

**CITY OF BALTIMORE
COUNCIL BILL 10-0480
(First Reader)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation,
Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Fort Avenue Bridge – Reconstruction, Repair, and Maintenance**

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

8 **Background**

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

13 Previously, Ordinance 20-502, as amended by Ordinance 23-939 and by Ordinance 50-1150
14 (the “Enabling Ordinances”), authorized the Baltimore and Ohio Railroad (the “B&O”) to
15 build a bridge to carry Fort Avenue over its railroad tracks (the “Fort Avenue Bridge” or
16 “Bridge”) and required the B&O to maintain and renew structural portions of the Bridge,
17 while requiring the City to maintain the roadway and sidewalks on the Bridge.

18 CSXT has since succeeded to the B&O’s interests in the Bridge and to the B&O’s duties
19 under the Enabling Ordinances.

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

24 The Fort Avenue Bridge Agreement expressly recognizes that “the duties and responsibilities
25 set forth in this Agreement differ from those duties and obligations set forth in the [Enabling
26 Ordinances] and common law precedent”, thus requiring a new Ordinance to ratify and
27 approve the Fort Avenue Bridge Agreement and to supersede all prior laws to the extent of
28 any inconsistency between them and the Agreement.

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

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1 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
2 Mayor and City Council ratifies and approves the Fort Avenue Bridge Agreement, as entered
3 into between the City and CSXT and approved by the Board of Estimates on November 18,
4 2009.

5 **SECTION 2. AND BE IT FURTHER ORDAINED**, That all laws or parts of laws inconsistent with
6 the Fort Avenue Bridge Agreement (including, but not limited to, Ordinances 20-502, 23-939,
7 and 50-1150 and common law precedent) are superseded to the extent of the inconsistency.

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