

May 15, 2002

The Honorable Casper R. Taylor, Jr.
Speaker of the House
State House
Annapolis MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 404 – Vehicle Laws – Trailers and Semitrailers – Surge Brakes.

House Bill 404 authorizes a trailer or semitrailer that is secured behind a vehicle to be equipped with “surge brakes” if the trailer or semitrailer operates in Maryland only and weighs less than 10,000 pounds. Surge brakes operate when the inertia of the trailer pushes against the towing vehicle as it brakes and powers the brakes that are applied to the trailer wheels. Surge brakes currently do not meet federal or State transportation safety standards.

Federal Motor Carrier Safety regulations cover any vehicle with a gross weight of over 10,000 pounds or any vehicle used in interstate travel. Federal rules require a vehicle’s brakes to work at all times and under any conditions. Surge brakes do not meet this criteria because they only work when a trailer is moving forward. When the forward motion stops, the brakes are released. The brakes do not work at all when a vehicle is going backwards. As a result, federal regulations explicitly prohibit the use of surge brakes on trailers and semitrailers. Maryland law requires all trailers over 3,000 pounds to be equipped with brakes that meet the federal standards.

During the 2002 Session, the Maryland Department of State Police and the Department of Transportation opposed this legislation because it would establish a vehicle safety standard in Maryland that is less stringent than the federal safety standard. Of particular concern, surge brakes are completely inoperable when a vehicle and trailer are moving backwards. Another problem raised by opponents relates to enforcement of the new safety standard. Maryland is a small State and it will be extremely difficult to enforce the requirement that vehicles with surge brakes travel only within the geographic boundaries of Maryland.

Based on the above objectives, it is not in the public’s best interest to sign House Bill 404 into law. It is worth noting that surge brakes are illegal in an overwhelming majority of states in the nation. At this time, there is not adequate justification for Maryland to break from federal transportation safety standards and adopt a weaker standard for trailers and semitrailers operating on the roads and highways of our State. However, the U.S. Department of Transportation is in the process of reviewing a study on the operation and safety of surge brakes. It is a more prudent course of action for Maryland to wait until the U.S. DOT completes its review and makes recommendations regarding the need for any changes to Federal Motor Carrier Safety regulations.

For the above reasons, I have vetoed House Bill 404.

Sincerely,