



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	30 (Commonwealth Transportation Board - Virginia Department of Transportation)
VAC Chapter Number:	24 VAC 30-40-10 et seq.
Regulation Title:	Rules and Regulations Governing Relocation Assistance
Action Title:	Article 2-Exempt Amendments to an Existing Regulation
Date:	May 16, 2000

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

In acquiring the rights of way necessary for the construction, reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth, VDOT must often displace individuals, families, businesses, farms, and non-profit organizations. The purpose of

the Rules and Regulations Governing Relocation Assistance is to ensure to the maximum extent possible the prompt and equitable relocation and reestablishment of these displacees. To accomplish this purpose, VDOT believes that a uniform policy is necessary.

The Rules and Regulations Governing Relocation Assistance were last amended in 1990. VDOT has drafted a completely rewritten regulation to replace the existing regulation, and is preparing it for submittal to the Department of Planning & Budget for an economic impact statement. Until the replacement regulation is finalized, however, the existing regulation must be amended due to actions taken by the General Assembly during the 2000 legislative session, as well as changes in applicable regulations at the federal level.

The amendments are to Part I, (General Provisions - Definitions), Part IV, Article 3 (Moving Payments to Businesses), Article 4 (Moving Payments to Farm Operators), Article 5 (Moving Payments to Non-Profit Organizations) and Article 6 (Reestablishment Expenses to Small Businesses, Farms or Non-Profit Organizations). Part I's amendments revise definitions of "small business" and "state agency" as provided for by federal regulation and state law, respectively. Part IV's amendments address payments made for reestablishment and moving expenses to displacees eligible for these services. The maximum allowable amounts for eligible reestablishment expenses to small businesses, non-profit organizations, or farms given in Article 6 pursuant to CFR Part 24 are eliminated. Furthermore, the list of reasonable and necessary expenses in this article ineligible for reimbursement under federal regulations has been reduced to make them less restrictive. Chapter 851 of the 2000 Acts of Assembly increased the maximum allowable fixed payments in lieu of moving expenses for displaced businesses in Part IV, Article 3 (Moving Payments to Businesses), for displaced farms in Part IV, Article 4 (Moving Payments to Farm Operators), and for non-profit organizations in Part IV, Article 5 (Moving Payments to Non-Profit Organizations).

VDOT has secured written confirmation dated April 14, 2000, from the Office of the Attorney General (paper copies of documentation provided to Registrar of Regulations and DPB) that the amendments proposed to the existing regulation are due to changes in federal or state law where no agency discretion is involved. As such, these amendments are exempt from Article 2 of the Administrative Process Act under the exemption granted by Section 9-6.14:4.1 C 4 of the Code of Virginia, subject to written confirmation from the Registrar that the federal and state requirements do not differ materially. Therefore, these amendments may become effective 30 days after publication in The Virginia Register, or at a later date if specified by the agency.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Commonwealth Transportation Board did not approve these amendments, since they were due to actions at the federal regulatory and state legislative levels. VDOT's Right of Way Division has revised the regulation, updated forms to be completed by regulated parties, and will

implement the changes to the Rules and Regulations Governing Relocation Assistance on July 1, 2000.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation is not anticipated to affect the authority or rights of parents with respect to their children, nor is it anticipated to have any effects on the marital commitment or family income. However the regulation may have a positive effect on self-pride and the assumption of responsibility for oneself by ensuring that certain housing standards are maintained with respect to safety and decent, safe, and sanitary requirements. In fact, depending on the economic circumstances of specific affected families, this regulation could improve the living standards of a family.