

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 10-0479

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 19, 2010
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: August 9, 2010

AN ORDINANCE CONCERNING

Sinclair Lane Bridge – Reconstruction, Repair, and Maintenance

FOR the purpose of superseding certain laws governing the Sinclair Lane railroad bridge; ratifying a new agreement between the City and CSX Transportation for the construction and ownership of the bridge; providing for the repeal of laws inconsistent with this Ordinance; providing for a special effective date; and generally relating to the duties and responsibilities for and the ownership of the Sinclair Lane railroad bridge.

Background

On November 18, 2009, the Board of Estimates approved an “Agreement Regarding [t]he Reconstruction of [t]he Sinclair Lane Bridge” (the “Sinclair Lane Bridge Agreement” or “Agreement”) between the Mayor and City Council of Baltimore (the “City”) and CSX Transportation, Inc. (“CSXT”).

Previously, Ordinance 1890-083 (the “Enabling Ordinance”) authorized the Baltimore Belt Railroad to build a bridge at Loney’s Lane (now Edison Highway) and Sinclair Lane. In 1934, by written agreement between the City and the Baltimore and Ohio (the “B&O”) and Baltimore Belt Railroads (the “1934 Agreement”), the railroads agreed, among other things, to demolish the then-bridge and construct a new, substantially larger bridge (the “Sinclair Lane Bridge” or “Bridge”), with the costs of construction to be divided between the City (2/3) and the railroads (1/3) and with costs of future maintenance (except paving) to be assumed by the railroads.

CSXT has since succeeded to the interests of the B&O and Belt Railroads in the Bridge and to their duties under the Enabling Ordinance and the 1934 Agreement.

Recent inspections indicate that the Sinclair Lane Bridge will require reconstruction or substantial repairs due to its age and condition. The City and CSXT entered into the Sinclair Lane Bridge Agreement to specify their respective duties and obligations in connection with the reconstruction, repair, and maintenance of the Sinclair Lane Bridge.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 The Sinclair Lane Bridge Agreement expressly recognizes that “the duties and obligations set
2 forth in this Agreement differ from those duties and obligations set forth in the [Enabling
3 Ordinance] and common law precedent”, thus requiring a new Ordinance to ratify and
4 approve the Sinclair Lane Bridge Agreement and to supersede all prior laws and agreements
5 to the extent of any inconsistency between them and the Sinclair Lane Bridge Agreement.

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
7 Mayor and City Council ratifies and approves the Sinclair Lane Bridge Agreement, as entered
8 into between the City and CSXT and approved by the Board of Estimates on November 18,
9 2009.

10 **SECTION 2. AND BE IT FURTHER ORDAINED,** That all agreements, laws, or parts of
11 agreements and laws inconsistent with the Sinclair Lane Bridge Agreement (including, but not
12 limited to, Ordinance 1890-083, the 1934 Agreement, and common law precedent) are
13 superseded to the extent of the inconsistency.

14 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
15 is enacted.

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