


F R O M	NAME & TITLE	William M. Johnson, Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 15-0590	M E M O	

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

November 13, 2015

I am herein reporting on City Council Bill 15-0590, Demolition, etc., of City Structures, for the purpose of prohibiting the demolition or reconstruction of certain City-owned structures unless expressly authorized by an ordinance of the Mayor and City Council: defining certain terms; and requiring that, on introduction of a proposed authorizing ordinance, the bill be referred to certain agencies for their reports and recommendations.

§ 1-193 of the Building Code defines a Structure as “all or any part of anything erected that:

- (1) has a fixed location on the ground; or
- (2) is attached to something having a fixed location on the ground.”

Therefore given the definition of “City Structure” in this bill could have the effect of requiring the replacement of street lights, traffic control devices or even sidewalk repairs subject to City Council approval, which would make timely repairs and replacement impractical. The Department of Transportation (DOT) proposes the following amendment, after line 7 on Page 2 insert:


“City Structure” does not mean:

- (1) Any structure (other than a building) that is owned by the City, to the extent that the structure:
 - a. is located on, over, or under a street, alley, or other public way or land, and
 - b. is designed, constructed, controlled, and maintained by and under the authority and supervision of the Director of Public Works, the Director of General Services, or the Director of Transportation, whichever has jurisdiction, or an authorized representative of the Director: and,
- (2) Any pole, conduit, tunnel, pipe line, manhole, or other similar surface or subsurface structure, including its equipment, that is owned and controlled by a public service corporation, to the extent that:
 - a. the structure is located on, over, or under a street, alley, or other public way or land,
 - b. its construction is authorized by the City, and
 - c. its installation is regulated and supervised by the Director of Public Works, the Director of General Services, or the Director of Transportation, whichever has jurisdiction, or an authorized representative of the Director.

These exemption are nearly identical to the exceptions provided in the Building Code under § 102.7 and § 102.8.

DOT has supports this bill with amendments to clarify that this bill would not affect the removal or replacement of traffic control devices, street lights, or prevent the resurfacing of roadways and alleys.

Respectfully,


William M. Johnson
Director