

File No. 86911

February 14, 1951

Honorable Walter J. Dewees  
City Councilman  
City Hall  
Baltimore - 2, Maryland

Dear Mr. Dewees:

Your letter of January 12, 1951, asks for a legal opinion on Ordinance No. 2436, relating to the transfer of responsibility for the maintenance of safety pylons from the Police Department to the Bureau of Mechanical-Electrical Service.

The first paragraph of the Ordinance states that "the responsibility for maintaining and eliminating safety pylons on the streets of Baltimore now is vested in the Police Department \* \*". Although it is true the Police Department has assumed this responsibility in fact, there appears to be no specific legislative basis for the assumption of this duty. Section 139 of Article 66 $\frac{1}{2}$ , 1947 Supplement to the Annotated Code of Maryland, provides as follows:

"Local authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this Article or local traffic ordinances or to regulate, warn or guide traffic. All such traffic control devices hereafter erected shall conform to the State manual and specifications."

Section 2 (28) defines official traffic control devices as "all signs, signals, markings and devices not inconsistent with this article, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic." Safety pylons undoubtedly fall within this definition and are, therefore, covered by the provisions of Section 139 quoted above.

Section 139 also uses the term, "local authorities", and this is defined by Section 2 (22) as "every county, municipal and other local board or body having authority to adopt local police regulations under the constitution and laws of this state."

Sub-section 24 of Section 6 of the Baltimore City Charter, as amended in 1946, states that the Mayor and City Council of Baltimore shall "have and exercise, within the limits of Baltimore City, all the powers commonly known as the