



Maryland Department of Transportation
The Secretary's Office

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Robert L. Flanagan
Secretary

James F. Ports, Jr.
Deputy Secretary

December 16, 2004

The Honorable Norman P. Pinder, Jr.
The Honorable Donna S. Turner, Vice President
The Honorable Mary T. McCarthy, Member
The Town Council of Centreville
101 Lawyers Row
Centreville, Maryland 21617

Dear President Pinder, Vice President Turner, and Councilmember McCarthy:

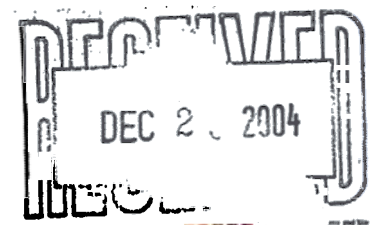
Thank you for your letter regarding truck traffic through the Town of Centreville in Queen Anne's County. Safety is the first and foremost priority of this Department and the State Highway Administration (SHA), and we welcome this opportunity to update you on SHA's review of truck operations in Centreville. We also appreciate the opportunity to comment on the draft ordinance, which has been proposed as a way of regulating truck traffic through Centreville's historic district.

First, I want to share with you that SHA, as the agency responsible for operations along MD 213, is conducting an origin and destination study to determine the number and purpose of vehicles using that highway through the Town of Centreville. As soon as the results of this study become available, SHA representatives will arrange to meet with you to review and discuss the findings.

The proposed ordinance has been reviewed by a member of the Attorney General's staff who is assigned to SHA. He advises that the Town's proposal that was provided to SHA appears to restrict loitering, rather than trucking operations. Knowing that your intent is to restrict truck operations, however, he notes that such an ordinance may be preempted by state law.

For example, Md. Code Ann., Transp. I, § 8-204 charges SHA with the duty to establish and maintain the State highway system. Then Md. Code Ann., Transp. II, § 24-209, specifically gives SHA the authority to study truck operations in a residential community, and then to restrict those operations, if SHA determines that a threat to the safety and the general welfare of the community exists. The SHA also established regulations under that authority, which can be found at COMAR 11.04.12.00, *et seq.* Because the authority to restrict trucking operations on State highways appears to be vested exclusively in SHA, we are concerned that any local ordinance may be unenforceable and/or conflict with state laws and SHA regulations.

My telephone number is 410-865-1000
Toll Free Number 1-888-713-1414 TTY User Call Via MD Relay
7201 Corporate Center Drive, Hanover, Maryland 21076



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Thank you again for your letter. If you have any additional questions or concerns about the origin and destination study, please do not hesitate to contact Mr. Richard K. Lindsay, District Engineer for SHA, at 410-810-3210, 1-800-637-9740, or rlindsay@sha.state.md.us. If the Town's counsel would like to discuss any of the legal issues involved in the regulation of truck operations along State highways, please do not hesitate to contact Mr. Jason Couch, Staff Attorney within SHA's Office of Counsel, at 410-545-0040. Both will be pleased to assist you. Of course, you should never hesitate to contact me directly.

Sincerely,


Robert L. Flanagan
Secretary

cc: Jason Couch, Esq., Assistant Attorney General, SHA
Mr. Richard K. Lindsay, District Engineer, SHA
Mr. Neil J. Pedersen, Administrator, SHA