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24.301 Pa	yment for actual reasonable moving and related	expenses
	24.301(a) General.	
(1) Any owner-occupant or tenant who	(1) Any owner-occupant or tenant who	
qualifies as a displaced person (defined	qualifies as a displaced person (defined	
at § 24.2(a) (9))-and who moves from a	at § 24.2(a)) and who moves from a	
dwelling (including a mobile home) or	dwelling (including a mobile home) or	
who moves from a business, farm or	who moves from a business, farm, or	
nonprofit organization is entitled to	nonprofit organization is entitled to	
payment of his or her actual moving and	payment of his or her actual moving and	
related expenses, as the Agency	related expenses, as the agency	
determines to be reasonable and	determines to be reasonable and	
necessary.	necessary.	
(2) A non-occupant owner of a rented	(2) A non-occupant owner of a rented	
mobile home is eligible for actual cost	mobile home is eligible for actual cost	
reimbursement under § 24.301 to	reimbursement under this section to	
relocate the mobile home. If the mobile	relocate the mobile home. If the mobile	
home is not acquired as real estate, but	home is not acquired as real estate, but	
the homeowner-occupant obtains a	the homeowner-occupant obtains a	
replacement housing payment under	replacement housing payment under	
one of the circumstances described at §	one of the circumstances described at §	
24.502(a)(3), the home -owner	24.502(a)(3), the homeowner-occupant	
occupant is not eligible for payment for	is not eligible for payment for moving	
moving the mobile home, but may be	the mobile home but may be eligible for	
eligible for a payment for moving	a payment for moving personal	
personal property from the mobile	property from the mobile home.	
home.		
	24.301(b) Moves from a dwelling.	
A displaced person's actual, reasonable	A displaced person's actual, reasonable,	
nd necessary moving expenses for moving	and necessary moving expenses for moving	
personal property from a dwelling may be	personal property from a dwelling may be	
letermined based on the cost of one, or a	determined based on the cost of one, or a	

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

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	(iii) A moving cost estimate. 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.	
	(iv) Commercial mover estimate. 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	
	<u>eligibility.</u>	
	24.301(c) Moves from a mobile home.	

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

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rental fees should be based on the	staff necessary for moving the	
actual cost of renting the	residential personal property. Costs	
equipment but not exceed the cost	for moving personal property that	
paid by a commercial mover.	requires special handling should not	
	exceed the hourly market 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.	
	(iii) A moving cost estimate. 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.	

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	(iv) Commercial mover estimate. 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	
	<u>eligibility.</u>	
24.301(d	Moves from a business, farm, or nonprofit orga	anization.
Eligible expenses for moves from a	Eligible expenses for moves from a	
business, farm or nonprofit organization	business, farm, or nonprofit organization	
include those expenses described in	include those expenses described in	
paragraphs (g)(1) through (g)(7)-of this	paragraphs (g)(1) through (7)and (11) through	
section-and paragraphs (g)(11) through	(18) of this section and § 24.303. Personal	
(g)(18) of this section and § 24.303.)	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:	
(1) Commercial move. Based on the lower	(1) Commercial move. Based on the lower	
of two bids or estimates prepared by a	of two bids or estimates prepared by a	
commercial mover. At the Agency 's	commercial mover. At the <u>agency</u> 's	
discretion, payment for a low cost or	discretion, payment for a low cost or	
uncomplicated move may be based on a	uncomplicated move may be based on a	
single bid or estimate.	single bid or estimate.	
(2) Self-move. A self-move payment may be	(2) <i>Self-move.</i> A self-move payment may be	
based on one or a combination of the	based on one or a combination of the	
following:	following:	
(i) The lower of two bids or estimates	(i) The lower of two bids or estimates	
prepared by a commercial mover or	prepared by a commercial mover or	

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qualified Agency -staff person. At the	qualified <u>agency</u> staff person. At the	
Agency 's discretion, payment for a	agency's discretion, payment for a	
low cost or uncomplicated move	low cost or uncomplicated move	
may be based on a single bid or	may be based on a single bid or	
estimate; or	estimate; or	
(ii) Supported by receipted bills for	(ii) Supported by receipted bills for	
labor and equipment. Hourly labor	labor and equipment. Hourly labor	
rates should not exceed the rates	rates should not exceed the rates	
paid by a commercial mover to	paid by a commercial mover to	
employees performing the same	employees performing the same	
activity and, equipment rental fees	activity and, equipment rental fees	
should be based on the actual	should be based on the actual	
rental cost of the equipment but	rental cost of the equipment but	
not to exceed the cost paid by a	not to exceed the cost paid by a	
commercial mover.	commercial mover.	
	(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.	

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Eligible expenses for a person who is	Eligible expenses for a person who is	Section 24.301(e) Personal property
required to move personal property from real	required to move personal property from real	only. Examples of personal property only
property but is not required to move from a	property but is not required to move from a	moves might be: personal property that is
dwelling (including a mobile home), business,	dwelling (including a mobile home), business,	located on a portion of property that is being
farm or nonprofit organization include those	farm_or nonprofit organization include those	acquired, but the business, farm, nonprofit or
expenses described in paragraphs (g)(1)	expenses described in paragraphs (g)(1)	residence will not be taken acquired and the
through (g)(7) and (g)(18) of this section. (See	through (7) and (18) of this section. (See	business can still operate after the
appendix A, § -24.301(e).)	appendix A to this part, section 24.301(e).)	acquisition; personal property that is located
		in a mini-storage facility that will be acquired
		or relocated; or, personal property that is
		stored on vacant land that is to be acquired.
		For 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
		www.fhwa.dot.gov/real_estate/uniform_act/
		relocation/moving_cost_schedule.cfm.
		For a 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 acquiring Agency agency may
		obtain estimates from qualified movers to use
		as the standard in determining the payment.
24.301(f) Advertising signs.		

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

the building; it also includes

necessary to adapt it to the

modifications to the personal property,

including those mandated by Federal,

State, or local law, code, or ordinance,

replacement structure, the replacement

and edit contact and new location

necessary.

information made necessary because of the

these costs are actual, reasonable, and

move. Agencies will need to determine when

the building; it also includes

necessary to adapt it to the

modifications to the personal property,

including those mandated by Federal,

State or local law, code or ordinance,

replacement structure, the replacement

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site, or the utilities at the replacement	site, or the utilities at the replacement	<u>Section 24.301(g)(1415)(i)</u> and (ii). If This
site, and modifications necessary to	site, and modifications necessary to	section only applies when equipment is not
adapt the utilities at the replacement	adapt the utilities at the replacement	being moved to replacement site and
site to the personal property.	site to the personal property.	therefore it becomes an actual loss of
(4) Storage of the personal property for a	(4) An agency may determine that the	tangible personal property. Under §
period not to exceed 12 months, unless	storage of personal property is a	24.301(g)(15)(i), if the piece of equipment is
the Agency determines that a longer	reasonable and necessary moving	operational at the acquired site, the
period is necessary.	expense for a displaced person or	estimated cost to reconnect the equipment
	person required to move temporarily	shall be based on the cost to install the
	under this part. Agencies may approve a	equipment as it currently exists, and shall not
	payment for storage when the process	include the cost of code-required
	of relocating from the acquired site to	betterments or upgrades that may apply at
	the replacement site is delayed for	the replacement site.
	reasons beyond the control of the	As prescribed in the regulation part, the
	displaced person. Storage may not be	allowable in-place value estimate (§
	longer than 12 months, starting at the	24.301(g)(14 <u>15</u>)(i)(<u>B</u>)) and moving cost
	date of vacation from the acquired site	estimate (§ 24.301(g)(14)(ii)) must reflect onl
	and ending when the replacement site	the "as is" condition and installation of the
	becomes available. Agencies may	item at the displacement site. The in-place
	approve storage for more than 12	value estimate may not include costs that
	months in unusual instances as justified,	reflect code or other requirements that were
	documented, and approved by the	not in effect at the displacement site; or.
	agency.	The in-place value estimate may also no
(5) Insurance for the replacement value of	(5) Insurance for the replacement value of	include installation costs for machinery or
the property in connection with the	the property in connection with the	equipment that is not operable or not
move and necessary storage.	move and necessary storage.	installed at the displacement site (§
(6) The replacement value of property lost,	(6) The replacement value of property lost,	24.301(g)(15) (ii)). Value in place can be
stolen, or damaged in the process of	stolen, or damaged in the process of	obtained by hiring a machinery and
moving (not through the fault or	moving (not through the fault or	equipment (M&E) appraiser or value can be
negligence of the displaced person, his	negligence of the displaced person, his	estimated via websites available for M&E
or her agent, or employee) where	or her agent, or employee) where	valuations. An example of one resource is The

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

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

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

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

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not to exceed \$2,500, as the Agency	actual expenses, not to exceed	
determines to be reasonable, which are	\$5,000, as the agency determines to	
incurred in searching for a replacement	be reasonable, which are incurred	
location, including:	in searching for a replacement	
	location, including:	
(i) Transportation;	(A) Transportation;	
(ii) Meals and lodging away from home;	(B) Meals and lodging away from	
(iii) Time spent searching, based on	home;	
reasonable salary or earnings;	(C) Time spent searching, based on	
(iv) Fees paid to a real estate agent or	reasonable salary or earnings;	
broker to locate a replacement site,	(D) Fees paid to a real estate agent or	
exclusive of any fees or	broker to locate a replacement	
commissions related to the	site, exclusive of any fees or	
purchase of such sites;	commissions related to the	
(¥) Time spent in obtaining permits and	purchase of such sites;	
attending zoning hearings; and	(E) Time spent in obtaining permits	
(vi) Time spent negotiating the purchase	and attending zoning hearings;	
of a replacement site based on a	and	
reasonable salary or earnings.	(F) Expenses negotiating the purchase	
	of a replacement site based on a	
	reasonable salary or fee, including	
	actual, reasonable, and necessary	
	attorney's fees.	
	(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	

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

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

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	(13) 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.	
24	301(i) Notification and inspection (nonresidenti	al).
The Agency shall inform the displaced	The <u>agency</u> shall inform the displaced	
person, in writing, of the requirements of this	person and persons required to move	
section as soon as possible after the initiation	temporarily, in writing, of the requirements of	
of negotiations. This information may be	this section as soon as possible after the	
included in the relocation information	initiation of negotiations. This information	
provided the displaced person as set forth in	may be included in the relocation information	
§ 24.203. To be eligible for payments under	provided the person as set forth in § 24.203.	
this section the displaced person must:	To be eligible for payments under this section	
	the person must:	
(1) Provide the Agency reasonable advance	(1) Provide the <u>agency</u> reasonable advance	
notice of the approximate date of the	notice of the approximate date of the	
start of the move or disposition of the	start of the move or disposition of the	
personal property and an inventory of	personal property and an inventory of	
the items to be moved. However, the	the items to be moved. However, the	
Agency-may waive this notice	agency may waive this notice	
requirement after documenting its file	requirement after documenting its file	
accordingly.	accordingly.	
(2) Permit the Agency-to make reasonable	(2) Permit the <u>agency</u> to make reasonable	
and timely inspections of the personal	and timely inspections of the personal	
property at both the displacement and	property at both the displacement and	
replacement sites and to monitor the	replacement sites and to monitor the	
move.	move.	
	24.301(j) Transfer of ownership (nonresidential)	•
Upon request and in accordance with	Upon request and in accordance with	
applicable law, the claimant shall transfer to	applicable law, the claimant shall transfer to	

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the Agency-ownership of any personal	the <u>agency</u> ownership of any personal	
property that has not been moved, sold, or	property that has not been moved, sold, or	
traded in.	traded in.	
24.302	ixed payment for moving expenses—residentia	l moves.
Any person displaced from a dwelling or	Any person displaced from a dwelling or	Section 24.302 — The occupant of a
a seasonal residence or a dormitory style	a seasonal residence or a dormitory style	seasonal residence could receive a payment
room is entitled to receive a fixed moving cost	room is entitled to receive a fixed moving cost	based upon the Fixed Residential Move Cost
payment as an alternative to a payment for	payment as an alternative to a payment for	Schedule or actual moving expenses in
actual moving and related expenses under §	actual moving and related expenses under §	accordance with § 24.301. Persons owning or
24.301. This payment shall be determined	24.301. This payment shall be determined	renting seasonal residences are generally not
according to the Fixed Residential Moving	according to the Fixed Residential Moving	eligible for any relocation payments other
Cost Schedule [3] approved by the Federal	Cost Schedule [3] approved by FHWA and	than personal property moving expenses.
Highway Administration and published in the	published in the Federal Register on a	
Federal Register on a periodic basis. The	periodic basis. The payment to a person with	
payment to a person with minimal personal	minimal personal possessions who is in	
possessions who is in occupancy of a	occupancy of a dormitory style room or a	
dormitory style room or a person whose	person whose residential move is performed	
residential move is performed by an Agency	by an agency at no cost to the person shall be	
at no cost to the person shall be limited to the	limited to the amount stated in the most	
amount stated in the most recent edition of	recent edition of the Fixed Residential Moving	
the Fixed Residential Moving Cost Schedule.	Cost Schedule. <u>In addition, an agency may</u>	
	approve storage for a displaced person's	
Footnotes 24.302	personal property for a period of up 12	
[3] The Fixed Residential Moving Cost	months as a reasonable, actual and necessary	
Schedule is available at the following URL:	moving expense under § 24.301(g)(4).	
http://www.fhwa.dot.gov/////realestate/fixs		
<u>ch96.htm</u> . Agencies are cautioned to ensure		
they are using the most recent edition.		
	24.302(a)	
	An agency may determine that the	
	storage of personal property is a reasonable	

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	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.)	
	24.302(b) [Reserved]	
	24.302(c)	
	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	

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

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Agency-a reasonable pre-approved hourly	agency a reasonable pre-approved hourly rate	
rate may be established. (See appendix A, §	may be established. (See appendix A to this	
24.303(b).)	part, section 24.303(b).)	
	24.303(c)	
Impact fees or onetime assessments for	Impact fees and one-time assessments	Section 24.303(c) Impact fees and one-
anticipated heavy utility usage, as determined	for anticipated heavy utility usage, as	time assessments for anticipated heavy utilit
necessary by the Agency.	determined necessary by the agency. (See	usage.
	appendix A to this part, section 24.303(c).)	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 i
		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 heav
		utility usage is an important advisory service
24.30	4 Reestablishment expenses—nonresidential m	oves.
In addition to the payments available	In addition to the payments available	
under §§ 24.301 and 24.303 of this subpart, a	under §§ 24.301 and 24.303, a small business,	
small business, as defined in § 24.2(a)(24),	farm, or nonprofit organization is entitled to	
farm or nonprofit organization is entitled to	receive a payment, not to exceed \$33,200, for	
receive a payment, not to exceed \$10,000, for	expenses actually incurred in relocating and	
expenses actually incurred in relocating and	reestablishing such small business, farm, or	
reestablishing such small business, farm or	nonprofit organization at a replacement site.	
nonprofit organization at a replacement site.		

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Reestablishment expenses must be	Reestablishment expenses must be	
reasonable and necessary, as determined by	reasonable and necessary, as determined by	
the Agency. They include, but are not limited	the agency. They include, but are not limited	
to, the following:	to, the following:	
(1) Repairs or improvements to the	(1) Repairs or improvements to the	
replacement real property as required	replacement real property as required	
by Federal, State or local law, code or	by Federal, State, or local law, code, or	
ordinance.	ordinance.	
(2) Modifications to the replacement	(2) Modifications to the replacement	
property to accommodate the business	property to accommodate the business	
operation or make replacement	operation or make replacement	
structures suitable for conducting the	structures suitable for conducting the	
business.	business.	
(3) Construction and installation costs for	(3) Construction and installation costs for	
exterior signing to advertise the	exterior signing to advertise the	
business.	business.	
(4) Redecoration or replacement of soiled	(4) Redecoration or replacement of soiled or	
or worn surfaces at the replacement	worn surfaces at the replacement site,	
site, such as paint, paneling, or	such as paint, paneling, or carpeting.	
carpeting.		
(5) Advertisement of replacement location.	(5) Advertisement of replacement location.	
(6) Estimated increased costs of operation	(6) Estimated increased costs of operation	
during the first 2 years at the	during the first 2 years at the	
replacement site for such items as:	replacement site for such items as:	
(i) Lease or rental charges;	(i) Lease or rental charges;	
(ii) Personal or real property taxes;	(ii) Personal or real property taxes;	
(iii) Insurance premiums; and	(iii) Insurance premiums; and	
(iv) Utility charges, excluding impact	(iv) Utility charges, excluding impact fees.	
fees.		

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(7) Other items that the Agency-considers	(7) Other items that the agency considers	
essential to the reestablishment of the	essential to the reestablishment of the	
business.	business.	
	24.303(b) Ineligible expenses.	
The following is a nonexclusive listing of	The following is a nonexclusive listing of	Section 24.304(b)(5) Ineligible expenses
reestablishment expenditures not considered	reestablishment expenditures not considered	The cost of constructing, reconstructing, or
to be reasonable, necessary, or otherwise	to be reasonable, necessary, or otherwise	rehabilitating a replacement structure, is a
eligible:	eligible:	capital expenditure, normally beyond the
(1) Purchase of capital assets, such as, office	(1) Purchase of capital assets, such as office	scope of § 24.304(a)(2) and is generally
furniture, filing cabinets, machinery, or	furniture, filing cabinets, machinery, or	ineligible for reimbursement as a
trade fixtures.	trade fixtures.	reestablishment expense. In those rare
(2) Purchase of manufacturing materials,	(2) Purchase of manufacturing materials,	instances when a business cannot relocate
production supplies, product inventory,	production supplies, product inventory,	without construction, reconstruction, or
or other items used in the normal	or other items used in the normal	rehabilitation of a replacement structure, an
course of the business operation.	course of the business operation.	agency or recipient may request a waiver of
(3) Interest on money borrowed to make	(3) Interest on money borrowed to make	24.304(b)(5) under the provisions of § 24.7.
the move or purchase the replacement	the move or purchase the replacement	An example of such an instance would be in
property.	property.	rural area where there are no suitable
(4) Payment to a part-time business in the	(4) Payment to a part-time business in the	buildings available and the new construction
home which does not contribute	home which does not contribute	reconstruction, or rehabilitation of a
materially-(defined at § 24.2(a)(7))-to	materially_defined at § 24.2(a)_to the	replacement structure is the only option that
the household income.	household income.	will enable the business to remain a viable
	(5) Construction costs for a new building at	commercial operation. If a waiver is granted

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).)

In markets where existing and new buildings are available for rental (and sometimes for purchase), the buildings or the

such payment.

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

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		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.
		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,

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

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

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

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

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

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		Eligibility = \$13,332 (Average annual net
		earnings)
		(3) Business is seasonal—open summer
		only for 4 months and earns \$5,000.
		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)
		If the average annual net earnings of th
		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>
	24.306 Discretionary utility relocation payments	5.
	24.306(a)	,
Whenever a program or project	Whenever a program or project	Section 24.306 Discretionary Utility
ndertaken by a displacing Agency c auses the	undertaken by an agency causes the	Relocation Payments <u>utility relocation</u>
elocation of a utility facility (see-§ 24.2(a)(31)	relocation of a utility facility (defined at §	payments. Section 24.306(c) describes the
and the relocation of the facility creates	24.2(a)) and the relocation of the facility	issues that the Agency agency and the utility
ktraordinary expenses for its owner, the	creates extraordinary expenses for its owner,	facility owner must agree to in determining
isplacing Agency may, at its option, make a	the <u>agency</u> may, at its option, make a	the amount of the relocation payment. To
elocation payment to the owner for all or	relocation payment to the owner for all or	facilitate and aid in reaching such agreement
art of such expenses, if the following criteria	part of such expenses, if the following criteria	the practices in the Federal Highway
	are met:	Administration regulation, 23 CFR part 645,
re met:	1	
re met: (1) The utility facility legally occupies State	(1) The utility facility legally occupies State	subpart A, Utility Relocations, Adjustments
	(1) The utility facility legally occupies State or local government property, or	and Reimbursement, should be followed.
(1) The utility facility legally occupies State	1	

of-way;

of-way;

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

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