

Supporting Statement

State Right-of-Way Operations Manuals

1. Circumstances that make collection of information necessary:

It is the responsibility of each State Department of Transportation (State) to acquire, manage and dispose of real property in compliance with the legal requirements of State and Federal laws and regulations. Part of providing assurance of compliance is to describe in a right-of-way procedural (operations) manual the organization, policies and procedures of the State to such an extent that these guide State employees, local acquiring agencies, and contractors who acquire and manage real property that is used for a federally funded transportation project. Procedural manuals assure the Federal Highway Administration (FHWA) that the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) will be met. The State responsibility to prepare and maintain an up-to-date right-of-way procedural manual is set out in 23 CFR 710.201(c). The regulation allows States flexibility in determining how to meet the manual requirement. This flexibility allows States to prepare manuals in the format of their choosing, to the level of detail necessitated by State complexities. Each State decides how it will provide service to individuals and businesses affected by Federal or federally-assisted projects, while at the same time reducing the burden of government regulation. Copies of other State procedural manuals are provided electronically as examples, when requested. This collection is in line with DOT's strategic goal of organizational excellence.

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

States are required to maintain updated manuals that reflect changes in Federal laws and regulations for programs and projects administered under Title 23 U.S.C. Procedural manuals are dynamic, changing frequently. They detail how the State plans to perform real estate acquisition, relocation, and property management activities, as well as maintain the integrity of the right-of-way for highway and related transportation systems. States are required to submit their procedural manuals to the FHWA for approval. States must certify at 5-year intervals that the right-of-way procedural manuals are representative of their procedures, or submit an updated manual.

3. Extent of automated information collection:

State manuals are submitted to FHWA electronically. Eighteen States provide public access to their right-of-way procedural manuals via the Internet. These can be accessed at

4. **Efforts to identify duplication:**

The requirement to submit the State right-of-way procedural manual does not duplicate any other reporting requirement. This information is gathered on a periodic basis when the States complete revisions, as procedures change, or they certify that their procedures are current.

5. **Efforts to minimize the burden on small businesses:**

No burden is placed on small businesses as a result of this requirement. This requirement is on State transportation agencies as a prerequisite for federal funding of transportation projects.

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 keep their procedural manual current so that it is a useful tool for their employees and local acquiring agencies.

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 March 11, 2010, 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:**

State right-of-way manuals are not confidential in nature. The manuals represent the right-of-way 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 3,900 hours will be required on an annual basis for completing, revising, updating, and reviewing the manuals. Approximately 52 State entities will update manuals at about 75 hours each. Preparing the 52 manuals x 75 hours = 3,900 burden hours.

13. Estimate of total annual costs to respondents:

There are no costs to the respondents.

14. Estimate of cost to the Federal government:

There is no direct cost to the Federal government associated with the completion of the State manuals. There is a Federal personnel (salary) cost 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:

There are no program changes or adjustments.

16. Publication of results of data collection:

The FHWA does not publish hard copies of State right-of-way manuals. Links are provided to interested parties, including other State Departments of Transportation, on the FHWA website <http://www.fhwa.dot.gov/realestate/srowm.htm>.

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

A request is made to not display the expiration date on the State right-of-way manuals because such display could cause confusion to States that recognize they must update or certify manuals at 5-year intervals.

18. Exceptions to certification statement:

There are no exceptions to the certification statement.