

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB903

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:** Freitas

**3. Committee:** Transportation.

**4. Title:** Evaluation of Department of Transportation (VDOT) projects; impact on real property owners.

**5. Summary:** This bill provides that, upon request of any owner of real property within or adjacent to a completed VDOT project, VDOT shall complete a post-development evaluation of the impact of such project on the surrounding landowners. If VDOT determines that the completed project has caused a significant financial burden to any landowner eligible to request such evaluation, VDOT 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. If VDOT 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. If the third-party consultant determines that the project did create a significant financial burden on the requesting landowner, VDOT 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 VDOT be liable personally for actions taken in his capacity as an employee of VDOT.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** It is not possible to determine the fiscal impact of this legislation at this time. However, VDOT would incur costs to perform any requested studies to evaluate any alleged impacts to the real property in question. According to VDOT, if the number of requests are large, they may need additional in-house labor or engage consultant services to perform the work. At this point, there is no way of estimating how many requests could occur, nor the amount of time it would take to complete any study. Likewise, it is not possible to estimate any expenditures resulting from a finding of "significant financial burden" to any such landowners, including remedial measures to mitigate impacts or legal

costs associated with litigation. Any additional costs incurred by VDOT would need to be addressed by redirecting resources from other operational priorities.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Transportation.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.