

WSR 25-03-135

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed January 21, 2025, 4:17 p.m.]

Subject of Possible Rule Making: Chapter 468-100 WAC, Uniform relocation assistance and real property acquisition. The Federal Highway Administration (FHWA) published a new final rule in the Federal Register, amending the government-wide Uniform Relocation Assistance and Real Property Acquisition Policy Act (Uniform Act) regulations. The Uniform Act, as amended, 42 U.S.C. 4601 *et seq.*, provides important protections and assistance for people affected by federal and federally assisted projects. Congress enacted this law to ensure that people whose real property is acquired, or who move as a result of federal projects or projects receiving federal funds, are treated fairly and equitably and receive just compensation for, and assistance in moving from, the property they own or occupy. The government-wide regulation implementing the Uniform Act is 49 C.F.R. Part 24. The Washington state department of transportation (WSDOT), as the lead agency to chapter 468-100 WAC, must now update our regulations to reflect the provisions of the final rule and remove conflicting provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 8.26.085.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: FHWA amended the Uniform Act regulations. The revisions were prompted by enactment of the Moving Ahead for Progress in the 21st Century Act (MAP-21), which increased statutory relocation benefits and reduced length of occupancy requirements. FHWA also updated the Uniform Act regulations in response to comments received during a rule making's public comment period and to reflect their experience with the Federal-aid Highway Program since the last comprehensive rule making for the Uniform Act, which occurred in 2005. The updates include streamlining processes to better meet current Uniform Act implementation needs, adding new benefit categories, updating monetary limits, and eliminating duplicative and outdated regulatory language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: FHWA is the federal lead agency for the Uniform Act. Their duties include developing, issuing, and maintaining the government-wide regulation, providing assistance to other federal agencies, and reporting to congress on Uniform Act implementation issues. FHWA published a notice of proposed rule making, which included a public comment period, in 2019. The updated rules went into effect on June 3, 2024. Since that time, FHWA has held many webinars on the final rule for state, local, and federal agencies.

WAC 468-100-002(16) establishes WSDOT as the "lead agency" for the Uniform Act in Washington acting through FHWA. WSDOT will consult with the department of enterprise services (DES) and FHWA before adopting amended rules on this subject. FHWA's Washington division realty officer will be included in this process, along with DES project management and professional services.

Process for Developing New Rule: FHWA has already created the new rules in 49 C.F.R. Part 24. WSDOT must now mirror the updated regulations in chapter 468-100 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by

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