

**CITY OF BALTIMORE
COUNCIL BILL 14-0319
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: February 3, 2014
Assigned to: Housing and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Housing and Community Development, Department of General Services, Department of Public Works, Department of Transportation, Fire Department, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Franchise – Baltimore Red Line**

3 FOR the purpose of granting franchise rights to the Mass Transit Administration of the
4 Department of Transportation of the State of Maryland for the location, construction,
5 operation, and maintenance in good condition of a Red Line Light Rail System within the
6 boundaries of the City of Baltimore; setting the terms, conditions, and requirements of the
7 Mayor and City Council pertaining to the location, construction, operation, and maintenance
8 in good condition; authorizing the Mass Transit Administration to make use of streets and
9 other public areas within the City of Baltimore for these purposes, in accordance with the
10 attached plat dated, as prepared by the Mass Transit Administration of the Department of
11 Transportation of the State of Maryland and filed with the Department of Transportation of
12 the City of Baltimore on January 13, 2014; and providing for a special effective date.

13 **Recitals**

14 **WHEREAS**, Pursuant to the Transportation Article of the Annotated Code of
15 Maryland, the Maryland Transit Administration of the Department of
16 Transportation of the State of Maryland is authorized to plan, design, develop,
17 finance, and maintain a light rail system serving the Baltimore Metropolitan Area;
18 and

19 **WHEREAS**, The Maryland Transit Administration of the Department of
20 Transportation of the State of Maryland is developing the Red Line Light Rail
21 Transit Project, a 14-mile project with major project elements including a
22 dedicated guideway, 19 stations, and an operations and maintenance facility; and

23 **WHEREAS**, The Red Line Light Rail Transit Project will provide connectivity
24 lacking in Baltimore's current transit system, which will provide high quality
25 transportation for City residents and visitors needing access to education, housing,
26 and jobs; and

27 **WHEREAS**, The planned Baltimore Red Line Light Rail Transit Project lies
28 partially within the boundaries of the City of Baltimore; and

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 **WHEREAS**, Section 7-701 of the Transportation Article of the Maryland
2 Annotated Code requires the Maryland Transit Administration to comply with the
3 laws, ordinances, and regulations of the City of Baltimore with respect to zoning,
4 signs, and buildings, with respect to traffic control and regulation, and with
5 respect to the use of streets, highways, and all other vehicular facilities, in
6 connection with portions of the Baltimore Red Line Light Rail Transit Project,
7 and further provides that the Maryland Transit Administration may not locate,
8 construct, and maintain any of its transit and related facilities in, upon, over,
9 under, or across the highways, streets, lanes, alleys, land under water, waterfront,
10 public landings, wharf property, wharves and docks, parks, and sidewalks of the
11 City of Baltimore without the consent of, and except upon the terms and
12 conditions required by the Mayor and City Council of the City of Baltimore; and

13 **WHEREAS**, The Mayor and City Council of Baltimore, a municipal
14 corporation of the State of Maryland, and the Maryland Department of
15 Transportation, acting by and through its Maryland Transit Administration, have
16 further entered into a Memorandum of Understanding regarding Baltimore Red
17 Line, dated October 12, 2012, which outlines the roles, responsibilities, and
18 commitments of both parties regarding the Baltimore Red Light Rail Transit
19 Project; and

20 **WHEREAS**, The Maryland Transit Administration has requested from the
21 Mayor and City Council of Baltimore franchise rights for the construction and
22 operation of the Baltimore Red Line Light Rail Transit Project within the City of
23 Baltimore; now, therefore,

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
25 consent of the Mayor and City Council is hereby given to the Maryland Transit Administration of
26 the Department of Transportation of the State of Maryland, its successors and assigns (hereinafter
27 “MTA”) for the construction of the Baltimore Red Line Light Rail Transit Project (hereinafter
28 “Red Line”) within the limits of the City of Baltimore, in accordance with the plat thereof as
29 prepared by the MTA, and filed in the Department of Transportation of the City of Baltimore on
30 January 13, 2014. The MTA is hereby authorized to build, locate, construct, maintain in good
31 condition and operate a Red Line with one or more tracks, with such switches, turnouts, sidings,
32 median opening modifications, stations, station platforms with amenities, station public entrances
33 and appurtenant facilities, operations and maintenance facilities, construction staging areas,
34 storage areas, depots, drainage and stormwater management systems, utility systems, overhead
35 structures and catenary systems, signals, underground stations with street level access points,
36 bridge structures, traction power substations, tunnels, tunnel support facilities, ventilation
37 structures, and other appurtenances, as it may deem necessary for the proper design, construction,
38 operation, and maintenance in good condition of the Red Line and the accommodation of the
39 traffic of the same in, upon, over, under, or across the highways, streets, lanes, alleys, medians,
40 land under water, waterfront, public landings, wharf property, wharves and docks, parks,
41 sidewalks, curbs, utilities, conduits, and other infrastructure belonging to or under the control of
42 the City of Baltimore (hereinafter “Public Property or Places”) and to maintain in good condition
43 and repair all such structures, tracks, stations, station public entrances and appurtenances herein
44 above mentioned at the sole cost and expense of the MTA. The MTA shall comply at all times
45 with all of the ordinances of the City of Baltimore providing for condemnation, construction,

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1 maintenance, and repair of all facilities, both public and private, within such public property and
2 places.

3 The MTA shall not in any manner injure or displace any structure or other property of the
4 City of Baltimore on, above, within, or below the public right-of-way herein above mentioned
5 without restoring, relocating, replacing, repaving, milling, resurfacing, refilling, or repairing the
6 structures and property at its entire expense and in accordance with all City and Americans with
7 Disabilities Act standards, or paying to the City all expenses and cost in connection therewith, in
8 accordance with the requirements and provisions of the Memorandum of Understanding
9 regarding Baltimore Red Line, dated October 12, 2012, and any future agreements concerning the
10 Red Line by and between the Mayor and City Council of Baltimore and the MTA.

11 The Mayor and City Council acknowledges that the MTA is the recipient of a Federal grant
12 through the United States Department of Transportation, Federal Transit Administration, which
13 funds, in part, the design and construction of the Red Line. The Mayor and City Council also
14 acknowledges that pursuant to grant requirements, the MTA must demonstrate and retain
15 satisfactory continuing control over rights-of-way upon which the Red Line operates, and that the
16 City will not exercise any right of entry or other rights in a manner that compromises the MTA's
17 commitments under Federal grant terms.

18 The MTA shall promptly, and at its own expense, mill and resurface in good order, improve
19 concrete amenities, and make appropriate and necessary surface restoration of each such public
20 property and place as the MTA may find necessary to dig, impair or remove pavement for the
21 purpose of constructing or maintaining the Baltimore Red Line transit facilities.

22 If the MTA omits or neglects to repair or repave or make the appropriate and necessary
23 further restoration of any such public property or place, or any part thereof, within a reasonable
24 period of time after completion of its necessary construction activities, as provided for by the
25 Director of Transportation of the City of Baltimore in his notice, the MTA shall, for each such
26 omission, or neglect, forfeit and pay to the use of the City of Baltimore such sum as the Director
27 of Transportation adjudges to be reasonable and proper under the circumstances, subject to a
28 review on the record by a court of competent jurisdiction.

29 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the refilling, repairing, repaving,
30 replacing, relocating, and restoring required to be done by the provisions of the preceding
31 section, shall be subject to the approval by the Director of Transportation of the City of
32 Baltimore, or his fully authorized representative, and if, through omission or neglect, or any
33 cause, as emergency condition may arise or obtain, which, in the judgment of the Director,
34 jeopardizes the health, welfare, or safety of the community, the Director may cause the repairing,
35 repaving, replacing, relocating, and restoring to be done so as to end the emergency condition.
36

37 The Director of Transportation may file suit in the name of the Mayor and City Council of the
38 City of Baltimore against the MTA to recover the expense of repairing, repaving, replacing,
39 relocating, and restoring as necessitated by the emergency.

40 **SECTION 3. AND BE IT FURTHER ORDAINED**, That, unless otherwise approved by the Board
41 of Estimates, the MTA shall, in its construction of the Red Line, provide for, construct, and
42 maintain in good condition public entrance plazas adjacent to and around the locations of public
43 entrances to the stations, on land specifically acquired by the MTA for that purpose, including
44 permanent plaza surface treatments, signs and kiosks, seating, decorative planting area and

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1 landscaping elements, civic or artistic embellishments, lighting, and any other items necessary
2 for the functioning of the entrance plazas and the enjoyment of the public utilizing them.

3 **SECTION 4. AND BE IT FURTHER ORDAINED,** That wherever private entrance connections are
4 to be constructed between private properties and structures, whether existing or to be constructed,
5 and adjacent Red Line structures, where such private attractions are to be located and constructed
6 over, across, in, or under the public property or places of the City of Baltimore, that the location,
7 design and construction of the private entrance connections shall be subject to the approval of the
8 City of Baltimore.

9 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the provisions of this ordinance are
10 severable. If any term, phrase, clause, sentence, paragraph, section of part in or of this ordinance,
11 or the application thereof to any person or circumstance, is declared invalid, the remaining
12 provisions and the applications of such provisions or circumstances shall not be affected thereby
13 but shall remain in full force and effect, the Mayor and City Council of Baltimore hereby
14 declaring that they would have ordained the remaining provisions of this ordinance without the
15 term, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held
16 invalid.

17 **SECTION 6. AND BE IT FURTHER ORDAINED,** That when the conditions imposed by any
18 provision of this ordinance are either more restrictive or less restrictive than comparable
19 conditions imposed by any other law, ordinance, resolution, rule, regulation or agreement of any
20 kind of the Mayor and City Council of Baltimore, the conditions that are more restrictive shall
21 govern.

22 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
23 enacted.