
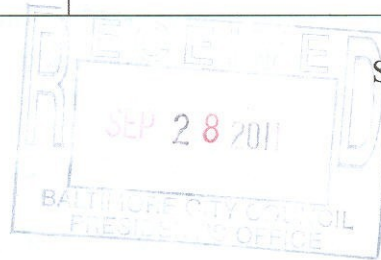


F R O M	NAME & TITLE	Khalil A. Zaided, Director	CITY of BALTIMORE	M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation 417 East Fayette Street, Room 527			
	SUBJECT	City Council Bill 10-0485			

TO

The Honorable President and Members
of the City Council
c/o Karen Randle
Room 400 City Hall

September 23, 2011



I am herein reporting on City Council Bill #10-0485.

The purpose of this bill is to permit Temporary Storage Units to be placed on City property under limited conditions; define certain terms; create a permit process for Temporary Storage Units; regulate the exterior appearance of Temporary Storage Units; require that owners of Temporary Storage Units inform renters about this subtitle; provide certain penalties; and generally relate to Temporary Storage Units.

The Department of Transportation (DOT) appreciates and supports the intent of this bill, understanding that the lack of regulation and enforcement over Temporary Storage Units in the public right-of-way is an issue. DOT has a few recommendations which it feels may assist in implementing this intent.

1. DOT feels that the Department of General Services (DGS) may be better equipped to administer the permitting process described in this bill, as DGS administers all other permits authorizing activity in the right-of-way. As with those permitting processes, DOT would be happy to review all applications at DGS's request. Similarly, the Director of DGS ought to have authority to promulgate rules and regulations to carry out the new subtitle, either in addition to or instead of DOT, whichever the Council and DGS prefer.
2. In addition to the information requested under Section 5-4(A)(2), the DOT suggests that the application also contain the location where the applicant would like to place the Temporary Storage Unit. The Department understands that in many cases, the applicant may have trouble describing these locations to an acute degree of specificity. However, even if the application states that the applicant would like to place the Temporary Storage Unit on a parking spot on a specified side of a specified block, that information would be tremendously helpful to DOT in reviewing whether the unit would unduly obstruct traffic flow or parking availability.
3. In Section 5-4(B)(1), the law currently authorizes the Director to "ISSUE A PERMIT ALLOWING THE PLACEMENT OF A TEMPORARY STORAGE UNIT ON A CITY STREET, CITY ALLEY, OR OTHER CITY PROPERTY: (1) WITHIN 100 FEET OF THE PROPERTY DESIGNATED BY THE APPLICANT IN THE APPLICATION" as the location for which the unit is to be used. DOT recommends that the Director retain authority to issue the permit for placement "IN THE SAME LOCATION OR ONE CLOSE TO THE LOCATION DESIGNATED BY THE APPLICANT AS THE DESIRED SITE TO PLACE THE TEMPORARY STORAGE UNIT." This broadens the area where the Director may allow the unit, allowing the Department to permit the unit's placement in a location that may be farther than 100 feet from the location for which the unit is to be used, but in a location that may be safer than other alternatives.
4. Section 5-7(A) states that "A TEMPORARY STORAGE UNIT IS SUBJECT TO ALL PARKING REGULATIONS THAT WOULD BE APPLICABLE TO A VEHICLE PARKED IN THE SAME PLACE." As drafted, this would prohibit any permitted storage unit in any parking spot for more than 48 continuous hours under Article 31, Section 6-22. It would also require unit users to pay meters when they place a permitted unit in a metered spot, when it may be more efficient for the unit user to pay for this expense at one time through the permit fee. If this is not the bill sponsor's intent, DOT would be happy to work with

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the Council on an amendment. If it is, in fact, the intent, DOT has no objections, particularly since the Director may waive specific parking regulations under Section 5-7(C).

5. DOT would like to add a section to this bill authorizing the Police Commissioner of Baltimore or its designee to remove a Temporary Storage Unit from the public right of way if it is obstructing or impeding the free flow of traffic or the movement of pedestrians. Such a section could read similarly to Article 31, Section 31-6, which permits the Commissioner or its designee to remove motor vehicles that impede the free flow of traffic. This language may read as such:

(a) PROHIBITED TEMPORARY STORAGE UNIT PLACEMENT.

- (1) IT SHALL BE UNLAWFUL FOR ANY PERSON TO USE CITY STREETS TO PLACE A TEMPORARY STORAGE UNIT OR ANY PART THEREOF IN SUCH A MANNER AS TO OBSTRUCT OR IMPEDE THE FREE FLOW OF TRAFFIC THEREON OR THE MOVEMENT OF PEDESTRIANS.
- (2) DETERMINATION BY THE POLICE COMMISSIONER OF BALTIMORE THAT A TEMPORARY STORAGE UNIT IS ACTUALLY OBSTRUCTING TRAFFIC AS AFORESAID SHALL BE CONSIDERED PRIMA FACIE EVIDENCE OF A VIOLATION THEREOF.

(b) REMOVAL OF TEMPORARY STORAGE UNIT.

- (1) THE COMMISSIONER IS AUTHORIZED TO CAUSE SUCH TEMPORARY STORAGE UNIT TO BE REMOVED IMMEDIATELY SO AS TO CLEAR THE STREETS.
- (2) SUCH REMOVAL MAY BE:
 - (i) TO ANOTHER PART OF THE SAME STREET;
 - (ii) TO A SIDE STREET;
 - (iii) EFFECTED IN THE MANNER PROVIDED IN ARTICLE 31, SUBTITLE 31 FOR IMPOUNDED AND ABANDONED MOTOR VEHICLES.

DOT supports this bill with the amendments described above. I thank you for the opportunity to comment on this legislation.

Respectfully,


Khalil A. Zayed
Director

KAZ/BZ

Cc: Ms. Angela C. Gibson
Mr. Jamie Kendrick
Mr. Frank Murphy