
January 29, 2026

The Honorable Pamela Beidle
Chair, Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401

RE: Letter of Information – SB 234 – Business Regulation – Abandoned Cemeteries – Acquisition and Disposition

Dear Chair Beidle and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 234 but offers the following information for the Committee's consideration.

SB 234 authorizes a governmental unit to acquire property where an abandoned cemetery is located with the intent to transfer the property to the descendants of the deceased persons interred in the cemetery, a descendant community organization, or a nonprofit organization. The governmental unit acquiring the property must make a timely and reasonable effort to contact descendants of persons interred in the abandoned cemetery. If the unit is unable to transfer the property to one of the intended groups specified in the bill, the governmental unit must maintain and preserve the abandoned cemetery located on the property and may facilitate the reinterment of human remains or pet remains to an operational cemetery. SB 234 also creates certain rights and duties for any descendant, descendant community organization, or nonprofit organization that acquires the property.

It is unclear whether SB 234: 1) creates new and limited condemnation authority for a governmental unit to acquire land with a known abandoned cemetery for the sole purpose of obtaining and transferring the cemetery to one of the groups identified in the bill; 2) applies when land with a known abandoned cemetery is acquired for any purpose; or 3) applies when an abandoned cemetery is discovered on land acquired by the governmental unit. However, regardless of the scenario, SB 234 could conflict with SHA's authority to acquire property for transportation-related purposes.

The State Highway Administration (SHA) has authority to acquire property for transportation purposes only. SB 234 mandates actions outside of SHA's authority. The bill requires that a government entity that acquires an abandoned cemetery property by condemnation do so *with the intent* to transfer it to a descendant community. It also mandates that, after acquisition, the government unit must maintain the property if the transfer cannot be completed within a reasonable period of time. Both requirements are beyond the SHA's authority.

From a right of way acquisition standpoint, SHA acquires properties only as needed for transportation purposes and projects. The Administration makes all reasonable attempts to avoid cemeteries and to redesign roadways around any remains or completely shift the road alignment.

If the property has an unknown owner and there is no other way to construct the road, SHA seeks the authority of the State Roads Commission to initiate its eminent domain authority for possession to

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construct its project. In these cases, comprehensive and stringent legal requirements are triggered, including a suspension of work; mandatory notifications (to descendant communities, tribes and other stakeholders); and treating the site with the utmost dignity and respect, focusing on preservation rather than disinterment (per Section 106 of the National Historic Preservation Act). SHA's Office of Planning and Preliminary Engineering (OPPE) has a Cultural Resources team that specializes in archaeology and directly coordinates with the Maryland Historical Trust, religious institutions, and descendant communities in this process.

The SHA is working with the sponsor on amendment language to ensure that the bill's requirements do not conflict with SHA's authority to acquire property for transportation-related purposes.

The Maryland Department of Transportation respectfully requests the Committee consider this information during their deliberations of Senate Bill 234.

Respectfully submitted,

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