

FR 8953), naming the U.S. Department of Transportation (USDOT) as the Agency with lead responsibility for the Uniform Act. The Secretary of Transportation (hereafter Secretary) delegated this responsibility to the Federal Highway Administrator.

On March 5, 1985 (50 FR 8955), the USDOT published a model Uniform Act regulation, which, in accordance with the President's Memorandum of February 27, 1985, served as the basis for a proposed Uniform Act "common rule" to be issued by the 16 other affected Agencies. The proposed common rule was issued for comment by those 16 Agencies on May 28, 1985 (50 FR 21712.) After consideration of comments, on February 27, 1986, the common rule was adopted by each of the affected Federal Agencies and the former disparate relocation regulations of those Agencies were removed. This common rulemaking effort by the Federal Agencies that administered both direct Federal programs and projects, and federally-assisted programs and projects undertaken by State or local Agencies, achieved regulatory consistency among the separate Federal Agencies subject to the Uniform Act.

This common rulemaking effort presaged several of the statutory changes to the Uniform Act that were made by the Uniform Relocation Act Amendments of 1987 (Title IV, Pub. L. 100-17, 101 Stat. 246) ("1987 Amendments"). In the administrative area, for example, to further ensure uniformity, the amendments specifically designated the USDOT as Lead Agency and required it, in coordination with other Federal Agencies, to issue a governmentwide rule, establish procedures and make interpretations to implement provisions of the Uniform Act. In the substantive area, the common rulemaking effort granted greater flexibility and discretion to State and local Agencies, a theme reiterated in the 1987 Amendments.

#### *Implementation of the 1987 Amendments to the Uniform Act*

On May 19, 1987 (52 FR 18768), the FHWA issued a notice proposing significant changes to the common rule as a result of the 1987 amendments to the Uniform Act. On December 1, 1987 (52 FR 45667), the FHWA issued a Notice of Regulatory Intent giving further notice of the specific regulatory actions that it and the other affected Federal Agencies would take to implement the 1987 Amendments.

On December 17, 1987 (52 FR 47994), the FHWA issued an interim final rule, as 49 CFR part 24, that revised the provisions of the common rule to

include those provisions of the 1987 amendments to the Uniform Act (primarily increases in the dollar amounts of specific relocation assistance) that did not allow for administrative discretion or interpretation, and for which a period of public notices and comment would have been impractical. This interim final rule was promulgated in order to allow those Federal, State and local Agencies that were willing and able to provide the increased dollar amounts for specific relocation assistance, provided by the 1987 amendments, to do so expeditiously. On the same day at 52 FR 48015, 17 Federal Departments and Agencies that administer the Uniform Act published interim final rules rescinding the common rule from each of their regulations and adopting in its place a cross-reference to the single interim final rule published by the FHWA as 49 CFR part 24. The effective date for these Agency rescissions and cross-references varied. However, all such actions took effect on or before April 2, 1989, the date the 1987 Amendments became mandatory. The Department of Housing and Urban Development (HUD), was unable to join the other Federal Agencies in publishing an interim final rescission and cross referencing action on December 17, 1987, because of its need to first satisfy certain Congressional review obligations. HUD subsequently published such an interim rule on February 19, 1988 (53 FR 4964).

The FHWA issued an NPRM on July 21, 1988, at 53 FR 27598, proposing to fully implement the statutory amendments to the Uniform Act and to replace the interim final rule. On March 2, 1989 (54 FR 8928), the FHWA issued the final rule, which implemented all of the provisions of the 1987 Amendments to the Uniform Act, and replaced the interim final rule. This was the final step in the development of a single common rule for implementing the Uniform Act.

The Uniform Act and the common rule govern the relocation and land acquisition programs of all Federal departments and Agencies. Those departments and Agencies that, for convenience, provide a cross reference to this part, and the location of those cross-references, are listed below:

Department of Agriculture  
7 CFR Part 21  
Department of Commerce  
15 CFR Part 11  
Department of Defense  
32 CFR Part 259  
Department of Education  
34 CFR Part 15

Department of Energy  
10 CFR Part 1039  
Environmental Protection Agency  
40 CFR Part 4  
Federal Emergency Management Agency  
44 CFR Part 25  
General Services Administration  
41 CFR Part 105-51  
Department of Health and Human Services  
45 CFR Part 15  
Department of Housing and Urban Development  
24 CFR Part 42  
Department of Justice  
41 CFR Part 128-18  
Department of Labor  
29 CFR Part 12  
National Aeronautics and Space Administration  
14 CFR Part 1208  
Tennessee Valley Authority  
18 CFR Part 1306  
Veterans Administration  
38 CFR Part 25

The United States Postal Service has indicated that it will comply voluntarily with the Uniform Act, although its current regulations (39 CFR part 777) differ slightly from these proposed regulations.

However, because the Uniform Act applies to all acquisitions of real property or displacements of persons resulting from Federal or federally-assisted programs or projects, the Act's application is not affected by the absence of a cross reference to 49 CFR part 24 in a department's or Agency's regulations. Further, Federal or federally-assisted activities involving land acquisition or displacement, undertaken by a newly constituted Federal department or Agency, such as, for example, the new Department of Homeland Security, would be covered by the Act.

#### *1993 Amendments to the Governmentwide Regulations*

On January 28, 1992, the President issued a Memorandum for Certain Department and Agency Heads entitled "Reducing the Burden of Government Regulation" which called upon Departments and Agencies to review their existing regulations in order to determine whether changes should be made to promote economic growth, create jobs, or eliminate unnecessary costs or other burdens on the economy.

The FHWA, as a result of its review of the Uniform Act common rule, identified several amendments that it believed would enhance the relocation assistance provided to displaced businesses, thus increasing their chances of a successful relocation. Additionally, we identified changes that