


<b>FROM</b>	NAME & TITLE	Rebecca Woods, Esq., Executive Director <i>RW</i>	<b>CITY OF BALTIMORE</b>  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Environmental Control Board 1 North Charles Street, 13 <sup>th</sup> Floor, Baltimore, Maryland 21201		
	SUBJECT	City Council Bill # 19-0407 Franchise – New Cingular Wireless PCS		

DATE:

**TO**

The Honorable President and Members  
of the Baltimore City Council

August 13, 2019

The Baltimore City Environmental Control Board (ECB) has been requested to review City Council Bill # 19-0407, Franchise – New Cingular Wireless PCS. The purpose of the bills is to grant a franchise to New Cingular Wireless PCS, LLC, to construct, install, maintain, repair, operate, relocate, replace, and remove certain Communications Facilities in and across certain streets and Public Ways and Park Properties, subject to certain terms and conditions; and to provide for a special effective date.

Specifically, Council Bill # 19-0407 was referred to the ECB because the Franchise Agreement between the Mayor and City Council of Baltimore and New Cingular Wireless PCS, LLC has a contractual provision entitled “24.0 Environmental,” which details indemnification requirements should there be “Environmental Conditions,” as described in 24.0(b), created by either the Franchisee or the City of Baltimore.

The ECB’s operations have no connection to the storage, treatment, transportation, disposal, and/or investigation or remediation of a spill or release of waste or any otherwise hazardous substance in Baltimore City. Further, ECB’s operations would play no role in the indemnification, reimbursement, and/or defense from and against any and all losses, costs, and liabilities suffered or incurred by the Franchisee resulting from the actions or activities of the City on the franchised premises property.

For this reason, the ECB has no position on the passage of this bill.