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March 5, 2026

The Honorable Kriselda Valderrama  
Chair, Economic Matters Committee  
231 Taylor House Office Building  
Annapolis, Maryland 21401

***Re: Letter of Opposition - House Bill 1024 – Eminent Domain – Agricultural and Conservation Easements – Prohibited Taking***

Dear Chair Valderrama and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes House Bill 1024 and offers the following information for the Committee’s consideration.

HB 1024 would prohibit the State or any of its instrumentalities or political subdivisions from taking, by eminent domain, privately owned property that is subject to a perpetual agricultural or conservation easement.

As drafted, HB 1024 will likely preclude or at a minimum result in greater expense<sup>i</sup> to MDOT to complete necessary infrastructure and transportation projects that are in the public interest. This may include projects that increase reliability and accessibility on our transportation system such as new highway and vulnerable road user focused projects, transit facilities, and other critical infrastructure investments that grow Maryland’s economy and support the State’s climate goals.

If MDOT does not maintain the authority to acquire property through the powers of eminent domain, there will be a delay in project design and delivery due to protracted negotiations for the acquisition of property. Furthermore, eminent domain is often used for “friendly condemnations”, whereby project delivery can be accelerated by the State securing the property early while other procedural matters with amenable property owners are resolved. The bill would delay projects, increase project costs, and have a direct impact on the Transportation Trust Fund (TTF).

HB 1024 would significantly impact the ability for SHA to advance critical highway infrastructure that improves safety and mobility in rural areas across Maryland. This bill restricts the State’s ability to determine an effective alternative use for the property and provide just compensation. HB 1024 establishes an unreasonable categorical restriction on the State that will significantly impact the ability for MDOT to design, build, and deliver important transportation infrastructure for Maryland.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee issue House Bill 1024 an unfavorable report.

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Respectfully submitted,

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<sup>i</sup> While the bill does not prevent acquisition of lands subject to the identified easements, it does prohibit the use of eminent domain for this purpose. As a result, the Department may need to pay an amount far in excess of just compensation for land necessary to complete important public infrastructure projects. Where this land must be obtained to complete these projects, project costs increase, and projects may be abandoned if no alternative exists.