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## Periodic Review Report of Findings

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| <b>Agency name</b>                                 | Commonwealth Transportation Board (CTB)               |
| <b>Virginia Administrative Code (VAC) citation</b> | 24 VAC 30-41  |
| <b>Regulation title</b>                            | Rules and Regulations Governing Relocation Assistance |
| <b>Date this document prepared</b>                 | 08/16/2019  |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

## Acronyms and Definitions

*Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

CFR – Code of Federal Regulations  
U.S.C. – United States Code  
VAC – Virginia Administrative Code

## Legal Basis

*Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.*

This regulation was promulgated by the Commonwealth Transportation Board as authorized by § 25.1-402 of the *Code of Virginia*, which provides assurances to the Federal Highway Administration that the Virginia Department of Transportation will comply with the Uniform Relocation and Assistance and Real

Property Acquisition Policies Act of 1970 (42 U.S.C. §4601 *et seq*), as amended, and as required in 49 CFR §24.4 in order to receive federal financial assistance.

### Alternatives

*Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

There are no viable alternatives to this regulation.

### Public Comment

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

No public comments were received during the public comment period.

| Commenter | Comment | Agency response |
|-----------|---------|-----------------|
|           |         |                 |

### Effectiveness

*Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

This regulation is necessary for the protection of public health, safety and welfare by providing relocation benefits and advisory assistance to persons displaced by a highway construction project and to ensure that they are treated fairly and equitably. The regulation provides for timely relocation of displaced persons and personal property to meet project schedules. The regulation is clearly written and easily understandable.

### Decision

*Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

The Commonwealth Transportation Board is proposing to retain this regulation without making any changes.

### Small Business Impact

*As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.*

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There is a continued need for this regulation because it is required to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. §4601 *et seq.*) in order for the Virginia Department of Transportation to receive federal financial assistance and it provides a system of benefits with the following objectives: “To ensure that person displaced as a direct result of Federal or federally-assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole; and to ensure that Agencies implement these regulations in a manner that is efficient and cost effective.” (49 CFR §24.1(b&c))

This regulation is not overly complex and is consistent with the federal law codified at 42 U.S.C. §4601 *et seq.* and the related federal regulations in 49 CFR, part 24. The regulation does not impact small businesses but does provide eligible relocation benefits and advisory assistance when affected by a state project.