

Dear Baltimore City Council,

My name is Barbara Bourland. The below is a written transcript of the oral testimony I will present today to the Ways and Means committee.

As a resident of 7th District, and the current president of the Historic Mount Royal Terrace Association, a nonprofit, 501(c)3 neighborhood association established in 1999, I'm here to express our opposition to the passage of Bill #24-0564, scheduled Tuesday, September 10th. This bill concerns the proposed sale of subterranean portions of Streets and Alleys bounded by portions of Linden Avenue, W. North Avenue, Eutaw Place, Ducatel Street, Brookfield Avenue, Reservoir Street, Whitelock Street, Newington Avenue, Callow Avenue, Park Avenue, and Mt. Royal Terrace, for use in perpetuity by Amtrak as part of their proposed replacement of the B&P Tunnel (hereafter referred to as "the Project").

Our opposition to this sale is aligned with the interests of the federal government, whose regulatory power is granted by the people, to serve the people, above all else. Federal law protects the rights of all citizens and lower authorities, including cities like Baltimore, from unlawful acts by parties in power.

At this time, any sale of the subterranean right-of-way to the above streets and alleys by Baltimore City to Amtrak would be unlawful, as Amtrak has not yet met its obligations to the federal government, including but not limited to its obligations under NEPA, the National Environmental Policy Act. In this specific instance, Amtrak has not yet performed the detailed vibration or ground-borne noise assessments required in the planning phases by the 2017 ROD on the streets and alleys named in this bill. Until Amtrak completes these assessments, and establishes the necessity of these routes, it may not lawfully employ the implication or invocation of the right of eminent domain to acquire public right of way from any party, including the City of Baltimore.

As the Council is surely aware, Baltimore City may not act in direction contravention to the federal government, nor may it supersede the authority of any federal agencies. If it chooses to approve this sale, such a sale will be unlawful, and the project may be invalidated at a later date, by a party or executive administration whose interests run counter to the completion of the Project.

As members of the community who must bear the costs of regional infrastructure in the short, medium, and long term, we urge the Council to follow the rule of law in this instance and all others. This bill must be tabled until Amtrak has met its obligations to the federal government.

All best
Barbara Bourland
Reservoir Hill
President, Historic Mount Royal Terrace Association
mountroyalterrace.org