

Sec. 8-273-45. Procedures

(a) As early as practicable in the land acquisition stage of a program or project undertaken by or under the supervision of the Department of Transportation, a representative of the Department shall contact each person who will be displaced as a result of such activity and shall explain the nature of the relocation assistance for which such displaced person is eligible, including the amount of any payment for displacement expenses as determined by the Department using the criteria set forth in the URAA and 49 CFR Part 25. If the displaced person disputes the adequacy of the relocation assistance offered to him, and wishes to appeal such determination to the Commissioner of Transportation pursuant to Section 8-278 of the Connecticut General Statutes, he must first submit a written application for reconsideration to the Department. This application shall be addressed to the Director of Rights of Way, Department of Transportation, 24 Wolcott Hill Road, Wethersfield, Connecticut, and shall include whatever documentation the displaced person believes supports his request for greater assistance.

(b) If the displaced person is not satisfied by the decision rendered by the Department on his application for reconsideration, he then may appeal such determination to the Commissioner of Transportation. This appeal must be submitted in writing within eighteen (18) months after the date of acquisition of the real property that caused the displacement.

(c) A hearing on the appeal will be scheduled before the Relocation Advisory Assistance Appeals Board established by the Commissioner of Transportation under section 8-273-1 of the Regulations of Connecticut State Agencies. The hearing shall be conducted in accordance with the "contested case" provisions of the Uniform Administrative Procedure Act (UAPA), Chapter 54, Sections 4-177 through 4-181 of the Connecticut General Statutes. The Board shall submit a proposal for decision to the Commissioner within fifteen (15) days after the hearing. The proposal for decision shall set forth the Board's findings of fact, based on the evidence presented at the hearing and on matters officially noticed, and its conclusions of law. A copy of the proposal for decision shall be served on the displaced person and any other party of record by registered or certified mail, postage prepaid, and these individuals shall have until fifteen (15) days following the date of mailing to file a written statement or brief with the Commissioner regarding the proposed decision.

(d) Within ninety (90) days following the close of evidence and the filing of briefs, the Commissioner shall render a final decision in the matter.

(e) A person who is aggrieved by the final decision of the Commissioner may seek judicial review of the decision in accordance with the provisions of Section 4-183 of the Connecticut General Statutes.

(Effective September 28, 1987)