

FILE NO. 72822

January 16, 1941

Mr. J. D. Steele  
 Chairman, Commission on City Plan  
 Municipal Office Building  
 Baltimore, Maryland

Dear Mr. Steele:

You have asked my opinion regarding certain aspects of Ordinance No. 651 which authorizes the Canton Railroad Company to construct two railroad tracks across Boston Street in the vicinity of Haven Street. I understand that Boston Street is included in the Master Plan for Highways and that your Commission has been considering the possibility of the future construction of a bridge or underpass near the location referred to above.

It is my opinion that the jurisdiction of your Commission in this matter is entirely of an advisory nature, inasmuch as your Commission has not adopted any Master Plan for "public utilities, services and terminals, such as . . . transportation", as it is empowered to do under Section 284A of the Charter Amendment approved in March, 1939.

Under Section 11 of this Ordinance the words "adjusting, altering, shifting, moving, relocating, supporting, protecting and/or accommodating any or all of said tracks" and the words "adjust, alter, shift, move, relocate, support, protect and/or accommodate their said tracks" are used. Although I believe that these words are sufficient to include the raising or lowering of the tracks, I would suggest that it might be advisable to insert the words "raising, lowering" and "raise, lower" in appropriate places.

Should your Commission in the future make plans for a bridge or underpass on Boston Street and incorporate the same in an appropriate master plan or detail plan, and should such bridge or underpass be so laid out on the master plan or detail plan as to require the removal of the Canton Railroad tracks, then such bridge or underpass could not be constructed without the removal of such tracks.

Very truly yours,

(signed) CHARLES C. O. EVANS

City Solicitor

COGE/RNS