


F R O M	Name & Title	Walter J. Horton Real Estate Officer <i>Walter Horton</i>	CITY OF BALTIMORE MEMO	
	Agency Name & Address	Department of Real Estate Room 304 – City Hall 100 N. Holliday Street		
	Subject	City Council Bill 19-0407		

To: Housing and Urban Affairs Committee

August 16, 2019

POSITION: Support

INTRODUCTION

I am herein reporting on City Council Bill 19-0407 introduced by City Council President Scott on behalf of the Administration (Department of Transportation).

PURPOSE

The purpose of the Bill is to grant a franchise to New Cingular Wireless PCS (New Cingular), a Delaware general partnership to construct, install, maintain, repair, operate, relocate, replace and remove certain Communications Facilities (commonly referred to as Distributed Antenna Systems-DAS) in and across certain streets and Public Ways and Park Properties, subject to certain terms and conditions; and provide for a special effective date.

BRIEF HISTORY

Article VIII of the City Charter provides authority to the City to grant franchises. In 2015 and 2016, the City of Baltimore approved three similar ordinances granting franchises to Crown Castle (Ordinance 15-428), Extenet (Ordinance 15-0400) and Mobilitie/Technology MD (Ordinance 16-464) to erect DAS facilities. To date, approximately 550 DAS nodes have been installed in the City of Baltimore. City Council Bill 19-0406, if approved, would grant a franchise to Verizon to install its equipment in the City's Right of Ways (ROW) and on Park Properties subject to certain terms and conditions.

There are certain provisions of the Franchise ordinance that are particular interest to our office. According to Article 4.0 of the Franchise ordinance, the term of the Franchise shall be for a period of ten (10) years from the date that the Franchise is approved and adopted by ordinance of the Mayor and City Council of Baltimore City. It may be automatically renewed for three (3) additional five (5) year terms provided Franchisee is not in default, is not in arrears with regard to any amount of Franchise fees, as established by the Board of Estimates and provided that Franchisee has not given notice of its intention not to renew in not less than one hundred twenty (120) days.

Franchisee must obtain all necessary permits and obtain from the Board of Estimates approval of its attachment rights before the Franchisee can commence the installation of its equipment. In addition the Franchisee shall obtain approval submit for approval its installation plans from the appropriate agency, i.e. the Department of Transportation for the ROW and the Department of Recreation and Parks for park properties.

Pursuant to Article 9.4, the Franchisee shall obtain design and location approvals from the Department of Planning and the Department of Transportation. The Franchisee shall follow all legally binding Applicable Laws with respect to aesthetics and appearance for the duration of the Franchise.

Pursuant to Article 18 of the Franchise, the Franchisee shall provide the City an up-to-date Maximum Permissible Exposure (MPE) report which the City shall make the report available for public review on the City website.

Pursuant to Article 27.9, the Franchisee shall comply with the City's statutes, ordinances and regulations regarding participation by minority business enterprises ("MBEs") and women's business enterprises ("WBEs").

FISCAL IMPACT

The Department of Real Estate does not anticipate incurring any direct fiscal impact as a result of the proposed legislation.

AGENCY/DEPARTMENT POSITION

The Department has no objections to the passage of City Council Bill 19-407 though we recommend that it be modified to state the City's preference for co-location of the telecommunication equipment of all carriers, if technically possible, to minimize the visual impact of a proliferation of poles with equipment for only one carrier.

If you have any questions, please do not hesitate to contact Mr. Ted Laster at 443-984-3074 or via email at ted.laster@batimrecity.gov.