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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Commonwealth Transportation Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24 VAC 30-41
<b>VAC Chapter title(s)</b>	Rules and Regulations Governing Relocation Assistance
<b>Date this document prepared</b>	10/25/2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

## Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

CFR – Code of Federal Regulations  
USC – United States Code  
VAC – Virginia Administrative Code

## Legal Basis

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

This regulation was promulgated by the Commonwealth Transportation Board (CTB) as authorized by § 25.1-402 of the *Code of Virginia*, which provides assurances to the Federal Highway Administration that the Virginia Department of Transportation will comply with the Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970 (42 USC § 4601 *et seq.*), as amended, and as required in 49 CFR § 24.4 in order to receive federal financial assistance. The CTB is authorized to comply fully with the provisions of federal aid acts pursuant to § 33.2-221 of the *Code of Virginia*.

**Alternatives to Regulation**

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

This regulation is required to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC § 4601 *et seq.*) in order for the Virginia Department of Transportation to receive federal financial assistance. At the recommendation of the Office of Regulatory Management (ORM), due to the advanced stage of this periodic review at the time new procedures were issued, this form has been prepared with consideration of the regulation in its current form as the only alternative.

**Public Comment**

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

Commenter	Comment	Agency response

**Effectiveness**

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

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

**Decision**

*Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

*If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.*

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The CTB is proposing to retain this regulation without making any changes. The regulation continues to ensure fair and equitable treatment of persons displaced by highway construction projects.

### **Small Business Impact**

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

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

This regulation is not overly complex and is consistent with the federal law codified at 42 USC § 4601 *et seq.* and the related federal regulations in 49 CFR, part 24. The last review of this regulation occurred in 2019 and there have been no amendments or public comments since then. The regulation provides eligible relocation benefits and advisory assistance to small businesses when affected by a state project, thereby minimizing the economic impact of these projects on small businesses.

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