
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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August 28, 2024

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

Re: City Council Bill 24-0530 – Transit-Oriented Development – West Baltimore

Dear President and City Council Members:

The Law Department reviewed City Council Bill 24-0530 for form and legal sufficiency. The bill is a resolution of the Mayor and City Council to officially designate the area surrounding and including the West Baltimore MARC Station (the “Project”) as a State Transit-Oriented Development (“TOD”). The resolution takes effect the on the date of its enactment.

Under relevant State law, TOD means

a mix of private or public parking facilities, commercial and residential structures, and uses, improvements, and facilities customarily appurtenant to such facilities and uses, that:

- (1) Is part of a deliberate development plan or strategy involving:
 - (i) Property that is adjacent to the passenger boarding and alighting location of a planned or existing transit station;
 - (ii) Property, any part of which is located within one-half mile of the passenger boarding and alighting location of a planned or existing transit station; or
 - (iii) Property that is adjacent to a planned or existing transit corridor;
- (2) Is planned to maximize the use of transit, walking, and bicycling by residents and employees; and
- (3) Is designated as a transit-oriented development by:
 - (i) The Smart Growth Subcabinet established under § 9-1406 of the State Government Article; and
 - (ii) The local government or multicounty agency with land use and planning responsibility for the relevant area applying for designation.

Md. Code, Transportation Article (“Trans.”), § 7-101(p). “Transit station,” in turn, means “any facility, the primary function of which relates to the boarding and alighting of passengers from transit vehicles” and “includes platforms, shelters, passenger waiting facilities, parking areas, access roadways, and other real property used to facilitate passenger access to transit service or railroad service.” Trans. § 7-101(r).

The bill describes the Project as meeting the above criteria for TOD designation and attaches material supporting the designation, including the geographical area boundaries and a letter from the Mayor to the Secretary of the Maryland Department of Transportation outlining the City’s transportation priorities, including TOD designation for the Project.

The bill appears to be an appropriate way for the Mayor and City Council of Baltimore to make the designation required under Trans. Section 7-101(p)(3)(ii), which requires the “local government” with “land use and planning responsibility for the relevant area” to make the TOD designation. The bill was only referred to the Law Department and the City Department of Transportation. Council Bill 24-0530 should also be referred to the City agencies responsible for land use and planning. See e.g., bill files for Ordinances 23-232 and 23-233.

Accordingly, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele M. Toth".

Michele M. Toth
Assistant Solicitor

cc: Ebony Thompson
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown
Desiree Luckey
Ahleah Knapp