

File No. 36404

Baltimore, October 27, 1924.

General Charles D. Gaither,
Police Commissioner,
Court House,
Baltimore, Maryland.

Dear General Gaither:

13990

I beg to reply to your letter of October 24th, in which you ask me to advise you whether traffic regulations apply to any highway open for and generally used by the public.

Section 134 of Article 56 of the Annotated Code, title "Licenses", sub-title "Motor Vehicles", provides that the terms "highway," "roads," "public highway," or "public roads" shall include any highway or thoroughfare of any kind used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise.

Attorney-General Armstrong, in an opinion given on May 14, 1921, said that the police power of the State of Maryland over roads and highways, in so far as the automobile traffic law is concerned, certainly includes roads used generally by the public, even though the naked title is in private persons. Opinions of the Attorney-General, volume 6, page 378.

Chapter 436 of the Acts of 1924, which authorized the adoption of traffic regulations by the Police Commissioner, with the approval of the Mayor, provided that such rules shall be for the control and conduct of traffic on the "streets, avenues, alleys and highways within the City of Baltimore". This Chapter, as you know, added an additional section to Article 56 of the Annotated Code of Maryland, title "Licenses", sub-title "Motor Vehicles".

I do not think that there can be any doubt that the traffic regulations apply to any highway open for and generally used by the public whether such highway is publicly or privately owned.

Very truly yours,

(Signed) Philip B. Perlman,
City Solicitor.