an industrial track spur or siding, a railroad may not:

(i) Construct, reconstruct, improve, widen, relocate, or otherwise alter a railroad grade crossing over a State, county, or municipal highway, except in Baltimore City, or over a private road; or

(ii) Change the crossing protection equipment at such a crossing; and

(2) A person may not:

(i) Construct, reconstruct, improve, widen, relocate, or otherwise alter either a railroad grade crossing over a public highway or a private road over a railroad; or

(ii) Change the crossing protection equipment at such a crossing.

(b) (1) The Secretary has authority, subject to the provisions of Division II of the State Finance and Procurement Article, to approve the construction or modification of a railroad grade crossing or a change of crossing protection equipment and to impose conditions necessary to insure public safety at the crossing.

(2) No other approval, safety condition, or protective measure may be required by any public authority.

(c) When an application is made to the Secretary for approval of the construction or modification of a railroad grade crossing or a change of crossing protection equipment, the Secretary, after notice to all parties in interest, including adjacent property owners, shall hold a hearing on the matter if:

(1) The Secretary considers a hearing to be necessary;

(2) A hearing is requested by any party in interest; or

(3) The proposed change would diminish or discontinue any crossing protection.

(d) With any technical advice from the Administration that the Secretary considers necessary, the Secretary may:

(1) Approve or disapprove the application; and

(2) Impose on the person initiating the crossing project, under uniform standards and regulations, any condition necessary to insure public safety at the crossing, including a requirement for the installation of, payment for, and maintenance of crossing protection equipment.

(e) For purposes of this section, the conversion of a private road grade crossing into a public highway grade crossing is a projection of a public highway over the railroad by the public authority taking jurisdiction of the private road.

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