

February 3, 2026

Hon. William C. Smith Jr.
Chair, Judicial Proceedings Committee
2 Miller East Senate Office Building
Annapolis, MD 21401

Re: SB 258 - Real Property - Dedication – Roads

Dear Chair Smith,

The Maryland Building Industry Association (MBIA) is submitting testimony in response to SB258, which would deem a private road open to public travel for 20 years or more as offered for dedication to public use and treat routine public maintenance as acceptance of that dedication.

While the goal of providing clarity is understandable, this bill raises significant concerns related to property rights, local government liability, and unintended fiscal impacts.

The bill lacks clarity and is vague around maintenance requirements, primarily in Section (B) tying acceptance to maintenance activities creates uncertainty for counties and municipalities. Local governments often perform limited or emergency maintenance on private roads to ensure public safety, emergency access, or continuity of service.

Long-term public use of a private road may lead to **involuntary dedication**, meaning the road could become public without a formal agreement. MBIA is requesting clarification that if the road is maintained privately it will not be offered for dedication. As written bill creates more uncertainty than clarity and could result in negative consequences for property owners and local governments alike.

We would ask the sponsor to consider more clarification prior to the committee taking further action.