

trail bikes and mini-bikes, may be operated only within the posted boundaries of areas designated by TVA for this purpose during daylight hours, in accordance with posted regulations, and at the sole risk of the operator. TVA recommends that off-road vehicle riders follow all safety practices recommended by the American Motorcycle Association regarding safety helmets, heavy shoes, protective clothing, and protective shatterproof eyewear. All vehicles shall be equipped with properly functioning mufflers, and motorcycles with spark arresters. No vehicles emitting an unusually loud noise may be operated in such areas. All operation of such vehicles shall be in full compliance with applicable State laws. If such laws permit operation within such areas without registration and licensing, any unlicensed bikes must be transported to the areas.

§ 1305.4 Major off-road vehicle areas.

(a) Off-road vehicles of all kinds, including trail bikes and mini-bikes, may be operated within the posted boundaries of major off-road vehicle areas, which include trails, camping space, unloading ramps, and sanitary facilities. The only area presently so designated is the Turkey Bay Off-Road Vehicle Area, a 2,500-acre tract reached by a drive running west off the Trace approximately 2¼ miles south of the U.S. Highway 68 overpass.

(b) Off-road vehicles may be operated in these areas from 8 a.m. until 30 minutes before sundown. Motors must be off at all other times except for the purpose of entering or leaving the area.

(c) The areas will not be made available for competitive events sponsored by any organized riding groups.

(d) All one-way and other directional signs on trails shall be strictly observed.

(e) Signs designating cemeteries, experimental plantings, and other portions of these areas as off limits to riders shall be strictly observed.

(f) All garbage and other debris must be placed in containers provided.

(g) Riders and campers in the areas shall not harass or otherwise disturb other persons or wildlife in any way.

§ 1305.5 Mini-bike areas at family campgrounds as designated.

(a) Mini-bikes and small trail bikes may be ridden on marked trails and within posted boundaries in areas designated for that purpose at family campgrounds. Such areas are presently designated at the Piney and Hillman Ferry campgrounds.

(b) These areas are open from 9:30 a.m. until 30 minutes before sundown.

(c) All bikes must be equipped with a properly functioning combination muffler and U.S. Forest Service-approved spark arrester.

(d) All one-way and other directional signs on trails shall be strictly observed.

(e) Reckless operation, horseplay, and any action endangering or disturbing other users is prohibited.

§ 1305.6 Enforcement.

Persons violating any of the foregoing rules and regulations may be excluded from Land Between the Lakes or denied use of the areas and trails designated for operation of off-road vehicles, as deemed appropriate by authorized officials of Land Between the Lakes.

Subpart B [Reserved]

PART 1306—RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Subpart A—Regulations and Procedures

Sec.

1306.1 Purpose and applicability.

1306.2 Uniform real property acquisition policy.

1306.3 Surrender of possession.

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Subpart B [Reserved]

AUTHORITY: Sec. 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).

Subpart A—Regulations and Procedures

§ 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 and 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.

[52 FR 48019, Dec. 17, 1987]

§ 1306.2 Uniform real property acquisition policy.

(a) Before negotiations are initiated for acquisition of real property, the Chief of TVA's Land Branch will cause the property to be appraised and establish an amount believed to be just compensation therefor. The appraiser shall afford the owner or his representative an opportunity to accompany him during his inspection of the property.

(b) When negotiations are initiated to acquire real property, the owner will be given a written statement of, and summary of the basis for, the amount estimated as just compensation. The statement will identify the property and the interest therein to be acquired, including buildings and other improvements to be acquired as a part of the real property, the amount of the estimated just compensation, and the basis therefor. If only a portion of the property is to be acquired, the statement

will include a statement of damages and benefits, if any, to the remainder.

[38 FR 3592, Feb. 8, 1973. Redesignated at 52 FR 48019, Dec. 17, 1987]

§ 1306.3 Surrender of possession.

Possession of real property will not be taken until the owner has been paid the agreed purchase price or TVA's estimate of just compensation has been deposited in court in a condemnation proceeding. To the greatest extent practicable, no person will be required to move from property acquired by TVA without at least 90 days' written notice thereof.

[38 FR 3592, Feb. 8, 1973. Redesignated at 52 FR 48019, Dec. 17, 1987]

§ 1306.4 Rent after acquisition.

If TVA rents real property acquired by it to the former owner or former tenant, the amount of rent shall not exceed the fair rental value on a short-term basis.

[38 FR 3592, Feb. 8, 1973. Redesignated at 52 FR 48019, Dec. 17, 1987]

§ 1306.5 Tenants' rights in improvements.

Tenants of real property being acquired by TVA will be paid just compensation for any improvements owned by them, whether or not they might have a right to remove such improvements under the terms of their tenancy. Such payment will be made only upon the condition that all right, title, and interest of the tenant in such improvements shall be transferred to TVA and upon the further condition that the owner of the real property being acquired shall execute a disclaimer of any interest in said improvements.

[38 FR 3592, Feb. 8, 1973. Redesignated at 52 FR 48019, Dec. 17, 1987]

§ 1306.6 Expense of transfer of title and proration of taxes.

In connection with the acquisition of real property by TVA:

(a) TVA will, to the extent it deems fair and reasonable, bear all expenses incidental to the transfer of title to the United States, including penalty costs for the prepayment of any valid pre-existing recorded mortgage;

(b) Real property taxes shall be prorated to relieve the seller from paying taxes which are allocable to a period subsequent to vesting of title in the United States or the date of possession, whichever is earlier.

[38 FR 3592, Feb. 8, 1973. Redesignated at 52 FR 48019, Dec. 17, 1987]

Subpart B [Reserved]

PART 1307—NONDISCRIMINATION WITH RESPECT TO HANDICAP

Sec.

- 1307.1 Definitions.
- 1307.2 Purpose.
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- 1307.4 Program discrimination.
- 1307.5 Employment discrimination.
- 1307.6 Program accessibility.
- 1307.7 Assurances required.
- 1307.8 Compliance information.
- 1307.9 Conduct of investigations.
- 1307.10 Procedure for effecting compliance.
- 1307.11 Hearings.
- 1307.12 Decisions and notices.
- 1307.13 Effect on other regulations; supervision and coordination.

AUTHORITY: TVA Act, 48 Stat. 58 (1933) as amended, 16 U.S.C. 831-831dd (1976) and sec. 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, as amended, 29 U.S.C. 794 (1976; Supp. II 1978).

SOURCE: 45 FR 22895, Apr. 4, 1980, unless otherwise noted.

§ 1307.1 Definitions.

As used in this part, the following terms have the stated meanings, unless the context otherwise requires:

(a) *Section 504* means section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, as amended, 29 U.S.C. 794.

(b) *Recipient* means any individual, any State or its political subdivision, or any instrumentality of either, and any public or private agency, institution, organization, or other entity to which financial assistance is extended by TVA directly or through another recipient, including any successor, assignee, or transferee of a recipient as hereinafter set forth, but excluding the ultimate beneficiary of the assistance.

(c) *Financial assistance* means the grant or loan of money; the donation of real or personal property; the sale, lease, or license of real or personal property for a consideration which is

nominal or reduced for the purpose of assisting the recipient; the waiver of charges which would normally be made, in order to assist the recipient; the entry into a contract where a purpose is to give financial assistance to the contracting party; and similar transactions.

(d) *Facility* means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(e) *Federal agency* means any department, agency, or instrumentality of the Government of the United States, other than TVA.

(f) *Handicapped person* means any individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment, as further defined below, except that, as related to employment, the term *handicapped individual* does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current drug or alcohol abuse, would constitute a direct threat to property or the safety of others:

(1) *Physical or mental impairment* means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term *physical or mental impairment* includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; and drug addiction and alcoholism.