

**ARTICLE 20  
RAILROADS**

**(As Last Amended by Ord. 15-435)**

**Published by  
BALTIMORE CITY DEPARTMENT OF LEGISLATIVE REFERENCE  
Avery Aisenstark, Director  
2015**

**Copyright © 2015**  
The Mayor and City Council of Baltimore  
Department of Legislative Reference  
*All rights reserved*

For information – call, write, or fax:

**Department of Legislative Reference**  
**626 City Hall**  
**Baltimore, Maryland 21202**  
**Tel: (410) 396-4730 • Fax: (410) 396-8483**

## TABLE OF SUBTITLES

- Subtitle 1. Railroad Cars**
- Subtitle 2. Construction and Maintenance of Railways**
- Subtitle 3. Locomotive Engines**
- Subtitle 4. City Passenger Railways**
- Subtitle 5. Rules of the Road and Track**
- Subtitle 6. Care of Tracks, Switches, and Track Areas**
- Subtitle 7. Tracks and Switches**
- Subtitles 8 to 10. *{Reserved}***
- Subtitle 11. Savings Clauses**

## TABLE OF SECTIONS

### SUBTITLE 1 RAILROAD CARS

- § 1-1. Unauthorized use or interference.
- § 1-2. Unloading in streets.
- § 1-3. Obstructing pedestrians and vehicles.
- § 1-4. Obstructing street passage.
- § 1-5. Openings between cars.
- § 1-6. Passing on right side of railway.
- § 1-7. Moving railroad cars.
- § 1-8. Minors on cars.
- § 1-9. Penalties.

### SUBTITLE 2 CONSTRUCTION AND MAINTENANCE OF RAILWAYS

- § 2-1. Obstruction of streets.
- § 2-2. Obstruction of gutters.
- § 2-3. Prohibited conduct.

### SUBTITLE 3 LOCOMOTIVE ENGINES

- § 3-1. Scope of subtitle.
- § 3-2. Where locomotives authorized.
- § 3-3. Unauthorized use of locomotives prohibited.
- § 3-4. Permitted fuels for steam engines.
- § 3-5. Horns and whistles prohibited.

### SUBTITLE 4 CITY PASSENGER RAILWAYS

- § 4-1. Crossing railroads at grade.
- § 4-2. Stops for passengers.
- § 4-3. Crossing streets.
- § 4-4. Operating under the influence.
- § 4-5. Interference with facilities.

### SUBTITLE 5 RULES OF THE ROAD AND TRACK

- § 5-1. Vehicles sharing tracks with railway cars.
- § 5-2. Delaying railway cars.
- § 5-3. License fee for cars.

### SUBTITLE 6 CARE OF TRACKS, SWITCHES, AND TRACK AREAS

- § 6-1. Care of tracks and track facilities.
- § 6-2. Use of abrasive materials.
- § 6-3. Care of track areas.
- § 6-4. Scope of obligations.
- § 6-5. Ch. 401, Acts of 1906 - cost of street work.
- § 6-6. Ch. 401, Acts of 1906 - work by DoT.
- § 6-7. Ch. 401, Acts of 1906 - enforcement.
- § 6-8. Ch. 401, Acts of 1906 - penalties.

### SUBTITLE 7 TRACKS AND SWITCHES

- § 7-1. Tracks to be filled to grade.
- § 7-2. Ballast under tracks.
- § 7-3. Maintenance in good repair.
- § 7-4. Tracks on bridges.

### SUBTITLES 8 TO 10 {RESERVED}

### SUBTITLE 11 SAVINGS CLAUSES

- § 11-1. Ordinances remaining in effect - in general.
- § 11-2. Same - specific companies.

**SUBTITLE 1  
RAILROAD CARS**

**§ 1-1. Unauthorized use or interference.**

(a) *Prohibited conduct.*

It shall not be lawful for any person, other than an agent or person in the actual service or employ of the railroad company, or other person or persons or company, owning any car or other carriage on any railway within the City, without the consent or permission of the person rightfully having charge of the particular car:

- (1) to put or attempt to assist to put any car in motion on any railway within the City;
- (2) to go on or into, or attempt, or assist any other person to get on or into any such car; or
- (3) to remove, unfasten, or break, or attempt or assist to remove, unfasten, or break any chain, lock, or other fastening by which any such car or carriage shall be fastened or restrained from motion, or from being put in motion.

(b) *Penalties.*

Any person offending in the premises shall forfeit and pay a sum not less than \$1 nor more than \$20.

(*City Code, 1879, art. 40, §2; 1893, art. 41, §2; 1927, art. 39, §2; 1950, art. 29, §1; 1966, art. 20, §1; 1976/83, art. 20, §1.*) (*Rev. Ords. 1858-034.*)

**§ 1-2. Unloading in streets.**

It is unlawful to load or unload any railroad car in any of the streets, lanes, or alleys of the City, except with the consent of occupants of houses or lots opposite the proposed loading or unloading. (*City Code, 1879, art. 40, §3; 1893, art. 41, §3; 1927, art. 39, §3; 1950, art. 29, §2; 1966, art. 20, §2; 1976/83, art. 20, §2.*) (*Rev. Ords. 1858-034; Ord. 48-482; Ord. 99-526.*)

**§ 1-3. Obstructing pedestrians and vehicles.**

(a) *Prohibited conduct.*

Except as provided in subsection (b) of this section, it is unlawful for any railroad company or other person to place or cause to be placed any railroad car, locomotive, or other vehicle on any railroad track at a cross street or intersection in any manner that obstructs the passage of pedestrians or vehicles for more than 5 minutes.

(b) *Exception.*

This section does not apply to the extent that the placement is authorized by and complies with:

- (1) a rule, regulation, or directive of the Director of Transportation; or

- (2) a contract approved by the Board of Estimates and entered into by the railroad company or other person and the Mayor and City Council of Baltimore.

(c) *Penalties.*

Any person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(*City Code, 1879, art. 40, §4; 1893, art. 41, §4; 1927, art. 39, §4; 1950, art. 29, §3; 1966, art. 20, §3; 1976/83, art. 20, §3.*) (*Rev. Ords. 1858-034; Ord. 48-482; Ord. 76-143; Ord. 05-056.*)

**§ 1-4. Obstructing street passage.**

(a) *Prohibited conduct.*

Except as provided in subsection (b) of this section, it is unlawful for any railroad company or other person to place or cause to be placed any railroad car of any description on any turnout or private switch in any manner that obstructs free passage along the line of a street or alley.

(b) *Exception.*

This section does not apply to the extent that the placement is authorized by and complies with:

- (1) a rule, regulation, or directive of the Director of Transportation; or

- (2) a contract approved by the Board of Estimates and entered into by the railroad company or other person and the Mayor and City Council of Baltimore.

(*City Code, 1879, art. 40, §5; 1893, art. 41, §5; 1927, art. 39, §5; 1950, art. 29, §4; 1966, art. 20, §4; 1976/83, art. 20, §4.*) (*Rev. Ords. 1858-034; Ord. 48-482; Ord. 05-056.*)

**§ 1-5. Openings between cars.**

(a) *Prohibited conduct.*

It is unlawful for any company, person, or persons to place any railroad cars of any description along the line of any street, in such manner as to prevent the passage of persons or vehicles from one side of the street to the other, on any one square occupied by railroad cars.

(b) *Required space.*

But in all cases, the company, person, or persons so occupying the street with railroad cars shall leave an opening or space of not less than 20 feet at or near the center of the square or at equal distances from the 2 nearest cross streets.

(*City Code, 1879, art. 40, §6(1<sup>st</sup> cl.); 1893, art. 41, §6(1<sup>st</sup>, 2<sup>nd</sup> cls.); 1927, art. 39, §6(1<sup>st</sup>, 2<sup>nd</sup> cls.); 1950, art. 29, §5(1<sup>st</sup> par.); 1966, art. 20, §5(1<sup>st</sup> par.); 1976/83, art. 20, §5(1<sup>st</sup> par.).*) (*Rev. Ords. 1858-034; Ord. 48-482; Ord. 99-526.*)

**§ 1-6. Passing on right side of railway.**

It shall be the duty of every person having charge of, driving, or operating any vehicle on or along any street in which any railway track is laid within the City to travel or pass only on the right hand side, between the curb stone and the track of the railway, except:

(1) when prevented by some obstruction in the street; or

(2) when it shall be necessary, for any sufficient cause, to cross or pass over such railway track to the opposite side.

*(City Code, 1879, art. 40, §8; 1893, art. 41, §8; 1927, art. 39, §8; 1950, art. 29, §6; 1966, art. 20, §6; 1976/83, art. 20, §6.) (Rev. Ords. 1858-034; Ord. 48-479.)*

**§ 1-7. Moving railroad cars.**

It is unlawful for any person or persons, corporation, or company to move or cause to be moved, on any railroad track leading through any of the streets of the City, more than 2 railroad cars in connection without the aid of propelling power.

*(City Code, 1879, art. 40, §9; 1893, art. 41, §9; 1927, art. 39, §9; 1950, art. 29, §7; 1966, art. 20, §7; 1976/83, art. 20, §7.) (Rev. Ords. 1858-034; Ord. 48-479; Ord. 99-526.)*

**§ 1-8. Minors on cars.**

It is unlawful for any minor not employed by the railroad company to jump on or from any railroad car while the car is in motion.

*(City Code, 1879, art. 40, §10; 1893, art. 41, §10; 1927, art. 39, §10; 1950, art. 29, §8; 1966, art. 20, §8; 1976/83, art. 20, §8.) (Ord. 1868-011; Ord. 48-479; Ord. 99-526.)*

**§ 1-9. Penalties.**

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, unless another penalty is provided, is subject on conviction to a fine of not more than \$25 for each offense.

*(City Code, 1879, art. 40, §6(2<sup>nd</sup> cl.); 1893, art. 41, §6(last cl.); 1927, art. 39, §6(last cl.); 1950, art. 29, §5(2<sup>nd</sup> par.); 1966, art. 20, §5(2<sup>nd</sup> par.); 1976/83, art. 20, §5(2<sup>nd</sup> par.)) (Rev. Ords. 1858-034; Ord. 48-482; Ord. 99-526.)*

**SUBTITLE 2  
CONSTRUCTION AND MAINTENANCE OF RAILWAYS**

**§ 2-1. Obstruction of streets.**

(a) *DOT to examine.*

It is the duty of the Department of Transportation from time to time:

- (1) to examine the construction or maintenance of the several railway tracks authorized by ordinances to be laid within the limits of the City; and
- (2) to report to the Mayor any obstruction or impediment to the ordinary use of any street or streets, caused by the tracks' being improperly laid and not being in conformity with the provisions of all ordinances authorizing their construction.

(b) *Mayor to enforce removal ordinance or order abatement.*

And it shall be the duty of the Mayor to enforce the ordinance relating to the removal of said tracks, unless in his judgment the remedy shall be furnished by the enactment contained in subsection (c) of this section.

(c) *Abatement order.*

In all cases where an obstruction or impediment to the use of any street is caused by the mode of construction or maintenance of any railway within the City, the Mayor may exercise his or her discretion to have the track entirely removed, or to have the track so altered or arranged as to abate the evil complained of, by giving notice to the companies or owners of the railway tracks, who shall be allowed a reasonable time to make the alteration under the direction of the Department of Transportation.

(d) *City action on owner's failure to comply.*

Upon a failure of the companies or owners to comply with the notice, the Department of Transportation shall have the work done, and the bills shall be collected from the owners of the railway tracks by legal proceedings, if the bills are disputed or remain unpaid for the space of 30 days.

*(City Code, 1879, art. 40, §§19, 20; 1893, art. 41, §§19, 20; 1927, art. 39, §§20, 21; 1950, art. 29, §§9, 10; 1966, art. 20, §§9, 10; 1976/83, art. 20, §§9, 10.) (Ord. 1850-006; Ord. 76-143; Ord. 80-138; Ord. 15-435.)*

**§ 2-2. Obstruction of gutters.**

(a) *DoT to examine and enforce.*

It is the duty of the Department of Transportation to:

- (1) examine the construction or maintenance of the railways; and

- (2) enforce strictly all the provisions of ordinances relating to the obstruction of the gutters caused by the laying of railway tracks.

(b) *Abatement order; City action.*

In all cases of obstruction and impediments of any kind arising from the improper construction or maintenance of railway tracks, in which no other remedy is now provided by ordinance, the Department of Transportation shall give notice to the owners of the railway tracks that, unless the obstruction or impediment is removed or altered so as to remedy the evil complained of within a reasonable time, the Department of Transportation shall proceed to have the railway reconstructed at the cost of the owners.

*(City Code, 1879, art. 40, §21; 1893, art. 41, §21; 1927, art. 39, §22; 1950, art. 29, §11; 1966, art. 20, §11; 1976/83, art. 20, §11.) (Ord. 1850-006; Ord. 76-143; Ord. 80-138; Ord. 15-435.)*

**§ 2-3. Prohibited conduct.**

If, at any time, any railway is constructed or maintained within the limits of the City in a mode or manner so as to obstruct the ordinary use of the street or streets in which the railway is laid down, the owners of the railway are subject to a penalty of \$300 and a fine of \$100 for each and every day the obstruction remains after notice of the Department of Transportation to remove it.

*(City Code, 1879, art. 40, §22; 1893, art. 41, §22; 1927, art. 39, §23; 1950, art. 29, §12; 1966, art. 20, §12; 1976/83, art. 20, §12.) (Ord. 1850-006; Ord. 76-143; Ord. 80-138; Ord. 15-435.)*

**SUBTITLE 3  
LOCOMOTIVE ENGINES**

**§ 3-1. Scope of subtitle.**

This subtitle is intended to apply to all locomotive engines that now or may hereafter be used within the limits of the City of Baltimore.

*(City Code, 1879, art. 40, §22; 1893, art. 41, §22; 1927, art. 39, §23; 1950, art. 29, §12; 1966, art. 20, §12; 1976/83, art. 20, §12.) (Ord. 1850-006; Ord. 76-143; Ord. 80-138.)*

**§ 3-2. Where locomotives authorized.**

Except as may be provided in any other ordinance or ordinances now or hereafter in force:

- (1) the Northern Central Railway Company is hereby authorized to use locomotive engines, adapted to a low speed, on the railroad track on Guilford Avenue, to and from Calvert Station;
- (2) the Baltimore and Ohio Railroad Company is authorized to use locomotive steam power upon its tracks between the City limits and Camden Station, and along Pratt Street, upon its track, from Howard Street to the Mount Clare Station; and
- (3) the Philadelphia, Wilmington and Baltimore Railroad Company, now the Philadelphia, Baltimore and Washington Railroad Company, is authorized to use locomotive engines on its railway track, between the eastern boundary line of the City and depot at the intersection of Fleet Street and President Street.

*(City Code, 1879, art. 40, §13; 1893, art. 41, §13; 1927, art. 39, §14; 1950, art. 29, §13; 1966, art. 20, §20; 1976/83, art. 20, §13.) (Rev. Ords. 1858-67; Ord. 48-512.)*

**§ 3-3. Unauthorized use of locomotives prohibited.**

If any railroad company shall use or cause to be used any locomotive engine or engines propelled by steam on any railway track within the City of Baltimore, other than those where authorized by ordinance of the City, the company shall forfeit and pay for every such offense, the sum of \$20, to be collected as other fines and penalties of the City.

*(City Code, 1879, art. 40, §15; 1893, art. 41, §15; 1927, art. 39, §16; 1950, art. 29, §14; 1966, art. 20, §21; 1976/83, art. 20, §14.) (Rev. Ords. 1858-67.)*

**§ 3-4. Permitted fuels for steam engines.**

(a) *In general.*

Privilege is granted to the several railroad companies to use wood as well as coal or coke as a fuel for steam within the limits of the City of Baltimore in all cases where by ordinance steam engines are permitted to be used.

(b) *Authority subject to revocation.*

Provided, however, that nothing herein contained shall be so construed as to prevent the Mayor and City Council of Baltimore from repealing all or any part of this section, whenever they may deem it expedient.

(*City Code, 1879, art. 40, §16; 1893, art. 41, §16; 1927, art. 39, §17; 1950, art. 29, §15; 1966, art. 20, §22; 1976/83, art. 20, §15.*) (*Rev. Ords. 1858-67; Ord. 48-512.*)

**§ 3-5. Horns and whistles prohibited.**

(a) *Scope of section.*

Nothing in this section shall be construed to relieve a railroad or the operator of a locomotive from any duty or responsibility on the part of it or him to give warnings by means of a bell or by any other device which is not herein specifically prohibited.

(b) *Prohibited conduct.*

It is unlawful for the operator of a locomotive within the limits of Baltimore City to sound a horn or whistle attached to a locomotive when approaching a street grade-crossing, except on main line track movements of the Baltimore and Ohio Railroad Company between Camden Station, Mt. Clare yard and the southerly and southwesterly City limits.

(c) *Penalties.*

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, subject to a fine of not to exceed \$10 for each such offense.

(*City Code, 1966, art. 20, §24; 1976/83, art. 20, §17.*) (*Ord. 60-415.*)

**SUBTITLE 4  
CITY PASSENGER RAILWAYS**

**§ 4-1. Crossing railroads at grade.**

(a) *Scope of section.*

The provisions hereof shall not apply to those railroad tracks where there are established safety gates nor where automatic signals are operating and indicate that the tracks may be crossed safely.

(b) *Required conduct.*

- (1) All street railway cars and trackless trolleys shall come to a full stop before crossing at grade any track or tracks of a railroad, said full stop to be within 50 feet but not less than 10 feet from the nearest rail of such railroad.
- (2) While so stopped, the operator of every street railway car or trackless trolley shall listen and look in both directions for any approaching train, engine, or car on said tracks, and for signals indicating the approach of such train, engine or car, and shall not proceed until he can do so safely.

(c) *Penalties.*

Any person violating the provisions of this section shall be subject to a fine of \$5 for each and every violation.

*(City Code, 1893, art. 41, §52; 1927, art. 89, §66; 1950, art. 29, §18; 1966, art. 20, §26; 1976/83, art. 20, §19.) (Ord. 1898-186; Ord. 51-1506.)*

**§ 4-2. Stops for passengers.**

(a) *Required conduct.*

Except where otherwise permitted or required by order of the Police Commissioner, or by ordinance, all street railway cars, trackless trolleys, and buses, when stopping to take on or discharge passengers at street or road crossings, shall stop on the near side of such crossings.

(b) *Penalties.*

All owners and operators of vehicles failing to comply with any of the provisions of this section shall be subject to a fine of not less than \$10 or more than \$50 for each and every offense.

*(City Code, 1927, art. 39, §§66, 67; 1950, art. 29, §§19, 20; 1966, art. 20, §§27, 28; 1976/83, art. 20, §§20, 21.) (Ord. 1894-104; Ord. 51-1506.)*

**§ 4-3. Crossing streets.***(a) Required conduct.*

When approaching and crossing any intersecting public highway or private street, the person operating a street car:

- (1) must have the same under control and must regulate the speed of said car according to what is reasonable and proper in view of the circumstances, surroundings, and location; and
- (2) in crossing any such street or intersecting public highway or private street in the thickly congested or business parts of the City, such street car shall not be operated at a rate of speed exceeding 15 miles an hour.

*(b) Penalties.*

For each and every violation of this section, the offender upon conviction thereof, shall be liable to a fine of \$5 and costs, to be recovered as other fines and costs for violation of ordinances and resolutions of the Mayor and City Council of Baltimore are now recovered.

*(City Code, 1893, art. 41, §54; 1927, art. 39, §§69, 70; 1950, art. 29, §§21, 22; 1966, art. 20, §§29, 30; 1976/83, art. 20, §§22, 23.) (Ord. 1893-157; Ord. 21-592.)*

**§ 4-4. Operating under the influence.***(a) Prohibited conduct.*

It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic drugs to operate, or attempt to operate a street railway car in the City of Baltimore.

*(b) Penalties.*

Any person violating the provisions of this section shall, upon conviction thereof, be punished by imprisonment for not less than 30 days nor more than 6 months, or by fine of not less than \$100 nor more than \$500, or by both fine and imprisonment in the discretion of the Court.

*(City Code, 1950, art. 29, §23; 1966, art. 20, §31; 1976/83, art. 20, §24.) (Ord. 46-337.)*

**§ 4-5. Interference with facilities.**

It shall not be lawful for any unauthorized person or persons, whether passengers or otherwise, to intentionally pull or otherwise interfere with the trolley or trolley-rope so that the trolley wheel shall be pulled from the overhead trolley-wire, or to apply or put on the brakes of any electric street railway car within the limits of the City of Baltimore, under a penalty of not less than \$5, nor more than \$20, to be recovered as other fines and penalties are now recoverable.

*(City Code, 1927, art. 39, §71; 1950, art. 29, §24; 1966, art. 20, §32; 1976/83, art. 20, §25.) (Ord. 1899-008.)*

**SUBTITLE 5  
RULES OF THE ROAD AND TRACK**

**§ 5-1. Vehicles sharing tracks with railway cars.**

(a) *In general.*

All vehicles going in the same direction and upon the track with a passenger railway car shall be entitled to the right of way of such track, and not compelled to leave the same for vehicles traveling in an opposite direction.

(b) *Railway’s right-of-way unaffected.*

This section shall not in any way conflict with the right-of-way already granted any passenger railway company for the use of its tracks.

(c) *Penalties.*

Each and every person violating the provisions of this section shall be liable to a penalty of \$5, the same to be collected as all other fines imposed by ordinances of the City.

*(City Code, 1879, art. 40, §§24, 25, 26; 1893, art. 41, §31; 1927, art. 39, §34; 1950, art. 29, §25; 1966, art. 20, §33; 1976/83, art. 20, §26.) (Ord. 1874-098; Ord. 48-483.)*

**§ 5-2. Delaying railway cars.**

(a) *Prohibited conduct.*

No person shall be allowed to drive or operate vehicles on the tracks of any railway to the hindrance and delay of the cars.

(b) *Penalty for failure to vacate.*

All persons who, upon the call or signal of any driver, conductor, or other persons in charge of a car passing on its route, wilfully neglect or refuse to vacate said tracks, shall be subject to a fine of not more than \$10 nor less than \$5, to be collected as other fines are collected.

*(City Code, 1879, art. 40, §81; 1893, art. 41, §33; 1927, art. 39, §36; 1950, art. 29, §27; 1966, art. 20, §35; 1976/83, art. 20, §28.) (Ord. 1872-027; Ord. 48-483.)*

**§ 5-3. License fee for cars.**

(a) *In general.*

The cars running upon said railway tracks shall not remain standing on the line of their routes, but shall be subject to all the police regulations which are now or may hereafter be contained in the ordinances of the City in regard to railway cars or other vehicles, so far as said regulations may be applicable thereto.

(b) *Fee.*

The sum of \$5 shall be paid annually upon each car running regularly on said railway tracks, as license fee therefor, to the Director of Finance.

*(City Code, 1879, art. 40, §31; 1893, art. 41, §32; 1927, art. 39, §35; 1950, art. 29, §26; 1966, art. 20, §34; 1976/83, art. 20, §27.) (Ord.1859-044; Ord. 48-483; Ord. 76-143.)*

**SUBTITLE 6**  
**CARE OF TRACKS, SWITCHES, AND TRACK AREAS**

**§ 6-1. Care of tracks and track facilities.**(a) *Good condition and repair required.*

All street railway companies occupying with their tracks or other facilities any of the streets, avenues, or other highways in the City of Baltimore, shall at all times keep those tracks and facilities in good condition and repair.

(b) *Enforcement.*

if any company fails or neglects to make repairs promptly and properly, the Department of Transportation is authorized to have the same done in a good and sufficient manner, at the expense of the company.

*(City Code, 1950, art. 29, §34; 1966, art. 20, §42; 1976/83, art. 20, §35.) (Ord. 48-459; Ord. 76-143; Ord. 15-435.)*

**§ 6-2. Use of abrasive materials.**

For the purpose of facilitating the movement of vehicles along the public highways, the several owners or operators of public passenger vehicles are authorized to spread upon the public highways of the City such abrasive or other materials, at such locations, at such times, and in such manner as may be generally or specifically approved by the Department of Transportation from time to time.

*(City Code, 1893, art. 41, §36; 1927, art. 39, §45; 1950, art. 29, §36; 1966, art. 20, §43; 1976/83, art. 20, §36.) (Ord. 1887-118; Ord. 48-465; Ord. 76-143; Ord. 15-435.)*

**§ 6-3. Care of track areas.**

Said railway companies:

(1) shall keep the streets covered by said tracks, and extending 2 feet on the outer limits of either side of said tracks, in thorough repair, at their own expense; and

(2) shall free the same from snow or other obstructions; and

(3) in doing which, they shall not cause to be obstructed the other portions of the street on either side of said railway tracks.

*(City Code, 1879, art. 40, §37; 1893, art. 41, §34; 1927, art. 39, §37; 1950, art. 29, §28; 1966, art. 20, §36; 1976/83, art. 20, §29.) (Ord. 1859-044; Ord. 48-483.)*

**§ 6-4. Scope of obligations.**

In all cases where rights or privileges may be hereafter granted to any street railway to use or occupy the streets of Baltimore, the railroad company or companies so using the street shall be obliged in every case and shall assume the obligation, whether the same be provided for in the ordinance granting such rights or franchise or not, to keep the portion of the street over which their rails are

laid in repair between the tracks so laid and 2 feet on either side, and they shall pay the cost of paving and repaving that portion of said street or streets in every case where the street or streets may be paved or repaved by public authority.

(*City Code, 1927, art. 39, §38; 1950, art. 29, §29; 1966, art. 20, §37; 1976/83, art. 20, §30.*)  
(*Ord. 1897-009; Ord. 48-483.*)

**§ 6-5. Ch. 401, Acts of 1906 - cost of street work.**

There is hereby imposed upon all street railway companies occupying with their tracks parts of the beds of streets, avenues, or other highways in the City of Baltimore, upon which work shall have been done or shall hereafter be done, under the Act of 1906, Chapter 401, of the General Assembly of Maryland, and any amendment or amendments thereof, the obligation to pay for said work so far as the same shall have been done or shall be done between the rails of their said tracks and for a space of 2 feet on either side thereof.

(*City Code, 1927, art. 39, §39; 1950, art. 29, §30; 1966, art. 20, §38; 1976/83, art. 20, §31.*)  
(*Ord. 12-153.*)

**§ 6-6. Ch. 401, Acts of 1906 - work by DoT.**

(a) *Scope of section.*

This section applies to work begun after its enactment.

(b) *Notice.*

In order to do the work authorized by Chapter 401, Laws of Maryland 1906, upon streets, avenues, or other highways occupied in part by the tracks of any street railway company, without unnecessary inconvenience or damage to the railway company, and in order to give the railway company a reasonable opportunity to do any part or parts of the work authorized by that Act, so far as the same relates to the space between its tracks, and for 2 feet on each side thereof, which the railway company may be authorized by any law or ordinance to do, the Department of Transportation is directed, before beginning any work under that Act upon any street, avenue, or other highway occupied in part by the tracks of any railway company, to give reasonable notice to the railway company of the Department's intention to do the work and of the time when it proposes to begin.

(c) *Duties of DOT.*

After the expiration of the time mentioned in the notice, the Department of Transportation:

- (1) shall proceed to do the work;
- (2) shall keep an accurate account of the cost of all of the work, the obligation to pay for which is imposed by this section upon the street railway company; and
- (3) upon the completion of the work, shall make demand upon the railway company for the payment of that cost.

(d) *Enforcement.*

In the event of the railway company's failure or refusal to pay the cost, payment shall be enforced as provided in § 6-7 of this subtitle.

(*City Code, 1927, art. 39, §41; 1950, art. 29, §32; 1966, art. 20, §40; 1976/83, art. 20, §33.*)  
(*Ord. 12-153; Ord. 76-143; Ord. 15-435.*)

**§ 6-7. Ch. 401, Acts of 1906 - enforcement.**

The obligation imposed by §§ 6-5 and 6-6 hereof may be enforced by the Mayor and City Council of Baltimore by a suit at law or any other remedy which, by any law or ordinance, may be appropriate and available for said purpose.

(*City Code, 1927, art. 39, §40; 1950, art. 29, §31; 1966, art. 20, §39; 1976/83, art. 20, §32.*) (*Ord. 12-158.*)

**§ 6-8. Ch. 401, Acts of 1906 - penalties.**(a) *Notice to company.*

If, in the judgment of the Department of Transportation, any street occupied by a street railway company is in bad condition or out of repair between the rails and 2 feet outside of the outer rails, the Department shall notify the railway company to repair the street within the limits specified.

(b) *Cost plus 10%.*

If the Director's order is disregarded and the repairs called for are not made within 10 days of the date of the notice, the Director shall:

- (1) make the repairs;
- (2) charge the cost thereof to the railway company, with 10% added for supervision and use of tools; and
- (3) take the necessary steps to collect said bill.

(c) *Fine.*

Any railway company neglecting, failing, or refusing to make the repairs required by the Department of Transportation shall pay a fine of \$20 for each square or part thereof on the route or line of tracks of the company that it neglected, failed, or refused to repair as directed, this fine to be enforced as are other fines for the violation of City ordinances.

(*City Code, 1927, art. 39, §44; 1950, art. 29, §33; 1966, art. 20, §41; 1976/83, art. 20, §34.*) (*Ord. 1898-101; Ord. 76-143; Ord. 15-435.*)

**SUBTITLE 7**  
**TRACKS AND SWITCHES**

**§ 7-1. Tracks to be filled to grade.**

Unless otherwise permitted or required by a particular franchise ordinance, all railroad tracks in any of the streets, lanes, and alleys in the City shall be filled up between their rails to the grade and with the materials approved from time to time by the Department of Transportation, this work to be done at the expense of the railroad company or companies operating over the tracks and switches.

*(City Code, 1879, art. 40, §11; 1893, art. 41, §11; 1927, art. 39, §11; 1950, art. 29, §36; 1966, art. 20, §44; 1976/83, art. 20, §37.) (Ord. 1854-054; Ord. 48-458; Ord. 76-143; Ord. 15-435.)*

**§ 7-2. Ballast under tracks.**

If any public street in the City, upon which the tracks of any corporation or individual are maintained, is paved or repaved at the expense, either in whole or in part, of the Mayor and City Council of Baltimore or of the abutting property owners, the corporation or individual, in addition to all other obligations of the corporation or individual, shall be required to place under the tracks, to prevent them from sinking, broken stone or gravel ballast whenever, in the judgment of the Department of Transportation, the existing ballast or the natural formation of the soil under the tracks is insufficient.

*(City Code, 1927, art. 39, §12; 1950, art. 29, §37; 1966, art. 20, §45; 1976/83, art. 20, §38.) (Ord. 08-098; Ord. 76-143; Ord. 15-435.)*

**§ 7-3. Maintenance in good repair.**

*(a) Obligation of owners.*

The owners of all railroad tracks and switches and all railroad companies operating thereon shall at all times keep the tracks and switches and the space between the rails of the tracks and switches in good condition and repair.

*(b) Work by Public Works.*

If any owner or railroad company fails or neglects to make repairs promptly and properly, the Department of Transportation is authorized to have the same done in a good and sufficient manner, at the expense of the owner and railroad company.

*(City Code, 1879, art. 40, §12; 1893, art. 41, §12; 1927, art. 39, §13; 1950, art. 29, §38; 1966, art. 20, §46; 1976/83, art. 20, §39.) (Ord. 48-458; Ord. 76-143; Ord. 15-435.)*

**§ 7-4. Tracks on bridges.**

*(a) Prohibited conduct.*

It is unlawful for any passenger railway company to construct any railway track or tracks over any of the bridges belonging to the City of Baltimore in any other manner than approved by the Department of Transportation from time to time.

(b) *Penalties.*

- (1) Any person or corporation violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a penalty of \$25 for each such violation.
- (2) Each day such violation shall continue shall be construed to be a separate violation and subject to the same penalty.

(c) *Continuation of provisions.*

The provisions of Sections 3 and 7 of Ordinance No. 238, approved April 19, 1905, are continued in effect as fully as if set out herein at length.  
(*City Code, 1879, art. 40, §23; 1893, art. 41, §30; 1927, art. 39, §33; 1950, art. 29, §39; 1966, art. 20, §47; 1976/83, art. 20, §40.*) (1876-012; *Ord. 48-464; Ord. 76-143; Ord. 15-435.*)

**SUBTITLES 8 TO 10**  
***{RESERVED}***

**SUBTITLE 11  
SAVINGS CLAUSES**

**§ 11-1. Ordinances remaining in effective - in general.**

All ordinances relating to railroads, street railways, and trackless trolleys in force when this Code is legalized, and not herein specially referred to, shall continue in force as fully as if incorporated herein.

*(City Code, 1893, art. 41 §61; 1927, art. 39, §81; 1950, art. 29, §40; 1966, art. 20, §48; 1976/83, art. 20, §41.) (Res. 1893-185; Ord. 50-1283.)*

**§ 11-2. Ordinances remaining in effect - specific companies.**

(a) *In general.*

All the provisions of the several ordinances heretofore duly passed by the Mayor and City Council of Baltimore and in force and effect on June 22, 1950, relating to the companies hereinafter enumerated, and all the rights, permissions, privileges, authority, and obligations granted to or conferred or imposed upon the said companies by said ordinances, as well as all the terms, reservations, conditions, limitations, restrictions, provisos, and penalties contained in said ordinances, are continued in effect as fully as if the said ordinances were set out at length herein relating to the following companies:

- Baltimore and Ohio Railroad Company
- Baltimore Belt Railroad Company
- Baltimore and Potomac Railroad Company
- Baltimore and Susquehanna Railroad Company
- Northern Central Railway Company
- Baltimore and Port Deposit Railroad Company
- Philadelphia, Wilmington and Baltimore Railroad Company
- Philadelphia, Baltimore and Washington Railroad Company
- Union Railroad Company
- Pennsylvania Railroad Company
- Western Maryland Railroad Company
- Western Maryland Railroad Terminal Company
- Western Maryland Tidewater Railroad Company
- The Western Maryland Railway Company
- Western Maryland Railroad Company
- Chesapeake and Curtis Bay Railroad Company
- Maryland and Pennsylvania Railroad Company
- Baltimore and Delta Railroad Company
- Baltimore and Lehigh Railroad Company
- Canton Railroad Company
- Baltimore City Passenger Railway Company
- Baltimore Traction Company
- Citizens Railway Company
- Central Passenger Railway Company

Baltimore and Hall Springs Railway Company  
 Highlandtown and Point Breeze Railway Company  
 Baltimore, Canton and Point Breeze Railway Company  
 Baltimore, Pimlico and Pikesville Railway Company  
 Baltimore and Randallstown Railroad  
 Baltimore and Powhatan Railway Company  
 North Avenue Electric Railway Company  
 Baltimore, Peabody Heights and Waverly Railroad  
 North Baltimore Passenger Railway Company  
 Peoples Passenger Railway Company  
 Peoples Railway Company  
 Baltimore Union Passenger Railway Company  
 City and Suburban Railway Company  
 Baltimore and Yorktown Turnpike Road  
 Electric Storage Company of Baltimore City  
 Edmondson Avenue, Catonsville and Ellicott City Railway Co.  
 Baltimore and Northern Electric Railway Company  
 Baltimore Consolidated Railway Company  
 Baltimore, Halethorpe and St. Denis Railway Company  
 Columbia and Maryland Railway Company  
 Falls Road Electric Railway Company  
 Maryland Electric Railway Company  
 United Railways and Electric Company  
 Baltimore Transit Company  
 Baltimore, Chesapeake and Atlantic Railway Company  
 Maryland, Delaware and Virginia Railway Company  
 Baltimore and Eastern Railroad Company  
 Baltimore and Sparrows Point Railroad Company

(b) *Provisos.*

(1) Provided, however, that nothing in this section shall be held or construed to amend, modify, or repeal in any respect any of the aforesaid ordinances but that, notwithstanding the repeal of said §§ 24 - 31 and 46 - 62, both inclusive, of Article 39 of this Code (1927 Edition), all said ordinances shall be construed to have at all times been, and shall continue to be, in full force and effect.

(2) And provided further, that nothing in this section shall be held or construed to operate as an extension, renewal, or revival of any expired or abandoned right, privilege, or franchise or any duty or obligation or as an abandonment or waiver of any of the rights, powers, privileges, or franchises of said companies or of the Mayor and City Council of Baltimore.

*(City Code, 1879, art. 40, §§23, 27, 57 - 102, 108 - 116, 119 - 130, 138 - 215, 246 - 252, 322, 337, 347 - 364; 1893, art. 41, §§23 - 29, 37 - 51; 1927, art. 27, §§24 - 31, 46 - 62; 1950, art. 29, §17; 1966, art. 20, §25; 1976/83, art. 20, §18.) (Ord. 50-1279.)*