

T. Byron Smith

Byron Smith has more than 15 years of experience representing clients on a broad range of contract matters in the public and private sectors. He often serves as a lead negotiator, as well as a key team member, in developing negotiation strategies for multimillion-dollar contracts. Byron also acts as lead counsel on significant infrastructure and transit development projects, assuming responsibility for—and leading teams of—legal, engineer, financial, and other professionals in the procurement, design, and implementation of projects. He has extensive experience reviewing and revising contract provisions for compliance with applicable federal and state law, rules, and regulations.

Prior to representing the Maryland Transit Administration, Byron was one of four attorneys from the Maryland Attorney General's Office who represented the Maryland Port Administration (MPA). He advised the MPA's Office of Procurement and Engineering on solicitations for goods, services, and construction. Byron reviewed procurement officer decisions relating to contractor performance and advised on defaulting conditions. The highlight of his tenure at the MPA was a contract negotiation that generated \$250 million dollars in revenue to the Port of Baltimore.

Representative Experience

Maryland's Purple Line Public-Private Partnership

Represented the Maryland Transit Administration (MTA) in various matters relating to the implementation of a P3 agreement, including negotiating third-party and utility relocation agreements and contract interpretation

Wedge Storage Yard at Union Station

Represented Maryland Area Regional Commuter Train Service (MARC) in negotiations with DC government, Amtrak, and a private contractor for the design-build of the Wedge Yard storage facility at Union Station in Washington, DC, to accommodate MARC electric and diesel locomotives; negotiated and drafted master agreement between MTA and Amtrak, clarifying each party's responsibilities and liabilities due to various conflicts and inconsistencies in multiple pre-existing related agreements

Baltimore Riverside Yard

Represented MARC during multi-year negotiations for purchase of CSXT Riverside Yard in Baltimore, Maryland, as a train storage and maintenance facility for diesel locomotives; negotiated and drafted purchase sale agreement, long-term lease, and reviewed and approved a complex environmental remediation agreement between MTA and CSXT that included enrolling the property into the Maryland Department of the



Partner

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Areas of Practice

P3 and Project Delivery
Rail and Transit Litigation
Rail, Transit, Highways, and
Infrastructure

Education and Clerkships

J.D., North Carolina Central
University School of Law, 1982
B.A., with honors, North
Carolina Central University,
1979

Bar and Court Admissions

Maryland
North Carolina
United States Court of Appeals
for the Fourth Circuit
United States District Court for
the District of Maryland
United States District Court for
the Eastern District of North
Carolina
United States District Court for
the Western District of North
Carolina
United States Bankruptcy Court
for the District of Maryland



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Environment Voluntary Cleanup Program

Access and Operating Agreements

Negotiated, drafted, and approved access and operating agreements between MTA and its host railroads, Amtrak and CSXT; negotiated agreements with service providers, manufacturers, and host railroads in the development and implementation of the agreements required for MTA to comply with the mandated implementation of Positive Train Control

Other Transactional Matters

Negotiated contract between MTA and its farebox vendor after a problematic implementation of an unsolicited proposal for a new fare box collection system

Conformance with Procurement Processes

Reviewed all procurements to ensure MTA staff compliance with the State of Maryland and applicable federal procurement requirements to maintain the integrity of the public acquisition or disposition of assets and equipment

Professional and Civic Activities / Awards

- Panel Member, Transportation Research Board, Transportation Cooperative Research Program (2018–Present)
- Member, American Public Transportation Association, Legal Affairs Committee (2008–Present)
- Recipient, J. Joseph Curran Award for the Most Outstanding Attorney (2012)

Publications

Rail Law Alert - FRA Proposes New Track Inspection Rule and Introduces Web Portal for Reporting Blocked Crossings
01.06.20

Rail Law Alert – Surface Transportation Board Issues Final Ruling On Railbanking
12.19.19

News

Cybersecurity and Infrastructure Security Agency Issues Advisory Guidance Identifying Essential Critical Infrastructure Workforce for COVID-19 Response
3.19.20

Presentations

Utility-Related Risk for Alternative Delivery Contracts
06.09.19

Janus and Public Sector Unions: Effect on Transit Agencies and Recent Activity



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January 2019

Utility-Related Risk for Alternative Delivery Contracts
January 2019