

# PROPERTY OWNERS' & TENANTS' GUIDE



Percentage of P.A. Tangible		Fiscal Year	
2010	2009	2008	2007
68.25%	67.37%	68.87%	68.87%
16.74	16.28	16.45	16.28
2.01	2.28	1.85	2.28
2.46	2.21	2.47	2.28
2.24	2.11	2.40	2.28
1.45	1.74	1.31	1.28
		1.52	1.11
		1.05	1.01
		0.69	0.69
		0.96	0.93
		0.38	0.38
		0.80	0.72
		1.04	0.56
		0.59	0.52
		0.35	0.33
		0.23	0.23
		0.21 (92%)	100 (100%)



Dear Property Owner:

We at the Pennsylvania Turnpike Commission have a deep and abiding respect for the property rights of individuals and for the federal and state laws governing property ownership.

That is why we pay strict attention to the methods by which the Commission acquires property, when it becomes necessary to do so, for completion of new highway construction and road improvement projects.

Our procedures place the highest priority on honoring the rights of individuals and the value of their investments while also ensuring that we remain true to our mission of serving the vast population of the state. In order to provide all Pennsylvanians modern, high-quality highways and transportation facilities, our focus must be on what is best for the future of all citizens and our Commonwealth's progress.

We have, therefore, published this brochure to explain in clear, concise language the procedures we follow in acquiring property for the Turnpike projects.

Sincerely,  
The Pennsylvania Turnpike Commission



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# INTRODUCTION

The Pennsylvania Turnpike Commission is responsible for building and maintaining roadways that are the Commonwealth's toll road system.

To carry out that responsibility, it is sometimes necessary to acquire private land. The Commission is committed to ensuring that property is acquired at fair market prices and, if relocation is necessary, property owners and tenants are moved to suitable locations with as little inconvenience as possible.

This brochure provides information about the Commission's process of acquiring rights-of-way for new highway construction and roadway improvement projects. It includes information on public hearings, the appraisal process, and negotiations between you and the right-of-way agent. There is also information on what happens if you refuse the Commission's offer to buy, and how the Commission will assist you if you have to move.

On the back of this brochure are addresses and phone numbers for the Pennsylvania Turnpike Commission's regional offices. The Pennsylvania Turnpike Commission's representatives will be glad to assist you in any way possible.



# HOW WILL I BE INFORMED OF THE ROAD PROJECT?

Your first contact from the Pennsylvania Turnpike Commission may be a letter entitled "Notice of Intent to Enter" advising you that preliminary studies are to begin and asking for your cooperation.

Surveys and other studies are required prior to the development of the design plans. The fact that you receive a "Notice of Intent to Enter" letter is not conclusive evidence that your land will be needed for construction. If your property should, in fact, be needed for a public improvement project, a Commission right-of-way agent will contact you.

Public meetings, public hearings, community and other informal meetings are held for many road projects. At these meetings, Commission representatives will answer your questions and provide information about maps of the proposed road construction.

The right-of-way acquisition process will begin after the public involvement process concludes and the design of the proposed road project is complete. A right-of-way agent, working for the Pennsylvania Turnpike Commission, will contact you to schedule a time to meet and explain the right-of-way acquisition process. At that first meeting, you will receive a letter informing you that your property will be affected by the proposed construction project. The right-of-way agent will be your primary point of contact throughout the right-of-way acquisition process, and if necessary, the relocation process. He or she will make every reasonable effort to accommodate your schedule and make the process run as smoothly as possible. Your cooperation will help ensure the success of the right-of-way acquisition process.

## WHAT DOES THE APPRAISAL PROCESS INVOLVE?

You will receive fair market value for any property you own, including land or buildings, that is required for a Pennsylvania Turnpike Commission project.

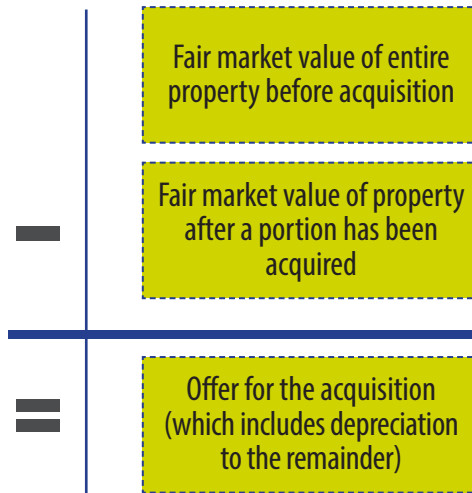
To determine the fair market value, a qualified appraiser will evaluate your property, using the best information available. The appraiser considers recent property sales in your neighborhood and community, as well as building costs and land values.

During the on-site inspection, you may want to accompany the appraiser to point out any features on the property or to provide information you think may help determine its value.

Once the appraisal is completed and approved through an independent review process, negotiations are ready to begin.

## WHAT IF THE COMMISSION NEEDS ONLY A PORTION OF MY PROPERTY?

If only a portion of your property is needed, you will be offered the difference between the fair market value of the entire property and the value of the portion remaining. This formula takes into consideration any loss in value to the remaining portion of the property.



## HOW ARE NEGOTIATIONS CONDUCTED?

Negotiations are a crucial stage in the acquisition process. Successful communication is essential.

A Pennsylvania Turnpike Commission right-of-way agent will visit with you to explain the project and the amount of property required, along with any temporary or permanent easements that will be needed. These easements allow utilities to use a certain amount of your property to construct their facilities or for the Commission to build slopes or drainage areas.

The Commission's right-of-way agent will tell you the amount of the appraisal and discuss with you how it was calculated.

If you have any questions about what is being acquired, how much compensation is offered and how the construction will affect the remainder of your property, do not hesitate to ask the right-of-way agent. You will have time to consider the offer, and the right-of-way agent will contact you again to discuss the offer and answer any questions you may have.

The Commission will reimburse you up to \$4,000 for any reasonable expense incurred for an appraiser, engineer or attorney you may hire to evaluate your claim.

## WHAT IF I DECIDE TO ACCEPT THE COMMISSION'S OFFER?

If you decide to accept the offer, you will be asked to sign a binding sales agreement between you and the Pennsylvania Turnpike Commission. Signing the sales agreement means that you agree to sell your property to the Commission for the amount of the offer, and it commits the Commission to pay that amount. A Commission representative will arrange for a real estate closing, to be held within 90 days of the signing of the sales agreement. At the closing, you will be expected to sign a deed and a check will be issued.



## WHAT HAPPENS IF I DO NOT ACCEPT THE OFFER?

The vast majority of property acquisitions are settled amicably. Keep in mind that a careful procedure is used to arrive at fair market value for your property.

If the Pennsylvania Turnpike Commission is unable to purchase the right-of-way it needs to construct the road project through amicable negotiations, the Eminent Domain Code requires the Turnpike Commission to initiate court proceedings to acquire the necessary land and/or buildings from the property owner (referred to as "Condemnee"). The Commission will file a Declaration of Taking in the Court of Common Pleas of the county in which the property is located. Any property owner or other person with a property interest may, within 30 days of being served with notice of filing of the Declaration of Taking, file Preliminary Objections to the court to challenge the power or right of the Commission (referred to as "Condemnor") to acquire the property in question.

Upon filing of the Declaration of Taking, the Commission offers each Condemnee, as payment on account, the amount of damages offered as Estimated Just Compensation. This payment may be accepted without jeopardizing the Condemnee's right to petition the court to appoint a Board of View to determine the amount of damages, to which the Condemnee may later be determined to be entitled.

If the Condemnee refuses to accept the payment, the Commission will pay the money to the court. The court will hold the money for the Condemnee, without interest, until the Condemnee petitions for its release. The law entitles any mortgage holder and other lien holders, as of the date of the condemnation, (filing date for the Declaration of Taking) to payment on a prorated basis out of the proceeds of any condemnation. Thus, some or all of the payment may have to be paid to the mortgage holders or lien holders, who must credit the Condemnee for the amount paid.

After filing a Declaration of Taking, either the Commission or any Condemnee may petition the court to appoint a Board of Viewers to determine the amount of damages due the owner and any other person with a property interest. The Viewers will visit the property and hold a hearing to give the Condemnee and his/her witnesses an opportunity to testify as to the amount of damages. The Viewers enter an amount, called an "Award," and the Commission will be required to pay the difference between the Estimated Just Compensation and the Award, unless it is appealed by either party within 30 days of the filing of the Award. If the Award is appealed, either party may demand that the case be tried before a jury; otherwise, a judge sitting without a jury will try the case. The jury's verdict or the judge's opinion is considered final and can be appealed only if a legal error has occurred.

## WHAT IF I HAVE TO MOVE BECAUSE OF THE PROJECT?

Unfortunately, transportation facilities cannot always be routed around homes, businesses, farms or non-profit organizations.

It may be necessary for you to move, but federal and state Relocation Assistance Acts try to minimize any inconveniences caused by relocation. You will not be required to move sooner than 90 days from the date of the Pennsylvania Turnpike Commission's written offer to purchase your property.

## HOW WILL THE COMMISSION ASSIST ME?

The Pennsylvania Turnpike Commission offers these services to those who must move, whether you rent or own the property:

- Information on properties available for rent or sale.
- Information on low-rent housing subsidized by the government. The Commission will assist you in filing an application.
- Help with inspecting your proposed replacement home, assessing required housing standards, and determining whether the home meets federal and state guidelines.
- Information on suitable locations for businesses, farms and non-profit organizations.
- Transportation to potential replacement properties, if necessary.
- Information on federal and state regulations that might affect your relocation benefits.



## HOW WILL I FIND A REPLACEMENT HOME?

The Pennsylvania Turnpike Commission's goal is to offer you an opportunity to relocate to a home equal to or better than the one you now occupy. In many cases, people who move find that their living conditions actually improve.

A comparable replacement home is defined as a home that is functionally similar to your present home. The replacement home must meet certain standards, including state and local building, plumbing, electrical, housing and occupancy codes.

Our professionals are available to help you. Please do not sign a sales contract or lease agreement for a replacement home until a Commission relocation advisor has inspected the dwelling and certified in writing that it meets the federal and state requirements for decent, safe and sanitary housing.

Commission projects will not advance to the construction stage until adequate replacement housing has been found for you.

## WHAT HAPPENS IF I OWN MY OWN HOME?

If you plan to buy a replacement home and have been a homeowner (owner-occupant) for 90 days or more before the initiation of negotiations, you are eligible for certain benefits in addition to the fair market value for your property:



- The Pennsylvania Turnpike Commission will offer you a replacement housing supplement sufficient to purchase a decent, safe and sanitary comparable house. The Commission representative will explain how this payment was computed.
- You also may be entitled to a mortgage interest differential payment if the interest rate on the new mortgage exceeds that of your former mortgage.
- You will be reimbursed for eligible incidental closing costs.
- The combined total of these payments (housing supplement, closing costs and mortgage interest differential) cannot exceed \$41,200 and the payments will be limited to the amount you actually spend on these items in buying your home.
- If you were a homeowner for at least 90 days before negotiations began and chose to rent rather than buy, you may be entitled to a payment of \$9,570 or the amount of the replacement housing supplement, whichever is greater. The exact amount would depend on the rent required for the house that meets the requirements for decent, safe and sanitary conditions and on the rental value of your current home.



## WHAT HAPPENS IF I RENT MY HOME?

If you have rented your home or apartment for at least 90 days before the initiation of negotiations with the property owner, you will be offered comparable housing and you may be entitled to a rental supplement of up to \$9,570, based on the additional cost required to rent comparable housing for a period of 42 months. If you have occupied your home for less than 90 days before the initiation of negotiations, there are special rules that apply. Contact your relocation advisor for details. If you rent but wish to buy, your rental offer may be applied to the price of a replacement home, including closing costs.

## WHAT HAPPENS IF I CAN'T FIND A PLACE TO BUY OR RENT?

The federal regulations for the Replacement Housing of Last Resort Program, provide alternative options for individuals in instances where the Commission's right-of-way representatives are unable to find comparable housing that fits within the defined criteria for benefits. Under the program, the Commission will study the project area to determine whether or not there is an adequate supply of comparable, decent, safe and sanitary housing units.

If there is not, the Commission will take measures to assure that such housing units are provided or made available prior to requiring you to move from your home. This program enables a Commission representative to work directly with you to find decent, safe, sanitary and comparable housing that fits your needs. If you are eligible under this program, the Commission representative will explain the various options to you in detail.



## HOW WILL I BE REIMBURSED FOR MOVING EXPENSES?

There are two options for payment of moving expenses:

### 1. ACTUAL REASONABLE MOVING COSTS:

You may be paid for the actual reasonable moving costs if you use a professional mover. Reimbursement will be limited to a 50-mile distance in most cases. Related expenses involved in the move may include packing and unpacking personal property, disconnecting and reconnecting appliances, insurance for property in transit, transfer of telephone service and cable television and other expenses considered eligible by the Pennsylvania Turnpike Commission.

### 2. FIXED MOVING COST FORMULA:

If you choose to move yourself, you will be paid according to a fixed rate based on the number of rooms in your home. Your relocation adviser will be able to tell you the exact amount you will be eligible to receive if you select this option.

The formula is designed to include all the expenses incurred in moving, including those services that must be purchased from others.

### CHOOSE EITHER

#### Actual Reasonable Moving Cost

- Packing & unpacking
- Transportation
- Moving insurance
- Other related costs

#### Fixed Moving Cost Formula

One maximum payment based on a per-room formula

The owner of a displaced mobile home may be entitled to a payment for the cost of moving the mobile home to a replacement site on an actual cost basis. Displaced mobile home occupants (owners or tenants) also may be eligible for payment for moving personal property from the mobile home, such as furniture, appliances and clothing on an actual cost basis, or on the basis of a moving cost schedule.

For a complete explanation of all moving cost options, including those for a mobile home, please discuss the matter with your relocation adviser. You must apply to the Commission in advance of your move, using a form furnished by the Commission representative, indicating how and when you anticipate moving. Once your application is reviewed, you will be notified in writing of the approved amount. The Commission's relocation adviser will be glad to help you complete the application. It is in your best interest to discuss all details of your move with your relocation adviser. Please remember: payment will not be made until the move is completed.

## HOW WILL I BE REIMBURSED FOR MOVING A BUSINESS, FARM OR NON-PROFIT ORGANIZATION?

### ACTUAL COST MOVE

- **Moving Expenses** – This amount is the estimate from the professional moving company doing the move or self-move costs not to exceed the commercial moving estimate.
- **Personal Property Loss** – Reimbursement will be made for the value of personal property that cannot be moved without destroying or diminishing its value. This may be either because of the unavailability of a comparable property, or if the utility of personal property would be substantially destroyed or diminished by relocating the business, farm or non-profit organization, or for some other reason.
- **Searching** – You may incur costs as you look for a replacement site. The maximum reimbursement is \$5,000. Your relocation adviser can explain which costs are eligible for reimbursement.
- **Re-establishment Expenses** – There is a \$33,200 limit on this payment. Please discuss this matter with your relocation adviser.
- **Business Dislocation Damages** – Payments can range from \$3,000 to \$60,000 based on eligibility criteria.
- **Reimbursement for Loss of Rent Due to Imminence of Condemnation** – Only offered in limited circumstances.

### WHAT IF I AM DISSATISFIED WITH THE RELOCATION BENEFITS?

In the event that you are dissatisfied with the determination concerning eligibility for relocation benefits or the amount of the relocation payments offered, you may notify the Right-of-Way Administrator in writing and request a hearing.

A hearing before an appeal officer will be promptly scheduled at your convenience, at which time you will be given full opportunity to be heard. You will be notified in writing of the decision reached by the appeal officer. In most cases, an amicable agreement can be reached with the Pennsylvania Turnpike Commission.

### WHERE CAN I GET ADDITIONAL INFORMATION?

From the project's public hearing phase until the time you are contacted personally by the right-of-way agent, you may get additional information by calling the Pennsylvania Turnpike Commission at the number listed on the back cover of this brochure. After the right-of-way agent has contacted you in person, this agent is your best source of assistance. If you are dissatisfied for any reason with the information or service the agent provides, contact the Right-of-Way Administrator at the Pennsylvania Turnpike Commission Legal Department in Harrisburg, 717-939-9551.

# PA TURNPIKE RIGHT-OF-WAY OFFICES

## CENTRAL OFFICE

PA Turnpike Commission  
Right-of-Way Administrator  
P.O. Box 67676  
Harrisburg, PA 17106-7676  
717.939.9551

## EASTERN REGIONAL OFFICE

PA Turnpike Commission  
251 Flint Hill Road  
King of Prussia, PA 19406  
610.279.1645

## WESTERN REGIONAL OFFICE

PA Turnpike Commission  
2200 North Center Avenue  
New Stanton, PA 15672-9602  
724.755.5000



[www.paturnpike.com](http://www.paturnpike.com)

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