

WHEN YOUR LAND IS NEEDED FOR TRANSPORTATION PURPOSES

SOME QUESTIONS AND ANSWERS ON THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION'S ACQUISITION PROCESS



pennsylvania
DEPARTMENT OF TRANSPORTATION

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FORWARD

This booklet has been prepared for the individual landowner. It has been designed to briefly outline and answer the most commonly asked questions pertaining to the land acquisition process used by the Pennsylvania Department of Transportation (PennDOT).

Should your property be needed for a transportation purpose, most commonly the construction of a highway, you may be assured that our Right-of-Way Representatives will gladly answer any questions you may have. They will also be available to assist you throughout the land acquisition process. The address and telephone number of the eleven PennDOT District Right-of-Way Offices appear on the last page of this booklet.

You may also be assured that it is our intention to achieve the best possible transportation facilities while maintaining your satisfaction as a private landowner. We will treat every claimant as fairly and courteously as possible.

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HOW IS HIGHWAY LOCATION DETERMINED?

It is PennDOT's goal to establish the most direct and useable highway facility at the least possible cost to the public. To accomplish this, PennDOT undertakes intensive studies on several possible routes in order to find the route that will result in the least possible inconvenience or impact to the public and the private landowner and to comply with environmental regulations.

Statistical data concerning the economy, population needs and traffic volume trends are analyzed for the area under study. Aerial and ground surveys are taken, and consideration is also given to such factors as safety, drainage and soil types. In addition, public meetings are held to discuss the proposed alternate locations.

WHAT IS HIGHWAY RIGHT-OF-WAY?

Right-of-Way is the term used to describe "right of passage" over another's land. When PennDOT acquires title to your land, PennDOT becomes the owner and it then gives the "right of passage" to the public. PennDOT also often acquires lesser easements that allow you to keep ownership of your land but in some manner restricts your usage of the area to activities that do not interfere with its needs. PennDOT also often acquires a right to use your land temporarily to complete its project, and after the project completion the land reverts back to your full control.

WHAT IS EMINENT DOMAIN?

Eminent Domain is the term used to describe the Commonwealth's Constitutional right to acquire privately owned land for public purposes. PennDOT executes this right only when it will benefit the public as a whole.

WHAT ARE MY RIGHTS?

According to Amendment V to the U.S. Constitution, no person shall be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without Just Compensation. In this situation it is your right to receive Just Compensation in exchange for your property.

Pennsylvania's Eminent Domain Legislation is considered the most liberal of its kind in the U.S. Your rights as a property owner are given primary consideration.

WHO WILL CONTACT ME?

You will be contacted several times throughout the acquisition process. Your first contact will usually be a letter informing you that your property will be affected by a highway project. Various Right-of-Way Representatives will also personally visit you. All appointments will be made at your convenience, within reason, of course. It is our desire to make this process run as smoothly as possible.

WHO DETERMINES THE AMOUNT OF JUST COMPENSATION?

The amount of Just Compensation for your property may be determined by PennDOT right-of-way staff, District Office Appraisers and/or by independent right-of-way consultants or real estate appraisers certified by the Pennsylvania State Board of Certified Appraisers which are hired by PennDOT. Just Compensation can be determined either through an appraisal process or through a process known as a waiver valuation as not all impacts to land may require an appraisal to estimate damages.

A waiver valuation will be used where damages do not exceed \$10,000 and PennDOT determines the valuation is uncomplicated.

Where damages exceed \$10,000, the property owner has the right to an appraisal. However, PennDOT may also use the waiver valuation process where damages are between \$10,001 and \$25,000. In this situation, you will be verbally contacted to discuss these options by a PennDOT representative.

You will receive a written offer letter and the letter will indicate whether the amount was determined by an appraisal or a waiver valuation.

WHAT WILL I BE PAID FOR MY PROPERTY?

Local real estate trends and the value of comparable properties will be taken into consideration when determining the value of your property which you will be offered as Just Compensation.

In addition to amounts offered as Just Compensation, you are also entitled to the following benefits:

1. All fees incidental to the transfer of your property to the Department.
2. Any mortgage prepayment penalty you would be required to pay as a result of the acquisition.
3. Reimbursement for up to a combined total of \$4,000.00 per property for reasonable expenses paid for an appraiser, engineer or attorney to evaluate PennDOT's offer.
4. In addition, if PennDOT acquires a residence or business that you occupy, you will be entitled to Relocation Benefits. These benefits are explained in Bulletin #47. You will receive a written 90-day notice prior to vacating any acquired property.
5. PennDOT requires clear title to the property it acquires. Any liens, mortgages, judgments, taxes or other obligations with regard to your property must be satisfied either prior to or at the time of settlement, or partial release obtained as applicable.

HOW WILL MY OFFER BE PRESENTED?

Usually a Right-of-Way Representative will personally present you with a written offer for your property. In some cases your offer will be mailed to you. Each owner is treated on the same basis, and each claim is settled on its merits.

WHAT IF I DISAGREE WITH THE OFFER?

If you do not believe that the offer provides “Just Compensation”, and if you can provide factual information pertaining to the value or damage of your property which was not available during the valuation process, please bring the information to PennDOT’s attention.

MUST I ACCEPT PENNDOT’S OFFER?

The vast majority of property acquisitions are settled on an amicable basis. Keep in mind, a careful procedure is used to arrive at an offer of Just Compensation for your property, and PennDOT cannot, by law or by our policy, offer you less than the written offer of Just Compensation.

If, however, an agreement cannot be reached through negotiations, PennDOT, in order to proceed with the project, will be forced to file a “Condemnation Proceeding” (Declaration of Taking) in the Court of Common Pleas. At the point of condemnation, you will be offered the full amount of the determined value for your property as Estimated Just Compensation. Although negotiations will be ongoing, you may elect to accept the Estimated Just Compensation without jeopardizing your right to contest the amount in court, or you can refuse the payment and it will be deposited in your name with the Prothonotary of the county in which the property is located.

Once a declaration of taking has been filed, either you or PennDOT may petition, within six years, for a Board of Viewers, or the amount paid will be considered payment in full, in accordance with the Statue of Limitations. At a Board of View, the Viewers will consider your testimony, as well as PennDOT’s, and make an award. If either party is still dissatisfied, an appeal may be made to the Court of Common Pleas. Under most circumstances, however, this procedure is not necessary.

WHEN WILL I BE PAID FOR MY PROPERTY?

For your convenience payments will be processed as quickly as possible and, once agreement is reached, payment can be expected within two to three weeks.

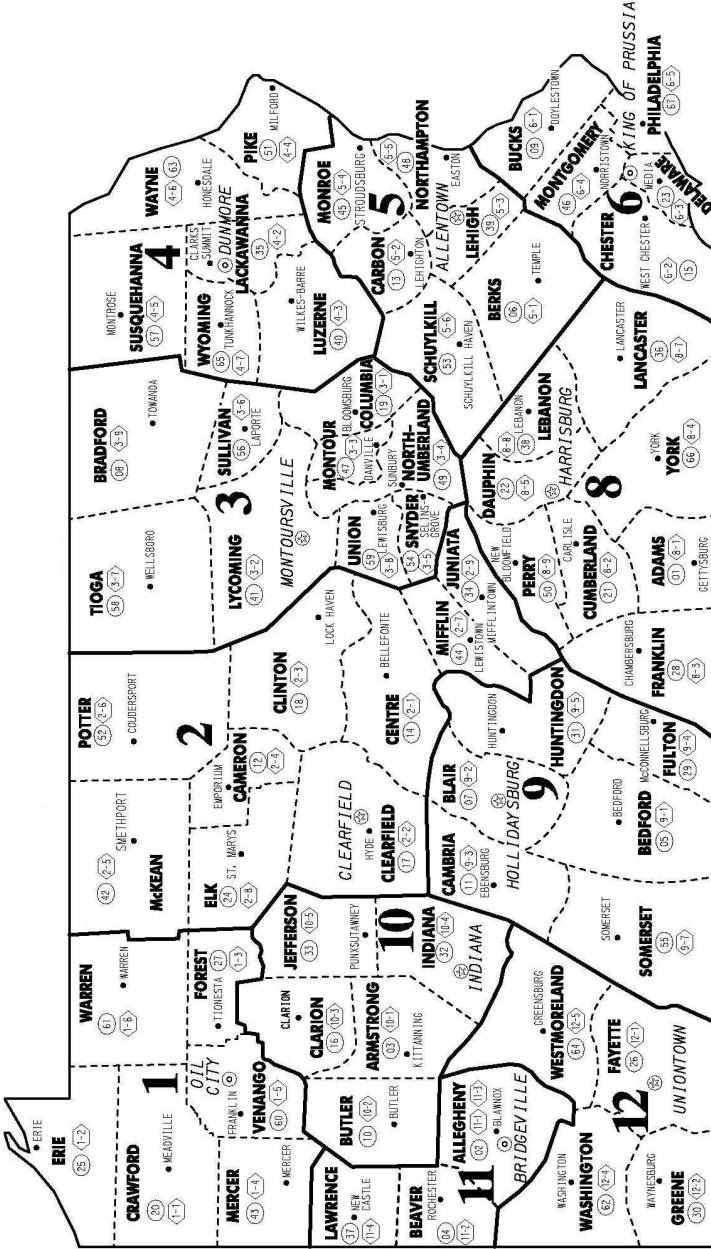
Before you receive payment, however, you are responsible for providing PennDOT with several things, such as:

A clear title to the property being acquired. Any liens, mortgages, judgments, taxes or other obligations with regard to your property must be satisfied either prior to or at the time of settlement.

A completed Form W-9, Request for Taxpayer Identification Number and certification.

Guidance on completing these requirements will be provided to you by your Right-of-Way Representative.

Pennsylvania Dept of Transportation - Engineering Districts



DISTRICT OFFICE ADDRESSES:

District 1-0
255 Elm Street
Oil City, Pa 16301
(814) 678-7069

District 2-0
70 PennDOT Drive
Clearfield, PA 16830
(814) 765-0444

District 3-0
715 Jordan Avenue
Montoursville, Pa 17754
(570) 368-4337

District 4-0
55 Keystone Indus. Park
Dunmore, Pa 18512
(570) 963-4071

District 5-0
1002 Hamilton Street
Allentown, Pa 18101
(610) 871-4100

District 6-0
7000 Geerdes Boulevard
King of Prussia, Pa 19406
(610) 205-6510

District 8-0
2140 Herr Street
Harrisburg, Pa 17103
(717) 787-4861

District 9-0
1620 North Juniata Street
Hollidaysburg, Pa 16648
(814) 696-7210

District 10-0
2550 Oakland Avenue
PO Box 429
Indiana, Pa 15701
(724) 357-4808

District 11-0
45 Thoms Run Road
Bridgeville, Pa. 15017
(412) 429-4853

District 12-0
PO Box 459
825 North Gallatin Avenue Ext.
Uniontown, Pa. 15401
(724) 439-7146