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CHAP. 372.—An Act To authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia.

District of Columbia. Baltimore and Washington Transit Company may extend road into the District.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Washington Transit Company, incorporated under the laws of the State of Maryland, and by amended charter by act of the legislature of Maryland, eighteen hundred and ninety-six, be, and is hereby, authorized to extend its road from its present charter terminus at Takoma Park,

Location.

Maryland, into and within the District of Columbia, commencing at the northeastern boundary line of the District of Columbia, on Spring road in Takoma Park subdivision, westerly along said road to the line of Tahoe street extended, west along the line of said street to Blair road, and thence northwesterly, following public highways, to a junction with the Brightwood Railway, along a route to be approved by the Commissioners of the District of Columbia: *Provided*, That the right of use of Spring road authorized herein shall cease and determine when highways contiguous thereto and shown upon the recorded highway-extension plans shall have been opened, in which case the route of the said company shall be upon said highways, as may be approved by the said Commissioners, in lieu of Spring road.

Proviso. Use of Spring road.

Contracts to run over tracks of other companies, etc.

SEC. 2. That the Baltimore and Washington Transit Company and the Brightwood Railway Company shall have the power to make any contracts or agreements that they may deem necessary to enable the said companies to run the cars of each or either company over the tracks of the other company, and also to contract for and use the power of each or either company to propel the cars of the other company;

Commencement and completion.

that said extension of the transit company from the District of Columbia line to a junction with the tracks of the Brightwood Railway Company, near Fifth and Umatilla streets, in Takoma Park, District of Columbia, shall be commenced within six months and completed within one year from the passage of this Act.

Condemnation for right of way.

SEC. 3. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, or upon which any necessary buildings may be required to be located, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding thirty feet in width, for its roadway, and of so much as may be necessary for buildings, and so forth, may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes: *Provided*, That the land acquired by such agreement or condemnation for right of way for tracks within the limits of streets of the recorded highway-extension plans shall be dedicated to the District of Columbia for a public right of way before the company shall lay its tracks on such land; and that such right of way shall not be less than thirty feet in width for double tracks nor twenty feet in width for single track.

Proviso. Public use.

May construct railway.

SEC. 4. That the said Baltimore and Washington Transit Company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over the said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other

Motive power.

devices necessary to operate the same by cable, electricity, compressed air, storage battery, or other motive power, to be approved by the Commissioners of the District of Columbia: *Provided*, That the right of said company to use an overhead single trolley on a street or part of a street shall cease six months after the date of the approval of an Act of Congress appropriating money for or otherwise authorizing the paving of the roadway of such street or part of street, except in connection

Provisos. Overhead trolleys.

Right to cease July 1, 1899.

with continuous track rails: *And provided further*, That the right of said company to use an overhead single trolley in any public space in the District of Columbia, except in connection with continuous track rails, shall in any event cease on July first, eighteen hundred and

ninety-nine. Said railway to be constructed of good material, with grooved rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Commissioners of the District of Columbia; the standard gauge to be used and the surfaces of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia, and where the tracks lie within the streets of the District of Columbia the same to be paved between the rails and two feet outside thereof with such material and in such manner as shall be approved by the said Commissioners, and kept in repair by the said railway company.

Material, etc.

Gauge, etc.

SEC. 5. That said railway shall be constructed in a substantial and durable manner. The plans of construction, rails, electrical and mechanical appliances, conduits and stations, and location of stations and tracks, shall be subject to the approval of the Commissioners of the District of Columbia. The said company having first obtained the written permission of the District Commissioners therefor, may make all necessary trenches and excavations and place therein the machinery and devices necessary to the operation of said railway. When said trenches and excavations are open they shall be thoroughly protected to prevent accident, and shall be closed within a reasonable time and the disturbed pavement relaid, all to the satisfaction of said Commissioners. The said company shall, at its own expense, in a good and substantial manner, make all changes to pipes, conduits, and other underground constructions rendered necessary by the construction of said railway. Said company shall be liable for any damage to pipes or other underground constructions caused by the passage of its cars over the same, or by electric currents used in the propulsion of its cars. The said company shall, before commencing work on said railroad, deposit with the collector of taxes of the District of Columbia such sum as the Commissioners of said District may deem necessary to defray any expense that may be incurred by the District of Columbia in connection with the inspection of the work of construction of said railway, and to make good any damage done by said company or any of its contracting agents to any public work or construction. An account of the disbursement of such deposit or deposits shall be made to said company, and any balance due them shall be returned upon the completion of the work to defray the cost of which the money was deposited.

Construction.

Changes to pipes, etc.

Deposit for expenses of inspection, etc.

SEC. 6. That whenever the roadway of any street occupied by the said railway company is widened, one-half of the cost of widening and improvement of such widened part shall be charged to the said railway company and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of two feet from and exterior to such track or tracks on each side thereof is collectible under the provisions of section five of the Act entitled "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight.

Improvements to roadways.

Vol. 20, p. 106.

SEC. 7. That nothing in this Act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewers thereof. In such event it shall be the duty of said company to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

Altering grades, etc.

SEC. 8. That the said company in conjunction with the said Brightwood Railway may receive a rate of fare not exceeding five cents for each passenger for one continuous ride over the route aforesaid and the route of the said Brightwood Railway within the District of Columbia, or any part thereof, between the termini of said railroad within said District, and shall sell tickets at the rate of six for twenty-five cents.

Fares.

Tickets.

SEC. 9. That said company shall pay to the District of Columbia, in lieu of taxes on personal property, for each fiscal year, four per centum

Tax on gross earnings.

of its gross earnings under this franchise upon its traffic for the preceding year derived from the operation thereof within the District of Columbia, which amount shall be paid to the collector of taxes at the times and in manner that other taxes are or may be payable, and subject to the same penalty in case of arrears; and the franchise and property of said company, both real and personal, to a sufficent amount, may be seized and sold in satisfaction thereof in the same manner as is or may be provided by law for the sale of other property for taxes, and said per centum of its gross earnings shall be in lieu of any and all assessments upon its personal property in the District of Columbia used solely and exclusively in the operation and management of said railway; but its real estate in said District shall be taxed as other real estate therein: *Provided*, That its tracks, machinery, and devices shall not be considered real estate for the purpose of taxation.

Real estate.

Proviso.
Tracks, etc., not real estate.

Annual report.

SEC. 10. That the said company shall, on or before the first day of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source and on whatever account for the preceding year ending December thirty-first, and such other facts as may be required by any general law of the District of Columbia. The report shall be verified by the affidavit of the president and secretary of the company, and if said report is not made within the time specified herein said company shall be liable to a fine of five hundred dollars, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

Bonds, etc.

SEC. 11. That the said corporation may issue bonds or other evidence of debt, to be secured by mortgage of its railroad properties and franchise within the District of Columbia, or by deed of trust thereon, but not to an amount greater than the cost of construction and equipment. It may own, purchase, lease, and sell real estate for the purposes of operating said road.

Limit.

Commencement and completion.

SEC. 12. That said company shall commence the construction of its said railway within six months from the approval of this Act, and said railway shall be open for traffic, with its switches and turn-outs, and with cars running thereon for the accommodation of passengers, within one year from the date of the approval of this Act.

Deposit of guaranty.

SEC. 13. That the said railway company shall deposit with the collector of taxes, District of Columbia, the sum of one thousand dollars, within sixty days from the passage of this Act, as a guaranty that it will commence and complete its road within the time herein limited. And unless said sum of one thousand dollars is so deposited within sixty days from the passage of this Act, all rights, franchises, and privileges hereby granted shall immediately cease and determine, and this charter shall be null and void. Should the said railway company fail to commence or complete the construction of its road within the limit of time prescribed by this Act, said sum of one thousand dollars shall be forfeited by the said railway company, and shall be deposited by the collector of taxes with the United States Treasurer to the credit of the United States and the District of Columbia, in equal parts.

Forfeit.

Regulations.

SEC. 14. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, schedule for running cars, mode of use of tracks, and removal of ice and snow as, in their judgment, the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation, said company shall be liable to the District of Columbia for a penalty not exceeding five hundred dollars.

Penalty for violating.

Amendment.

SEC. 15. That Congress reserves the right to amend, alter, or repeal this Act.

Approved, June 8, 1896.