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Education, Energy, and the
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Education Subcommittee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Testimony in Support of SB 258 – Real Property – Dedication – Roads

Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee:

Thank you for the opportunity to submit testimony in support of Senate Bill 258 – Real Property – Dedication – Roads. I join with my colleagues in the 41st District in sponsoring this legislation to protect homeowners throughout the State of Maryland from losing historically and publicly provided road maintenance and paving services.

This issue has become an ongoing and serious problem in my district, where hundreds of constituents have had public road maintenance abruptly withdrawn from their streets, services that the City of Baltimore has provided on these same roads for more than 60 years. These residents have relied on consistent municipal maintenance and have reasonably understood their roads to be public for decades.

Historically, many of these roads were once considered private and not open to the public, and in some cases were gated by the landowner. However, over time, as additional homes were built and communities expanded, these roads became interconnected and evolved into public access routes. For decades thereafter, the City maintained these roads in the same manner as other public roads, opening them, grading them, repairing them, and funding their upkeep with public dollars.

Maryland law clearly addresses this situation. Courts have recognized that a road can become public when it has been openly and continuously used by the public for an extended period of time. Courts have also determined that a municipality effectively accepts a formerly private road as public when it treats the road like other public roads by maintaining, repairing, and improving it using public resources. That is exactly what has occurred in these communities.

Despite this well-established legal framework, the City of Baltimore now asserts that a local ordinance permits it to perform maintenance on private roads without formally accepting them as public roads. The City further claims that it may withdraw this maintenance at any time and without notice. As a result, homeowners are suddenly losing taxpayer-funded

public services simply because of a change in leadership within the municipal Department of Transportation.

This position directly conflicts with longstanding Maryland court rulings and undermines the reliance interests of residents who have lived for decades on roads treated as public by their local government.

An additional concern highlights the confusion and inequity this creates for homeowners. The Maryland 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.

Furthermore, it appears that counties and municipalities across Maryland handle this issue in inconsistent ways. Some honor long-standing maintenance practices and legal precedent, while others may withdraw services abruptly. This lack of uniformity results in unequal treatment of Maryland residents based solely on where they live.

Senate Bill 258 is necessary to codify into State law what Maryland courts have already established: that when a road has been open to public travel for decades and has been maintained at public expense, it must be treated as a 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 respectfully urge the Committee to issue a favorable report on Senate Bill 258.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dalya", with a long, sweeping horizontal stroke extending to the right.

Senator Dalya Attar