

to be borne by the Mayor and City Council of Baltimore. In the event of disagreement between the said Engineers as to any matter devolved upon them by the terms of this section, they shall call in as a third arbiter, a non-resident Engineer, skilled in the construction or maintenance of highways and bridges, to be selected by the Governor of Maryland, on the application of either of said Engineers, in the event they are unable to agree on such third person, the decision of any two of the board thus selected to be binding on the parties, and to be final and conclusive, unless impeached for fraud as aforesaid. All costs and expenses incurred in connection with any such arbitration proceedings shall be paid by the Mayor and City Council of Baltimore.

The powers and duties of the Director of Public Works of Baltimore City under this section may, at any time, with the consent of the Mayor of Baltimore, be delegated by him to one of his assistant engineers, or such powers may be exercised and duties performed by some third party to be named by the municipal agency charged with the duty of carrying the work under this Act into execution. The powers conferred and the duties imposed by this section upon the Roads Engineer of any county affected by the provisions of this section may at any time, with the consent of the County Commissioners of such county, be delegated by him to one of his assistant engineers, or, if there be no Roads Engineer of said county, it shall be the duty of the County Commissioners of said county to appoint some person, preferably an engineer resident in said county, to exercise such powers and to perform such duties.

SEC. 6. *And be it further enacted,* That whenever any state road or bridge under the jurisdiction of the State Roads Commission shall be destroyed or rendered impassable, in whole or in part, by the Mayor and City Council of Baltimore, in connection with the work herein contemplated, it shall be the duty of said City to replace the same, as nearly as possible, at its own expense, with a suitable and convenient road or bridge in lieu thereof; provided that the said Mayor and City Council of Baltimore shall not have the power, anything in this Act or in any other Act to the contrary notwithstanding, to condemn any such state road or bridge under the jurisdiction of the State Roads Commission, but shall have the right to divert, alter, close or destroy any state road or bridge under the jurisdiction of the State Roads Commission, when necessary in the course of such work, only by agreement with the State Roads Commission, on such terms as to replacing the same for the convenience of the public as may by said State Roads Commission be required. In the event that said City and the State Roads Commission may not be able to agree upon the terms under which said state road or bridge is to be altered, diverted, closed or destroyed, or upon the location or character of the state road or bridge to replace the same, or upon any other terms as to the replacing of the same, the matter shall be referred to the Chief Engineer of the State Roads Commission, for the time being, and the Director of Public Works of Baltimore City, for the time being, who shall have plenary power to consider and decide all questions in connection with such diversion, alteration, closure or destruction of such state road or bridge, and to determine where, how and in what manner, and within what time, the same shall be replaced by said City. No state road or bridge shall be closed or altered in whole or in part under the provisions of this Act until another shall have been constructed and opened to the public in lieu thereof as