



TESTIMONY

COMMITTEE: Senate Judicial Proceedings

DATE: February 3, 2026

POSITION: Unfavorable

BILL: SB 258

The Maryland Municipal League (MML) opposes Senate Bill 258: Real Property - Dedication - Roads.

SB 258 sets out a certain circumstance when a private road will be offered for dedication to public use and establishes a mandate that local governments accept that offer if they provide maintenance of and repair to the private road in the same manner as a public road before or following the offer.

Currently, a private road can be offered for public use and a governmental entity has the opportunity to accept the offer, incorporate the road into the public roadway system, and by extension accept all responsibilities that come with providing public access to a roadway. This current system typically involves a formal transfer via easement, fee simple, or other transaction. There is also opportunity for both parties to negotiate terms or walk away.

MML has two primary concerns with the bill, and they are interconnected to some degree:

1) Maintenance standard. From subsection (B) "IF THE STATE, COUNTY, OR MUNICIPALITY PROVIDES MAINTENANCE OF AND REPAIR TO THE PRIVATE ROAD IN THE SAME MANNER AS A PUBLIC ROAD BEFORE OR FOLLOWING THE OFFER." Our interpretation of "in the same manner" is that it means the government uses the same products, techniques, or equipment but doesn't necessarily mean that the government maintains or repairs the private road to the standard local governments keep their own roads. In many cases bringing the road up to public use standards will require a sizable expenditure. This is particularly relevant since the bill text above is also unclear for how long the government provided maintenance or repair. It could be read that the government filled one pothole once and would then be forced to take ownership of the road. In this case the private road is almost certainly not ready for public use and would need significant upgrades.

2) Liability. This ties into the first point. By taking ownership of the road, especially since it would be open to the public, the municipal government accepts potential liability for tort claims stemming from incidents that occur on the road. So, maintaining the road to a public use standard is critical. Examples include keeping the surface to a level that prevents pedestrian trips and falls, trimming trees to keep sightlines intact, and appropriate signage/paving/traffic control devices to keep traffic flow orderly. These are things that may not have been done when it was a private road and the government was just providing maintenance or repair.

For these reasons, the MML respectfully requests that the committee provide SB 258 with an unfavorable report.

Roughly 10% of the State's lane miles are in municipalities, which make up less than 5% of the land area.

For more information relating to this piece of testimony, please contact:

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