

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Part 24**

[FHWA Docket No. FHWA–2003–14747]

RIN 2125–AE97

Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs**AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM), request for comments, and notice of public meetings.

SUMMARY: The FHWA is proposing to amend several sections of the regulations that set forth governmentwide requirements for implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act.) These proposed changes would clarify present requirements, meet modern needs and improve the service to individuals and businesses affected by Federal or federally-assisted projects while at the same time reducing the burdens of government regulations. The regulation has not been fully reviewed or updated since it was issued in 1989. The proposed amendments to the Uniform Act regulation would affect the land acquisition and displacement activities of 18 Federal Agencies including the new Department of Homeland Security. This document also provides notice of public meetings on the proposed changes to the regulation.

DATES: The public meetings will be held on January 15, 2004, from 10 a.m. to 2 p.m., Washington, DC; January 22, 2004, from 10 a.m. to 2 p.m., Lakewood, CO; and January 28, 2004, from 10 a.m. to 2 p.m., Atlanta, GA.

Comments in response to this NPRM must be received on or before February 17, 2004.

ADDRESSES: The January 15, 2004 meeting will be held in Washington, DC, United States Department of Transportation, 400 7th Street, SW., Room 8236. The January 22, 2004 meeting will be held in Lakewood, CO, Zang Building, Conference Room 360, 555 Zang Street. The January 28, 2004 meeting will be held in Atlanta, GA, Atlanta Federal Center, Conference Room B, 61 Forsyth Street, SW., Atlanta, Georgia. Each meeting will be scheduled from 10 a.m. to 2 p.m.

Mail or hand deliver comments to the docket number that appears in the heading of this document to the U.S. Department of Transportation, Dockets

Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at <http://dmses.dot.gov/submit>. All comments received will be available for examination and copying at the above address 9 a.m. to 5 p.m., e.s.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a pre-addressed, stamped envelope or post card or you may print the acknowledgement page that appears after submitting comments electronically.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2002 (Volume 65, Number 70, Page 19477–78) or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Ronald E. Fannin, Office of Real Estate Services, HEPR, (202) 366–2042; Reginald K. Bessmer, Office of Real Estate Services, HEPR, (202) 366–2037 or Reid Alsop, Office of the Chief Counsel, HCC–30, (202) 366–1371, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.s.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:**Electronic Access and Filing**

You may submit or retrieve comments online through the Document Management System (DMS) at: <http://dmses.dot.gov/submit>. Acceptable formats include: MS Word (versions 95 to 97), MS Word for Mac (versions 6 to 8), Rich Text File (RTF), American Standard Code Information Interchange (ASCII)(TXT), Portable Document Format (PDF), and WordPerfect (versions 7 to 8.) The DMS is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the web site.

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Background*Reasons for This Proposal*

Title 49 CFR part 24 has not been comprehensively revised or updated since its initial publication in 1989. We believe there is some confusion regarding a number of existing requirements. There could be improvement in achieving the goal of national program uniformity; and there are inadequacies in meeting contemporary needs. We also believe we could improve the service to individuals and businesses affected by Federal and federally-assisted projects while reducing administrative burdens.

History*Relevant Legislation*

Title 49 CFR part 24 implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601 *et seq.*, (“the Uniform Act”).

Current Regulations

As originally enacted, the Uniform Act authorized “the head of each Federal Agency” to establish regulations and procedures for implementing the Uniform Act. Inevitably, this led to significant differences in Agencies implementing regulations. In a March 8, 1978, Report to Congress (GAO Report No. GGD–78–6, “Changes Needed in the Relocation Act to Achieve More Uniform Treatment of Persons Displaced by Federal Programs, B–148044 (1978)),”¹ the Comptroller General found that as a result of these differences the Federal government was not providing uniform treatment to people displaced from their homes and businesses by Federal or federally-assisted programs. Those differences among Federal implementing regulations also imposed significant administrative burdens on State and local governments. In 1981, for the Vice President's Presidential Task Force on Regulatory Relief, State and local governments identified the Uniform Act as a good candidate for State and local regulatory relief.

Therefore, in May 1982, the Office of Management and Budget (OMB) formed a Uniform Act Interagency Regulatory Review Working Group to develop uniform regulations to be implemented by each Agency covered by the Uniform Act. A Presidential Memorandum, dated February 27, 1985, was published in the **Federal Register** on March 5, 1985 (50

¹ A copy of this report, Changes Needed in the Relocation Act to Achieve More Uniform Treatment of Persons Displaced by Federal Programs, is available in the docket.