

Bond Case Briefs

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EMINET DOMAIN. - PENNSYLVANIA

Borough of Pleasant Hills v. Commonwealth Department of Transportation

Commonwealth Court of Pennsylvania - March 6, 2024 - A.3d - 2024 WL 948162

Borough filed complaint against Department of Transportation, stating claims for negligence, eminent domain or de facto taking, alteration of lateral support, negligent alteration of lateral support, and trespass, and requesting declaratory judgment related to maintenance and repair of slope located at intersection and sight distance for vehicles traveling in the area, which was allegedly altered when Department widened highway at intersection as a result of condemnation of the area at issue.

Following bench trial, the Court of Common Pleas entered modified verdict granting borough's motion for declaratory judgment, finding that Department was responsible both for the condition of the area and maintenance and repair of slope and to restore sight distance, granting request for damages on claim for eminent domain or de facto taking, and referring matter to board of viewers for award of damages. Department appealed.

The Commonwealth Court held that:

- Core of complaint was a tort and eminent domain action seeking monetary damages, and thus Commonwealth Court lacked original jurisdiction over action;
- Assigning Department maintenance duties was not contrary to statute requiring Department to improve and maintain state highways as determined by Secretary of Transportation;
- Ruling requiring Department to restore safe sight distances at intersection was not contrary to State Highway Law provision addressing issuance of permits;
- Borough was not required to bring de facto taking claim in separate action; and
- Department was liable for de facto taking regarding slope.