

49 CFR 24 Subpart D – Payments for Moving and Related Expenses		
2005 Rule	2024 Rule	
	Text	Appendix
24.301 Payment for actual reasonable moving and related expenses		
24.301(a) General.		
<p>(1) Any owner-occupant or tenant who qualifies as a displaced person (defined at § 24.2(a)(9) )-and who moves from a dwelling (including a mobile home) or who moves from a business, farm or nonprofit organization is entitled to payment of his or her actual moving and related expenses, as the <del>Agency</del> determines to be reasonable and necessary.</p> <p>(2) A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement under <del>§ 24.301</del> to relocate the mobile home. If the mobile home is not acquired as real estate, but the homeowner-occupant obtains a replacement housing payment under one of the circumstances described at § 24.502(a)(3), the <del>home-owner</del> occupant is not eligible for payment for moving the mobile home, but may be eligible for a payment for moving personal property from the mobile home.</p>	<p>(1) Any owner-occupant or tenant who qualifies as a displaced person (defined at § 24.2(a)) and who moves from a dwelling (including a mobile home) or who moves from a business, farm, or nonprofit organization is entitled to payment of his or her actual moving and related expenses, as the <u>agency</u> determines to be reasonable and necessary.</p> <p>(2) A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement under <u>this section</u> to relocate the mobile home. If the mobile home is not acquired as real estate, but the homeowner-occupant obtains a replacement housing payment under one of the circumstances described at § 24.502(a)(3), the <u>homeowner</u>-occupant is not eligible for payment for moving the mobile home but may be eligible for a payment for moving personal property from the mobile home.</p>	
24.301(b) Moves from a dwelling.		
A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a dwelling may be determined based on the cost of one, or a	A displaced person's actual, reasonable, and necessary moving expenses for moving personal property from a dwelling may be determined based on the cost of one, or a	

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<p>combination of the following methods :  <del>(Eligible expenses for moves from a dwelling include the expenses described in paragraphs (g)(1) through (g)(7) of this section. Self-moves based on the lower of two bids or estimates are not eligible for reimbursement under this section.)</del></p> <p>(1) <b>Commercial move</b>—<del>m</del>oves performed by a professional mover.</p> <p>(2) <b>Self-move</b>—<del>m</del>oves that may be performed by the displaced person in one or a combination of the following methods:</p> <p>(i) <b>Fixed Residential Moving Cost Schedule.</b> <del>(Described in § 24.302.)</del></p> <p>(ii) <b>Actual cost move.</b> Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.</p>	<p>combination of the methods <u>in paragraphs (b)(1) and (2) of this section (eligible</u> expenses for moves from a dwelling include the expenses described in paragraphs (g)(1) through (7) of this section):</p> <p>(1) <b>Commercial move.</b> <u>Moves</u> performed by a professional mover.</p> <p>(2) <b>Self-move.</b> <u>Moves</u> that may be performed by the displaced person in one or a combination of the following methods:</p> <p>(i) <b>Fixed Residential Moving Cost Schedule.</b> <u>The Fixed Residential Moving Cost Schedule described in § 24.302.</u></p> <p>(ii) <b>Actual cost move.</b> Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover <u>for moving staff necessary for moving the residential personal property. Costs for moving personal property that requires special handling should not exceed the hourly market rate for a commercial specialist.</u> Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.</p>	

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	<p><u>(iii) <b>A moving cost estimate.</b> Prepared by a qualified agency staff person, as developed from the agency's thorough review of the personal property to be moved and documented costs for materials, equipment, and labor. Hourly labor rates should not exceed the cost paid by a commercial mover for moving staff. Costs for moving residential personal property that requires special handling should not exceed the hourly rate for a commercial specialist. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover. The cost of materials should equal those readily available locally.</u></p> <p><u>(iv) <b>Commercial mover estimate.</b> Based on the lower of two bids from a commercial mover. Federal funding agencies may establish policies and procedures which require its grantees to calculate and subtract an estimated amount of overhead and profit from the moving cost bids to establish a reimbursement eligibility.</u></p>	
<b>24.301(c) Moves from a mobile home.</b>		

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<p>Eligible expenses for moves from a mobile home include those expenses described in paragraphs (g)(1) through (g)(7) of this section. In addition to the items in paragraph (a) of this section, the owner-occupant of a mobile home that is moved as personal property and used as the person's replacement dwelling, is also eligible for the moving expenses described in paragraphs (g)(8) through (g)(10) of this section. }</p> <p>(1) <b>Commercial move</b>—moves performed by a professional mover.</p> <p>(2) <b>Self-move</b>—moves that may be performed by the displaced person in one or a combination of the following methods:</p> <p>(i) <b>Fixed Residential Moving Cost Schedule.</b> (Described in § 24.302.)</p> <p>(ii) <b>Actual cost move.</b> Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover . Equipment</p>	<p>Eligible expenses for moves from a mobile home include those expenses described in paragraphs (g)(1) through (7) of this section. In addition to the items in paragraph (a) of this section, the owner-occupant of a mobile home that is moved as personal property and used as the person's replacement dwelling, is also eligible for the moving expenses described in paragraphs (g)(8) through (10) of this section. <u>A displaced person's actual, reasonable, and necessary moving expenses for moving personal property from a mobile home may be determined based on the cost of one, or a combination of the following methods:</u></p> <p>(1) <b>Commercial move.</b> <u>Moves</u> performed by a professional mover.</p> <p>(2) <b>Self-move.</b> <u>Moves</u> that may be performed by the displaced person in one or a combination of the following methods:</p> <p>(i) <b>Fixed Residential Moving Cost Schedule.</b> <u>The Fixed Residential Moving Cost Schedule described in § 24.302.</u></p> <p>(ii) <b>Actual cost move.</b> Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover <u>for moving</u></p>	

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<p>rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.</p>	<p><u>staff necessary for moving the residential personal property. Costs for moving personal property that requires special handling should not exceed the hourly market rate for a commercial specialist.</u> Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.</p> <p><u>(iii) <b>A moving cost estimate.</b> Prepared by a qualified agency staff person, as developed from the agency's thorough review of the personal property to be moved, and documented estimated costs for materials, equipment, and labor. Hourly labor rates should not exceed the cost paid by a commercial mover for moving staff. Costs for moving residential personal property that requires special handling should not exceed the hourly rate for a commercial specialist. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover. The cost of materials should equal those readily available locally.</u></p>	

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	<p><u>(iv) <b>Commercial mover estimate.</b> Based on the lower of two bids from a commercial mover. Federal funding agencies may establish policies and procedures which require its grantees to calculate and subtract an estimated amount of overhead and profit from the moving cost bids to establish a reimbursement eligibility.</u></p>	
<b>24.301(d) Moves from a business, farm, or nonprofit organization.</b>		
<p>Eligible expenses for moves from a business, farm or nonprofit organization include those expenses described in paragraphs (g)(1) through <del>(g)(7)</del> of this section and paragraphs <del>(g)(11)</del> through <del>(g)(18)</del> of this section and § 24.303. }</p> <p>(1) <b>Commercial move.</b> Based on the lower of two bids or estimates prepared by a commercial mover. At the <del>Agency's</del> discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate.</p> <p>(2) <b>Self-move.</b> A self-move payment may be based on one or a combination of the following:</p> <p>(i) The lower of two bids or estimates prepared by a commercial mover or</p>	<p>Eligible expenses for moves from a business, farm, or nonprofit organization include those expenses described in paragraphs (g)(1) through (7) and (11) through (18) of this section and § 24.303. <u>Personal property as determined by an inventory from a business, farm, or nonprofit organization may be moved by one or a combination of the following methods:</u></p> <p>(1) <b>Commercial move.</b> Based on the lower of two bids or estimates prepared by a commercial mover. At the <u>agency's</u> discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate.</p> <p>(2) <b>Self-move.</b> A self-move payment may be based on one or a combination of the following:</p> <p>(i) The lower of two bids or estimates prepared by a commercial mover or</p>	

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<p>qualified <del>Agency</del> staff person. At the <del>Agency</del>'s discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate; or</p> <p>(ii) Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.</p>	<p>qualified <u>agency</u> staff person. At the <u>agency</u>'s discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate; or</p> <p>(ii) Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.</p> <p><u>(iii) A qualified agency staff person may develop a move cost finding by estimating and determining the cost of a small uncomplicated nonresidential personal property move of \$5,000 or less, with the written consent of the person. This estimate may include only the cost of moving personal property which does not require disconnect and reconnect and/or specialty moving services necessary for activities including crating, lifting, transportation, and setting of the item in place.</u></p>	
<b>24.301(e) Personal property only.</b>		

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<p>Eligible expenses for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm or nonprofit organization include those expenses described in paragraphs (g)(1) through (g)(7) and (g)(18) of this section. (See appendix A, §-24.301(e).)</p>	<p>Eligible expenses for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm, or nonprofit organization include those expenses described in paragraphs (g)(1) through (7) and (18) of this section. (See appendix A <u>to this part, section 24.301(e).</u>)</p>	<p><i>Section 24.301(e) Personal property only.</i> Examples of personal property only moves might be: personal property that is located on a portion of property that is being acquired, but the business, <u>farm, nonprofit</u> or residence will not be <del>taken</del> <u>acquired</u> and <u>the business</u> can still operate after the acquisition; personal property that is located in a mini-storage facility that will be acquired or relocated; <u>or</u>, personal property that is stored on vacant land that is to be acquired. For <u>such a residential personal property move, there may be situations in which the costs of obtaining moving bids may exceed the cost to move. In those situations, the agency may allow an eligibility determination and payment based upon the use of the “additional room” category of the Fixed Residential Move Cost Schedule at <a href="http://www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm">www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm</a>.</u></p> <p><u>For a</u> nonresidential personal property only move, the owner of the personal property has the options of moving the personal property by using a commercial mover or a self-move. If a question arises concerning the reasonableness of an actual cost move, the <del>acquiring Agency</del> <u>agency</u> may obtain estimates from qualified movers to use as the standard in determining the payment.</p>
<b>24.301(f) Advertising signs.</b>		



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<p>The amount of a payment for direct loss of an advertising sign, which is personal property shall be the lesser of:</p> <p>(1) The depreciated reproduction cost of the sign, as determined by the <del>Agency</del>, less the proceeds from its sale; or</p> <p>(2) The estimated cost of moving the sign, but with no allowance for storage.</p>	<p>The amount of a payment for direct loss of an advertising sign, which is personal property shall be the lesser of:</p> <p>(1) The depreciated reproduction cost of the sign, as determined by the <u>agency</u>, less the proceeds from its sale; or</p> <p>(2) The estimated cost of moving the sign, but with no allowance for storage.</p>	
<b>24.301(g) Eligible actual moving expenses.</b>		
<p>(1) Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the <del>Agency</del> determines that relocation beyond 50 miles is justified.</p> <p>(2) Packing, crating, unpacking, and uncrating of the personal property.</p> <p>(3) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. For businesses, farms or nonprofit organizations this includes machinery, equipment, substitute personal property, and connections to utilities available within the building; it also includes modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement</p>	<p>(1) Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the <u>agency</u> determines that relocation beyond 50 miles is justified.</p> <p>(2) Packing, crating, unpacking, and uncrating of the personal property.</p> <p>(3) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. For businesses, farms, or nonprofit organizations this includes machinery, equipment, substitute personal property, and connections to utilities available within the building; it also includes modifications to the personal property, including those mandated by Federal, State, or local law, code, or ordinance, necessary to adapt it to the replacement structure, the replacement</p>	<p><u><i>Section 24.301(g)(3) Modifications to personal property or to utilities. Construction costs for a new building at the business replacement site, costs to substantially reconstruct a building, or rehabilitate a building are generally ineligible for reimbursement as are expenses for disconnecting, dismantling, removing, reassembling, and reinstalling relocated personal property.</i></u></p> <p><u><i>Section 24.301(g)(14) Relettering signs and replacing stationery. This may include changes to the content of other media that need correcting due to the displacement, such as DVDs and CDs. This may also include modifications to websites that would modify and edit contact and new location information made necessary because of the move. Agencies will need to determine when these costs are actual, reasonable, and necessary.</i></u></p>

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<p>site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.</p> <p>(4) <del>Storage of the personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary.</del></p> <p>(5) Insurance for the replacement value of the property in connection with the move and necessary storage.</p> <p>(6) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where</p>	<p>site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.</p> <p><u>(4) An agency may determine that the storage of personal property is a reasonable and necessary moving expense for a displaced person or person required to move temporarily under this part. Agencies may approve a payment for storage when the process of relocating from the acquired site to the replacement site is delayed for reasons beyond the control of the displaced person. Storage may not be longer than 12 months, starting at the date of vacation from the acquired site and ending when the replacement site becomes available. Agencies may approve storage for more than 12 months in unusual instances as justified, documented, and approved by the agency.</u></p> <p>(5) Insurance for the replacement value of the property in connection with the move and necessary storage.</p> <p>(6) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where</p>	<p><u>Section 24.301(g)(14)(i) and (ii). If This section only applies when equipment is not being moved to replacement site and therefore it becomes an actual loss of tangible personal property. Under § 24.301(g)(15)(i), if the piece of equipment is operational at the acquired site, the estimated cost to reconnect the equipment shall be based on the cost to install the equipment as it currently exists, and shall not include the cost of code-required betterments or upgrades that may apply at the replacement site.</u></p> <p>As prescribed in the <del>regulation</del> <u>part</u>, the allowable in-place value estimate (§ 24.301(g)(14)(i)(B)) and moving cost estimate (<del>§ 24.301(g)(14)(ii)</del>) must reflect only the “as is” condition and installation of the item at the displacement site. The in-place value estimate may not include costs that reflect code or other requirements that were not in effect at the displacement site; <del>or</del>.</p> <p><u>The in-place value estimate may also not include installation costs for machinery or equipment that is not operable or not installed at the displacement site (§ 24.301(g)(15) (ii)). Value in place can be obtained by hiring a machinery and equipment (M&amp;E) appraiser or value can be estimated via websites available for M&amp;E valuations. An example of one resource is The</u></p>

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insurance covering such loss, theft, or damage is not reasonably available.	insurance covering such loss, theft, or damage is not reasonably available.	<a href="#"><u>Association of Machinery and Equipment Appraisers (AMEA) website.</u></a> <sup>[2]</sup> <a href="#"><u>The AMEA is a nonprofit professional association whose mission is to accredit certified equipment appraisers. Another example of available resources can be found on the website of The American Society of Appraisers, a multi-discipline, nonprofit, international organization of professional appraisers. They maintain a separate web page for machinery and equipment appraisers.</u></a> <sup>[3]</sup> <a href="#"><u>Should an agency find itself in need of a machinery and equipment appraisal, a web search for either “machinery and equipment appraisers” or “machinery and equipment appraiser's organizations” will provide a number of resources which can be used to find the necessary services and resources. It is important to note that FHWA does not endorse or recommend any organization, society, or professional group. The information provided in this appendix is strictly informational.</u></a>
7 Other moving-related expenses that are not listed as ineligible under <del>§ 24.301</del> (h) , as the <del>Agency</del> determines to be reasonable and necessary.	<a href="#"><u>(7) A displaced tenant is entitled to reasonable reimbursement, as determined by the agency, for actual expenses not to exceed \$1,000, incurred for rental replacement dwelling application fees or credit reports required to lease a replacement dwelling.</u></a>	
(8) The reasonable cost of disassembling, moving, and reassembling any appurtenances attached to a mobile home, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility “hookup” charges.	<a href="#"><u>(8) Other moving-related expenses that are not listed as ineligible under paragraph (h) of this section, as the agency determines to be reasonable and necessary.</u></a>	
(9) The reasonable cost of repairs and/or modifications so that a mobile home can be moved and/or made decent, safe, and sanitary.	<a href="#"><u>(9) The reasonable cost of disassembling, moving, and reassembling any appurtenances attached to a mobile home, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility “hookup” charges.</u></a>	
(10) The cost of a nonrefundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home	<a href="#"><u>(10) The reasonable cost of repairs and/or modifications so that a mobile home can be moved and/or made decent, safe, and sanitary.</u></a>	
	<a href="#"><u>(11) The cost of a nonrefundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced <u>or temporarily</u></u></a>	<a href="#"><u>Section 24.301(g)(17-18) Searching expenses.</u></a> In special cases where the <del>displacing Agency</del> <a href="#"><u>agency</u></a> determines it to be reasonable and necessary, certain additional categories of searching costs may be considered for reimbursement. These include those costs involved in investigating potential replacement sites and the time of the

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<p>park or the <del>Agency</del> determines that payment of the fee is necessary to effect relocation.</p> <p>(11) Any license, permit, <del>fees</del> or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.</p> <p>(12) Professional services as the <del>Agency</del> determines to be actual, reasonable and necessary for:</p> <p>(i) Planning the move of the personal property;</p> <p>(ii) Moving the personal property; and</p> <p>(iii) Installing the relocated personal property at the replacement location.</p> <p>(13) Relettering signs <del>and</del> replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.</p> <p>(14) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm</p>	<p><u>moved</u> from a mobile home park or the <u>agency</u> determines that payment of the fee is necessary to effect relocation.</p> <p>(12) Any <u>actual, reasonable, or necessary costs of a</u> license, permit, <u>fee</u>, or certification required of the displaced person <u>to operate a business, farm, or nonprofit</u> at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees, <u>or</u> certification.</p> <p>(13) Professional services as the <u>agency</u> determines to be actual, reasonable, <u>and</u> necessary for:</p> <p>(i) Planning the move of the personal property;</p> <p>(ii) Moving the personal property; and</p> <p>(iii) Installing the relocated personal property at the replacement location.</p> <p>(14) Relettering signs, <u>replacing stationery</u> on hand at the time of displacement <u>or temporary move, and making reasonable and necessary updates to other media</u> that are made obsolete as a result of the move. (<u>See appendix A to this part, section 24.301(g)(14).</u>)</p> <p>(15) Actual direct loss of tangible personal property incurred as a result of moving</p>	<p>business owner, based on salary or earnings, required to apply for licenses or permits, zoning changes, and attendance at zoning hearings. Necessary attorney's fees required to obtain such licenses or permits are also reimbursable. <del>Time spent in</del> <u>Expenses</u> negotiating the purchase of a replacement business site <del>is</del> <u>are</u> also reimbursable based on a reasonable salary or earnings rate. In those instances when such additional costs to investigate and acquire the site exceed \$2,500 <del>\$5,000</del>, the <del>displacing Agency</del> <u>agency</u> may consider <u>requesting a</u> waiver of the cost limitation under the § 24.7-waiver provision. Such a waiver should be subject to the approval of the Federal-funding <del>Agency</del> <u>agency</u> in accordance with existing delegation <u>of</u> authority. <u>As an alternative to the preceding sentences in this section, Federal funding agencies may determine that it is appropriate to allow for payment of searching expenses of \$1,000 with minimal or no documentation under this part. It is expected that each Federal funding agency will consider and address the potential for waste, fraud, or abuse and may develop additional requirements to implement this provision. Such requirements may include development of procedures or by requiring specific changes or inclusions in the written procedures approved by the Federal funding agency.</u></p>

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<p>operation. The payment shall consist of the lesser of:</p> <p>(i) The fair market value in place of the item, as is for continued use, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the Agency determines that such effort is not necessary.</p> <p>When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling prices.); or</p> <p>(ii) The estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. (See appendix A, §24.301(g)(14)(i) and (ii).) If the</p>	<p>or discontinuing the business or farm operation. The payment shall consist of:</p> <p>(i) If the item is currently in use, the lesser of:</p> <p>(A) The estimated cost to move the item up to 50 miles and reinstall; or</p> <p>(B) The fair market value in place of the item, as is for continued use, less the proceeds from its sale. To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the agency determines that such effort is not necessary.</p> <p>(ii) If the item is not currently in use: The estimated cost of moving the item 50 miles, as is.</p> <p>(iii) When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling prices. See appendix A of this part, section 24.301(g)(15).)</p>	<p><u>Search expenses may be incurred anytime the business anticipates it may be displaced, including prior to project authorization or the initiation of negotiations. However, such expenses cannot be reimbursed until the business has received the notice in § 24.203(b) and only after the agency has determined such costs to be actual, reasonable, and necessary as a result of the displacement.</u></p>

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<p><del>business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of 50 miles.</del></p> <p>(15) The reasonable cost incurred in attempting to sell an item that is not to be relocated.</p> <p><del>(16) Purchase of substitute personal property.</del> If an item of personal property, which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:</p> <p>(i) The cost of the substitute item, including installation costs of the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or</p> <p>(ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the <del>Agency's</del> discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.</p> <p>(17) Searching for a replacement location. A business or farm operation is entitled to reimbursement for actual expenses,</p>	<p>(16) The reasonable cost incurred in attempting to sell an item that is not to be relocated.</p> <p>(17) If an item of personal property, which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:</p> <p>(i) The cost of the substitute item, including installation costs of the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or</p> <p>(ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the <u>agency's</u> discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.</p> <p>(18) Searching for a replacement location. (i) A business or farm operation is entitled to reimbursement for</p>	

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<p>not to exceed <del>\$2,500</del>, as the <del>Agency</del> determines to be reasonable, which are incurred in searching for a replacement location, including:</p> <ul style="list-style-type: none"> <li>(i) Transportation;</li> <li>(ii) Meals and lodging away from home;</li> <li>(iii) Time spent searching, based on reasonable salary or earnings;</li> <li>(iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites;</li> <li>(v) Time spent in obtaining permits and attending zoning hearings; and</li> <li>(vi) <del>Time spent</del> negotiating the purchase of a replacement site based on a reasonable salary or <del>earnings</del>.</li> </ul>	<p>actual expenses, not to exceed <u>\$5,000</u>, as the <u>agency</u> determines to be reasonable, which are incurred in searching for a replacement location, including:</p> <ul style="list-style-type: none"> <li>(A) Transportation;</li> <li>(B) Meals and lodging away from home;</li> <li>(C) Time spent searching, based on reasonable salary or earnings;</li> <li>(D) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites;</li> <li>(E) Time spent in obtaining permits and attending zoning hearings; and</li> <li>(F) <u>Expenses</u> negotiating the purchase of a replacement site based on a reasonable salary or <u>fee, including actual, reasonable, and necessary attorney's fees.</u></li> </ul> <p><u>(ii) The Federal funding agency may, on a program wide or project basis, allow a one-time payment of \$1,000 for search expenses with minimal or no documentation as an alternative payment method to paragraph (g)(18)(i) of this section. (See</u></p>	

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<p><del>(18)</del> <i>Low value/high bulk.</i> When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the <del>displacing Agency</del>, the allowable moving cost payment shall not exceed the lesser of: <del>The</del> amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this <del>provision</del> include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the <del>Agency</del>.</p>	<p><u>appendix A to this part, section 24.301(g)(18).</u></p> <p><u>(19)</u> When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the <u>agency</u>, the allowable moving cost payment shall not exceed the lesser of: <u>the</u> amount which would be received if the property were sold at the site; <u>or</u> the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this <u>paragraph (g)(19)</u> include, but are not limited to, stockpiled sand, gravel, minerals, metals, <u>and</u> other similar items of personal property as determined by the <u>agency</u>.</p>	
<b>24.301(h) Ineligible moving and related expenses.</b>		
<p>A-displaced person is not entitled to <del>payment</del> for:</p> <p>(1) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. (However, this part does not preclude the computation under § 24.401(c)(2)(iii));</p>	<p><u>The following is a nonexclusive listing of payments a</u> displaced person is not entitled to:</p> <p>(1) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. (However, this part does not preclude the computation under § 24.401(c)(2)(iii));</p>	



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<p>(2) Interest on a loan to cover moving expenses;</p> <p>(3) Loss of goodwill;</p> <p>(4) Loss of profits;</p> <p>(5) Loss of trained employees;</p> <p>(6) Any additional operating expenses of a business or farm operation incurred because of operating in a new location except as provided in § 24.304(a)(6);</p> <p>(7) Personal injury;</p> <p>(8) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Agency;</p> <p>(9) Expenses for searching for a replacement dwelling;</p> <p>(10) Physical changes to the real property at the replacement location of a business or farm operation except as provided in §§ 24.301(g)(3) and 24.304(a);</p> <p>(11) Costs for storage of personal property on real property already owned or leased by the displaced person, and</p> <p>(12) Refundable security and utility deposits</p>	<p>(2) Interest on a loan to cover moving expenses;</p> <p>(3) Loss of goodwill;</p> <p>(4) Loss of profits;</p> <p>(5) Loss of trained employees;</p> <p>(6) Any additional operating expenses of a business or farm operation incurred because of operating in a new location except as provided in § 24.304(a)(6);</p> <p>(7) Personal injury;</p> <p>(8) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the <u>agency</u>;</p> <p>(9) Expenses for searching for a <u>temporary or</u> replacement dwelling <u>which include costs for mileage, meals, lodging, time and professional real estate broker or attorney's fees</u>;</p> <p>(10) Physical changes to the real property at the <u>temporary or</u> replacement location of a business or farm operation except as provided in <u>paragraph (g)(3) of this section</u> and <u>§ 24.304(a)</u>;</p> <p>(11) Costs for storage of personal property on real property already owned or leased by the displaced person <u>or person to be moved temporarily</u>;</p> <p>(12) Refundable security and utility deposits; <u>and</u></p>	

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	(13) <u>Cosmetic changes to a replacement or temporary dwelling, which are not required by State or local law, such as painting, draperies, or replacement carpet or flooring.</u>	
<b>24.301(i) Notification and inspection (nonresidential).</b>		
<p>The <del>Agency</del> shall inform the displaced person, in writing, of the requirements of this section as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided the <del>displaced</del> person as set forth in § 24.203. To be eligible for payments under this section the <del>displaced</del> person must:</p> <p>(1) Provide the <del>Agency</del> reasonable advance notice of the approximate date of the start of the move or disposition of the personal property and an inventory of the items to be moved. However, the <del>Agency</del> may waive this notice requirement after documenting its file accordingly.</p> <p>(2) Permit the <del>Agency</del> to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.</p>	<p>The <u>agency</u> shall inform the displaced person <u>and persons required to move temporarily</u>, in writing, of the requirements of this section as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided the person as set forth in § 24.203. To be eligible for payments under this section the person must:</p> <p>(1) Provide the <u>agency</u> reasonable advance notice of the approximate date of the start of the move or disposition of the personal property and an inventory of the items to be moved. However, the <u>agency</u> may waive this notice requirement after documenting its file accordingly.</p> <p>(2) Permit the <u>agency</u> to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.</p>	
<b>24.301(j) Transfer of ownership (nonresidential).</b>		
Upon request and in accordance with applicable law, the claimant shall transfer to	Upon request and in accordance with applicable law, the claimant shall transfer to	

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the <del>Agency</del> ownership of any personal property that has not been moved, sold, or traded in.	the <u>agency</u> ownership of any personal property that has not been moved, sold, or traded in.	
<b>24.302 Fixed payment for moving expenses—residential moves.</b>		
<p>Any person displaced from a dwelling or a seasonal residence or a dormitory style room is entitled to receive a fixed moving cost payment as an alternative to a payment for actual moving and related expenses under § 24.301. This payment shall be determined according to the Fixed Residential Moving Cost Schedule <sup>(a)</sup> approved by <del>the Federal Highway Administration</del> and published in the Federal Register on a periodic basis. The payment to a person with minimal personal possessions who is in occupancy of a dormitory style room or a person whose residential move is performed by an <del>Agency</del> at no cost to the person shall be limited to the amount stated in the most recent edition of the Fixed Residential Moving Cost Schedule.</p> <p><b>Footnotes—24.302</b>  <sup>(a)</sup> <del>The Fixed Residential Moving Cost Schedule is available at the following URL: <a href="http://www.fhwa.dot.gov/////realestate/fixed96.htm">http://www.fhwa.dot.gov/////realestate/fixed96.htm</a>. Agencies are cautioned to ensure they are using the most recent edition.</del></p>	<p>Any person displaced from a dwelling or a seasonal residence or a dormitory style room is entitled to receive a fixed moving cost payment as an alternative to a payment for actual moving and related expenses under § 24.301. This payment shall be determined according to the Fixed Residential Moving Cost Schedule <sup>(a)</sup> approved by FHWA and published in the Federal Register on a periodic basis. The payment to a person with minimal personal possessions who is in occupancy of a dormitory style room or a person whose residential move is performed by an <u>agency</u> at no cost to the person shall be limited to the amount stated in the most recent edition of the Fixed Residential Moving Cost Schedule. <u>In addition, an agency may approve storage for a displaced person's personal property for a period of up 12 months as a reasonable, actual and necessary moving expense under § 24.301(g)(4).</u></p>	<p><u>Section 24.302 —The occupant of a seasonal residence could receive a payment based upon the Fixed Residential Move Cost Schedule or actual moving expenses in accordance with § 24.301. Persons owning or renting seasonal residences are generally not eligible for any relocation payments other than personal property moving expenses.</u></p>
<b>24.302(a)</b>		
	<u>An agency may determine that the storage of personal property is a reasonable</u>	

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	<p><u>and necessary moving expense for a displaced person under this part. The determination shall be based on the needs of the displaced person; the nature of the move; the plans for permanent relocation; the amount of time available for the relocation process; and, whether storage will facilitate relocation. If the agency determines that storage is reasonable and necessary in conjunction with a fixed cost moving payment made under this section, the agency shall pay the actual, reasonable, and necessary storage expenses in accordance with § 24.301(g)(4). However, regardless of whether storage is approved, the Fixed Residential Move Cost Schedule provides a one-time payment for one move from the displacement dwelling to the replacement dwelling, or storage facility. Consequently, displaced persons must be fully informed that reimbursement of costs to move the personal property to storage and the cost of approved storage, if applicable, represent a full reimbursement of their eligibility for moving costs under this part. (See appendix A to this part, section 24.302.)</u></p>	
<b>24.302(b) [Reserved]</b>		
<b>24.302(c)</b>		
	<p><u>The Fixed Residential Moving Cost Schedule is available at the following URL: www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm</u></p>	

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<b>24.303 Related nonresidential eligible expenses.</b>		
The following expenses, in addition to those provided by § 24.301 for moving personal property, shall be provided if the <del>Agency</del> determines that they are actual, reasonable and necessary:	The following expenses, in addition to those provided by § 24.301 for moving personal property, shall be provided if the <u>agency</u> determines that they are actual, reasonable, and necessary:	
<b>24.303(a)</b>		
Connection to available <del>nearby</del> utilities from the <del>right-of-way</del> to improvements at the replacement site.	Connection to available utilities from the <u>replacement site's property line</u> to improvements at the replacement site. ( <u>See appendix A to this part, Section 24.303(a).</u> )	<u>Section 24.303(a). Actual, reasonable, and necessary reimbursement for connection to available utilities are for the necessary improvements to utility services currently available at the replacement property. Examples include</u> <u>(a) a Laundromat business that requires a larger service tap than the typical business service tap already on the property, and</u> <u>(b) a business that requires an upgrade or enhancement of the existing single phase electrical service to provide 3-phase electrical service.</u>
<b>24.303(b)</b>		
Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the	Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including, but not limited to, soil testing <u>or</u> feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the	<u>Section 24.303(b) Professional Services services.</u> If a question should arise as to what is a “reasonable hourly rate,” the <del>Agency</del> <u>agency</u> should compare the rates of other similar professional providers in that area.

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Agency a reasonable pre-approved hourly rate may be established. (See appendix A, § 24.303(b).)	<u>agency</u> a reasonable pre-approved hourly rate may be established. (See appendix A <u>to this part, section 24.303(b).</u> )	
<b>24.303(c)</b>		
Impact fees <del>or</del> onetime assessments for anticipated heavy utility usage, as determined necessary by the <del>Agency</del> .	Impact fees <u>and</u> one-time assessments for anticipated heavy utility usage, as determined necessary by the <u>agency</u> . (See <u>appendix A to this part, section 24.303(c).</u> )	<u>Section 24.303(c) Impact fees and one-time assessments for anticipated heavy utility usage.</u> <u>Section 24.303(c) limits impact fees or one-time assessments to those levied for anticipated heavy utility usage to utilities, e.g., water, sewer, gas, and electric. Impact fees and one time assessments that may be levied on a nonresidential relocated person in their replacement location for other major infrastructure construction or use such as roads, fire stations, regional drainage improvements, and parks are not eligible. Providing information on the potential eligibility of impact fees for anticipated heavy utility usage is an important advisory service.</u>
<b>24.304 Reestablishment expenses—nonresidential moves.</b>		
In addition to the payments available under §§ 24.301 and 24.303 <del>of this subpart</del> , a small business, <del>as defined in § 24.2(a)(24),</del> <del>farm</del> or nonprofit organization is entitled to receive a payment, not to exceed <del>\$10,000</del> , for expenses actually incurred in relocating and reestablishing such small business, farm or nonprofit organization at a replacement site.	In addition to the payments available under §§ 24.301 and 24.303, a small business, <u>farm</u> , or nonprofit organization is entitled to receive a payment, not to exceed <u>\$33,200</u> , for expenses actually incurred in relocating and reestablishing such small business, <u>farm</u> , or nonprofit organization at a replacement site.	
<b>24.303(a) Eligible expenses.</b>		

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<p>Reestablishment expenses must be reasonable and necessary, as determined by the <del>Agency</del>. They include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>(1) Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.</li> <li>(2) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.</li> <li>(3) Construction and installation costs for exterior signing to advertise the business.</li> <li>(4) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.</li> <li>(5) Advertisement of replacement location.</li> <li>(6) Estimated increased costs of operation during the first 2 years at the replacement site for such items as: <ul style="list-style-type: none"> <li>(i) Lease or rental charges;</li> <li>(ii) Personal or real property taxes;</li> <li>(iii) Insurance premiums; and</li> <li>(iv) Utility charges, excluding impact fees.</li> </ul> </li> </ul>	<p>Reestablishment expenses must be reasonable and necessary, as determined by the <u>agency</u>. They include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>(1) Repairs or improvements to the replacement real property as required by Federal, State, <u>or</u> local law, code, <u>or</u> ordinance.</li> <li>(2) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.</li> <li>(3) Construction and installation costs for exterior signing to advertise the business.</li> <li>(4) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.</li> <li>(5) Advertisement of replacement location.</li> <li>(6) Estimated increased costs of operation during the first 2 years at the replacement site for such items as: <ul style="list-style-type: none"> <li>(i) Lease or rental charges;</li> <li>(ii) Personal or real property taxes;</li> <li>(iii) Insurance premiums; and</li> <li>(iv) Utility charges, excluding impact fees.</li> </ul> </li> </ul>	

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(7) Other items that the <del>Agency</del> considers essential to the reestablishment of the business.	(7) Other items that the <u>agency</u> considers essential to the reestablishment of the business.	
<b>24.303(b) Ineligible expenses.</b>		
<p>The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:</p> <ul style="list-style-type: none"> <li>(1) Purchase of capital assets, such as <del>as</del> office furniture, filing cabinets, machinery, or trade fixtures.</li> <li>(2) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.</li> <li>(3) Interest on money borrowed to make the move or purchase the replacement property.</li> <li>(4) Payment to a part-time business in the home which does not contribute materially <del>(defined at § 24.2(a)(7))</del> to the household income.</li> </ul>	<p>The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:</p> <ul style="list-style-type: none"> <li>(1) Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.</li> <li>(2) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.</li> <li>(3) Interest on money borrowed to make the move or purchase the replacement property.</li> <li>(4) Payment to a part-time business in the home which does not contribute materially <u>defined at § 24.2(a)</u> to the household income.</li> <li><u>(5) Construction costs for a new building at the business replacement site, or costs to construct, reconstruct or rehabilitate an existing building. (See appendix A to this part, section 24.304(b)(5).)</u></li> </ul>	<p><u><b>Section 24.304(b)(5) Ineligible expenses.</b></u>  <u>The cost of constructing, reconstructing, or rehabilitating a replacement structure, is a capital expenditure, normally beyond the scope of § 24.304(a)(2) and is generally ineligible for reimbursement as a reestablishment expense. In those rare instances when a business cannot relocate without construction, reconstruction, or rehabilitation of a replacement structure, an agency or recipient may request a waiver of § 24.304(b)(5) under the provisions of § 24.7. An example of such an instance would be in a rural area where there are no suitable buildings available and the new construction, reconstruction, or rehabilitation of a replacement structure is the only option that will enable the business to remain a viable commercial operation. If a waiver is granted, the cost of new construction, reconstruction, or rehabilitation of a replacement structure will be considered an eligible reestablishment expense subject to the regulatory limit on such payment.</u>  <u>In markets where existing and new buildings are available for rental (and sometimes for purchase), the buildings or the</u></p>



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		<p><u>various units available within the buildings often have only the basic amenities such as heat, light, and water, and sewer available. These buildings or units are referred to as shells. The cost of constructing, reconstructing, or rehabilitating a shell is not an eligible reestablishment expense because the shell is considered a capital real estate improvement (a capital asset). However, this determination does not preclude the consideration by an agency of certain modifications to an existing replacement business building as reestablishment costs if the agency applies a waiver under § 24.7.</u></p> <p><u>A certain degree of construction costs are generally expected by the market because shells are designed to be customized by the tenant. An agency using a waiver may determine costs for these types of improvements or modifications are eligible for reimbursement, up to the amount of \$33,200. Such costs may include the addition of necessary facilities such as bathrooms, room partitions, built-in display cases, and similar items, if required by Federal, State, or local codes, ordinances, or simply considered reasonable and necessary for the operation of the business. By contrast, a structure or shell which is dilapidated or is in disrepair and which requires construction, reconstruction,</u></p>

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		<u>or rehabilitation would not be eligible for reimbursement under this part.</u>
<b>24.305 Fixed payment for moving expenses—nonresidential moves.</b>		
		Section 24.305 Fixed <del>Payment</del> <u>payment</u> for <del>Moving Expenses</del> <u>moving expenses</u> — <del>Nonresidential moves</del> <u>nonresidential moves</u> .
<b>24.305(a) Business.</b>		
<p>A displaced business may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses, <del>and</del> actual reasonable reestablishment expenses provided by §§ 24.301, 24.303 and 24.304. Such fixed payment, except for payment to a nonprofit organization, shall equal the average annual net earnings of the business, as computed in accordance with paragraph (e) of this section, but not less than \$1,000 nor more than <del>\$20,000</del>. The displaced business is eligible for the payment if the <del>Agency</del> determines that:</p> <p>(1) The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move and <del>the</del> business vacates or relocates from its displacement site;</p> <p>(2) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test</p>	<p>A displaced business may be eligible to choose a fixed payment in lieu of the payments for <u>both</u> actual moving and related expenses, <u>as well as</u> actual reasonable reestablishment expenses provided by §§ 24.301, 24.303, <u>and</u> 24.304. Such fixed payment, except for payment to a nonprofit organization, shall equal the average annual net earnings of the business, as computed in accordance with paragraph (e) of this section, but not less than \$1,000 nor more than <u>\$53,200</u>. The displaced business is eligible for the payment if the <u>agency</u> determines that:</p> <p>(1) The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move and the business vacates or relocates from its displacement site;</p> <p>(2) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test</p>	<p><u>Section 24.305(a) Business. If a business elects the fixed payment for moving expenses (in lieu of payment) option, the payment represents its full and final payment for all relocation expenses. Should the business elect to receive this payment, it would not be eligible for any other relocation assistance payments including actual moving or related expenses, or reestablishment expenses.</u></p>

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<p>unless the <del>Agency</del> determines that it will not suffer a substantial loss of its existing patronage;</p> <p>(3) The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the <del>Agency</del>, and which are under the same ownership and engaged in the same or similar business activities-</p> <p>(4) The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others;</p> <p>(5) The business is not operated at the displacement site solely for the purpose of renting the site to others; and</p> <p>(6) The business contributed materially to the income of the displaced person during the 2 taxable years prior to displacement. (See § 24.2(a)(7).)</p>	<p>unless the <u>agency</u> determines that it will not suffer a substantial loss of its existing patronage;</p> <p>(3) The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the <u>agency</u>, and which are under the same ownership and engaged in the same or similar business activities;</p> <p>(4) The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others;</p> <p>(5) The business is not operated at the displacement site solely for the purpose of renting the site to others; and</p> <p>(6) The business contributed materially to the income of the displaced person during the 2 taxable years prior to displacement. (See § 24.2(a).)</p>	
<b>24.305(b) Determining the number of businesses.</b>		
<p>In determining whether two or more displaced legal entities constitute a single business, which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:</p> <p>(1) The same premises and equipment are shared;</p> <p>(2) Substantially identical or interrelated business functions are carried out and</p>	<p>In determining whether two or more displaced legal entities constitute a single business, which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:</p> <p>(1) The same premises and equipment are shared;</p> <p>(2) Substantially identical or interrelated business functions are carried out and</p>	

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<p>business and financial affairs are commingled;</p> <p>(3) The entities are held out to the public, and to those customarily dealing with them, as one business; and</p> <p>(4) The same person or closely related persons own, control, or manage the affairs of the entities.</p>	<p>business and financial affairs are commingled;</p> <p>(3) The entities are held out to the public, and to those customarily dealing with them, as one business; and</p> <p>(4) The same person or closely related persons own, control, or manage the affairs of the entities.</p>	
<b>24.305(c) Farm operation.</b>		
<p>A displaced farm operation (defined at § 24.2(a)(12)) may choose a fixed payment, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, in an amount equal to its average annual net earnings as computed in accordance with paragraph (e) of this section, but not less than \$1,000 nor more than <del>\$20,000</del>. In the case of a partial acquisition of land, which was a farm operation before the acquisition, the fixed payment shall be made only if the <del>Agency</del> determines that:</p> <p>(1) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or</p> <p>(2) The partial acquisition caused a substantial change in the nature of the farm operation.</p>	<p>A displaced farm operation (defined at § 24.2(a)) may choose a fixed payment, in lieu of the payments for <u>both</u> actual moving <u>as well as</u> related expenses and actual reasonable reestablishment expenses, in an amount equal to its average annual net earnings as computed in accordance with paragraph (e) of this section, but not less than \$1,000 nor more than <u>\$53,200</u>. In the case of a partial acquisition of land, which was a farm operation before the acquisition, the fixed payment shall be made only if the <u>agency</u> determines that:</p> <p>(1) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or</p> <p>(2) The partial acquisition caused a substantial change in the nature of the farm operation.</p>	<p><u>Section 24.305(c) Farm operation. If a farm operation elects the fixed payment for moving expenses (in lieu of payment) option, the payment represents its full and final payment for all relocation expenses. Should the farm elect to receive this payment, it would not be eligible for any other relocation assistance payments including actual moving or related expenses, and reestablishment expenses.</u></p>
<b>24.305(d) Nonprofit organization.</b>		

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<p>A displaced nonprofit organization may choose a fixed payment of \$1,000 to <del>\$20,000</del>, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, if the <del>Agency</del> determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless the <del>Agency</del> demonstrates otherwise. Any payment in excess of \$1,000 must be supported with financial statements for the two 12-month periods prior to the acquisition. The amount to be used for the payment is the average of 2 years annual gross revenues less administrative expenses. (See appendix A, §-24.305(d).)</p>	<p>A displaced nonprofit organization may choose a fixed payment of \$1,000 to <u>\$53,200</u>, in lieu of the payments for <u>both</u> actual moving <u>as well as</u> related expenses and actual reasonable reestablishment expenses, if the <u>agency</u> determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test unless the <u>agency</u> demonstrates otherwise. Any payment in excess of \$1,000 must be supported with financial statements for the two 12-month periods prior to the acquisition. The amount to be used for the payment is the average of 2 years annual gross revenues less administrative expenses. (See appendix A <u>to this part, section 24.305(d).</u>)</p>	<p><i>Section 24.305(d) Nonprofit organization.</i> Gross revenues may include membership fees, class fees, cash donations, tithes, receipts from sales, or other forms of fund collection that enables the nonprofit organization to operate. Administrative expenses are those for administrative support such as rent, utilities, salaries, advertising, and other like items, as well as fundraising expenses. Operating expenses for carrying out the purposes of the nonprofit organization are not included in administrative expenses. The monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public <u>Agencies-agencies.</u></p> <p><u>If a nonprofit organization elects the fixed payment for moving expenses (in lieu of payment) option, the payment represents its full and final payment for all relocation expenses. Should the nonprofit organization elect to receive this payment, it would not be eligible for any other relocation assistance payments including actual moving or related expenses, or reestablishment expenses.</u></p>
<b>24.305(e) Average annual net earnings of a business or farm operation.</b>		
<p>The average annual net earnings of a business or farm operation are one-half of its net earnings before Federal, State, and local income taxes during the 2 taxable years</p>	<p>The average annual net earnings of a business or farm operation are one-half of its net earnings before Federal, State, and local income taxes during the 2 taxable years</p>	<p><i>Section 24.305(e) Average annual net earnings of a business or farm operation.</i> <u>Section 24.305(a)(6) requires that the business contribute materially to the income</u></p>

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<p>immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full 2 taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the 2 taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when the <del>Agency</del> determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the <del>Agency</del> proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence, which the <del>Agency</del> determines is satisfactory. (See appendix A, §24.305(e).)</p>	<p>immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full 2 taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the 2 taxable years prior to displacement, projected to an annual rate <u>(see appendix A to this part, section 24.305(e), for sample calculations)</u>. Average annual net earnings may be based upon a different period of time when the <u>agency</u> determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the <u>agency</u> proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence, which the <u>agency</u> determines is satisfactory. (See appendix A <u>to this part, section 24.305(e)</u>.)</p>	<p><u>of the displaced person during the 2 taxable years prior to displacement. This does not mean that the business needed to be in existence for a minimum of 2 years prior to displacement to be eligible for this payment.</u></p> <p><u>If a business has been in operation for only a short period of time (i.e., 6 months) prior to displacement, the fixed payment would be based on the net earnings of the business at the displacement site for the actual period of operation projected to an annual rate. If a business was not in operation for a full 2 years, the existing net earnings income data should be used to project what the net earnings could be if the business were in operation for a full 2 years. If the business is seasonal, the business' operating season net income represents the full annual income for the purposes of calculating this benefit.</u></p> <p><u>For Example:</u></p> <p><u>(1) Business in operation for only 6 months earned \$ 10,000.</u></p> <p><u>Computation: (\$10,000/6) × 12 = \$20,000 annual net earnings × 2 years = \$40,000 divided by 2 = \$20,000; Eligibility = \$20,000. (Average annual net earnings.)</u></p> <p><u>(2) Business in operation 18 months earned \$20,000.</u></p> <p><u>Computation: \$20,000 divided by 18 months = \$1,111 per month × 24 months = \$26,664 divided by 2 years = \$13,332;</u></p>

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		<p><u>Eligibility = \$13,332 (Average annual net earnings)</u></p> <p><u>(3) Business is seasonal—open summer only for 4 months and earns \$5,000.</u></p> <p><u>Computation: \$5,000 was the seasonal net earnings 1 year and \$6,000 was the seasonal net earnings a second year. \$11,000 divided by 2 = \$5,500; Eligibility = \$5,500. (Average annual net earnings)</u></p> <p>If the average annual net earnings of the displaced business, farm, or nonprofit organization are determined to be less than \$1,000, even \$0 or a negative amount, the minimum payment of \$1,000 shall be provided <u>(49 CFR 24.305(a))</u>.</p>
24.306 Discretionary utility relocation payments.		
	24.306(a)	
<p>Whenever a program or project undertaken by a <del>displacing Agency</del> causes the relocation of a utility facility (<del>see</del> § 24.2(a)(34)) and the relocation of the facility creates extraordinary expenses for its owner, the <del>displacing Agency</del> may, at its option, make a relocation payment to the owner for all or part of such expenses, if the following criteria are met:</p> <p>(1) The utility facility legally occupies State or local government property, or property over which the State or local government has an easement or right-of-way;</p>	<p>Whenever a program or project undertaken by <u>an agency</u> causes the relocation of a utility facility (<u>defined at</u> § 24.2(a)) and the relocation of the facility creates extraordinary expenses for its owner, the <u>agency</u> may, at its option, make a relocation payment to the owner for all or part of such expenses, if the following criteria are met:</p> <p>(1) The utility facility legally occupies State or local government property, or property over which the State or local government has an easement or right-of-way;</p>	<p><i>Section 24.306 Discretionary Utility Relocation Payments—<u>utility relocation payments</u>.</i> Section 24.306(c) describes the issues that the <del>Agency</del> <u>agency</u> and the utility facility owner must agree to in determining the amount of the relocation payment. To facilitate and aid in reaching such agreement, the practices in <del>the Federal Highway Administration regulation</del>, 23 CFR part 645, subpart A, <del>Utility Relocations, Adjustments and Reimbursement</del>, should be followed.</p>

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<p>(2) The utility facility's right of occupancy thereon is pursuant to State law or local ordinance specifically authorizing such use, or where such use and occupancy has been granted through a franchise, use and occupancy permit, or other similar agreement;</p> <p>(3) Relocation of the utility facility is required by and is incidental to the primary purpose of the project or program undertaken by the <del>displacing Agency</del>;</p> <p>(4) There is no Federal law, other than the Uniform Act, which clearly establishes a <del>policy</del> for the payment of utility moving costs that is applicable to the <del>displacing Agency's</del> program or project; and</p> <p>(5) State or local government reimbursement for utility moving costs or payment of such costs by the <del>displacing Agency</del> is in accordance with State law.</p>	<p>(2) The utility facility's right of occupancy thereon is pursuant to State law or local ordinance specifically authorizing such use, or where such use and occupancy has been granted through a franchise, use and occupancy permit, or other similar agreement;</p> <p>(3) Relocation of the utility facility is required by and is incidental to the primary purpose of the project or program undertaken by the <u>agency</u>;</p> <p>(4) There is no Federal law, other than the Uniform Act, which clearly establishes a <u>requirement</u> for the payment of utility moving costs that is applicable to the <u>agency's</u> program or project; and</p> <p>(5) State or local government reimbursement for utility moving costs or payment of such costs by the <u>agency</u> is in accordance with State law.</p>	
24.306(b)		
<p>For the purposes of this section, the term extraordinary expenses <del>means</del> those expenses which, in the opinion of the <del>displacing Agency</del>, are not routine or predictable expenses relating to the utility's occupancy of rights-of-way, and are not ordinarily budgeted as operating expenses, unless the owner of the utility facility has</p>	<p>For the purposes of this section, the term extraordinary expenses <u>mean</u> those expenses which, in the opinion of the <u>agency</u>, are not routine or predictable expenses relating to the utility's occupancy of rights-of-way, and are not ordinarily budgeted as operating expenses, unless the owner of the utility facility has explicitly and knowingly</p>	



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explicitly and knowingly agreed to bear such expenses as a condition for use of the property, or has voluntarily agreed to be responsible for such expenses.	agreed to bear such expenses as a condition for use of the property or has voluntarily agreed to be responsible for such expenses.	
<b>24.306(c)</b>		
A relocation payment to a utility facility owner for moving costs under this section may not exceed the cost to functionally restore the service disrupted by the federally assisted program or project, less any increase in value of the new facility and salvage value of the old facility. The <del>displacing Agency</del> and the utility facility owner shall reach prior agreement on the nature of the utility relocation work to be accomplished, the eligibility of the work for reimbursement, the responsibilities for financing and accomplishing the work, and the method of accumulating costs and making payment. (See appendix A, §24.306.)	A relocation payment to a utility facility owner for moving costs under this section may not exceed the cost to functionally restore the service disrupted by the federally assisted program or project, less any increase in value of the new facility and salvage value of the old facility. The <u>agency</u> and the utility facility owner shall reach prior agreement on the nature of the utility relocation work to be accomplished, the eligibility of the work for reimbursement, the responsibilities for financing and accomplishing the work, and the method of accumulating costs and making payment. (See appendix A <u>to this part</u> , <u>section 24.306.</u> )	