

**YOUR LEGISLATOR
AT WORK!**



By VINCENT THOMAS
68th Assembly District

The problem of getting more miles of freeways fast enough to keep up with the number of automotive juggernauts is not only knotty from the engineering standpoint, but can also give our citizens, courts, and state officials some outsize headaches when it comes to legal complications. One area in which this is particularly true is involved whenever the state must buy the real estate on which to build its freeways. Our state constitution, in common with all other such American documents, provides that the state, or any of its subdivisions, may acquire any property needed for public use, by paying to its owner "just compensation therefore." This power of government to thus acquire property is ordinarily called the "right of eminent domain," and has a long and stormy history.

Ever since private persons first were given the right to own property, and government assumed power to take it for public purposes, arguments have been flying thick and fast between owners, who complain they are being robbed when the state takes their land under eminent domain, and the officials, who must be cautious lest the public is high-jacked into paying gyp prices by greedy owners. This debate has grown even hotter during the recent inflationary spiral. Many cases of eminent domain cannot be settled by direct bargaining, and therefore hit the courts to have the prices determined. A great proportion of these disputed cases involve freeways, which eat up to six to eight times the land required by their narrow predecessors of 20 years ago, and in which sky-rocketing land prices can sometimes even block a particular route.

Within the past several days, two of our interim legislative committees have turned their attention to two completely different facets of this age-old problem, and the results of their work may be interesting indeed.

A subcommittee of the Senate judiciary group held a meeting in Sacramento last week. The question before it was—is it time to overhaul our California eminent domain laws to give the private property owner a fairer shake? Several subsidiary items were discussed. For instance, should a tenant dispossessed in an eminent domain case be reimbursed for his cost of moving? Should an owner be reimbursed for lost business profits? Should his attorney fees, or moving expenses be paid?

A series of bills relating to the questions was introduced at the 1957 session, but none was passed. Their supporters argue that eminent domain laws were last revised in favor of the state highway division in 1937, so it is now time to give the property owner a break.

Spokesmen for the division maintained that some of the proposals would cost California highway users many thousands of dollars additionally for new freeway land, and others would create costly delays in buying the needed land. The division spends \$140 million a year for highway sites, it was said. It buys about 8000 parcels of real estate per year, and at any one time, has more than 1800 under condemnation.

At the other end of the problem, interestingly enough, the Los Angeles Dodgers baseball team is involved. The Assembly committee on governmental efficiency and economy has been requested by the Los Angeles city council to investigate the Chavez Ravine ball park land deal. One important factor in it is that the state bought 25 acres of the proposed 315-acre site for a possible freeway. If the city bought it, then decided it to the Dodgers, the state might later be forced to buy it back by condemnation at a much higher price than it originally paid.

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