

HB 1504 -- HIGHWAY ACCESS

SPONSOR: Lipke (157)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation and Motor Vehicles by a vote of 15 to 3.

This bill changes the way property values are determined in cases where the Highways and Transportation Commission takes property through the power of eminent domain. The court, commissioners, and jury hearing a condemnation proceeding must consider any loss of highway access suffered by the landowner when determining damages.

The bill contains an emergency clause.

FISCAL NOTE: No impact on state funds in FY 2005, FY 2006, and FY 2007.

PROPOSERS: Supporters say that proper consideration of the restriction or loss of access must be taken into account when assessing a property owner's damages.

Testifying for the bill was Representative Lipke (157).

OPPOSERS: Those who oppose the bill say that loss of access is currently considered when land is taken for a highway project. They are concerned that putting this in statute will encourage special consideration over other issues that must also be considered during the process and in turn add more cost to highway projects and may affect the Department of Transportation's access management program.

Testifying against the bill was Department of Transportation.

Robert Triplett, Legislative Analyst