

CITY OF BALTIMORE
ORDINANCE 19-329
Council Bill 19-0341

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: February 25, 2019
Assigned to: Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: December 5, 2019

AN ORDINANCE CONCERNING

**Franchise – Baltimore Region Rapid Transit System
Sections A and C**

FOR the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

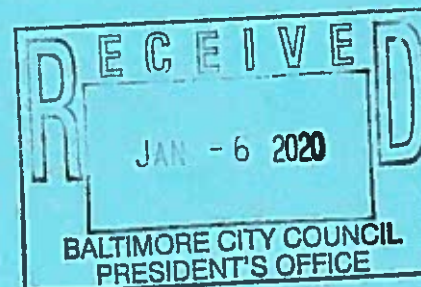
BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

Ordinance 76-188 granted permission and authority to the Mass Transit Administration of the Department of Transportation of the State of Maryland for the location, construction, operation, and maintenance of the Baltimore Region Rapid Transit System Section A within the boundaries of the City of Baltimore for a period not exceeding 25 years.

Ordinance 89-348 granted permission and authority to the Mass Transit Administration of the Department of Transportation of the State of Maryland for the location, construction, operation, and maintenance of the Baltimore Region Rapid Transit System Section C within the boundaries of the City of Baltimore for a period not exceeding 25 years.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.



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1 These original franchises have expired, and the MTA of the Department of
2 Transportation of the State of Maryland requests that the franchises be
3 reestablished for an additional 25 years.

4 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a
5 franchise or right is granted to the MTA of the Department of Transportation of the State of
6 Maryland, its tenants, successors, and assigns (collectively, the "Grantee") to operate and
7 maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this
8 Ordinance, the Baltimore Region Rapid Transit System, Sections A and C, within the boundaries
9 of the City of Baltimore (collectively, the "Grantor"), as shown on the documents entitled
10 "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September,
11 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region
12 Rapid Transit System, Section C Route Map", dated April 1, 1988 and filed in the Department of
13 Public Works on April 15, 1988, with both plats now being filed in the Department of
14 Transportation of the City of Baltimore.

15 The Grantee shall operate and maintain, in good condition, Section A and Section C of the
16 Baltimore Region Rapid Transit System with one or more tracks, with switches, turnouts,
17 sidings, stations, station public entrances and appurtenant facilities, depots sewers for drainage,
18 shafts for ventilation, overhead structures and other appurtenances, as it may deem necessary for
19 the operation and maintenance of the Baltimore Region Rapid Transit System and the
20 accommodation of the traffic of the same in, upon, over, under, or across the highways, streets,
21 lanes, alleys, land under water, water front, public landings, wharf property, wharves and docks,
22 parks and sidewalks of the Grantor (hereinafter sometimes called "Public Property or Places"),
23 and shall maintain in good condition and repair all such structures, tracks, stations, station public
24 entrances and appurtenances herein mentioned at the sole cost and expense of the Grantee. The
25 Grantee, its successors and assigns, shall comply with at all times all the ordinances of the
26 Grantor providing for condemnation, maintenance and repair of all facilities, both public and
27 private, within such Public Property and Places.

28 The Grantee shall not in any manner injure or displace any structure or other property of the
29 Grantor on, above, within, or below the public right-of-way herein above mentioned without
30 either restoring, relocating, replacing, repaving, refilling or repairing the structures and property
31 at its expense, or paying to the Grantor all expenses and costs in connection therewith, in
32 accordance with and to the extent permitted by Maryland law and subject to an appropriation,
33 the requirements and provisions of the General Agreement between the Grantee and Grantor for
34 Section A of the Baltimore Metro, dated June 18, 1976, and Section C of the Baltimore Metro,
35 dated June 14, 1989, and amended by that First Amendment dated June 20, 2018.

36 The Grantee shall promptly, at its own expense, repave in good order and make appropriate
37 and necessary surface restoration of each such Public Property or Place as the Grantee may find it
38 necessary to dig, impair or unpave for the purpose of maintaining the aforesaid rapid transit
39 facilities.

40 If the Grantee shall omit or neglect to repair or repave or make such appropriate and
41 necessary surface restoration of any such Public Property or Place, or any part thereof, after
42 receipt of reasonable notice from the Grantor, the Grantee shall, for each such omission or
43 neglect, forfeit and pay, to the extent permitted by Maryland law and subject to an appropriation,
44 to the use of the Grantee such sum as the Grantor's Director of Transportation shall adjudge to be

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1 reasonable and proper under the circumstances, subject to a review on the record by a court of
2 competent jurisdiction.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the refilling, repairing, repaving,
4 replacing, relocating, and restoring required to be done by the provisions of Section 1 shall be
5 subject to the approval of the Grantor's Director of Transportation, or his/her duly authorized
6 representative, and if, through omission or neglect, or any cause, an emergency condition shall
7 arise or obtain, which, in the judgement of the Grantor's Director of Transportation, jeopardizes
8 the health, welfare, or safety of the community, the Grantor's Director of Transportation may
9 cause such repairing, repaving, replacing, relocating, and restoring to be done so as to end the
10 emergency condition in cooperation with the Grantee.

11 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Grantee shall continue to maintain, in
12 good condition, transit stations for Sections A and C of the Baltimore Region Rapid Transit
13 System and shall also continue to maintain, in good condition, public entrance plazas adjacent to
14 and around the locations of public entrances to the stations on land specifically acquired by the
15 Grantee for such purpose, including permanent plaza surface treatments, signs and kiosks,
16 seating, decorative planting area and landscaping elements, civic or artistic embellishments, and
17 lighting as necessary for the functioning of the entrance plazas and for the enjoyment of the
18 public that utilizes them.

19 **SECTION 4. AND BE IT FURTHER ORDAINED,** That whenever private entrance connections are
20 to be constructed between private properties and structures, whether existing or to be constructed,
21 and adjacent rapid transit station structures, where such private constructions are to be located
22 and constructed over, across, in, or under the Public Property or Places of the Grantor, that the
23 location, design and construction of such private entrance connections shall be subject to the
24 approval of the Grantor.

25 **SECTION 5. AND BE IT FURTHER ORDAINED,** That as compensation for the Franchise, the
26 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$ _____ a
27 year. The franchise charge must be paid annually, at least 30 days before the initial and each
28 renewal term of the Franchise.

29 **SECTION 5 6. AND BE IT FURTHER ORDAINED,** That the initial term of the Franchise is one
30 (1) year, commencing on the effective date of this Ordinance. Unless sooner terminated as
31 provided in this Ordinance, the Franchise will automatically renew, without any action by either
32 the Grantor or the Grantee, for twenty-four (24) consecutive one (1) year renewal terms. Except
33 as otherwise provided in this Ordinance, each renewal term will be on the same terms and
34 conditions as the initial term. The maximum duration for which the Franchise may operate,
35 including the initial and all renewal terms, is twenty-five (25) years.

36 **SECTION 6 7. AND BE IT FURTHER ORDAINED,** That the Grantor expressly reserves the right
37 at all times to exercise, in the interest of the public, full municipal superintendence, regulation,
38 and control over and in respect to all matters connected with the Franchise and not inconsistent
39 with the terms of this Ordinance.

40 **SECTION 7 8. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,
41 shall maintain in good condition and in compliance with all applicable laws and regulations of
42 the Grantor, all structures for which the Franchise is granted. The maintenance of these
43 structures shall be at all times subject to the regulation and control of the Grantor's

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Commissioner of Housing and Community Development and the Grantor's Director of Transportation. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses, to the extent permitted by Maryland law and subject to appropriation, in connection with the readjustment, relocation, protection, or support.

SECTION 9. AND BE IT FURTHER ORDAINED, That on or before June 30th of each year, the Grantee shall submit to the Mayor and to the City Council of Baltimore a letter reporting the state of good repair conditions for all assets within the Franchise area as reported by the Grantee to the Federal Transit Administration under Federal reporting requirements. The Grantee shall provide a list and schedule, for the coming 24 months, of all planned repairs, which may cause disruption to service or impede other services or access, such as pedestrian access, motor vehicle intersections, utilities operations, or maintenance, to assets in the Franchise area.

SECTION 8 10. AND BE IT FURTHER ORDAINED, That the provisions of this ordinance are hereby declared to be severable. If any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstance, is declared invalid, the remaining provisions and circumstances the applications of such provisions to other persons or circumstances shall not be affected thereby but shall remain in full force and effect, the Grantor hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid.

SECTION 9 11. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Certified as duly passed this _____ day of **DEC 16 2019**, 20____



President, Baltimore City Council

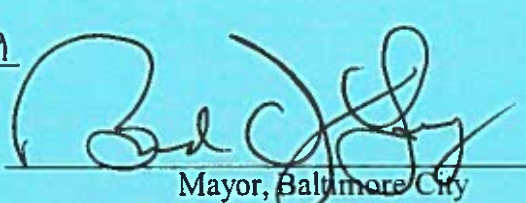
Certified as duly delivered to His Honor, the Mayor,

this _____ day of **DEC 16 2019**



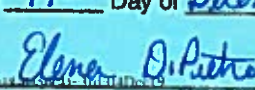
Chief Clerk

Approved this 18th day of Dec, 20 19



Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 17th Day of December 2019



Chief Solicitor

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Prepared by: Department of Legislative Reference

Date: February 6, 2019

Referred to TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19 - 0341

A BILL ENTITLED

AN ORDINANCE concerning

**Franchise – Baltimore Region Rapid Transit System
Sections A and C**

FOR the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of

Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input type="checkbox"/> Baltimore City Public School System	<input type="checkbox"/> Department of Public Works
<input checked="" type="checkbox"/> Baltimore Development Corporation	<input checked="" type="checkbox"/> Department of Real Estate
<input checked="" type="checkbox"/> City Solicitor	<input type="checkbox"/> Department of Recreation and Parks
<input type="checkbox"/> Comptroller's Office	<input checked="" type="checkbox"/> Department of Transportation
<input type="checkbox"/> Department of Audits	<input type="checkbox"/> Fire Department
<input checked="" type="checkbox"/> Department of Finance	<input type="checkbox"/> Health Department
<input type="checkbox"/> Department of General Services	<input type="checkbox"/> Mayor's Office of Employment Development
<input checked="" type="checkbox"/> Department of Housing and Community Development	<input type="checkbox"/> Mayor's Office of Human Services
<input type="checkbox"/> Department of Human Resources	<input type="checkbox"/> Mayor's Office of Information Technology
<input type="checkbox"/> Department of Planning	<input type="checkbox"/> Office of the Mayor
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Police Department
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

<input checked="" type="checkbox"/> Board of Estimates	<input type="checkbox"/> Environmental Control Board
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Fire & Police Employees' Retirement System
<input type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Comm. for Historical and Architectural Preservation	<input checked="" type="checkbox"/> Parking Authority Board
<input type="checkbox"/> Commission on Sustainability	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Employees' Retirement System	<input type="checkbox"/> Wage Commission
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Boards and Commissions

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM STYLE, AND TEXTUAL SUPPLEMENT
2-6-19
DEPT LEGISLATIVE REFERENCE

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)

A BILL ENTITLED

AN ORDINANCE concerning

**Franchise – Baltimore Region Rapid Transit System
Sections A and C**

FOR the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

Ordinance 76-188 granted permission and authority to the Mass Transit Administration of the Department of Transportation of the State of Maryland for the location, construction, operation, and maintenance of the Baltimore Region Rapid Transit System Section A within the boundaries of the City of Baltimore for a period not exceeding 25 years.

Ordinance 89-348 granted permission and authority to the Mass Transit Administration of the Department of Transportation of the State of Maryland for the location, construction, operation, and maintenance of the Baltimore Region Rapid Transit System Section C within the boundaries of the City of Baltimore for a period not exceeding 25 years.

These original franchises have expired, and the MTA of the Department of Transportation of the State of Maryland requests that the franchises be reestablished for an additional 25 years.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to the MTA of the Department of Transportation of the State of Maryland, its tenants, successors, and assigns (collectively, the "Grantee") to operate and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, the Baltimore Region Rapid Transit System, Sections A and C, within the boundaries of the City of Baltimore (collectively, the "Grantor"), as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System, Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, with both plats now being filed in the Department of Transportation of the City of Baltimore.

The Grantee shall operate and maintain, in good condition, Section A and Section C of the Baltimore Region Rapid Transit System with one or more tracks, with switches, turnouts, sidings, stations, station public entrances and appurtenant facilities, depots sewers for drainage, shafts for ventilation, overhead structures and other appurtenances, as it may deem necessary for the operation and maintenance of the Baltimore Region Rapid Transit System and the accommodation of the traffic of the same in, upon, over, under, or across the highways, streets, lanes, alleys, land under water, water front, public landings, wharf property, wharves and docks, parks and sidewalks of the Grantor (hereinafter sometimes called "Public Property or Places"), and shall maintain in good condition and repair all such structures, tracks, stations, station public entrances and appurtenances herein mentioned at the sole cost and expense of the Grantee. The Grantee, its successors and assigns, shall comply with at all times all the ordinances of the Grantor providing for condemnation, maintenance and repair of all facilities, both public and private, within such Public Property and Places.

The Grantee shall not in any manner injure or displace any structure or other property of the Grantor on, above, within, or below the public right-of-way herein above mentioned without either restoring, relocating, replacing, repaving, refilling or repairing the structures and property at its expense, or paying to the Grantor all expenses and costs in connection therewith, in accordance with and to the extent permitted by Maryland law and subject to an appropriation, the requirements and provisions of the General Agreement between the Grantee and Grantor for Section A of the Baltimore Metro, dated June 18, 1976, and Section C of the Baltimore Metro, dated June 14, 1989, and amended by that First Amendment dated June 20, 2018.

The Grantee shall promptly, at its own expense, repave in good order and make appropriate and necessary surface restoration of each such Public Property or Place as the Grantee may find it necessary to dig, impair or unpave for the purpose of maintaining the aforesaid rapid transit facilities.

If the Grantee shall omit or neglect to repair or repave or make such appropriate and necessary surface restoration of any such Public Property or Place, or any part thereof, after receipt of reasonable notice from the Grantor, the Grantee shall, for each such omission or neglect, forfeit and pay, to the extent permitted by Maryland law and subject to an appropriation, to the use of the Grantee such sum as the Director of Transportation shall adjudge to be reasonable and proper under the circumstances, subject to a review on the record by a court of competent jurisdiction.

SECTION 2. AND BE IT FURTHER ORDAINED, That the refilling, repairing, repaving, replacing, relocating, and restoring required to be done by the provisions of Section 1 shall be subject to the approval of the Director of Transportation, or his/her duly authorized representative, and if, through omission or neglect, or any cause, an emergency condition shall arise or obtain, which, in the judgement of the Director of Transportation, jeopardizes the health,

welfare, or safety of the community, the Director of Transportation may cause such repairing, repaving, replacing, relocating, and restoring to be done so as to end the emergency condition in cooperation with the Grantee.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Grantee shall continue to maintain, in good condition, transit stations for Sections A and C of the Baltimore Region Rapid Transit System and shall also continue to maintain, in good condition, public entrance plazas adjacent to and around the locations of public entrances to the stations on land specifically acquired by the Grantee for such purpose, including permanent plaza surface treatments, signs and kiosks, seating, decorative planting area and landscaping elements, civic or artistic embellishments, and lighting as necessary for the functioning of the entrance plazas and for the enjoyment of the public that utilizes them.

SECTION 4. AND BE IT FURTHER ORDAINED, That whenever private entrance connections are to be constructed between private properties and structures, whether existing or to be constructed, and adjacent rapid transit station structures, where such private constructions are to be located and constructed over, across, in, or under the Public Property or Places of the Grantor, that the location, design and construction of such private entrance connections shall be subject to the approval of the Grantor.

SECTION 5. AND BE IT FURTHER ORDAINED, That the initial term of the Franchise is one (1) year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Grantor or the Grantee, for twenty-four (24) consecutive one (1) year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is twenty-five (25) years.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Grantor expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of the Grantor, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Grantor's Commissioner of Housing and Community Development and the Director of Transportation. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses, to the extent permitted by Maryland law and subject to appropriation, in connection with the readjustment, relocation, protection, or support.

SECTION 8. AND BE IT FURTHER ORDAINED, That the provisions of this ordinance are hereby declared to be severable. If any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstance, is declared invalid, the remaining provisions and circumstances the applications of such provisions to other persons or circumstances shall not be affected thereby but shall remain in full force and effect, the Grantor hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid.

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

**CITY OF BALTIMORE
COUNCIL BILL 19-0341
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: February 25, 2019

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation, Planning Commission, Baltimore City Parking Authority Board, Department of Housing and Community Development, Department of Real Estate, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Franchise – Baltimore Region Rapid Transit System**
3 **Sections A and C**

4 FOR the purpose of granting a franchise to the Maryland Transit Administration (“MTA”),
5 formerly known as the Mass Transit Administration, of the Department of Transportation of
6 the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit
7 System Sections A and C, located within the boundaries of the City of Baltimore, as shown
8 on the documents entitled “Baltimore Region Rapid Transit System Phase 1, Section A Route
9 Map”, dated September, 1976 and filed in the Department of Public Works on October 1,
10 1976, and “Baltimore Region Rapid Transit System Section C Route Map”, dated April 1,
11 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms,
12 conditions, and reservations; and providing for a special effective date.

13 BY authority of

14 Article VIII - Franchises
15 Baltimore City Charter
16 (1996 Edition)

17 **Recitals**

18 Ordinance 76-188 granted permission and authority to the Mass Transit
19 Administration of the Department of Transportation of the State of Maryland for
20 the location, construction, operation, and maintenance of the Baltimore Region
21 Rapid Transit System Section A within the boundaries of the City of Baltimore for
22 a period not exceeding 25 years.

23 Ordinance 89-348 granted permission and authority to the Mass Transit
24 Administration of the Department of Transportation of the State of Maryland for
25 the location, construction, operation, and maintenance of the Baltimore Region
26 Rapid Transit System Section C within the boundaries of the City of Baltimore for
27 a period not exceeding 25 years.

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

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1 These original franchises have expired, and the MTA of the Department of
2 Transportation of the State of Maryland requests that the franchises be
3 reestablished for an additional 25 years.

4 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a
5 franchise or right is granted to the MTA of the Department of Transportation of the State of
6 Maryland, its tenants, successors, and assigns (collectively, the "Grantee") to operate and
7 maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this
8 Ordinance, the Baltimore Region Rapid Transit System, Sections A and C, within the boundaries
9 of the City of Baltimore (collectively, the "Grantor"), as shown on the documents entitled
10 "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September,
11 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region
12 Rapid Transit System, Section C Route Map", dated April 1, 1988 and filed in the Department of
13 Public Works on April 15, 1988, with both plats now being filed in the Department of
14 Transportation of the City of Baltimore.

15 The Grantee shall operate and maintain, in good condition, Section A and Section C of the
16 Baltimore Region Rapid Transit System with one or more tracks, with switches, turnouts,
17 sidings, stations, station public entrances and appurtenant facilities, depots sewers for drainage,
18 shafts for ventilation, overhead structures and other appurtenances, as it may deem necessary for
19 the operation and maintenance of the Baltimore Region Rapid Transit System and the
20 accommodation of the traffic of the same in, upon, over, under, or across the highways, streets,
21 lanes, alleys, land under water, water front, public landings, wharf property, wharves and docks,
22 parks and sidewalks of the Grantor (hereinafter sometimes called "Public Property or Places"),
23 and shall maintain in good condition and repair all such structures, tracks, stations, station public
24 entrances and appurtenances herein mentioned at the sole cost and expense of the Grantee. The
25 Grantee, its successors and assigns, shall comply with at all times all the ordinances of the
26 Grantor providing for condemnation, maintenance and repair of all facilities, both public and
27 private, within such Public Property and Places.

28 The Grantee shall not in any manner injure or displace any structure or other property of the
29 Grantor on, above, within, or below the public right-of-way herein above mentioned without
30 either restoring, relocating, replacing, repaving, refilling or repairing the structures and property
31 at its expense, or paying to the Grantor all expenses and costs in connection therewith, in
32 accordance with and to the extent permitted by Maryland law and subject to an appropriation,
33 the requirements and provisions of the General Agreement between the Grantee and Grantor for
34 Section A of the Baltimore Metro, dated June 18, 1976, and Section C of the Baltimore Metro,
35 dated June 14, 1989, and amended by that First Amendment dated June 20, 2018.

36 The Grantee shall promptly, at its own expense, repave in good order and make appropriate
37 and necessary surface restoration of each such Public Property or Place as the Grantee may find it
38 necessary to dig, impair or unpave for the purpose of maintaining the aforesaid rapid transit
39 facilities.

40 If the Grantee shall omit or neglect to repair or repave or make such appropriate and
41 necessary surface restoration of any such Public Property or Place, or any part thereof, after
42 receipt of reasonable notice from the Grantor, the Grantee shall, for each such omission or
43 neglect, forfeit and pay, to the extent permitted by Maryland law and subject to an appropriation,
44 to the use of the Grantee such sum as the Director of Transportation shall adjudge to be

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1 reasonable and proper under the circumstances, subject to a review on the record by a court of
2 competent jurisdiction.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the refilling, repairing, repaving,
4 replacing, relocating, and restoring required to be done by the provisions of Section 1 shall be
5 subject to the approval of the Director of Transportation, or his/her duly authorized
6 representative, and if, through omission or neglect, or any cause, an emergency condition shall
7 arise or obtain, which, in the judgement of the Director of Transportation, jeopardizes the health,
8 welfare, or safety of the community, the Director of Transportation may cause such repairing,
9 repaving, replacing, relocating, and restoring to be done so as to end the emergency condition in
10 cooperation with the Grantee.

11 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Grantee shall continue to maintain, in
12 good condition, transit stations for Sections A and C of the Baltimore Region Rapid Transit
13 System and shall also continue to maintain, in good condition, public entrance plazas adjacent to
14 and around the locations of public entrances to the stations on land specifically acquired by the
15 Grantee for such purpose, including permanent plaza surface treatments, signs and kiosks,
16 seating, decorative planting area and landscaping elements, civic or artistic embellishments, and
17 lighting as necessary for the functioning of the entrance plazas and for the enjoyment of the
18 public that utilizes them.

19 **SECTION 4. AND BE IT FURTHER ORDAINED,** That whenever private entrance connections are
20 to be constructed between private properties and structures, whether existing or to be constructed,
21 and adjacent rapid transit station structures, where such private constructions are to be located
22 and constructed over, across, in, or under the Public Property or Places of the Grantor, that the
23 location, design and construction of such private entrance connections shall be subject to the
24 approval of the Grantor.

25 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the initial term of the Franchise is one (1)
26 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided
27 in this Ordinance, the Franchise will automatically renew, without any action by either the
28 Grantor or the Grantee, for twenty-four (24) consecutive one (1) year renewal terms. Except as
29 otherwise provided in this Ordinance, each renewal term will be on the same terms and
30 conditions as the initial term. The maximum duration for which the Franchise may operate,
31 including the initial and all renewal terms, is twenty-five (25) years.

32 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Grantor expressly reserves the right at
33 all times to exercise, in the interest of the public, full municipal superintendence, regulation, and
34 control over and in respect to all matters connected with the Franchise and not inconsistent with
35 the terms of this Ordinance.

36 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,
37 shall maintain in good condition and in compliance with all applicable laws and regulations of
38 the Grantor, all structures for which the Franchise is granted. The maintenance of these
39 structures shall be at all times subject to the regulation and control of the Grantor's
40 Commissioner of Housing and Community Development and the Director of Transportation. If
41 any structure for which the Franchise is granted must be readjusted, relocated, protected, or
42 supported to accommodate a public improvement, the Grantee shall pay all costs and expenses,
43 to the extent permitted by Maryland law and subject to appropriation, in connection with the
44 readjustment, relocation, protection, or support.

Council Bill 19-0341

1 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the provisions of this ordinance are hereby
2 declared to be severable. If any word, phrase, clause, sentence, paragraph, section or part in or of
3 this ordinance, or the application thereof to any person or circumstance, is declared invalid, the
4 remaining provisions and circumstances the applications of such provisions to other persons or
5 circumstances shall not be affected thereby but shall remain in full force and effect, the Grantor
6 hereby declaring that they would have ordained the remaining provisions of this ordinance
7 without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof,
8 so held invalid.

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



BALTIMORE CITY COUNCIL TRANSPORTATION COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Transportation Committee is to ensure that mobility is a right afforded to all in Baltimore City. The Committee advances transportation policy, planning, and practices that result in equitable access, better health, clean air and reduced emissions, and a strong economy. The Committee also assists the Department of Transportation in setting and meeting operational goals consistent with these outcomes.

**The Honorable Ryan Dorsey
Chairperson**

PUBLIC HEARING

Wednesday, December 4, 2019

2:00 PM

Clarence "Du" Burns Council Chambers

Bill 19-0341

Franchise - Baltimore Region Rapid Transit System Sections A and C

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Isaac "Yitzy" Schleifer
Shannon Sneed
Danielle McCray
Staff: Marguerite Currin

CYBERSECURITY AND EMERGENCY PREPAREDNESS

Eric Costello – Co-chair
Isaac "Yitzy" Schleifer – Co-chair
Sharon Green Middleton
Staff: Samuel Johnson

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Leon Pinkett
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HEALTH

Kristerfer Burnett – Chair
Bill Henry – Vice Chair
Mary Pat Clarke
Edward Reisinger
Isaac "Yitzy" Schleifer
Staff: Marguerite Murray

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Zeke Cohen
Ryan Dorsey
Bill Henry
Shannon Sneed
Staff: Richard Krummerich

JUDICIARY

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Shannon Sneed
Robert Stokes
Staff: Matthew Peters

LABOR

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Robert Stokes – Vice Chair
Mary Pat Clarke
Bill Henry
Danielle McCray
Staff: Samuel Johnson

LEGISLATIVE INVESTIGATIONS

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Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Matthew Peters

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Mary Pat Clarke
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Sharon Green Middleton
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Staff: Jennifer Coates

PUBLIC SAFETY

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Kristerfer Burnett – Vice Chair
Zeke Cohen
Danielle McCray
Leon Pinkett
Shannon Sneed
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Danielle McCray – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)

TRANSPORTATION

Ryan Dorsey – Chair
Leon Pinkett – Vice Chair
John Bullock
Staff: Jennifer Coates

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Transportation

Bill 19-0341

Franchise - Baltimore Region Rapid Transit System Sections A and C

Sponsor: *The Council President – The Administration (Department of Transportation)*

Purpose:

For the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Agency Reports

Department of Finance	No Objection
Department of Real Estate	Favorable
Department of Law	Favorable/Amendments
Department of Transportation	Favorable
Planning Commission	Favorable
Department of Housing and Community Development	Favorable
Parking Authority for Baltimore City	No Objection
Board of Estimates	

Analysis

Background

Baltimore Region Rapid Transit System (BRRTS) also known as Baltimore Metro or Metro Subway operates along a 15.5-mile-long route which runs between Owings Mills and Johns Hopkins Hospital.

Beginning in 1976, Baltimore City granted franchise agreements to the State of Maryland Department of Transportation's Maryland Transit Administration MTA (formerly known as Mass Transit Administration) authorizing and permitting the location, construction, operation and maintenance of the BRRTS. The franchise agreements have expired. MTA would like to renew the agreement for an additional 25 years.

- A franchise agreement was granted by Baltimore City in 1976 for Section A – Downtown to Reisterstown Road Plaza which opened in 1989 (8 miles)
- The franchise agreement for Section B is between Baltimore County and MTA – Reisterstown Road Plaza to Owings Mills which opened in 1987 (6 miles)
- A franchise agreement was granted by Baltimore City in 1989 for Section C - Johns Hopkins Extension which opened in 1995 (1.5 miles)

Bill 19-0341 would renew franchise agreements for Sections A and C. The Baltimore City Board of Estimates is required to review all franchise agreements. The bill has been referred to the Board of Estimates.

Proposed Amendment

The Law Department is proposing an amendment for the bill which would:

- provide an additional section for the bill to record the Board of Estimates' determined amount of compensation for this franchise and
- change the term "director" to "grantor".

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill 19-0341; Baltimore Region Rapid Transit System; Department of Legislative Reference

Analysis by: Jennifer L. Coates
Analysis Date: November 26, 2019

Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE
COUNCIL BILL 19-0341
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: February 25, 2019

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation, Planning Commission, Baltimore City Parking Authority Board, Department of Housing and Community Development, Department of Real Estate, Department of Finance

A BILL ENTITLED

AN ORDINANCE concerning

**Franchise – Baltimore Region Rapid Transit System
Sections A and C**

FOR the purpose of granting a franchise to the Maryland Transit Administration (“MTA”), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled “Baltimore Region Rapid Transit System Phase 1, Section A Route Map”, dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and “Baltimore Region Rapid Transit System Section C Route Map”, dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of

**Article VIII - Franchises
Baltimore City Charter
(1996 Edition)**

Recitals

Ordinance 76-188 granted permission and authority to the Mass Transit Administration of the Department of Transportation of the State of Maryland for the location, construction, operation, and maintenance of the Baltimore Region Rapid Transit System Section A within the boundaries of the City of Baltimore for a period not exceeding 25 years.

Ordinance 89-348 granted permission and authority to the Mass Transit Administration of the Department of Transportation of the State of Maryland for the location, construction, operation, and maintenance of the Baltimore Region Rapid Transit System Section C within the boundaries of the City of Baltimore for a period not exceeding 25 years.

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

Council Bill 19-0341

1 These original franchises have expired, and the MTA of the Department of
2 Transportation of the State of Maryland requests that the franchises be
3 reestablished for an additional 25 years.

4 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a
5 franchise or right is granted to the MTA of the Department of Transportation of the State of
6 Maryland, its tenants, successors, and assigns (collectively, the "Grantee") to operate and
7 maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this
8 Ordinance, the Baltimore Region Rapid Transit System, Sections A and C, within the boundaries
9 of the City of Baltimore (collectively, the "Grantor"), as shown on the documents entitled
10 "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September,
11 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region
12 Rapid Transit System, Section C Route Map", dated April 1, 1988 and filed in the Department of
13 Public Works on April 15, 1988, with both plats now being filed in the Department of
14 Transportation of the City of Baltimore.

15 The Grantee shall operate and maintain, in good condition, Section A and Section C of the
16 Baltimore Region Rapid Transit System with one or more tracks, with switches, turnouts,
17 sidings, stations, station public entrances and appurtenant facilities, depots sewers for drainage,
18 shafts for ventilation, overhead structures and other appurtenances, as it may deem necessary for
19 the operation and maintenance of the Baltimore Region Rapid Transit System and the
20 accommodation of the traffic of the same in, upon, over, under, or across the highways, streets,
21 lanes, alleys, land under water, water front, public landings, wharf property, wharves and docks,
22 parks and sidewalks of the Grantor (hereinafter sometimes called "Public Property or Places"),
23 and shall maintain in good condition and repair all such structures, tracks, stations, station public
24 entrances and appurtenances herein mentioned at the sole cost and expense of the Grantee. The
25 Grantee, its successors and assigns, shall comply with at all times all the ordinances of the
26 Grantor providing for condemnation, maintenance and repair of all facilities, both public and
27 private, within such Public Property and Places.

28 The Grantee shall not in any manner injure or displace any structure or other property of the
29 Grantor on, above, within, or below the public right-of-way herein above mentioned without
30 either restoring, relocating, replacing, repaving, refilling or repairing the structures and property
31 at its expense, or paying to the Grantor all expenses and costs in connection therewith, in
32 accordance with and to the extent permitted by Maryland law and subject to an appropriation,
33 the requirements and provisions of the General Agreement between the Grantee and Grantor for
34 Section A of the Baltimore Metro, dated June 18, 1976, and Section C of the Baltimore Metro,
35 dated June 14, 1989, and amended by that First Amendment dated June 20, 2018.

36 The Grantee shall promptly, at its own expense, repave in good order and make appropriate
37 and necessary surface restoration of each such Public Property or Place as the Grantee may find it
38 necessary to dig, impair or unpave for the purpose of maintaining the aforesaid rapid transit
39 facilities.

40 If the Grantee shall omit or neglect to repair or repave or make such appropriate and
41 necessary surface restoration of any such Public Property or Place, or any part thereof, after
42 receipt of reasonable notice from the Grantor, the Grantee shall, for each such omission or
43 neglect, forfeit and pay, to the extent permitted by Maryland law and subject to an appropriation,
44 to the use of the Grantee such sum as the Director of Transportation shall adjudge to be

Council Bill 19-0341

1 reasonable and proper under the circumstances, subject to a review on the record by a court of
2 competent jurisdiction.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the refilling, repairing, repaving,
4 replacing, relocating, and restoring required to be done by the provisions of Section 1 shall be
5 subject to the approval of the Director of Transportation, or his/her duly authorized
6 representative, and if, through omission or neglect, or any cause, an emergency condition shall
7 arise or obtain, which, in the judgement of the Director of Transportation, jeopardizes the health,
8 welfare, or safety of the community, the Director of Transportation may cause such repairing,
9 repaving, replacing, relocating, and restoring to be done so as to end the emergency condition in
10 cooperation with the Grantee.

11 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Grantee shall continue to maintain, in
12 good condition, transit stations for Sections A and C of the Baltimore Region Rapid Transit
13 System and shall also continue to maintain, in good condition, public entrance plazas adjacent to
14 and around the locations of public entrances to the stations on land specifically acquired by the
15 Grantee for such purpose, including permanent plaza surface treatments, signs and kiosks,
16 seating, decorative planting area and landscaping elements, civic or artistic embellishments, and
17 lighting as necessary for the functioning of the entrance plazas and for the enjoyment of the
18 public that utilizes them.

19 **SECTION 4. AND BE IT FURTHER ORDAINED,** That whenever private entrance connections are
20 to be constructed between private properties and structures, whether existing or to be constructed,
21 and adjacent rapid transit station structures, where such private constructions are to be located
22 and constructed over, across, in, or under the Public Property or Places of the Grantor, that the
23 location, design and construction of such private entrance connections shall be subject to the
24 approval of the Grantor.

25 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the initial term of the Franchise is one (1)
26 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided
27 in this Ordinance, the Franchise will automatically renew, without any action by either the
28 Grantor or the Grantee, for twenty-four (24) consecutive one (1) year renewal terms. Except as
29 otherwise provided in this Ordinance, each renewal term will be on the same terms and
30 conditions as the initial term. The maximum duration for which the Franchise may operate,
31 including the initial and all renewal terms, is twenty-five (25) years.

32 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Grantor expressly reserves the right at
33 all times to exercise, in the interest of the public, full municipal superintendence, regulation, and
34 control over and in respect to all matters connected with the Franchise and not inconsistent with
35 the terms of this Ordinance.

36 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,
37 shall maintain in good condition and in compliance with all applicable laws and regulations of
38 the Grantor, all structures for which the Franchise is granted. The maintenance of these
39 structures shall be at all times subject to the regulation and control of the Grantor's
40 Commissioner of Housing and Community Development and the Director of Transportation. If
41 any structure for which the Franchise is granted must be readjusted, relocated, protected, or
42 supported to accommodate a public improvement, the Grantee shall pay all costs and expenses,
43 to the extent permitted by Maryland law and subject to appropriation, in connection with the
44 readjustment, relocation, protection, or support.

Council Bill 19-0341

1 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the provisions of this ordinance are hereby
2 declared to be severable. If any word, phrase, clause, sentence, paragraph, section or part in or of
3 this ordinance, or the application thereof to any person or circumstance, is declared invalid, the
4 remaining provisions and circumstances the applications of such provisions to other persons or
5 circumstances shall not be affected thereby but shall remain in full force and effect, the Grantor
6 hereby declaring that they would have ordained the remaining provisions of this ordinance
7 without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof,
8 so held invalid.

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

TRANSPORTATION COMMITTEE

Public Hearing for Bill 19-0341

AGENCY REPORTS

Finance	No Objection
Real Estate	Favorable
Department of Law	Favorable/Amendment
Department of Transportation	Favorable
Planning Commission	Favorable
Parking Authority of Baltimore City	No Objection
Department of Housing and Community Development	Favorable
Board of Estimates	

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Agenda - Final

Transportation Committee

Wednesday, December 4, 2019

2:00 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0341

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0341

Franchise - Baltimore Region Rapid Transit System Sections A and C
For the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Sponsors:

City Council President (Administration)

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC




Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance - Franchise - Baltimore Region Rapid Transit System Sections A and C	Bill #: 19-0341
Committee: Transportation	Chair: Ryan Dorsey
Date: Wednesday, December 4, 2019	Time: 2:00 PM
Location: Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY

			 Testify	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
First Name	Last Name	Address / Organization / Email		For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓

*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730

Page No. ____

No One Signed In



CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 19-0341

Franchise - Baltimore Region Rapid Transit System Sections A and C

Committee: Transportation

Chaired By: Councilmember Ryan Dorsey

Hearing Date: December 4, 2019
Time (Beginning): 2:10 PM
Time (Ending): 2:30 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~ 15

Committee Members in Attendance:

Dorsey, Ryan, Chair
Pinkett, Leon, Vice Chair
Bullock, John

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised (taped) or <u>audio-digitally</u> recorded?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Dorsey		
Seconded by	Councilmember Pinkett		
Final Vote:	Favorable/Amendment		

Major Speakers

(This is not an attendance record.)

- Pedro Aponte, Department of Finance
- Martin French, Department of Planning

- Stephanie Murdock, Department of Housing and Community Development
- Taylor LaFave, Parking Authority of Baltimore City
- Liam Davis, Department of Transportation
- Matthew Stegman, Office of Mayor
- Mr. Matt Lattin, Real Estate Department, Maryland Transit Administration
- Mr. Robert Abrahams, Office of the Attorney General, Maryland Transit Administration
- Mr. Josh Mitnick, Office of the Attorney General, Maryland Transit Administration

Major Issues Discussed

1. Councilmember Ryan Dorsey stated the purpose for the bill.
2. Agency representatives reported their respective agency's position on the bill.
3. There was a discussion about Maryland Transit Administrations' (MTA) ability to maintain the system at their sole cost as stated in the franchise agreement. Mr. Lattin stated that MTA prioritizes its maintenance projects and would maintain the sites according to its prioritization plan. There was also a brief discussion about the City's ability to step in and maintain the systems, if needed, and then bill MTA for the City's cost to maintain.
4. A motion was made to approve amendments for the bill.
5. A motion was made to recommend the bill favorable with an amendment.
6. The hearing was adjourned.

Further Study

Was further study requested?
If yes, describe.

☐ Yes ☒ No

Committee Vote:

Dorsey, Ryan, Chairman.....	Yea
Pinkett, III Leon, Vice Chair	Yea
Bullock, John	Yea

Jennifer L. Coates, Committee Staff

Date: December 4, 2019

cc: Bill File
OCS Chrono File



BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: July 9, 2019

Re: **City Council Bill 19-0341: Franchise – Baltimore Region Rapid Transit System Sections A and C**

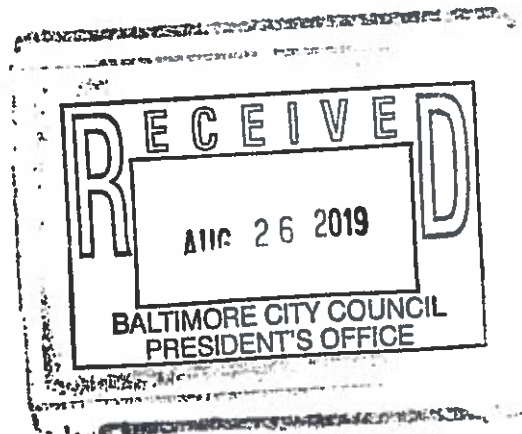
The Department of Housing and Community Development has reviewed City Council Bill 19-0341, for the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

If enacted, this bill would extend the MTA's right to use and maintain sections of the Baltimore Metro for an additional 25 years.

DHCD supports the passage of City Council Bill 19-0341.

MD:td

cc: Mr. Jeffrey Amoros, *Mayor's Office of Government Relations*
Mr. David H. Framm, *Department of Transportation*
Mr. Eric Tiso, *Department of Planning*



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final Transportation Committee

Wednesday, December 4, 2019

2:00 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0341
CHARM TV 25

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 3 - Ryan Dorsey, Leon F. Pinkett III, and John T. Bullock

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0341

Franchise - Baltimore Region Rapid Transit System Sections A and C
For the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Sponsors: City Council President (Administration)

A motion was made by Dorsey, seconded by Pinkett, III, that the bill be recommended favorable with amendment. The motion carried by the following vote:

Yes: 3 - Dorsey, Pinkett III, and Bullock

ADJOURNMENT

Page 10
10/10/2000

Chapter 10

Section 10.1

10.1.1

10.1.2

10.1.3

10.1.4

10.1.5

10.1.6

10.1.7

10.1.8

10.1.9

10.1.10

10.1.11

10.1.12

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #19-0341/ FRANCHISE – BALTIMORE RAPID TRANSIT

CITY of
BALTIMORE
MEMO



TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: April 18, 2019

At its regular meeting of April 18, 2019, the Planning Commission considered City Council Bill #19-0341, for the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

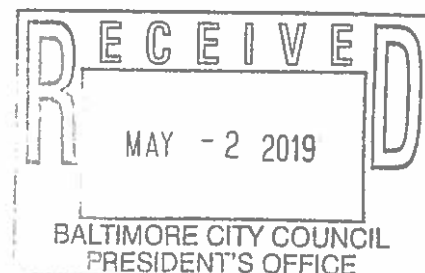
In its consideration of this Bill, the Planning Commission concurred with the staff's recommendation to approve City Council Bill #19-0341, and adopted the following resolution; seven members being present (seven in favor):


RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0341 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

cc: Mr. Pete Hammen, Chief Operating Officer
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Jeff Amoros, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Tyrell Dixon, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services



F R O M	Name & Title	Walter Horton, Real Estate Officer <i>Walter Horton</i>	CITY OF BALTIMORE MEMO	
	Agency Name & Address	Department of Real Estate 304 City Hall		
	Subject	City Council Bill 19-0341 Franchise-Baltimore Region Rapid Transit System Sections A and C		

To: Honorable Mayor, Bernard "Jack" Young
To: Taxation, Finance and Economic Development
Position: Recommends passage
RE: City Council Bill # 19-0341

Date: August 21, 2019

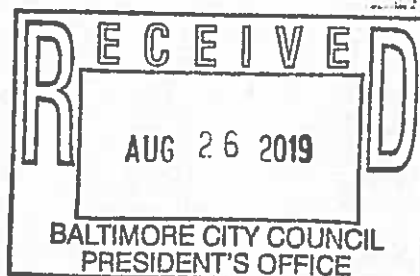
Introduction - As requested, we have reviewed the subject bill for the purpose of granting a Franchise to the Maryland Transit Administration (MTA) to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C.

Purpose/Plan - To reestablish the expired Franchises for Sections A and C for an initial term of one year with 24 consecutive one (1) year renewal terms.


Comments - The MTA shall be responsible maintaining Sections A and C in good condition including but not limited to the replacement, repaving, or restoring the public right-of-way at its own expense

Fiscal Impact - No impact to this Agency.

Agency/Department Position - The Department of Real Estate recommends passage of City Council Bill 19-0341.



F

FROM	NAME & TITLE	Robert Cennamo, Chief <i>for BC</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill 19-0341 – Franchise - Baltimore Region Rapid Transit System Sections A and C		

TO

DATE:

The Honorable President and
Members of the City Council
Room 400, City Hall

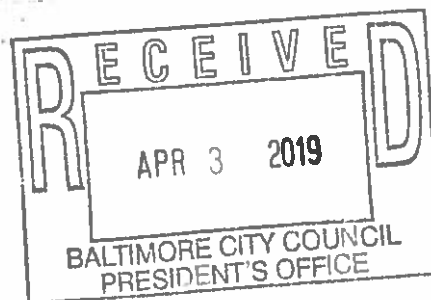
April 3, 2019

City Council Bill #19-0341 was created for the purpose of granting a franchise to the Maryland Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the City of Baltimore.

This legislation would extend the right of the Maryland Transit Administration (MTA) to operate and maintain the existing Metro SubwayLink System for up to an additional 25 years. The bill lays out the terms of the franchise agreement, requires MTA to follow City regulations, and requires restoration of any displaced structures in the public right-of-way.

There is not a significant fiscal impact expected from this legislation, so the Department of Finance has no objection to the passage of Council Bill #19-0341.

cc: Henry Raymond
Jeffrey Amoros



*No
objection*



2

1

2

4
21

61

TRANSMITTAL MEMO

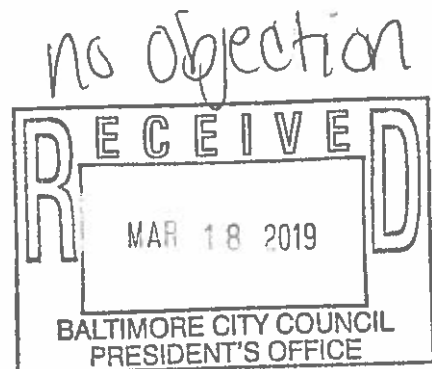
TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director *P. Little*
DATE: March 14, 2019
RE: Council Bill 19-0341




I am herein reporting on City Council Bill 19-0341 introduced by The Council President at the request of The Administration (Department of Transportation).

The purpose of this bill is for granting a franchise to the Maryland Transit Administration to use and maintain the existing Metro SubwayLink System (Baltimore Region Rapid Transit System Sections A and C.)

The Parking Authority of Baltimore City reviewed the proposed legislation and does not oppose the passage of City Council Bill 19-0341.



FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0341		
			MEMO	

TO: Mayor Catherine E. Pugh
TO: Land Use and Transportation Committee
FROM: Department of Transportation
POSITION: Supports
RE: Council Bill – 19-0341

DATE: 3/28/19

INTRODUCTION – An ordinance concerning Franchise – Baltimore Region Rapid Transit System Sections A and C.

PURPOSE/PLANS – FOR the purpose of granting a franchise to the Maryland Transit Administration (“MTA”), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled “Baltimore Region Rapid Transit System Phase 1, Section A Route Map”, dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and “Baltimore Region Rapid Transit System Section C Route Map”, dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

COMMENTS – City Council Bill 19-0341 extends the franchise agreement under which the MTA is allowed by the City the Baltimore to locate rail transit facilities on, below and above city streets.

The Department of Transportation supports the existence of these important transit services which are so vital to the movement of the residents and visitors into, out of and within the City of Baltimore.

AGENCY/DEPARTMENT POSITION – The Department of Transportation supports City Council Bill 19-0341.

If you have any questions, please do not hesitate to contact Eboni Wimbush, Chief of Staff at 410-396-6802 or via email Eboni.Wimbush@baltimorecity.gov.

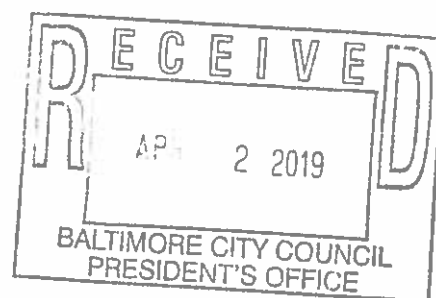
Sincerely,


MICHELLE POURCIAU
DIRECTOR

MP:mm

cc: Eboni Wimbush
Files

F



**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

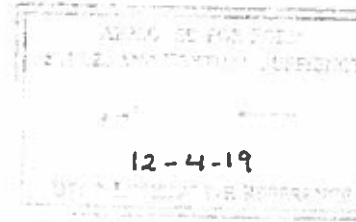
On page 3, after line 24, insert

"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.

AMENDMENTS TO COUNCIL BILL 19-0341
(1st Reader Copy)



By: 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, after line 44, insert

“SECTION 9. AND BE IT FURTHER ORDAINED. That on or before June 30th of each year, the Grantee shall submit to the Mayor and to the City Council of Baltimore a letter reporting the state of good repair conditions for all assets within the Franchise area as reported by the Grantee to the Federal Transit Administration under Federal reporting requirements. The Grantee shall provide a list and schedule, for the coming 24 months, of all planned repairs, which may cause disruption to service or impede other services or access, such as pedestrian access, motor vehicle intersections, utilities operations, or maintenance, to assets in the Franchise area.”.

Amendment No. 4

On page 3, in lines 25, 32, and 36, strike “5”, “6”, and “7”, respectively, and substitute “6”, “7”, and “8”, respectively; and, on page 4, in lines 1 and 9, respectively, strike “8” and “9”, respectively, and substitute “10” and “11”, respectively.

ADOPTED

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

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
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.

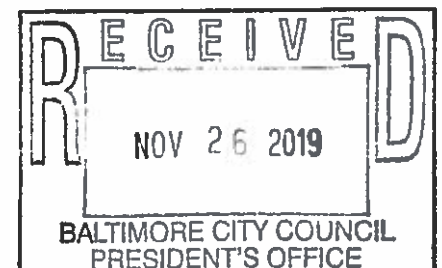
Article VIII of the Baltimore City Charter requires that a bill granting a franchise to be referred to the Board of Estimates after first reading. City Charter, Art. VIII, § 2. The BOE is empowered to determine the proposed compensation to be paid the City and the conditions under which the franchise 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,

Victor K. Tervala
Chief Solicitor



For a/Amend S

**BALTIMORE CITY COUNCIL
TRANSPORTATION COMMITTEE
VOTING RECORD**

DATE: December 4, 2019

BILL#: 19-0341

BILL TITLE: Franchise - Baltimore Region Rapid Transit System Sections A and C

MOTION BY: Dorsey SECONDED BY: Pinkett

☐ FAVORABLE

☒ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE

☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Dorsey, Ryan - Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon - Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, John	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	3			

CHAIRPERSON: R Dorsey

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

Three days:

THE SUN

Attn: Ms. Sharon Nelson
P.O. Box 1377
Baltimore, Maryland 21278

THE AFRO-AMERICAN NEWSPAPER

Attn: Ms. Marquise Goodwin
2519 N. Charles Street
Baltimore, Maryland 21218

December 18, 2019

The Afro-American Newspaper
2519 North Charles Street
Baltimore, Maryland 21218

Attn: Ms. Marquise Goodwin
Advertising Department

Re: Enclosed Notice CC Bill 19-0341

Dear Ms. Goodwin:

It is requested that the enclosed Municipal Notice be printed on three successive dates. Only the text that appears under the caption "To Be Inserted Under Municipal Notices" is requested to be printed. Please do not print Council Bill.

If there should be any questions concerning this request, please do not hesitate to contact me at (410) 396-4755.

Sincerely yours,


Audrey Quarles

Encls:

TO BE INSERTED UNDER MUNICIPAL NOTICES

In accordance with the provisions of Article VIII, Section 6-Franchises, of the Baltimore Charter (1996 Edition), Notice is hereby given that application has been made by Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Sincerely,


Joan M. Pratt, Comptroller
Secretary to the Board of Estimates

TO BE INSERTED UNDER MUNICIPAL NOTICES

In accordance with the provisions of Article VIII, Section 6-Franchises, of the Baltimore Charter (1996 Edition), Notice is hereby given that application has been made by Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Sincerely,


Joan M. Pratt, Comptroller
Secretary to the Board of Estimates

December 18, 2019

The Sun
P.O. Box 1377
Baltimore, Maryland 21278

Attn: Ms. Sharon Nelson
Advertising Department

Re: Enclosed Notice CC Bill 19-0341

Dear Ms. Nelson:

It is requested that the enclosed Municipal Notice be printed on three successive dates. Only the text that appears under the caption "To Be Inserted Under Municipal Notices" is requested to be printed. Please do not print Council Bill.


If there should be any questions concerning this request, please do not hesitate to contact me at (410) 396-4755.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Audrey Quarles".

Audrey Quarles

Encls:

FROM	NAME & TITLE	Robert Cennamo, Chief <i>for BC</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill 19-0341 – Franchise - Baltimore Region Rapid Transit System Sections A and C		

TO

The Honorable President and
Members of the City Council
Room 400, City Hall

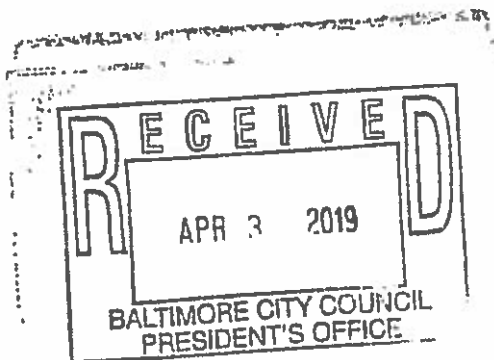
April 3, 2019

City Council Bill #19-0341 was created for the purpose of granting a franchise to the Maryland Transit Administration, of the Department of Transportation of the State of Maryland, to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the City of Baltimore.


This legislation would extend the right of the Maryland Transit Administration (MTA) to operate and maintain the existing Metro SubwayLink System for up to an additional 25 years. The bill lays out the terms of the franchise agreement, requires MTA to follow City regulations, and requires restoration of any displaced structures in the public right-of-way.

There is not a significant fiscal impact expected from this legislation, so the Department of Finance has no objection to the passage of Council Bill #19-0341.

cc: Henry Raymond
Jeffrey Amoros



no objection

F R O M	Name & Title	Walter Horton, Real Estate Officer <i>Walter Horton</i>	CITY OF BALTIMORE MEMO	
	Agency Name & Address	Department of Real Estate 304 City Hall		
	Subject	City Council Bill 19-0341 Franchise-Baltimore Region Rapid Transit System Sections A and C		

To: Honorable Mayor, Bernard "Jack" Young
To: Taxation, Finance and Economic Development
Position: Recommends passage
RE: City Council Bill # 19-0341

Date: August 21, 2019

Introduction - As requested, we have reviewed the subject bill for the purpose of granting a Franchise to the Maryland Transit Administration (MTA) to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C.

Purpose/Plan - To reestablish the expired Franchises for Sections A and C for an initial term of one year with 24 consecutive one (1) year renewal terms.

Comments - The MTA shall be responsible maintaining Sections A and C in good condition including but not limited to the replacement, repaving, or restoring the public right-of-way at its own expense

Fiscal Impact - No impact to this Agency.

Agency/Department Position - The Department of Real Estate recommends passage of City Council Bill 19-0341.



BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: July 9, 2019

Re: **City Council Bill 19-0341: Franchise – Baltimore Region Rapid Transit System
Sections A and C**

The Department of Housing and Community Development has reviewed City Council Bill 19-0341, for the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

If enacted, this bill would extend the MTA's right to use and maintain sections of the Baltimore Metro for an additional 25 years.

DHCD supports the passage of City Council Bill 19-0341.

MD:td

cc: Mr. Jeffrey Amoros, *Mayor's Office of Government Relations*
Mr. David H. Framm, *Department of Transportation*
Mr. Eric Tiso, *Department of Planning*

TRANSMITTAL MEMO


TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director *Peter Little*
DATE: March 14, 2019
RE: Council Bill 19-0341



I am herein reporting on City Council Bill 19-0341 introduced by The Council President at the request of The Administration (Department of Transportation).

The purpose of this bill is for granting a franchise to the Maryland Transit Administration to use and maintain the existing Metro SubwayLink System (Baltimore Region Rapid Transit System Sections A and C.)

The Parking Authority of Baltimore City reviewed the proposed legislation and does not oppose the passage of City Council Bill 19-0341.

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0341/ FRANCHISE - BALTIMORE RAPID TRANSIT		

TO The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: April 18, 2019

At its regular meeting of April 18, 2019, the Planning Commission considered City Council Bill #19-0341, for the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.


In its consideration of this Bill, the Planning Commission concurred with the staff's recommendation to approve City Council Bill #19-0341, and adopted the following resolution; seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0341 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

cc: Mr. Pete Hammen, Chief Operating Officer
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Jeff Amoros, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Tyrell Dixon, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services

F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0341		

TO: Mayor Catherine E. Pugh
 TO: Land Use and Transportation Committee
 FROM: Department of Transportation
 POSITION: Supports
 RE: Council Bill - 19-0341

DATE: 3/28/19

INTRODUCTION - An ordinance concerning Franchise - Baltimore Region Rapid Transit System Sections A and C.

PURPOSE/PLANS - FOR the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

COMMENTS - City Council Bill 19-0341 extends the franchise agreement under which the MTA is allowed by the City the Baltimore to locate rail transit facilities on, below and above city streets.

The Department of Transportation supports the existence of these important transit services which are so vital to the movement of the residents and visitors into, out of and within the City of Baltimore.

AGENCY/DEPARTMENT POSITION - The Department of Transportation supports City Council Bill 19-0341.

If you have any questions, please do not hesitate to contact Eboni Wimbush, Chief of Staff at 410-396-6802 or via email Eboni.Wimbush@baltimorecity.gov.

Sincerely,


 MICHELLE POURCIAU
 DIRECTOR

MP:mm

cc: Eboni Wimbush
 Files

**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."

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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.

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

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
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 Department 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. Tervala".

Victor K. Tervala
Chief Solicitor

Council Bill 19-0341

1 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the provisions of this ordinance are hereby
2 declared to be severable. If any word, phrase, clause, sentence, paragraph, section or part in or of
3 this ordinance, or the application thereof to any person or circumstance, is declared invalid, the
4 remaining provisions and circumstances the applications of such provisions to other persons or
5 circumstances shall not be affected thereby but shall remain in full force and effect, the Grantor
6 hereby declaring that they would have ordained the remaining provisions of this ordinance
7 without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof,
8 so held invalid.

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

Council Bill 19-0341

These original franchises have expired, and the MTA of the Department of Transportation of the State of Maryland requests that the franchises be reestablished for an additional 25 years.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to the MTA of the Department of Transportation of the State of Maryland, its tenants, successors, and assigns (collectively, the "Grantee") to operate and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, the Baltimore Region Rapid Transit System, Sections A and C, within the boundaries of the City of Baltimore (collectively, the "Grantor"), as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System, Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, with both plats now being filed in the Department of Transportation of the City of Baltimore.

The Grantee shall operate and maintain, in good condition, Section A and Section C of the Baltimore Region Rapid Transit System with one or more tracks, with switches, turnouts, sidings, stations, station public entrances and appurtenant facilities, depots sewers for drainage, shafts for ventilation, overhead structures and other appurtenances, as it may deem necessary for the operation and maintenance of the Baltimore Region Rapid Transit System and the accommodation of the traffic of the same in, upon, over, under, or across the highways, streets, lanes, alleys, land under water, water front, public landings, wharf property, wharves and docks, parks and sidewalks of the Grantor (hereinafter sometimes called "Public Property or Places"), and shall maintain in good condition and repair all such structures, tracks, stations, station public entrances and appurtenances herein mentioned at the sole cost and expense of the Grantee. The Grantee, its successors and assigns, shall comply with at all times all the ordinances of the Grantor providing for condemnation, maintenance and repair of all facilities, both public and private, within such Public Property and Places.

The Grantee shall not in any manner injure or displace any structure or other property of the Grantor on, above, within, or below the public right-of-way herein above mentioned without either restoring, relocating, replacing, repaving, refilling or repairing the structures and property at its expense, or paying to the Grantor all expenses and costs in connection therewith, in accordance with and to the extent permitted by Maryland law and subject to an appropriation, the requirements and provisions of the General Agreement between the Grantee and Grantor for Section A of the Baltimore Metro, dated June 18, 1976, and Section C of the Baltimore Metro, dated June 14, 1989, and amended by that First Amendment dated June 20, 2018.

The Grantee shall promptly, at its own expense, repave in good order and make appropriate and necessary surface restoration of each such Public Property or Place as the Grantee may find it necessary to dig, impair or unpave for the purpose of maintaining the aforesaid rapid transit facilities.

If the Grantee shall omit or neglect to repair or repave or make such appropriate and necessary surface restoration of any such Public Property or Place, or any part thereof, after receipt of reasonable notice from the Grantor, the Grantee shall, for each such omission or neglect, forfeit and pay, to the extent permitted by Maryland law and subject to an appropriation, to the use of the Grantee such sum as the Director of Transportation shall adjudge to be

Council Bill 19-0341

reasonable and proper under the circumstances, subject to a review on the record by a court of competent jurisdiction.

SECTION 2. AND BE IT FURTHER ORDAINED, That the refilling, repairing, repaving, replacing, relocating, and restoring required to be done by the provisions of Section 1 shall be subject to the approval of the Director of Transportation, or his/her duly authorized representative, and if, through omission or neglect, or any cause, an emergency condition shall arise or obtain, which, in the judgement of the Director of Transportation, jeopardizes the health, welfare, or safety of the community, the Director of Transportation may cause such repairing, repaving, replacing, relocating, and restoring to be done so as to end the emergency condition in cooperation with the Grantee.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Grantee shall continue to maintain, in good condition, transit stations for Sections A and C of the Baltimore Region Rapid Transit System and shall also continue to maintain, in good condition, public entrance plazas adjacent to and around the locations of public entrances to the stations on land specifically acquired by the Grantee for such purpose, including permanent plaza surface treatments, signs and kiosks, seating, decorative planting area and landscaping elements, civic or artistic embellishments, and lighting as necessary for the functioning of the entrance plazas and for the enjoyment of the public that utilizes them.

SECTION 4. AND BE IT FURTHER ORDAINED, That whenever private entrance connections are to be constructed between private properties and structures, whether existing or to be constructed, and adjacent rapid transit station structures, where such private constructions are to be located and constructed over, across, in, or under the Public Property or Places of the Grantor, that the location, design and construction of such private entrance connections shall be subject to the approval of the Grantor.

SECTION 5. AND BE IT FURTHER ORDAINED, That the initial term of the Franchise is one (1) year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Grantor or the Grantee, for twenty-four (24) consecutive one (1) year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is twenty-five (25) years.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Grantor expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of the Grantor, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Grantor's Commissioner of Housing and Community Development and the Director of Transportation. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses, to the extent permitted by Maryland law and subject to appropriation, in connection with the readjustment, relocation, protection, or support.

CITY COUNCIL BILLS: - cont'd

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 or the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$0.00 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

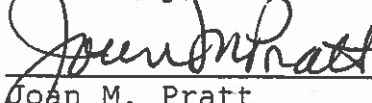
On page 3, in lines 25, 32, and 36, and, on page 4, in lines 1 and 9, strike "5", "6", "7", "8", and "9", respectively, and substitute "6", "7", "8", "9" and "10", respectively.

With the adoption of these amendments, the Law Department is prepared to approve the bill for form and legal sufficiency.

After NOTING AND CONCURRING in all favorable reports received, the Board approved the aforementioned City Council Bill and referred it to the City Council with the recommendation that it be approved and passed by that Honorable Body.

The Mayor **ABSTAINED** from voting. The President **ABSTAINED** from voting.

Sincerely,

 12/18/19

Joan M. Pratt

Secretary to the Board of Estimates

**CITY OF BALTIMORE
COUNCIL BILL 19-0341
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: February 25, 2019

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation, Planning Commission, Baltimore City Parking Authority Board, Department of Housing and Community Development, Department of Real Estate, Department of Finance

A BILL ENTITLED

AN ORDINANCE concerning

**Franchise – Baltimore Region Rapid Transit System
Sections A and C**

FOR the purpose of granting a franchise to the Maryland Transit Administration (“MTA”), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled “Baltimore Region Rapid Transit System Phase 1, Section A Route Map”, dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and “Baltimore Region Rapid Transit System Section C Route Map”, dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of

Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

Ordinance 76-188 granted permission and authority to the Mass Transit Administration of the Department of Transportation of the State of Maryland for the location, construction, operation, and maintenance of the Baltimore Region Rapid Transit System Section A within the boundaries of the City of Baltimore for a period not exceeding 25 years.

Ordinance 89-348 granted permission and authority to the Mass Transit Administration of the Department of Transportation of the State of Maryland for the location, construction, operation, and maintenance of the Baltimore Region Rapid Transit System Section C within the boundaries of the City of Baltimore for a period not exceeding 25 years.

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

CITY OF BALTIMORE

BOARD OF ESTIMATES

Room 204, City Hall
Baltimore, Maryland 21202
410-396-4755



BRANDON SCOTT
PRESIDENT, CITY COUNCIL

BERNARD C. "JACK" YOUNG
MAYOR

JOAN M. PRATT
COMPTROLLER

RUDOLPH S. CHOW, P.E.
DIRECTOR OF PUBLIC WORKS

ANDRE M. DAVIS
CITY SOLICITOR

BERNICE H. TAYLOR
DEPUTY COMPTROLLER
AND CLERK TO THE BOARD

December 18, 2019

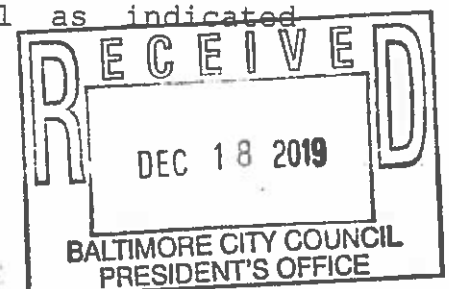
Honorable President and Members
of the City Council

Ladies and Gentlemen:

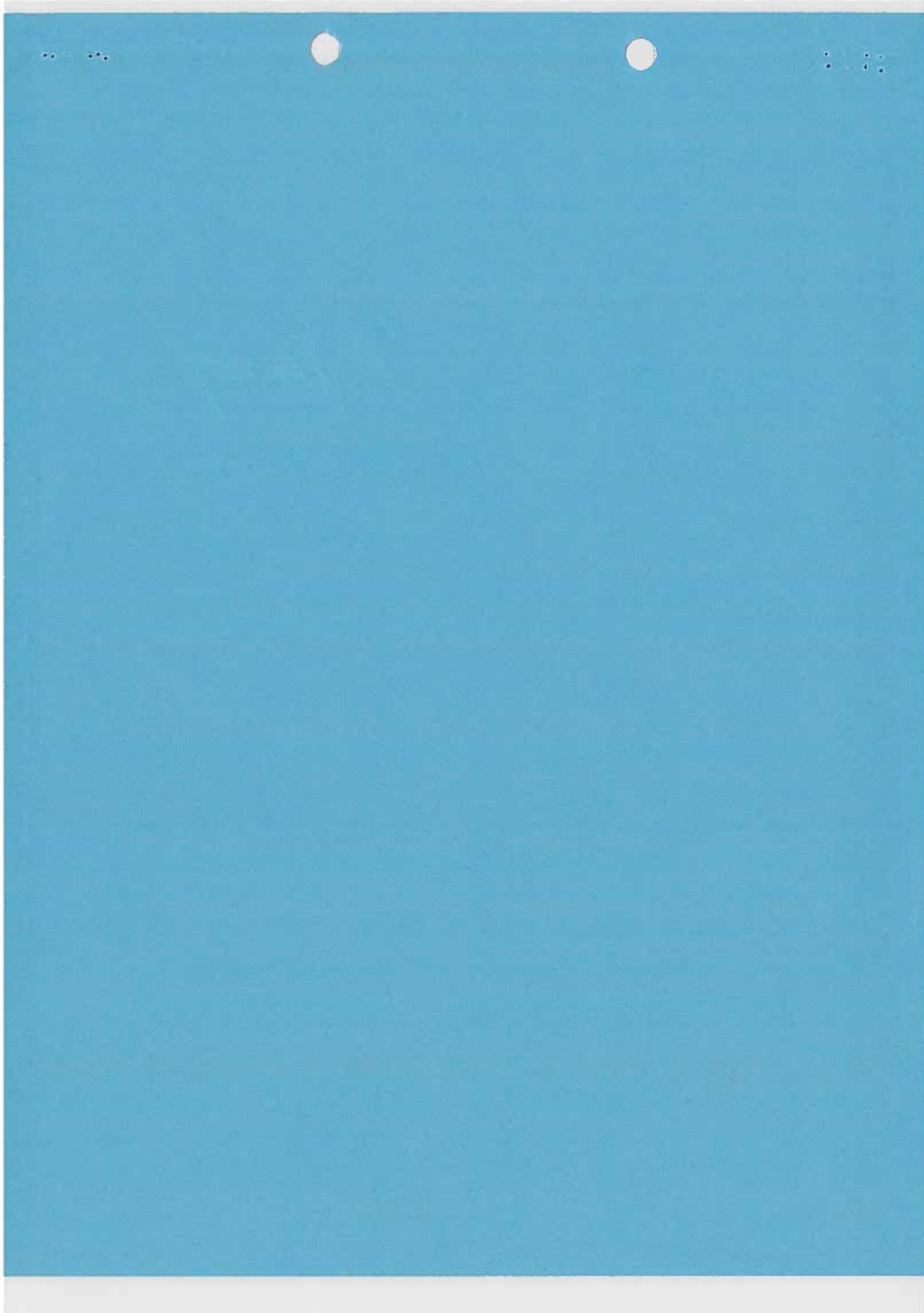
On December 18, 2019, the Board had before it for consideration the following pending City Council Bill:

19-0341 - An Ordinance concerning the Franchise - Baltimore Region Rapid Transit System Sections A and C For the purpose of granting a franchise to the Maryland Transit Administration ("MTA"), formerly known as the Mass Transit Administration, of the Department of Transportation of the State of Maryland to use and maintain the existing Baltimore Region Rapid Transit System Sections A and C, located within the boundaries of the City of Baltimore, as shown on the documents entitled "Baltimore Region Rapid Transit System Phase 1, Section A Route Map", dated September, 1976 and filed in the Department of Public Works on October 1, 1976, and "Baltimore Region Rapid Transit System Section C Route Map", dated April 1, 1988 and filed in the Department of Public Works on April 15, 1988, subject to certain terms, conditions, and reservations; and providing for a special effective date.

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 Department seeks to amend and clarify the bill as indicated below:







ACTION BY THE CITY COUNCIL

FEB 25 2019

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON December 4, _____ 20 19

COMMITTEE REPORT AS OF December 5, _____ 20 19

_____ FAVORABLE _____ UNFAVORABLE ☒ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

[Signature] _____
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

☒ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing. DEC 05 2019

THIRD READING _____ DEC 16 2019

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk