

**CITY OF BALTIMORE
COUNCIL BILL 24-0559
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Law)
Introduced and read first time: July 22, 2024
Assigned to: Rules and Legislative Oversight

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation,
City Administrator, Police Department, Health Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Francis Scott Key Bridge – Actions and Remedies**

3 FOR the purpose of exercising the City’s authority granted under City Charter, Article II, §§ (10)
4 {“Harbor, docks, and wharves”} and (47) {“General welfare”} to: (1) provide for the
5 preservation of the navigation of the Patapsco River and its tributaries; (2) prevent injury to
6 navigation or health; and (3) maintain the peace, good government, and health and welfare of
7 the City of Baltimore, by establishing that in a cause of action arising out of the allision
8 between a ship, the M/V Dali, and the Francis Scott Key Bridge on March 26, 2024, the City
9 of Baltimore shall be entitled to recover for economic loss; providing the City Solicitor with
10 the authority to establish certain rules and regulations to carry out the provisions of this
11 Ordinance; providing for a special effective date; and generally relating to the allision
12 between a ship, the M/V Dali, and the Francis Scott Key Bridge on March 26, 2024.

13 BY adding

14 Article 10 - Harbors, Docks, and Wharves
15 Sections 10-1 to 10-3 to be under the new subtitle designation,
16 “Subtitle 10. Actions and Remedies”
17 Baltimore City Code
18 (Edition 2000)

19 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
20 Laws of Baltimore City read as follows:

21 **Baltimore City Code**

22 **Article 10. Harbors, Docks, and Wharves**

23 **SUBTITLE 10. ACTIONS AND REMEDIES**

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

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§ 10-1. SCOPE OF SUBTITLE.

EXCEPT AS OTHERWISE PROVIDED HEREIN, THE PROVISIONS OF THIS SUBTITLE SHALL APPLY SOLELY TO CLAIMS WHICH MAY ARISE OR HAVE ARISEN AS A RESULT OF THE ALLISION BETWEEN A SHIP, THE M/V DALI, AND THE FRANCIS SCOTT KEY BRIDGE ON MARCH 26, 2024.

§ 10-2. RULES AND REGULATIONS.

SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY GENERAL PROVISIONS ARTICLE, THE CITY SOLICITOR MAY ADOPT SUCH RULES AND REGULATIONS DEEMED NECESSARY AND PROPER TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE 10, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.

§ 10-3. ECONOMIC LOSS.

(A) *RECOVERY.*

(1) *IN GENERAL.*

IN A CAUSE OF ACTION ARISING OUT OF THE ALLISION BETWEEN A SHIP, THE M/V DALI, AND THE FRANCIS SCOTT KEY BRIDGE ON MARCH 26, 2024, THE CITY OF BALTIMORE SHALL BE ENTITLED TO RECOVER FOR ECONOMIC LOSS INCLUDING, WITHOUT LIMITATION, THE FOLLOWING, IF THE FOLLOWING WERE CAUSED BY ANY VIOLATION OF ANY PERMIT, RULE, REGULATION, OR ORDER TO WHICH THE OWNER OR OPERATOR OF THE M/V DALI OR THE OWNER OR OPERATOR’S AGENTS WERE SUBJECT, OR CAUSED BY THE NEGLIGENCE OF THE OWNER OR OPERATOR OF THE M/V DALI OR THE OWNER OR OPERATOR’S AGENTS:

- (I) LOSS OF INCOME;
- (II) LOSS OF MEANS OF PRODUCING INCOME;
- (III) LOSS OF AN ECONOMIC BENEFIT;
- (IV) LOSS OF TAX REVENUE;
- (V) LOSS CAUSED BY DAMAGE TO THE NATURAL RESOURCES OF THE CITY OF BALTIMORE;
- (VI) THE COSTS OF RESPONSE, CONTAINMENT, REMOVAL, OR REMEDIAL ACTION INCURRED BY THE CITY OF BALTIMORE;
- (VII) LOSS DUE TO ADMINISTRATIVE EXPENDITURES FOR THE INCREMENTAL COSTS OF PROVIDING THE FUNCTIONS OR SERVICES THAT ARE INCURRED BY THE CITY OF BALTIMORE; AND
- (VIII) THE COSTS OF PROJECTS OR ACTIVITIES THAT ARE DELAYED OR LOST BECAUSE OF THE EFFORTS OF THE CITY OF BALTIMORE.

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1 (2) *CLAIMS AND DEFENSES.*

2 IN ANY ACTION BROUGHT TO RECOVER SUCH ECONOMIC LOSS, IT IS NOT NECESSARY TO
3 PROVE THAT THE LOSS WAS SUSTAINED AS A RESULT OF PHYSICAL INJURY TO A PERSON
4 OR DAMAGE TO THE CITY OF BALTIMORE’S PROPERTY, NOR IS IT A DEFENSE TO CLAIM
5 THAT THE DEFENDANT OWED NO SPECIAL DUTY TO THE CITY OF BALTIMORE OR THAT
6 THE LOSS WAS THE RESULT OF GOVERNMENTAL ACTION TAKEN IN RESPONSE TO THE
7 VIOLATION OF ANY PERMIT, RULE, REGULATION, OR ORDER BY DEFENDANT OR
8 NEGLIGENCE OF DEFENDANT.

9 (B) *NO LIMIT ON CAUSE OF ACTION.*

10 NOTHING IN THIS SUBTITLE MAY BE DEEMED TO LIMIT ANY OTHER CAUSE OF ACTION THAT
11 MAY EXIST UNDER FEDERAL, STATE, MUNICIPAL, OR COMMON LAW.

12 (C) *NO CONFLICT.*

13 NOTHING IN THIS SUBTITLE SHALL BE DEEMED TO BE IN CONFLICT WITH A PERSON’S
14 ABILITY TO INVOKE 46 U.S.C. § 30523 {“MARITIME LIABILITY — EXONERATION AND
15 LIMITATION OF LIABILITY — GENERAL LIMIT OF LIABILITY”} TO LIMIT LIABILITY.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
17 enacted.