

Bond Case Briefs

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EMINENT DOMAIN - CONNECTICUT

Dattco, Inc. v. Commissioner of Transportation

Supreme Court of Connecticut - December 27, 2016 - A.3d - 324 Conn. 39 - 2016 WL 7375330

Bus companies brought separate actions against Commissioner of Transportation for injunctive relief to prevent Commissioner from condemning their certificates of public convenience and necessity.

After the actions were consolidated, the Superior Court granted summary judgment to Commissioner. Companies appealed.

The Supreme Court of Connecticut held that statute delegating eminent domain power did not permit Commissioner to take intangible operating rights.

Statute delegating to Commissioner of Transportation power to condemn “facilities,” as well as land, buildings, and equipment, did not permit Commissioner to take intangible operating rights like those reflected in bus companies’ certificates of public convenience and necessity, which granted them authority to operate bus services, despite contentions that “facilities” included something that promoted ease of any action and that condemnation power was implicit. Certificates provided fundamental authority to conduct service, but were not something that promoted ease of action, and “facilities” referred to tangible objects other than land, buildings, and equipment.