

**SAMUEL I. "SANDY" ROSENBERG**  
*Legislative District 41*  
Baltimore City

Health and Government Operations  
Committee

*Chair*

Health Occupations and  
Long-Term Care Subcommittee

*House Chair*

Joint Committee on Administrative,  
Executive, and Legislative Review



**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

Respond to Office Indicated

□ *Annapolis Office*  
The Maryland House of Delegates  
6 Bladen Street, Room 365  
Annapolis, Maryland 21401  
410-841-3297 · 301-858-3297  
800-492-7122 Ext. 3297  
Samuel.Rosenberg@house.state.md.us

□ *District Office*  
4811 Liberty Heights Avenue  
Baltimore, Maryland 21207  
410-664-2646

Testimony of Delegate Samuel I. Rosenberg

Before the Economic Matters Committee

In Support of

**House Bill 335**

**Real Property – Dedication - Roads**

Chair Valderrama and Members of the Committee:

House Bill 335 would ensure homeowners in our state are protected from losing historically and publicly provided road maintenance and paving services.

Within the 41<sup>st</sup> District, there has been a growing problem, as Baltimore City has abruptly stopped providing critical road maintenance services such as paving, repairing guardrails, and handling drainage. In some cases, the City has provided these services to roads within these communities for over 60 years. Residents along these roads have grown reliant on consistent maintenance from the City and have operated under the understanding that their roads were public.

Many of the roads facing this growing issue were at one point considered private and not open to the public. Over time, however, additional homes were built and the communities expanded. These roads became interconnected and evolved into public access routes. Thus, the City maintained these roads in the same way they would any other public roads.

Fortunately, Maryland case law already clearly addresses this problem. Courts have long recognized that a road can become public when it has been openly and continuously used by the public for an extended period of time. Additionally, courts have determined that municipalities effectively accept a formerly private road as public when it maintains the roads like other public roads through repairs and improvements using public resources.

In *Wilkenson v. Baltimore County*, the Court of Special Appeals reaffirmed that when the public has openly and uninterruptedly used a roadway for twenty years or more, that use can establish a public right in the road through a prescriptive easement. In reaching that conclusion,

the court relied on the longstanding precedent set by *Thomas v. Ford*, which recognized that decades of public use can transform a private road into a public one under Maryland law.

While this legal framework exists in Maryland, the City of Baltimore has asserted that a local ordinance allows it to perform maintenance on private roads without formally accepting them as public roads. The City also claims that it can withdraw this maintenance at any time without notice. Consequently, homeowners are now losing taxpayer funded public services due to leadership changes within the Baltimore City Department of Transportation.

The State Highway Administration maintains an interactive map that identifies every road in the State and which entity is responsible for its maintenance. We have confirmed that this map is populated using the City of Baltimore's own GIS data. Homeowners who consult this map will find that many of the roads the City now claims are private, and refuses to maintain, are in fact listed as public roads for which the City bears maintenance responsibility.

House Bill 335 is necessary to codify what Maryland courts have already established as State law: that when a road has been open to public travel for decades and has been maintained at public expense, it must be treated as public road. This legislation will provide clarity, protect homeowners, and ensure that all Marylanders are treated fairly and consistently under the law.

For these reasons, I urge the committee to report FAVORABLE on House bill 335.

February 5<sup>th</sup>, 2025