

**Department of Transportation
Federal Highway Administration**

INFORMATION COLLECTION SUPPORTING STATEMENT

**STATE RIGHT-OF-WAY OPERATIONS MANUALS
OMB CONTROL NO. 2125-0586**

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 Federal law, the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) (implementing regulation 49 CFR 24) will be met; as well as Federal laws under Title 23 USC (implementing regulation 23 CFR 710) 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). In addition to the annual updates, lengthy, in-depth updates of each manual will be required due to the amending of 23 CFR 710 and 49 CFR 24 regulations as prompted by the enactment of the Moving Ahead for Progress in the 21st Century Act (MAP-21). 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. The manual details 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. Numerous regulatory changes will result from the update of 49 CFR 24 and 23 CFR 710 requiring

an update to all State procedural manuals and submission of the manuals to FHWA for approval. This will be a one-time update and will not continue on an annual basis.

3. Extent of automated information collection:

State manuals are submitted to FHWA electronically. States provide public access to their right-of-way procedural manuals via the Internet.

4. Efforts to identify duplication:

The States are currently required to maintain updated manuals and certify the manuals every 5 years. The burden hours set aside to perform a normal annual update is not sufficient to cover the additional in-depth updates resulting from regulatory revisions; thereby necessitating this request for additional burden hours. The hours requested are in addition to the hours already set aside. This is to ensure no duplication of effort or collections.

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 amending of 49 CFR 24 and 23 CFR 710 will require two separate manual updates; however, the updates will be one-time collections.

7. Special circumstances:

There are no special circumstances involved in this data collection.

8. Compliance with 5 CFR 1320.8:

This collection is associated with two rulemakings, RIN 2125-AF62 and 2125-AF79.

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:

Regular Updates of Manual

In order to perform the regular update of the manuals, FHWA estimates that 52 State DOTs will use 780 hours for completing, revising, updating, and reviewing the manuals. Approximately 52 State entities will update manuals at 15 hours each. Preparing the updates for 52 manuals x 15 hours = **780** burden hours x \$59 per hour (average State salary) = \$46,020 State salary cost. *(This will be done every 5 years.)*

23 CFR 710 Regulatory Revisions

In order to perform an in-depth revision of the manuals due to 23 CFR 710 regulatory revisions, FHWA estimates that 52 State entities will revise manuals at approximately 225 hours each to revise the manuals. Preparing the revisions for 52 manuals x 225 hours = **11,700** burden hours x \$59 per hour (average State salary) = \$690,300 State salary cost. *(This is a one-time collection.)*

49 CFR 24 Regulatory Revisions

In order to perform an in-depth revision of the manuals due to 49 CFR 24 regulatory revisions, FHWA estimates that 167 grantees (respondents) will have right-of-way manuals that need to be updated. 167 grantees will revise manuals at 225 hours each. 167 manuals x 225 hours = **37,575** burden hours x \$59 per hour (hourly rate) = \$2,216,925.00 respondent salary cost. *(This is a one-time collection.)*

It is estimated a total of **50,055** burden hours will be required for completing, revising, updating, and reviewing manuals/guidance on a one-time basis.

(780 hrs. + 11,700 hrs. + 37,575 hrs. = **50,055** burden hours) The total State/grantee salary cost is estimated to be \$2,953,245 as follows: State/grantee/respondent – 50,055 hours x \$59 per hour (hourly rate) = \$2,953,245.

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/respondent manuals. There is a Federal personnel (salary) cost in reviewing and commenting on the manuals that are submitted by the States/respondents. The total Federal salary cost is estimated to be \$320,864 as follows: Federal Agencies' review – 271 reviews x 16 hours x \$74 per hour (average Federal salary) = \$ 320,864.

15. Explanation of program changes or adjustments:

Due to the amending of 49 CFR 24 regulations and 24 CFR 710 regulations, a lengthy and in-depth update of each manual will be required. The revisions are prompted by enactment of MAP-21. The burden hours set aside to perform a normal annual update are not sufficient to cover these in-depth updates thereby necessitating this request for additional burden hours.

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.

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

There is no such request for this information collection.

18. Exceptions to certification statement:

There are no exceptions to the certification statement.