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HOUSE BILL NO. 903

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend the Code of Virginia by adding a section numbered 33.2-257.2, relating to evaluation of Department of Transportation projects; impact on property owners.*

Patron—Freitas

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 33.2-257.2 as follows:

§ 33.2-257.2. Impact evaluation of completed Department of Transportation projects.

A. Upon request of any owner of real property within or adjacent to a completed Department project, the Department shall complete a post-development evaluation of the impact of such project on the surrounding landowners. If the Department determines that such completed project has caused a significant financial burden to any landowner eligible to request such evaluation, the Department shall reimburse the landowner for any costs incurred due to the additional financial burden, assume such financial responsibilities, and take any possible steps to remove or reduce the impact of such project.

B. If the Department determines that the completed project did not create a significant financial burden on the requesting landowner, the requesting landowner may hire, at his own expense, a qualified third-party consultant with no personal or financial interest in the dispute to complete a second post-development evaluation. Such completed assessment shall state (i) whether the project resulted in a significant financial burden to owners of real property within or adjacent to the project and (ii) an estimate of the financial burden or financial responsibility incurred by such landowners.

C. If the third-party consultant determines that the project did create a significant financial burden on the requesting landowner, the Department may be subject to civil action if brought by the requesting landowner, and the defense of governmental immunity shall not be a bar to action or recovery. In no case shall any employee of the Department be liable personally for actions taken in his capacity as an employee of the Department.

INTRODUCED

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