

existing regulation. All information the FHWA proposes to collect for reporting purposes is statistical data from the 18 Federal Agencies engaged in land acquisition and displacement activities. The PRA was enacted to minimize paperwork burdens and recordkeeping requirements that the Federal government imposes on non-Federal entities. All the information this proposed rule proposes to collect comes from the 18 Federal Agencies that acquire real property for Federal and federally-assisted projects, and the information is generally already collected by those Agencies for their own internal purposes. Therefore, the FHWA has determined that this proposal does not contain collection of information requirements for the purposes of the PRA.

#### *National Environmental Policy Act*

The FHWA has analyzed this proposed action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and has determined that this proposed action would not have any effect on the quality of the environment.

#### *Executive Order 12630 (Taking of Private Property)*

This proposed action would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Government Actions and Interface with Constitutionally Protected Property Rights.

#### *Executive Order 12988 (Civil Justice Reform)*

This proposed action meets applicable standards in §§ 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### *Executive Order 13045 (Protection of Children)*

We have analyzed this proposed action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed action does not involve an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

#### *Executive Order 13175 (Tribal Consultation)*

The FHWA has analyzed this proposal under Executive Order 13175, dated November 6, 2000, and believes that the proposed action will not have substantial direct effects on one or more

Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal law. Therefore, a tribal summary impact statement is not required.

#### *Executive Order 13211 (Energy Effects)*

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a significant energy action under that order because it is not a significant regulatory action under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects under Executive Order 13211 is not required.

#### *Regulation Identification Number*

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

#### **List of Subjects in 49 CFR Part 24**

Real property acquisition, Relocation assistance, Reporting and recordkeeping requirements and Transportation.

Issued on: December 5, 2003.

**Mary E. Peters,**

*Federal Highway Administrator.*

In consideration of the foregoing, the FHWA proposes to revise title 49 Code of Federal Regulations part 24, as set forth below:

### **PART 24—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS**

#### **Subpart A—General**

Sec.

- 24.1 Purpose.
- 24.2 Definitions and acronyms.
- 24.3 No duplication of payments.
- 24.4 Assurances, monitoring and corrective action.
- 24.5 Manner of notices.
- 24.6 Administration of jointly-funded projects.
- 24.7 Federal Agency waiver of regulations.
- 24.8 Compliance with other laws and regulations.
- 24.9 Recordkeeping and reports.
- 24.10 Appeals.

#### **Subpart B—Real Property Acquisition**

- 24.101 Applicability of acquisition requirements.

- 24.102 Basic acquisition policies.
- 24.103 Criteria for appraisals.
- 24.104 Review of appraisals.
- 24.105 Acquisition of tenant-owned improvements.
- 24.106 Expenses incidental to transfer of title to the Agency.
- 24.107 Certain litigation expenses.
- 24.108 Donations.

#### **Subpart C—General Relocation Requirements**

- 24.201 Purpose.
- 24.202 Applicability.
- 24.203 Relocation notices.
- 24.204 Availability of comparable replacement dwelling before displacement.
- 24.205 Relocation planning, advisory services, and coordination.
- 24.206 Eviction for cause.
- 24.207 General requirements—claims for relocation payments.
- 24.208 Aliens not lawfully present in the United States.
- 24.209 Relocation payments not considered as income.

#### **Subpart D—Payments for Moving and Related Expenses**

- 24.301 Payment for actual reasonable moving and related expenses.
- 24.302 Fixed payment for moving expenses—residential moves.
- 24.303 Related non-residential eligible expenses.
- 24.304 Reestablishment expenses—non-residential moves.
- 24.305 Fixed payment for moving expenses—non-residential moves.
- 24.306 Discretionary utility relocation payments.

#### **Subpart E—Replacement Housing Payments**

- 24.401 Replacement housing payment for 180-day homeowner-occupants.
- 24.402 Replacement housing payment for 90-day occupants.
- 24.403 Additional rules governing replacement housing payments.
- 24.404 Replacement housing of last resort.

#### **Subpart F—Mobile Homes**

- 24.501 Applicability.
- 24.502 Replacement housing payment for 180-day mobile homeowner displaced from a mobile home, and/or from the acquired mobile home site.
- 24.503 Replacement housing payment for 90-day mobile home occupants.

#### **Subpart G—Certification**

- 24.601 Purpose.
- 24.602 Certification application.
- 24.603 Monitoring and corrective action.
- Appendix A to Part 24—Additional Information
- Appendix B to Part 24—Statistical Report Form

**Authority:** 42 U.S.C. 4601 *et seq.*; 49 CFR 1.48(cc).