

MINUTE ORDER NO. 78183

February 18, 1981

WHEREAS, the 61st Legislature passed an Act designated as S.B. 82 (Art. 6674n, V.A.C.S., renumbered as 3266b, V.A.C.S.) providing for the payment of moving expenses, relocation payments, rental supplements and expenses incidental to the transfer of property to the State and providing advisory relocation assistance to any individual, family, property of a business concern, farm or ranch operation or nonprofit organization displaced by acquisition of right of way for the State Highway System; and

WHEREAS, the Act directed the State Highway Commission to formulate rules and regulations necessary to carry out the provisions of the Act and to authorize payments or expenditures not in excess of those authorized by the Federal Highway Relocation Assistance Program; and

WHEREAS, acting under this authority, the Commission by Minute Order 64474 set forth Departmental policy to carry out the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 except §206(a), Title II of the Act; and

WHEREAS, it has now been determined that the Department can, to a limited extent, comply with §206(a), Title II of the Act;

NOW, THEREFORE, be it ordered that Minute Order 64474 is hereby rescinded except that any rights or liabilities now existing under the provisions of this Minute shall not be affected by the rescission of this Minute Order.

IT IS FURTHER ORDERED that from and after the effective date of this Order when in the acquisition of right of way for any highway or road designated by this Commission as a part of the State Highway System any individual, family, property of a business concern, farm or ranch operation or nonprofit organization is displaced the displacee may be compensated for moving expenses and relocation payments, be provided financial assistance to acquire replacement housing or allowed rental supplements and that property owners be compensated expenses incidental to the transfer of property needed for State highway right of way purposes, all of which payments shall be reasonable and not in excess of those set forth in the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" and any amendments thereto, provided that authority to implement Last Resort housing in §206(a), Title II, of the said 1970 Uniform Act shall be to the extent permitted under State law.

IT IS FURTHER ORDERED that all costs of this program shall be financed with State funds without participation by Cities, Counties or the Federal Government with the exception of projects in which there is Federal participation in the costs of right of way which shall be on the basis of authorized Federal participation.

The State Engineer-Director for Highways and Public Transportation is hereby directed to formulate operating procedures to carry out this policy. Specifically the procedures shall provide for methods of establishing eligibility of displaced persons to receive one or more of the types of displacement payments herein authorized and for examining and promptly acting on requests for review from displacees, all under the supervision of this Commission.