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CHAP. 353.—An Act To provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, District of Columbia, and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes. February 12, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Potomac Railroad Company be, and it is hereby, empowered, authorized, and required to revise, change, and improve the alignment and grade of its railroad, and to relocate parts thereof within the city of Washington, in the District of Columbia, as hereinafter provided, to wit: District of Columbia. Baltimore and Potomac Railroad. Elimination of grade crossing, etc., directed.

Beginning at a point in its present tunnel under Virginia avenue near the intersection of Eleventh street southeast, and extending thence by a continuation of said tunnel, with a width sufficient for not less than two nor more than four tracks, along and under Virginia avenue to the west side of Second street southeast; thence in the open, with a width sufficient for four main tracks, along what would be Virginia avenue if extended through reservation seventeen, now called Garfield Park, to another section of Virginia avenue as now opened at South Capitol street; thence along said last-mentioned section of Virginia avenue to a connection with its present four main tracks and right of way near Delaware avenue; thence continuing said four tracks along and on said Virginia avenue and Maryland avenue to the Potomac River; and also from points on said last-described line, that is to say, from east of Sixth street southwest; thence by a curved line with three tracks crossing over Sixth street southwest, Maryland avenue, and B street southwest, to and upon that portion of the Mall hereinafter described; and from a point west of Seventh street southwest by a curved line, with three tracks over Seventh street southwest, Maryland avenue, and B street southwest, to and upon said portion of said Mall, with such grade, and at such elevations, with reference to the streets of said city, and on such locations as are shown on plans and profiles prepared by said railroad company, and approved by the Commissioners of the District of Columbia, and as hereinafter specified; it being the purpose of this Act that the said railroad shall be located under Sixth street southeast, Fifth street southeast, Fourth street southeast, Third street southeast, and Second street southeast, in a tunnel as aforesaid; that New Jersey avenue shall be carried over said railroad on an iron or steel bridge; and that said railroad shall be carried over South Capitol street, Delaware avenue, First street southwest, Second street southwest, Third street southwest, Four-and-a-half street southwest, Sixth street southwest, Seventh street southwest, Maryland avenue, and B street southwest, and that Ninth street southwest, Tenth street southwest, Eleventh street southwest, and Twelfth street southwest shall be carried over said railroad on iron or steel bridges. The railroad shall also be carried over Water street southwest. Relocation of tracks, etc.

REMOVAL OF TRACKS FROM SIXTH, K, AND CANAL STREETS.

SEC. 2. That the said Baltimore and Potomac Railroad Company be, and it is hereby, required to remove its present eastern connection between its passenger station and its line on Virginia avenue via Sixth street, including all tracks on Sixth street, and its western connection via Maryland avenue, and to change and relocate its tracks connecting with the new terminus contemplated by this Act, in the manner authorized and provided by the preceding section hereof, and as shown on the plans and profiles in said section referred to, and also shall remove its tracks from K street and Canal street, east of New Jersey avenue southeast; and said tracks which are to be abandoned shall be removed within sixty days after the new track is ready for use, and the roadway of said Sixth street between B street south and B street north Removal of tracks from Sixth, K, and Canal streets.

shall be provided with a modern pavement at the expense of said railroad company, to the satisfaction of the Commissioners of the District of Columbia.

Station building.

STATION BUILDING.

—location.

SEC. 3. That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the conditions hereinafter mentioned, that portion of the Mall lying between B street southwest and B street northwest as the southerly line of said B street northwest is hereinafter defined, and between the west line of Sixth street and a line drawn parallel therewith and three hundred and forty feet west thereof, and to erect and maintain thereon a station building and appurtenances, train sheds, and tracks and sidings in connection therewith suitable and adequate for the convenient accommodation of said traffic; and the said Baltimore and Potomac Railroad Company shall, in connection with its occupation and use of the portion of the Mall hereby granted, locate, construct, and maintain beneath its tracks and structures on the line of West Capitol street, as shown on the city maps, a substantial arch or arches not less than two hundred feet in width, as a public passageway for vehicular and pedestrian traffic (as shall be approved by the Commissioners of the District of Columbia), which shall be so constructed as to afford roadways and sidewalks; and the said company shall also pave the said passageways at the time of their construction to the satisfaction of the Commissioners of the District of Columbia, but thereafter the maintenance of the pavement and roadways shall devolve upon the said District of Columbia. The station building to be erected on the Mall shall cost not less than one million five hundred thousand dollars, inclusive of the car sheds, which shall be of ornamental or monumental character, and shall be designed, so far as practicable, so as not to impair the appearance of the Mall; the plans thereof to be approved by the Secretary of War: *Provided*, That upon the lands on the Mall hereby granted to the use of the Baltimore and Potomac Railroad Company no freight depot, warehouse, or other structure, except such as is necessary to its use as the site of a passenger station, shall be erected; and that no tracks, except such as are necessary to the service of such passenger station, shall be laid or operated on said land.

Arch passageway, West Capitol street.

Cost, etc., of station building.

Proviso.
No freight depot, etc., on Mall.

TEMPORARY TRACKS.

Authority to lay temporary tracks.

SEC. 4. That if it should at any time be deemed necessary or advisable, in the construction of the works herein authorized, to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Potomac Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of said Commissioners, within sixty days after the time fixed for the completion of the works herein authorized.

REMOVAL OF FISH COMMISSION BUILDING.

Fish Commission building.
—removal of.

SEC. 5. That the United States Fish Commission building and appurtenances, now located on that part of the Mall hereby granted to said Baltimore and Potomac Railroad Company, shall be removed therefrom and rebuilt on the said Mall west of the portion thereof so granted to said railroad company, under the directions of, and according to plans approved by, the Chief of Engineers of the United States Army;

—rebuilding.

and the cost of such removal and rebuilding shall be defrayed by the said Baltimore and Potomac Railroad Company to an amount not exceeding forty thousand dollars: *Provided*, That the expense of such removal and rebuilding in excess of forty thousand dollars shall be paid by the United States.

—expense of; limit.

Proviso. —United States liable for excess.

RETAINING WALLS.

SEC. 6. That in elevating or depressing its tracks, as hereinbefore authorized, the said railroad company is hereby required to support the sides of all embankments and excavations made in the streets wherein the same are located with suitable retaining walls of stone. These walls, in cases of excavation, shall be carried to a height of four feet above the revised grades of said streets, or shall be provided with suitable iron railings. The space to be occupied and used by the said railroad company where its tracks are depressed on Maryland avenue shall not exceed fifty-eight feet between the inside faces of the parallel retaining walls, measured at the level of the said tracks, as shown on said plans and profiles.

Retaining walls for embankments, etc.

Space occupied on Maryland avenue.

STREETS TO BE VACATED.

SEC. 7. That to enable said Baltimore and Potomac Railroad Company to effect the revision, change, and improvement in the alignment and grade of its railroad, and the relocation of parts thereof as authorized and contemplated by this Act, the following-named streets and crossings in said city of Washington shall be, upon the completion of the work herein authorized, completely vacated and abandoned for public use, namely:

Streets to be vacated.

Canal street, as located and shown on the city maps, between South Capitol street and New Jersey avenue.

G street southeast and H street southeast, between South Capitol street and New Jersey avenue.

I street southeast, between First and South Capitol streets.

Virginia avenue, on the south side of the said railroad, between Second street and Four-and-a-half street southwest, and on the north side of the said railroad between Four-and-a-half street and Seventh street southwest.

Maryland avenue, on the south side of said railroad, between Ninth and Tenth streets southwest.

Maryland avenue, between Twelfth and Fourteenth streets southwest; and in consideration of, and in connection with, the vacation of said portion of Maryland avenue between Twelfth and Fourteenth streets southwest, the said railroad company shall acquire and dedicate to the District of Columbia the necessary property to increase the present width of D street southwest, between Twelfth and Fourteenth streets southwest, thirty feet on the south side thereof.

Thirteenth and Thirteen-and-a-half streets, between D and Water streets southwest, and

E street southwest, between Twelfth street southwest and Water street.

The following-named streets are hereby vacated and abandoned, namely:

F street southwest and E street southwest, where they cross the said railroad;

D street southwest, between Four-and-a-half and Sixth streets southwest;

C street southwest, between Sixth and Seventh streets southwest: *Provided, however*, That nothing herein contained shall be construed to prohibit the public authorities from entering upon vacated and abandoned streets and avenues for the purpose of locating, construct-

Provisos. Repair of sewers, etc., in vacated streets permitted.

ing, maintaining, or repairing therein sewers, water mains, gas mains, conduits, or other underground construction necessary for the public comfort, convenience, or health: *And provided further*, That no portion of any street shall be closed under authority of this Act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

CHANGES IN GRADE; WIDENING B STREET.

Commissioners may change grades.

The Commissioners of the District of Columbia are hereby authorized and directed to make all such changes in the lines and grades of any street or streets in said city as may be reasonably required or deemed necessary or advisable in connection with the revision, change, improvement, and partial relocation of said railroad by this Act contemplated, and particularly are authorized and directed to widen B street northwest, on its southerly side, between Sixth and Seventh streets, so as to conform to the southerly line of said street as it now exists west of Seventh street, and to widen Seventh street on its easterly side between B street northwest and the northerly line of West Capitol street, as shown on the city maps, as follows: For a distance of one hundred and thirty feet south from the southerly line of said B street northwest, when widened as herein authorized, to a width of two hundred and twenty feet, and for the residue of the distance to the northerly line of West Capitol street to a width not exceeding one hundred and thirty feet.

Widening B street.

GARFIELD PARK.

Use of part of Garfield Park authorized.

SEC. 8. That in consideration of and in connection with the changes and improvements to be made in the said railroad by the Baltimore and Potomac Railroad Company, in conformity with the requirements of this Act, the said railroad company shall have and be possessed of the right and privilege, which are hereby expressly granted and conferred, to occupy and use, for tracks and other corporate purposes, all that portion of reservation seventeen, now known as Garfield Park, which lies to the southward of its main tracks when located as authorized by this Act, as well as that portion thereof which shall be occupied by said main tracks as located on said plans and profiles; and also the like right and privilege to occupy and use, for similar purposes, the parts or portions of the several streets and crossings which are by this Act vacated and abandoned.

DIVISION OF COSTS.

Division of cost of improvements.

SEC. 9. That the entire cost and expenses of the revision, changes, relocations, and improvements of and in said railroad, as authorized and required by the preceding sections of this Act, and of all structures connected therewith or incidental thereto, shall be borne, paid, and defrayed in manner following, to wit: The said Baltimore and Potomac Railroad Company shall bear, pay, and defray all cost and expense of the relocations, elevation, and depression of its tracks within the limits of its right of way as are authorized and required by this Act, including the construction of so much of the bridges conveying streets over its tracks, right of way, and other property as shall be within the limits thereof, and the reconstruction within such limits of the streets which shall be carried beneath the same, the cost and expense of removing its tracks from Sixth street north of Virginia avenue, and from K street and Canal street, and the restoration of such parts of said streets for the uses of the public, and the cost and expense of constructing and maintaining the arch or arches for passageways underneath its said tracks located on the Mall, as well as the

original cost of paving the roadways and sidewalks to be located within the said passageways. All other costs, expenses, and damages resulting from, incidental to, or connected with the revisions, changes, and improvements in alignment and grades of said railroad, or the relocations thereof by this Act required and authorized, and from changes in the grades of the streets or the railroad, and the lawful operation of the said railroad upon the location and structures contemplated and required by this Act, and whether to property owners affected thereby or otherwise, as well as the cost and expense of all street approaches to said company's tracks and right of way, whether overhead by means of bridges or under grade, shall be borne, paid, and defrayed in manner following, to wit: Fifty per centum thereof by the United States and the remaining fifty per centum thereof by the District of Columbia, which last-mentioned fifty per centum shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

Approval of work, etc.

All work within the limits of the said railroad company's right of way, including the bridges within said limits, shall be done by said railroad company to the satisfaction and approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance of the said work. And all work which is without the limits of the right of way of said railroad company shall be done by the District of Columbia.

PROPERTY TO BE ACQUIRED BY PURCHASE OR CONDEMNATION.

Property to be acquired by purchase or condemnation.

SEC. 10. That to enable the Baltimore and Potomac Railroad Company to effectuate the purposes contemplated and authorized by this Act, the said company be, and they are hereby, authorized and empowered to acquire, either by purchase or condemnation, as hereinafter provided, and, when so acquired, to use the same for tracks and other corporate purposes, and make all such improvements thereon and thereto as may be deemed necessary, the following properties, to wit: All of squares four hundred and sixty-two, four hundred and sixty-three, four hundred and sixty-three south, and four hundred and ninety-three; and also as much land as may be required for tracks and other corporate purposes which lies to the south of the present main tracks of the company between South Capitol and First streets southeast and north of the northerly line of M street: *Provided, however*, That if land shall be acquired south of the present railroad yards and between South Capitol and First streets southeast as in this section authorized the said railroad company shall, when so required by the Commissioners of the District of Columbia, make adequate and suitable provision for carrying such streets as may intersect the same across the tracks which shall be located thereon by overhead bridges in a manner satisfactory to the said Commissioners: *Provided further*, That the cost and expense of raising grades of streets and all approaches to such bridges shall be borne and defrayed by the District of Columbia and the United States, as hereinbefore provided.

Provisos. Land acquired south of present yards, etc.

Expenses, etc.

Acquiring land by appraisal.

In case the said Baltimore and Potomac Railroad Company can not, for any reason, agree with the owner or owners for the purchase, use, or occupation of any of the land it is authorized to acquire by purchase or condemnation, then the same may be acquired by the said company in the same manner and by the same procedure as are provided by sections six hundred and forty-eight to six hundred and sixty-three, both inclusive, of the Revised Statutes, relating to the District of Columbia: *Provided*, That in every case in which an assessment of the damages or an award shall have been returned by the appraisers

R. S. D. C., secs. 648 to 663, pp. 78, 79.

Provisos. —right of entry on deposit of award.

the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land and property covered thereby irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid. And it shall be lawful for said Baltimore and Potomac Railroad Company to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this Act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises: *Provided, however*, That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be carried across such street or avenue in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks shall in every case be first filed with and approved by the Commissioners of the District of Columbia: *Provided further*, That as to square southeast of square two hundred and sixty-seven and square two hundred and seventy the Southern Railway Company (a railroad corporation of the State of Virginia, whose trains now move and are expected to continue to move to and from Washington over the tracks of the said Baltimore and Potomac Railroad Company and Washington Southern Railroad Company under agreements existing or hereafter to be made with the last-named companies granting the necessary right therefor) and its successors shall have the same rights of acquisition by purchase or condemnation, to be exercised under the same conditions, as are in this Act provided for the acquisition of additional land by the Baltimore and Potomac Railroad Company; and such squares when so acquired may be used by said Southern Railway Company and its successors to accommodate the handling and delivery of local freight traffic and for its other corporate purposes in the District of Columbia.

Sidings for manufactories, etc., authorized.

—no grade crossing to be created, etc.

Squares 267, 270, etc.

LONG BRIDGE.

Long Bridge. Railroad to substitute new railroad bridge for.

SEC. 11. That inasmuch as the present Long Bridge over the Potomac River is inadequate for the accommodation of the largely increased railroad and vehicular traffic, is in a measure obstructive of navigation, and needs to be reconstructed, the Baltimore and Potomac Railroad Company is hereby directed and required to remove the present Long Bridge across the Potomac River, and, in accordance with plans to be approved by the Secretary of War, to build on practically the same line a new bridge in lieu thereof, said new bridge to be for railroad purposes only and to be adapted for two or more railway tracks, the Long Bridge to be removed and the new bridge constructed within four years from the date of the passage of this Act. The said Baltimore and Potomac Railroad Company shall remove the Long Bridge and shall build, maintain, and keep in repair said new bridge at its own cost and expense, and shall maintain an efficient draw in said new bridge, operating the same so as not to unnecessarily impede the free navigation of the Potomac River at any hour of the day or night, and shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon between the companies or prescribed by Congress.

PASSENGER BRIDGE.

New passenger bridge authorized.

SEC. 12. That the Secretary of War be, and he is hereby, authorized to enter into a contract with the Baltimore and Potomac Railroad Company or any other party to construct within two years after the passage

of this Act, at a point not less than five hundred feet above the site of the present Long Bridge, a new and substantial bridge for highway travel, of iron or steel, resting upon masonry piers and provided with suitable approaches, and with a sufficient draw, all in accordance with plans and specifications to be approved by the Secretary of War; and there is hereby appropriated (one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated) the sum of five hundred and sixty-eight thousand dollars, or so much thereof as may be necessary, to be paid from time to time, as the construction of the said bridge progresses, by the Secretary of War, under such regulations as he shall prescribe.

Street railroads may cross bridge, etc.

The said bridge shall be for highway traffic, and all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge on such terms as may be prescribed by Congress: *Provided*, That the Washington, Alexandria and Mount Vernon Railway Company now using the Long Bridge shall be permitted, with the approval of the Commissioners of the District of Columbia, to change its location so as to cross the highway bridge herein provided for; all plans for such change to be approved by the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army: *And provided further*, That a standard underground electric system of street car propulsion shall be installed by said company on the park highway leading to said bridge, and no dynamo furnishing power to this portion of the road shall be in any manner connected with the ground, and that the cost of asphalt paving between the tracks and two feet outside thereof shall be paid by said company. Each street railway company using said bridge shall pay in addition to other taxes as by its charter provided, one-half of one cent for each and every passenger carried across said bridge.

Provisos.
Mount Vernon railway may relocate, etc.

—motive power, etc.

Passenger tax.

PLANS TO BE SUBMITTED TO DISTRICT COMMISSIONERS.

Commissioners to approve plans.

SEC. 13. That before any portion of the work herein described shall be authorized plans and profiles of the entire work, except such as relate to the new bridges authorized by sections eleven and twelve, in accordance with the provisions herein contained, shall be prepared by the said Baltimore and Potomac Railroad Company and shall be submitted for approval to the Commissioners of the District of Columbia. Duly authenticated copies of said plans and profiles shall, after approval, be filed with the Commissioners aforesaid, and all work shall be done in accordance with them and shall be completed within five years from the date of the passage of this Act. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

Completion of work.

Deposit for cost of inspection.

TAXATION.

Company's property taxable.

SEC. 14. That the property occupied by the Baltimore and Potomac Railroad Company under authority of this Act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided*, That no assessment, valuation, or tax shall be made, laid, or levied on the Baltimore and Potomac Railroad Company on account of any bridges, tunnels, elevated tracks, or subway which shall be located, constructed, or maintained under the authority of this Act, and forming part of said railroad, in excess of that which would or could be lawfully made, laid, or levied if said railroad was wholly located and constructed on the surface of the ground; it being the true intent and meaning hereof that any such bridges, tunnels, elevated tracks, or subway forming a part of said railroad shall be assessed and

Proviso.
—qualification.

valued for purposes of taxation and taxed on the same basis as any other equal portion of railroad situated within the said District of Columbia not constructed on, in, through, or upon any such bridges, tunnels, elevated tracks, or subway.

RIGHTS OF SUCCESSION.

Rights of succession.

SEC. 15. That all the provisions of this Act, including all rights, powers, and privileges granted to, or duties imposed upon, said Baltimore and Potomac Railroad Company, shall accrue to and devolve upon its successors and assigns; and in case the said Baltimore and Potomac Railroad Company, its capital stock, properties, corporate rights, powers, privileges, immunities, and franchises, shall be merged into or consolidated with the Philadelphia, Wilmington and Baltimore Railroad Company, or any other railroad corporation, to which the assent of Congress is hereby given, then and in that event the company which shall, by such merger or consolidation, so acquire the same shall be invested with and possessed of all the rights, powers, property, and privileges of said Baltimore and Potomac Railroad Company within the District of Columbia, as well those granted by this Act as those heretofore existing, and shall have and exercise all the necessary rights, powers, and franchises respecting the same as fully as they would have been possessed and exercisable by said Baltimore and Potomac Railroad Company.

REPEAL OF CONFLICTING ACTS.

Repeal

SEC. 16. That all laws or parts of laws inconsistent herewith be, and they are hereby, repealed.

RESERVED RIGHTS OF CONGRESS.

Amendment.

SEC. 17. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, February 12, 1901.

February 12, 1901.

CHAP. 354.—An Act To provide for eliminating certain grade crossings of railroads in the District of Columbia, to require and authorize the construction of new terminals and tracks for the Baltimore and Ohio Railroad Company in the city of Washington, and for other purposes.

District of Columbia. Baltimore and Ohio Railroad. Elimination of grade crossings, construction of new terminals, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Baltimore and Ohio Railroad Company, and the terminal company incorporated as provided in this Act, be, and each of them is hereby, empowered and authorized to locate, construct, maintain, and operate new terminals and new lines of railroad to accommodate the traffic of the said Baltimore and Ohio Railroad Company, in connection with its Washington Branch Railroad and Metropolitan Branch Railroad within the District of Columbia and in the city of Washington, as hereinafter provided. The said

Location of new terminals and tracks.

new terminals and terminal tracks shall occupy the streets, avenues, public reservations, and property belonging to the United States, and such of the lands and property belonging to others as may be acquired by either of said companies, situate and lying within the area bounded as follows, to wit: Beginning at the intersection of the south line of H street north and a line forty feet from the east building line of Delaware avenue and parallel thereto; thence along said line parallel to the easterly building line of Delaware avenue and forty feet therefrom to the west line of First street east; thence by said west line of