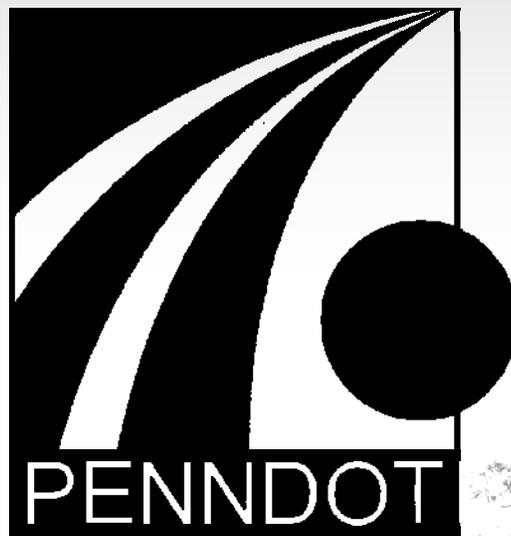


# **WHEN YOUR LAND IS NEEDED FOR TRANSPORTATION PURPOSES**



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

## **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.

**PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**

**Bureau of Design**

**Utilities and Right-of-Way Section**

## TABLE OF CONTENTS

FORWARD	1
TABLE OF CONTENTS	2
HOW IS HIGHWAY LOCATION DETERMINED?	3
WHAT IS HIGHWAY RIGHT-OF-WAY?	3
WHAT IS EMINENT DOMAIN?	3
WHAT ARE MY RIGHTS?	3
WHO WILL CONTACT ME?	4
WHO DETERMINES PROPERTY VALUE?	4
WHAT WILL I BE PAID FOR MY PROPERTY?	4
HOW WILL MY OFFER BE PRESENTED?	5
WHAT IF I DISAGREE WITH THE OFFER?	5
MUST I ACCEPT PENNDOT'S OFFER?	5
WHEN WILL I BE PAID FOR MY PROPERTY?	6
DISTRICT ADDRESSES / PHONE NUMBERS	7

## **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 injury to the public and the private landowner.

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.

## **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 PROPERTY VALUE?**

The value of your property will be determined by PennDOT staff appraisers and/or by independent real estate appraisers hired by PennDOT. All appraisers are certified by the Pennsylvania State Board of Certified Appraisers. All amounts offered are subject to review by qualified and certified Reviewing Appraisers to assure that you will receive just compensation for your property.

## **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 Fair Market Value of your property which you will be offered as Just Compensation. PennDOT cannot, by law or by our policy, offer you less than Fair Market Value for your property.

In addition to the Fair Market Value, 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 total of \$4,000.00 for reasonable expenses you 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.

## **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. PennDOT operates under a written one-offer policy in order to achieve uniformity throughout the project. Each owner is treated on the same basis, and each claim is settled on its merits rather than on the negotiating ability of the parties.

## **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 to the appraisers, 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 a Fair Market Value for your property, and PennDOT cannot, by law or by our policy, offer you less than Just Compensation for your property.

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 appraised Fair Market Value as Estimated Just Compensation. 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?**

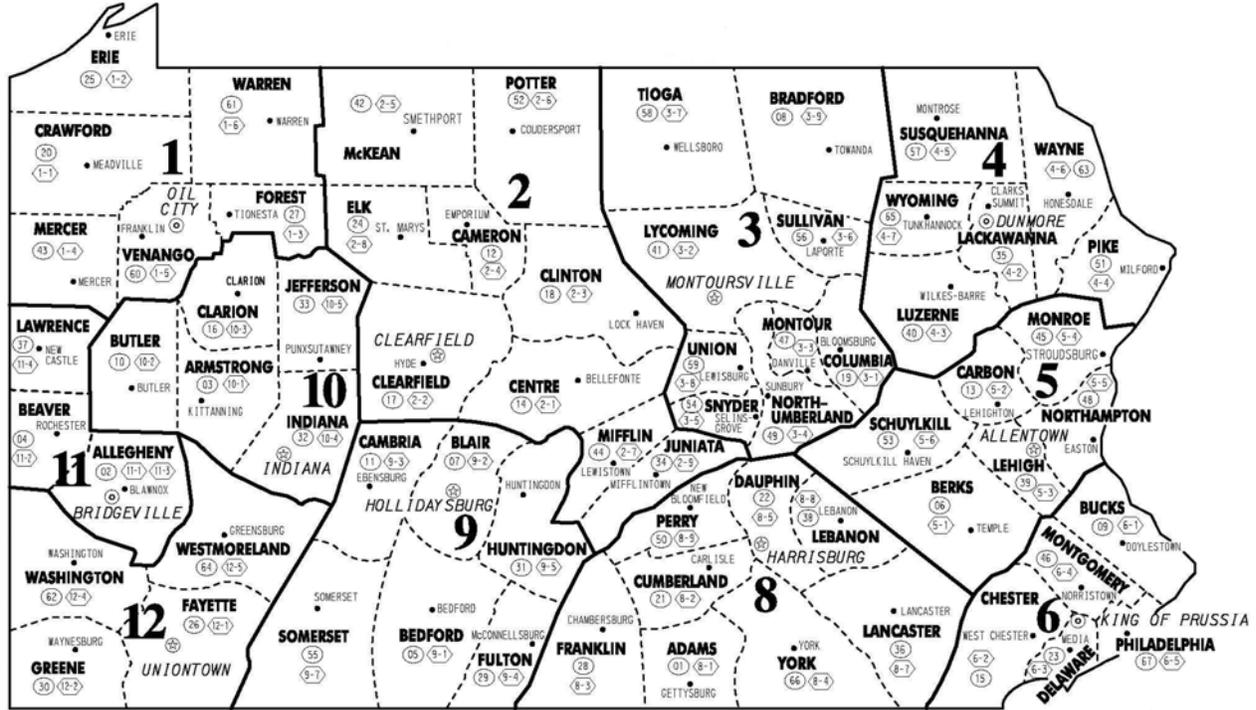
For your convenience payments will be processed as quickly as possible and, once agreement is reached, payment can be expected within four to six weeks.

Before you receive payment, however, you are responsible for providing the 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, which will be provided to you by your Right-of-Way Representative.

# Pennsylvania Dept of Transportation - Engineering Districts



## DISTRICT RIGHT-OF-WAY ADMINISTRATOR:

District 1-0  
 255 Elm Street  
 PO Box 398  
 Oil City, Pa 16301  
 (814) 678-7069

District 2-0  
 1924-30 Daisy Street  
 PO Box 342  
 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  
 Holidaysburg, 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  
 (412) 439-7146