

Virginia Department Of Transportation 2010 Fiscal Impact Statement (Regular Session)

1. Bill Number: HB 652 Eng 1

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Armstrong, W.

3. Committee: Senate Courts of Justice

4. Title: Eminent Domain; just compensation; restricted access

5. Summary/Purpose:

Provides that any restriction, change, or loss of access to or from property taken under the power of eminent domain shall be considered as an element in assessing the damages to the residue for the purposes of determining just compensation. Amended to include an emergency enactment clause.

6. Tentative Fiscal Impacts are:

6a. Expenditure Impact:

Fiscal Year	Dollars	Positions	Funds
2009-2010	\$1,700,000.00	0	TTF
2010-2011	\$24,000,000.00	0	TTF
2011-2012	\$7,100,000.00	0	TTF
2012-2013	\$1,200,000.00	0	TTF
2013-2014	\$1,500,000.00	0	TTF

b. Revenue Impact:

Fiscal Year	Dollars	Positions	Funds
2009-2010	\$0.00	0	
2010-2011	\$0.00	0	
2011-2012	\$0.00	0	
2012-2013	\$0.00	0	
2013-2014	\$0.00	0	

7. Budget amendment necessary: NO

8. Fiscal implications: VDOT estimates the fiscal impact of this bill to be \$50 Million dollars or more over the next six years. Above is the fiscal year breakdown through 2014. This number is based on the percentage of parcels projected in the Six Year Improvement Plan

that will likely have a "restriction, change or loss of access". The number of parcels affected and the amount of compensable damage is estimated based on historical data.

The inclusion of any "change" to an access, no matter how minor, opens the possibility for most landowners to seek damages.

This bill would establish real property interest in the public facility to adjacent property owners.

The emergency enactment clause could affect cases currently pending in the judicial system.

9. Specific agency or political subdivisions affected: VDOT and all other entities with eminent domain authority.

10. Technical amendment necessary: NO

11. Other comments: NO

Date: 02/16/2010

Revision Date:

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cc: Secretary of Transportation