
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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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 19-0341 – Franchise – Baltimore Region Rapid Transit System
Sections A and C

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0341 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 Baltimore Region Rapid Transit System Sections A and C, located within 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. Tervalo".

Victor K. Tervalo
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 19-0341
(1" Reader Copy)**

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

Amendment No. 1

On page 2, in line 44, and, on page 3, in lines 5, 7, 8, and 40, in each instance, before "Director", insert "Grantor's".

Amendment No. 2

On page 3, after line 24, 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 25, 32, and 36, and, on page 4, in lines 1 and 9, strike "5", "6", "7", "8", and "9", respectively, and substitute "6", "7", "8", "9", and "10", respectively.