

2009 Business Relocation Assistance Retrospective Study

The Supporting Statement

Introduction: This a new request for clearance for information collection through the Business Relocation Assistance Retrospective Questionnaire.

Part A. Justification.

1. Circumstances that make collection of information necessary:

The Federal Highway Administration (FHWA) Office of Real Estate Services (HEPR) develops and implements regulations, polices and guidance that help to ensure that right-of-way needed for transportation infrastructure construction and improvements is made available in a timely fashion and in compliance with applicable laws and regulations. One of the Office's primary functions is to ensure that right-of-way acquired for federally funded projects and programs is acquired in a manner that complies with the requirements of The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). The Office also serves as Lead Agency for the government-wide promulgation and implementation of Uniform Act rules and policies. These Uniform Act requirements apply to the real estate acquisition and relocation assistance programs and projects of 18 Federal Agencies.

Among benefits included in relocation assistance under the Uniform Act is a payment, not to exceed \$10,000, to assist displaced businesses in reestablishing at a new location. The Uniform Act also includes a fixed payment for moving expenses not to exceed \$20,000 in lieu of the payments for actual reasonable moving and reestablishment related expenses. The Uniform Act benefit levels were last revised in 1989. Since that time, displaced business moves have become increasingly complex and costly. HEPR, the General Accounting Office (GAO) and several States have done recent research into the costs born by businesses that are required to relocate as a result of federally funded projects and programs. The general conclusion is that the Uniform Act benefit levels are inadequate. For example, the GAO recently reported on the need for an update of benefit levels in *Eminent Domain, Information about its Uses and Effect on Communities and Property Owners Is Limited* (GAO-07-28). The report communicates in several points, including discussions on pages 4 and 16, that Uniform Act benefits available to business are considered inadequate by interviewees. A number of States have enacted statutory benefit enhancements to, in part, help to ensure that businesses that are required to relocate are able to do so successfully.

The primary focus of this information collection is to determine the costs that a business incurs which would be reimbursable if not for the statutory maximum reestablishment expenses and the additional in-lieu eligibility that a business would be eligible to receive. This information will be used by the Office of Real Estate Services to further asses the adequacy of the current benefit levels and also to document a need for benefit level

update. In addition to determining these costs the contractor will also identify the types of benefits and services that relocated business believe will best ensure successful business relocation.

This information collection supports the DOT Strategic Goals of National Leadership and Program Delivery. This information collection meets the Policy Leadership objective of the National Leadership Goal in that the Federal Highway Administration (FHWA) Office of Real Estate Services (HEPR) develops and implements regulations, polices and guidance that help to ensure that right-of-way needed for transportation infrastructure construction and improvements is made available in a timely fashion and in compliance with applicable laws and regulations. In addition, HEPR serves as Lead Agency for the government-wide promulgation and implementation of Uniform Act rules and policies. These Uniform Act requirements apply to the real estate acquisition and relocation assistance programs and projects of 18 Federal Agencies. This information collection also meets the Program Integrity objectives of the Program Delivery Goal by identifying methods to maximize the quality of relocation program as it relates to nonresidential displaced persons.

2. How, by whom, and for what purpose is the information used:

How

The information will be collected by a contractor selected in accordance with the appropriate procurement procedures for the FHWA Office of Real Estate Services. The selected contractor will collect the information on the Survey/Interview document through personal interviews, telephone interviews and/or email as determined by the cooperation between the contractor and the selected interviewees.

Whom

The information will be collected by a contractor selected in accordance with the appropriate procurement procedures for the FHWA Office of Real Estate Services.

Purpose

The primary focus of this information collection is to determine the costs that a business incurs which would be reimbursable if not for the statutory maximum reestablishment expenses and the additional in-lieu eligibility that a business would be eligible to receive. This information will be used by the Office of Real Estate Services to further asses the adequacy of the current Uniform Act benefit levels and also to document a need for any statutory benefit level updates related to reestablishment related expenses and the fixed in-lieu payments for nonresidential displaced persons. In addition to determining these costs the contractor will also identify the types of benefits and services that relocated business believe will best ensure successful business relocation.

3. Extent of automated information collection:

The selected contractor will collect the information on the Survey/Interview document through personal interviews, telephone interviews and/or email as determined by the cooperation between the contractor and the selected interviewees.

4. Efforts to identify duplication:

The State DOT's Relocation Files contain some information but it is generally limited to documentation that supports the payment of the statutory limits. These files generally do not include all of the actual reestablishment related relocation expenses incurred by a business as the result of a Federal or federally-assisted project. This information collection will gather the actual reestablishment expenses from the selected relocated business owners.

5. Efforts to minimize the burden on small businesses:

Yes. The effort to minimize the burden on small businesses is to use the interview document to focus the interview. The results of this information collection will be used to document the adequacy of the current Uniform Act statutory limits for Reestablishment and In-lieu payments to displaced nonresidential entities.

6. Impact of less frequent collection of information:

The study has to be done on an annual basis.

7. Special circumstances:

N/A

8. Compliance with 5 CFR 1320.8:

Federal Register Volume 75, Number 76, April 21, 2010. No comments were received.

9. Payments or gifts to respondents:

None

10. Assurance of confidentiality:

N/A

11. Justification for collection of sensitive information:

No sensitive information would be collected.

12. Estimate of burden hours for information requested:

Respondents: Approximately 300 participants to be interviewed in a one year.

The “300 estimate” is based upon the average number of businesses relocated annually per state between 2005 & 2009 for federally-funded Highway projects derived from the Annual Right-of-Way Statistics at <http://www.fhwa.dot.gov/realestate/rowstats/index.cfm> . The formula is [7439 (# of business relocations)/121 (# states reporting over that period) =61.48 (annual average)] The annual average of 61.48 X 5 (years) = 300 (rounded participant estimate).

Frequency: One collection from each participant.

Estimated Average Burden per Response: Approximately 4 hours per participant over a year.

Estimated Total Annual Burden Hours: Approximately 1200 hours.

13. Estimate of total annual costs to respondents:

Based upon the Bureau of Labor Statistics, the Occupation Code for “Managers, All other” including Federal, State and Local managers, is 11-9199 (see http://www.bls.gov/oes/2008/may/oes_nat.htm#b11-0000) The median hourly salary for this category is \$43.38. The estimated annualized cost to respondents is \$52,056.00

The estimate is based upon \$43.38 X 1200 estimated hours for a total estimated cost to respondents of \$52,056.00.

14. Estimate of cost to the Federal government:

The estimate of cost to the Federal government, including salary costs based on hours, overhead, printing, payment to contractors, is \$176,210.94.

15. Explanation of program changes or adjustments:

N/A

16. Publication of results of data collection:

The results of the data collection is scheduled to be published in a report within 12 months of the contract award date.

17. Approval for not displaying the expiration date of OMB approval:

N/A

18. Exceptions to certification statement:

N/A