

SB 258 - Sen Attar's Testimony .pdf

Uploaded by: Dalya Attar

Position: FAV

DALYA ATTAR
Legislative District 41
Baltimore City

Education, Energy, and the
Environment Committee
Education Subcommittee



James Senate Office Building
11 Bladen Street, Room 122
Annapolis, Maryland 21401
410-841-3697
800-492-7122 Ext. 3697
Dalya.Attar@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 3, 2026

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an ongoing and serious problem in my district, where hundreds of constituents have had public road maintenance abruptly withdrawn from their streets, services that the City of Baltimore has provided on these same roads for more than 60 years.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

Sponsor Amendment

Uploaded by: Dalya Attar

Position: FAV



SB0258/453529/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

02 FEB 26
15:31:49

BY: Senator Attar
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 258

(First Reading File Bill)

On page 2, in line 1, after “(C)” insert “FOR A PRIVATE ROAD TO BE CONVERTED TO PUBLIC USE, THE PRIVATE ROAD MUST BE BOTH OFFERED AND ACCEPTED FOR DEDICATION TO PUBLIC USE.”

(D)”;

and in line 4, strike “(D)” and substitute “(E)”.

Sponsor Amendment Reprint

Uploaded by: Dalya Attar

Position: FAV

SENATE BILL 258

N1

6lr0996
CF HB 335

By: **Senator Attar**

Introduced and read first time: January 19, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Dedication – Roads**

3 FOR the purpose of establishing that a private road open to public travel shall be considered
4 offered for dedication to public use under certain circumstances; establishing that
5 the State, a county, or a municipality shall be considered to have accepted an offer
6 for the dedication of a private road to public use under certain circumstances; and
7 generally relating to dedication of private land to public use.

8 BY adding to

9 Article – Real Property

10 Section 14–134

11 Annotated Code of Maryland

12 (2023 Replacement Volume and 2025 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Real Property**

16 **14–134.**

17 **(A) A PRIVATE ROAD SHALL BE CONSIDERED OFFERED FOR DEDICATION TO**
18 **PUBLIC USE IF THE ROAD HAS BEEN OPEN TO PUBLIC TRAVEL FOR 20 YEARS OR**
19 **MORE.**

20 **(B) AN OFFER FOR THE DEDICATION OF A PRIVATE ROAD TO PUBLIC USE**
21 **UNDER SUBSECTION (A) OF THIS SECTION SHALL BE CONSIDERED ACCEPTED BY THE**
22 **STATE, A COUNTY, OR A MUNICIPALITY IF THE STATE, COUNTY, OR MUNICIPALITY**
23 **PROVIDES MAINTENANCE OF AND REPAIR TO THE PRIVATE ROAD IN THE SAME**
24 **MANNER AS A PUBLIC ROAD BEFORE OR FOLLOWING THE OFFER.**

2 REPRINT OF SENATE BILL 258 as amended by SB0258/453529/1 02/02/26 at 3:31 PM

1 **(C) FOR A PRIVATE ROAD TO BE CONVERTED TO PUBLIC USE, THE PRIVATE ROAD MUST BE BOTH**
2 **OFFERED AND ACCEPTED FOR DEDICATION TO PUBLIC USE.**

3 **(D)** THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY NOT ENACT
4 **OR ENFORCE A LOCAL LAW, ORDINANCE, OR REGULATION THAT CONFLICTS WITH**
5 **THE PROVISIONS OF THIS SECTION.**

6 ~~**(E)**~~ THE PROVISIONS OF THIS SECTION MAY NOT BE INTERPRETED AS
7 **LIMITING OR PROHIBITING ANY ALTERNATIVE METHOD OF OFFER OR ACCEPTANCE**
8 **OF DEDICATION OF PRIVATE LAND TO PUBLIC USE AVAILABLE UNDER LAW.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2026.

SB258

Uploaded by: Isaac "Yitzy" Schleifer

Position: FAV

ISAAC "YITZY" SCHLEIFER
FIFTH DISTRICT



Baltimore City Council

100 North Holliday Street, Room 511
Baltimore, Maryland 21202
Telephone: (410) 396-4819
Email: Yitzy@BaltimoreCity.gov

COMMITTEES

CHAIR:
Legislative Investigations
VICE CHAIR:
Budget and Appropriations
MEMBER:
Public Safety

February 3, 2026

Councilman Schleifer Testimony in favor of SB0258 Real Property/Dedication/Roads

Chairperson and Members of the Committee,

Thank you for the opportunity to provide testimony in support of this bill, which would clarify that roads become public when they have been used continuously by the public for twenty years or more and have been maintained by a municipality at public expense. As Councilman of the 5th District of Baltimore City, I encounter issues around roads being deemed as "private" quite frequently.

This legislation addresses a long-standing and widespread problem that is prominent in the 5th District: roads that function as public roads in every practical sense, yet remain legally classified as private. These situations create confusion, inequity, and unnecessary legal disputes for residents, municipalities, and emergency services.

For decades, residents, delivery vehicles, school buses, utility providers, and emergency responders have relied on these roads without restriction. At the same time, municipalities have plowed snow, repaired pavement and otherwise maintained these roads using taxpayer funds. When public money has been spent and the public has relied on uninterrupted access for more than a generation, it is both reasonable and fair to recognize these roads as public.

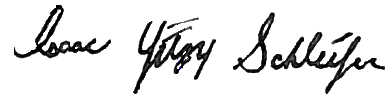
This bill promotes fairness and transparency. Property owners should not be exposed to sudden claims of private ownership after decades of open use, nor should taxpayers be asked to fund maintenance on roads that are later declared private. The legislation aligns legal status with long-established reality.

The bill also advances public safety. Emergency response depends on certainty of access. Fire, police, and medical personnel should never face questions about their right to use a road during an emergency. Clear public designation removes that risk and ensures consistent access for first responders.

In closing, this legislation brings the law into alignment with reality, protects taxpayers, enhances public safety, and provides long-overdue clarity for residents and municipalities alike. I respectfully urge the committee to give this bill a favorable report.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, reading "Isaac Gregory Schleifer". The signature is written in a cursive style with a large initial 'I' and 'S'.

MBIA Testimony of FWA SB258.pdf

Uploaded by: Lori Graf

Position: FWA

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.

SB258

Uploaded by: Virginia White

Position: UNF



Senate Bill 258

Real Property - Dedication - Roads

MACo Position: **OPPOSE**

To: Judicial Proceedings Committee

Date: February 3, 2026

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** SB 258. This bill would require that a private road be deemed “dedicated to and accepted by” a county if: (1) the road has been open to the public for 20 years, and (2) at any point during that period, the county performed any maintenance or repair on the road. In effect, even limited county work on a private road could trigger permanent county ownership and long-term maintenance responsibility.

Counties already maintain roughly 83% of Maryland’s roadway network, even as the local share of Highway User Revenues has eroded for decades. SB 258 would further strain county transportation budgets by creating a pathway for potentially significant mileage of private roads to become county obligations, without a corresponding, reliable funding source.

As originally drafted, the bill’s fiscal note indicates that both state and local expenditures could increase substantially as unknown miles of private roads could shift to government responsibility. The State Highway Administration estimates that pavement reconstruction may exceed \$1 million per lane mile for a two-lane residential roadway, while resurfacing can cost approximately \$310,000 per lane mile. Routine maintenance costs are estimated at \$11,700 per year per lane mile. These same cost pressures that could fall to the State would also fall to county governments.

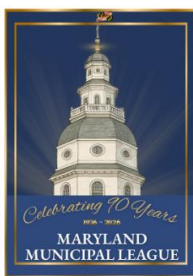
Amendments currently under consideration would exempt the State from these requirements while leaving the mandate in place for local governments. Without significant State investment in local roads, counties cannot absorb the financial and operational burden this bill would impose.

SB 258 creates a major unfunded mandate and would overextend county transportation resources to an unsustainable degree. Accordingly, MACo urges the Committee to issue an **UNFAVORABLE** report for SB 258.

SB 258 - MML - UNF.pdf

Uploaded by: Bill Jorch

Position: INFO



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:

Bill Jorch: Managing Director, Advocacy and Public Policy, billj@mdmunicipal.org

SB0258-JP-LOC.pdf

Uploaded by: Nina Themelis

Position: INFO



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 0258

January 29, 2026

TO: Members of the Judicial Proceedings Committee
FROM: Nina Themelis, Director of Mayor's Office of Government Relations
RE: Senate Bill 0258 – Real Property - Dedication - Roads

POSITION: LETTER OF CONCERN

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **has concerns** with Senate Bill (SB) 0258.

SB 0258 outlines rules regarding the access, ownership, and maintenance of private roadways. It establishes that a private road which has been open to public travel for 20 years or more is considered offered for dedication for public use. Subsequently, the Bill would require the State or a jurisdiction which conducts or has conducted regular maintenance or repairs on said private road to accept its dedication for public use. In practice, jurisdictions would be required to take ownership of private roadways which are not access-restricted, provided that there are recorded instances of them performing maintenance on these roadways.

Baltimore City has worked with communities which own private roadways to perform basic maintenance and, on occasion, resurfacing of these roads. This is atypical and is generally reserved for communities which cannot afford to bring privately owned infrastructure to safe operating conditions. Requiring the City to take ownership of these roads, many of which are in poor condition, would further expand the City's already extensive deferred maintenance burden.

The potential for these involuntary roadway acquisitions raises several concerns. The issues of private utility ownership, Complete Streets and Code compliance, and other compliance concerns would need to be addressed on a case-by-case basis. Additionally, the legislation would conflict, wholly or in part, with Article 26, Subtitle 4 (Paving of Private Streets) and Article 26, Subtitle 31 (Dedicated Streets) of the City Code, disrupting the regular processes for the transfer of rights of way.

For the above stated reasons, the BCA respectfully requests review of the above concerns when considering SB 0258.