

1997 SESSION

INTRODUCED

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HOUSE BILL NO. 1944

Offered January 8, 1997

A BILL for the relief of Alan W. Conner and Cindy Conner.

Patron—Marshall

Referred to Committee on Claims

Whereas, Alan W. Conner and Cindy Conner reside at 7316 Mariposa Drive, Manassas, Virginia; and
Whereas, the Conners' home is not located in a designated flood zone and is not covered by a policy of flood insurance; and

Whereas, the Conners' home is served by a storm drain located at their yard, for which Prince William County is responsible for maintenance, which is connected to a storm drain located in Mariposa Drive, for which the Virginia Department of Transportation is responsible for maintenance; and

Whereas, on January 19, 1996, water backed up from the clogged storm drains for over eight hours; and

Whereas, the Conners notified the Prince William County Public Works Department, which investigated and notified the Virginia Department of Transportation that the flooding was caused by blockage in the state-maintained drop inlet box; and

Whereas, the Virginia Department of Transportation did not respond to the Public Works Department's notification; and

Whereas, the Prince William County Public Works Department responded to alleviate the standing water by removing the blockage from the state-maintained drop inlet box in Mariposa Drive; and

Whereas, by the time the blockage was cleared from the storm drain, the water had entered the back door of the Conners' home and flooded the basement to a depth of two inches; and

Whereas, the Prince William County Fire Department responded by shutting off the electricity to their home; and

Whereas, the flooding of the Conners' basement caused at least \$8,000 damage to carpets, walls, doors and trim, furniture, a vacuum cleaner, books, curtains, beds, and clothing; and

Whereas, the Virginia Department of Transportation closed 13 roads in Prince William County on the evening of January 19, 1996, because of high water, and had only five people on duty for safety situations; and

Whereas, the Conners submitted claim number 600108402 to the Department of Risk Management for compensation for the damage sustained from the flooding; and

Whereas, the claim was denied on grounds that the Virginia Department of Transportation's failure to respond to the request was not negligent because it did not have sufficient manpower on duty on January 19, 1996, to assist with the removal of debris from the storm drain; and

Whereas, neighbors of the Conners had not witnessed the Virginia Department of Transportation maintaining the storm drain before January 19, 1996; and

Whereas, the damage incurred by the Conners is the proximate result of the Virginia Department of Transportation's failure to properly inspect and maintain the storm drain in Mariposa Drive; and

Whereas, the financial losses incurred by the Conners have caused them to file for personal bankruptcy; and

Whereas, Alan W. Conner and Cindy Conner have no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the general fund of the state treasury the sum of \$3,500 for the relief of Alan W. Conner and Cindy Conner to be paid by check issued by the State Treasurer on warrant of the Comptroller to Alan W. Conner and Cindy Conner, upon execution by them of a release of all claims they may have against the Commonwealth or any of its political subdivisions or their officers, employees, or agents in connection with the aforesaid occurrence.*

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