

Introduced by: President Young, *m d d l t u*
At the request of: Baltimore-Washington Rapid Rail
Address: 6 S. Gay Street, Baltimore, Maryland 21202

Prepared by: Department of Legislative Reference

Date: January 4, 2017

Referred to: **JUDICIARY AND LEGISLATIVE INVESTIGATIONS** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL *17-0004*

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Railway Franchise – Consent to Transfer

FOR the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC ("BWRR") has sought the consent of the Mayor and City Council of Baltimore to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad; and generally relating to the transfer of a certain railway franchise.

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****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____	_____	_____	_____
Department of Public Works	Baltimore City Public School System	_____	_____
Department of Real Estate	Baltimore Development Corporation	_____	_____
Department of Recreation and Parks	City Solicitor ✓	_____	_____
Department of Transportation ✓	Comptroller's Office	_____	_____
Fire Department	Department of Audits	_____	_____
Health Department	Department of Finance	_____	_____
Mayor's Office of Employment Development	Department of General Services	_____	_____
Mayor's Office of Human Services	Department of Housing and Community Development	_____	_____
Mayor's Office of Information Technology	Department of Human Resources	_____	_____
Office of the Mayor	Department of Planning ✓	_____	_____
Police Department	Other: _____	_____	_____
Other: _____	Other: _____	_____	_____
Other: _____	Other: _____	_____	_____

Boards and Commissions

_____	_____	_____	_____
Environmental Control Board	Board of Estimates	_____	_____
Fire & Police Employees' Retirement System	Board of Ethics	_____	_____
Labor Commissioner	Board of Municipal and Zoning Appeals	_____	_____
Parking Authority Board	Comm. for Historical and Architectural Preservation	_____	_____
Planning Commission	Commission on Sustainability	_____	_____
Wage Commission	Employees' Retirement System	_____	_____
Other: _____	Other: _____	_____	_____
Other: _____	Other: _____	_____	_____
Other: _____	Other: _____	_____	_____

CITY OF BALTIMORE
RESOLUTION **17-011**
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

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

Recitals

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

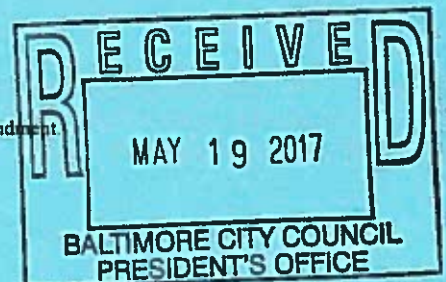
WHEREAS, nearly 71 percent of the Maryland’s 5.8 million residents live in the corridor between the cities of Baltimore and Washington DC, and the region’s population is anticipated to increase to 11 million people in the next 30 years; and

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

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

WHEREAS, Superconducting Magnetic Levitation (SCMAGLEV) train technology is the world’s fastest train using magnetic levitation to smoothly, rapidly, and safely accelerate trains to 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 SGMAGLEV 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.

Approved For Form and Legal Sufficiency
City of _____

Chief Solicitor

Council Bill 17-0004

Certified as duly passed this _____ day of FEB 27 2017



President, Baltimore City Council

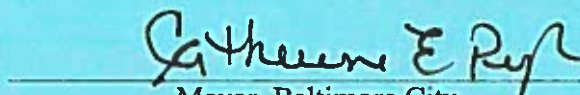
Certified as duly delivered to Her Honor, the Mayor,

this _____ day of FEB, 27 2017

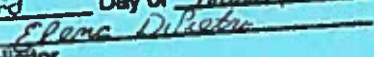


Chief Clerk

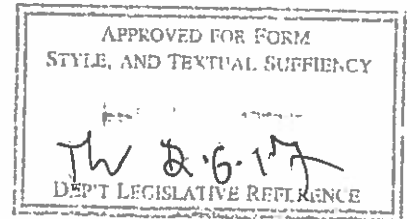
Approved this 17 day of March, 20 17



Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 3rd Day of March 2017


Chief Solicitor



AMENDMENTS TO COUNCIL BILL 17-0004
(First Reader Copy)

By: The Judiciary and Legislative Investigations Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 1, in line 5, after “Railroad” insert “(WBAR)”; and, on that same page, in line 6, after “BWRR,” insert “, as a successor to the WBAR.”.

Amendment No. 2

On page 3, in line 15, after “consent” insert “, subject to Section 2 of this ordinance regarding the necessity of a franchise ordinance to construct and operate the SCMAGLEV on City public ways”.

Amendment No. 3

On page 3, in line 19, after “consent” insert “in accordance with Article 8 of the Baltimore City Charter”.

Amendment No. 4

On page 1, in line 8, strike “and”; and, in that same line, after “franchise” insert “, and setting a special effective date”; and, on page 3, in lines 21 and 22, strike “30th day after the”.

ADOPTED



CHRYSOLOGA

**BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE
VOTING RECORD**

BILL#: CC-17-0004 DATE: 1/31/17

BILL TITLE: Railway Franchise - Consent To Transfer

MOTION BY: CLARKE SECONDED BY: SCOTT

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	7	0	0	0

CHAIRPERSON: *E.V. G...*
 COMMITTEE STAFF: D'Paul S. Nibber, Initials: *DN*



HEARING NOTES

Bill: 17-0004

Railway Franchise - Consent To Transfer

Committee: Judiciary and Legislative Investigations

Chaired By: Councilmember Eric Costello

Hearing Date: January 31, 2017
Time (Beginning): 10:05 a.m.
Time (Ending): 11:30 a.m.
Location: Clarence "Du" Burns Chamber
Total Attendance: 25
Committee Members in Attendance:
Mary Pat Clarke John Bullock Brandon Scott
Leon Pinkett Edward Reisinger Robert Stokes

Bill Synopsis in the file? yes no n/a
Attendance sheet in the file? yes no n/a
Agency reports read? yes no n/a
Hearing televised or audio-digitally recorded?..... yes no n/a
Certification of advertising/posting notices in the file?..... yes no n/a
Evidence of notification to property owners? yes no n/a
Final vote taken at this hearing? yes no n/a
Motioned by: **Councilmember Clarke**
Seconded by:..... **Councilmember Scott**
Final Vote: **Fav. with Amendments**

Major Speakers

(This is not an attendance record.)

- Wayne L. Rogers, The Northeast Maglev
- Frank D. Boston, III, Law Offices of Frank D. Boston, III
- Patrick Fleming, Department of Transportation
- Wolde Ararsa, Department of Planning
- Elena DiPietro, Law Department

Major Issues Discussed

1. Chairman Costello introduced the proceedings and discussed the reports of the various agencies in attendance.
2. Mr. Frank Boston asked that the Council support the rapid rail project and introduced the next speaker.
3. Mr. Wayne Rogers stated that he is the CEO and founder of the Northeast Maglev. He added that this rapid rail project will be beneficial for the environment and traffic. Mr. Rogers noted that the government of Japan will be providing financial support. Upon completion, he mentioned that a trip to New York City will take 45 minutes, giving Baltimoreans access to four million jobs throughout the northeast corridor. Mr. Rogers spoke of Baltimore's history with public transit and Japan's success with Maglev technology. He also stated that the proposed project will have great deal of public input, and final routing will be determined by items such as a yet-to-be-completed environmental impact statement.
4. Mr. Patrick Fleming discussed the Department of Transportation's role in the Maglev project. He stated that agency is working in coordination with the State and Mr. Rogers's company. Councilwoman Clarke asked how neighborhoods will be impacted and who does the community go to with their reservations. Mr. Fleming informed that the project is primarily being spearheaded by the state, specifically the Maryland Department of Transportation. Mr. Rogers added that there are many federal agencies involved and the company is still undergoing two years of scoping hearings to determine the breadth of the project. Mr. Fleming then stated that once the project is finalized, Northeast Maglev will have to come before the City for a franchise agreement.
5. Ms. Elena DiPietro discussed the Law Department's stance on 17-0004. She stated that the Department is concerned that the law governing the railway franchise at stake is very old. This means that the older railway franchise could intrude into public rights away. Ms. DiPietro said the Law Department has put forth its amendments to make clear that the granting of a railway franchise does not allow any intrusions into public rights of way.
6. Councilman Scott asked how much a trip on the proposed Maglev would cost, and Mr. Rogers informed him that it is tough to project due to costs, but his company anticipates a cost of \$1-2 per mile of travel.
7. Councilman Reisinger asked how the project is going to be funded since Japan will be providing \$5 billion of the total cost of \$17 billion. Mr. Rogers stated that no money will be required of the State or City, noting that several early studies were privately funded.
8. Councilman Pinkett expressed his concerns that community involvement will not be taken into account, similar to his experience with the construction of the BP tunnel in northeast Baltimore. Mr. Rogers responded that his company is open to suggestions and that they are local with the ability to accommodate drop-in visitors. He added that safety is not a great concern since Japan's current Maglev has experienced no fatalities and barely any delays. Councilman Pinkett then asked how much of the projected \$22.5 billion in economic growth would include temporary specialized jobs for individuals living outside of the City. Mr. Rogers stated that it will include many local and permanent jobs, but will also help others retain employment by reducing transportation burdens.
9. Councilman Bullock asked about the timeframe of the project, and was told by Mr. Rogers that construction would take between 5 to 7 years. He also asked about the environmental impact, and

was informed by Mr. Rogers that wildlife seemed to be unaffected in testing. Mr. Rogers added that the project is entirely electric, meaning no emissions. Councilman Bullock also asked about the scope of the project and was informed that it intended to link the cities and airports of the northeast corridor.

10. Councilman Stokes raised the concerns of unions. He asked whether workers will receive jobs allowing them to progress within the company, and was told by Mr. Rogers that his company is receptive to suggestions. They will not be looking at employment issues for another seven years.

11. Councilwoman Clarke asked about what kind of approvals will be necessary for this project going forward, and Mr. Rogers informed her that the project will mostly require the input of various federal agencies including the United States Surface Transportation Board. Councilman Costello put forth the amendments offered by the Law Department. The first amendment was moved favorably by Councilwoman Clarke with a second from Councilman Scott, and it was approved 7-0. The second amendment was moved favorably by Councilwoman Clarke with a second from Councilman Scott, and it was approved 7-0. The third amendment was moved favorably by Councilman Scott with a second from Councilwoman Clarke, and it was approved 7-0.

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

E. Costello:Yea
M. Clarke:Yea
J. Bullock:Yea
L. Pinkett:Yea
E. Reisinger:Yea
B. Scott:Yea
R. Stokes:Yea

D'Paul Nibber
D'Paul Nibber, Committee Staff

Date: February 1, 2017

cc: Bill File
OCS Chrono File

received
1-31-17

Testimony of Wayne L. Rogers In Support of Baltimore City Council Bill 17-0004 Railway Franchise Consent

Chairman Costello, Vice Chairman Clarke and members of the Judiciary Committee, my name is Wayne L. Rogers and I am the Chairman and CEO of Baltimore Washington Rapid Rail, LLC ("BWRR"), a Maryland company, one hundred percent US owned and headquartered here at 6 South Gay Street in Baltimore. Thank you for the opportunity to testify in favor of Baltimore City Council Bill 17-0004.

As you know, our area and the Northeast Corridor are subject to some of the worst traffic, air and rail congestion in the country. We are proposing a transformative solution based upon the newest and best transportation technology in the world: the Superconducting Maglev. The technology exists in Japan and we want to bring it to Baltimore.

It seems unimaginable that upon completion of the first leg, we could reach BWI airport from Baltimore in 5 minutes, or to DC in 15 minutes. On completion of the entire route, New York will only be 45 minutes from Baltimore. Sitting where we are today, citizens of Baltimore will have access to over 4 million more jobs within a 1 hour commute.

The recitals in the Bill outline the background and facts surrounding the project. I confirm them today and, in the interest of time this morning, will not recount them individually.

Baltimore has a long history of being at the leading edge of transportation. The B&O Railroad was America's first common carrier and had a signer of the Declaration of Independence lay its cornerstone. It was one of the first commercial rail lines in the world. Today Baltimore is on the move and we need to have the best technology deployed here that the world has to offer. Japan has spent over 50 years developing and deploying superconducting maglev: a train that can travel 375 miles per hour. We have a historic opportunity to work together with Japan and transform our lives in Maryland.

The Maryland Public Service Commission ("PSC"), after notice in all affected counties, a hearing and process of over a year, found that "the construction and operation of the

SCMAGLEV between Baltimore and Washington, DC will result in substantial economic and social benefits to Baltimore and the State of Maryland..." BWRR was granted transfer of an existing rail franchise. As the franchise granted was the transfer of an existing franchise which had its origins in the early 20th century, the statutory consent that Baltimore had previously provided may have been seen by some as dated. In deference to Baltimore City, the PSC provided that BWRR should seek the consent of the Mayor and City Council of Baltimore.

The granting of the franchise is the first step in the federal approval process that is currently underway. There have been and will continue to be numerous opportunities for both government and public input into the project. No alignment or station locations have been finalized.

While your consent at this juncture is critical to the project moving forward, I want to underscore that the resolution provides for additional consent from the Mayor and City Council to occupy and road, street, alley or public way. The final routing will be determined as a result of completion of the public environmental review process with the input of the federal government, the state, cities, counties, community associations and the public.

Thank you for your continued support of our efforts to improve Baltimore, our community. I would be happy to answer any questions you may have.





**BALTIMORE CITY COUNCIL
JUDICIARY AND LEGISLATIVE INVESTIGATIONS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Judiciary and Legislative Investigations Committee is to investigate and study the continuing operations, efficiency, and functions of Baltimore City government in accordance with the laws of Baltimore City, the State of Maryland, and the United States.

As a result of its investigations and studies, the Committee will recommend and oversee reforms to improve the operations of Baltimore City's government through legislative, administrative, and/or budgetary processes.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

Tuesday, January 31, 2017

10:00 AM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

Council Bill 17-0004

Railway Franchise - Consent to Transfer

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Murray

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: D'Paul Nibber

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Jennifer Coates

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Erick Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Ed Reisinger
Brandon Scott
Robert Stokes
Staff: D'Paul Nibber

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Marguerite Murray

LAND USE AND TRANSPORTATION

Edward Reisinger - Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Marshall Bell

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Marshall Bell

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Erick Costello
Edward Reisinger
Robert Stokes
Staff: Jennifer Coates
- *Larry Greene (pension only)*

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 17-0004

Railway Franchise - Consent To Transfer

Sponsor: President Young, et al

Introduced: January 9, 2017

Purpose:

For the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC ("BWRR") has sought the consent of the Mayor and City Council of Baltimore to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad; and generally relating to the transfer of a certain railway franchise.

Effective: 30th day after the date it is enacted

Hearing Date/Time/Location: January 31, 2017/10:00 a.m./Clarence "Du" Burns Chamber

Agency Reports

Department of Planning

Department of Transportation

City Solicitor

No Objection

No Objection

Favorable w/ Amendments

ANALYSIS

Current Law

The petitioner is acting in accordance with a **Public Services Commission order, #87248, case #9363**, in which it must receive approval from the City of Baltimore for its use of current railways. Additionally, the authority to lay railway as a franchise in Baltimore City is set by **1906 MD Laws, Chapter 193 and Ordinance 123, 1906**.

Background

Council Bill 17-0004 transfers a railway franchise from Washington, Baltimore, and Annapolis Railroad to Baltimore Washington Rapid Rail, LLC ("BWRR"). BWRR has sought the franchise in order to construct a train using Superconducting Magnetic Levitation ("MAGLEV"). The train would service the Baltimore - Washington D.C. corridor, and is intended to alleviate the congestion between the two metropolitan areas. It will be capable of traveling up to 375 MPH and arriving in Baltimore from D.C. in fifteen minutes.

A \$28 million federal grant was awarded to the Maryland Department of Transportation ("MDOT") for the purposes of studying the proposed MAGLEV between Baltimore and D.C. According to CBS Baltimore, the completed project is estimated to cost between \$10 and \$12 billion, with some of these costs being covered by the Japanese government. An article from WAMU mentions that "[t]he Bank of Japan has pledged a \$5 billion loan to help Maryland and its private sector partner, Baltimore-Washington Rapid Rail, which has been pursuing the project since 2010, finance the construction."

Safety requirements for the MAGLEV will be constructed by the Federal Railroad Administration. 17-0004 makes it clear that the MAGLEV must not "occupy any road, street, alley, or other public way in Baltimore City." Also mentioned in the WAMU article is that the path for the train must be a straight line in order to attain optimal speeds, and may require underground routes. The project has some detractors. According to the Capital Gazette, these individuals believe the service is redundant with MARC and Amtrak, and costs too much for the amount of commute time it will save. It is suggested that the project will actually cost \$17.5 billion. Others believe vital specifics are missing from the proposed project including who will pay for it, how much tickets will cost, and how much operating expenses will be.

The Department of Planning has reviewed the Bill and has no objections. Similarly, the Department of Transportation has no objections to 17-0004. The Law Department has provided a favorable report with several clarifying amendments to bill. These amendments are offered to make it clear that Baltimore City's approval is needed for the railway project.

Additional Information

Fiscal Note: Not Available

Information Source(s): CBS Baltimore; Capital Gazette; WAMU

Analysis by: *D'Paul S. Nibber*
D'Paul S. Nibber
Analysis Date: January 27, 2017

Direct Inquiries to: (410) 396-1268

**CITY OF BALTIMORE
COUNCIL BILL 17-0004
(Resolution)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Transportation

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Railway Franchise – Consent to Transfer**

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

9 **Recitals**

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 deleted 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

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

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

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

35 WHEREAS, by Order No. 87248, the PSC granted BWRR the authority to exercise the
36 franchise "contingent upon the written agreement of BWRR to seek the consent of the Mayor and
37 the City Council of Baltimore City, as specified in the franchise as granted by the Maryland
38 General Assembly, and consistent with Maryland Public Utilities Article (PUA) §§5-407 and 9-
39 303(d)"; and

40 WHEREAS, BWRR will seek authority to construct the SCMAGLEV from the United States
41 Surface Transportation Board, which has preemptive jurisdiction over construction and operation
42 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.

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

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

JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE

Council Bill 17-0004

Hearing Date: January 31, 2017

Agency Reports:

- **Department of Planning**
 - **No Objections**
- **Department of Transportation**
 - **No Objections**
- **City Solicitor**
 - **Favorable w/ Amendments**

TJS

FROM

NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #17-0004/ RAILWAY FRANCHISE – CONSENT TO TRANSFER

CITY of
BALTIMORE
MEMO



TO

DATE:

January 23, 2017

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street


The Department of Planning is in receipt of City Council Bill #17-0004, which is for the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC (“BWRR”) has sought the consent of the Mayor and City Council of Baltimore to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad; and generally relating to the transfer of a certain railway franchise.

The Department of Planning has no objection to City Council Bill #17-0004.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

- cc: Mr. Pete Hammen, Chief Operating Officer
 Mr. Jim Smith, Chief of Strategic Alliances
 Ms. Karen Stokes, Mayor’s Office
 Mr. Colin Tarbert, Mayor’s Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. William H. Cole, IV, BDC
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Mr. Patrick Fleming, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Natawna Austin, Council Services
 Mr. Francis Burnszynski, PABC

F R O M	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0004		

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

January 30, 2017

I am herein reporting on City Council Bill 17-0004 for the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC ("BWRR") has sought the consent of the Mayor and City Council of Baltimore to transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 8724, in case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad; and generally relating to the transfer of certain railway franchise.

As proposed City Council Bill 17-0004 would consent to the transfer of the 1906 franchise ordinance (Ordinance 123) authorizing the Baltimore Terminal Corporation to construct a railroad in the City of Baltimore.

The Department of Transportation (DOT) is monitoring the planning process of BWRR's proposed Superconducting Magnetic Levitation (SCMAGLEV) project connecting Washington, DC and Baltimore. As this project continues DOT will work with BWRR to ensure that Baltimore's future transportation needs are met.

DOT has no objections to this bill.

Thank you for this opportunity to comment.

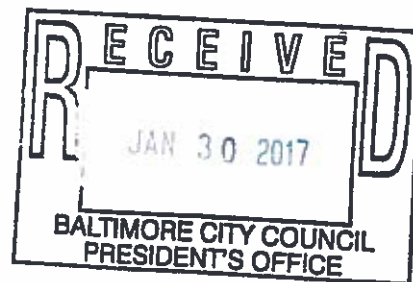
Respectfully,



Frank J. Murphy
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office
Angela Gibson, Mayor's Office



No
objc

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

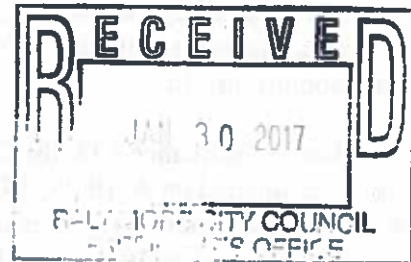


DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

January 27, 2017

The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 17-0004 - Railway Franchise - Consent to Transfer

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0004. The bill proposes to give the consent of the Mayor and City Council for the transfer of a State granted easement to Baltimore Washington Rapid Rail, LLC.

The original State franchise involved in this Resolution was granted by the General Assembly to the Washington and Annapolis Electric Railway Company ("WAERC") in 1900 by Chapter 307 of the Laws of Maryland. The original intent of the company was to connect the City of Annapolis to Washington, D.C. The State franchise required the company to obtain the consent of the local governments through which the railroad passed. 1900 MD Laws, Chapter 307, §10.

Several years later, the WAERC decided to connect to Baltimore. At approximately the same time, the Baltimore Terminal Company ("BTC") formed to construct a railway in the City of Baltimore. When the BTC connected to the WAERC (now operating under the name the Washington, Baltimore and Annapolis Electric Railway - the "WBAER"), the General Assembly granted the BTC a franchise. 1906 MD Laws, Chapter 193. Section 1 of this franchise permitted the BTC "to lay tracks, and build and operate its lines on such streets in the city of Baltimore as it has been or maybe authorized by the Mayor and City Council of Baltimore." The State franchise was granted March 30, 1906.

Pursuant to the 1906 State franchise, the Mayor and City Council of Baltimore the following month authorized the BTC and its successors and assigns "to lay down, construct and maintain iron and steel railway tracks" on certain specified streets. The authorization was in a form of a franchise ordinance, a legislative vehicle required under the City Charter when granting permission to use City right-of-way for a private purpose. See Ordinance 123, 1906.

Fav w/ Amend

As required by the City Charter, the term of the franchise was 25 years. Ordinance 123, §10. The ordinance granted the BTC the right to renew the franchise for another 25 years under certain conditions. Id.

Under Ordinance 123, the City franchise granted the BTC, as well as its successors and assigns, terminated on April 27, 1931. There is no record that the franchise was renewed. For this reason, a successor to BTC is not recognized in any City ordinance. More specifically, a successor is not currently permitted to occupy or use City right-of-way for any purpose.

Section 1 of City Council Bill 17-0004 resolves that the Mayor and City Council of Baltimore consents to the exercise of the State franchise now held by the Baltimore Washington Rapid Rail, LLC, as a successor to the WBARC. The Law Department points out that if consent is granted, the consent does not authorize the use of City right-of-way. Under the City Charter consent to use City right-of ways can only be granted by the adoption of a franchise ordinance. See City Charter of Baltimore, Article 8. Furthermore, under the Charter any franchise granted to the WBARC can only exist for a maximum of 25 years before it needs renewal by the passage of another ordinance. Id.

The Law Department notes that Section 2 of City Council Bill 17-0004 recognizes the fact: i.e., that consent to the State franchise does not provide consent to "occupy any road, street, alley, or other public way in Baltimore City" and that "additional prior consent" must be maintained.

To clarify the limitations of this resolution, the Law Department proposes several amendments .

1. On page 1, line 5 after the word "Railroad" insert "(WBAR)"; and on line 6, after the name BWRR, insert ", as successor to the WBAR,"
2. On page 3, line 15, after "consent" insert ",subject to Section 2 of this ordinance regarding the necessity of a franchise ordinance to construct and operate the SCMAGLEV on City public ways"
3. On page 3, line 19, after "consent" ^{insert} in accordance with Article 8 of the Baltimore City Charter².

City Council Bill 17-0004
January 27, 2017
Page 3

Accordingly, provided the bill is amended as set forth above, the Law Department can approve Council Bill 17-0004 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Hilary Ruley, Assistant Solicitor
Victor Terval, Assistant Solicitor
Jenny Landis, Assistant Solicitor

**JUDICIARY AND LEGISLATIVE
INVESTIGATIONS COMMITTEE**

Council Bill 17-0004

Hearing Date: January 9, 2017

Attachments:

- **WAMU: “Maglev Between D.C. and Baltimore? MTA Embarks On Environmental Study”**
- **Capital Gazette: “Around Linthicum: Maglev meeting creates more questions than answers”**
- **CBS Baltimore: “MTA Investigating Possible Maglev Train for Baltimore-DC”**

WAMU, SEP 6, 2016

Maglev Between D.C. And Baltimore? MTA Embarks On Environmental Study

Martin Di Caro



A maglev train could get from D.C. to Baltimore in 15 minutes or to New York City in an hour.

The Northeast Maglev

Maryland has taken a critical step that will determine if the state, working with a private sector partner, will build a high-speed magnetic levitation train, or maglev, connecting Baltimore and Washington — the kind of high-speed transport that exists in some Asian countries but nowhere in the United States.

The Maryland Transit Administration has started an environmental impact study of potential routes connecting the two cities, a key part of the approval process that is expected to take more than two years. A final decision on whether to build a maglev line, where trains float above a magnetic guideway, is expected to be made in three to five years and will involve other factors, such as economic impact and the availability of financing.

“We are very serious. We are the only state that is doing this,” said Suhair Al Khatib, the MTA’s deputy administrator.

The state has advanced further on the project now than the last time it considered building a maglev, which was at the beginning of last decade. The project failed to secure public support or funding, and the state legislature blocked the work in 2004.

But now planners are scoping out potential routes between Baltimore and D.C. — possibly underground — to maintain the straight line necessary to run a maglev train at maximum speed. Proponents say the trip would take as little as 15 minutes if the Maryland line operates as fast as the maglev in Japan that will eventually connect Tokyo and Nagoya.

“This is a 40-mile corridor by 10 miles wide. It is about 400 square miles of area that we will be looking at where the right alignment will fit,” said Al Khatib, who said a good portion of the line will likely run through tunnels.

The Bank of Japan has pledged a \$5 billion loan to help Maryland and its private sector partner, Baltimore-Washington Rapid Rail, which has been pursuing the project since 2010, finance the construction. The project may cost an estimated \$10 billion and take several years to complete.

But the environmental impact study has to be completed first.

“The economic case for the project and the financial case will be determined also, possibly within two and a half years,” Al Khatib said.

In a statement, the chairman of Baltimore Washington Rapid Rail, Wayne Rogers, touted the progress toward determining possible routes.

“Through this process we’ll be able to determine the preferred alignment for the project, the types of construction that will be necessary and optimal station locations,” Rogers said.

“Concurrently, we will be working with officials at the U.S. Department of Transportation on safety and construction reviews, as well as continuing to advocate to federal, state and local officials for the tremendous benefits this technology will bring to the greater Baltimore-Washington region.”

■ FILED UNDER: DC, Maryland, Technology, Transportation.

■ COMMENTS

Around Linthicum: Maglev meeting creates more questions than answers



A proposed high-speed magnetic levitation train project would connect Washington, D.C. and New York. It would include a stop at BWI Airport. Many Linthicum residents are against the high-speed Maglev project, which would bring a fourth train through the town. (File photo / Getty Images)



By **Heather Vecchioni**
Correspondent

JANUARY 7, 2017, 7:13 PM

Proponents of creating a Superconducting Maglev route in Linthicum claim the high-speed train's presence would have a variety of advantages, but many residents aren't buying it.

The Baltimore-Washington Superconducting Maglev Project is Guinness-certified as the world's fastest train and aims to get passengers from Baltimore to Washington, D.C., in 15 minutes. Its ultimate goal is to travel from Washington to New York in one hour. Although this certainly seems ideal, the prospect of having this high-tech travel option has many Linthicum residents seeing red.

Recently, the Federal Railroad Administration and the [Maryland Department of Transportation](#) held an open house at Lindale Middle School about Maglev. Residents were invited to meet the project team, learn about the

project, share ideas and ask questions about the project.

Many of those who attended, however, felt the meeting did nothing but create new questions, which they said the presenters, Maryland-based Baltimore-Washington Rapid Rail, didn't answer.

"The governor's office, who proposed Maglev, does not appear to have any real plan," said **Kevin Plessner**, secretary of the Executive Board of Directors of the Linthicum Shipley Improvement Association (LSIA). "This latest round of Maglev proposals seems to have arisen from Japanese business proposals and other special interests without any meaningful thought put into who will pay for it, whether it is needed or desirable, whether it will effectively improve public transportation or how it will affect Maryland communities."

The train would use a magnetic levitation system that could result in speeds of more than 300 mph. Instead of riding on traditional standard steel railroad tracks, the train would hover over a U-shaped guideway floor with the help of superconducting magnets and levitation and guideway coils. A guidewall would also surround the train, preventing it from derailing.

No fear of derailment, along with improving travel options, increasing regional mobility, fostering economic development and creating jobs, are a few of the potential selling points proponents touted, if it is installed. Some residents, like **Glen Haller**, a member of the Board of Directors of LSIA, however, are skeptical about those claims, as well as who is actually going to pay for the \$17.5 billion train.

"Note that in all the promotion of this, the per passenger cost and the operating costs are never discussed," Haller said. "Even if 'someone else' pays for it, we will get stuck with the operating deficit this project will create. **MARC** service already exists between Baltimore and Washington with a stop at BWI. When the proponents of this project count the jobs they claim will be created, they do not subtract out jobs lost due to transfer of service from MARC to Maglev."

The train would run from Baltimore to Washington with a stop at Baltimore/Washington International Thurgood Marshall Airport. With the existence of trains that already run the same route, residents wonder why a new train is necessary.

"We already have three train systems in place: the MARC train, AMTRAK train and the ACELA high-speed train, and we do not need a fourth," said **Suzzie Schuyler**, president of the LSIA. "Update the **Amtrak** System at a much lower cost, instead. It would only save 15 minutes to get from BWI to D.C.; the Amtrak takes about 25 minutes and the Maglev would take about 10 minutes. We cannot justify \$17.5 billion for a 10- to 15-minute savings."

This isn't the first time Linthicum residents have heard of the prospect a Maglev would be built in their neighborhood. In 2003, the Federal Railroad Administration proposed the train's installation, intended to link downtown Baltimore to BWI and Union Station in Washington. The project was never completed. Many Linthicum residents were against Maglev then, and still don't want the train to run through their town.

"I remember years ago when Maglev 'reared its ugly head,' as many people felt," said **Celeste Riddle**, vice president of the LSIA. "It was going to go right through Linthicum as the direct access to the airport. If that would be the case again, I would not be in favor of it. It sounds as if it would be a very costly and lengthy project, probably disrupting life and especially traffic, here in Linthicum. Goodness knows, we have suffered enough with the BGE pipe replacement project. I can't imagine what a Maglev project would do to us."

Along with the many unanswered questions the project has created, such as where the actual tracks will go, the height of the rail walls and the potential environmental consequences the Maglev would create, some residents are also concerned about their safety should the train find its way in Linthicum.

"The community of Linthicum has existed since the early 1800s and has large parts designated as an Historical District," said Schuyler. "We have a strong community with Blue Ribbon schools and exceptional private schools. We have to work together to keep our neighborhoods safe and reduce crime with diligence and by working closely with the police, even with the unpopular Light Rail System, which brought petty crimes into our community. We do not want a fourth train coming to our back yards."

For more information about Maglev, visit BaltimoreWashingtonSCMAGLEVproject.com.

Email Linthicum news to Heather Vecchioni at aroundlinthicum@gmail.com.

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This article is related to: [MARC Train](#), [Amtrak](#), [Maryland Department of Transportation](#)



MTA Investigating Possible Maglev Train For Baltimore-DC

October 9, 2016 11:55 PM By Ava-Joye Burnett

Filed Under: [Baltimore](#), [Maglev](#), [Train](#), [Transportation](#), [Washington](#)

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BALTIMORE (WJZ)— Getting from Baltimore to Washington, D.C. in 15 minutes could be a reality, but there are still obstacles to overcome.

It's a futuristic looking train that literally levitates at speeds of more than 300 miles per hour.

It's already in Japan and a \$28 million federal grant has just been released to study what it would take to get the technology here.

The company that's spearheading this proposal says a commute between D.C. and Baltimore would take just 15 minutes and just another 45 minutes to New York—revolutionizing travel as we know it.

"Our infrastructure, highways, bridges, airports, rail, all of that is crumbling and we are really working on infrastructure that was done by our grandparents and so we have to do something different or it's going to be really rough for our children," said Wayne Rogers, CEO of Northeast Maglev.

The price tag for a project: between \$10 to 12 billion.

Maglev Northeast anticipates that money would come from the private sector, the federal government and from the Japanese, where the technology has already been in use for decades.

POPULAR



Ball Industry Campaign Contributions Rise as Reforms Weighed



Ravens Quarterback To Promote Hogan's BaltimoreLink Bus Plan



The City Looks to Curb Crashes on I-83

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Patriots Fan Charged With Pulling Alarm At Steelers' Hotel



Will Ben Roethlisberger Retire In The Near Future?



Report: City Schools Prepared To Lay Off 1,000 Employees

FOR YOU



DNR: Bel Air Deer May Die Due to its Head Stuck in a Jar



Man Charged For Stabbing Murder In Front Of Royal Farms

Police: No Evidence Of Personal Relationship In Teen Murder-Suicide

Now this comes at a time when the government is making a big push to improve the nation's transportation system and many commuters are on board.



Powered by CBS

"That sounds great, my commute right now is 2 hours, so anything to shorten it would be great," Claire Onley said.

"Yeah I mean I'm from New York so I know what it is to be on the train for hours on end. I mean, if it's safe, then I am all for it," said Jason Nunez who lives in Baltimore.

The Maryland Transit Administration is undertaking the environmental impact study for the next 2 years.

"When you can go from Baltimore to Washington in 15 minutes it means that these two metropolitans are going to be one. It means that you can live in one and work in another and be home in a very reasonable time," said Suhair Al Khatib, deputy administrator & chief planning, program and engineering officer with Maryland Transit Administration.

If this project moves forward, MTA says this could have a significant economic impact on Baltimore and the region.

After the study, the first high speed train between D.C. and Baltimore could go into operation in 2026.

Follow [@CBSBaltimore](#) on Twitter and like [WJZ-TV | CBS Baltimore](#) on Facebook

Ava-joye Burnett

Ava-joye Burnett joined WJZ Eyewitness News in January of 2016 as a general assignment reporter. Prior to joining WJZ, Ava-joye worked at WRIC-TV in Richmond, Va. as a reporter and anchor. Ava-joye started her reporting career in Hagerstown, Md....

More from [Ava-joye Burnett](#)

 Comments

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Nancy Kerrigan Was Famous In The 90s, Where Is She Now?

F R O M	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0004		

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

January 30, 2017

I am herein reporting on City Council Bill 17-0004 for the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC ("BWRR") has sought the consent of the Mayor and City Council of Baltimore to transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 8724, in case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad; and generally relating to the transfer of certain railway franchise.

As proposed City Council Bill 17-0004 would consent to the transfer of the 1906 franchise ordinance (Ordinance 123) authorizing the Baltimore Terminal Corporation to construct a railroad in the City of Baltimore.

The Department of Transportation (DOT) is monitoring the planning process of BWRR's proposed Superconducting Magnetic Levitation (SCMAGLEV) project connecting Washington, DC and Baltimore. As this project continues DOT will work with BWRR to ensure that Baltimore's future transportation needs are met.

DOT has no objections to this bill.

Thank you for this opportunity to comment.

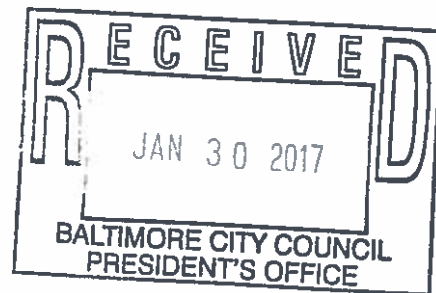
Respectfully,

Frank J. Murphy

Frank J. Murphy
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office
Angela Gibson, Mayor's Office



No
objc

CITY OF BALTIMORE

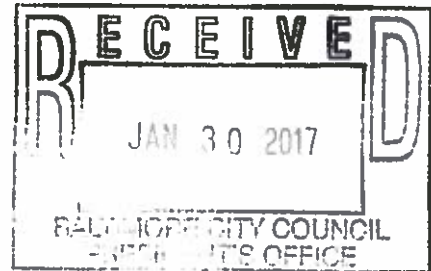
CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

January 27, 2017



The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0004 - Railway Franchise - Consent to Transfer

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0004. The bill proposes to give the consent of the Mayor and City Council for the transfer of a State granted easement to Baltimore Washington Rapid Rail, LLC.

The original State franchise involved in this Resolution was granted by the General Assembly to the Washington and Annapolis Electric Railway Company ("WAERC") in 1900 by Chapter 307 of the Laws of Maryland. The original intent of the company was to connect the City of Annapolis to Washington, D.C. The State franchise required the company to obtain the consent of the local governments through which the railroad passed. 1900 MD Laws, Chapter 307, §10.

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Pursuant to the 1906 State franchise, the Mayor and City Council of Baltimore the following month authorized the BTC and its successors and assigns "to lay down, construct and maintain iron and steel railway tracks" on certain specified streets. The authorization was in a form of a franchise ordinance, a legislative vehicle required under the City Charter when granting permission to use City right-of-way for a private purpose. See Ordinance 123, 1906.

Fav w/ Amend

REVISED

As required by the City Charter, the term of the franchise was 25 years. Ordinance 123, §10. The ordinance granted the BTC the right to renew the franchise for another 25 years under certain conditions. Id.

Under Ordinance 123, the City franchise granted the BTC, as well as its successors and assigns, terminated on April 27, 1931. There is no record that the franchise was renewed. For this reason, a successor to BTC is not recognized in any City ordinance. More specifically, a successor is not currently permitted to occupy or use City right-of-way for any purpose.

Section 1 of City Council Bill 17-0004 resolves that the Mayor and City Council of Baltimore consents to the exercise of the State franchise now held by the Baltimore Washington Rapid Rail, LLC, as a successor to the WBARC. The Law Department points out that if consent is granted, the consent does not authorize the use of City right-of-way. Under the City Charter consent to use City right-of ways can only be granted by the adoption of a franchise ordinance. See City Charter of Baltimore, Article 8. Furthermore, under the Charter any franchise granted to the WBARC can only exist for a maximum of 25 years before it needs renewal by the passage of another ordinance. Id.

The Law Department notes that Section 2 of City Council Bill 17-0004 recognizes the fact: i.e., that consent to the State franchise does not provide consent to “occupy any road, street, alley, or other public way in Baltimore City” and that “additional prior consent” must be maintained.

To clarify the limitations of this resolution, the Law Department proposes several amendments .

1. On page 1, line 5 after the word “Railroad” insert “(WBAR); and on line 6, after the name BWRR, insert “, as successor to the WBAR,”
2. On page 3, line 15, after “consent” insert “,subject to Section 2 of this ordinance regarding the necessity of a franchise ordinance to construct and operate the SCMAGLEV on City public ways”
3. On page 3, line 19, after “consent” in accordance with Article 8 of the Baltimore City Charter”.

City Council Bill 17-0004
January 27, 2017
Page 3

Accordingly, provided the bill is amended as set forth above, the Law Department can approve Council Bill 17-0004 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Hilary Ruley, Assistant Solicitor
Victor Tervalo, Assistant Solicitor
Jenny Landis, Assistant Solicitor

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0004/ RAILWAY FRANCHISE – CONSENT TO TRANSFER

CITY of
BALTIMORE
MEMO



DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

January 23, 2017

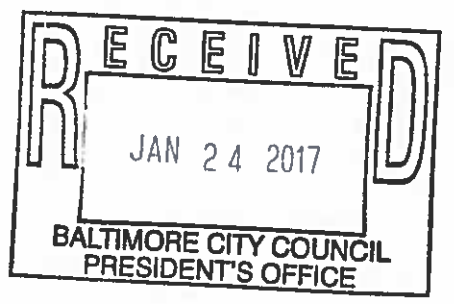
The Department of Planning is in receipt of City Council Bill #17-0004, which is for the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC ("BWRR") has sought the consent of the Mayor and City Council of Baltimore to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad; and generally relating to the transfer of a certain railway franchise.

The Department of Planning has no objection to City Council Bill #17-0004.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

- cc: Mr. Pete Hammen, Chief Operating Officer
- Mr. Jim Smith, Chief of Strategic Alliances
- Ms. Karen Stokes, Mayor's Office
- Mr. Colin Tarbert, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to Planning Commission
- Mr. William H. Cole, IV, BDC
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Mr. Patrick Fleming, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Natawna Austin, Council Services
- Mr. Francis Burnszynski, PABC



No obj

**CITY OF BALTIMORE
COUNCIL BILL 17-0004
(Resolution)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Transportation

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Railway Franchise – Consent to Transfer**

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

9 **Recitals**

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 deleted 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

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

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

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

35 WHEREAS, by Order No. 87248, the PSC granted BWRR the authority to exercise the
36 franchise “contingent upon the written agreement of BWRR to seek the consent of the Mayor and
37 the City Council of Baltimore City, as specified in the franchise as granted by the Maryland
38 General Assembly, and consistent with Maryland Public Utilities Article (PUA) §§5-407 and 9-
39 303(d)”; and

40 WHEREAS, BWRR will seek authority to construct the SCMAGLEV from the United States
41 Surface Transportation Board, which has preemptive jurisdiction over construction and operation
42 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

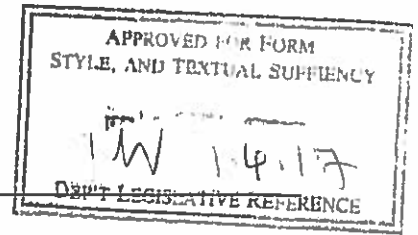
8 WHEREAS, alternative routes will be considered during the NEPA process, which began at
9 the end of 2016 and will include broad opportunities for Baltimore City and members of the
10 public to comment;

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.

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

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

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: President Young
At the request of: Baltimore-Washington Rapid Rail
Address: 6 S. Gay Street, Baltimore, Maryland 21202

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Railway Franchise – Consent to Transfer

FOR the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC (“BWRR”) has sought the consent of the Mayor and City Council of Baltimore to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad; and generally relating to the transfer of a certain railway franchise.

Recitals

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

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

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

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

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

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

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

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

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

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

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

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

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

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

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

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

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

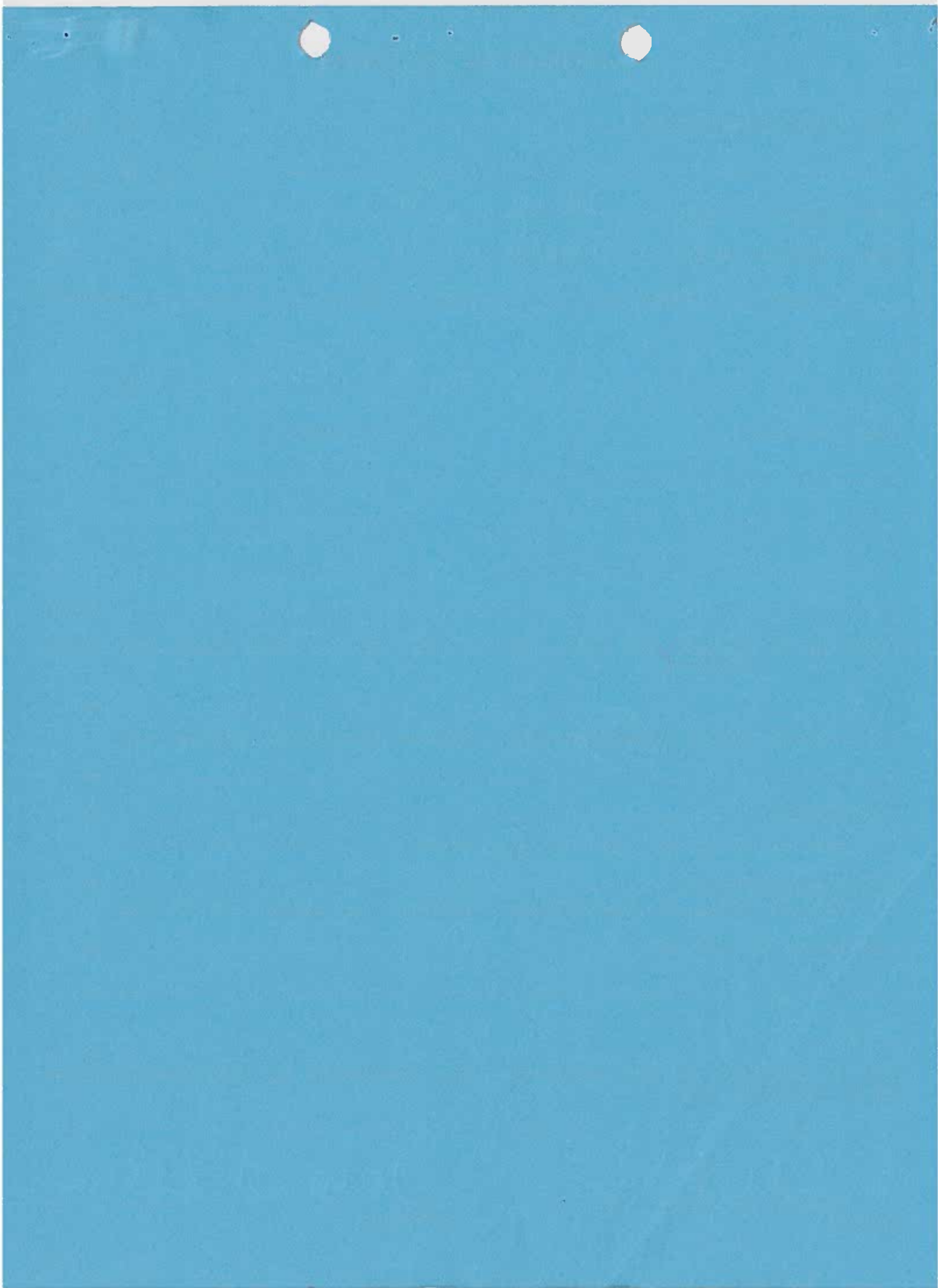
WHEREAS, BWRR is a beneficiary of an approximately \$28 million grant awarded by FRA to the Maryland Department of Transportation to be applied to further development of the project, including a comprehensive review of the proposal and any resulting environmental impacts, as required by the National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

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

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore acknowledge that BWRR has sought its consent to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363, and the Mayor and City Council of Baltimore hereby grant that consent.

SECTION 2. AND BE IT FURTHER RESOLVED, That Section 1 of this Mayor and City Council resolution does not constitute consent or authorization for BWRR to occupy any road, street, alley, or other public way in Baltimore City, and in the event BWRR intends to occupy any road, street, alley, or other public way in Baltimore City, additional prior consent must be obtained from the Mayor and City Council of Baltimore.

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



ACTION BY THE CITY COUNCIL

JAN 09 2017
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON JANUARY 31 20 17

COMMITTEE REPORT AS OF JANUARY 31 20 17

_____ FAVORABLE _____ UNFAVORABLE X FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

CV. [Signature]

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

FEB 06 2017
20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ FEB 27 2017
20

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]

President

[Signature]

Chief Clerk

CITY OF BALTIMORE

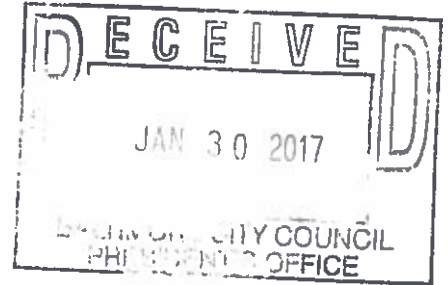
CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

January 27, 2017



The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0004 - Railway Franchise - Consent to Transfer

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0004. The bill proposes to give the consent of the Mayor and City Council for the transfer of a State granted easement to Baltimore Washington Rapid Rail, LLC.

The original State franchise involved in this Resolution was granted by the General Assembly to the Washington and Annapolis Electric Railway Company ("WAERC") in 1900 by Chapter 307 of the Laws of Maryland. The original intent of the company was to connect the City of Annapolis to Washington, D.C. The State franchise required the company to obtain the consent of the local governments through which the railroad passed. 1900 MD Laws, Chapter 307, §10.

Several years later, the WAERC decided to connect to Baltimore. At approximately the same time, the Baltimore Terminal Company ("BTC") formed to construct a railway in the City of Baltimore. When the BTC connected to the WAERC (now operating under the name the Washington, Baltimore and Annapolis Electric Railway - the "WBAER"), the General Assembly granted the BTC a franchise. 1906 MD Laws, Chapter 193. Section 1 of this franchise permitted the BTC "to lay tracks, and build and operate its lines on such streets in the city of Baltimore as it has been or maybe authorized by the Mayor and City Council of Baltimore." The State franchise was granted March 30, 1906.

Pursuant to the 1906 State franchise, the Mayor and City Council of Baltimore the following month authorized the BTC and its successors and assigns "to lay down, construct and maintain iron and steel railway tracks" on certain specified streets. The authorization was in a form of a franchise ordinance, a legislative vehicle required under the City Charter when granting permission to use City right-of-way for a private purpose. See Ordinance 123, 1906.

Fav w/ Amend

As required by the City Charter, the term of the franchise was 25 years. Ordinance 123, §10. The ordinance granted the BTC the right to renew the franchise for another 25 years under certain conditions. *Id.*

Under Ordinance 123, the City franchise granted the BTC, as well as its successors and assigns, terminated on April 27, 1931. There is no record that the franchise was renewed. For this reason, a successor to BTC is not recognized in any City ordinance. More specifically, a successor is not currently permitted to occupy or use City right-of-way for any purpose.

Section 1 of City Council Bill 17-0004 resolves that the Mayor and City Council of Baltimore consents to the exercise of the State franchise now held by the Baltimore Washington Rapid Rail, LLC, as a successor to the WBARC. The Law Department points out that if consent is granted, the consent does not authorize the use of City right-of-way. Under the City Charter consent to use City right-of ways can only be granted by the adoption of a franchise ordinance. See City Charter of Baltimore, Article 8. Furthermore, under the Charter any franchise granted to the WBARC can only exist for a maximum of 25 years before it needs renewal by the passage of another ordinance. *Id.*

The Law Department notes that Section 2 of City Council Bill 17-0004 recognizes the fact: i.e., that consent to the State franchise does not provide consent to “occupy any road, street, alley, or other public way in Baltimore City” and that “additional prior consent” must be maintained.

To clarify the limitations of this resolution, the Law Department proposes several amendments .

1. On page 1, line 5 after the word “Railroad” insert “(WBAR); and on line 6, after the name BWRR, insert “, as successor to the WBAR,”
2. On page 3, line 15, after “consent” insert “,subject to Section 2 of this ordinance regarding the necessity of a franchise ordinance to construct and operate the SCMAGLEV on City public ways”
3. On page 3, line 19, after “consent” in accordance with Article 8 of the Baltimore City Charter”.

City Council Bill 17-0004
January 27, 2017
Page 3


Accordingly, provided the bill is amended as set forth above, the Law Department can approve Council Bill 17-0004 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Hilary Ruley, Assistant Solicitor
Victor Tervalo, Assistant Solicitor
Jenny Landis, Assistant Solicitor

F R O M	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 16-0728		

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

January 30, 2017

I am herein reporting on City Council Bill 17-0004 for the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC ("BWRR") has sought the consent of the Mayor and City Council of Baltimore to transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 8724, in case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad; and generally relating to the transfer of certain railway franchise.

As proposed City Council Bill 17-0004 would consent to the transfer of the 1906 franchise ordinance (Ordinance 123) authorizing the Baltimore Terminal Corporation to construct a railroad in the City of Baltimore.

The Department of Transportation (DOT) is monitoring the planning process of BWRR's proposed Superconducting Magnetic Levitation (SCMAGLEV) project connecting Washington, DC and Baltimore. As this project continues DOT will work with BWRR to ensure that Baltimore's future transportation needs are met.

DOT has no objections to this bill.

Thank you for this opportunity to comment.

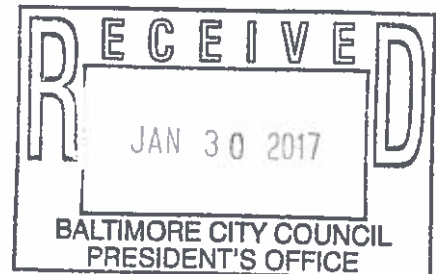
Respectfully,




Frank J. Murphy
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office
Angela Gibson, Mayor's Office



NO
obj

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0004/ RAILWAY FRANCHISE – CONSENT TO TRANSFER		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

January 23, 2017

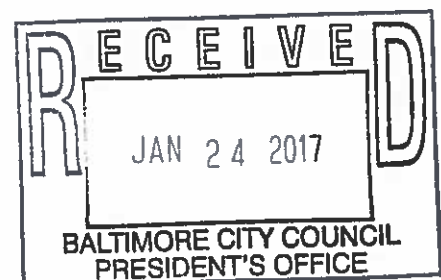
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The Department of Planning has no objection to City Council Bill #17-0004.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole, IV, BDC
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Francis Burnszynski, PABC



No obj

**CITY OF BALTIMORE
COUNCIL BILL 17-0004
(Resolution)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Transportation

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1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

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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
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Council Bill 17-0004

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5 north along the highly congested Northeast Corridor; and

6 WHEREAS, the construction and operation of the SCMAGLEV from Baltimore to
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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

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

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

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

35 WHEREAS, by Order No. 87248, the PSC granted BWRR the authority to exercise the
36 franchise “contingent upon the written agreement of BWRR to seek the consent of the Mayor and
37 the City Council of Baltimore City, as specified in the franchise as granted by the Maryland
38 General Assembly, and consistent with Maryland Public Utilities Article (PUA) §§5-407 and 9-
39 303(d)”; and

40 WHEREAS, BWRR will seek authority to construct the SCMAGLEV from the United States
41 Surface Transportation Board, which has preemptive jurisdiction over construction and operation
42 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;

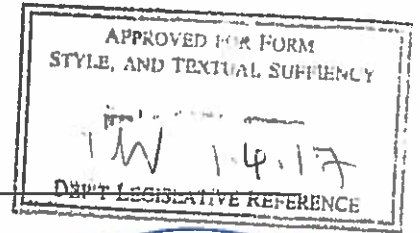
11 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
12 Mayor and City Council of Baltimore acknowledge that BWRR has sought its consent to the
13 transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and
14 Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363, and the Mayor and
15 City Council of Baltimore hereby grant that consent.

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

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

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL 17-0004



Introduced by: President Young
At the request of: Baltimore-Washington Rapid Rail
Address: 6 S. Gay Street, Baltimore, Maryland 21202

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A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

Railway Franchise – Consent to Transfer

FOR the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC (“BWRR”) has sought the consent of the Mayor and City Council of Baltimore to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad, and generally relating to the transfer of a certain railway franchise.

Recitals

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

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

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

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

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

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

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

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

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

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

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

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

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

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

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

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

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

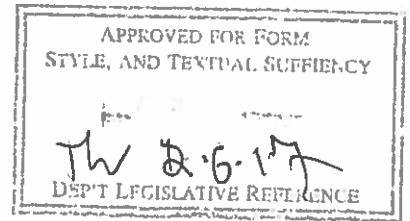
WHEREAS, BWRR is a beneficiary of an approximately \$28 million grant awarded by FRA to the Maryland Department of Transportation to be applied to further development of the project, including a comprehensive review of the proposal and any resulting environmental impacts, as required by the National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

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

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore acknowledge that BWRR has sought its consent to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363, and the Mayor and City Council of Baltimore hereby grant that consent.

SECTION 2. AND BE IT FURTHER RESOLVED, That Section 1 of this Mayor and City Council resolution does not constitute consent or authorization for BWRR to occupy any road, street, alley, or other public way in Baltimore City, and in the event BWRR intends to occupy any road, street, alley, or other public way in Baltimore City, additional prior consent must be obtained from the Mayor and City Council of Baltimore.

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



**AMENDMENTS TO COUNCIL BILL 17-0004
(First Reader Copy)**

By: The Judiciary and Legislative Investigations Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 1, in line 5, after “Railroad” insert “(WBAR)”; and, on that same page, in line 6, after “BWRR,” insert “, as a successor to the WBAR.”.

Amendment No. 2

On page 3, in line 15, after “consent” insert “, subject to Section 2 of this ordinance regarding the necessity of a franchise ordinance to construct and operate the SCMAGLEV on City public ways”.

Amendment No. 3

On page 3, in line 19, after “consent” insert “in accordance with Article 8 of the Baltimore City Charter”.

Amendment No. 4

On page 1, in line 8, strike “and”; and, in that same line, after “franchise” insert “; and setting a special effective date”; and, on page 3, in lines 21 and 22, strike “30th day after the”.

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