

## ELIMINATION OF GRADE CROSSINGS OF STEAM RAILROADS IN THE DISTRICT OF COLUMBIA

FEBRUARY 21, 1927.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. STALKER, from the Committee on the District of Columbia, submitted the following

### REPORT

[To accompany S. 3888]

The Committee on the District of Columbia, to whom was referred the bill (S. 3888), to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes, having considered the same report favorably thereon with the recommendation that the bill do pass.

This bill passed the Senate during the first session of the present Congress and a copy of the report submitted thereon by the Senate Committee on the District of Columbia is hereto appended and made a part hereof.

[Senate Report No. 1093, Sixty-ninth Congress, first session]

The object of the bill is, first, to authorize construction of viaducts and approaches to carry Fern Street over the tracks and right of way of the Metropolitan Branch of the Baltimore & Ohio Railroad Co., so that the existing grade crossing at Chestnut Street, which is adjacent thereto, and where two persons recently lost their lives, may be eliminated; second, to carry Varnum Street over the tracks and right of way of the same railroad company, so that the existing grade crossing at Bates Road, which is adjacent thereto, may be eliminated; and, third, to carry Eastern Avenue (Kenilworth, D. C.) over the tracks and rights of way of both the Philadelphia, Baltimore & Washington Railroad Co. (Pennsylvania R. R. Co.) and the Baltimore & Ohio Railroad Co., so that the existing grade crossing in Quarles Street, just adjacent thereto, may be eliminated.

The bill further provides that hereafter the District Commissioners are authorized, whenever in their judgment it may be necessary for the public safety, and subject to appropriations therefor to be made by Congress, to construct additional subways or viaducts and approaches at other locations where an existing or projected street crosses steam-railroad tracks at grade level, under the same terms and conditions embodied in this bill relative to the three specific grade crossings

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mentioned and which are to be eliminated at this time. Such terms and conditions are:

- (1) That the railroads crossed shall pay half the cost of viaducts or subways.
- (2) That no street railway company shall use the viaducts except upon payment to the District of one-fourth the cost thereof.
- (3) That land necessary for construction may be acquired either by purchase or condemnation, and in the event the latter method is employed the jury shall assess as benefits not less than one-half the amount awarded as damages.

The bill further authorizes an appropriation of \$405,000 for the purpose of paying the District's share of the cost of the three proposed viaducts and approaches, including condemnation of land required.

There is a strong public demand for the elimination of these remaining grade crossings in the District of Columbia because of their constant peril to human life. The danger will increase as population in the sections where the crossings exist continues to grow; and, furthermore, the cost of condemnation of necessary land will increase very considerably if construction of the viaducts and approaches is deferred until improvements are erected on needed property which is now vacant.

The bill has the indorsement of the Citizens' Advisory Council, and was introduced at the request of the District commissioners, whose explanatory letter, recommending enactment, is hereto appended and made a part of this report. It will be noted therefrom that the expenditure authorized by the bill has the approval of the Budget Bureau. The only changes made by the amendments proposed are to eliminate the requirement that the railroad companies affected shall pay the District of Columbia for the lighting of the viaducts under which their tracks will pass. Inasmuch as the railroad tracks will be beneath the viaducts and not overhead, as they would be in the case of subways, they will in no way add to the ordinary cost of lighting the street or obscure the vision of those using the viaducts, and the committee is of the opinion, therefore, that there is no valid reason for placing the cost of lighting upon the railroads.

The District Commissioners' letter follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, April 6, 1926.

HON. ARTHUR CAPPER,  
Chairman Committee on the District of Columbia,  
United States Senate, Washington, D. C.

SIR: The Commissioners of the District of Columbia have the honor to inclose herewith a draft of a bill to provide for the elimination of grade crossings of steam railroads in the District of Columbia, which they urgently request be introduced during the present session of Congress.

The object of the bill is to eliminate the remaining important grade crossings over steam railroads in the District of Columbia by means of viaducts, and for this purpose the bill carries an authorization of an appropriation of \$405,000, payable in like manner as other appropriations for the expenses of the government of the District of Columbia. The bill provides that one-half of the total cost of constructing viaducts at Varnum Street, at Eastern Avenue, and at Fern Street shall be borne and paid by the railroad companies concerned.

The proposed legislation requires the railroad company or companies to pay for the lighting of the viaducts under which the tracks of the said railroad company or companies pass, in accordance with the provisions of existing law, and provides further that no street-railway company shall use any viaduct or approaches thereto for its tracks until such company shall have paid a sum equal to one-fourth of the total cost of constructing the said viaducts and approaches.

### *Elimination of grade crossings*

Grade crossing location	Railroad company involved	Type of structure	Location	Estimated cost	Share of railroad company
Chestnut Street....	Baltimore & Ohio....	Viaduct.....	Fern Street....	\$160,895.00	1 \$61,811.50
Bates Road.....	do.....	do.....	Varnum Street	90,000.00	45,000.00
Quarles Street.....	Baltimore & Ohio and Philadelphia, Baltimore & Washington.	do.....	Eastern Avenue.	154,313.00	77,156.50
Total.....				405,000.00	183,968.00

<sup>1</sup> Does not include any expenses incident to acquisition of land and improvements.

On March 2, 1925, Congress enacted a law (Public, No. 526, 68th Cong.) to provide for the construction of a subway and bridge at Van Buren Street and the tracks of the Metropolitan Branch of the Baltimore & Ohio Railroad Co. with a view to eliminating the existing dangerous grade crossing at Lamond, D. C. To carry out the provisions of this act, \$84,000 has been appropriated. The contract for the construction of this subway and bridge has been awarded and it is expected that the work will be completed by December 15, 1926. In addition, bills are now pending in the present Congress (S. 2322 and H. R. 7287) providing for the elimination of the Michigan Avenue grade crossing.

It is proposed to construct viaducts and approaches to carry Fern Street over the tracks and right of way of the Metropolitan Branch of the Baltimore & Ohio Railroad Co., so that the existing grade crossing at Chestnut Street, which is adjacent thereto, and where two persons recently lost their lives, may be eliminated; also to carry Varnum Street over the tracks and right of way of the said railroad company, so that the existing grade crossing at Bates Road, which is adjacent thereto, may be eliminated, and also to carry Eastern Avenue (Kenilworth, D. C.), over the tracks and rights of way of the Philadelphia, Baltimore & Washington Railroad Co. (the Pennsylvania R. R. Co.), and the Baltimore & Ohio Railroad Co., so that the existing grade crossing in Quarles Street, just adjacent thereto, may be eliminated, all in accordance with plans and profiles of said works to be approved by the Commissioners of the District of Columbia.

The bill authorizes the commissioners to acquire, out of the appropriation therein authorized, the necessary land, by purchase, or, in the discretion of the commissioners, by condemnation in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, and provides that of the entire amount found to be due and awarded by the jury as damages, for and in respect of the land to be condemned to carry the provisions of the proposed act into effect, plus the costs and expenses of the proceeding or proceedings taken pursuant thereto, not less than one-half thereof shall be assessed by the jury as benefits; said benefits when collected to be deposited into the Treasury of the United States to the credit of the District of Columbia.

Before constructing the viaduct at Fern Street it will be necessary to acquire land and improvements valued at \$37,272. Land must also be acquired before constructing a viaduct at Varnum Street and the railroad tracks, but as there are no improvements it is believed that a condemnation jury will be able to find benefits equal to the damages. No land will be required for the viaduct at Eastern Avenue (Kenilworth, D. C.), as Eastern Avenue at this point has been dedicated.

Section 3 of the proposed bill authorizes the commissioners, whenever in their judgment it may be necessary for the public safety, and subject to appropriations to be made by Congress, to construct subways and viaducts and approaches thereto to carry any street, avenue, or highway crossing at grade any line of steam railroad track or tracks, or any street, avenue, or highway in the District of Columbia now or hereafter planned or projected to cross such line of railroad, under or over said track or tracks. It is provided that one-half of the total cost of constructing any such subway or viaduct and approaches thereto shall in each case be paid by the railroad company concerned; that the railroad company shall pay for the lighting thereof and that street railway companies that may use the structure for their tracks shall pay one-fourth of the total cost thereof.

In the opinion of the commissioners, it is very desirable to secure legislative authority in this bill to meet future situations with respect to the construction of subways or viaducts at railroad crossings. If such legislation be obtained, it would not be necessary for the commissioners to seek legislative authority to eliminate each grade crossing as the occasion demands.

The desirability of eliminating these grade crossings in the District of Columbia is manifest, as with the normal increase of motor transportation, the danger and menace to life increases. There is an insistent demand in the District of Columbia by all civic and citizens' associations that these grade crossings be eliminated.

The Director of the Bureau of the Budget has informed the commissioners that the proposed legislation is not in conflict with the financial program of the President.

Very respectfully,

BOARD OF COMMISSIONERS, DISTRICT OF COLUMBIA,  
By CUNO H. RUDOLPH, *President*.

