



Legislation Details (With Text)

**File #:** 17-0004      **Version:** 0      **Name:** Railway Franchise - Consent to Transfer  
**Type:** Mayor and City Council Res.      **Status:** Enacted  
**File created:** 1/9/2017      **In control:** City Council  
**On agenda:**      **Final action:** 3/17/2017  
**Enactment date:**      **Enactment #:** 17-01

**Title:** Railway Franchise - Consent to Transfer  
For the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC (“BWRR”) has sought the consent of the Mayor and City Council of Baltimore to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad; and generally relating to the transfer of a certain railway franchise.

**Sponsors:** President Young, Sharon Green Middleton

**Indexes:** Franchise, Railway, Transfer

**Code sections:**

**Attachments:** 1. 17-0004~1st Reader, 2. Planning - 17-0004, 3. City Solicitor 17-0004, 4. DOT 17-0004, 5. 2nd Reader Amendments - 17-0004, 6. 17-0004~3rd Reader, 7. Completed Legislative File 17-0004

Date	Ver.	Action By	Action	Result
4/3/2017	0	Mayor	Signed by Mayor	
2/27/2017	0	City Council	Approved and Sent to the Mayor	
2/6/2017	0	City Council	3rd Reader, for final passage	
2/6/2017	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
1/31/2017	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	Pass
1/23/2017	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
1/12/2017	0	The City Council	Refer to City Solicitor	
1/12/2017	0	The City Council	Refer to Dept. of Planning	
1/12/2017	0	The City Council	Refer to Dept. of Transportation	
1/9/2017	0	City Council	Assigned	
1/9/2017	0	City Council	Introduced	

Introduced by: President Young  
At the request of: Baltimore-Washington Rapid Rail  
Address: 6 S. Gay Street, Baltimore, Maryland 21202

A Resolution Entitled

A Resolution of the Mayor and City Council concerning

## **Railway Franchise - Consent to Transfer**

For the purpose of acknowledging that Baltimore Washington Rapid Rail, LLC (“BWRR”) has sought the consent of the Mayor and City Council of Baltimore to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363; granting consent for BWRR to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad; and generally relating to the transfer of a certain railway franchise.

### **Recitals**

WHEREAS, the Northeast Corridor (NEC) is the nation’s economic engine, comprising 20% of the national GDP; and the Baltimore-Washington D.C. region is one of the fastest growing areas in the nation, and is currently the fourth largest market in the country; and

WHEREAS, nearly 71 percent of the Maryland’s 5.8 million residents live in the corridor between the cities of Baltimore and Washington DC, and the region’s population is anticipated to increase to 11 million people in the next 30 years; and

WHEREAS, the NEC transportation infrastructure between Baltimore and Washington D.C. has not kept pace with its growing population and economic needs, travel in the region already is highly congested, which will only get worse as the population grows; and the network of highways connecting Baltimore and Washington DC carry more than 440,000 cars on a daily basis, which by 2040 will increase an additional 34%; and

WHEREAS, numerous studies have concluded the NEC, including the Baltimore- Washington region, requires a more efficient, reliable, and high-speed network of transportation to remain competitive in the international marketplace; and

WHEREAS, Superconducting Magnetic Levitation (SCMAGLEV) train technology is the world’s fastest train using magnetic levitation to smoothly, rapidly, and safely accelerate trains to speeds up to 375 miles per hour; and

WHEREAS, the SCMAGLEV has been constructed, is in operation and is being expanded in Japan; and

WHEREAS, the Baltimore Washington Rapid Rail, LLC (“BWRR”) is proposing to construct and operate a SCMAGLEV to run from Baltimore to Washington, DC and ultimately north along the highly congested Northeast Corridor; and

WHEREAS, the construction and operation of the SCMAGLEV from Baltimore to Washington will have profound and far-reaching positive implications for growth and development of the region contributing \$22.5 billion in economic output from construction and more than 205,000 jobs; and when operational, the SCMAGLEV operations, maintenance and spending by visitors will support more than 6,800 jobs in Baltimore, Washington, and neighboring counties; and

WHEREAS, the speed of SCMAGLEV trains will result in a commuter travel time of about 15 minutes between Baltimore and Washington, DC and reduce travel time between Baltimore and BWI Marshall Airport to under six minutes; and

WHEREAS, the SCMAGLEV is estimated to result in approximately 165 million fewer vehicle miles traveled per year between Baltimore and Washington, DC; and, over the life of the project, will reduce 2 million tons of greenhouse gas emissions; and

WHEREAS, the Japanese government is willing to provide significant funding toward the

cost of building the first leg of the SCMAGLEV between Baltimore and Washington, DC and the Central Japan Railway Company has agreed to allow BWRR to utilize the SCMAGLEV technology without licensing cost; and

WHEREAS, on September 3, 2014 BWRR applied with the Public Service Commission (“PSC”) for the transfer of a Maryland railroad franchise formerly held by the Washington, Baltimore and Annapolis Railroad and on September 23, 2014, the PSC issued a public notice providing 90 days for the submission of public comment and alternative applications; and

WHEREAS, numerous favorable comments were filed, no alternative applications nor negative comments were submitted and, following a hearing, on October 14, 2015, the Chief Public Utility Law Judge for the PSC found that “the construction and operation of the SCMAGLEV between Baltimore and Washington, DC will result in substantial economic and social benefits to Baltimore and the State of Maryland and will be consistent with the State’s environment laws and policies to reduce harmful emissions for cleaner air and address the causes of climate change” and that awarding a franchise to facilitate in development of the SCMAGLEV was in the public convenience and necessity; and

WHEREAS, by Order No. 87248, the PSC granted BWRR the authority to exercise the franchise “contingent upon the written agreement of BWRR to seek the consent of the Mayor and the City Council of Baltimore City, as specified in the franchise as granted by the Maryland General Assembly, and consistent with Maryland Public Utilities Article (PUA) §§5-407 and 9- 303(d)”; and

WHEREAS, BWRR will seek authority to construct the SCMAGLEV from the United States Surface Transportation Board, which has preemptive jurisdiction over construction and operation of interstate railroads; and

WHEREAS, the safety requirements for the SCMAGLEV will be established by the Federal Railroad Administration (“FRA”) which promulgates safety standards pursuant to the federal railroad safety statutes under delegation from the Secretary of Transportation; and

WHEREAS, BWRR is a beneficiary of an approximately \$28 million grant awarded by FRA to the Maryland Department of Transportation to be applied to further development of the project, including a comprehensive review of the proposal and any resulting environmental impacts, as required by the National Environmental Policy Act (“NEPA”); and

WHEREAS, alternative routes will be considered during the NEPA process, which began at the end of 2016 and will include broad opportunities for Baltimore City and members of the public to comment;

**Section 1. Be it resolved by the Mayor and City Council of Baltimore,** That the Mayor and City Council of Baltimore acknowledge that BWRR has sought its consent to the transfer of the authority to exercise the franchise formerly held by the Washington, Baltimore and Annapolis Railroad in accordance with PSC Order No. 87248, in Case 9363, and the Mayor and City Council of Baltimore hereby grant that consent.

**Section 2. And be it further resolved,** That Section 1 of this Mayor and City Council resolution does not constitute consent or authorization for BWRR to occupy any road, street, alley, or other public way in Baltimore City, and in the event BWRR intends to occupy any road, street, alley, or other public way in Baltimore City, additional prior consent must be obtained from the Mayor and City Council of Baltimore.

**Section 3. And be it further resolved,** That this Resolution takes effect on the 30<sup>th</sup> day after the date it is enacted.