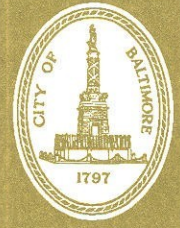


CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

August 3, 2011

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

Re: City Council Bill 11-0741 – Volunteer Ambulance Service – Parking,
Standing and Stopping

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 11-0741 for form and legal sufficiency. The bill would amend Section 6-26 (Commercial Vehicles) of Article 31 (Transit and Traffic) of the City Code to include certain volunteer ambulance services in the list of vehicles exempt from that section's rules on stopping in the streets.

The City generally has the power to regulate traffic. *See* City Charter, Art. II, §§ 27, 34(d); *see also* Md. Code, Transp., §25-102("provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising" specific powers with respect to highways, including regulating the traffic thereon).

The ambulances covered by the current language in this bill are those "licensed by the Maryland Institute for Emergency Medical Services Systems." That state agency does license commercial ambulance services; however it also exempts several categories of vehicles and services from the licensing requirements, including wheelchair vans, ambulances operated by other states or the federal government, and those licensed in another state that meet certain requirements. *See* COMAR 30.09.03 *et. seq.* The language in this bill should therefore be amended to include those ambulance services that are not required by the state to have a license so that this law cannot be challenged as discriminating against those lawfully operating ambulance services. *See, e.g., Baltimore Gas and Elec. Co. v. Heintz*, 760 F.2d 1408, 1417 (4th Cir. 1985)(citing *Western & Southern L.I. Co. v. Board of Equalization*, 451 U.S. 648, 668, (1981)(classifications must reasonably promote the government's legitimate purpose to survive an Equal Protection challenge).

F/A



Subject to the necessary amendment, the Law Department approves this bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley", with a long horizontal flourish extending to the right.

Hilary Ruley
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Victor Tervalva, Assistant Solicitor