

File No. 8851 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, October 16th, 1908.

B. T. Pendall, Esq.,
City Engineer.

Dear Sir:-

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Replying to your favor of October 14th in reference to the question that has been recently raised by the United Railways in connection with adjusting their tracks to conform to change of grades, I beg to advise you as follows. The opinion of Mr. Ritchie, referred to by you, has been modified very materially by this Department since its rendition and therefore is not to be taken as a guide. The correct principle to follow in connection with changes in the grades of streets, occupied by railway tracks, is as follows:

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The actual work of bringing a street to grade is to be done by the City and the Railway Company must make its tracks conform to the new grade. If the presence of the railway tracks interferes with the work of bringing the street to grade, the Company can be compelled to temporarily remove them and must bear the cost of removal. In other words, whatever excavating or filling the City would have to do if the tracks were not on the street must be done by the City. Any additional expense resulting solely from the presence of the tracks on the street must be borne by the Company.

Very truly yours,

(Signed) Edgar Allan Poe,
City Solicitor.

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