

## **Supporting Statement**

### State Right-of-Way Operations Manuals

1. Circumstances that make collection of information necessary:

Section 23, of the Code of Federal Regulations Part 710, reduces Federal regulatory requirements and places primary responsibility for a number of approval actions at the State level. Part 710.201 requires that States must certify at 5-year intervals that their State Right-of-Way Operations Manuals are representative of their procedures, or submit an updated manual. State Transportation Departments (STDs) are required to update their manuals to reflect changes in Federal requirements for programs administered under Title 23 U.S.C. These manuals reflect how the STDs plan to perform real estate acquisition and property management, and maintain the integrity of the right-of-way for highway and related transportation systems. State Right-of-Way Operations Manuals have been used through the years to explain the procedures each state will use in completing its acquisition of real estate. These manuals were revised to reflect the revisions contained in the final rule. This proposed collection supports the DOT Strategic Goal related to Human and Natural Environment because it deals with the Federal requirements for real estate management in connection with new highway projects.

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

State Departments of Transportation (STD) are required to update their manuals to reflect changes in Federal requirements for programs administered under Title 23 U.S.C. These manuals reflect how the STD plans to perform real estate acquisition, property management, and maintain the integrity of the right-of-way for highway and related transportation systems. The states submit their manuals to FHWA for approval. The states must certify at 5-year intervals that the manuals are representative of their procedures, or submit an updated manual.

3. Extent of automated information collection:

The States make the updated manuals available electronically for review and approval by posting it on their state websites.

4. Efforts to identify duplication:

The requirement to submit the state manuals does not duplicate any other reporting requirement. This information is gathered on a periodic basis when the states complete revisions as their procedures change, or they will certify that their procedures are current.

5. Efforts to minimize the burden on small businesses:

No burden will be placed on small businesses as a result of this requirement, which will be placed only on the State transportation agencies.

6. Impact of less frequent collection of information:

The requirement for an updated manual with a 5- year certification is an infrequent collection. It is anticipated that many states will take pride in keeping the manual fully current so that it is a useful tool for their employees.

7. Special circumstances:

There are no special circumstances involved in this data collection.

8. Compliance with 5 CFR 1320.8:

The FHWA published a Federal Register notice on November 7, 2006, (Volume 71, page 65167) which solicited public comments about the renewal of this information collection. No comments regarding this collection were received.

9. Payments or gifts to respondents:

The respondents will not receive any gifts or payments for submitting the state right-of-way manuals.

10. Assurance of confidentiality:

The state right-of-way manuals are not confidential in nature. The manuals represent the state operating procedures, which guide the conduct of their employees, and outline processes which are subject to public scrutiny.

11. Justification for collection of sensitive information:

The information to be collected in the state manuals is not sensitive in nature.

12. Estimate of burden hours for information requested:

It is estimated that approximately 3,900 hours will be required on an annual basis for completing, revising, updating, and reviewing the manuals. Approximately 52 state entities will complete updates to the manuals at about 75 hours each. Preparing the 52 manuals x 75 hours = 3,900 burden hours. It is assumed that \$25 per hour is the average hourly salary for the state employees who will prepare the right-of-way manuals. The estimated total annual staff salary costs to the respondents are calculated as follows:  
3,900 burden hours x \$25 = \$97,500 annually.

13. Estimate of total annual costs to respondents:

Other than the salary costs indicated in item 12 above there are no costs to the respondents.

14. Estimate of cost to the Federal government:

There are no direct costs to the Federal government associated with the completion of the state manuals. There are Federal personnel (salary) costs involved in reviewing and commenting on the manuals that are submitted by the States. The total annual Federal salary cost is estimated to be \$29,120, as follows: 52 Divisions X 16 hours X \$35 per hour (average Federal salary) = \$29,120 yearly.

15. Explanation of program changes or adjustments:

The program is requesting 100 fewer hours than the last submittal, review of the program showed the burden per submittal to be less.

16. Publication of results of data collection:

The FHWA does not intend to publish the state right-of-way manuals.

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

A request is made not to display the expiration date on the states' manuals because its display could cause confusion to the states that recognize that they must update or certify their manuals at 5-year intervals.

18. Exceptions to certification statement:

There are no exceptions to the certification statement.