

L. Thomas Block, Senior Vice President, Chemical Bank.

Followed by questions and comment from the members.

—12:30 Discussion of topics for consideration at future meetings.

Marilyn Meyers.

—1:00 Meeting closes.

Access to the Department of State is controlled. Therefore, members of the public wishing to attend the meeting must contact the Office of Investment Affairs (202) 647-2585 in order to arrange admittance. Please use the "C" Street entrance.

December 9, 1987.

Robert C. Reis, Jr.,

Executive Secretary.

[FR Doc. 87-28938 Filed 12-16-87; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/1145]

Legal Panel on International Telecommunications Law of the U.S. Organization for the International Telegraph and Telephone Consultative Committee and International Radio Consultative Committee; Meeting

The Department of State announces the fourth meeting of the Panel on International Telecommunications Law, which is under the auspices and authority of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) and International Radio Consultative Committee (CCIR). The Panel's meeting will convene on Thursday, January 14, 1988 in Room 1107, Department of State, 2201 C Street, NW., Washington, DC.

The meeting will begin at 3:00 p.m.

Items to be discussed will include:

1. ITU Draft Constitution
2. Briefings on major upcoming ITU conferences
3. Announcement of new agenda items
4. Future work of the Panel

Members of the general public may attend the meeting and join in the discussion. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of the Deputy U.S. Coordinator for International Communications and Information Policy, Mr. Thomas J. Ramsey, State Department, Washington, DC.; telephone (202) 647-5832. All attendees

must use the C Street entrance to the building.

Date: December 10, 1987.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 87-28934 Filed 12-16-87; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-81/1143]

Overseas Schools Advisory Council; Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Executive Committee meeting on Tuesday, January 19, 1988, at 9:30 a.m. in Conference Room 1205, Department of State Building, 2201 C Street, NW., Washington, DC. The meeting is open to the public.

Agenda items scheduled for discussion are as follows:

- I. Council programs of education assistance
 - (a) Final report of 1986 program and initial program report on 1987 program
 - (b) Council's efforts in securing contributions for 1987 program
 - (c) Recommendations of council's evaluation committee regarding projects submitted by regional overseas schools associations for 1988 program
 - (d) Report of the subcommittee to increase the participation of U.S. corporations and foundations in council program
- II. Highlights of forthcoming Carnegie report on urban education
- III. Initial results of surveys regarding schools fund raising drives and activities of overseas schools regional associations
- IV. Council communication with U.S. corporations and foundations
- V. Selection of date of council's annual meeting

Access to the State Department is controlled. Members of the public desiring to attend the meeting may write to the Overseas Schools Advisory Council, Department of State, Room 234, SA-6, Washington, DC 20520 or telephone Ms. Joyce Bruce on area code 703-875-6220, prior to January 19. The public may participate in discussions at the Chairman's instructions.

Date: December 8, 1987.

Ernest N. Mannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 87-28926 Filed 12-16-87; 8:45 am]

BILLING CODE 4710-24-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980, as Amended by Pub. L. 99-591; Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), as amended by Pub. L. 99-591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395-3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2523.

Type of Request: Regular submission.
Title of Information Collection: 1988 Interim Residential Survey: Customers of Municipal and Cooperative Distributors of TVA Power.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 5,820.

Estimated Total Annual Burden Hours: 1,928.

Need For and Use of Information: The 1988 Interim Residential survey will provide information about how the residential customers served by the municipal and cooperative distributors of TVA power use electricity. This information is required for load forecasting and program planning by

several different organizations within TVA.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 87-28935 Filed 12-16-87; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD1-87-099]

New York Harbor Traffic Management Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the New York Harbor Traffic Management Advisory Committee to be held on January 7, 1988, in the Conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park, New York, New York, beginning at 10:00 a.m.

The agenda for this meeting of the New York Harbor Traffic Management Advisory Committee is as follows:

1. Introductions.
2. Vessel Traffic Service New York update.
3. VTS Long-term System Improvement options.
4. Projected Cross-Hudson ferry route—Presentation.

5. Update Kill Van Kull/Newark Bay Dredging Project.

6. Bridge Administration—Issues and Trends.

7. Topics from the floor.

8. Review of agenda topics and selection of date for next meeting.

The New York Harbor Traffic Management Advisory Committee has been established by Commander, First Coast Guard District to provide information, consultation, and advice with regard to port development, maritime trade, port traffic, and other maritime interests in the harbor. Members of the Committee serve voluntarily without compensation from the Federal Government.

Attendance is open to the interested public. With advance notice to the Chairperson, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Commander W. Young, USCG, Executive Secretary, NY Harbor Traffic Management Advisory Committee, New York Vessel Traffic Service, Governors Island, New York, NY 10004; or by calling (212) 668-7954.

Dated: December 8, 1987.

R.L. Johanson,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 87-28988 Filed 12-16-87; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE TREASURY

Reestablishment of the Advisory Committee for the Preservation of the Treasury Building

The Department of the Treasury, pursuant to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92-463, as amended, and with the approval of the Secretary of the Treasury, announces the reestablishment of the Advisory Committee for the Preservation of the Treasury Building.

The primary purpose of the committee is to consult with and advise the Secretary of the Treasury and his staff upon request regarding various rehabilitation projects in the Main Treasury Building. The committee will also undertake active solicitation to raise funds to help finance some of these important undertakings as well as to encourage donors to contribute works of art and furnishings of historic importance to the Department of the Treasury.

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Department of the Treasury has reestablished the Advisory Committee for the Preservation of the Treasury Building for a one-year period.

John F.W. Rogers,

Assistant Secretary of the Treasury (Management).

[FR Doc. 87-29004 Filed 12-16-87; 8:45 am]

BILLING CODE 4810-25-M

Corrections

Federal Register

Vol. 52, No. 242

Thursday, December 17, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 253

[Docket No. 70905-7205]

Interjurisdictional Fisheries

Correction

In proposed rule document 87-26943 beginning on page 44922 in the issue of Monday, November 23, 1987, make the following correction:

§ 253.3 [Corrected]

On page 44924, in the first column, in § 253.3, in paragraph (a)(1), in the first line of the formula, "Value" should read "Volume".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-00248; FRL-3297-2]

Pesticide Tolerances for Chlorpyrifos; Technical Amendment

Correction

In rule document 87-27552 beginning on page 45824 in the issue of Wednesday, December 2, 1987, make the following corrections:

§ 180.342 [Corrected]

1. On page 45825, in § 180.342(a), in the table, there should be a reference to footnote 1 after "2.0" in the parts per million column in the entry beginning "Vegetables, leafy".

2. In the same table, in the entry for

walnuts, the parts per million should read "0.2" (with no footnote reference).

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 716

[OPTS-84027; FRL-3292-4]

Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals

Correction

In rule document 87-26555 beginning on page 44826 in the issue of Friday, November 20, 1987, make the following corrections:

§ 716.120 [Corrected]

1. On page 44828, in § 716.120(a)(1), in the table at the bottom of the page, in the entry for CAS No. 6247-34-3, there should be an open parenthesis in front of "acetylaminio)".

2. On page 44829, in the same table, in the entry for CAS No. 6424-85-7, "4-J" should read "4-I".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405, 442, 488, and 489

[HSQ-142-P]

Medicare and Medicaid; Survey and Certification of Health Care Facilities

Correction

In proposed rule document 87-26543 beginning on page 44300 in the issue of Wednesday, November 18, 1987, make the following correction:

On page 44300, in the second column, under **FOR FURTHER INFORMATION CONTACT**, the area code was omitted from the telephone number. The telephone number should read "(301) 594-3813".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions and Delegations of Authority; Office of Information Resources Management

Correction

In notice document 87-27976 beginning on page 46417 in the issue of Monday, December 7, 1987, make the following correction:

On page 46417, in the third column, in *Section AMM.10*, in the second and third lines from the bottom, "Assistant Secretary for Management, who report to the" should be removed.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Interim Procedures for Requesting Health Assessments

Correction

In notice document 87-26981 beginning on page 45018 in the issue of Tuesday, November 24, 1987, make the following correction:

On page 45018, in the third column, under **DATE**, in the second line, "February 22, 1987" should read "February 22, 1988".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-72-AD; Amdt. 39-5776]

Airworthiness Directives; Avions Marcel Dassault-Breguet Aviation Falcon 10 Series Airplanes

Correction

In rule document 87-26664 beginning

on page 44375 in the issue of Thursday, November 19, 1987, make the following correction:

§ 39.13 [Corrected]

On page 44376, in the second column, in § 39.13, in paragraph A., in the ninth line, "F100-262" should read "F10-262".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121 and 135

[Docket No. 25477; SFAR No. 52]

Special Federal Aviation Regulation No. 52; Extension of Compliance Date for Certain Large Airplanes Operated Under Part 135, in Other Than Commuter Air Carrier Operations, To Comply With Pending Seat Cushion Flammability Regulation

Correction

In rule document 87-27626 beginning on page 45910 in the issue of

Wednesday, December 2, 1987, make the following correction:

On page 45911, in the second column, in the fifth and sixth lines, "October 1, 1983" should read "October 11, 1983".

BILLING CODE 1505-01-D

UNITED STATES INFORMATION AGENCY

22 CFR Part 502

[Rulemaking No. 4]

Propaganda as Educational and Cultural Materials; World-Wide Free Flow (Export-Import) of Audio-Visual Materials

Correction

FR Doc. 87-28516 beginning on page 47029 in the issue of Friday, December 11, 1987, corrected an interim rule. It was published in the "Proposed Rules" section of the issue. It should have appeared in the "Rules and Regulations" section.

BILLING CODE 1505-01-D

SECRET

UNITED STATES INFORMATION AGENCY

BY AIR MAIL

TO THE DIRECTOR, NATIONAL SECURITY AGENCY

FROM THE DIRECTOR, UNITED STATES INFORMATION AGENCY

SUBJECT: [Illegible]

DATE: [Illegible]

[The remainder of the page contains several paragraphs of extremely faint, illegible text, likely a memorandum or report.]

Register Federal

Thursday
December 17, 1987

Part II

Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally Assisted Programs; Interim Final Rules, Final Rule, and Notice of Intent

Department of Agriculture
Department of Energy
National Aeronautics and Space Administration
Department of Commerce
Tennessee Valley Authority
Department of Labor
Department of Defense
Department of Education
Pennsylvania Avenue Development Corporation
Veterans Administration
Environmental Protection Agency
General Services Administration
Department of the Interior
Department of Justice
Federal Emergency Management Agency
Department of Health and Human Services
Department of Transportation
Department of Housing and Urban Development

DEPARTMENT OF TRANSPORTATION**Office of the Secretary****49 CFR Part 24**

[FHWA Docket No. 87-22]

Uniform Relocation Assistance and Real Property Acquisition Regulation for Federal and Federally Assisted Programs**AGENCY:** Federal Highway Administration (FHWA), DOT.**ACTION:** Interim final rule; request for comments.

SUMMARY: This regulation incorporates certain statutory amendments to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act) occasioned by passage of Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 Amendments), Pub. L. 100-17, 101 Stat. 246. The interim rule addresses only those amendments upon which the law is explicit and allows little, if any, administrative discretion or interpretation and for which a period of public notice and comment would be impractical. For the easy reference of the reader, the unchanged provisions of the existing regulation are reprinted in their entirety in order to present a complete regulation at a single source. Other changes made in the Uniform Act will require the development or modification of specific criteria which will be the subject of public notice and comment at a later date.

The immediate objective of today's interim final rule action is to provide implementing regulations for those Federal and State agencies that are currently able to allow payment of certain specified benefits as established by the 1987 Amendments for persons displaced on or after April 2, 1987.

DATES: The provisions of this interim final rule are effective December 17, 1987. For further information about implementation dates, see the discussion in the supplementary information section below. Comments must be received on or before February 16, 1988.

ADDRESS: Submit signed, written comments, preferably in triplicate, to FHWA Docket No. 87-22, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., Monday

through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT:

Barbara Reichart, Director, Office of Right-of-Way, HRW 1, (202) 366-0116; or Reid Alsop, Office of the Chief Counsel, HCC-40, (202) 366-1371. The address is Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. For specific program information, see individual agency submissions published elsewhere in this issue of the Federal Register.

SUPPLEMENTARY INFORMATION:**Background**

In 1981, for the Vice President's Presidential Task Force on Regulatory Relief, State and local governments identified the Uniform Act as a good candidate for State and local regulatory relief. Therefore, in May 1982, the Office of Management and Budget (OMB) formed a Uniform Act Interagency Regulatory Review Working Group to develop uniform regulations to be implemented by each covered agency for the Uniform Act. On February 27, 1985, a Presidential Memorandum was signed and published in the *Federal Register* on March 5, 1985 (50 FR 8953), naming the Department of Transportation (DOT) as the agency with lead responsibility for the Uniform Act. The Secretary of the Department of Transportation delegated this responsibility to the Federal Highway Administration. On March 5, 1985 (50 FR 8953), DOT published in the *Federal Register* a model Uniform Act rule, which (in accordance with the President's February 27, 1985 memorandum) served as the basis for a proposed common Uniform Act rule for the 16 other affected agencies (50 FR 8955). The proposed common rule was issued for comment by those 16 agencies on May 28, 1985. After consideration of comments, the disparate regulations of all affected agencies were superseded by the common rule which was published as a final rule on February 27, 1986 (51 FR 7000). This common rulemaking effort, applicable to both direct Federal programs and projects and federally-assisted programs and projects undertaken by State or local agencies, achieved consistency in regulations among the separate Federal agencies. To a significant extent, this common rulemaking effort presaged many of the statutory changes to the Uniform Act made by the 1987 Amendments. In the administrative

area, for example, the Amendments specifically designate the DOT as lead agency and require it, in coordination with other Federal agencies, to issue rules, establish procedures and make interpretations to implement provisions of the Uniform Act. In the substantive area, with the major exception of payment levels or criteria that were set by statute, the common rulemaking effort granted greater flexibility and discretion to State and local agencies, a theme reiterated in the 1987 Amendments.

On Tuesday, May 19, 1987 (52 FR 18768) the FHWA issued a Notice describing significant changes in the law and general plans to implement those changes. On Tuesday, 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 will take to implement the 1987 Amendments and the reasons for issuing this interim final rule. This interim final rule is intended to assist those Federal and State agencies that are now willing and able to implement the non-controversial provisions of the 1987 Amendments, which are described below. This interim final rule will be followed by a notice of proposed rulemaking (NPRM), that will seek comments on implementing all provisions of the 1987 Amendments. The NPRM will be followed by a final rule that will replace this interim final rule prior to the date the 1987 Amendments become mandatory, which is on or before April 2, 1989.

Implementation Dates

An implementation date prior to December 17, 1987, may be established by a Federal agency for some or all of its programs. However, it must be applied so that displacees in like circumstances are treated in a uniform and consistent manner. Such date shall not be prior to April 2, 1987, the date of enactment of the 1987 Amendments. For Department of Transportation (DOT) direct Federal projects, displacing agencies may elect to apply this regulation to any person displaced after April 2, 1987. For DOT federally-assisted programs or projects, displacing agencies that lack authority under current State law to comply with the interim final rule shall continue to comply with 49 CFR Part 25 until such authority is obtained. Part 25 will be rescinded on April 2, 1989, by the separate DOT regulatory action published elsewhere in this issue of the *Federal Register*.

changes in the statutory payment limits made by the 1987 Amendments. For the reader's easy reference, the location of these nondiscretionary changes are simply identified below, by subpart, without further discussion. To better enable agencies to relate interim final rule changes to the existing common rule, subpart, section and paragraph references in this preamble are cited in generic form, i.e., a simple dash has been substituted for the CFR part number. Where a nondiscretionary change has not been made or a change of another nature has been made, these actions are discussed. There are no changes at this time in Subparts B and C.

Subpart A—General

Section 24.1 Purpose.

A new paragraph (c) has been added to refer specifically to the 1987 Amendments which are being promulgated in the interim final rule. This language will simply help to distinguish the interim final rule from the earlier common rule during this transition period.

Section 24.2 Definitions.

In paragraph 24.2(c)(6)(iii) the dollar amounts have been changed to reflect the new statutory limits for payments under the cited sections.

Subpart D—Payment for Moving and Related Expenses

Section 24.302 Fixed payment for moving expenses—residential moves.

For eligible residential displacees who elect to be reimbursed on the basis of a payment schedule as an alternative to reimbursement for actual moving and related expenses, the 1987 Amendments eliminated the ceiling that had been set for the moving expense payment and the fixed amount for a dislocation allowance. Instead, "an expense and dislocation allowance" has been authorized, in accordance with a schedule established by the lead agency. Historically, the moving expense allowance had been established by each state and then approved and published in the Federal Register annually by the Federal Highway Administration. This schedule became the basis for all such alternative payments by other Federal agencies. FHWA intends to develop the schedule from data provided by the State highway agencies as in the past and then publish the schedule as a notice in the Federal Register. The current fixed payment schedule was published as a Notice in the Federal Register on December 30, 1986 (51 FR 47097) and will remain in effect until

April 2, 1989 for those State and local Federal-aid grant recipients that lack authority to comply with the 1987 Amendments or are not required to do so under this interim final rule.

The interim final rule contains language to reflect the statutory elimination of set amounts and to establish the basis for a revised schedule for such moves. The methodology States will use to develop data for the revised schedule will be similar to that used in the past, while at the same time allowing States to take into consideration geographic variables that may affect moving expenses. The schedule is expected to reflect a logical relationship between the eligible expenses to be covered by the dislocation allowance and the probability that such expenses will be incurred by the displaced person or household instead of a fixed amount payable equally to all residential displacements.

Section 24.304 Fixed payment for moving expenses nonresidential moves.

In paragraphs 24.304(a) and 24.304(c) the dollar amounts have been changed to reflect the new statutory minimum and maximum payments. An eligible displaced business retains the option of receiving a payment for actual moving and related expenses so that the change in the new minimum payment level does not reduce the displacee's financial protection under the law. In paragraph 24.304(d), the amount of payment an eligible displaced nonprofit organization may receive has not been changed.

The 1987 Amendments provide an opportunity to review and revise, if necessary, the criteria to be met in determining eligibility for, and the amount of, an "in lieu of moving" payment as an alternative business allowance. As any significant change to the current criteria should be subject to public notice and comment, such changes are not being included in the interim final rule. As the amount of payment for a nonprofit organization is really a product of the current criteria, there is no strong basis for arbitrarily setting a different amount, such as the new statutory minimum, until the feasibility of criteria for payment to such businesses is adequately explored. To apply the new minimum, which could be interpreted as a reduction in benefits, without a corresponding analysis of alternative payment criteria could result in inconsistent treatment of displacees in otherwise similar circumstances. While the entire subject of criteria for all affected displacees under this section will be dealt with in the forthcoming notice of proposed rulemaking, early

comments will be accepted on all criteria but are especially invited on the question of criteria for nonprofit organizations.

Subpart E—Replacement Housing Payments

Section 24.401 Replacement housing payment for 180-day homeowner—occupants.

In paragraph 24.401(b) the dollar amount has been changed to reflect the new statutory limit for this payment. A new sentence has been added to reflect the changed time limit imposed on payments computed under this section by section 406 of the 1987 Amendments.

Additional language has been included in paragraph 24.401(d) to allow displacing agencies to use an alternative method to determine increased mortgage interest costs. The alternative approach, or "buydown" method, was previously acceptable only for use in computing such costs under the Last Resort Housing provisions in § 24.602 because the method of computing such costs under section 203 of the Uniform Act was set by statute. The 1987 Amendments have now eliminated the statutory "annuity" formula. FHWA has included the "buydown" method in the interim final rule for displacing agencies to elect to use as an alternative for all such computations. Although its application has been widespread in Last Resort Housing situations, some agencies may not be familiar with it nor has it been subject to general notice and comment. As the Congress recognized when it amended section 203 of the Uniform Act, it will be necessary to modify the "annuity" method in order to avoid or reduce "windfall" or unwarranted payments during periods of inflation and high mortgage interest rates. For these reasons, the "buydown" method is included at this time only as a permitted alternative and early comments are invited on it or other possible alternative procedures for computing such costs.

In paragraph 24.401(f) the dollar amount has been changed to reflect the new statutory limit for payment under the cited section.

Section 24.402 Replacement housing payment for 90-day occupants.

In paragraph 24.402(a) the dollar amount has been changed to reflect the new statutory limit for this payment.

In paragraph 24.402(b)(1), the dollar amount and the computation factor have been changed to reflect the new statutory limit for the amount and the time period for financial assistance. The

statement in the law that the computation of a payment under this paragraph to a low-income displaced person shall take into account such person's income is not being specifically addressed in the interim final rule because this statement requires administrative interpretation and any changes in the method of computation is properly subject to public notice and comment. As a practical matter, the current last resort housing provision offers some protection to such displacees.

Paragraph 24.402(c)(1) dealing with the amount of a downpayment has been rewritten to reflect the new statutory limit for such payments and to remove the matching requirement which was eliminated by the 1987 Amendments. This paragraph also sets forth the change under which downpayment assistance may be based on the cost of renting a comparable replacement dwelling.

Also, the language formerly found in paragraph 24.402(c)(2) has been rewritten and placed in Appendix A at 24.402(c). Numbered paragraph 24.402(c)(3), application of payment, has been changed to 24.402(c)(2).

Section 24.403 Additional rules governing replacement housing payments.

In paragraph 24.403(b) the dollar amounts have been changed to reflect the new statutory limits for payments under the cited sections.

Subpart F—Mobile Homes

In §§ 24.503, 24.504 and 24.505(a) the dollar amounts have been changed to reflect the new statutory limits for payment under the cited sections.

Subpart G—Last Resort Housing

Section 24.601(b) Basic rights of persons to be displaced.

For clarity, a sentence has been added at the end of this paragraph to reflect the time limit imposed on payments computed under § 24.401 by section 406 of the 1987 Amendments. This sentence is essentially identical to the sentence added at § 24.401(b) for the same reason.

Appendix A—Additional Information

Section 24.402 Replacement housing payment for 90-day occupants.

The discussion in § 24.402 has been expanded to include the intent of the downpayment assistance provision and guidance on the prudent application of agency discretion.

Section 24.602 Methods of providing replacement housing.

The paragraph permitting the use of the "buydown" method in computing an increased mortgage interest payment has been eliminated as that method has been included as an acceptable alternative method in § 24.401.

Appendix B—Statistical Report Form

In the instructions for completing line 13 of the form, the dollar amounts in the example have been changed to reflect the new statutory limit for the section 204 of the Uniform Act portion of the payment used in the example.

Future Steps

In establishing a Federal lead agency, the 1987 Amendments built upon the earlier governmentwide common rule effort by the Executive Branch which achieved consistency among the almost 20 Federal departments and agencies that are affected by the Uniform Act. However, without specific statutory authority to develop and publish a governmentwide single rule, this earlier effort required each affected Federal agency to take separate, albeit simultaneous, verbatim rulemaking actions. The 1987 Amendments now provide the authority to streamline this process and to have a governmentwide single rule published at a single location in the CFR which is applicable to all Federal programs. The intent of Congress, that "the lead agency rules should provide sufficient direction to preclude the need for the issuance of regulations by other Federal agencies" (H.R. Rep. No. 99-665, 99th Cong., 2d Sess. 92 (1986)), should minimize the burden on State and local agencies. Congress recognized that actual implementation of the 1987 Amendments would probably require a phase-in period to allow for conforming action by State legislatures, if necessary, for federally-assisted programs and therefore set a statutory effective date of no later than April 2, 1989.

It is recognized that many non-Federal agencies whose activities are covered by the Uniform Act will be unable to comply with the 1987 Amendments. This is the reason that the 1987 Amendments in section 418 provided for delay in their effective date. Displacing agencies that are unable to comply with this interim final rule should continue to comply with the provisions of the common Uniform Act rule published on February 27, 1986 (51 FR 7000). The governmentwide common rule will remain in effect, for programs providing Federal financial assistance to displacing agencies, until the date, on or

before April 2, 1989, that the 1987 Amendments become mandatory. Displacing agencies that currently are unable to comply with the new provisions added by this interim final rule are encouraged to comply with this interim final rule or with the final rule that will succeed it as soon as they are able to do so. The FHWA has prepared model State enabling legislation that is designed to permit full compliance with the Uniform Act, as amended. Copies are available from the contacts for further information, listed above.

The assurances provision of this interim final rule at § 24.4 has not been changed. The implementation of this provision as to specific programs or projects is entirely the responsibility of the Federal funding agency involved. However, the use of this provision by the Federal funding agency is encouraged to determine which of its grantee agencies are proceeding under the provisions of this interim final rule.

Many States and Federal agencies administering direct Federal activities already have the necessary statutory authority and are eager to implement the 1987 Amendments. This interim final rule permits them to do so. Further, many Federal agencies are able to move toward the single-rule streamlined process now and have done so by rescinding their agency-specific rule and cross referencing today's interim final rule as the governing regulation for their programs as described in the 17-agency common rule published elsewhere in today's Federal Register. Other agencies will take this action at a later date but not later than April 2, 1989.

There are several other specific changes in the Uniform Act made by the 1987 Amendments that will be proposed in a notice of proposed rulemaking to be published after the start of the new year. Comments on that rulemaking will be solicited and incorporated into the final Uniform Act regulation.

Regulatory Impact

The FHWA has determined that this action does not constitute a major rule under Executive Order 12291 or a significant rule under the regulatory policies and procedures of the Department of Transportation.

The FHWA believes that circumstances warrant the issuance of this rulemaking action without notice or an opportunity for prior public comment. As previously stated, the statutory amendments that are incorporated in this rulemaking action address specific and fixed relocation costs and benefits. The statutory payment limits authorized by the 1987 Amendments are explicit

and require little, if any, administrative interpretation or discretion. For this reason, a period for public comment is unnecessary.

Many States and Federal agencies administering direct Federal activities currently have the necessary statutory authority to implement certain provisions of the 1987 Amendments. To delay the promulgation of the amendments contained in this rulemaking action would deprive many parties from receiving what they are entitled to under the law.

For the foregoing reasons, the FHWA finds good cause to make this regulation effective without prior notice or opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act, 5 U.S.C. 553 (b) and (d). Accordingly, the provisions that are contained in this rulemaking action are effective as provided by the section entitled "Dates."

While the FHWA does not anticipate that there will be any substantive public comment on the general issue of the statutory provisions themselves, there may be some procedural comments on the provisions contained in this interim final rule. For this reason, publication of this interim final rule without an opportunity for prior comment, but with a request for comments following publication is consistent with the Department of Transportation's regulatory policies. Any comments that are submitted specifically to this docket will be fully considered in determining the need for future revisions in conjunction with a notice of proposed rulemaking (NPRM) which will be published separately at a later date and which will address several other provisions mandated by the 1987 Amendments.

The economic impacts of this rulemaking that will occur are primarily mandated by the statutory provisions themselves. For this reason, a full regulatory evaluation is not required. Based on information available to FHWA at this time and under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act Requirements

Today's rulemaking does not affect any of the sections that contain paperwork requirements subject to review by OMB under Pub. L. 96-511, the Paperwork Reduction Act of 1980. These sections are §§ 24.102(e), 24.103(b), 24.104(c), 24.203(a), 24.203(c), 24.205(b), 24.207(g), and 24.303(b). It remains the responsibility of each

affected Federal agency to obtain program-specific OMB approval for reporting requirements contained in this rule.

In consideration of the foregoing, the FHWA hereby amends title 49, Code of Federal Regulations, Subtitle A, by adding Part 24 as set forth below.

List of Subjects in 49 CFR Part 24

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

Issued on: December 11, 1987.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

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

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Appendix A to Part 24—Additional Information

Appendix B to Part 24—Statistical Report Form

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note); and 49 CFR 1.48(dd).

Subpart A—General

§ 24.1 Purpose.

The purpose of this part is to promulgate rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*), in accordance with the following objectives:

(a) To ensure that owners of real property to be acquired for Federal and federally-assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally-assisted land acquisition programs; and

(b) To ensure that persons displaced as a result of Federal or federally-assisted projects are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate

injuries as a result of projects designed for the benefit of the public as a whole; and

(c) To implement those provisions of the Uniform Relocation Act Amendments of 1987 (Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17, 101 Stat. 246) that are explicit and are not subject to administrative discretion or interpretation.

§ 24.2 Definitions.

(a) *Agency*. The term "Agency" means the Federal agency, State or State agency which acquires the real property or displaces a person (see § 24.2(f)).

(b) *Business*. The term "business" means any lawful activity, except a farm operation, that is conducted:

(1) Primarily for the purchase, sale, lease, and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(2) Primarily for the sale of services to the public; or

(3) Solely for the purpose of § 24.303, conducted primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or

(4) By a nonprofit organization that has established its nonprofit status under applicable Federal or State law.

(c) *Comparable replacement dwelling*. The term "comparable replacement dwelling" means a dwelling which is:

(1) Decent, safe, and sanitary as described in § 24.2(e).

(2) Functionally similar to the displacement dwelling with particular attention to the number of rooms and living space. (See Appendix A of this part.)

(3) In an area that is not subject to unreasonable adverse environmental conditions, is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and is reasonably accessible to the person's place of employment.

(4) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses. (See also § 24.403(a)(2).)

(5) Currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar

government housing assistance. (See Appendix A of this part.)

(6) Within the financial means of the displaced person.

(i) A replacement dwelling purchased by a homeowner in occupancy for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner is paid the full price differential as described at § 24.401(c), all increased mortgage interest costs as described at § 24.401(d) and all incidental expenses as described at § 24.401(e).

(ii) A replacement dwelling rented by a displaced person is considered to be within his or her financial means if the monthly rent at the replacement dwelling does not exceed the monthly rent at the displacement dwelling, after taking into account any rental assistance which the person receives under this part. If the cost of any utility service is included in either rent, an appropriate adjustment must be made if necessary to ensure that like circumstances are compared. For a person who paid little or no rent before displacement, the market rent of the displacement dwelling may be used when computing costs (see Appendix A of this part, § 24.402(b)(1)).

(iii) Whenever a \$22,500 replacement housing payment under § 24.401 or a \$5,250 replacement housing payment under § 24.402 would be insufficient to ensure that a comparable replacement dwelling is available on a timely basis to a person, the Agency shall provide additional or alternative assistance under the last resort housing provisions at Subpart G of this part, which may include increasing the replacement housing payment so that a replacement dwelling is within the displaced person's financial means.

(d) *Contribute materially*. The term "contribute materially" means that during the 2 taxable years prior to the taxable year in which displacement occurs, or during such other period as the Agency determines to be more equitable, a business or farm operation:

(1) Had average annual gross receipts of at least \$5,000; or

(2) Had average annual net earnings of at least \$1,000; or

(3) Contributed at least 33 1/3 percent of the owner's or operator's average annual gross income from all sources.

(4) If the application of the above criteria creates an inequity or hardship in any given case, the Agency may approve the use of other criteria as determined appropriate.

(e) *Decent, safe, and sanitary dwelling*. The term "decent, safe, and

sanitary dwelling" means a dwelling which meets applicable housing and occupancy codes. However, any of the following standards which are not met by an applicable code shall apply, unless waived for good cause by the Federal agency funding the project. The dwelling shall:

(1) Be structurally sound, weathertight, and in good repair.

(2) Contain a safe electrical wiring system adequate for lighting and other electrical devices.

(3) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.

(4) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

(5) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

(6) For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

(f) *Displaced person*—(1) *General*. The term "displaced person" means any person (defined at § 24.2(m)) who moves from the real property or moves his or her personal property from the real property:

(i) As a direct result of the Agency's acquisition of such real property in whole or in part for a project. This includes any person who moved from the real property as a result of the initiation of negotiations as described at § 24.2(k); or

(ii) As a result of a written order from the acquiring Agency to vacate such real property for the project; or

(iii) As a result of the Agency's acquisition of, or written order to vacate, for a project, other real property

on which the person conducts a business or farm operation. Eligibility as a displaced person under this paragraph applies only for purposes of obtaining relocation assistance advisory services under § 24.205 and moving expenses under § 24.301, § 24.302, or § 24.303.

(2) *Persons not displaced.* The following is a nonexclusive listing of persons who do not qualify as a displaced person under this part.

(i) A person who moves before the initiation of negotiations (see also § 24.403(e)); or

(ii) A person who initially enters into occupancy of the property after the date of its acquisition for the project; or

(iii) A person who is not required to relocate permanently as a direct result of a project. Such determination shall be made by the Agency in accordance with any guidelines established by the Federal agency funding the project (see also Appendix A of this part); or

(iv) A person whom the Agency determines is not displaced as a direct result of a partial acquisition; or

(v) A person who, after receiving a notice of relocation eligibility (described at § 24.203), is notified in writing that he or she will not be displaced for a project. Such notice shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility; or

(vi) An owner-occupant who voluntarily sells his or her property (as described at § 24.101(a) in Appendix A of this part) after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached, the Agency will not acquire the property. In such cases, however, any resulting displacement of a tenant is subject to this part; or

(vii) A person who retains the right of use and occupancy of the real property for life following its acquisition by the Agency; or

(viii) A person who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of the Interior under Pub. L. 93-477 or Pub. L. 93-303.

(g) *Dwelling.* The term "dwelling" means the place of permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other residential unit.

(h) *Farm operation.* The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(i) *Federal agency.* The term "Federal agency" means any department, agency, or instrumentality in the Executive Branch of the Government, any wholly owned Government corporation, and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

(j) *Federal financial assistance.* The term "Federal financial assistance" means any Federal grant, loan, or contribution, except a Federal guarantee or insurance.

(k) *Initiation of negotiations.* The term "initiation of negotiations" means the delivery of the initial written offer by the Agency to the owner or the owner's representative to purchase real property for a project for the amount determined to be just compensation, unless applicable Federal program regulations specify a different action to serve this purpose. However:

(1) If the Agency issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the "initiation of negotiations" means the date the person moves from the property. (See also § 24.505(c).)

(2) In the case of a permanent relocation to protect the public health and welfare, under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or "Superfund") the "initiation of negotiations" means the formal announcement of such relocation or the Federal or federally-coordinated health advisory where the Federal Government later decides to conduct a permanent relocation.

(l) *Owner of displacement dwelling.* A displaced person is considered to have met the requirement to own a displacement dwelling if the person holds any of the following interests in real property acquired for a project:

(1) Fee title, a life estate, a 99-year lease, or a lease, including any options for extension, with at least 50 years to run from the date of acquisition; or

(2) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(3) A contract to purchase any of the interests or estates described in paragraphs (1) (1) or (2) of this section, or

(4) Any other interest, including a partial interest, which in the judgment of the Agency warrants consideration as ownership.

(m) *Person.* The term "person" means any individual, family, partnership, corporation, or association.

(n) *Salvage value.* The term "salvage value" means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

(o) *State.* The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territories of the Pacific Islands, or a political subdivision of any of these jurisdictions.

(p) *State agency.* The term "State agency" means any department, agency or instrumentality of a State or of a political subdivision of a State, or two or more States, or of two or more political subdivisions of a State or States.

(q) *Tenant.* The term "tenant" means a person who has the temporary use and occupancy of real property owned by another.

(r) *Uniform Act.* The term "Uniform Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894; 42 U.S.C. 4601), and amendments thereto.

§ 24.3 No duplication of payments.

No person shall receive any payment under this part if that person receives a payment under Federal, State, or local law which is determined to have the same purpose and effect as such payment under this part. (See Appendix A of this part, § 24.3.)

§ 24.4 Assurances, monitoring and corrective action.

(a) *Assurances.* Before a Federal agency may approve any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be made available for a project which results in real property acquisition or displacement that is subject to the Uniform Act, the State agency must provide appropriate assurances that it will comply with the Uniform Act and this part. A State agency's assurances under section 305

of the Uniform Act must contain specific reference to the State law which the Agency believes provides an exception to sections 301 or 302 of the Uniform Act. If, in the judgment of the Federal agency, Uniform Act compliance will be served, a State agency may provide these assurances at one time to cover all subsequent federally assisted programs or projects.

(b) *Monitoring and corrective action.* The Federal agency will monitor compliance with this part, and the State agency shall take whatever corrective action is necessary to comply with the Uniform Act and this part. The Federal agency may also apply sanctions in accordance with applicable program regulations.

(c) *Prevention of fraud, waste, and mismanagement.* The Agency shall take appropriate measures to carry out this part in a manner that minimizes fraud, waste, and mismanagement.

§ 24.5 Manner of notices.

Each notice which the Agency is required to provide to a property owner or occupant under this part, except the notice described at § 24.102(b), shall be personally served or sent by certified or registered first-class mail, return receipt requested, and documented in Agency files. Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

§ 24.6 Administration of jointly-funded projects.

Whenever two or more Federal agencies provide financial assistance to an Agency or Agencies to carry out functionally or geographically related activities which will result in the acquisition of property or the displacement of a person, the Federal agencies may by agreement designate one such agency as the cognizant Federal agency. At a minimum, the agreement shall set forth the federally assisted activities which are subject to its terms and cite any policies and procedures, in addition to this part, that are applicable to the activities under the agreement. Under the agreement, the cognizant Federal agency shall assure that the project is in compliance with the provisions of the Uniform Act and this part. All federally assisted activities under the agreement shall be deemed a project for the purposes of this part.

§ 24.7 Federal agency waiver of regulations.

The Federal agency funding the project may waive any requirement in this part not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this part. Any request for a waiver shall be justified on a case-by-case basis.

§ 24.8 Compliance with other laws and regulations.

The implementation of this part shall be in compliance with all applicable laws and implementing regulations, including the following:

(a) Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982 *et seq.*).

(b) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*).

(c) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), as amended.

(d) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

(e) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 *et seq.*).

(f) Executive Order 12250—Leadership and Coordination of Non-Discrimination Laws.

(g) Executive Order 11063—Equal Opportunity and Housing, as amended by Executive Order 12259.

(h) Executive Order 11246—Equal Employment Opportunity.

(i) Executive Order 11825—Minority Business Enterprise.

(j) Executive Order 12259—Leadership and Coordination of Fair Housing in Federal Programs.

(k) The Flood Disaster Protection Act of 1973 (Pub. L. 93-234).

(l) Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands.

(m) The Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*).

§ 24.9 Recordkeeping and reports.

(a) *Records.* The Agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this part. These records shall be retained for at least 3 years after each owner of a property and each person displaced from the property receives the final payment to which he or she is entitled under this part.

(b) *Confidentiality of records.* Records maintained by an Agency in accordance with this part are confidential regarding their use as public information, unless applicable law provides otherwise.

(c) *Reports.* The Agency shall submit a report of its real property acquisition and displacement activities under this

part if required by the Federal agency funding the project. A report will not be required more frequently than every 3 years, or as the Uniform Act provides, unless the Federal funding agency shows good cause.

§ 24.10 Appeals.

(a) *General.* The Agency shall promptly review appeals in accordance with the requirements of applicable law and this part.

(b) *Actions which may be appealed.* A person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly determine the person's eligibility for, or the amount of, a payment required under § 24.106 or § 24.107, or a relocation payment required under this part. The Agency shall consider a written appeal regardless of form.

(c) *Time limit for initiating appeal.* The Agency may set a reasonable time limit for a person to file an appeal. The time limit shall not be less than 60 days after the person receives written notification of the Agency's determination on the person's claim.

(d) *Right to representation.* A person has a right to be represented by legal counsel or other representative in connection with his or her appeal, but solely at the person's own expense.

(e) *Review of files by person making appeal.* The Agency shall permit a person to inspect and copy all materials pertinent to his or her appeal, except materials which are classified as confidential by the Agency. The Agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

(f) *Scope of review of appeal.* In deciding an appeal, the Agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.

(g) *Determination and notification after appeal.* Promptly after receipt of all information submitted by a person in support of an appeal, the Agency shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the Agency shall advise the person of his or her right to seek judicial review.

(h) *Agency official to review appeal.* The Agency official conducting the review of the appeal shall be either the head of the Agency or his or her authorized designee. However, the

official shall not have been directly involved in the action appealed.

Subpart B—Real Property Acquisition

§ 24.101 Applicability of acquisition requirements.

(a) *General.* The requirements of this subpart apply to any Agency acquisition of real property for a Federal or federally assisted project, except:

(1) Voluntary transactions that meet the criteria specified in Appendix A of this part, § 24.101(a).

(2) The acquisition of real property from a Federal agency, State, or State agency, if the acquiring Agency does not have the authority to acquire the property through condemnation.

(b) *Less-than-full-fee interest in real property.* The requirements of this Subpart apply to the acquisition of a life estate or a life use, to acquisition by leasing where the lease term, including option(s) for extension, is 50 years or more, and to the acquisition of permanent easements. (See also Appendix A of this part, § 24.101(b).)

(c) *Federally-assisted projects.* For federally-assisted projects the provisions of §§ 24.102, 24.103, 24.104, and 24.105 apply to the extent practicable under State law. (See § 24.4(a).)

§ 24.102 Basic acquisition policies.

(a) *Expedient acquisition.* The Agency shall make every reasonable effort to acquire the real property expeditiously by negotiation.

(b) *Notice to owner.* As soon as feasible, the owner shall be notified of the Agency's interest in acquiring the real property and the basic protections provided to the owner by law and this part. (See also § 24.203.)

(c) *Appraisal and invitation to owner.* Before the initiation of negotiations, the real property shall be appraised and the owner or the owner's designated representative shall be given an opportunity to accompany the appraiser during the appraiser's inspection of the property.

(d) *Establishment and offer of just compensation.* Before the initiation of negotiations, the Agency shall establish an amount which it believes is just compensation for the real property. The amount shall not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to any remaining property. (See also § 24.104.) Promptly thereafter, the Agency shall make a written offer to the owner to acquire the property for the full amount believed to be just compensation.

(e) *Summary statement.* Along with the initial written purchase offer, the owner shall be given a written statement of the basis for the offer of just compensation, which shall include:

(1) A statement of the amount offered as just compensation. In the case of a partial acquisition, the compensation for the real property to be acquired and the compensation for damages, if any, to the remaining real property shall be separately stated.

(2) A description and location identification of the real property and the interest in the real property to be acquired.

(3) An identification of the buildings, structures, and other improvements (including removable building equipment and trade fixtures) which are considered to be part of the real property for which the offer of just compensation is made. Where appropriate, the statement shall identify any separately held ownership interest in the property, e.g., a tenant-owned improvement, and indicate that such interest is not covered by the offer.

(f) *Basic negotiation procedures.* The Agency shall make reasonable efforts to contact the owner or the owner's representative and (1) discuss its offer to purchase the property including the basis for the offer of just compensation, and (2) explain its acquisition policies and procedures, including its payment of incidental expenses in accordance with § 24.106. The owner shall be given reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property and to suggest modification in the proposed terms and conditions of the purchase. The Agency shall consider the owner's presentation.

(g) *Updating offer of just compensation.* If the information presented by the owner, or a material change in the character or condition of the property, indicates the need for new appraisal information, or if a significant delay has occurred since the time of the appraisal(s) of the property, the Agency shall have the appraisal(s) updated or obtain a new appraisal(s). If the latest appraisal information indicates that a change in the purchase offer is warranted, the Agency shall promptly reestablish just compensation and offer that amount to the owner in writing.

(h) *Coercive action.* The Agency shall not advance the time of condemnation, or defer negotiations or condemnation or the deposit of funds with the court, or take any other coercive action in order to induce an agreement on the price to be paid for the property.

(i) *Administrative settlement.* The purchase price for the property may exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed and an authorized Agency official approves such administrative settlement as being reasonable, prudent, and in the public interest. When Federal funds pay for or participate in acquisition costs, a written justification shall be prepared which indicates that available information (e.g., appraisals, recent court awards, estimated trial costs, or valuation problems) supports such a settlement.

(j) *Payment before taking possession.* Before requiring the owner to surrender possession of the real property, the Agency shall (1) pay the agreed purchase price to the owner, or (2) in the case of a condemnation, deposit with the court, for the benefit of the owner, an amount not less than the Agency's approved appraisal of the fair market value of such property, or the court award of compensation in the condemnation proceeding for the property. In exceptional circumstances, with the prior approval of the owner, the Agency may obtain a right-of-entry for construction purposes before making payment available to an owner.

(k) *Uneconomic remnant.* If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the Agency shall offer to acquire the uneconomic remnant along with the portion of the property needed for the project. An uneconomic remnant is a remaining part of the property in which the owner is left with an interest that the Agency determines has little or no utility or value to the owner.

(l) *Inverse condemnation.* If the Agency intends to acquire any interest in real property by exercise of the power of eminent domain, it shall institute formal condemnation proceedings and not intentionally make it necessary for the owner to institute legal proceedings to prove the fact of the taking of the real property.

(m) *Fair rental.* If the Agency permits a former owner or tenant to occupy the real property after acquisition for a short term or a period subject to termination by the Agency on short notice, the rent shall not exceed the fair market rent for such occupancy.

§ 24.103 Criteria for appraisals.

(a) *Definition of appraisal.* An appraisal is a written statement independently and impartially prepared by a qualified appraiser setting forth an

opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

(b) *Standards of appraisal.* The format and level of documentation for an appraisal depend on the complexity of the appraisal problem. The Agency shall develop minimum standards for appraisals consistent with established and commonly accepted appraisal practice for those acquisitions which, by virtue of their low value or simplicity, do not require the in-depth analysis and presentation necessary in a detailed appraisal. A detailed appraisal shall be prepared for all other acquisitions. A detailed appraisal shall reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition. An appraisal must contain sufficient documentation, including valuation data and the appraiser's analysis of that data, to support his or her opinion of value. At a minimum, the appraisal shall contain the following items:

(1) The purpose and/or the function of the appraisal, a definition of the estate being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal.

(2) An adequate description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, an adequate description of the remaining property), a statement of the known and observed encumbrances, if any, title information, location, zoning, present use, an analysis of highest and best use, and at least a 5-year sales history of the property.

(3) All relevant and reliable approaches to value consistent with commonly accepted professional appraisal practices. When sufficient market sales data are available to reliably support the fair market value for the specific appraisal problem encountered, the Agency, at its discretion, may require only the market approach. If more than one approach is utilized, there shall be an analysis and reconciliation of approaches to value that are sufficient to support the appraiser's opinion of value.

(4) A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.

(5) A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of

the damages and benefits, if any, to the remaining real property.

(6) The effective date of valuation, date of appraisal, signature, and certification of the appraiser.

(c) *Influence of the project on just compensation.* To the extent permitted by applicable law, the appraiser shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.

(d) *Owner retention of improvements.* If the owner of a real property improvement is permitted to retain it for removal from the project site, the amount to be offered for the interest in the real property to be acquired shall be not less than the difference between the amount determined to be just compensation for the owner's entire interest in the real property and the salvage value (defined at § 24.2(n)) of the retained improvement.

(e) *Qualifications of appraisers.* The Agency shall establish criteria for determining the minimum qualifications of appraisers. Appraiser qualifications shall be consistent with the level of difficulty of the appraisal assignment. The Agency shall review the experience, education, training, and other qualifications of appraisers, including review appraisers, and utilize only those determined to be qualified.

(f) *Conflict of interest.* No appraiser or review appraiser shall have any interest, direct or indirect, in the real property being appraised for the Agency that would in any way conflict with the preparation or review of the appraisal. Compensation for making an appraisal shall not be based on the amount of the valuation. No appraiser shall act as a negotiator for real property which that person has appraised, except that the Agency may permit the same person to both appraise and negotiate an acquisition where the value of the acquisition is \$2,500, or less.

§ 24.104 Review of appraisals.

The Agency shall have an appraisal review process and, at a minimum:

(a) A qualified reviewing appraiser shall examine all appraisals to assure that they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary corrections or revisions.

(b) If the reviewing appraiser is unable to approve or recommend approval of an appraisal as an adequate basis for the establishment of just compensation, and it is determined that

it is not practical to obtain an additional appraisal, the reviewing appraiser may develop appraisal documentation in accordance with § 24.103 to support an approved or recommended value.

(c) The review appraiser's certification of the recommended or approved value of the property shall be set forth in a signed statement which identifies the appraisal reports reviewed and explains the basis for such recommendation or approval. Any damages or benefits to any remaining property shall also be identified in the statement.

§ 24.105 Acquisition of tenant-owned improvements.

(a) *Acquisition of improvements.* When acquiring any interest in real property, the Agency shall offer to acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property to be acquired, which it requires to be removed or which it determines will be adversely affected by the use to which such real property will be put. This shall include any improvement of a tenant-owner who has the right or obligation to remove the improvement at the expiration of the lease term.

(b) *Improvements considered to be real property.* Any building, structure, or other improvement, which would be considered to be real property if owned by the owner of the real property on which it is located, shall be considered to be real property for purposes of this Subpart.

(c) *Appraisal and establishment of just compensation for tenant-owned improvements.* Just compensation for a tenant-owned improvement is the amount which the improvement contributes to the fair market value of the whole property or its salvage value, whichever is greater. (Salvage value is defined at § 24.2(n).)

(d) *Special conditions.* No payment shall be made to a tenant-owner for any real property improvement unless:

(1) The tenant-owner, in consideration for the payment, assigns, transfers, and releases to the Agency all of the tenant-owner's right, title, and interest in the improvement; and

(2) The owner of the real property on which the improvement is located disclaims all interest in the improvement; and

(3) The payment does not result in the duplication of any compensation otherwise authorized by law.

(e) *Alternative compensation.* Nothing in this Subpart shall be construed to deprive the tenant-owner of any right to

reject payment under this Subpart and to obtain payment for such property interests in accordance with other applicable law.

§ 24.106 Expenses incidental to transfer of title to the Agency.

The owner of the real property shall be reimbursed for all reasonable expenses the owner necessarily incurred for:

(a) Recording fees, transfer taxes, documentary stamps, evidence of title, boundary surveys, legal descriptions of the real property, and similar expenses incidental to conveying the real property to the Agency. However, the Agency is not required to pay costs solely required to perfect the owner's title to the real property; and

(b) Penalty costs and other charges for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes which are allocable to the period after the Agency obtains title to the property or effective possession of it, whichever is earlier.

Whenever feasible, the Agency shall pay these costs directly so that the owner will not have to pay such costs and then seek reimbursement from the Agency.

§ 24.107 Certain litigation expenses.

The owner of the real property shall be reimbursed for any reasonable expenses, including reasonable attorney, appraisal, and engineering fees, which the owner actually incurred because of a condemnation proceeding, if:

(a) The final judgment of the court is that the Agency cannot acquire the real property by condemnation; or

(b) The condemnation proceeding is abandoned by the Agency other than under an agreed-upon settlement; or

(c) The court having jurisdiction renders a judgment in favor of the owner in an inverse condemnation proceeding or the Agency effects a settlement of such proceeding.

§ 24.108 Donations.

Nothing in this part shall prevent a person, after being informed of the right to receive just compensation, based on an appraisal of the real property, from making a gift or donation of real property or any part thereof, or any interest therein, or of any compensation paid therefor, to the Agency. The Agency is responsible for assuring that an appraisal of the real property is obtained unless the owner releases the Agency from such obligation.

Subpart C—General Relocation Requirements

§ 24.201 Purpose.

This Subpart prescribes general requirements governing the provision of relocation payments and other relocation assistance in this part.

§ 24.202 Applicability.

These requirements apply to the relocation of any displaced person as defined at § 24.2(f).

§ 24.203 Relocation notices.

(a) *General information notice.* As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the Agency's relocation program which does at least the following:

(1) Informs the person that he or she may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s).

(2) Informs the person that he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person successfully relocate.

(3) Informs the person that he or she will not be required to move without at least 90 days' advance written notice (see paragraph (c) of this section), and informs any person to be displaced from a dwelling that he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available.

(4) Describes the person's right to appeal the Agency's determination as to eligibility for, or the amount of, any relocation payment for which the person may be eligible.

(b) *Notice of relocation eligibility.* Eligibility for relocation assistance shall begin on the date of initiation of negotiations (defined in § 24.2(k)) for the occupied property. When this occurs, the Agency shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance.

(c) *Ninety-day notice.* (1) *General.* No lawful occupant shall be required to move unless he or she has received at least 90 days advance written notice of the earliest date by which he or she may be required to move.

(2) *Timing of notice.* The displacing agency may issue the notice 90 days before it expects the person to be displaced or earlier.

(3) *Content of notice.* The 90-day notice shall either state a specific date

as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he or she must move. If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than 90 days after such a dwelling is made available. (See § 24.204(a).)

(4) *Urgent need.* In unusual circumstances, an occupant may be required to vacate the property on less than 90 days advance written notice if the Agency determines that a 90-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of the Agency's determination shall be included in the applicable case file.

§ 24.204 Availability of comparable replacement dwelling before displacement.

(a) *General.* No person to be displaced shall be required to move from his or her dwelling unless at least one comparable replacement dwelling (defined at § 24.2(c)) has been made available to the person. Where possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:

(1) The person is informed of its location; and

(2) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and

(3) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

(b) *Circumstances permitting waiver.* The Federal agency funding the project may grant a waiver of the policy in paragraph (a) of this section in any case where it is demonstrated that a person must move because of:

(1) A major disaster as defined in § 102(c) of the Disaster Relief Act of 1974 (42 U.S.C. § 5121); or

(2) A presidentially declared national emergency; or

(3) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.

(c) *Basic conditions of emergency move.* Whenever a person is required to relocate for a temporary period because

of an emergency as described in paragraph (b) of this section, the Agency shall:

(1) Take whatever steps are necessary to assure that the person is temporarily relocated to a decent, safe, and sanitary dwelling; and

(2) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in monthly housing costs incurred in connection with the temporary relocation; and

(3) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily-occupied dwelling.)

§ 24.205 Relocation assistance advisory services.

(a) *General.* The Agency shall carry out a relocation assistance advisory program which satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 *et seq.*), and Executive Order 11063 (27 FR 11527), and offers the services described in paragraph (b) of this section. If the Agency determines that a person occupying property adjacent to the real property acquired for the project is caused substantial economic injury because of such acquisition, it may offer the services to such person.

(b) *Services to be provided.* The advisory program shall include such measures, facilities, and services as may be necessary or appropriate in order to:

(1) Determine the relocation needs and preferences of each person to be displaced and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each person.

(2) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in § 24.204(a).

(i) As soon as feasible, the Agency shall inform the person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment (see § 24.403 (a) and (b)) and the basis for the determination, so that the person is

aware of the maximum replacement housing payment for which he or she may qualify.

(ii) Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. (See § 24.2 (c) and (e).) If such an inspection is not made, the person to be displaced shall be notified that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.

(iii) Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an Agency to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

(iv) All persons, especially the elderly and handicapped, shall be offered transportation to inspect housing to which they are referred.

(3) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable and suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.

(4) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.

(5) Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to persons to be displaced.

(c) *Coordination of relocation activities.* Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized.

§ 24.206 Eviction for cause.

Eviction for cause must conform to applicable State and local law. Any person who has lawfully occupied the real property, but who is later evicted for cause on or after the date of the initiation of negotiations, retains the right to the relocation payments and other assistance set forth in this part.

For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves or the date a comparable replacement dwelling is made available, whichever is later.

§ 24.207 General requirements—claims for relocation payments.

(a) *Documentation.* Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.

(b) *Expedient payments.* The Agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.

(c) *Advance payments.* If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the Agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

(d) *Time for filing.* (1) All claims for a relocation payment shall be filed with the Agency within 18 months after:

(i) For tenants, the date of displacement;

(ii) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

(2) This time period shall be waived by the Agency for good cause.

(e) *Multiple occupants of one displacement dwelling.* If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the Agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the Agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.

(f) *Deductions from relocation payments.* An Agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise

entitled. Similarly, a Federal agency shall, and a State agency may, deduct from relocation payments any rent that the displaced person owes the Agency; provided that no deduction shall be made if it would prevent the displaced person from obtaining a comparable replacement dwelling as required by § 24.204. The Agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.

(g) *Notice of denial of claim.* If the Agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.

§ 24.208 Relocation payments not considered as income.

No relocation payment received by a displaced person under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

Subpart D—Payment for Moving and Related Expenses

§ 24.301 Payment for actual reasonable moving and related expenses—residential moves.

Any displaced owner-occupant or tenant of a dwelling who qualifies as a displaced person (defined at § 24.2(f)) is entitled to payment of his or her actual moving and related expenses, as the Agency determines to be reasonable and necessary, including expenses for:

(a) Transportation of the displaced person and personal property.

Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.

(b) Packing, crating, unpacking, and uncrating of the personal property.

(c) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances, and other personal property.

(d) Storage of the personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary.

(e) Insurance for the replacement value of the property in connection with the move and necessary storage.

(f) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where

insurance covering such loss, theft, or damage is not reasonably available.

(g) Other moving-related expenses that are not listed as ineligible under § 24.305, as the Agency determines to be reasonable and necessary.

§ 24.302 Fixed payment for moving expenses residential moves.

Any person displaced from a dwelling or a seasonal residence is entitled to receive an expense and dislocation allowance as an alternative to a payment for actual moving and related expenses under § 24.301. This allowance shall be determined according to the applicable schedule approved by the Federal Highway Administration.

§ 24.303 Payment for actual reasonable moving and related expenses—nonresidential moves.

(a) *Eligible costs.* Any business or farm operation which qualifies as a displaced person (defined at § 24.2(f)) is entitled to payment for such actual moving and related expenses, as the Agency determines to be reasonable and necessary, including expenses for:

(1) Transportation of personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.

(2) Packing, crating, unpacking, and uncrating of the personal property.

(3) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, including substitute personal property described at § 24.303(a)(12). This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are excluded.)

(4) Storage of the personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary.

(5) Insurance for the replacement value of the personal property in connection with the move and necessary storage.

(6) Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, or certification.

(7) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(8) Professional services necessary for (i) planning the move of the personal property, (ii) moving the personal property, and (iii) installing the relocated personal property at the replacement location.

(9) Relettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

(10) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:

(i) The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the Agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.); or

(ii) The estimated cost of moving the item, but with no allowance for storage. (If the business or farm operation is discontinued, the estimated cost shall be based on a moving distance of 50 miles.)

(11) The reasonable cost incurred in attempting to sell an item that is not to be relocated.

(12) Purchase of substitute personal property. If an item of personal property which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

(i) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or

(ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the Agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

(13) Searching for a replacement location. A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed \$1,000, as the Agency determines to be

reasonable, which are incurred in searching for a replacement location, including:

- (i) Transportation.
- (ii) Meals and lodging away from home.
- (iii) Time spent searching, based on reasonable salary or earnings.
- (iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.

(14) Other moving-related expenses that are not listed as ineligible under § 24.305, as the Agency determines to be reasonable and necessary.

(b) *Notification and inspection.* The following requirements apply to payments under this section:

(1) The Agency shall inform the displaced person, in writing, of the requirements of paragraphs (b) (2) and (3) of this section as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided to the displaced person as set forth in § 24.203.

(2) The displaced person must provide the Agency reasonable advance written notice of the approximate date of the start of the move or disposition of the personal property and a list of the items to be moved. However, the Agency may waive this notice requirement after documenting its file accordingly.

(3) The displaced person must permit the Agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

(c) *Self-moves.* If the displaced person elects to take full responsibility for the move of the business or farm operation, the Agency may make a payment for the person's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates obtained by the Agency or prepared by qualified staff. At the Agency's discretion, a payment for a low cost or uncomplicated move may be based on a single bid or estimate.

(d) *Transfer of ownership.* Upon request and in accordance with applicable law, the claimant shall transfer to the Agency ownership of any personal property that has not been moved, sold, or traded in.

(e) *Advertising signs.* The amount of a payment for direct loss of an advertising sign which is personal property shall be the lesser of:

- (1) The depreciated reproduction cost of the sign, as determined by the Agency, less the proceeds from its sale; or
- (2) The estimated cost of moving the sign, but with no allowance for storage.

§ 24.304 Fixed payment for moving expenses—nonresidential moves.

(a) *Business.* A displaced business (except an outdoor advertising display business or a nonprofit organization) may be eligible to choose a fixed payment in lieu of a payment for actual moving and related expenses. The payment shall equal the average annual net earnings of the business, as computed in accordance with paragraph (e) of this section, but not less than \$1,000 nor more than \$20,000. The displaced business is eligible for the payment if the Agency determines that:

(1) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the Agency demonstrates that it will not suffer a substantial loss of its existing patronage; and

(2) The business is not part of a commercial enterprise having another establishment, which is not being acquired by the Agency, and which is under the same ownership and engaged in the same or similar business activities. (For purposes of this part a remaining business facility that did not contribute materially to the income of the displaced person during the 2 taxable years prior to displacement shall not be considered "another establishment."); and

(3) The business contributed materially to the income of the displaced person during the 2 taxable years prior to displacement (see § 24.2(d)).

(b) *Determining the number of businesses.* In determining whether two or more displaced legal entities constitute a single business which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:

(1) The same premises and equipment are shared;

(2) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(3) The entities are held out to the public, and to those customarily dealing with them, as one business; and

(4) The same person or closely related persons own, control, or manage the affairs of the entities.

(c) *Farm operation.* A displaced farm operation (defined at § 24.2(h)) may choose a fixed payment in lieu of a payment for actual moving and related expenses in an amount equal to its average annual net earnings as computed in accordance with paragraph (e) of this section, but not less than \$1,000 nor more than \$20,000. In the case of a partial acquisition of land which

was a farm operation before the acquisition, the fixed payment shall be made only if the Agency determines that:

(1) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

(2) The partial acquisition caused a substantial change in the nature of the farm operation.

(d) *Nonprofit organization.* A displaced nonprofit organization may choose a fixed payment in lieu of a payment for actual moving and related expenses of \$2,500, if the Agency determines that it:

(1) Cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless the Agency demonstrates otherwise; and

(2) Is not part of an enterprise having at least one other establishment engaged in the same or similar activity which is not being acquired by the Agency.

(e) *Average annual net earnings of a business or farm operation.* The average annual net earnings of a business or farm operation are one-half of its net earnings before Federal, State, and local income taxes during the 2 taxable years immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full 2 taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the 2 taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when the Agency determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the Agency proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence which the Agency determines is satisfactory.

§ 24.305 Ineligible moving and related expenses.

A displaced person is not entitled to payment for:

(a) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. However, this part does not preclude the computation under § 24.401(c)(4)(iii); or

(b) Interest on a loan to cover moving expenses; or

(c) Loss of goodwill; or

- (d) Loss of profits; or
- (e) Loss of trained employees; or
- (f) Any additional operating expenses of a business or farm operation incurred because of operating in a new location; or
- (g) Personal injury; or
- (h) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Agency; or
- (i) Expenses for searching for a replacement dwelling; or
- (j) Physical changes to the real property at the replacement location of a business or farm operation except as provided in § 24.303(a)(3); or
- (k) Costs for storage of personal property on real property already owned or leased by the displaced person.

Subpart E—Replacement Housing Payments

§ 24.401 Replacement housing payment for 180-day homeowner-occupants.

(a) *Eligibility.* A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant if the person:

- (1) Has actually owned and occupied the displacement dwelling for not less than 180 days immediately prior to the initiation of negotiations; and
- (2) Purchases and occupies a decent, safe, and sanitary replacement dwelling within 1 year after the later of the following dates:
 - (i) The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited in the court; or
 - (ii) The date the person moves from the displacement dwelling.

(b) *Amount of payment.* The replacement housing payment for an eligible 180-day homeowner-occupant may not exceed \$22,500. (See also § 24.403(b).) The payment under this section is limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date such person is initially offered a comparable replacement dwelling, whichever is later. The payment shall be the sum of:

- (1) The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined in accordance with paragraph (c) of this section; and
- (2) The increased interest costs and other debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling, as determined in

accordance with paragraph (d) of this section; and

(3) The reasonable expenses incidental to the purchase of the replacement dwelling, as determined in accordance with paragraph (e) of this section.

(c) *Price differential.*—(1) *Determination of price differential.* The price differential to be paid under paragraph (b)(1) of this section is the amount which must be added to the acquisition cost of the displacement dwelling to provide a total amount equal to the lesser of:

- (i) The reasonable cost of a comparable replacement dwelling as determined in accordance with § 24.403(a); or
- (ii) The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person.

(2) *Mixed-use and multifamily properties.* If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a lot larger than typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential.

(3) *Insurance proceeds.* To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (Also see § 24.3.)

(4) *Owner retention of displacement dwelling.* If the owner retains ownership of his or her dwelling, moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling, shall be the sum of:

- (i) The cost of moving and restoring the dwelling to a condition comparable to that prior to the move; and
- (ii) The cost of making the unit a decent, safe, and sanitary replacement dwelling (defined at § 24.2(e)); and
- (iii) The current fair market value for residential use of the replacement site (see Appendix A of this part, § 24.401(c)(4)(iii)), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and
- (iv) The retention value of the dwelling, if such retention value is

reflected in the "acquisition cost" used when computing the replacement housing payment.

(d) *Increased mortgage interest costs.* The displacing agency may use either the "annuity" method or the "buydown" method to determine the amount to be paid to a displacee under § 24.401(b)(2). The "annuity" method provides for a payment based upon the present value of the increase in interest costs that results when the mortgage interest rate on the replacement dwelling exceeds the mortgage interest rate on the displacement dwelling. The "buydown" method provides a lump sum payment which could be used to reduce the amount of a mortgage on the replacement dwelling to an amount which could be amortized with the same repayment schedule as that remaining for the mortgage(s) on the displacement dwelling. Payments under either method include other debt service costs, if not paid as incidental costs, and shall be based only on bona fide mortgages that were a valid lien on the displacement dwelling for at least 180 days prior to the initiation of negotiations. Once the Agency determines which method is to be used, that method must be applied in like manner throughout the Agency's program or projects except that, in the case of a Federal agency, the method selected may differ from State to State as long as the same method is used throughout its programs or projects in any given State. Paragraphs (d)(1)–(5) of this section shall apply to use of the annuity method:

(1) The payment shall be based on the unpaid mortgage balance on the displacement dwelling or the new mortgage amount, whichever is less.

(2) The payment shall be based on the remaining term of the mortgage on the displacement dwelling or the actual term of the new mortgage, whichever is shorter.

(3) The interest charge on the new mortgage shall not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(4) The present value of the increased interest costs shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area in which the replacement dwelling is located.

(5) Purchaser's points and loan origination or assumption fees, but not seller's points, shall be paid to the extent:

- (i) They are not paid as incidental expenses;

(ii) They do not exceed rates normal to similar real estate transactions in the area; and

(iii) The Agency determines them to be necessary. The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling or the new mortgage amount, whichever is less.

(e) *Incidental expenses.* The incidental expenses to be paid under paragraph (b)(3) of this section or § 24.402(c)(1) are those necessary and reasonable costs actually incurred by the displaced person incident to the purchase of a replacement dwelling, and customarily paid by the buyer, including:

(1) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.

(2) Lender, FHA, or VA application and appraisal fees.

(3) Loan origination or assumption fees that do not represent prepaid interest.

(4) Certification of structural soundness and termite inspection when required.

(5) Credit report.

(6) Owner's and mortgagee's evidence of title, e.g., title insurance, not to exceed the costs for a comparable replacement dwelling.

(7) Escrow agent's fee.

(8) State revenue or documentary stamps, sales or transfer taxes (not to exceed the costs for a comparable replacement dwelling).

(9) Such other costs as the Agency determines to be incidental to the purchase.

(f) *Rental assistance payment for 180-day homeowner.* A 180-day homeowner-occupant, who is eligible for a replacement housing payment under § 24.401(a) but elects to rent a replacement dwelling, is eligible for a rental assistance payment not to exceed \$5,250, computed and disbursed in accordance with § 24.402(b).

§ 24.402 Replacement housing payment for 90-day occupants.

(a) *Eligibility.* A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed \$5,250 for rental assistance, as computed in accordance with paragraph (b) of this section, or downpayment assistance, as computed in accordance with paragraph (c) of this section, if such displaced person:

(1) Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and

(2) Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within 1 year (unless the Agency extends this period for good cause) after:

(i) For a tenant, the date he or she moves from the displacement dwelling, or

(ii) For an owner-occupant, the later of:

(A) The date he or she receives final payment for the displacement dwelling, or in the case of condemnation, the date the required amount is deposited with the court; or

(B) The date he or she moves from the displacement dwelling.

(b) *Rental assistance payment.*—(1) *Amount of payment.* An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed \$5,250 for rental assistance. (See also § 24.403(b).) Such payment shall be 42 times the amount obtained by subtracting the average monthly rent of the displacement dwelling for a reasonable period prior to displacement, as determined by the Agency (for an owner-occupant or tenant who pays little or no rent, the average cost for rent shall be the fair market rent; see Appendix A of this part, Subpart E), from the lesser of:

(i) The monthly rent for a comparable replacement dwelling; or

(ii) The monthly rent for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

(2) *Utility services.* Any utility service which is included in the monthly rent for either the displacement dwelling or the comparable replacement dwelling must be included when computing the rental assistance payment. Appropriate adjustments to reflect the cost of utility services shall be made, if necessary to ensure that like circumstances are compared.

(3) *Manner of disbursement.* The payment under this section shall be disbursed in a lump sum, unless the Agency determines on a case-by-case basis, for good cause, that the payment should be made in installments.

(c) *Downpayment assistance payment.*—(1) *Amount of payment.* A displaced person eligible for a rental assistance payment may, in lieu of accepting such rental assistance payment, elect to apply that computed payment to a downpayment, including related incidental expenses, for a replacement dwelling. At the Agency's discretion, an eligible displaced tenant or owner who does not meet the 180-day ownership/occupancy requirement may receive a downpayment assistance payment not to exceed \$5,250, except

that an eligible displaced owner may not receive a downpayment assistance payment which exceeds the payment that such person would otherwise have received under § 24.401(b) had the 180-day eligibility criterion been met. An Agency's discretion to provide the maximum payment shall be exercised in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally. In the case of a Federal agency, the method selected may differ from State to State as long as the same method is used throughout its programs or projects in any given State. A displaced person eligible to receive a payment as a 180-day owner-occupant under § 24.401(b) is not eligible for this payment. (See also Appendix A of this part, § 24.402(c)).

(2) *Application of payment.* The full amount of the replacement housing payment for downpayment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

§ 24.403 Additional rules governing replacement housing payments.

(a) *Determining cost of comparable replacement dwelling.* The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling (defined at § 24.2(c)).

(1) If available, at least three comparable replacement dwellings shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling. An adjustment shall be made to the asking price of any dwelling, to the extent justified by local market data (see also § 24.205(b)(2)(i)). An obviously overpriced dwelling may be ignored.

(2) If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment. If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a buildable residential lot, the Agency may offer to purchase the entire property. If the owner refuses to sell the remainder to the Agency, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

(3) To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

(b) *Applicability of last resort housing.* Whenever a \$22,500 replacement housing payment under § 24.401 or a \$5,250 replacement housing payment under § 24.402 would be insufficient to ensure that a comparable replacement dwelling is available on a timely basis to a person, the Agency shall provide additional or alternative assistance under the last resort housing provisions at Subpart G, which may include increasing the replacement housing payment so that a replacement dwelling is within the displaced person's financial means as described in § 24.2(c)(6)).

(c) *Inspection of replacement dwelling.* Before making a replacement housing payment or releasing a payment from escrow, the Agency or its designated representative shall inspect the replacement dwelling and determine whether it is a decent, safe, and sanitary dwelling as defined at § 24.2(e).

(d) *Purchase of replacement dwelling.* A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:

- (1) Purchases a dwelling; or
- (2) Purchases and rehabilitates a substandard dwelling; or
- (3) Relocates a dwelling which he or she owns or purchases; or
- (4) Constructs a dwelling on a site he or she owns or purchases; or
- (5) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases.

(e) *Occupancy requirements for displacement or replacement dwelling.* No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this part for a reason beyond his or her control, including:

- (1) A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the Federal agency funding the project, or the Agency; or
- (2) Another reason, such as a delay in the construction of the replacement dwelling, military reserve duty, or hospital stay, as determined by the Agency.

(f) *Conversion of payment.* A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under § 24.402(b) is eligible to receive a

payment under § 24.401 or § 24.402(c) if he or she meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed 1-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under § 24.401 or § 24.402(c).

(g) *Payment after death.* A replacement housing payment is personal to the displaced person and upon his or her death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:

(1) The amount attributable to the displaced persons period of actual occupancy of the replacement housing shall be paid.

(2) The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy a decent, safe, and sanitary replacement dwelling.

(3) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

Subpart F—Mobile Homes

§ 24.501 Applicability.

This subpart describes the requirements governing the provision of relocation payments to a person displaced from a mobile home and/or mobile homesite who meets the basic eligibility requirements of this part. Except as modified by this subpart, such a displaced person is entitled to a moving expense payment in accordance with Subpart D of this part and a replacement housing payment in accordance with Subpart E of this part to the same extent and subject to the same requirements as persons displaced from conventional dwellings.

§ 24.502 Moving and related expenses—mobile homes.

A tenant or owner-occupant displaced from a mobile home or mobile homesite is entitled to a payment for the cost of moving his or her personal property on an actual cost basis in accordance with § 24.301 or, as an alternative, on the basis of a fixed payment under § 24.302. (However, if the mobile home is not acquired but the owner obtains a replacement housing payment under one of the circumstances described at § 24.503(c), the owner is not eligible for payment for moving the mobile home.) Paragraphs (a), (b) and (c) of this section

apply to payments for actual moving expenses under § 24.301:

(a) A displaced mobile homeowner, who moves the mobile home to a replacement site, is eligible for the reasonable cost of disassembling, moving, and reassembling any attached appurtenances (such as porches, decks, skirting, and awnings) which were not acquired, anchoring of the unit, and utility "hook-up" charges.

(b) If a mobile home requires repairs and/or modifications so that it can be moved and/or made decent, safe and sanitary, and the Agency determines that it would be practical to relocate it, the reasonable cost of such repairs and/or modifications is reimbursable.

(c) A nonreturnable mobile home park entrance fee is reimbursable to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the Agency determines that payment of the fee is necessary to effect relocation.

§ 24.503 Replacement housing payment for 180-day mobile homeowner-occupants.

(a) A displaced owner-occupant of a mobile home is entitled to a replacement housing payment, not to exceed \$22,500, under § 24.401 if:

(1) The person both owned the displacement mobile home and occupied it on the displacement site for at least 180 days immediately prior to the initiation of negotiations;

(2) The person meets the other basic eligibility requirements at § 24.401(a); and

(3) The Agency acquires the mobile home and/or mobile home site, or the mobile home is not acquired by the Agency but the owner is displaced from the mobile home because the Agency determines that the mobile home:

(i) Is not and cannot economically be made decent, safe, and sanitary; or

(ii) Cannot be relocated without substantial damage or unreasonable cost; or

(iii) Cannot be relocated because there is no available comparable replacement site; or

(iv) Cannot be relocated because it does not meet mobile home park entrance requirements.

(b) If the mobile home is not actually acquired, but the Agency determines that it is not practical to relocate it, the acquisition cost of the displacement dwelling used when computing the price differential amount, described at § 24.401(c), shall include the salvage value or trade-in value of the mobile home, whichever is higher.

§ 24.504 Replacement housing payments for 90-day mobile home occupants.

A displaced tenant or owner-occupant of a mobile home is eligible for a replacement housing payment, not to exceed \$5,250, under § 24.402 if:

(a) The person actually occupied the displacement mobile home on the displacement site for at least 90 days immediately prior to the initiation of negotiations;

(b) The person meets the other basic eligibility requirements at § 24.402(a); and

(c) The Agency acquires the mobile home and/or mobile home site, or the mobile home is not acquired by the Agency but the owner or tenant is displaced from the mobile home because of one of the circumstances described at § 24.503(c).

§ 24.505 Additional rules governing relocation payments to mobile home occupants.

(a) *Replacement housing payment based on dwelling and site.* Both the mobile home and mobile home site must be considered when computing a replacement housing payment. For example, a displaced mobile home occupant may have owned the displacement mobile home and rented the site or may have rented the displacement mobile home and owned the site. Also, a person may elect to purchase a replacement mobile home and rent a replacement site, or rent a replacement mobile home and purchase a replacement site. In such cases, the total replacement housing payment shall consist of a payment for a dwelling and a payment for a site, each computed under the applicable section in Subpart E. However, the total replacement housing payment under Subpart E shall not exceed the maximum payment (either \$22,500 or \$5,250) permitted under the section that governs the computation for the dwelling. (See also § 24.403(b).)

(b) *Cost of comparable replacement dwelling.* (1) If a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.

(2) If the Agency determines that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the Agency may determine that, for purposes of computing the price differential under § 24.401(c), the cost of a comparable replacement dwelling is the sum of (i) the value of the mobile home, (ii) the cost of any necessary repairs or modifications, and (iii) the estimated

cost of moving the mobile home to a replacement site.

(c) *Initiation of negotiations.* If the mobile home is not actually acquired, but the occupant is considered displaced under this part, the "initiation of negotiations" is the initiation of negotiations to acquire the land, or, if the land is not acquired, the written notification that he or she is a displaced person under this part.

(d) *Person moves mobile home.* If the owner is reimbursed for the cost of moving the mobile home under this part, he or she is not eligible to receive a replacement housing payment to assist in purchasing or renting a replacement mobile home. The person may, however, be eligible for assistance in purchasing or renting a replacement site.

(e) *Partial acquisition of mobile home park.* The acquisition of a portion of a mobile home park property may leave a remaining part of the property that is not adequate to continue the operation of the park. If the Agency determines that a mobile home located in the remaining part of the property must be moved as a direct result of the project, the owner and any tenant shall be considered a displaced person who is entitled to relocation payments and other assistance under this part.

Subpart G—Last Resort Housing**§ 24.601 Applicability.**

(a) *Basic determination to provide last resort housing.* A person cannot be required to move from his or her dwelling unless at least one comparable replacement dwelling is made available to the person. Whenever an Agency determines that a replacement housing payment under Subpart E would not be sufficient to provide a comparable replacement dwelling on a timely basis to the person, the Agency is authorized to take appropriate measures under this Subpart to provide such a dwelling. The Agency's obligation to ensure that a comparable replacement dwelling is available shall be met when such a dwelling, or assistance necessary to provide such a dwelling, is offered under the provisions of this Subpart.

(b) *Basic rights of persons to be displaced.* The provisions of this Subpart do not deprive any displaced person of any rights the person may have under the Uniform Act or any implementing regulations. The Agency shall not require any displaced person to accept a dwelling provided by the Agency under the procedures in this Subpart (unless the Agency and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation

payment for which the person may otherwise be eligible. A 180-day homeowner-occupant who is eligible for a payment under § 24.401 is entitled to a reasonable opportunity to purchase a comparable replacement dwelling. However, the actual amount of assistance shall be limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling or the date the person is initially offered a comparable replacement dwelling, whichever is later. (See Appendix A of this part, § 24.601(b).)

§ 24.602 Methods of providing replacement housing.

Agencies shall have broad latitude in implementing this Subpart, but implementation shall be on a reasonable cost basis. The methods of providing last resort housing include, but are not limited to:

(a) Rehabilitation of and/or additions to an existing replacement dwelling.

(b) The construction of a new replacement dwelling.

(c) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.

(d) A replacement housing payment in excess of the limits set forth in § 24.401 or § 24.402. A rental assistance subsidy under this Subpart may be provided in installments or in a lump sum.

(e) The relocation and, if necessary, rehabilitation of a dwelling.

(f) The purchase of land and/or a replacement dwelling by the displacing agency and subsequent sale or lease to, or exchange with, a displaced person.

(g) The removal of barriers to the handicapped.

Appendix A to Part 24—Additional Information

This appendix provides additional information to explain the intent of certain provisions of this part.

Subpart A—General**Section 24.2(c) Definition of comparable replacement dwelling.**

The requirement in § 24.2(c)(2) that a comparable replacement dwelling be "functionally similar" to the displacement dwelling means that it must perform the same function, provide the same utility, and be capable of contributing to a comparable style of living as the displacement dwelling. While it need not possess every feature of the displacement dwelling, the principal features must be present.

Generally, functional similarity is an objective standard, reflecting the range of purposes for which the various features of a dwelling may physically be used. However, in determining whether a replacement dwelling is functionally similar to the displacement dwelling, the Agency may consider reasonable trade-offs in specific features when the replacement unit is "equal or better than" the displacement dwelling.

For example, if the displacement dwelling contains a pantry and a similar dwelling is not available, a replacement dwelling with ample kitchen cupboards may be acceptable. Insulated and heated space in a garage might prove an adequate substitute for basement workshop space. A dining area may substitute for a separate dining room. Under some circumstances, attic space could substitute for basement space for storage purposes, and vice versa. Only in unusual circumstances may a comparable replacement dwelling contain fewer rooms or consequentially less living space than the displacement dwelling. Such may be the case when a decent, safe, and sanitary replacement dwelling (which by definition is "adequate to accommodate" the displaced person) may be found to be "functionally similar" to a larger but very run-down substandard displacement dwelling.

Section 24.2(c)(5) requires that a comparable replacement dwelling for a person who is not receiving assistance under any government housing program before displacement must be currently available on the private market without any subsidy under a government housing program.

A public housing unit may qualify as a comparable replacement dwelling only for a person displaced from a public housing unit; a privately-owned dwelling with a housing program subsidy tied to the unit may qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or public housing; a housing program subsidy to a person (not tied to the building), such as a HUD Section 8 Existing Housing Program Certificate or a Housing Voucher, may be reflected in an offer of a comparable replacement dwelling to a person receiving a similar subsidy or occupying a privately-owned subsidized unit or public housing unit before displacement.

However, nothing in this part prohibits an Agency from offering, or precludes a person from accepting, assistance under a government housing program, even if the person did not receive similar assistance before displacement. However, the Agency is obligated to inform the person of his or her options under this part. (If a person accepts assistance under a government housing program, the rental assistance payment under § 24.402 would be computed on the basis of the person's actual out-of-pocket cost for the replacement housing.)

Section 24.2(f)(2) Persons not displaced.

Section 24.2(f)(2)(iii) recognizes that there are circumstances where the acquisition of real property takes place without the intent or necessity that an occupant of the property be displaced. Because such occupants are not considered "displaced persons" under this part, great care must be exercised to ensure

that they are treated fairly and equitably. For example, if the tenant-occupant of a dwelling will not be displaced, but is required to relocate temporarily in connection with the project, the temporarily-occupied housing must be decent, safe and sanitary and the tenant must be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including moving expenses and increased housing costs during the temporary relocation.

It is also noted that any person who disagrees with the Agency's determination that he or she is not a displaced person under this part may file an appeal in accordance with § 24.10.

Section 24.2(k) Initiation of negotiations.

This section of the part provides a special definition for acquisitions and displacements under Pub. L. 96-510 or Superfund. These activities differ under Superfund in that relocation may precede acquisition, the reverse of the normal sequence. Superfund is a program designed to clean up hazardous waste sites. When such a site is discovered, it may be necessary, in certain limited circumstances, to alert the public to the danger and to the advisability of moving immediately. If a decision is made later to permanently relocate such persons, those who had moved earlier would no longer be on site when a formal, written offer to acquire the property was made and thus would lose their eligibility for a replacement housing payment. In order to prevent this unfair outcome, we have provided a definition which is based on the public health advisory or announcement of permanent relocation.

Section 24.3 No duplication of payments.

This section prohibits an Agency from making a payment to a person under this part that would duplicate another payment the person receives under Federal, State, or local law. The Agency is not required to conduct an exhaustive search for such other payments; it is only required to avoid creating a duplication based on the Agency's knowledge at the time a payment under this part is computed.

Section 24.9(c) Reports.

This paragraph allows Federal agencies to require the submission of a report on activities under the Uniform Act no more frequently than once every three years. The report, if required, will cover activities during the Federal fiscal year immediately prior to the submission date. In order to minimize the administrative burden on Agencies implementing this part, a basic report form (see Appendix B of this part) has been developed which, with only minor modifications, would be used in all Federal and federally-assisted programs or projects.

Subpart B—Real Property Acquisition

Section 24.101(a) General.

The provisions of this subpart apply to real property acquisition for the following types of Federal or federally-assisted programs or projects:

(1) Those carried out under the threat of eminent domain, including amicable agreements under the threat of such power.

(2) Where there is an intended, planned, or designated project area, and all or substantially all of the property within that area is eventually intended to be acquired. Such acquisitions are subject to the requirements of this subpart whether or not the Agency has or intends to use the power of eminent domain.

Provided it does not conflict with the foregoing, an Agency may determine that the requirements of this subpart do not apply to an acquisition if all of the following conditions are present:

(1) No specific site or property needs to be acquired, although the Agency may limit its search for alternative sites to a general geographic area.

(2) The property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area is eventually to be acquired.

(3) The Agency will not acquire the property in the event negotiations fail to result in an amicable agreement, and the owner is so informed.

Acquisitions meeting the foregoing criteria are classified as voluntary transactions. The essence of a voluntary transaction is the conditions surrounding the transaction, not the type of transaction itself. A voluntary transaction may involve a donation, an exchange, or a market sale, if the transaction is without compulsion on the part of the Agency.

In those situations where an Agency wishes to purchase more than one site within a geographic area on a "voluntary transaction" basis, it is intended that all owners be treated similarly.

Although the displacement of the owner-occupant of the real property as a result of a voluntary transaction is not subject to this part (see § 24.2(f)(2)(vi)), the displacement of a tenant-occupant of the real property is subject to this part.

Section 24.101(b) Less-than-full-fee interest in real property.

This provision provides a benchmark beyond which the requirements of the subpart clearly apply to leases. However, the Agency may apply the regulations to any less-than-full-fee acquisition which is short of 50 years but which in its judgment should be covered.

Section 24.102(d) Establishment of offer of just compensation.

The initial offer to the property owner may not be less than the amount of the Agency's approved appraisal, but may exceed that amount if the Agency determines that a greater amount reflects just compensation for the property.

Section 24.102(f) Basic negotiation procedures.

It is intended that an offer to an owner be adequately presented, and that the owner be properly informed. Personal, face-to-face contact should take place, if feasible, but this

section is not intended to require such contact in all cases.

Section 24.102(i) Administrative settlement.

This section provides guidance on administrative settlement as an alternative to judicial resolution of a difference of opinion on the value of a property, in order to avoid unnecessary litigation and congestion in the courts.

All relevant facts and circumstances should be considered by an Agency official delegated this authority. Appraisers, including reviewing appraisers, must not be pressured to adjust their estimate of value for the purpose of justifying such settlements. Such action would invalidate the appraisal process.

Section 24.102(j) Payment before taking possession.

It is intended that a right-of-entry for construction purposes be obtained only in the exceptional case, such as an emergency project, when there is no time to make an appraisal and purchase offer and the property owner is agreeable to the process.

Section 24.102(m) Fair Rental.

Section 301(6) of the Uniform Act limits what an Agency may charge when a former owner or previous occupant of a property is permitted to rent the property for a short term or when occupancy is subject to termination by the Agency on short notice. Such rent may not exceed "the fair rental value * * * to a short-term occupier." The Agency's right to terminate occupancy on short notice (whether or not the renter also has that right) supports the establishment of a lesser rental than might be found in a longer, fixed-term situation.

Section 24.103(b) Standards of appraisal.

In paragraph (b)(3) of this section, it is intended that all relevant and reliable approaches to value be utilized. However, where an Agency determines that the market approach will be adequate by itself because of the type of property being appraised and the availability of sales data, it may limit the appraisal assignment to the market approach.

Section 24.103(c) Influence of the project on just compensation.

As used in this section, the term "project" is intended to mean an undertaking which is planned, designed, and intended to operate as a unit.

Because of the public knowledge of the proposed project, property values may be affected. A property owner should not be penalized because of a decrease in value caused by the proposed project nor reap a windfall at public expense because of increased value created by the proposed project.

Section 24.103(f) Conflict of interest.

The overall objective is to minimize the risk of fraud and mismanagement and to promote public confidence in Federal and federally-assisted land acquisition practices. Recognizing that the costs may outweigh the benefits in some circumstances, the part provides that the same person may both appraise and negotiate an acquisition, if the

value is \$2,500 or less. However, it should be noted that all appraisals must be reviewed in accordance with § 24.104. This includes appraisals of real property valued at \$2,500, or less.

Section 24.104 Review of appraisals.

This section recognizes that Agencies differ in the authority delegated to the review appraiser. In some cases the reviewer establishes the amount of the offer to the owner and in other cases the reviewer makes a recommendation which is acted on at a higher level. It is also within Agency discretion to decide whether a second review is needed if the first review appraiser establishes a value different from that in the appraisal report or reports on a property.

Before acceptance of an appraisal, the review appraiser must determine that the appraiser's documentation, including valuation data and the analyses of that data, demonstrates the soundness of the appraiser's opinion of value. The qualifications of the review appraiser and the level of explanation of the basis for the reviewer's recommended or approved value depend on the complexity of the appraisal problem. For a low value property requiring an uncomplicated valuation process, the reviewer's approval, endorsing the appraiser's report, may satisfy the requirement for the reviewer's statement.

Section 24.106 Expenses incidental to transfer of title to the agency.

Generally, the Agency is able to pay such incidental costs directly and, where feasible, is required to do so. In order to prevent the property owner from making unnecessary out-of-pocket expenditures and to avoid duplication of expenses, the property owner should be informed early in the acquisition process of the Agency's intent to make such arrangements. In addition, it is emphasized that such expenses must be reasonable and necessary.

Section 24.108 Donations.

This section provides that the Agency must obtain an appraisal and offer the full amount of just compensation due unless the owner, after being fully informed of such policies, releases the Agency from these obligations.

Subpart C—General Relocation Requirements

Section 24.204(a) Availability of comparable replacement dwelling before displacement.

This provision requires that no one may be required to move from a dwelling without one comparable replacement dwelling having been made available. In addition, this part requires that, "Where possible, three or more comparable replacement dwellings shall be made available." Thus the basic standard for the number of referrals required under this part is three. Only in situations where three comparable replacement dwellings are not available (e.g., when the local housing market does not contain three comparable dwellings) may the Agency make fewer than three referrals.

Section 24.205 Relocation assistance advisory services.

Section 24.205(b)(2)(iii) is intended to emphasize that if the comparable replacement dwellings are located in areas of minority concentration, minority persons should, if possible, also be given opportunities to relocate to replacement dwellings not located in such areas.

Section 24.206 Eviction for cause.

Basic eligibility for assistance is established on the basis of facts existing as of the date of the initiation of negotiations. Once the Agency has determined that a person has satisfied such requirements, there is no basis for changing that determination.

Section 24.207 General requirements claims for relocation payments.

Section 24.207(a) allows an Agency to make a payment for low cost or uncomplicated moves without additional documentation, as long as the payment is limited to the amount of the lowest acceptable bid or estimate.

Subpart E—Replacement Housing Payments

Section 24.401 Replacement housing payment for 180-day homeowner-occupants.

The provision in § 24.401(c)(4)(iii) to use the current fair market value for residential use does not mean the Agency must have an appraisal made. Any reasonable method at arriving at the fair market value may be used.

Section 24.402 Replacement housing payment for 90-day occupants.

The provision in § 24.402(b)(1) to use the fair market rent for the displacement dwelling is intended to address the computation of payments for homeowner-occupants (who, of course, paid no rent before displacement) and those unusual situations in which a tenant is paying an unreasonably low rent and a payment based on such rent would provide a windfall. The provision is not intended to apply in those situations where the use of the fair market rent would result in a hardship because of the displaced person's income or other special circumstances.

The downpayment assistance provisions in § 24.402(c) are intended to limit such assistance to the amount of the computed rental assistance payment for a tenant or an eligible homeowner. It does, however, provide the latitude for agency discretion in offering downpayment assistance which exceeds the computed rental assistance payment, up to the \$5,250 statutory maximum. This does not mean, however, that such agency discretion may be exercised in a selective or indiscriminate fashion. The displacing agency should develop a policy which affords equal treatment for persons in like circumstances and this policy should be applied uniformly throughout the agency's programs or projects.

For purposes of this section, the term downpayment means the downpayment ordinarily required to obtain conventional loan financing for the decent, safe, and sanitary dwelling actually purchased and occupied. However, if the downpayment

actually required of a displaced person for the purchase of the replacement dwelling exceeds the amount ordinarily required, the amount of the downpayment may be the amount which the agency determines is necessary.

Subpart F—Mobile Homes

Section 24.503(c) Replacement housing payment for 180-day mobile homeowner-occupants.

A 180-day owner-occupant who is displaced from a mobile home on a rented site may be eligible for a replacement housing payment for a dwelling computed under § 24.401 and a replacement housing payment for a site computed under § 24.402. A 180-day owner-occupant of both the mobile home and the site, who relocates the mobile home, may be eligible for a replacement housing payment under § 24.401 to assist in the purchase of a replacement site or, under § 24.402, to assist in renting a replacement site.

Subpart G—Last Resort Housing

Section 24.601(a) Basic determination to provide last resort housing.

No additional guidelines for implementation are included in the part because additional requirements would tend to limit the flexibility considered necessary or appropriate to provide comparable replacement housing on a timely basis.

Section 24.601(b) Basic rights of persons to be displaced.

This paragraph affirms the right of a 180-day homeowner-occupant, who is eligible for a replacement housing payment under § 24.401, to a reasonable opportunity to purchase a comparable replacement dwelling. However, it should be read in conjunction with the definition of "owner of displacement dwelling" at § 24.2(1). The Agency is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the Agency would be required to provide such persons if they owned fee simple title to the displacement dwelling. If such assistance is not sufficient to buy a replacement dwelling, the Agency may provide additional purchase assistance or rental assistance.

Section 24.602 Methods of providing replacement housing.

The use of cost effective means of providing replacement housing is implied throughout the part. The term "reasonable cost" is used here to underline the fact that

while innovative means to provide housing are allowed, they should be cost-effective.

Appendix B to Part 24—Statistical Report Form

This appendix sets forth the statistical information which may be collected from Agencies in accordance with § 24.9(c).

General

1. *Report coverage.* This report covers all relocation and real property acquisition activities under a Federal or a federally assisted project or program subject to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, as amended (herein called the "Uniform Act").

2. *Report period.* Activities shall be reported on a Federal Fiscal Year basis, i.e., October 1–September 30, for the year in which the report is required.

3. *Where and when to submit report.* Submit an original and two copies of this report to (Name and Address of Federal Agency) as soon as possible after September 30, but NOT LATER THAN NOVEMBER 15, of the year in which the report is due.

4. *How to report relocation payments.* The full amount of a relocation payment shall be reported as if disbursed in the year during which the payment was approved, regardless of whether the payment is to be paid in installments.

5. *How to report dollar amounts.* Round off all money entries in Parts B and C to the nearest dollar.

6. *Statutory references.* The references in parentheses in Part B indicate the section of the Uniform Act that authorizes the cost.

PART A. Persons displaced

Report in Part A the number of persons ("households," "businesses, including nonprofit organizations," and "farms") who were permanently displaced during the report year by project or program activities and moved to their replacement dwelling or location. This includes businesses, nonprofit organizations and farms which, upon displacement, discontinued operations. The category "households" includes all families and individuals. A family shall be reported as "one" household, not by the number of people in the family unit. Persons shall be reported according to their status as "owners" or "tenants" of the property from which displaced.

PART B. Relocation payments and expenses

Columns (a) and (b). Report in Column (a) the number of claims approved during the report year. Report in Column (b) the total

amount represented by the claims reported in Column (a).

Line 10b, Column (b). Report in Column (b) the amount of increased mortgage interest costs that was included in the total amount approved for Replacement Housing Payments for Homeowners on Line 10a, Column (b). Leave Line 10b, Column (a) blank.

Line 13. Report in Column (a) the number of households displaced by project or program activities which were provided assistance in accordance with section 206(a) of the Uniform Act. Report in Column (b) the total financial assistance under section 206(a) allocable to the households reported in Column (a). (If a household received financial assistance under section 203 or section 204 as well as under section 206(a) of the Uniform Act, report the household as a claim in Column (a), but in Column (b) report only the amount of financial assistance allocable to section 206(a). For example, if a tenant-household receives a payment of \$7,000 to rent a replacement dwelling, the sum of \$5,250 shall be included on Line 11, Column (b), and \$1,750 shall be included on Line 13, Column (b).)

Line 14. Report on Line 14 all administrative costs incurred during the report year in connection with providing relocation advisory assistance and services under section 205 of the Uniform Act.

PART C—Real property acquisition subject to Uniform Act

Line 16, Columns (a) and (b). Report in Column (a) all parcels acquired during the report year where title or possession was vested in the acquiring agency during the reporting period. (Include parcels acquired without Federal financial assistance, if there was or will be Federal financial assistance in other phases of the project or program.) Report in Column (b) the total of the amounts paid, deposited in court, or otherwise made available to a property owner pursuant to applicable law in order to vest title or possession in the acquiring agency.

Line 17. Report on Line 17 the number of parcels reported on Line 16 that were acquired by condemnation where price disagreement was involved. Leave Line 17, Column (b), blank.

PART D—Relocation appeals filed during report year

Line 18. Report on Line 18 the total number of relocation appeals filed during the report year by a person alleging the Agency failed to properly determine the person's eligibility for, or the amount of, a relocation payment required under these regulations.

BILLING 4910-22-M

Form Approved
OMB No: 2105-0508
Exp. Date: 6/30/89
Attachment
Appendix B

Model Uniform Act Report

Part A. Persons Displaced by Activities Subject to the Uniform Act During Report Year

	Item	Total (a)	No. of Owners (b)	No. of Tenants (c)
1	Households (Families and Individuals)			
2	Businesses and Nonprofit Organizations			
3	Farms			

Part B. Relocation Payments and Expenses Under Uniform Act During Report Year

	Item	No. of Claims (a)	Amount (b)
4	Payments for Moving Expenses for Households	Actual Expenses (Section 202(a))	
5		Fixed Payment Including Dislocation Allowance (Section 202(b))	
6	Payments for Moving Expenses for Business and Nonprofit Organizations	Actual Expenses (Section 202(a))	
7		Payment in Lieu of Actual Expenses (Section 202(c))	
8	Payment for Moving Expenses for Farms	Actual Expenses (Section 202(a))	
9		Payment in Lieu of Actual Expenses (Section 202(c))	
10a			
10b	Amount on Line 10a Attributable to Increased Mortgage Interest Costs		
11	Rental Assistance Payment (Tenants and Certain Others) (Section 204(1))		
12	Downpayment Assistance (Tenants and Certain Others) (Section 204(2))		
13	Housing Assistance as Last Resort (Section 206(a))		
14	Relocation Advisory Assistance and Services Cost (Section 206)		
15	Total (Sum of Lines 4 through 14 Excluding Line 10b)		

Part C. Real Property Acquisition Subject to Uniform Act During Report Year

	Item	No. of Parcels (a)	Compensation (b)
16	Total Parcels Acquired		
17	Total Parcels Acquired by Condemnation included on Line 16 (where price disagreement was involved)		

Part D. Relocation Grievances Filed During Report Year

	Total No.
18 Relocation Grievances Filed in Connection with Project / Program	

DEPARTMENT OF AGRICULTURE

7 CFR PART 21

DEPARTMENT OF ENERGY

10 CFR PART 1039

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR PART 1208

DEPARTMENT OF COMMERCE

15 CFR PART 11

TENNESSEE VALLEY AUTHORITY

18 CFR PART 1306

DEPARTMENT OF LABOR

29 CFR PART 12

DEPARTMENT OF DEFENSE

32 CFR PART 259

DEPARTMENT OF EDUCATION

34 CFR PART 15

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR PART 904

VETERANS' ADMINISTRATION

38 CFR PART 25

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 4

GENERAL SERVICES ADMINISTRATION

41 CFR PART 105-51

DEPARTMENT OF THE INTERIOR

41 CFR PART 114-50

DEPARTMENT OF JUSTICE

41 CFR PART 128-18

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR PART 25

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR PART 15

DEPARTMENT OF TRANSPORTATION

49 CFR PART 25

Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

AGENCIES: Department of Agriculture; Department of Commerce; Department of Defense; Department of Education; Department of Energy; Department of Health and Human Services; Department of the Interior; Department of Justice; Department of Labor; Department of Transportation; Environmental Protection Agency; Federal Emergency Management Agency; General Services Administration; National Aeronautics and Space Administration; Pennsylvania Avenue Development Corporation; Tennessee Valley Authority; Veterans' Administration.

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule provides for the partial implementation of the Uniform Relocation Act Amendments of 1987 (1987 Amendments) (Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17, 101 Stat. 132). The 1987 Amendments make several changes to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), 42 U.S.C. 4601-4655 (1982). One of the primary purposes of the 1987 Amendments was to establish a governmentwide single rule, published at a single location in the Code of Federal Regulations (CFR) to implement the provisions of the Uniform Act. The 1987 Amendments become fully applicable on April 2, 1989. This interim final rule is intended to do two things. First, it provides a transition from the existing governmentwide common rule on the Uniform Act, published at 17 separate places in the Code of Federal Regulations to a governmentwide single rule appearing at 49 CFR Part 24. Secondly, it provides a means whereby Federal programs, that are able to implement the explicit, nondiscretionary provisions of the 1987 Amendments, may do so. A more detailed discussion of the implementation of the 1987 Amendments is contained in the U.S. Department of Transportation (DOT) interim final rule which appears elsewhere in this *Federal Register*, and in DOT's recent notice of regulatory intent on this subject at 52 FR 45667.

DATES: The effective date of the interim final rule and the date by which comments must be received are as stated in the agency specific preambles.

ADDRESSES: See individual agencies below.

FOR FURTHER INFORMATION CONTACT: See individual agencies below.

SUPPLEMENTARY INFORMATION:

Currently 17 Federal agencies have codified in 17 different places in the Code of Federal Regulations (CFR) a governmentwide verbatim common rule to implement the Uniform Act. This common rule was published in the February 27, 1986 *Federal Register* (51 FR 6999-7040). This document removes the text of this common rule from all but one of the 17 places by no later than April 2, 1989. The actual implementation date will vary from agency to agency depending upon program authority and administrative need.

The instrument for this removal (rescission) is an interim final rule with a request for public comments. An interim final action is used instead of a proposed action because the Department of Transportation (DOT), the lead agency for the Uniform Act, interprets the 1987 Amendments to call for a single governmentwide rule codified in one instead of 17 places in the Code of Federal Regulations. This interpretation is based upon the language of the Uniform Act and its legislative history. Section 213(a) of the Uniform Act, as amended, directs the lead agency to "develop, publish, and issue * * * such regulations as may be necessary to carry out this Act" with the "active participation" of the Department of Housing and Urban Development and other concerned Federal agencies. Congress intended that "the lead agency rules should provide sufficient direction to preclude the need for the issuance of regulations by other Federal agencies", in order to "insure uniformity and minimize burdens on State and local agencies", H.R. Rep. 99-665, 99th Cong. 2d Sess. 92 (1986); and that "there be a single uniform set of Federal regulations, so that State and local governments do not have to bear the administrative expense of following multiple sets of Federal regulations". 133 Cong. Rec. S1560 (daily ed. February 3, 1987).

Therefore, in the future all changes to the single governmentwide rule could be proposed and then made by DOT, with participation of, but no action by, the other affected Federal agencies. This is consistent with the statute and the expressed intent of Congress in the House Report, would simplify implementation of the Uniform Act, and would reduce administrative burdens upon Federal agencies when revisions to the Uniform Act regulations are proposed. However, this approach would mean that other Federal agencies will no longer be publishing their own full text rules implementing the Uniform

Act in their Chapter of the Code of Federal Regulations, and State or local agencies receiving Federal financial assistance from such agencies would have to refer to the single governmentwide rule at 49 CFR Part 24 to find the full text of the regulations implementing the Uniform Act. Public comments are requested on this approach. Subject to consideration of any comments received, this interim final rule will become the final rescission and a Notice of such final action will appear in the **Federal Register**.

Also, this document inserts for all agencies other than DOT in their respective parts of the CFR merely a cross reference to the full text rule appearing in the Department of Transportation's part of the CFR at 49 CFR Part 24. The instrument for this replacement is an interim final rule with a request for public comments. An interim final action is used versus a proposed action to take immediate advantage of those benefits of the new statute which do not require discretion by the Federal Government. This document provides for a transition period to allow those Federal programs that are able to take immediate advantage of the explicit, non-discretionary benefits provided by the new law to do so, while enabling other Federal programs to continue operating under the common rule.

Subject to consideration of any comments received, this interim final rule will become final and a Notice of such final action will appear in the **Federal Register**. In this document, each of the 16 affected agencies (besides DOT) is indicating appropriate effective dates (no later than April 2, 1989) for this replacement for each of their programs.

For a more detailed discussion of the entire rulemaking approach (including a DOT notice of proposed rulemaking—to reflect provisions of the new statute which require discretion by the Federal Government—to appear later), see DOT's interim final rule with a request for public comments which appears elsewhere in this **Federal Register**. In addition, see DOT's recent notice of regulatory intent on this subject at 52 FR 45667.

Executive Order 12291

Executive Order 12291 requires that a regulatory impact analysis be prepared for "major" rules which are defined in the Order as any rule that has an annual effect on the national economy of \$100 million or more, or certain other specified effects. Some of the changes in the 1987 Amendments are

administrative or procedural, which should result in savings to Federal, State, and local agencies in administering the Uniform Act. Other changes alter benefit levels, which should result in a modest increase in amounts paid under the Uniform Act.

However, we do not believe that the regulations will have an annual economic effect of \$100 million or more or the other effects listed in the Order. For this reason, we have determined that these regulations are not a major rule within the meaning of the Order.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires that for each rule with a "significant economic impact on a substantial number of small entities", an analysis be prepared describing the rule's impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impacts on small entities.

The provisions of the Uniform Act which provide the benefits covered by the proposed rule have not changed substantially. The primary impact of the 1987 Amendments is expected to be an increase in benefits provided to small businesses, the elimination of unnecessary administrative requirements imposed on State and local agencies, and the consequent reduction of burden on those affected entities.

Paperwork Reduction Act

This interim final rule does not contain or impose any new or revised collection of information requirements subject to the Paperwork Reduction Act, other than those already approved. If any such requirements are subsequently proposed in implementing the 1987 Amendments, they will be submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act, Pub. L. 96-511.

DEPARTMENT OF AGRICULTURE

7 CFR Part 21

DATES: The amendment to § 21.1 is effective January 19, 1988. The revision of Part 21 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Mr. Frank Gearde, Jr., Director, Office of Operations, United States Department of Agriculture, Room 113-W, Administration Building, 14th and Independence Avenue, SW, Washington, DC, 20250. Comments will be available for review at the above

address from 9:00 a.m. to 3:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Frank W. Bright, Realty Specialist, Office of Operations, United States Department of Agriculture, Room 1566-South Building, 14th and Independence Avenue, SW, Washington, DC, 20250, Area Code 202, Telephone No. 447-5225. Office hours Monday through Friday from 8:00 a.m. to 4:30 p.m.

List of Subjects in 7 CFR Part 21.

Real property acquisition, Relocation assistance.

Title 7 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., November 24, 1987.

John J. Franke, Jr.,

Assistant Secretary for Administration.

PART 21—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 21 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 21.1 is amended as follows:

- a. The title of the section is revised to read as set forth below.
- b. The introductory text of the section is designated paragraph "(a) Purpose," and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.
- c. A new paragraph (b) is added to read as set forth below.

§ 21.1 Purpose and applicability.

(a) *Purpose* * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this section is listed below:

Direct federal activities..... January 19, 1988.
Federally-assisted activities...as soon as state law permits, but no later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those

activities which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 21 is revised to read as set forth below:

PART 21—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 231, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 21.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF ENERGY

10 CFR Part 1039

DATES: The amendment to § 1039.1 is effective January 19, 1988. The revision of Part 1039 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to: Office of Project and Facilities Management, United States Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Donald G. Trost, MA-222, Chief, Real Property Branch, Real Property and Facilities Management Division, United States Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, (202) 586-1191, John Herrick, Esq. GC-34, United States Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585 (202) 586-6905.

List of Subjects in 10 CFR Part 1039

Real property acquisition, Relocation assistance.

Title 10 of the Code of Federal Regulations is amended as set forth below.

Lawrence F. Davenport,
Assistant Secretary, Management and Administration.

PART 1039—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 1039 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 1039.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) Purpose." and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 1039.1 Purpose and Applicability.

(a) *Purpose.*

* * * * *

(b) *Applicability.* (1) After January 19, 1988, the Department of Energy will be able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) and will be governed by implementing regulations set forth in 49 CFR Part 24.

(2) Until April 2, 1989, the provisions of this part are applicable only to those program activities which were undertaken prior to (effective date of this section) and which, therefore, were unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 1039 is revised to read as set forth below:

PART 1039—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of

Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 1039.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1208

DATES: This revision of Part 1208 is effective January 19, 1988. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Facilities Management Office, Code NXG, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Gitta Haber, 202-453-1958.

List of Subjects in 14 CFR Part 1208

Uniform relocation assistance, Real property, Relocation, Federally assisted programs, Housing, Real property acquisition, Relocation requirements, Replacement housing, Mobile homes, Moving and related expenses, Relocation assistance.

Title 14 of the Code of Federal Regulations is amended by revising Part 1208 as set forth below.

November 23, 1987.

James C. Fletcher,
Administrator.

PART 1208—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 1208.1 Uniform Relocation Assistance and Real Property Acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act

of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-255, 42 U.S.C. 4601 note) are set forth in 24 CFR Part 24.

DEPARTMENT OF COMMERCE

[Docket No. 71159-7259]

15 CFR Part 11

DATES: The amendment to § 11.1 is effective January 19, 1988. The revision of Part 11 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to: Office of Administrative Services Management, United States Department of Commerce, Room 6319, HCHB, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mary DiGiulian, Director, Office of Administrative Services Management, United States Department of Commerce, Washington, DC 20230 (202-377-0884).

ADDITIONAL SUPPLEMENTARY

INFORMATION: For federally assisted activities funded by the Department of Commerce, compliance with the 1987 Amendments and government-wide implementing regulation at 49 CFR Part 24 depends upon the legal authority possessed by the recipient of the Federal assistance. Therefore, the date that the Department's program activities become subject to the government-wide regulation is the date the recipient of Federal assistance is legally able to comply, but not later than April 2, 1989.

The collection of information requirements contained in this rule have been approved under OMB No. 0605-0020.

List of Subjects in 15 CFR Part 11

Real property acquisition, relocation assistance, reporting and recordkeeping requirements.

Title 15 of the Code of Federal Regulations is amended as set forth below.

Hugh L. Brennan,

Director, Office of Procurement and Administrative Services.

PART 11—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 11 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 11.1 is amended as follows:
a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) Purpose," and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 11.1 Purpose and applicability.

(a) *Purpose.* * * *

* * * * *

(b) *Applicability.* (1) Regulations applicable to those recipients of Federal assistance who are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. Such recipients will be governed by 49 CFR Part 24 as soon as they are legally able to comply but not later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those recipients of Federal assistance who are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 11 is revised to read as set forth below:

PART 11—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 11.1 Uniform relocation and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1306

DATES: The amendment to § 1306.1 in amendatory instruction 2 is effective January 19, 1988. The amendments in

amendatory instructions 3 and 4 are effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESS: Comments should be sent to: Edward S. Christenbury, General Counsel, Tennessee Valley Authority, E11 B33, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Comments received will be available for public inspection at Technical Library, Tennessee Valley Authority, E2 B7, 400 West Summit Hill Drive, Knoxville, Tennessee 37902, from 8:00 a.m. to 4:45 p.m. Monday through Friday except legal holidays.

FOR FURTHER INFORMATION CONTACT: James E. Fox, Deputy General Counsel, Tennessee Valley Authority, E11 B36, 400 West Summit Hill Drive, Knoxville, Tennessee 37902, 615-632-4151.

ADDITIONAL SUPPLEMENTARY

INFORMATION: Titles I and II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) (Uniform Act, as amended) will govern relocation assistance by TVA; and relocation assistance under those titles will be governed by implementing regulations set forth in Subpart A and Subparts C through G of 49 CFR Part 24.

The Tennessee Valley Authority (TVA) has determined that it is able to comply expeditiously with the relocation provisions of the 1987 Amendments, and with Subpart A and Subparts C through G of the government-wide interim final rule on this subject, published by the Department of Transportation (DOT) as 49 CFR Part 24, elsewhere in today's Federal Register. Therefore, as of the effective date of this regulation, TVA programs will be governed by those portions of the DOT regulation. TVA is not adopting Subpart B of the DOT regulation concerning real property acquisition because section 213(c) of the Uniform Act, as amended, is applicable to TVA as to the DOT relocation assistance regulations implementing Titles I and II but not to the DOT real property acquisition regulations implementing Title III of the Uniform Act, as amended.

The DOT rule published elsewhere in today's Federal Register is basically the same as the common relocation rule that was adopted by 17 Federal departments and agencies on February 27, 1986 (51 FR 7000) (except for certain

nondiscretionary changes contained in the 1987 Amendments). The primary purpose of this rulemaking action is to enable all agencies to cross reference to a single government-wide rule and to permit compliance with nondiscretionary provisions of the 1987 Amendments. TVA did not adopt that government-wide prior common rule, but has been operating under similar relocation rules at 18 CFR Part 1306. However, as a result of the 1987 Amendments, section 213 of the Uniform Act, as amended, now requires that all Federal agencies use a single government-wide regulation in implementing the Uniform Act, as amended, except as noted above with respect to TVA. Further, section 213(c) of the Uniform Act, as amended, now specifically provides that the government-wide relocation regulation implementing Titles I and II of the Uniform Act, as amended, shall apply to TVA.

Because of the specific language of section 213(c) and because this rulemaking action does not result in any material change in TVA's regulations applicable to, and its interpretation of, Titles I and II of the Uniform Act, as amended, TVA finds good cause that prior notice or an opportunity for prior comments is unnecessary and therefore makes this rule effective as an interim final rule without such prior notice or opportunity for prior comment. However, comments are invited on this change.

List of Subjects in 18 CFR Part 1306

Real property acquisition, Relocation assistance.

Title 18 of the Code of Federal Regulations is amended as set forth below.

Part 1306—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

1. The authority citation for Part 1306 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note); 48 Stat. 58, as amended (16 U.S.C. 831-831dd).

2. Section 1306.1 is revised to read as follows. This amendment is effective January 19, 1988.

§ 1306.1 Purpose and applicability.

(a) **Purpose.** The purpose of the regulations and procedures in this Subpart A is to implement Uniform

Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, Stat. 246-256, 42 U.S.C. 4601 note) (Uniform Act, as amended).

(b) **Applicability.** (1) Titles I and II of the Uniform Act, as amended, govern relocation assistance by TVA. For TVA program activities undertaken after January 19, 1988, relocation assistance under those titles will be governed by implementing regulations set forth in Subpart A and Subparts C through G of 49 CFR Part 24, in lieu of sections 1306.2 through 1306.17 and 1306.23 of this part.

(2) For program activities undertaken prior to January 19, 1988, relocation assistance will (until April 2, 1989) be governed by §§ 1306.2 through 1306.17 and § 1306.23.

(3) Regulations and procedures for complying with the real property acquisition provisions to Title III of the Uniform Act, as amended, are set forth in this part.

3. Section 1306.1(b) is revised to read as follows. This amendment is effective April 2, 1989.

§ 1306.1 Purpose and applicability.

(b) **Applicability.** (1) Titles I and II of the Uniform Act, as amended, govern relocation assistance by TVA. For TVA program activities undertaken after April 1, 1989, relocation assistance under those titles will be governed by implementing regulations set forth in Subpart A and Subparts C through G of 49 CFR Part 24.

(2) Regulations and procedures for complying with the real property acquisition provisions of Title III of the Uniform Act, as amended, are set forth in this part.

§§ 1306.2 through 1306.17 [Removed];
§§ 1306.18 through 1306.22 [Redesignated as §§ 1306.2 through 1306.6]

4. Sections 1306.2 through 1306.17 and 1306.23 are removed and §§ 1306.18 through 1306.22 are redesignated as §§ 1306.2 through 1306.6. This amendment is effective April 2, 1989.

W.F. Willis,
General Manager.

DEPARTMENT OF LABOR

29 CFR Part 12

DATES: The amendment to § 12.1 is effective January 19, 1988. The revision of Part 12 is effective April 2, 1989.

Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Office of the Assistant Secretary for Administration and Management, Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. The public may inspect all comments received at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Joseph McGovern, Division of Space and Telecommunications Management, Room S-1513. Telephone (202) 523-6401. (This is not a toll free number).

ADDITIONAL SUPPLEMENTARY

INFORMATION: The Department of Labor is adopting interim final regulations required by the 1987 Amendments. These regulations provide for a phased rescission of the substantive portions of Part 12, and substitute a cross-reference to the Department of Transportation regulations at 49 CFR Part 24, which, after April 2, 1989, will be the only regulations implementing the Uniform Act. For federally assisted activities funded by the Department, compliance with the 1987 Amendments depends upon the legal authority possessed by the recipient of Federal assistance. Therefore, the implementation date for the Federal assistance programs funded by the Department is as soon as the recipient of the assistance is able to comply, but not later than April 2, 1989.

List of Subjects in 29 CFR Part 12

Acquisition of real property, relocation assistance.

Title 29 of the Code of Federal Regulations is amended as set forth below.

Dennis E. Whitfield,
Deputy Secretary of Labor.

PART 12—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERALLY AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 12 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 12.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) Purpose." and the paragraphs currently designated

(a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 12.1 Purpose and applicability.

(a) *Purpose.* * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this section is as soon as possible but not later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 12 is revised to read as set forth below:

PART 12—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 12.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF DEFENSE

32 CFR Part 259

DATES: The amendment to § 259.1 is effective January 19, 1988. The revision of Part 259 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Mr. Jerome Liess, Department of the Army, Office of the Chief of Engineers, Room 5132, Pulaski Building, 20 Massachusetts Avenue NW., Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Jerome Liess, telephone number (202) 272-0517.

ADDITIONAL SUPPLEMENTARY

INFORMATION: Part 259 is amended and revised in the following manner. The provisions of the interim final rule found at 49 CFR Part 24 are effective 30 days after publication in the *Federal Register* for Department of Defense directly funded programs and as soon as possible but not later than April 2, 1989 for Department of Defense federally assisted programs. After April 2, 1989 all direct federal and federally assisted programs will be covered by the final rules. The procedures for processing of applications for assistance and appeals under the Act remain the same as under existing regulations.

List of Subjects in 32 CFR Part 259

Real property acquisition, Relocation assistance, Relocation requirements, Payments for moving and related expenses, Replacement housing payment, Mobile homes, Last resort housing.

Title 32 of the Code of Federal Regulations is amended as set forth below.

December 1, 1987.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

PART 259—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 259 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 259.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) *Purpose.*" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 259.1 Purpose and applicability.

(a) *Purpose.* * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation

Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this section is listed below:

Direct Federal Activities—January 19, 1988.

Federally assisted Activities—as soon as state law permits, but no later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 259 is revised to read as set forth below:

PART 259—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894, (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 259.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF EDUCATION

34 CFR Part 15

DATES: The amendment to § 15.1 takes effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of the amendment to § 15.1, call or write the Department of Education contact person. The total revision of 34 CFR Part 15 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESS: Comments should be sent to Sarah L. Kemble, Office of the General Counsel, U.S. Department of Education, Room 4121, 400 Maryland Avenue, SW., Washington, DC, 20202; (202) 732-2730.

FOR FURTHER INFORMATION CONTACT:
Sarah L. Kemble (202) 732-2730.

ADDITIONAL SUPPLEMENTARY INFORMATION: The regulations apply to programs administered by the U.S. Department of Education where a Federal agency, a State or a State agency, may compel surrender of privately owned real property or displacement of residents of that property, because the property is needed for a federally assisted project.

The 1987 Amendments provide that States and State agencies shall implement the changes made by those amendments and their implementing regulations no later than April 2, 1989. This provision gives States and State agencies time to conform their own legal authority to the changes in the Federal law. Accordingly, these interim final regulations provide for a two-step revision of Part 15. On April 2, 1989 Part 15 is revised to substitute a cross-reference to the Department of Transportation regulations which will then be the only regulations substantively implementing the Federal law governing relocation assistance and real property acquisition.

For projects funded by the Department of Education, compliance with the 1987 Amendments depends upon the legal authority possessed by the recipient of Federal assistance. Therefore, the implementation date for the Federal assistance programs funded by the Department is as soon as the recipient of the assistance is legally able to comply, but not later than April 2, 1989.

Assessment of Educational Impact

Based on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 15

Real property acquisition,
Relocation assistance.

Dated: December 14, 1987.

William J. Bennett,
Secretary of Education.

The Secretary amends Part 15 of Title 34 of the Code of Federal Regulations as follows:

PART 15—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for this Part 15 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 15.1 is amended by revising the section heading, adding "(a) Purpose." Before the undesignated introductory text, redesignating paragraphs (a) and (b) as paragraphs (a)(1) and (a)(2) respectively, and adding a new paragraph (b) to read as follows:

§ 15.1 Purpose and applicability.

(a) *Purpose* * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this rule is as soon as the recipient of Federal assistance has authority to comply but not later than April 2, 1989.

(2) Until April 2, 1989 the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 15 is revised to read as set forth below:

PART 15—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 15.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 904

DATES: The amendment to § 904.1 is effective January 19, 1988. The revision of Part 904 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Mr. Reginald Robinson, Director, Business Relations, Pennsylvania Avenue Development Corporation, Suite 1220N, 1331 Pennsylvania Avenue, NW., Washington, DC 20004. Phone: (202) 724-9068.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald Robinson, Director, Business Relations, Pennsylvania Avenue Development Corporation, Suite 1220N, 1331 Pennsylvania Avenue, NW., Washington, DC 20004. Phone: (202) 724-9068.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Pennsylvania Avenue Development Corporation (PADC) has determined that it is able to comply with the provisions of the 1987 Amendments and the provisions of the interim final rule on this subject published by DOT elsewhere in today's issue of the Federal Register. Therefore, after January 19, 1988, PADC programs will be governed by the DOT regulations.

List of Subjects in 36 CFR Part 904

Real property acquisition, Relocation assistance.

Title 36 of the Code of Federal Regulations is amended as set forth below:

M.J. Brodie,

Executive Director.

PART 904—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 904 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 904.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) Purpose." and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 904.1 Purpose and applicability.

(a) *Purpose.* * * *

(b) *Applicability.* (1) After January 19, 1988, the Pennsylvania Avenue Development Corporation will be able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) and will be governed by implementing regulations set forth in 49 CFR Part 24.

(2) Until April 2, 1989, the provisions of this part are applicable only to those program activities which were undertaken prior to January 19, 1988, and which therefore were unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 904 is revised to read as set forth below:

PART 904—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 904.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

VETERANS ADMINISTRATION

38 CFR Part 25

DATES: The amendment to 38 CFR 25.1 is to be effective January 19, 1988. The revision of Part 25 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESS: Comments should be sent to: The Administrator of Veterans Affairs (271A), 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, Room 132, of the above address between the hours of 8 a.m. and

4:30 p.m., Monday through Friday (except for holidays) until February 26, 1987.

FOR FURTHER INFORMATION CONTACT: Alan Maurer, Director, Special Programs, Office of Facilities, (202) 233-3398.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Veterans Administration (VA) is proposing to amend its regulations implementing amendments to the URA contained in 38 CFR Part 25, as a result of legislation enacted on April 2, 1987, and known as the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note). The VA will adopt these government-wide amendments to the regulations as set forth by the Department of Transportation. Certain sections of Title 38 CFR will be amended by inserting the revised regulations in those parts.

The VA has determined that it is able to comply with the provisions of the 1987 amendments to the Act and the government-wide implementing regulation at 49 CFR Part 24, immediately with respect to direct Federal activities. Therefore the VA's direct Federal activities become subject to the government-wide regulation on January 19, 1988. For federally-assisted activities compliance depends upon the legal authority possessed by the recipient of the Federal assistance. Therefore, the implementation date for all of the VA's federally assisted activities is the date the recipient of Federal assistance is legally able to comply, but not later than April 2, 1989.

List of Subjects in 38 CFR Part 25

Real property acquisition, Relocation assistance.

Title 38 of the Code of Federal Regulations is amended as set forth below.

Approved: November 20, 1987.

Thomas K. Turnage,
Administrator.

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 25 is revised to read as follows:

Authority: Section 213, Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 25.1 is amended as follows:
a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) Purpose." and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 25.1 Purpose and applicability.

(a) *Purpose.* * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are now able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this rule is listed below:

Veterans Administration, January 19, 1988.

Federally assisted, as soon as State law permits, but no later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 25 is revised to read as set forth below:

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 25.1 Uniform relocation

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 4****[FRL-3302-5]**

DATES: The revision of Part 4 is effective April 2, 1989. Comments must be submitted on or before February 16, 1988.

ADDRESSES: Comments should be sent to Marshall Schy, Grants Administration Division (PM-216), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Marshall Schy (see address above), 202-382-5298.

ADDITIONAL SUPPLEMENTARY

INFORMATION: The Environmental Protection Agency (EPA) is not adopting at this time the interim final rule published by The Department of Transportation elsewhere in today's *Federal Register*. For administrative reasons and to effect a smoother transition to the changes contained in the 1987 amendments to the Uniform Relocation Act (URA), EPA believes that implementation of these changes for its assistance recipients should be deferred to the final rulemaking process which the statute mandates for completion by April 2, 1989. EPA activities involving the URA will continue to be covered by the existing government-wide common rule found at 40 CFR Part 4 until the final rulemaking process is complete. When that occurs, EPA's URA activities will be covered by the government-wide final rule that DOT will issue at 49 CFR Part 24.

The EPA programs that involve the URA are the Wastewater Treatment Construction Grant program and the Superfund program. However, in keeping with Executive Order 12316 and the interagency agreement between EPA and the Federal Emergency Management Agency (FEMA), URA activities for the Superfund program will be implemented by FEMA according to their regulations. Persons concerned with the implementation of URA activities under Superfund should consult FEMA's action on this subject elsewhere in today's *Federal Register*.

List of Subjects in 40 CFR Part 4

Real property acquisition, Relocation assistance.

December 4, 1987

Anthony Musick,

Acting Assistant Administrator for Administration and Resources Management.

PART 4—UNIFORM RELOCATION ASSISTANT AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 4.1 Uniform relocation assistance and real property acquisition.

Effective April 2, 1989, regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

GENERAL SERVICES ADMINISTRATION**41 CFR Part 105-51**

DATES: The amendment to § 105-51.001 is effective January 19, 1988. The revision of Part 105-51 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Mrs. Hilary Peoples, Director, Acquisition Policy Division, General Services Administration, Public Buildings Service, 18th and F Streets, NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT:

Mrs. Hilary Peoples, Director, Acquisition Policy Division (202-566-1508), or Mr. James W. McMahon, Acquisition Policy Division (202-566-1269), General Services Administration, 18th and F Streets, NW., Washington, DC 20405. Office hours Monday-Friday from 8:00-4:30 p.m., e.t.

ADDITIONAL SUPPLEMENTARY

INFORMATION: The General Services Administration (GSA) has determined that it is able to comply with the provisions of the 1987 Amendments and the provisions of the interim final rule published by Department of Transportation elsewhere in today's issue of the *Federal Register*. Therefore, after January 19, 1988, GSA programs will be governed by DOT regulations.

List of Subjects in 41 CFR Part 105-51

Real property acquisition, Relocation assistance.

Title 41 of the Code of Federal Regulations is amended as set forth below.

Dated: December 4, 1987.

T.C. Golden,

Administrator of General Services.

PART 105-51—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 105-51 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 105-51.001 is amended as follows:

- a. The title of the section is revised to read as set forth below.
- b. The introductory text of the section is designated paragraph "(a) Purpose," and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.
- c. A new paragraph (b) is added to read as set forth below.

§ 105-51.001 Purpose and applicability.

(a) *Purpose.* * * *

(b) *Applicability.* (1) After January 19, 1988, the General Services Administration will be able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) and will be governed by implementing regulations set forth in 49 CFR Part 24.

(2) Until April 2, 1989, the provisions of this part are applicable only to those program activities which were undertaken prior to January 19, 1988 and which therefore were unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 105-51 is revised to read as set forth below:

PART 105-51—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 105-51.001 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF THE INTERIOR

41 CFR Part 114-50

DATES: The amendment to § 114-50.301 is effective January 19, 1988. The revision of Part 114-50 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Billy Lee Hart, Chief, Property Management Division, Office of Acquisition and Property Management, Room 5508, Department of the Interior, Washington, DC 20240, Phone: (202) 343-3336.

FOR FURTHER INFORMATION CONTACT: Billy Lee Hart, (202) 343-3336.

ADDITIONAL SUPPLEMENTARY INFORMATION: Federal agencies are promulgating jointly an interim final rule to implement cost-effective policies and procedures governing the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Public Law 100-17. This rule provides a transition from the existing government wide common rule on the Uniform Act, published at 17 separate places in the Code of Federal Regulations to a government-wide single rule appearing at 49 CFR Part 25.

The Department of the Interior has determined that it could comply with the 1987 Amendments upon their date of enactment for direct Federal programs.

Therefore, the implementation date for direct Federal activities is April 2, 1987. Accordingly, any person displaced by such activities after April 2, 1987, would be covered by the governmentwide regulation in 49 CFR Part 24. For federally assisted activities compliance depends upon the legal authority possessed by the recipient of the Federal financial assistance. Therefore, the implementation date for all of the Department's federal assistance programs is as soon as the recipient is legally able to comply, but not later than April 2, 1989.

The Department of the Interior has determined that it is unnecessary to request prior notice and comment on this document under the Administrative Procedure Act, 5 U.S.C. (b) (5), because the Department of Transportation rule that is being cross-referenced implements nondiscretionary benefit provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987. The discretionary provisions of the Act will be the subject of a later notice of proposed rulemaking to be issued by the Department of Transportation.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The rule implements benefit changes made by the Surface Transportation and Uniform Relocation Assistance Act of 1987 and is not expected to have an annual economic effect of \$100 million or more or to significantly affect small entities. The primary impact of the changes made by the Act is expected to be an increase in benefits provided to small businesses and the elimination of unnecessary administrative requirements.

This document does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* The requirements contained in the current 41 CFR Part 114-50 were approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1084-0010.

The Department hereby determines that this document is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 and does not require the preparation of an environmental impact statement or assessment.

The author of this document is Billy Lee Hart, Chief, Property Management

Division, Office of Acquisition and Property Management.

List of Subjects in 41 CFR Part 114-50

Relocation assistance, Real property acquisition.

Title 41 of the Code of Federal Regulations is amended as set forth below.

Joseph W. Gorrell,

Principal Deputy Assistant Secretary Policy, Budget and Administration.

December 1, 1987.

PART 114-50—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 114-50 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 114-50.301 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) Purpose." and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 114-50.301-1 Purpose and applicability.

(a) *Purpose.* * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this section is listed below:

Direct Federal activities—Persons displaced after April 2, 1987.

Federally-assisted activities—As soon as state law permits, but not later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 114-50 is revised to read as set forth below:

PART 114-50—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 114-50.301-1 Uniform relocation and real property acquisition

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF JUSTICE

41 CFR Part 128-18

DATES: The amendment to § 128-18.5001-1 is effective January 19, 1988. The revision of Subpart 128-18.50 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESSES: Comments should be sent to Mr. Benjamin F. Burrell, Department of Justice, Director, Facilities and Property Management Staff, Suite 700, 1425 K Street, NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: Mr. Benjamin F. Burrell, Department of Justice, Director, Facilities and Property Management Staff, Suite 700, 1425 K Street, NW., Washington, DC 20530. Telephone: (202) 633-2995.

ADDITIONAL SUPPLEMENTARY

INFORMATION: The Department of Justice is participating with other federal agencies to implement the provisions of the Uniform Relocation Act Amendments of 1987 (1987 Amendments) (Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17, 101 Stat. 132). The primary purpose of the 1987 Amendments is to establish a single rule as opposed to the existing common rule.

The Department of Transportation has been designated as the lead agency in the implementation of the Uniform Act. Therefore, the single rule is located in the Department of Transportation's portion of the Code of Federal Regulations at 49 CFR Part 24.

List of Subjects in 41 CFR Subpart 128-18.50

Real property acquisition, Relocation assistance.

Title 41 of the Code of Federal Regulations is amended as set forth below.

Harry H. Flickinger,
*Assistant Attorney General for
Administration.*

PART 128-18—ACQUISITION OF REAL PROPERTY

Subpart 128-18.50—Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

1. The authority citation for Subpart 128-18.50 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 128-18.5001-1 is amended as follows:

- The title of the section is revised to read as set forth below.
- The introductory text of the section is designated paragraph "(a) Purpose" and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.
- A new paragraph (b) is added to read as set forth below.

§ 128-18.5001-1 Purpose and applicability.

(a) *Purpose.* * * *

(b) *Applicability.* (1) After January 19, 1988, the Department of Justice will be able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note). That act designates the Department of Transportation (DOT) as the lead agency for implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended. Therefore, after January 19, 1988, the Department of Justice will be governed by DOT's implementing regulations set forth in 49 CFR Part 24.

(2) Until April 1, 1989, the provisions of this part are applicable only to those program activities which were undertaken prior to January 19, 1988, and which therefore were unable to comply with the Surface Transportation and Uniform Relocation Assistance Act

of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

PART 128-18—ACQUISITION OF REAL PROPERTY

3. Subpart 128-18.50 is revised to read as set forth below:

Subpart 128-18.50—Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 128-18.5001-1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-255, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 25.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 25

DATES: The amendments to § 25.1 is effective January 19, 1988. The revision of Part 25 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESS: Comments should be sent to Charles D. Robinson, Federal Emergency Management Agency, 500 C. Street, SW., Washington, DC 20472, (202) 646-3805.

FOR FURTHER INFORMATION CONTACT: Charles D. Robinson at (202) 646-3805.

ADDITIONAL SUPPLEMENTARY

INFORMATION: The Federal Emergency Management Agency provides permanent relocation assistance to residents, businesses, and community facilities by authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 2(c)(1) Executive Order 12580. The revision to Part 25 will apply to permanent relocation programs beginning on or after January 19, 1988.

List of Subjects in 44 CFR Part 25

Real property acquisition, Relocation assistance.

Title 45 of the Code of Federal Regulations is amended as set forth below.

Dave McLoughlin,
Deputy Associate Director.

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 25 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 25.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) Purpose," and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 25.1 Purpose and applicability.

(a) *Purpose.* * * *

(b) *Applicability.* (1) Regulations applicable to those program activities which are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. Title 49 Part will apply to Superfund Relocation Assistance Programs beginning on or after January 19, 1988.

(2) Until April 2, 1989, the provisions of this part are applicable only to those program activities which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 25 is revised to read as set forth below:

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 25.1 Uniform relocation assistance and real property acquisition

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 15

DATES: The amendment to § 15.1 is effective January 19, 1988. The revision of Part 15 is effective April 2, 1989. Comments must be received on or before February 18, 1988.

ADDRESSES: Comments should be mailed or hand delivered to: Office of Procurement, Assistance and Logistics, Department of Health and Human Services, Room 513-D, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington DC, 20201. Comments will be available for public inspection in Room 517-D at the same address, during regular business hours.

FOR FURTHER INFORMATION CONTACT: Gary Houseknecht, Division of Assistance and Cost Policy at the above address, or by calling (202) 245-7568.

ADDITIONAL SUPPLEMENTARY INFORMATION: The Department of Health and Human Services has determined that it can comply with the provisions of the Surface Transportation and Uniform Relocation Assistance Act of 1987 immediately with respect to direct federal development. Therefore, the implementation date for direct federal activities is January 19, 1988. For federally-assisted activities, compliance depends upon the legal authorities possessed by the recipient of the federal assistance award. Therefore, the implementation date for all of the Department's federal assistance programs is as soon as the recipient of the award is legally able to comply, but not later than April 2, 1989.

List of Subjects in 45 CFR Part 15

Real property acquisition, Relocation assistance.

Title 44 of the Code of Federal Regulations is amended as set forth below.

Dated: November 20, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

PART 15—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 15 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4633) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

2. Section 15.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) Purpose," and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2) respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 15.1 Purpose and applicability.

(a) *Purpose.* * * *

(b) *Applicability.* (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each program affected by this rule is listed below:

Direct federal activities—January 19, 1988.

Federally-assisted activities—as soon as state law permits, but no later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

3. Part 15 is revised to read as set forth below:

PART 15—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4633) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

§ 15.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601 et seq.), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24.

DEPARTMENT OF TRANSPORTATION

[FHWA Docket No. 87-22]

49 CFR Part 25

DATES: The amendment to § 25.1 is effective December 17, 1987. The removal of Part 25 is effective April 2, 1989. Comments must be received on or before February 16, 1988.

ADDRESS: Submit written and signed comments, preferably in triplicate, to FHWA Docket No. 87-22, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Barbara Reichart, Director, Office of Right of Way, HRW-1, FHWA, (202) 366-0116, or Reid Alsop, Office of Chief Counsel, HCC-40, FHWA, (202) 366-1371, 400 7th Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

ADDITIONAL SUPPLEMENTARY

INFORMATION: The reasons for making the changes set forth below, are described in detail in the above common preamble and in the preamble to the Department of Transportation (DOT) interim final rule which appears elsewhere in this *Federal Register*. One of the primary reasons is to allow those Federal programs that are able to do so, to take immediate advantage of explicit nondiscretionary benefits provided by the 1987 Amendments. This would be accomplished by allowing direct Federal programs to operate under the DOT interim final rule (49 CFR Part 24). Within DOT direct Federal programs are those that are undertaken solely by one of DOT's component agencies. The DOT interim final rule (49 CFR Part 24) is made fully applicable to DOT direct

Federal programs on the date specified in the amendments to § 25.1 below.

With regard to DOT Federal-aid programs that provide financial assistance to State and local agencies, the date that such programs could implement the DOT interim final rule would depend on the authority of the State and local grant recipient to comply with the 1987 Amendments. Some such recipients already have such authority while others are awaiting the enactment of necessary State enabling legislation. Generally, the specific date that a Federal-aid recipient could implement the interim final rule in 49 CFR Part 24 would be the date provided in the assurances the recipient must submit, in accordance with the Uniform Act, to the Federal funding agency.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation.

The FHWA believes that circumstances warrant the issuance of this rulemaking action without notice or an opportunity for prior comment. The DOT interim final rule, which appears elsewhere in this *Federal Register*, implements the nondiscretionary provisions of the 1987 Amendments, and is effective upon date of publication, in order to enable those agencies that are able to utilize those provisions to do so expeditiously. This cross referencing action amends § 25.1 to make that DOT interim final rule fully applicable to those DOT funded programs that are able to utilize it. Accordingly, for the same reasons set forth in the DOT interim final rule, a period for public comment on this cross reference is unnecessary.

The FHWA finds good cause to make this regulation effective without prior notice or opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act, 5 U.S.C. 553(b). Accordingly, the provisions that are contained in this rulemaking action are effective as provided by the section entitled "Dates."

While the FHWA does not anticipate that there will be any useful public comment on the general issue of the statutory provisions themselves, there may be some comments on the effect of the cross referencing provisions contained in this interim final rule. For this reason, publication of this interim final rule without an opportunity for prior comment, but with a request for comments following publication is consistent with the Department of Transportation's regulatory policies. Any comments that are submitted

specifically to this docket will be fully considered.

The interim final rule in 49 CFR Part 24 will be made applicable to persons that have not been displaced, and to property that has not been acquired, as of the implementation date established in § 25.1 below. This accords with the policy followed with previous changes in Uniform Act requirements.

Because DOT, as the government's lead agency for the Uniform Act, is issuing a single government-wide rule for implementing the Uniform Act at 49 CFR Part 24, the action taken below by DOT differs slightly from that being taken by other affected Federal agencies. Since the new single Uniform Act rule will be set out in its entirety in 49 CFR Part 24 of the DOT regulations, it is not necessary to replace the existing DOT common rule, appearing at 49 CFR Part 25 with a cross reference to the government-wide rule in Part 24. Rather, Part 25 would be rescinded on April 2, 1989, the date the 1987 Amendments become fully applicable.

List of Subjects in 49 CFR Part 25

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

Title 49 of the Code of Federal Regulations is amended as set forth below.

Issued on: December 11, 1987.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

PART 25—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 25 is revised to read as follows:

Authority: Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note); and 49 CFR 1.48(dd).

2. Section 25.1 is amended as follows:

a. The title of the section is revised to read as set forth below.

b. The introductory text of the section is designated paragraph "(a) Purpose," and the paragraphs currently designated (a) and (b) are redesignated (a)(1) and (a)(2), respectively.

c. A new paragraph (b) is added to read as set forth below.

§ 25.1 Purpose and applicability.**(a) Purpose. * * ***

* * * * *

(b) Applicability. (1) Regulations applicable to those programs which are able to comply with the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note) are set forth in 49 CFR Part 24. The implementation date for each

program affected by this section is listed below:

Direct Federal Highway Activities,
April 2, 1987.

Federally Assisted Activities, as soon as possible after April 2, 1987 but no later than April 2, 1989.

(2) Until April 2, 1989, the provisions of this part are applicable only to those programs which are unable to comply with the Surface Transportation and Uniform Relocation Assistance Act of

1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-256, 42 U.S.C. 4601 note).

PART 25—[REMOVED AND RESERVED]

3. Part 25 is removed and reserved effective April 2, 1989.

[FR Doc. 87-28854 Filed 12-16-87; 8:45 am]

BILLING CODES 3410-98-M; 6450-01-M; 7510-01-M; 3510-FB-M; 4510-23-M; 8120-02-M; 3810-01-M; 4000-01-M; 7630-01-M; 8320-01-M; 6580-50-M; 6820-23-M; 4310-RF-M; 4410-01-M; 6718-01-M; 4150-04-M; 4910-62-M