

**Introduced by:** The Council President

**At the request of:** The Administration (Department of Transportation)

**Prepared by:** Department of Legislative Reference

**Date:** February 20, 2019

**Referred to:**                                  **TRANSPORTATION** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0342

A BILL ENTITLED

AN ORDINANCE concerning

**Franchise – Central Light Rail**

FOR the purpose of granting a franchise to the Maryland Transit Administration (“MTA”), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of

Article VIII - Franchises  
Baltimore City Charter  
(1996 Edition)

**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

<input type="checkbox"/> Baltimore City Public School System	<input checked="" type="checkbox"/> Department of Public Works
<input type="checkbox"/> Baltimore Development Corporation	<input checked="" type="checkbox"/> Department of Real Estate
<input checked="" type="checkbox"/> City Solicitor	<input type="checkbox"/> Department of Recreation and Parks
<input checked="" type="checkbox"/> Comptroller's Office	<input checked="" type="checkbox"/> Department of Transportation
<input type="checkbox"/> Department of Audits	<input type="checkbox"/> Fire Department
<input checked="" type="checkbox"/> Department of Finance	<input type="checkbox"/> Health Department
<input type="checkbox"/> Department of General Services	<input type="checkbox"/> Mayor's Office of Employment Development
<input checked="" type="checkbox"/> Department of Housing and Community Development	<input type="checkbox"/> Mayor's Office of Human Services
<input type="checkbox"/> Department of Human Resources	<input type="checkbox"/> Mayor's Office of Information Technology
<input type="checkbox"/> Department of Planning	<input type="checkbox"/> Office of the Mayor
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Police Department
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

**Boards and Commissions**

<input checked="" type="checkbox"/> Board of Estimates	<input type="checkbox"/> Environmental Control Board
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Fire & Police Employees' Retirement System
<input type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Comm. for Historical and Architectural Preservation	<input checked="" type="checkbox"/> Parking Authority Board
<input type="checkbox"/> Commission on Sustainability	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Employees' Retirement System	<input type="checkbox"/> Wage Commission
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____



CITY OF BALTIMORE  
ORDINANCE **19-330**  
Council Bill 19-0342

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: February 25, 2019  
Assigned to: Transportation Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: December 5, 2019

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**AN ORDINANCE CONCERNING**

**Franchise – Central Light Rail**

FOR the purpose of granting a franchise to the Maryland Transit Administration (“MTA”), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of  
Article VIII - Franchises  
Baltimore City Charter  
(1996 Edition)

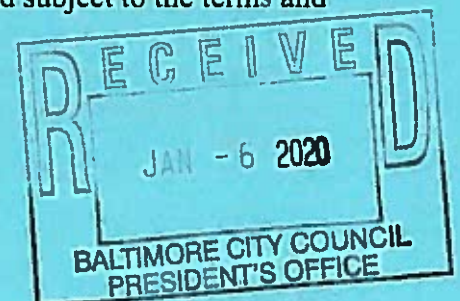
**Recitals**

Ordinance 90-557 granted permission and authority to the Mass Transit Administration of the Department of Transportation of the State of Maryland for the location, construction, operation, and maintenance of the Baltimore Central Light Rail System within the boundaries of the City of Baltimore for a period not exceeding 25 years.

The original franchise has expired, and the Maryland Transit Administration of the Department of the Transportation of the State of Maryland requests that the franchise be reestablished for an additional 25 years.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a franchise or right is granted to the Maryland Transit Administration (“MTA”) of the Department of Transportation of the State of Maryland, its tenants, successors, and assigns (collectively, the “Grantee”) to use, and maintain, at Grantee’s own cost and expense, and subject to the terms and

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.





Council Bill 19-0342

1 conditions of this Ordinance, the Baltimore Central Light Rail System, within the boundaries of  
2 Baltimore City, in accordance with a plat prepared by the Mass Transit Administration of the  
3 Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office  
4 of the Department of Transportation of the City of Baltimore.

5 The Grantee shall operate and maintain, in good condition, the Central Light Rail System  
6 with one or more tracks, with switches, turnouts, sidings, stations, station public entrances and  
7 appurtenant facilities, depots sewers for drainage, shafts for ventilation, overhead structures and  
8 other appurtenances, as it may deem necessary for the operation and maintenance of the  
9 Baltimore Central Light Rail System and the accommodation of the traffic of the same in, upon,  
10 over, under, or across the highways, streets, lanes, alleys, land under water, water front, public  
11 landings, wharf property, wharves and docks, parks and sidewalks (hereinafter sometimes called  
12 "Public Property or Places") of the City of Baltimore (the "Grantor"), and shall maintain in good  
13 condition and repair all such structures, tracks, stations, station public entrances and  
14 appurtenances herein mentioned at the sole cost and expense of the Grantee. The Grantee, its  
15 successors and assigns, shall comply with at all times all the ordinances of the Grantor providing  
16 for condemnation, maintenance and repair of all facilities, both public and private, within such  
17 Public Property and Places.

18 The Grantee shall not in any manner injure or displace any structure or other property of the  
19 Grantor on, above, within, or below the public right-of-way herein above mentioned without  
20 either restoring, relocating, replacing, repaving, refilling or repairing the structures and property  
21 at its expense, or paying to the Grantor all expenses and costs in connection therewith, in  
22 accordance with and to the extent permitted by Maryland law and subject to an appropriation, the  
23 requirements and provisions of the General agreement between the Grantee and the Grantor for  
24 the Central Light Rail System, dated May 9, 1990.

25 The Grantee shall promptly, at its own expense, repave in good order and make appropriate  
26 and necessary surface restoration of each such Public Property or Place as the Grantee may find it  
27 necessary to dig, impair or unpave for the purpose of maintaining the aforesaid Central Light Rail  
28 System facilities.

29 If the Grantee shall omit or neglect to repair or repave or make such appropriate and  
30 necessary surface restoration of any such Public Property or Place, or any part thereof, after  
31 receipt of reasonable notice from the Grantor, the Grantee shall, for each such omission or  
32 neglect, forfeit and pay, to the extent permitted by Maryland law and subject to an appropriation,  
33 to the use of the City of Baltimore such sum as the Grantor's Director of Transportation shall  
34 adjudge to be reasonable and proper under the circumstances, subject to a review on the record  
35 by a court of competent jurisdiction.

36 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the refilling, repairing, repaving,  
37 replacing, relocating, and restoring required to be done by the provisions of Section 1 shall be  
38 subject to the approval of the Grantor's Director of Transportation, or his duly authorized  
39 representative, and if, through omission or neglect, or any cause, an emergency condition shall  
40 arise or obtain, which, in the judgement of the Grantor's Director, jeopardizes the health, welfare,  
41 or safety of the community, the Grantor's Director may cause such repairing, repaving, replacing,  
42 relocating, and restoring to be done so as to end the emergency condition, in cooperation with the  
43 Grantee.



**Council Bill 19-0342**

1       **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Grantee shall continue to maintain, in  
2 good condition, transit stations for the Central Light Rail System and shall also continue to  
3 maintain, in good condition, public entrance plazas adjacent to and around the locations of public  
4 entrances to the stations on land specifically acquired by the Grantee for such purpose, including  
5 permanent plaza surface treatments, signs and kiosks, seating, decorative planting area and  
6 landscaping elements, civic or artistic embellishments, and lighting as necessary for the  
7 functioning of the entrance plazas and for the enjoyment of the public that utilizes them.

8       **SECTION 4. AND BE IT FURTHER ORDAINED,** That whenever private entrance connections are  
9 to be constructed between private properties and structures, whether existing or to be constructed,  
10 and adjacent rapid transit station structures, where such private constructions are to be located  
11 and constructed over, across, in, or under the Public Property or Places of the Grantor, that the  
12 location, design and construction of such private entrance connections shall be subject to the  
13 approval of the Grantor.

14       **SECTION 5. AND BE IT FURTHER ORDAINED,** That as compensation for the Franchise, the  
15 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$ \_\_\_\_\_ a  
16 year. The franchise charge must be paid annually, at least 30 days before the initial and each  
17 renewal term of the Franchise.

18       **SECTION 5 6. AND BE IT FURTHER ORDAINED,** That the initial term of the Franchise is one  
19 (1) year, commencing on the effective date of this Ordinance. Unless sooner terminated as  
20 provided in this Ordinance, the Franchise will automatically renew, without any action by either  
21 the Grantor or the Grantee, for twenty-four (24) consecutive one (1) year renewal terms. Except  
22 as otherwise provided in this Ordinance, each renewal term will be on the same terms and  
23 conditions as the initial term. The maximum duration for which the Franchise may operate,  
24 including the initial and all renewal terms, is twenty-five (25) years.

25       **SECTION 6 7. AND BE IT FURTHER ORDAINED,** That the Grantor expressly reserves the right  
26 at all times to exercise, in the interest of the public, full municipal superintendence, regulation,  
27 and control over and in respect to all matters connected with the Franchise and not inconsistent  
28 with the terms of this Ordinance.

29       **SECTION 7 8. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,  
30 shall maintain in good condition and in compliance with all applicable laws and regulations of  
31 the Grantor, all structures for which the Franchise is granted. The maintenance of these  
32 structures shall be at all times subject to the regulation and control of the Grantor's  
33 Commissioner of Housing and Community Development and the Grantor's Director of  
34 Transportation. If any structure for which the Franchise is granted must be readjusted, relocated,  
35 protected, or supported to accommodate a public improvement, the Grantee shall pay all costs  
36 and expenses, to the extent permitted by Maryland law and subject to appropriation, in  
37 connection with the readjustment, relocation, protection, or support.

38       **SECTION 9. AND BE IT FURTHER ORDAINED,** That on or before June 30<sup>th</sup> of each year, the  
39 Grantee shall submit to the Mayor and to the City Council of Baltimore a letter reporting the state  
40 of good repair conditions for all assets within the Franchise area as reported by the Grantee to the  
41 Federal Transit Administration under Federal reporting requirements. The Grantee shall provide  
42 a list and schedule, for the coming 24 months, of all planned repairs, which may cause disruption  
43 to service or impede other services or access, such as pedestrian access, motor vehicle  
44 intersections, utilities operations, or maintenance, to assets in the Franchise area.




Council Bill 19-0342

1 SECTION 8 10. AND BE IT FURTHER ORDAINED, That the provisions of this ordinance are  
2 hereby declared to be severable. If any word, phrase, clause, sentence, paragraph, section or part  
3 in or of this ordinance, or the application thereof to any person or circumstance, is declared  
4 invalid, the remaining provisions and circumstances the applications of such provisions to other  
5 persons or circumstances shall not be affected thereby but shall remain in full force and effect,  
6 the Grantor hereby declaring that they would have ordained the remaining provisions of this  
7 ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the  
8 application thereof, so held invalid.

9 SECTION 9 11. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date  
10 it is enacted.

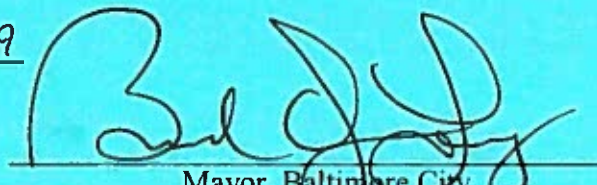
Certified as duly passed this \_\_\_\_\_ day of DEC 16 2019, 2019


  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,  
this \_\_\_\_\_ day of DEC 16 2019, 2019

  
\_\_\_\_\_  
Chief Clerk

Approved this 18<sup>th</sup> day of Dec., 2019

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency  
This 17<sup>th</sup> Day of December 2019  
  
\_\_\_\_\_  
Chief Solicitor

108-109

CITY OF BALTIMORE

BOARD OF ESTIMATES

Room 204, City Hall  
Baltimore, Maryland 21202  
410-396-4755



BRANDON SCOTT  
PRESIDENT, CITY COUNCIL

RUDOLPH S. CHOW, P.E.  
DIRECTOR OF PUBLIC WORKS

BERNARD C. "JACK" YOUNG  
MAYOR

ANDRE M. DAVIS  
CITY SOLICITOR

JOAN M. PRATT  
COMPTROLLER

BERNICE H. TAYLOR  
DEPUTY COMPTROLLER  
AND CLERK TO THE BOARD

December 18, 2019

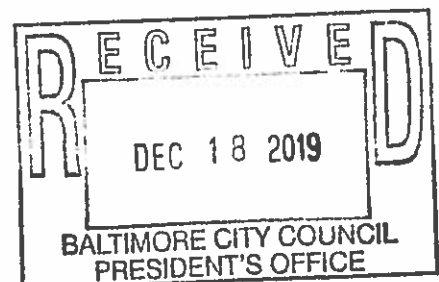
Honorable President and Members  
of the City Council

Ladies and Gentlemen:

On December 18, 2019, the Board had before it for consideration the following pending City Council Bill:

19-0342 - An Ordinance concerning the Franchise - Central Light Rail For the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland ,to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.

The Law Department notes that the bill as drafted omits a section in which the Board of Estimates can record the determined amount of compensation for this franchise. Moreover, the bill's reference to the "Director of Transportation is unclear as to whether the phrase means the Director of the State Department of Transportation or the City's Department of Transportation. For this reason, the Law Department seeks to amend and clarify the bill as indicated on the attachment to this bill report.





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CITY COUNCIL BILL - cont'd

Amendment No. 1

On page 2, in lines 33, 38, 40, and 41, and, on page 3, in line 27, in each instance, before "Director," insert "Grantor's."

Amendment No. 2

On page 3, after line 11, insert

"SECTION 5. AND BE IT FURTHER ORDAINED. That as compensation for the Franchise, the Grantee shall pay to the Mayor and City-Council of Baltimore a franchise charge \$0.00 a year. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise."

Amendment No. 3

On page 3, in lines 12, 19, 23, 32, and 40, strike "5", "6", "7", "8", and "9", respectively, and substitute "6", "7", "8" "9", and "10", respectively.

With the adoption of these amendments, the Law Department is prepared to approve the bill for form and legal sufficiency.

The Mayor **ABSTAINED** from voting. The President **ABSTAINED** from voting.

Sincerely,

 12/18/19

Joan M. Pratt  
Secretary to the Board of Estimates







**CITY OF BALTIMORE  
COUNCIL BILL 19-0342  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: February 25, 2019  
Assigned to: Land Use and Transportation Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation, Planning Commission, Baltimore City Parking Authority Board, Department of Housing and Community Development, Department of Real Estate, Department of Finance

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**A BILL ENTITLED**

1 AN ORDINANCE concerning

2 **Franchise – Central Light Rail**

3 FOR the purpose of granting a franchise to the Maryland Transit Administration (“MTA”),  
4 formerly known as the Mass Transit Administration, of the Department of Transportation of  
5 the State of Maryland, to use and maintain the existing Central Light Rail System, located  
6 within the boundaries of the City of Baltimore, in accordance with a plat prepared by the  
7 Mass Transit Administration of the Department of Transportation of the State of Maryland,  
8 dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore  
9 City, subject to certain terms, conditions, and reservations; and providing for a special  
10 effective date.

11 BY authority of  
12 Article VIII - Franchises  
13 Baltimore City Charter  
14 (1996 Edition)

15 **Recitals**

16 Ordinance 90-557 granted permission and authority to the Mass Transit  
17 Administration of the Department of Transportation of the State of Maryland for  
18 the location, construction, operation, and maintenance of the Baltimore Central  
19 Light Rail System within the boundaries of the City of Baltimore for a period not  
20 exceeding 25 years.

21 The original franchise has expired, and the Maryland Transit Administration of  
22 the Department of the Transportation of the State of Maryland requests that the  
23 franchise be reestablished for an additional 25 years.

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a  
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26 of Transportation of the State of Maryland, its tenants, successors, and assigns (collectively, the  
27 “Grantee”) to use, and maintain, at Grantee’s own cost and expense, and subject to the terms and

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





**Council Bill 19-0342**

1 conditions of this Ordinance, the Baltimore Central Light Rail System, within the boundaries of  
2 Baltimore City, in accordance with a plat prepared by the Mass Transit Administration of the  
3 Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office  
4 of the Department of Transportation of the City of Baltimore.

5 The Grantee shall operate and maintain, in good condition, the Central Light Rail System  
6 with one or more tracks, with switches, turnouts, sidings, stations, station public entrances and  
7 appurtenant facilities, depots sewers for drainage, shafts for ventilation, overhead structures and  
8 other appurtenances, as it may deem necessary for the operation and maintenance of the  
9 Baltimore Central Light Rail System and the accommodation of the traffic of the same in, upon,  
10 over, under, or across the highways, streets, lanes, alleys, land under water, water front, public  
11 landings, wharf property, wharves and docks, parks and sidewalks (hereinafter sometimes called  
12 "Public Property or Places") of the City of Baltimore (the "Grantor"), and shall maintain in good  
13 condition and repair all such structures, tracks, stations, station public entrances and  
14 appurtenances herein mentioned at the sole cost and expense of the Grantee. The Grantee, its  
15 successors and assigns, shall comply with at all times all the ordinances of the Grantor providing  
16 for condemnation, maintenance and repair of all facilities, both public and private, within such  
17 Public Property and Places.

18 The Grantee shall not in any manner injure or displace any structure or other property of the  
19 Grantor on, above, within, or below the public right-of-way herein above mentioned without  
20 either restoring, relocating, replacing, repaving, refilling or repairing the structures and property  
21 at its expense, or paying to the Grantor all expenses and costs in connection therewith, in  
22 accordance with and to the extent permitted by Maryland law and subject to an appropriation, the  
23 requirements and provisions of the General agreement between the Grantee and the Grantor for  
24 the Central Light Rail System, dated May 9, 1990.

25 The Grantee shall promptly, at its own expense, repave in good order and make appropriate  
26 and necessary surface restoration of each such Public Property or Place as the Grantee may find it  
27 necessary to dig, impair or unpave for the purpose of maintaining the aforesaid Central Light Rail  
28 System facilities.

29 If the Grantee shall omit or neglect to repair or repave or make such appropriate and  
30 necessary surface restoration of any such Public Property or Place, or any part thereof, after  
31 receipt of reasonable notice from the Grantor, the Grantee shall, for each such omission or  
32 neglect, forfeit and pay, to the extent permitted by Maryland law and subject to an appropriation,  
33 to the use of the City of Baltimore such sum as the Director of Transportation shall adjudge to be  
34 reasonable and proper under the circumstances, subject to a review on the record by a court of  
35 competent jurisdiction.

36 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the refilling, repairing, repaving,  
37 replacing, relocating, and restoring required to be done by the provisions of Section 1 shall be  
38 subject to the approval of the Director of Transportation, or his duly authorized representative,  
39 and if, through omission or neglect, or any cause, an emergency condition shall arise or obtain,  
40 which, in the judgement of the Director, jeopardizes the health, welfare, or safety of the  
41 community, the Director may cause such repairing, repaving, replacing, relocating, and restoring  
42 to be done so as to end the emergency condition, in cooperation with the Grantee.

43 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Grantee shall continue to maintain, in  
44 good condition, transit stations for the Central Light Rail System and shall also continue to





**Council Bill 19-0342**

1 maintain, in good condition, public entrance plazas adjacent to and around the locations of public  
2 entrances to the stations on land specifically acquired by the Grantee for such purpose, including  
3 permanent plaza surface treatments, signs and kiosks, seating, decorative planting area and  
4 landscaping elements, civic or artistic embellishments, and lighting as necessary for the  
5 functioning of the entrance plazas and for the enjoyment of the public that utilizes them.

6 **SECTION 4. AND BE IT FURTHER ORDAINED,** That whenever private entrance connections are  
7 to be constructed between private properties and structures, whether existing or to be constructed,  
8 and adjacent rapid transit station structures, where such private constructions are to be located  
9 and constructed over, across, in, or under the Public Property or Places of the Grantor, that the  
10 location, design and construction of such private entrance connections shall be subject to the  
11 approval of the Grantor.

12 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the initial term of the Franchise is one (1)  
13 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided  
14 in this Ordinance, the Franchise will automatically renew, without any action by either the  
15 Grantor or the Grantee, for twenty-four (24) consecutive one (1) year renewal terms. Except as  
16 otherwise provided in this Ordinance, each renewal term will be on the same terms and  
17 conditions as the initial term. The maximum duration for which the Franchise may operate,  
18 including the initial and all renewal terms, is twenty-five (25) years.

19 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Grantor expressly reserves the right at  
20 all times to exercise, in the interest of the public, full municipal superintendence, regulation, and  
21 control over and in respect to all matters connected with the Franchise and not inconsistent with  
22 the terms of this Ordinance.

23 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,  
24 shall maintain in good condition and in compliance with all applicable laws and regulations of  
25 the Grantor, all structures for which the Franchise is granted. The maintenance of these  
26 structures shall be at all times subject to the regulation and control of the Grantor's  
27 Commissioner of Housing and Community Development and the Director of Transportation. If  
28 any structure for which the Franchise is granted must be readjusted, relocated, protected, or  
29 supported to accommodate a public improvement, the Grantee shall pay all costs and expenses,  
30 to the extent permitted by Maryland law and subject to appropriation, in connection with the  
31 readjustment, relocation, protection, or support.

32 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the provisions of this ordinance are hereby  
33 declared to be severable. If any word, phrase, clause, sentence, paragraph, section or part in or of  
34 this ordinance, or the application thereof to any person or circumstance, is declared invalid, the  
35 remaining provisions and circumstances the applications of such provisions to other persons or  
36 circumstances shall not be affected thereby but shall remain in full force and effect, the Grantor  
37 hereby declaring that they would have ordained the remaining provisions of this ordinance  
38 without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof,  
39 so held invalid.

40 **SECTION 9. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
41 enacted.





CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG  
Mayor



DEPARTMENT OF LAW  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

November 22, 2019

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

Re: City Council Bill 19-0342- Franchise - Central Light Rail

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0342 for form and legal sufficiency. The bill would grant a franchise to the Maryland Transit Administration ("MTA") of the State Department of Transportation to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Article VIII of the Baltimore City Charter requires that a bill granting a franchise to be referred to the Board of Estimates after first reading. City Charter, Art. VIII, § 2. The BOE is empowered to determine the proposed compensation to be paid the City and the conditions under which the franchise is granted. *Id.*

The Law Department notes that the bill as drafted omits a section in which the Board of Estimates can record the determined amount of compensation for this franchise. Moreover, the bill's reference to the "Director of Transportation" is unclear as to whether the phrase means the Director of the State Department of Transportation or the City's Department of Transportation. For this reason, the Law Departments seeks to amend and clarify the bill as indicated on the attachment to this bill report.

With the adoption of these amendments, the Law Department is prepared to approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor K. Tervala".

Victor K. Tervala  
Chief Solicitor





**cc: Andre M. Davis, City Solicitor  
Nicholas Blendy, MOGR  
Matt Stegman, Mayor's Legislative Liaison  
Caylin Young, President's Legislative Director  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant Solicitor**





**AMENDMENTS TO COUNCIL BILL 19-0342  
(1<sup>st</sup> Reader Copy)**

By: Law Department  
{To be offered to the Transportation Committee}

**Amendment No. 1**

On page 2, in lines 33, 38, 40, and 41, and, on page 3, in line 27, in each instance, before "Director", insert "Grantor's".

**Amendment No. 2**

On page 3, after line 11, insert

**"SECTION 5. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$ \_\_\_\_\_ a year. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise."**

**Amendment No. 3**

On page 3, in lines 12, 19, 23, 32, and 40, strike "5", "6", "7", "8", and "9", respectively, and substitute "6", "7", "8", "9", and "10", respectively.



December 18, 2019

The Afro-American Newspaper  
2519 North Charles Street  
Baltimore, Maryland 21218

Attn: Ms. Marquise Goodwin  
Advertising Department

Re: Enclosed Notice CC Bill 19-0342

Dear Ms. Goodwin:

It is requested that the enclosed Municipal Notice be printed on three successive dates. Only the text that appears under the caption "To Be Inserted Under Municipal Notices" is requested to be printed. Please do not print Council Bill.

If there should be any questions concerning this request, please do not hesitate to contact me at (410) 396-4755.

Sincerely yours,

  
Audrey Quarles

Encls:






TO BE INSERTED UNDER MUNICIPAL NOTICES

In accordance with the provisions of Article VIII, Section 6-Franchises, of the Baltimore Charter (1996 Edition), Notice is hereby given that application has been made by Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Sincerely,

  
\_\_\_\_\_  
Joan M. Pratt Comptroller  
Secretary to the Board of Estimates

Three days:

THE SUN

Attn: Ms. Sharon Nelson  
P.O. Box 1377  
Baltimore, Maryland 21278

THE AFRO-AMERICAN NEWSPAPER

Attn: Ms. Marquise Goodwin  
2519 N. Charles Street  
Baltimore, Maryland 21218



[Faint, illegible text scattered across the page]



December 18, 2019

The Sun  
P.O. Box 1377  
Baltimore, Maryland 21278

Attn: Ms. Sharon Nelson  
Advertising Department

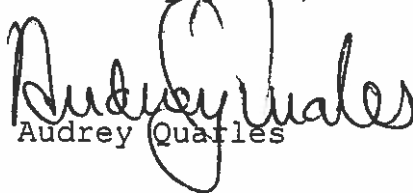
Re: Enclosed Notice CC Bill 19-0342

Dear Ms. Nelson:

It is requested that the enclosed Municipal Notice be printed on three successive dates. Only the text that appears under the caption "To Be Inserted Under Municipal Notices" is requested to be printed. Please do not print Council Bill.

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Sincerely yours,

  
Audrey Quarles

Encls:



TO BE INSERTED UNDER MUNICIPAL NOTICES

In accordance with the provisions of Article VIII, Section 6-Franchises, of the Baltimore Charter (1996 Edition), Notice is hereby given that application has been made by Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.

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Joan M. Pratt Comptroller  
Secretary to the Board of Estimates

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THE SUN

Attn: Ms. Sharon Nelson  
P.O. Box 1377  
Baltimore, Maryland 21278

THE AFRO-AMERICAN NEWSPAPER

Attn: Ms. Marquise Goodwin  
2519 N. Charles Street  
Baltimore, Maryland 21218





# BALTIMORE CITY COUNCIL TRANSPORTATION COMMITTEE VOTING RECORD

DATE: December 4, 2019

BILL#: 19-0342

BILL TITLE Franchise - Franchise - Central Light Rail

MOTION BY: Dorsey      SECONDED BY: Pinkett

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

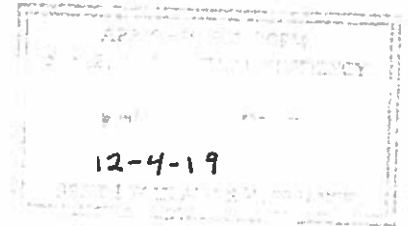
NAME	YEAS	NAYS	ABSENT	ABSTAIN
Dorsey, Ryan - Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon - Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, John	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTALS</b>	<u>3</u>			

CHAIRPERSON: R Dorsey

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC



AMENDMENTS TO COUNCIL BILL 19-0342  
(1" Reader Copy)



By: Transportation Committee

**Amendment No. 1**

On page 2, in lines 33, 38, 40, and 41, and, on page 3, in line 27, in each instance, before "Director", insert "Grantor's".

**Amendment No. 2**

On page 3, after line 11, insert

"SECTION 5. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$ \_\_\_\_\_ a year. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise."

**Amendment No. 3**

On page 3, after line 31, insert

"SECTION 9. AND BE IT FURTHER ORDAINED, That on or before June 30<sup>th</sup> of each year, the Grantee shall submit to the Mayor and to the City Council of Baltimore a letter reporting the state of good repair conditions for all assets within the Franchise area as reported by the Grantee to the Federal Transit Administration under Federal reporting requirements. The Grantee shall provide a list and schedule, for the coming 24 months, of all planned repairs, which may cause disruption to service or impede other services or access, such as pedestrian access, motor vehicle intersections, utilities operations, or maintenance, to assets in the Franchise area."

**Amendment No. 4**

On page 3, in lines 12, 19, and 23, strike "5", "6", and "7", respectively, and substitute "6", "7", and "8", respectively; and, on the same page, in lines 32 and 40, strike "8" and "9", respectively, and substitute "10" and "11", respectively.

**ADOPTED**



CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG  
Mayor



DEPARTMENT OF LAW  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

November 22, 2019

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

Re: City Council Bill 19-0342- Franchise - Central Light Rail

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0342 for form and legal sufficiency. The bill would grant a franchise to the Maryland Transit Administration ("MTA") of the State Department of Transportation to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, subject to certain terms, conditions, and reservations; and providing for a special effective date.

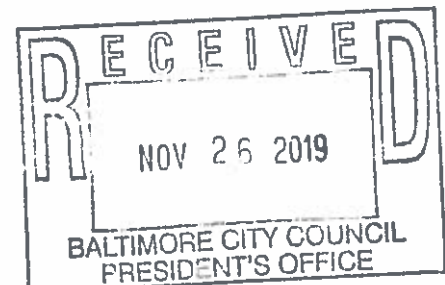
Article VIII of the Baltimore City Charter requires that a bill granting a franchise to be referred to the Board of Estimates after first reading. City Charter, Art. VIII, § 2. The BOE is empowered to determine the proposed compensation to be paid the City and the conditions under which the franchise is granted. *Id.*

The Law Department notes that the bill as drafted omits a section in which the Board of Estimates can record the determined amount of compensation for this franchise. Moreover, the bill's reference to the "Director of Transportation" is unclear as to whether the phrase means the Director of the State Department of Transportation or the City's Department of Transportation. For this reason, the Law Departments seeks to amend and clarify the bill as indicated on the attachment to this bill report.

With the adoption of these amendments, the Law Department is prepared to approve the bill for form and legal sufficiency.

Sincerely,

Victor K. Tervala  
Chief Solicitor



Law w/Amends





**cc: Andre M. Davis, City Solicitor  
Nicholas Blendy, MOGR  
Matt Stegman, Mayor's Legislative Liaison  
Caylin Young, President's Legislative Director  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant Solicitor**



**AMENDMENTS TO COUNCIL BILL 19-0342  
(1" Reader Copy)**

By: Law Department  
{To be offered to the Transportation Committee}

**Amendment No. 1**

On page 2, in lines 33, 38, 40, and 41, and, on page 3, in line 27, in each instance, before "Director", insert "Grantor's".

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**Amendment No. 3**

On page 3, in lines 12, 19, 23, 32, and 40, strike "5", "6", "7", "8", and "9", respectively, and substitute "6", "7", "8", "9", and "10", respectively.





<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Michelle Pourciau, Director	<b>CITY of BALTIMORE</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	<b>SUBJECT</b>	City Council Bill 19-0342	<b>M E M O</b>	

TO: Mayor Catherine E. Pugh  
TO: Land Use and Transportation Committee  
FROM: Department of Transportation  
POSITION: Supports  
RE: Council Bill – 19-0342

DATE: 3/28/19

**INTRODUCTION** – AN ORDINANCE concerning Franchise – Central Light Rail.

**PURPOSE/PLANS** – FOR the purpose of granting a franchise to the Maryland Transit Administration (“MTA”), 4 formerly known as the Mass Transit Administration, of the Department of Transportation of 5 the State of Maryland ,to use and maintain the existing Central Light Rail System, located 6 within the boundaries of the City of Baltimore, in accordance with a plat prepared by the 7 Mass Transit Administration of the Department of Transportation of the State of Maryland, 8 dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore 9 City, subject to certain terms, conditions, and reservations; and providing for a special 10 effective date.

**COMMENTS** – City Council Bill 19-0342 extends the franchise agreement under which the MTA is allowed by the City the Baltimore to locate rail transit facilities on, below and above city streets.

The Department of Transportation supports the existence of these important transit services which are so vital to the movement of the residents and visitors into, out of and within the City of Baltimore.

**AGENCY/DEPARTMENT POSITION** – The Department of Transportation supports City Council Bill 19-0342.

If you have any questions, please do not hesitate to contact Eboni Wimbush, Chief of Staff at 410-396-6802 or via email Eboni.Wimbush@baltimorecity.gov.

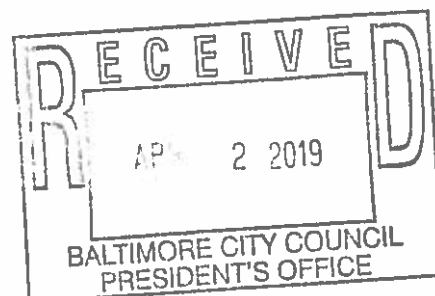
Sincerely,



MICHELLE POURCIAU  
DIRECTOR

MP:mm

cc: Eboni Wimbush  
Files



F



TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young -  
FROM: Peter Little, Executive Director  
DATE: March 6, 2019  
RE: Council Bill 19-0342

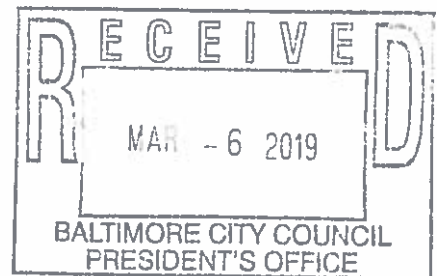


**PARKING**  
OF BALTIMORE CITY  
**AUTHORITY**

I am herein reporting on City Council Bill 19-0342 introduced by The Council President at the request of The Administration (Department of Transportation).


The purpose of this bill is for granting a franchise to the Maryland Transit Administration to use and maintain the existing Central Light Rail System.

The Parking Authority of Baltimore City reviewed the proposed legislation and does not oppose the passage of City Council Bill 19-0342.



*Does not oppose*



<b>FROM</b>	NAME & TITLE	Robert Cename. Chief <i>for BC</i>	CITY OF <b>BALTIMORE</b>  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill 19-0342 – Franchise – Central Light Rail		

**TO**

DATE:

The Honorable President and  
Members of the City Council  
Room 400, City Hall

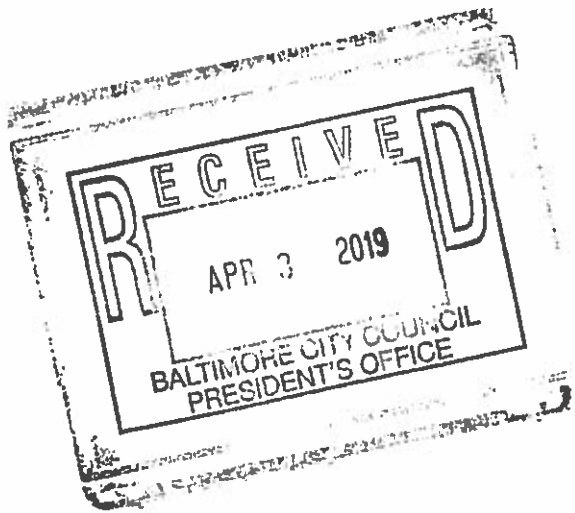
April 3, 2019

City Council Bill #19-0342 was created for the purpose of granting a franchise to the Maryland Transit Administration (MTA), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, subject to certain terms, conditions, and reservations; and providing for a special effective date.

This legislation would extend the right of MTA to operate and maintain the Central Light Rail System for up to an additional 25 years. The bill lays out the terms of the franchise agreement, requires MTA to follow City regulations, and requires restoration of any displaced structures in the public right-of-way.

There is not a significant fiscal impact expected from this legislation, so the Department of Finance has no objection to the passage of Council Bill #19-0342.

cc: Henry Raymond  
Jeffrey Amoros



*no  
objection*





COMPTROLLER

JOAN M. PRATT, CPA  
Room 204, City Hall  
Baltimore, Maryland 21202-3461

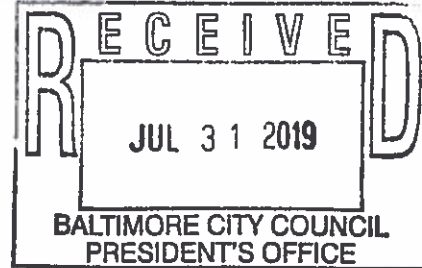


OFFICE OF THE COMPTROLLER

DEPARTMENT OF REAL ESTATE  
WALTER J. HORTON  
REAL ESTATE OFFICER  
304 City Hall, Baltimore, Maryland 21202-3427  
Telephone: 410-396-4768 Fax: 410-528-1437

DATE: July 29, 2019

TO: Land and Use Transportation Committee  
FROM: Department of Real Estate  
POSITION: Support  
RE: Council Bill 19-0342



**INTRODUCTION:** An Ordinance concerning Franchise Agreement – Central Light Rail

I am herein reporting on City Council 19-0342 introduced by The Administration (Department of Transportation).

**PURPOSE:**

For the purpose of granting a franchise to the Maryland Transit Administration (MTA), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, condition, and reservations; and providing for special effective date.

**BRIEF HISTORY:**

City Council Bill 19-0342 will extend the franchise agreement under which the MTA is allowed by the City of Baltimore to locate rail transit facilities on, below and above city streets.

**FISCAL IMPACT – How is this going to affect your (department/agency) budget? OR how much revenue will this generate for your (department/agency) or the City.**

Please briefly describe the fiscal impact of the proposed bill. IF APPLICABLE

**AGENCY/DEPARTMENT POSITION:**

The Department of Real Estate supports the passage of Council Bill 19-0342 which will allow important transit services which are so vital to the movement of the residents and visitors in and around the City of Baltimore.

If you have any questions, please do not hesitate to contact Walter J. Horton at, Real Estate Officer 410-396-4768.

Sincerely,


Walter J. Horton  
Real Estate Officer



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<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0342/ FRANCHISE – CENTRAL LIGHT RAIL		

**TO** The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

DATE: April 18, 2019

At its regular meeting of April 18, 2019, the Planning Commission considered City Council Bill #19-0342, for the purpose of granting a franchise to the Maryland Transit Administration (“MTA”), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.

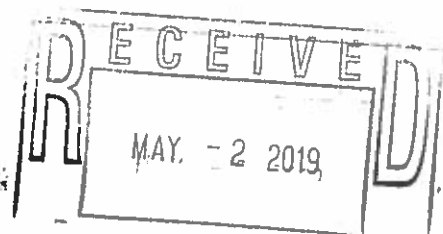
In its consideration of this Bill, the Planning Commission concurred with the staff’s recommendation to approve City Council Bill #19-0342, and adopted the following resolution; seven members being present (seven in favor):

**RESOLVED**, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0342 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

cc: Mr. Pete Hammen, Chief Operating Officer  
Ms. Karen Stokes, Mayor’s Office  
Mr. Colin Tarbert, Mayor’s Office  
Mr. Jeff Amoros, Mayor’s Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. William H. Cole IV, BDC  
Mr. Derek Baumgardner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Mr. Tyrell Dixon, DCHD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services  
Mr. Ervin Bishop, Council Services







BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: July 9, 2019

Re: **City Council Bill 19-0342: Franchise – Central Light Rail**

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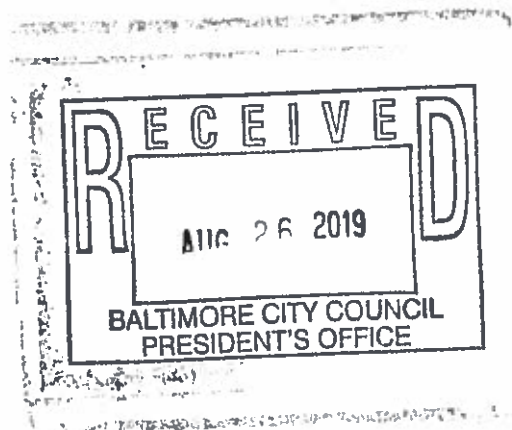
The Department of Housing and Community Development has reviewed City Council Bill 19-0342, for the purpose of granting a franchise to the Maryland Transit Administration (“MTA”), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.

If enacted, this bill would renew the MTA’s right to use and maintain the Baltimore Light Rail for a period of 25 years.

DHCD supports the passage of City Council Bill 19-0342.

MB:td

Cc: Mr. Jeffrey Amoros, *Mayor's Office of Governmental Relations*  
Mr. David H. Framm, *Department of Transportation*  
Mr. Eric Tiso, *Department of Planning*



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# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland 21202

## Meeting Minutes - Final

### Transportation Committee

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Wednesday, December 4, 2019

2:05 PM

Du Burns Council Chamber, 4th floor, City Hall

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19-0342

CHARM TV 25

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

Present 3 - Ryan Dorsey, Leon F. Pinkett III, and John T. Bullock

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

##### **19-0342**

##### **Franchise - Central Light Rail**

For the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.

**Sponsors:** City Council President (Administration)

A motion was made by Dorsey, seconded by Pinkett, III, that the bill be recommended favorably with amendment. The motion carried by the following vote:

Yes: 3 - Dorsey, Pinkett III, and Bullock

#### **ADJOURNMENT**







## HEARING NOTES

Bill: 19-0342

### Franchise - Central Light Rail

**Committee:** Transportation  
**Chaired By:** Councilmember Ryan Dorsey

**Hearing Date:** December 4, 2019  
**Time (Beginning):** 2:10 PM  
**Time (Ending):** 2:30 PM  
**Location:** Clarence "Du" Burns Chamber  
**Total Attendance:** ~ 15

**Committee Members in Attendance:**  
Dorsey, Ryan, Chair  
Pinkett, Leon, Vice Chair  
Bullock, John

---

Bill Synopsis in the file? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised (taped) or <u>audio-digitally</u> recorded? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file? .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners? .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a

**Motioned by:** ..... Councilmember Dorsey  
**Seconded by:** ..... Councilmember Pinkett  
**Final Vote:** ..... Favorable/Amendment

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### Major Speakers (This is not an attendance record.)

- Pedro Aponte, Department of Finance
- Martin French, Department of Planning

- Stephanie Murdock, Department of Housing and Community Development
- Taylor LaFave, Parking Authority of Baltimore City
- Liam Davis, Department of Transportation
- Matthew Stegman, Office of Mayor
- Mr. Matt Lattin, Real Estate Department, Maryland Transit Administration
- Mr. Robert Abrahams, Office of the Attorney General, Maryland Transit Administration
- Mr. Josh Mitnick, Office of the Attorney General, Maryland Transit Administration

**Major Issues Discussed**

1. Councilmember Ryan Dorsey stated the purpose for the bill.
2. Agency representatives reported their respective agency's position on the bill.
3. There was a discussion about Maryland Transit Administrations' (MTA) ability to maintain the system at their sole cost as stated in the franchise agreement. Mr. Lattin stated that MTA prioritizes its maintenance projects and would maintain the sites according to its prioritization plan. There was also a brief discussion about the City's ability to step in and maintain the systems, if needed, and then bill MTA for the City's cost to maintain.
4. A motion was made to approve amendments for the bill.
5. A motion was made to recommend the bill favorable with an amendment.
6. The hearing was adjourned.

**Further Study**

Was further study requested?  
If yes, describe.

Yes  No

**Committee Vote:**

Dorsey, Ryan, Chairman.....Yea  
 Pinkett, III Leon, Vice Chair .....Yea  
 Bullock, John .....Yea

Jennifer L. Coates, Committee Staff

Date: December 4, 2019

cc: Bill File  
 OCS Chrono File



## Baltimore City Council Committee Hearing Attendance Record

<b>Subject:</b> Ordinance - Franchise - Central Light Rail	<b>Bill #:</b> 19-0342
<b>Committee:</b> Transportation	<b>Chair:</b> Ryan Dorsey
<b>Date:</b> Wednesday, December 4, 2019	<b>Time:</b> 2:05 PM
<b>Location:</b> Clarence "Du" Burns Council Chamber	

<b>PLEASE PRINT CLEARLY</b>				What is your position on this bill?		Lobbyist: Are you registered in the City?*	
<b><u>CHECK HERE TO TESTIFY</u></b>			Testify	For	Against	Yes	No
First Name	Last Name	Address / Organization / Email					
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓

\*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730



1/2 1/2

# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland 21202

## Meeting Agenda - Final Transportation Committee

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Wednesday, December 4, 2019

2:05 PM

Du Burns Council Chamber, 4th floor, City Hall

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19-0342

### **CALL TO ORDER**

### **INTRODUCTIONS**

### **ROLL CALL**

### **ITEMS SCHEDULED FOR PUBLIC HEARING**

19-0342

#### **Franchise - Central Light Rail**

For the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.

#### **Sponsors:**

City Council President (Administration)

### **ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**







## **BALTIMORE CITY COUNCIL TRANSPORTATION COMMITTEE**

### **Mission Statement**

***On behalf of the Citizens of Baltimore City***, the mission of the Transportation Committee is to ensure that mobility is a right afforded to all in Baltimore City. The Committee advances transportation policy, planning, and practices that result in equitable access, better health, clean air and reduced emissions, and a strong economy. The Committee also assists the Department of Transportation in setting and meeting operational goals consistent with these outcomes.

**The Honorable Ryan Dorsey  
Chairperson**

### **PUBLIC HEARING**

**Wednesday, December 4, 2019**

**2:05 PM**

**Clarence "Du" Burns Council Chambers**

***Bill 19-0342***

***Franchise - Central Light Rail***

## CITY COUNCIL COMMITTEES

### BUDGET AND APPROPRIATIONS

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Isaac "Yitzy" Schleifer  
Shannon Sneed  
Danielle McCray  
*Staff: Marguerite Currin*

### CYBERSECURITY AND EMERGENCY PREPAREDNESS

Eric Costello – Co-chair  
Isaac "Yitzy" Schleifer – Co-chair  
Sharon Green Middleton  
*Staff: Samuel Johnson*

### EDUCATION AND YOUTH

Zeke Cohen – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Kristerfer Burnett  
Leon Pinkett  
*Staff: Matthew Peters*

### EXECUTIVE APPOINTMENTS

Robert Stokes – Chair  
Kristerfer Burnett – Vice Chair  
Mary Pat Clarke  
Zeke Cohen  
Isaac "Yitzy" Schleifer  
*Staff: Marguerite Currin*

### HEALTH

Kristerfer Burnett – Chair  
Bill Henry - Vice Chair  
Mary Pat Clarke  
Edward Reisinger  
Isaac "Yitzy" Schleifer  
*Staff: Marguerite Murray*

### HOUSING AND URBAN

#### AFFAIRS

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Eric Costello  
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- Larry Greene (*pension only*)

### TRANSPORTATION

Ryan Dorsey – Chair  
Leon Pinkett – Vice Chair  
John Bullock  
*Staff: Jennifer Coates*



**BILL SYNOPSIS**

**Committee: Transportation**

**Bill 19-0342**

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**Franchise - Central Light Rail**

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**Sponsor: The Council President – The Administration (Department of Transportation)**

**Purpose:**

For purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing **Central Light Rail System**, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.

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**Agency Reports**

Department of Finance	No Objection
Department of Real Estate	Favorable
Department of Law	Favorable/Amendment
Department of Transportation	Favorable
Planning Commission	Favorable
Department of Housing and Community Development	Favorable
Parking Authority for Baltimore City	Does Not Oppose
Board of Estimates	

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## Analysis

### Background

The Maryland Transit Administration (formerly known as Mass Transit Administration) operates the Central Light Rail System which runs a 30-mile route from Hunt Valley and Timonium in Baltimore County through the heart of Baltimore City to Anne Arundel County. In 1990, Baltimore City granted a 25-year franchise agreement to the Mass Transit Administration of the Department of Transportation of the State of Maryland for the location, construction, operation and maintenance of the Baltimore Central Light Rail System within the boundaries of the City of Baltimore. The franchise agreement has expired. MTA would like to renew the agreement for an additional 25 years.

If approved, Bill 19-0342 would renew the franchise agreement. The Baltimore City Board of Estimates is required to review all franchise agreements. The bill has been referred to the Board of Estimates.

### Proposed Amendment

The Law Department is proposing an amendment for the bill which would:

- provide an additional section for the bill to record the Board of Estimates' determined amount of compensation for this franchise and
- change the term "director" to "grantor".

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### Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** Bill 19-0342; Maryland Transit Administration

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Analysis by: Jennifer L. Coates  
Analysis Date: November 26, 2019

Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE  
COUNCIL BILL 19-0342  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: February 25, 2019  
Assigned to: Land Use and Transportation Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation, Planning Commission, Baltimore City Parking Authority Board, Department of Housing and Community Development, Department of Real Estate, Department of Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Franchise – Central Light Rail**

3 FOR the purpose of granting a franchise to the Maryland Transit Administration (“MTA”),  
4 formerly known as the Mass Transit Administration, of the Department of Transportation of  
5 the State of Maryland, to use and maintain the existing Central Light Rail System, located  
6 within the boundaries of the City of Baltimore, in accordance with a plat prepared by the  
7 Mass Transit Administration of the Department of Transportation of the State of Maryland,  
8 dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore  
9 City, subject to certain terms, conditions, and reservations; and providing for a special  
10 effective date.

11 BY authority of  
12 Article VIII - Franchises  
13 Baltimore City Charter  
14 (1996 Edition)

15 **Recitals**

16 Ordinance 90-557 granted permission and authority to the Mass Transit  
17 Administration of the Department of Transportation of the State of Maryland for  
18 the location, construction, operation, and maintenance of the Baltimore Central  
19 Light Rail System within the boundaries of the City of Baltimore for a period not  
20 exceeding 25 years.

21 The original franchise has expired, and the Maryland Transit Administration of  
22 the Department of the Transportation of the State of Maryland requests that the  
23 franchise be reestablished for an additional 25 years.

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a**  
25 **franchise or right is granted to the Maryland Transit Administration (“MTA”) of the Department**  
26 **of Transportation of the State of Maryland, its tenants, successors, and assigns (collectively, the**  
27 **“Grantee”) to use, and maintain, at Grantee’s own cost and expense, and subject to the terms and**

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



**Council Bill 19-0342**

1 conditions of this Ordinance, the Baltimore Central Light Rail System, within the boundaries of  
2 Baltimore City, in accordance with a plat prepared by the Mass Transit Administration of the  
3 Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office  
4 of the Department of Transportation of the City of Baltimore.

5 The Grantee shall operate and maintain, in good condition, the Central Light Rail System  
6 with one or more tracks, with switches, turnouts, sidings, stations, station public entrances and  
7 appurtenant facilities, depots sewers for drainage, shafts for ventilation, overhead structures and  
8 other appurtenances, as it may deem necessary for the operation and maintenance of the  
9 Baltimore Central Light Rail System and the accommodation of the traffic of the same in, upon,  
10 over, under, or across the highways, streets, lanes, alleys, land under water, water front, public  
11 landings, wharf property, wharves and docks, parks and sidewalks (hereinafter sometimes called  
12 "Public Property or Places") of the City of Baltimore (the "Grantor"), and shall maintain in good  
13 condition and repair all such structures, tracks, stations, station public entrances and  
14 appurtenances herein mentioned at the sole cost and expense of the Grantee. The Grantee, its  
15 successors and assigns, shall comply with at all times all the ordinances of the Grantor providing  
16 for condemnation, maintenance and repair of all facilities, both public and private, within such  
17 Public Property and Places.

18 The Grantee shall not in any manner injure or displace any structure or other property of the  
19 Grantor on, above, within, or below the public right-of-way herein above mentioned without  
20 either restoring, relocating, replacing, repaving, refilling or repairing the structures and property  
21 at its expense, or paying to the Grantor all expenses and costs in connection therewith, in  
22 accordance with and to the extent permitted by Maryland law and subject to an appropriation, the  
23 requirements and provisions of the General agreement between the Grantee and the Grantor for  
24 the Central Light Rail System, dated May 9, 1990.

25 The Grantee shall promptly, at its own expense, repave in good order and make appropriate  
26 and necessary surface restoration of each such Public Property or Place as the Grantee may find it  
27 necessary to dig, impair or unpave for the purpose of maintaining the aforesaid Central Light Rail  
28 System facilities.

29 If the Grantee shall omit or neglect to repair or repave or make such appropriate and  
30 necessary surface restoration of any such Public Property or Place, or any part thereof, after  
31 receipt of reasonable notice from the Grantor, the Grantee shall, for each such omission or  
32 neglect, forfeit and pay, to the extent permitted by Maryland law and subject to an appropriation,  
33 to the use of the City of Baltimore such sum as the Director of Transportation shall adjudge to be  
34 reasonable and proper under the circumstances, subject to a review on the record by a court of  
35 competent jurisdiction.

36 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the refilling, repairing, repaving,  
37 replacing, relocating, and restoring required to be done by the provisions of Section 1 shall be  
38 subject to the approval of the Director of Transportation, or his duly authorized representative,  
39 and if, through omission or neglect, or any cause, an emergency condition shall arise or obtain,  
40 which, in the judgement of the Director, jeopardizes the health, welfare, or safety of the  
41 community, the Director may cause such repairing, repaving, replacing, relocating, and restoring  
42 to be done so as to end the emergency condition, in cooperation with the Grantee.

43 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Grantee shall continue to maintain, in  
44 good condition, transit stations for the Central Light Rail System and shall also continue to

**Council Bill 19-0342**

1 maintain, in good condition, public entrance plazas adjacent to and around the locations of public  
2 entrances to the stations on land specifically acquired by the Grantee for such purpose, including  
3 permanent plaza surface treatments, signs and kiosks, seating, decorative planting area and  
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5 functioning of the entrance plazas and for the enjoyment of the public that utilizes them.

6 **SECTION 4. AND BE IT FURTHER ORDAINED,** That whenever private entrance connections are  
7 to be constructed between private properties and structures, whether existing or to be constructed,  
8 and adjacent rapid transit station structures, where such private constructions are to be located  
9 and constructed over, across, in, or under the Public Property or Places of the Grantor, that the  
10 location, design and construction of such private entrance connections shall be subject to the  
11 approval of the Grantor.

12 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the initial term of the Franchise is one (1)  
13 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided  
14 in this Ordinance, the Franchise will automatically renew, without any action by either the  
15 Grantor or the Grantee, for twenty-four (24) consecutive one (1) year renewal terms. Except as  
16 otherwise provided in this Ordinance, each renewal term will be on the same terms and  
17 conditions as the initial term. The maximum duration for which the Franchise may operate,  
18 including the initial and all renewal terms, is twenty-five (25) years.

19 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Grantor expressly reserves the right at  
20 all times to exercise, in the interest of the public, full municipal superintendence, regulation, and  
21 control over and in respect to all matters connected with the Franchise and not inconsistent with  
22 the terms of this Ordinance.

23 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,  
24 shall maintain in good condition and in compliance with all applicable laws and regulations of  
25 the Grantor, all structures for which the Franchise is granted. The maintenance of these  
26 structures shall be at all times subject to the regulation and control of the Grantor's  
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29 supported to accommodate a public improvement, the Grantee shall pay all costs and expenses,  
30 to the extent permitted by Maryland law and subject to appropriation, in connection with the  
31 readjustment, relocation, protection, or support.

32 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the provisions of this ordinance are hereby  
33 declared to be severable. If any word, phrase, clause, sentence, paragraph, section or part in or of  
34 this ordinance, or the application thereof to any person or circumstance, is declared invalid, the  
35 remaining provisions and circumstances the applications of such provisions to other persons or  
36 circumstances shall not be affected thereby but shall remain in full force and effect, the Grantor  
37 hereby declaring that they would have ordained the remaining provisions of this ordinance  
38 without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof,  
39 so held invalid.

40 **SECTION 9. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
41 enacted.

# TRANSPORTATION COMMITTEE

## Public Hearing for Bill 19-0342

### AGENCY REPORTS

Finance	No Objection
Real Estate	Favorable
Department of Law	Favorable/Amendment
Department of Transportation	Favorable
Planning Commission	Favorable
Parking Authority of Baltimore City	Does Not Oppose
Department of Housing and Community Development	Favorable
Board of Estimates	



**CITY OF BALTIMORE  
COUNCIL BILL 19-0342  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: February 25, 2019  
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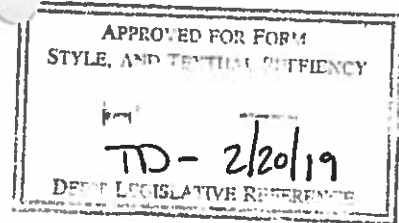
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40 **SECTION 9. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
41 enacted.



**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**



**Introduced by: The Council President**  
**At the request of: The Administration (Department of Transportation)**

**A BILL ENTITLED**

**AN ORDINANCE concerning**

**Franchise – Central Light Rail**

**FOR the purpose of granting a franchise to the Maryland Transit Administration (“MTA”), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Central Light Rail System, located within the boundaries of the City of Baltimore, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of Baltimore City, subject to certain terms, conditions, and reservations; and providing for a special effective date.**

**BY authority of**  
**Article VIII - Franchises**  
**Baltimore City Charter**  
**(1996 Edition)**

**Recitals**

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**The original franchise has expired, and the Maryland Transit Administration of the Department of the Transportation of the State of Maryland requests that the franchise be reestablished for an additional 25 years.**

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to the Maryland Transit Administration (“MTA”) of the Department of Transportation of the State of Maryland, its tenants, successors, and assigns (collectively, the “Grantee”) to use, and maintain, at Grantee’s own cost and expense, and subject to the terms and conditions of this Ordinance, the Baltimore Central Light Rail System, within the boundaries of Baltimore City, in accordance with a plat prepared by the Mass Transit Administration of the Department of Transportation of the State of Maryland, dated May 9, 1990, and filed in the office of the Department of Transportation of the City of Baltimore.**

**\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.**

The Grantee shall operate and maintain, in good condition, the Central Light Rail System with one or more tracks, with switches, turnouts, sidings, stations, station public entrances and appurtenant facilities, depots sewers for drainage, shafts for ventilation, overhead structures and other appurtenances, as it may deem necessary for the operation and maintenance of the Baltimore Central Light Rail System and the accommodation of the traffic of the same in, upon, over, under, or across the highways, streets, lanes, alleys, land under water, water front, public landings, wharf property, wharves and docks, parks and sidewalks (hereinafter sometimes called "Public Property or Places") of the City of Baltimore (the "Grantor"), and shall maintain in good condition and repair all such structures, tracks, stations, station public entrances and appurtenances herein mentioned at the sole cost and expense of the Grantee. The Grantee, its successors and assigns, shall comply with at all times all the ordinances of the Grantor providing for condemnation, maintenance and repair of all facilities, both public and private, within such Public Property and Places.

The Grantee shall not in any manner injure or displace any structure or other property of the Grantor on, above, within, or below the public right-of-way herein above mentioned without either restoring, relocating, replacing, repaving, refilling or repairing the structures and property at its expense, or paying to the Grantor all expenses and costs in connection therewith, in accordance with and to the extent permitted by Maryland law and subject to an appropriation, the requirements and provisions of the General agreement between the Grantee and the Grantor for the Central Light Rail System, dated May 9, 1990.

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**SECTION 6. AND BE IT FURTHER ORDAINED,** That the Grantor expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

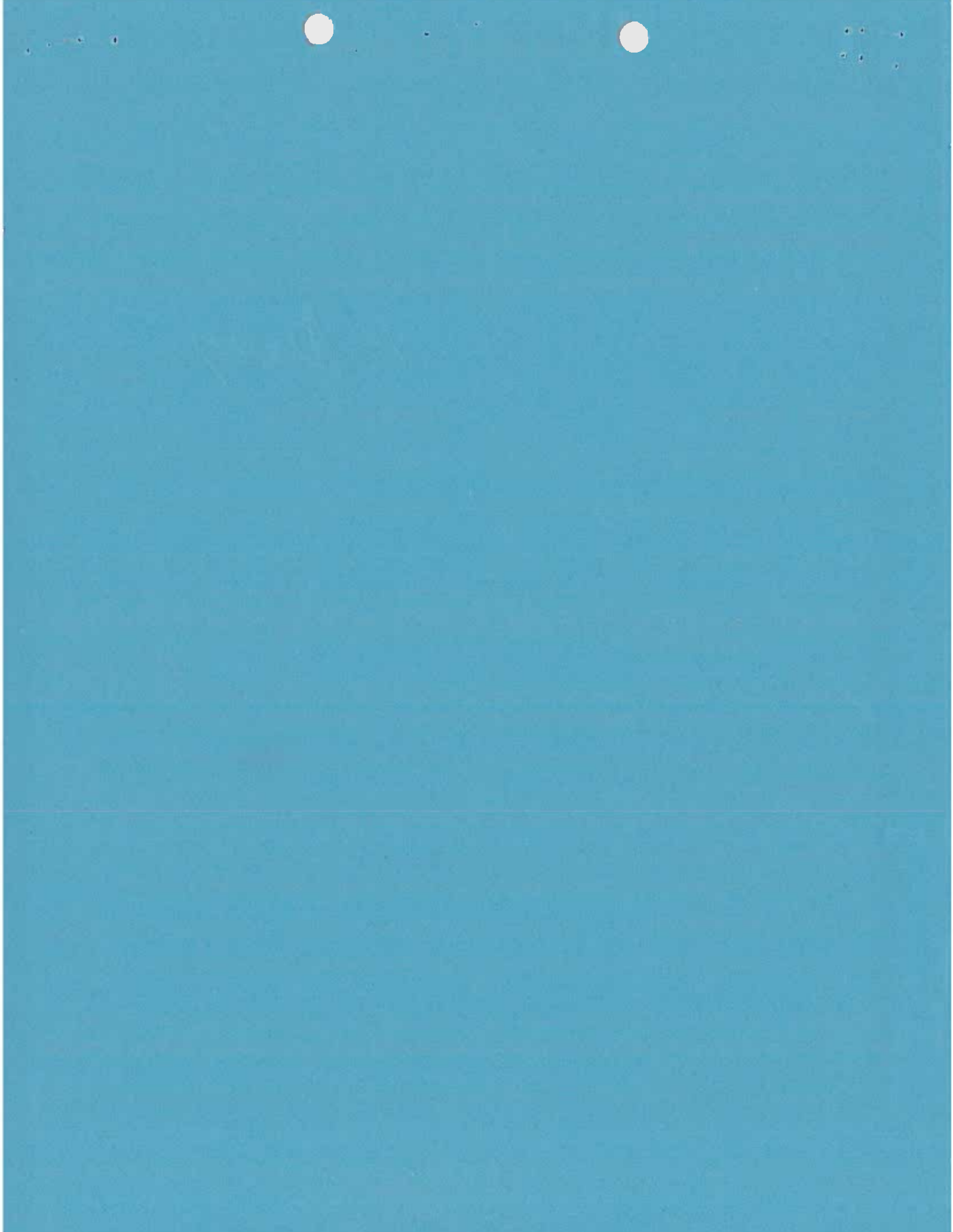
**SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of the Grantor, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Grantor's Commissioner of Housing and Community Development and the Director of Transportation. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses, to the extent permitted by Maryland law and subject to appropriation, in connection with the readjustment, relocation, protection, or support.

**SECTION 8. AND BE IT FURTHER ORDAINED,** That the provisions of this ordinance are hereby declared to be severable. If any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstance, is declared invalid, the remaining provisions and circumstances the applications of such provisions to other persons or circumstances shall not be affected thereby but shall remain in full force and effect, the Grantor hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid.

**SECTION 9. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.







**ACTION BY THE CITY COUNCIL**

FEB 25 2019

FIRST READING (INTRODUCTION) \_\_\_\_\_ 20 \_\_\_\_\_

PUBLIC HEARING HELD ON \_\_\_\_\_ 20 \_\_\_\_\_

COMMITTEE REPORT AS OF \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

\_\_\_\_\_  
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing. DEC 05 2019

THIRD READING \_\_\_\_\_ DEC 16 2019

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

\_\_\_\_\_  
President

\_\_\_\_\_  
Chief Clerk