

CITY OF BALTIMORE
RESOLUTION _____
Council Bill 17-0004

Introduced by: President Young, Councilmember Middleton
At the request of: Baltimore-Washington Rapid Rail
Address: 6 South Gay Street, Baltimore, Maryland 21202
Introduced and read first time: January 9, 2017
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: February 6, 2017

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Railway Franchise – Consent to Transfer

1
2 FOR the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC (“BWRR”) has
3 sought the consent of the Mayor and City Council of Baltimore to the transfer of the authority
4 to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad
5 (WBAR) in accordance with PSC Order No. 87248, in Case 9363; granting consent for
6 BWRR, as a successor to the WBAR, to exercise the franchise formerly held by the
7 Washington, Baltimore and Annapolis Railroad; ~~and~~ generally relating to the transfer of a
8 certain railway franchise; and setting a special effective date.

Recitals

9
10 WHEREAS, the Northeast Corridor (NEC) is the nation’s economic engine, comprising 20%
11 of the national GDP; and the Baltimore-Washington D.C. region is one of the fastest growing
12 areas in the nation, and is currently the fourth largest market in the country; and

13 WHEREAS, nearly 71 percent of the Maryland’s 5.8 million residents live in the corridor
14 between the cities of Baltimore and Washington DC, and the region’s population is anticipated to
15 increase to 11 million people in the next 30 years; and

16 WHEREAS, the NEC transportation infrastructure between Baltimore and Washington D.C.
17 has not kept pace with its growing population and economic needs, travel in the region already is
18 highly congested, which will only get worse as the population grows; and the network of
19 highways connecting Baltimore and Washington DC carry more than 440,000 cars on a daily
20 basis, which by 2040 will increase an additional 34%; and

21 WHEREAS, numerous studies have concluded the NEC, including the Baltimore-
22 Washington region, requires a more efficient, reliable, and high-speed network of transportation
23 to remain competitive in the international marketplace; and

24 WHEREAS, Superconducting Magnetic Levitation (SCMAGLEV) train technology is the
25 world’s fastest train using magnetic levitation to smoothly, rapidly, and safely accelerate trains to
26 speeds up to 375 miles per hour; and

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter stricken by amendment.

Council Bill 17-0004

1 WHEREAS, the SCMAGLEV has been constructed, is in operation and is being expanded in
2 Japan; and

3 WHEREAS, the Baltimore Washington Rapid Rail, LLC (“BWRR”) is proposing to
4 construct and operate a SCMAGLEV to run from Baltimore to Washington, DC and ultimately
5 north along the highly congested Northeast Corridor; and

6 WHEREAS, the construction and operation of the SCMAGLEV from Baltimore to
7 Washington will have profound and far-reaching positive implications for growth and
8 development of the region contributing \$22.5 billion in economic output from construction and
9 more than 205,000 jobs; and when operational, the SCMAGLEV operations, maintenance and
10 spending by visitors will support more than 6,800 jobs in Baltimore, Washington, and
11 neighboring counties; and

12 WHEREAS, the speed of SCMAGLEV trains will result in a commuter travel time of about
13 15 minutes between Baltimore and Washington, DC and reduce travel time between Baltimore
14 and BWI Marshall Airport to under six minutes; and

15 WHEREAS, the SCMAGLEV is estimated to result in approximately 165 million fewer
16 vehicle miles traveled per year between Baltimore and Washington, DC; and,
17 over the life of the project, will reduce 2 million tons of greenhouse gas emissions; and

18 WHEREAS, the Japanese government is willing to provide significant funding toward the
19 cost of building the first leg of the SCMAGLEV between Baltimore and Washington, DC and the
20 Central Japan Railway Company has agreed to allow BWRR to utilize the SCMAGLEV
21 technology without licensing cost; and

22 WHEREAS, on September 3, 2014 BWRR applied with the Public Service Commission
23 (“PSC”) for the transfer of a Maryland railroad franchise formerly held by the Washington,
24 Baltimore and Annapolis Railroad and on September 23, 2014, the PSC issued a public notice
25 providing 90 days for the submission of public comment and alternative applications; and

26 WHEREAS, numerous favorable comments were filed, no alternative applications nor
27 negative comments were submitted and, following a hearing, on October 14, 2015, the Chief
28 Public Utility Law Judge for the PSC found that “the construction and operation of the
29 SCMAGLEV between Baltimore and Washington, DC will result in substantial economic and
30 social benefits to Baltimore and the State of Maryland and will be consistent with the State’s
31 environment laws and policies to reduce harmful emissions for cleaner air and address the causes
32 of climate change” and that awarding a franchise to facilitate in development of the SCMAGLEV
33 was in the public convenience and necessity; and

34 WHEREAS, by Order No. 87248, the PSC granted BWRR the authority to exercise the
35 franchise “contingent upon the written agreement of BWRR to seek the consent of the Mayor and
36 the City Council of Baltimore City, as specified in the franchise as granted by the Maryland
37 General Assembly, and consistent with Maryland Public Utilities Article (PUA) §§5-407 and 9-
38 303(d)”; and

39 WHEREAS, BWRR will seek authority to construct the SCMAGLEV from the United States
40 Surface Transportation Board, which has preemptive jurisdiction over construction and operation
41 of interstate railroads; and

Council Bill 17-0004

1 WHEREAS, the safety requirements for the SCMAGLEV will be established by the Federal
2 Railroad Administration (“FRA”) which promulgates safety standards pursuant to the federal
3 railroad safety statutes under delegation from the Secretary of Transportation; and

4 WHEREAS, BWRR is a beneficiary of an approximately \$28 million grant awarded by FRA
5 to the Maryland Department of Transportation to be applied to further development of the
6 project, including a comprehensive review of the proposal and any resulting environmental
7 impacts, as required by the National Environmental Policy Act (“NEPA”); and

8 WHEREAS, alternative routes will be considered during the NEPA process, which began at
9 the end of 2016 and will include broad opportunities for Baltimore City and members of the
10 public to comment;

11 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
12 Mayor and City Council of Baltimore acknowledge that BWRR has sought its consent to the
13 transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and
14 Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363, and the Mayor and
15 City Council of Baltimore hereby grant that consent, subject to Section 2 of this ordinance
16 regarding the necessity of a franchise ordinance to construct and operate the SCMAGLEV on
17 City public ways.

18 **SECTION 2. AND BE IT FURTHER RESOLVED,** That Section 1 of this Mayor and City Council
19 resolution does not constitute consent or authorization for BWRR to occupy any road, street,
20 alley, or other public way in Baltimore City, and in the event BWRR intends to occupy any road,
21 street, alley, or other public way in Baltimore City, additional prior consent in accordance with
22 Article 8 of the Baltimore City Charter must be obtained from the Mayor and City Council of
23 Baltimore.

24 **SECTION 3. AND BE IT FURTHER RESOLVED,** That this Resolution takes effect on the 30th day
25 ~~after the~~ date it is enacted.

Council Bill 17-0004

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City