

DATE: November 16, 2006 432- 06- 10

SUBJECT: New Eminent Domain Code Changes to Right – of – Way Plan Presentation

TO: All District Executives

FROM: M. G. Patel, P.E. /s/
Chief Engineer
Highway Administration

The new Eminent Domain Code for Pennsylvania took effect on September 1, 2006. As a result of this new law the ‘Titles and Corresponding Laws’ citation on the Right-of-Way Plans need to reference the correct citation to the law. Currently, the reference to the Eminent Domain Code in the citation is “SECTION 402(b)(3) OF THE EMINENT DOMAIN CODE OF 1964, AS AMENDED.” This reference must be replaced with the following: SECTION 302(b)(3) OF THE EMINENT DOMAIN CODE, 26 Pa.C.S. SECTION 302(b)(3). An example of how the change should be placed on the plans follows:

- THIS PLAN PREPARED PURSUANT TO SECTION 2003(e) OF THE ADMINISTRATIVE CODE, AS AMENDED, 71 P.S. SECTION 513(e) AND SECTION 302(b)(3) OF THE EMINENT DOMAIN CODE, 26 Pa.C.S. SECTION 302(b)(3).

Additionally, when a right-of-way plan was authorized under the previous eminent domain code and a revision and/or reauthorization is made after September 1, 2006 under the new law the following note must be added to the plan:

- ALL REVISIONS TO THIS PLAN AFTER SEPTEMBER 1, 2006, ARE FUTURE AUTHORIZED BY SECTION 302(b)(3) OF THE EMINENT DOMAIN CODE, 26 Pa.C.S. SECTION 302(b)(3).

The above notes will be incorporated in the revised Design Manual 3, Pub. 14M which is scheduled for December 2006. If you have any questions please contact Gary C. Fawver, P.E. at (717) 787-8298 or via e-mail at gfawver@state.pa.us, or Mark R. Burkhead, P.E. at (717) 783-5110 or via e-mail at mburkhead@state.pa.us.

4350/GCF/rwp

cc: Richard H. Hogg, P.E., 8th Floor – CKB
M. G. Patel, P.E., 8th Floor – CKB
Eric Madden, 8th Floor - CKB
R. Scott Christie, P.E., 7th Floor – CKB
R. L. Apple, P.E., 7th Floor – CKB
T. Ferguson, P.E., 6th Floor – CKB
R. C. Reed, P.E., 6th Floor – CKB
Bureau of Design Division/Section Chiefs
All Assistant District Executives - Design
W. J. Cressler, Legal, 9th Floor – CKB
All District R/W Administrators
Right-of-Way Section Chiefs
HQAD Field Liaison Engineers
Steve Heil, Bureau of Office Services, 5th Floor – CKB
K. Linville, 7th Floor - CKB