

## Problem:

- Eminent Domain is complicated and controversial, and many states have unique approaches.
- The information asymmetry between landowners and developers leads to higher project costs and greater tension, slowing needed infrastructure build outs.
- There is a lack of data transparency and analysis on how the process works and its impact on infrastructure.
  - Current analysis is mostly episodic (a professor writing a single article) or scattershot in coverage (practitioner writes law review analyzing particular state).
  - What's missing is the big picture that also informs local interests about how others do it.
- There is no neutral clearinghouse resource for all eminent domain law and policy nationwide.
- No one is facilitating objective data sharing and comparison of approaches.
- There is growing relevance for eminent domain in future infrastructure projects, which includes a doubling of grid capacity through wind and solar projects, high-voltage transmission lines, and more, as well as new hydrogen and carbon dioxide pipelines in addition to traditional infrastructure.

## Solution:

- More complete data and a fuller analysis of all costs will point to better policy solutions to serve all stakeholders.
- Aii will provide a neutral platform laying out information, not characterizing it or taking a position.
- Aii hosts a platform intended for problem solvers to come together.
  - State legislators, judges, landowners, developers, etc.
- The resource will include a survey of state laws and analysis of each states' approaches to facilitate comparison between states and better understanding of the process in any individual state.
- The platform is constantly updated. This is not a snapshot in time or survey of current law, but an up-to-date database going forward.
- Includes a background page for individual state analysis articles, so people can access more particular analyses from the main big-picture database.

## Product:

- Dedicated "Issues" page on the site with background information ([Aii.org/Eminent-Domain](https://Aii.org/Eminent-Domain)).
- Interactive and robust **Eminent Domain Solutions Center** platform that includes:
  - Interactive map of U.S. to see summary of individual state law, regulation, practice
  - Overview and analysis of elements/approaches broken down.
  - Latest version of state eminent domain laws
  - Historical and insightful analysis of trends, uses, and development in eminent domain
- The resource will be neutral, pro-innovation, pro-collaboration, and pro-problem-solving.
- As an independent, nonpartisan pro-innovation, pro-infrastructure think tank, Aii is well positioned to host a resource where policy, infrastructure, and problem-solving intersect.
- Comprehensive, up-to-date resource for policymakers, legislators, academics, the media, and interested public to access in real-time for any and all legal or policy developments in eminent domain as well as insightful background information and educational resources

## Use Cases and Value Proposition

Our comprehensive and continually updated resource on eminent domain law and policy is designed to serve as an invaluable tool for a diverse set of industry professionals, government officials, and public stakeholders. This resource bridges knowledge gaps, supports informed decision-making, and fosters transparency and fairness in eminent domain practices.

### For Infrastructure Builders and Developers:

**Planning and Development:** Utilize informational and comparative maps and easement examples to inform infrastructure project planning and execution.

**Legal Background:** Access up-to-date state-specific eminent domain laws to review legal requirements.

**Resource Allocation:** Rely on this resource to prevent duplication of effort and point stakeholders to an independent, credible organization summarizing both the importance of infrastructure and a clear unbiased explanation of the background and process of eminent domain.

**Objective Analysis:** Cite and use the information in legal filings, regulatory comments, and other work. Reference or invite Aii scholars to testify or speak to stakeholders.

### For Policymakers and State Legislatures:

**Policy Making:** Leverage comparative analysis of state laws and element breakdowns to draft, revise, and implement effective eminent domain policies and reforms.

**Public Education:** Utilize wealth of resources to educate communities about their rights and the eminent domain process.

**Objective Analysis:** Cite and use the information in legal filings, regulatory comments, and other work. Reference or invite Aii scholars to testify or advise on law or policy reform efforts, public hearings, or stakeholder engagement.

### For the Landowners and the Public:

**Understanding Rights:** Gain clear insights into private property rights and the implications of eminent domain through accessible information and examples.

**Education and Advocacy:** Use comparative state law information to advocate for fair practices and policies. Journalists and media can use this resource to report accurately on eminent domain issues.

## Project Phases

Our comprehensive and continually updated resource on eminent domain law and policy is designed to serve as an invaluable tool for a diverse set of industry professionals, government officials, and public stakeholders. This resource bridges knowledge gaps, supports informed decision-making, and fosters transparency and fairness in eminent domain practices.

### Phase I: Research, Concept, Platform Development

*Estimated Budget: \$50,000*

**Research:** Conduct initial research by compiling the current state statutes and regulatory code from every state. Summarize each state's law and identify seven common elements to form comparative tool between state laws.

**Concept:** Develop an up-to-date state-specific eminent domain law and policy platform for nationwide use by all stakeholders.

**Platform Development:** Create webpage for the *Eminent Domain Solutions Center* at Aii.org. This beta version webpage will begin with interactive maps allowing users to visualize state differences in approach to eminent domain. It will host multimedia resources and research as it is compiled.

### Phase II: Research, Comprehensive Data Analysis

*Estimated Budget: \$250,000*

**Research:** Compile all relevant laws, regulations, and caselaw at the federal and state levels along with certain localities and special districts. This research will focus on providing value to all stakeholders by providing easy access to all relevant legal information on eminent domain, objective element breakdown and analysis, and will be up-to-date with historic data through the latest developments.

**Comprehensive Data Analysis:** Integrate research findings and comprehensive data collected into user-friendly and readable formats, provide original insight, and present tools for users to derive their own insights (such as using a comparative tool) or serve their own future research efforts.

### Phase III: Refining Research, Maintenance and Update, Share Expert Analysis

*Estimated Budget: \$150,000, annually*

**Refining Research:** Improve the research with in the platform by reviewing and tightening as needed and in response to stakeholder feedback.

**Maintenance and Update:** Ensure web development provides a seamless user experience. Add new information immediately when available. Keep the platform dynamic and responsive to evolving public policy and infrastructure developments.

**Share Expert Insight:** Make experts available for public testimony, expert witness requests, hearings, conferences, and panels. Draw on expansive network of judges, lawyers, advocates, academics, and more to improve our research and platform.