
CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor



DEPARTMENT OF LAW
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April 30, 2019

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 19-0354 – Underground Conduit System for Cables, Wires and Similar Facilities

Dear President and City Council Members:

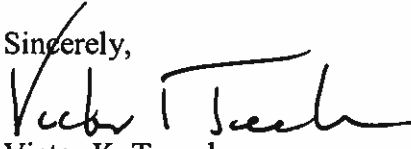
The Law Department has reviewed City Council Bill 19-0354 for form and legal sufficiency. The bill clarifies the location and administration of an underground conduit system for cables, wires, and similar facilities. It requires the Department of Transportation to administer and maintain the system and to prepare the plans and specifications for its construction, maintenance, and repair. The bill limits the use of the conduit system to persons who have obtained certain permits and other legal authorizations and have paid certain annual charges. It requires the removal of unauthorized installations, provides for the voluntary and mandatory relocation of certain facilities, and prohibits the tampering with, opening, or interfering with manholes or facilities in the conduit system. The bill provides for records of and annual reporting by conduit users, authorizes the issuance, service, and enforcement of stop-work orders, and imposes civil and criminal penalties for offenses. The bill contains special effective dates.

In 1892, twenty-six years before Baltimore became a home rule jurisdiction, the Maryland General Assembly granted Baltimore the power to construct a system of underground conduit and order overhead utility lines to be placed in the constructed conduit. *See* 1892 Laws of Maryland, Chapter. 200. The advent of home rule in 1918 provided the City independent legislative power to construct and regulate conduit use by the City and others, including the power to establish fees for conduit usage. *See* City Charter, Art. II, § 34(f). The Mayor and City Council implemented the delegated powers by adopting what is now City Code Article 26, Subtitle 23.

Council Bill 19-0354 revises Article 26, Subtitle 23. In its present incarnation, Subtitle 23 is largely antiquated. It no longer adequately protects the City's interests or recognizes some of the City's current practices involving the conduit system. The revision proposed by Council Bill 19-0354 comes in the aftermath of a public hearing held in May of 2018 on the state of the conduit system, a hearing which was required by Council Bill 18-0076R. The public hearing extensively

explored the disposition of the conduit system and provided guidance as to possible revisions. Thereafter Subtitle 23 was comprehensively reviewed by City staff and decisions were made to modernize its provisions that are now exhibited in the current bill. The Law Department was intimately involved in the review and in the drafting of the legislation.

There are no legal impediments to the adoption of this bill. Therefore the Law Department is prepared to approve the bill for form and legal sufficiency.

Sincerely,

Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Jeffrey Amoros, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor