

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: HB738

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Lingamfelter

3. Committee: Courts of Justice

4. Title: Agreements to obtain land for conservation easements; consent required; inverse condemnation.

5. Summary: Provides that where the Commonwealth or any political subdivision possessing the power of eminent domain for the purpose of public road construction enters into an agreement to obtain a conservation easement, the Commonwealth shall first obtain the consent of all private landowners whose property would be subject to such easement, and any such landowner whose consent is not obtained shall have a cause of action against the Commonwealth for inverse condemnation.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications: According to the Virginia Department of Transportation (VDOT), this bill could have a fiscal impact. Additional staff hours would be needed to consult with the affected property owners to obtain their consent to the programmatic agreement, at an annual estimated cost of approximately \$85,000. In addition, VDOT estimates that this legislation, could affect 15 projects annually with legal fees amounting to approximately \$1.28 million. This brings the total estimated present cost of this proposal to \$1.36 million. Similar costs would be anticipated for future years. These costs would have to be absorbed through existing revenues, reducing available funding for road construction projects.

9. Specific Agency or Political Subdivisions Affected: VDOT and localities.

10. Technical Amendment Necessary: No.

11. Other Comments: Add “or political subdivision” after every “Commonwealth” beginning on line 18. .

C. Secretary of Transportation

1/29/2014

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