
April 1, 2026

The Honorable Kriselda Valderrama
Chair, Economic Matters Committee
230 Taylor House Office Building
Annapolis, MD 21401

RE: Letter of Information – SB 233 – Business Regulation – Cemeteries – Requirements for Sale or Transfer or Government Acquisition

Dear Chair Valderrama and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information for the Committee’s consideration of Senate Bill 233, as amended and passed by the Senate.

As amended, Senate Bill 233 requires registered cemetery operators and exempt cemetery owners to obtain approval from the Director of the Office of Cemetery Oversight before selling or transferring a cemetery for non-cemetery use. Cemetery owners must complete an application, develop a preservation plan, conduct outreach to descendant communities, and hold a public notice process before the Director approves a transfer. The bill also authorizes the State, counties, and municipalities to acquire *abandoned* cemeteries – those with no determinable owner or responsible operator – for the purpose of transferring them to descendant community organizations or nonprofits.

The State Highway Administration (SHA) supports the bill’s intent to protect Maryland’s historic burial grounds and ensure meaningful engagement with descendant communities.

The SHA would like clarification, however, that the Director-approval requirement for sale or transfer under proposed §5-505 does not apply to acquisitions of cemetery properties by a government unit through eminent domain. SHA’s right-of-way acquisitions are distinct from ordinary property sales and transfers and are already subject to robust federal and State protections – including Section 106 (54 U.S.C. § 306108) of the National Historic Preservation Act and National Environmental Policy Act (NEPA) – that require consultation with the Maryland Historical Trust, descendant communities and other stakeholders.

SHA also requests clarification that the term “condemned” in the definition of “abandoned cemetery” under proposed §5-507 refers to property declared unfit for habitation by a local authority and does not encompass property subject to condemnation through transportation right-of-way acquisitions. As currently drafted, this language could inadvertently subject SHA’s standard condemnation process to the abandoned cemetery acquisition and transfer framework, creating delays in federally funded transportation projects and conflicting with FHWA requirements.

SHA is committed to treating any cemetery or burial site encountered during project development with care and dignity and welcomes continued coordination with the Office of Cemetery Oversight and the Maryland Historical Trust.

The Honorable Kriselda Valderrama
Page Two

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating Senate Bill 233.

Respectfully submitted,

April Moeller
Director
Office of Government Affairs
Maryland State Highway Administration
410-210-5780

Matthew Mickler
Director
Office of Government Affairs
Maryland Department of Transportation
410-865-1090