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Regulatory  
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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Transportation (Commonwealth Transportation Board)
<b>Virginia Administrative Code (VAC) citation</b>	24 VAC 30-41
<b>Regulation title</b>	Rules and Regulations Governing Relocation Assistance
<b>Action title</b>	Revisions due to Change in State Law
<b>Final agency action date</b>	June 6, 2006
<b>Document preparation date</b>	May 18, 2006

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This regulation sets forth the rules and procedures VDOT will follow in providing relocation services and payment to property owners displaced by highway improvement projects in accordance with state laws and federal regulations. It was promulgated by the Commonwealth Transportation Board (CTB) under authority granted by §§ 33.1-12 (5) and 25.1-402 of the *Code of Virginia*. The former statute allows the CTB to do all things necessary to carry out the cooperation contemplated and provided for by current and future acts of Congress regarding transportation, and the latter statute allows state agencies to promulgate rules and regulations necessary to carry out the provisions of Chapter 4 of Title 25.1, which deals with Eminent Domain.

The General Assembly passed Chapter 452 of the 2006 Acts of Assembly, which amended § 25.1-408. This statute deals with optional payments for those displaced from a place of business or farm operation under eminent domain, and provides that a displacee may choose to accept a payment authorized by the statute instead of the payment allowed by § 25.1-406. The amendment increased the upper limit of this optional payment from \$50,000 to \$75,000.

VDOT has made the following changes to the regulation to comply with the statutory amendment:

- Page 39 - 24 VAC 30-41-220 D: Added revision date of “July 1, 2006” for Guidance Document
- Page 40 - 24 VAC 30-41-230: Changed “\$50,000” to “\$75,000”
- Page 47 - 24 VAC 30-41-290 C2: Added revision date of “July 1, 2006” for Guidance Document
- Page 49 - 24 VAC 30-41-300 B: Added revision date of “July 1, 2006” for Guidance Document
- Page 50 - 24 VAC 30-41-310 B: Added revision date of “July 1, 2006” for Guidance Document
- Page 51 - 24 VAC 30-41-320 A: Changed “\$50,000” to “\$75,000”
- Page 53 - 24 VAC 30-41-320 D: Changed “\$50,000” to “\$75,000”
- Page 55 - 24 VAC 30-41-320 F: Added revision date of “July 1, 2006” for Guidance Document
- Page 65 - 24 VAC 30-41-430 A 1: Added revision date of “July 1, 2006” for Guidance Document
- Page 80 - 24 VAC 30-41-520 C: Added revision date of “July 1, 2006” for Guidance Document
- Page 99 - 24 VAC 30-41-650 B: Added revision date of “July 1, 2006” for Guidance Document
- Page 109 - FORMS - Revised RW59-(3)’s effective date to 7/06
- Page 110 - FORMS – Revised RW-60B’s effective date to 7/06

VDOT has made the following changes to the Guidance Document to comply with the statutory amendment:

- Cover Page – Added “Rev. July 1, 2006”
- Page 10 – Changed “\$50,000” to “\$75,000”

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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By signature of the Commonwealth Transportation Commissioner on the Transmittal Form RR04 dated June 6, 2006, the Virginia Department of Transportation revised the *Rules and Regulations Governing Relocation Assistance (24 VAC 30-41-10 et seq.)*. Formal notice of the revisions should appear in the June 26, 2006 edition of *The Virginia Register*.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This regulatory action is intended to bring VDOT's regulation into line with amendments made by the 2006 General Assembly addressing allowable payment limits made under the regulation. To the extent that families dependent on business or farm operations receive these services, this action will have a positive impact on families by ensuring that each member has access to decent, safe, and sanitary housing, and is able to obtain satisfactory replacements for homes and businesses.