

§ 136-19.6. Right-of-Way Claim Report.

(a) Intent. – It is the intent of the General Assembly to provide the Department of Transportation with the resources and flexibility necessary to accelerate the time in which projects are completed while maintaining fairness to affected property owners and other citizens of this State. It is the belief of the General Assembly that providing the Department with the flexibility allowed under subsection (b) of this section will help toward achieving this intent. Therefore, the Department is encouraged to utilize the flexibility provided in subsection (b) of this section for all acquisitions of land in which the estimate of the acquisition is ten thousand dollars (\$10,000) or less.

(b) Permissive Exception to Appraisal. – When the Department acquires land, and except as otherwise required by federal law, an appraisal is not required if the Department estimates that the proposed acquisition is forty thousand dollars (\$40,000) or less, based on a review of data available to the Department at the time the Department begins the acquisition process. If the Department estimates the acquisition to be forty thousand dollars (\$40,000) or less, the Department may prepare a Right-of-Way Claim Report instead of an appraisal. The owner of the land to be acquired may request the Department provide an appraisal for any right-of-way claim of ten thousand dollars (\$10,000) or more. The Department may contract with a qualified third party to prepare a Right-of-Way Claim Report. Any person preparing a Right-of-Way Claim Report must have a sufficient understanding of the local real estate market.

(c) Construction. – Nothing in subsection (b) of this section shall be construed as superseding or altering any provision of federal law requiring the Department to obtain an appraisal of a property the Department is attempting to acquire. (2017-57, s. 34.5(a); 2018-74, s. 1(a).)