

# INDEX TO RELOCATION ASSISTANCE BROCHURE BUSINESS, FARM AND NONPROFIT ORGANIZATIONS

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**BUSINESS, FARM AND NONPROFIT ORGANIZATIONS**  
**RELOCATION ASSISTANCE AND PAYMENT BROCHURE**  
**MISSOURI DEPARTMENT OF TRANSPORTATION**

The Missouri Department of Transportation offers a Relocation Assistance Program to all owners of businesses, farm operators and nonprofit organizations who are either partially or totally displaced by a state highway project.

**WHAT IS THE PURPOSE OF THE PROGRAM?**

The program is designed to provide advisory assistance to all relocatees--both property owners and tenants--and under many circumstances, as explained in this brochure, to also make actual payments available to help offset some of the expenses which will be experienced by those who are displaced.

Advisory assistance--but not payments--is also available to persons occupying property immediately adjacent to a highway project, if the property is caused substantial economic injury, even though no part of the property is acquired by the Department.

**WHO IS CONSIDERED A "RELOCATEE"?**

The term "relocatee" refers to and includes any business owner, farm operator or nonprofit organization who is either partially or totally displaced by a state highway project.

**WHAT IS THE DIFFERENCE BETWEEN BEING "PARTIALLY DISPLACED" AND "TOTALLY DISPLACED"?**

You are "partially displaced" if only a portion of your property is acquired by the department and the acquisition does not require you to move from the property but does cause you to remove items of your personal property which are located within the new right of way limits.

If the acquisition of your property by the department causes the displacement of your business or nonprofit organization from its established location or eliminates your farming operation, you are considered to be "totally displaced" so far as the Relocation Program is concerned--even though the department does not acquire your entire property.

## **WILL I BE PERSONALLY CONTACTED CONCERNING THE RELOCATION PROGRAM?**

A right of way specialist from the Department of Transportation will contact you, explain the Relocation Program in detail and help you in any way he/she can concerning any relocation problems which may be troubling you. Ask any questions you may have concerning the program and be sure that you understand the eligibility requirements necessary to enable you to receive the relocation payments which may be available to you.

The right of way specialist who contacts you will provide a business telephone number and an address where he/she can be contacted should you have additional questions or problems at a later date. You should also feel free to contact your local district office to obtain additional information you may desire concerning the Relocation Program. The addresses and telephone numbers of the district offices are listed at the end of this brochure. The counties are also listed to enable you to determine which district serves your area.

## **WHAT ADVISORY SERVICES CAN I EXPECT?**

Advisory services will be provided on a reasonable basis commensurate with your needs. In any case you are eligible to be provided referrals of available replacement properties, help in filing payment claims and other reasonable assistance needed to assure your successful relocation.

## **ARE THERE "BASIC PAYMENT ELIGIBILITY REQUIREMENTS THAT ARE APPLICABLE TO ALL RELOCATEES"?**

Yes--to be eligible for any relocation payment you must at least meet each of the following basic requirements:

- (1) You must--with the following noted exception--be in legal occupancy of the property being acquired by the department at the initiation of negotiations for that particular property unless you have personally received a written notice from the Department of Transportation advising that it is the intent of the department to acquire the property. (Negotiations will be initiated on the date that the Department of Transportation representatives present a written offer for the property to the property owners or to their designated representative.)

**EXCEPTION:** You can qualify for a moving cost payment--but normally **no other** type of relocation payment--if you are in legal occupancy at the time the property is actually acquired (paid for) by the department but were not in occupancy at the initiation of negotiations.

You should never--whether you are a tenant or an owner--vacate or move from any property scheduled for acquisition by the Department prior to receiving

a written notice from the department (even though you may have a written notice of the department's intent to acquire the property) without first checking with department officials to see if you can do so without losing your eligibility for relocation payments which you would otherwise be entitled to receive. In every case--unless you are a property owner who entered into an escrow agreement--you will be given 90-days' written notice prior to the date you will be required to vacate the property. If you are a property owner who enters into an escrow agreement with the department, you will be notified, usually by certified mail, when your right of way payment is delivered to the escrow agent and the date that vacancy or possession is required. You will, therefore, not jeopardize your eligibility if you move any time after your right of way payment is delivered to your escrow agent.

- (2) You must actually move from the property being acquired--or if a partial displacement is involved, move items of personal property from the area included within the new right of way--**after** the initiation of negotiations or after receiving a "notice of Intent to Acquire" by the department.
- (3) You must also meet the specific requirements outlined later in this brochure for each of the various relocation payments which may be available to you.

## **WHAT SPECIFIC PAYMENTS AM I ENTITLED TO RECEIVE?**

All relocatees who may be eligible for relocation payments can be placed in one of the following categories:

**Relocatee Category I** - Owners of a totally displaced business that - during the two-year period prior to displacement - (1) had less than \$5,000 annual gross receipts, and (2) had less than \$1,000 annual net earnings, and (3) contributed less than 33 1/3% of its owners' annual gross income.

Relocatees in this category may be eligible for reimbursement of the actual cost of moving the items of personal property involved and possible re-establishment expenses. (If the business is being conducted in the home, the personal property involved will normally be included in the owners' residential moving cost claim; however, if the business is being conducted at some other location, the moving costs can be claimed as a routine business move.)

**Relocatee Category II** - Owners of a totally displaced business that - during the two-year period prior to displacement - (1) had average annual gross receipts of at least \$5,000, or (2) had average annual net earnings of at least \$1,000, or (3) contributed at least 33 1/3% of its owners' annual gross income.

If you are in this category and your business can be relocated without a substantial loss of its existing patronage, you may be eligible for a Business Moving Cost Payment and Re-establishment Cost as discussed later in this brochure under the heading "Business, Farm and Nonprofit Organization Moving Cost Payments."

If your business cannot be relocated without a substantial loss of its existing patronage, you may be eligible for a Fixed Payment--in lieu of a Business moving Cost Payment and Re-establishment Cost.

**Relocatee Category III** - Owners of totally displaced farm operations which - during the two-year period prior to displacement - (1) had less than \$5,000 annual gross receipts, and (2) had less than \$1,000 annual net earnings, and (3) contributed less than 33 1/3% of its owners' annual gross income.

Relocates who fit into this category may be eligible for reimbursements of the actual cost of moving the items of personal property involved and possible re-establishment expenses--normally under the procedure outlined for business, farm and nonprofit moves.

**Relocatee Category IV** - Owners of totally displaced farm operations that - during the two-year period prior to displacement - (1) had average annual gross receipts of at least \$5,000, or (2) had average annual net earnings of at least \$1,000, or (3) contributed at least 33 1/3% of its owners' annual gross income.

If you fit into this category, you can be paid either the actual cost of moving your personal property under the procedure outlined for business, farm and nonprofit moves--or--if the highway acquisition is so severe that your farming operation cannot be continued on your remaining property, you may be eligible for a Fixed Payment--in lieu of a Moving Cost Payment or Re-establishment Cost.

**Relocatee Category V** - Totally displaced nonprofit organizations--which are those organizations that operate on a nonprofit basis and own fixtures, equipment, stock in trade, or other tangible property for the carrying on of a business, professional, or institutional activity on the premises.

Nonprofit organizations are normally entitled to reimbursements for the actual cost of moving their personal property--under the procedure outlined for business, farm or nonprofit moves.

If the nonprofit organization cannot be relocated in a manner that will enable it to serve the same general purpose and provide the same general services to a substantial majority of its members after displacement as before, it may be eligible for a Fixed Payment in lieu of a Moving Cost Payment or Re-establishment Cost.

**Relocatee Category VI** - Owners of businesses, farm operations and nonprofit organizations which will be partially displaced.

Relocates in this category are normally eligible for reimbursement of the actual costs they experience in moving their items of personal property. The procedure outlined later under the heading "Moving Cost Payments" will be applicable.

**Relocatee Category VII** - Relocates who move to and legally occupy parcels scheduled for acquisition by the Department--or who move personal property thereon--**after** negotiations have been initiated for the subject property.

If the relocatees are still in occupancy at the time the property is actually acquired (paid for) by the Department, they will normally be eligible for a moving cost payment.

### **WILL RELOCATION PAYMENTS BE CONSIDERED TAXABLE INCOME?**

The Federal Uniform Relocation Act specifically provides that no payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954 which has been redesignated as the Internal Revenue Code of 1986.

Should you receive any contradictory information or instruction from any governmental agency, you should contact the Department of Transportation and request assistance.

### **DOES THE DISTANCE I MOVE AFFECT MY PAYMENT ELIGIBILITY?**

There is no limitation on the distance you move your personal property; however, moving cost payments cannot normally include the expenses involved in moving your personal property more than 50 miles distance.

**NOTE:** The balance of this brochure describes the various relocation payments that have been mentioned in the preceding paragraphs, as well as the specific payment eligibility requirements for each type of payment.

You are invited to read all of the information provided, and you are urged to give careful attention to those payments which you may be eligible to receive--as listed under your Relocatee Category.

### **WHAT ARE THE ELIGIBILITY REQUIREMENTS FOR MOVING COST PAYMENT?**

You will be eligible to receive a Moving Cost Payment:

- (1) when personal property is legally located on real property that is in the process of being acquired by the department for right of way purposes--either as an entire or partial taking, or
- (2) when personal property is legally located on remaining land not acquired but legally and/or physically landlocked and inaccessible to you, and
- (3) when you are in legal occupancy of the real property on which the personal property is located (or items of personal property are located thereon) at (a) the time negotiations are initiated for the subject real property--or (b) at the time you

are served a "Notice of Intent to Acquire"--or (c) at the time the subject real property is acquired (paid for) by the department, and

- (4) when personal property is actually moved from the area being acquired or landlocked by the department (see following NOTE), and
- (5) when paid receipts and/or other required documentation is provided to prove the actual cost of the move--when such receipts and/or documentation is required for the moving cost payment option selected, and
- (6) when a claim for moving cost payment is filed (on a claim form that will be furnished to you by the department) within 18 months after the latter of the following dates: (a) the date that your move is completed, or (b) the date that the department acquires (pays for) the property from which you are being displaced.

In addition, you must comply with specific procedural requirements explained in the following paragraphs.

**NOTE:**

Those in occupancy at the initiation of negotiations and/or at the time they receive a "Notice of Intent to Acquire" will not be eligible for moving cost of personal property moved prior to the initiation of negotiations date or receipt of the referenced notice, whichever date is earliest. Those who first occupy the subject real property after the initiation of negotiations will not be eligible for the payment if they move their personal property prior to the time the department acquires (pays for) the real property.

**CAN THE OWNERS OF A FURNISHED SINGLE OR MULTI-FAMILY DWELLING--WHICH THEY DO NOT OCCUPY--BE REIMBURSED FOR THE COST OF MOVING THE FURNISHINGS AS A ROUTINE BUSINESS MOVE?**

Yes.

**CAN WE BE REIMBURSED FOR MOVING COSTS BASED ON OVERTIME CHARGES?**

All moving cost payments must be based on "straight time" rates and not on overtime rates caused by moves having been conducted at night or on weekends and holidays **except** in cases where it is essential that the move be conducted during "non-operational" hours, in which case, the department would pay the total reasonable cost--including overtime rates. Prior approval from the department is required before a move involving overtime rates will be approved.

## **WHAT IF WE PREFER NOT TO MOVE ALL OF OUR PERSONAL PROPERTY TO A NEW LOCATION?**

If you are eligible for a business, farm or nonprofit organization moving cost payment, you can elect not to move some--or all--of your personal property and be paid the actual and direct monetary losses you will experience by not moving such items provided:

- (1) that you have made a bona fide effort to sell the items involved, and
- (2) that you are not paid a fixed payment moving cost payment. (Tangible property losses are not applicable when a fixed payment moving cost payment is made.)

In no case can such payment exceed the estimated cost of moving the items involved.

The fact that you claim payment for losses of some items of tangible property has no effect on your moving cost claim covering **other** items which you do actually relocate.

Your right of way specialist will explain the exact procedure to follow if you plan to claim losses of this type. Be sure and check with him/her so there will be no misunderstandings which could affect your payment eligibility.

## **WHAT IF IT COSTS MORE TO MOVE SOME ITEMS THAN TO REPLACE THEM?**

When the cost of moving items of personal property which are used in connection with a displaced business, farm operation, or nonprofit organization is greater than the cost of replacing them at a new location, you can elect not to move such items and be reimbursed for the loss you will experience by not moving them (as discussed in the preceding question and answer)--or-- you can move them and be paid a moving cost claim **not to exceed** the difference between the replacement cost of comparable items and the estimated amount you would have received for such items if you had sold them at their present location.

## **WHAT MOVING PAYMENT OPTIONS ARE AVAILABLE TO OWNERS OF BUSINESSES, FARMS AND NONPROFIT ORGANIZATIONS?**

Owners of businesses, displaced farm operations and nonprofit organizations can employ commercial movers to relocate their personal property, conduct a self-move or have a combined commercial and self-move. Each of these options is discussed in the following paragraphs.

### **Business, Farm and Nonprofit Organization--Commercial Mover**

This moving cost payment option will apply when a professional moving company or trucking firm is employed to move personal property from the displacement unit acquired by the department to a replacement unit. You can claim reimbursement from the department for actual and reasonable moving expenses - not to exceed



a pre-approved moving cost bid. Normally, applicable incidental moving expenses paid will also be eligible for reimbursement under this option.

The following procedure must be followed when this moving payment option is selected:

**Arrangements for making the move are your responsibility.**

**Step One** - Advise your right of way specialist that you have selected this moving cost option. You (in consultation with your right of way specialist) will obtain at least two lump sum moving cost bids from commercial movers who are qualified to conduct your move. You will be given an opportunity to select the moving firms that bid on your move. Please understand that you are in no way obligated to employ either of the moving firms which submit bids on your move; however, your moving cost payment will be for your actual reasonable cost--**not to exceed** the lowest of these bids.

**Step Two** - You will provide copies of both bids to the Department. Your right of way specialist will then provide you with a "Moving Cost Agreement". Complete your portion of the agreement and return it to your right of way specialist for execution by the department. Do not begin your move until you receive a copy of the agreement that has been approved and executed by the department.

**Step Three** - After the approved "Moving Cost Agreement" is returned to you by the department, you should cause the move to be completed (including all necessary incidental actions), pay all moving and incidental costs and obtain paid receipts for each separate expenditure. You will not be reimbursed for your own labor or for any costs which were not actual "out-of-pocket" expenses.

Arrangements for making the move are your responsibility. The department will not contact or employ the mover on your behalf and will not supervise the move unless you are physically or mentally incapable of such actions and do not have anyone else who is willing and able to do it for you.

**Step Four** - After the move is completed and all applicable costs paid, you should file a claim for reimbursement using a claim form that will be furnished by the department. No other claim form will be acceptable under this payment option. (Keep in mind that your claim must be submitted for payment within the previously discussed 18-month time limitation.)

You must--prior to conducting the move--provide the department with three copies of a certified inventory of the items of personal property that are to be moved to your replacement property **AND**--after the move is completed--you must provide a certified inventory of the items that were actually moved. (Your moving cost bids will be based on the pre-move inventory.) **IN ADDITION** you **MUST** (1) provide advance written notice (normally at least 5 days) to the department of the approximate date of the start of your move, (2) permit the department to monitor the move while in progress and (3) permit the department to make reasonable and timely inspections of your personal property at both the displacement and replacement sites. **FAILURE TO PROVIDE THE INVENTORIES, OR**

**TO PROVIDE ADVANCE WRITTEN NOTICE OF THE START OF YOUR MOVE, OR TO PERMIT THE REQUIRED MONITORING AND INSPECTIONS MAY FORFEIT YOUR ELIGIBILITY FOR A MOVING COST PAYMENT.**

If there is a significant reduction in the post-move inventory, in comparison with the pre-move inventory on which the moving cost estimates were based, your payment to the mover should be correspondingly less than the pre-approved bid. (Your moving cost payment from the department will be adjusted to reflect the inventory reduction.)

It is permissible to employ two or more separate commercial movers when necessary due to the need for specialized moving equipment or capability.

It is also permissible to conduct a move by employing a commercial mover to move part of the personal property and move the balance as a self-move.

If you choose either of the courses of action discussed in the two preceding paragraphs, you should ask your right of way specialist to explain the procedure to be followed.

**Business, Farm and Nonprofit Organizations--Self-Moves--Moving Cost Estimates Available**

The following procedure is applicable if you desire to conduct a self-move.

**Step One** - You must prepare a certified inventory of the items of personal property that must be moved as a result of the right of way acquisition. The inventory must identify the items and quantities involved.

**Step Two** - You must advise the department in writing of your intent to conduct a self-move and request the department to obtain the necessary moving cost estimates. (You will be required to present a copy of the certified inventory to the department at the time you advise of your intent to conduct a self-move.)

**Step Three** - Upon receipt of your request, the department will obtain at least two moving cost estimates from commercial movers who are qualified to conduct the move, if the moving cost is expected to exceed \$2,500. Both moving firms will be presented a copy of your certified inventory and the estimates will be based on the items listed therein.

If the cost of the move is not expected to exceed \$2,500, one estimate covering the cost of moving the items listed in your certified inventory will normally be prepared by a qualified Department employee.

Two copies of each estimate will be furnished to you with instructions that, should you desire to proceed with a self-move, you should submit a "Moving Cost Agreement" to the district with copies of the estimates attached. (A Moving Cost Agreement Form will be provided by the Department of Transportation).

**Step Four** - After the approved "Moving Cost Agreement" is returned to you from the department, you should (**AFTER PROVIDING THE DEPARTMENT AT LEAST 5-DAYS' ADVANCE WRITTEN NOTICE**) conduct your move--including all necessary incidental actions.

**Step Five** - After your move is completed, provide the department with a certified inventory of the items of personal property that you actually moved to your replacement property. (If there is a significant reduction in the post-move inventory, in comparison with the pre-move inventory on which the moving cost estimates were based, your moving Cost Agreement will be voided and your payment will be based on an adjusted moving cost estimate covering only those items you actually moved to your replacement property.)

**Step Six** - You must file your claim for reimbursement on a claim form that will be provided by the department (no other claim form will be acceptable) within 18 months after the latter of the following dates: (a) the date that your move is completed, or (b) the date that the department acquires (pays for) the property from which your business, farm or nonprofit organization is being displaced.

#### **Business, Farm and Nonprofit Organizations--Self-Moves--Moving Cost Estimates Not Available**

If it is not reasonably possible to obtain moving cost estimates due to the complexity of your move, you will--with prior concurrence from the department--normally be permitted to conduct your move without benefit of such estimates without jeopardizing your payment eligibility. Under this circumstance you will be reimbursed for your actual, reasonable and documented moving cost expenditures.

The time you, as owner, and the time of your employees which is actually spent in conducting the self-move can be considered a compensable part of the moving cost claim. Also, appropriate time charges for equipment you own, which is used in conducting the move, can be included in the claim.

Time charged by you shall be based on your average earnings. Charges for labor by your employees must be based on either (1) the normal wage rate you pay them as an employee of your business or firm, or (2) the hourly rate normally paid by commercial movers to their employees for similar types of labor--whichever is less. Equipment charges must be based on the equipment charge rate you use in the conduct of your routine business--not to exceed the normal rate applicable for the use of such equipment.

Both labor and equipment charges included in a moving cost claim must be supported by a certified statement from you showing (1) your time spent in the actual conduct of the move--if any, (2) the number of your employees that were involved, (3) the

specifically named, company-owned equipment used, and (4) the number of hours and hourly wage rates or charges applicable to each.

## **PLEASE NOTE**

If you claim a business, farm or nonprofit organization self-move moving cost payment under this circumstance (moving cost estimates not available), you must make your records relating to the moving cost claim available for audit by Department of Transportation representatives if the department determines an audit is necessary. The following documentation must be made available during the audit: (1) invoices and canceled checks covering payments made to other parties, (2) time and salary records and payroll checks to support any claim for reimbursement of your employees' salaries for time spent in conducting the move, (3) invoices, canceled checks and/or other accounting records covering expenditures for supplies used in conducting the move, (4) proper accounting records covering overhead costs related to the move, (5) time-used records and use-rate computations covering cost of your equipment used in conducting the move, (6) time records covering your (owners') time chargeable to the move and support for the rate per hour, (7) invoices, canceled checks and/or other accounting records covering any other necessary expenses related to the move, and (8) a certified inventory of the items you actually moved. Deviations in documentation must be approved by the department prior to conducting the move. Any portion of your claim that is not properly documented will be deducted from your payment..

## **Incidental Moving Costs Which Are Eligible For Reimbursement Include The Following Expenditures:**

Incidental moving costs referred to above include the following expenditures:

### **(1) Storage**

When the department determines that it is necessary for displaced persons to store their personal property for a reasonable time, not to exceed twelve months, the cost of such storage can be included in their moving cost claim. The cost of storing personal property on the real property being acquired, or on other property owned or leased by the relocatees, is not eligible for payment under the Relocation Program.

Moving cost claims which include storage costs must be accompanied by a paid receipt showing the amount paid as storage costs, length of storage period, where the personal property was stored, and if applicable, a breakdown of the storage costs.

### **(2) Insurance**

The cost of insurance premiums covering loss and damage of personal property while in transit or storage can be included in a moving cost claim that is based on actual expenses. Such insurance coverage must not exceed the reasonable replacement value of the personal property involved.

Claims including insurance premiums must be supported by paid receipts showing the amount paid for such insurance and the amount of insurance coverage involved. (The receipt must be prepared in a manner that will relate it to the subject move.)

### **(3) Losses in Moving**

The reasonable replacement value of property lost, stolen, or severely damaged (not caused by the fault or negligence of the displaced persons, their agents or employees) in the process of moving is reimbursable **when insurance to cover such loss or damage was not available.**

### **(4) Removal and Reinstallation Expenses**

The expenses of removal, reinstallation and re-establishment of machinery, equipment and other items of personal property, including reconnection of utilities to such items--which do not constitute a capital improvement to the replacement site--can be included in moving cost payments. You must attach paid receipts to your moving cost claim showing the separate cost related to each item involved.

Reasonable documented costs incurred in the modification of your personal property necessary to adapt it to the replacement property are eligible reinstallation expenses. (Site preparation costs **are not** reimbursable under this action but may qualify as re-establishment.)

Such cost reimbursement is **not** applicable to items classified as real property which you retained in your right of way settlement and moved.

### **(5) Re-establishment Expenses**

In addition to the payments available under paragraph 4, a small business having 1 to 500 employees at site being acquired, farm or nonprofit organization may be eligible to receive a payment, not to exceed \$10,000, for reasonable and necessary expenses, as determined by the department and allowable under The Federal Code of Regulations, actually incurred in relocating and re-establishing such small business, farm or nonprofit organization at a replacement site.

We suggest you discuss re-establishment expenses with your right of way specialist to determine what expenses are eligible for reimbursement.

Paid receipts must be provided for each item that is an eligible expense.

## **(6) Search for Replacement--Business, Farm and Nonprofit Organization**

You can claim the actual reasonable expenses incurred in searching for a replacement site (not to exceed a total search payment of \$2,500) **provided that** you claim a moving cost payment and not a fixed payment moving cost payment.

Applicable expenses can include but are not limited to the following: (contact your right of way specialist for additional information related to reimbursable search expenses)

- (1) transportation--based on actual fees charged for commercial transportation or the current rate per mile allowed by the Internal Revenue Service on tax returns when a private auto is used,
- (2) meals--not to exceed \$25 per day, per person,
- (3) lodging away from home--not to exceed normal rates charged by motels or hotels in the area--based on a single-occupant rate (receipts are required),
- (4) the reasonable value of time actually spent in the search. Payment for time actually spent in the search shall be based on the applicable hourly wage rate for the person conducting the search. A certified statement of the time spent in search and the hourly rate must accompany the claim.

## **PARTIAL DISPLACEMENTS--BUSINESS, FARM AND NONPROFIT ORGANIZATIONS**

If you are involved in a partial displacement, you can be reimbursed for the actual and reasonable expenses of moving your items of personal property--based either on the cost of a commercial mover or of a self-move or a combination of the two.

The procedure to be followed is the same as outlined in this brochure for total displacements.

## **FIXED PAYMENT FOR MOVING EXPENSE**

### **WHAT ARE THE ELIGIBILITY REQUIREMENTS FOR A FIXED MOVING EXPENSE PAYMENT?**

If you are the owner of a legal business, farm or nonprofit organization which qualified for a moving cost payment, as previously discussed, you can elect to claim a fixed payment in lieu of payments for actual moving and related expenses and actual reasonable re-establishment expenses provided the additional eligibility requirements are fully satisfied:

### **(1) Requirement Concerning Material Contribution to your Annual Gross Income**

To qualify for this type payment your business, farm or nonprofit organization must have contributed materially to your income during the two taxable years prior to the year in which it is displaced. You will meet this requirement if, during the two-year period, your business:

- (a) had average annual gross receipts of at least \$5,000, or
- (b) had average annual net earnings of at least \$1,000, or
- (c) contributed at least 33 1/3% of your average annual gross income from all sources.

### **(2) Requirement Concerning Substantial Loss of Net Earnings**

To qualify for a fixed moving expense payment, it must be determined that you cannot relocate your business, farm or nonprofit organization without a substantial loss of its clientele and/or net earnings.

Please advise your right of way specialist if you believe you will be unable to relocate without a substantial loss of clientele and/or net earnings. Your specialist will either advise you of a suitable replacement site or, if none is available, confirm your eligibility for a fixed moving expense payment.

### **(3) Requirement Eliminating Chain Store and Multi-Location Businesses**

To qualify for this type payment, your business must not be part of a commercial enterprise having more than three other establishments which are not being acquired by the department and which are engaged in the same or similar business.

The fact that you are operating a business under a franchise will not normally disqualify you for this type payment if you actually own the business and meet the other eligibility requirements.

You must file a payment claim, on a claim form that will be provided by the department, within 18 months after the latter of the following dates: (a) the date that your business is displaced, or (b) the date that the department acquires (pays for) the property from which your business is being displaced.

### **WHAT ARE THE ELIGIBILITY REQUIREMENTS WHEN A NONPROFIT ORGANIZATION IS INVOLVED?**

A nonprofit organization is eligible for a fixed payment moving cost payment when:

- (1) It was in existence on the property being acquired by the department at the initiation of negotiations for the subject property or at the time the property is acquired (paid for) by the department.
- (2) It cannot be relocated without a substantial loss of its membership and/or without a substantial loss in its ability to adequately serve the persons, community or clientele that it was serving prior to being displaced by Department of Transportation.

**HOW WILL THE AMOUNT OF OUR ACTUAL PAYMENT BE COMPUTED? (BUSINESS AND NONPROFIT ORGANIZATION)**

You are entitled to receive an amount equal to the average annual net earnings of your business or nonprofit organization--not to exceed a maximum payment of \$20,000 or be less than a minimum payment of \$1,000.

The term "average annual net earnings" means one-half of any net earnings produced by your business (before Federal, State or local income taxes have been deducted) during the two taxable years immediately preceding the taxable year in which it is displaced. Such "average annual net earnings" include any compensation paid by the business to you, your spouse or your dependents during the two-year period.

All earnings and compensation must be established by Federal income tax returns filed by the business and by you, your spouse, and your dependents during the two-year period. (Fixed payment moving cost payments to qualified nonprofit organizations in excess of \$1,000 must be supported with financial statements for two

12-month periods prior to acquisition. The amounts to be used for payment is the average of 2-years annual gross revenue less administrative expenses.)

**FIXED PAYMENT MOVING COST PAYMENT (FARM OPERATION)**

**WHAT ARE THE ELIGIBILITY REQUIREMENTS FOR THIS TYPE PAYMENT?**

For you to be eligible for this type payment, you must meet the eligibility requirements for a "Business, Farm or Nonprofit Moving Cost Payment" and, in addition, the department must also determine that:

- (1) During the two taxable years prior to the year of displacement your farm operation:
  - (a) had average annual gross receipts of at least \$5,000, or
  - (b) had average annual net earnings of at least \$1,000, or
  - (c) contributed at least 33 1/3% of your average annual gross income from all sources.
- (2) You completely discontinued your farm operation at the present location--or, in case of a partial taking, your property remaining after the right of way acquisition is no longer an economic unit for the same type of farming operation that was being conducted prior to such acquisition.
- (3) You filed a payment claim, on a claim form provided by the department, within 18 months after



the latter of the following dates: (a) the date that your farm operation is displaced, or (b) the date that the department acquires (pays for) the property from which your farming operation is being displaced.

**IF A FARM TENANT IS INVOLVED, WHO IS ENTITLED TO THE PAYMENT--THE FARM OPERATOR OR THE LANDLORD?**

If a sharecropper or tenant is carrying out the actual farming operation, he/she receives the fixed payment moving cost payment. (This does not apply to a person who is merely an employee of the actual farm operator.)

**HOW WILL THE AMOUNT OF THE ACTUAL PAYMENT BE COMPUTED?**

You are entitled to receive an amount equal to the average annual net earnings of your farming operation--not to exceed a maximum payment of \$20,000 or be less than a minimum payment of \$1,000. The average annual net earnings must be established and proven by copies of your Federal income tax returns.

**WHAT IF I AM NOT SATISFIED WITH MY RELOCATION PAYMENT OFFERS?**

If you are not satisfied with a relocation payment offer, you have the right to request a Department of Transportation administrative review of the offer and to explain why you feel that it is inadequate. If you do so and are still not satisfied after your case has been reviewed and discussed, you have the right to file a formal appeal. You will be provided a form to assist you in filing a formal appeal if you desire to take

this course of action. (The same procedure is applicable if you are not satisfied with a payment eligibility determination.)

An appeal relating to the rejection of a relocation claim must be filed within 60 days after you have been advised in writing that your claim has been rejected. (If you submit a relocation claim that is paid by the department, both you and the department are prohibited from later disputing the amount of such payment and from appealing any decision relating to the payment involved.)

If the relief requested in your appeal to the department is not granted, you have the right to seek judicial review.

**Address and Telephone Numbers for  
District Offices of  
Missouri Department of Transportation**

**NW District**

Missouri Department of Transportation  
3602 North Belt Highway  
P.O. Box 287  
St. Joseph, Missouri 64502-0287  
816-387-2350

**Counties:**

Andrew, Atchison, Buchanan, Caldwell,  
Carroll, Chariton, Clinton, Daviess, DeKalb,  
Gentry, Grundy, Harrison, Holt, Linn,  
Livingston, Mercer, Nodaway, Putnam,  
Sullivan, Worth

**NE District**

Missouri Department of Transportation  
Highway 61 South  
P.O. Box 1067  
Hannibal, Missouri 63401-1067  
573-248-2490

**Counties:**

Adair, Audrain, Clark, Knox, Lewis,  
Lincoln, Macon, Marion, Monroe,  
Montgomery, Pike, Ralls, Randolph,  
Schuyler, Scotland, Shelby, Warren

**KC District**

Missouri Department of Transportation  
600 Northeast Colbern Road  
P.O. Box 648002  
Lee's Summit, Missouri 64064-8002  
816-622-6500

**Counties:**

Cass, Clay, Henry, Jackson, Johnson,  
Lafayette, Pettis, Platte, Ray, Saline

**Central District**

Missouri Department of Transportation  
1511 Missouri Blvd.  
P.O. Box 718  
Jefferson City, Missouri 65102-0718  
573-751-3322

**Counties:**

Boone, Callaway, Camden, Cole, Crawford,  
Cooper, Dent, Gasconade, Howard, Laclede,  
Maries, Miller, Moniteau, Morgan, Osage,  
Phelps, Pulaski, Washington

**SL District**

Missouri Department of Transportation  
1590 Woodlake Drive  
Chesterfield, Missouri 63017-5712  
314-340-4100

**Counties:**

Franklin, Jefferson, St. Charles, St. Louis,  
City of St. Louis

**SW District**

Missouri Department of Transportation  
3025 East Kearney  
M. P.O. Box 868  
Springfield, Missouri 65801-0868  
417-895-7600

**Counties:**

Barry, Barton, Bates, Benton, Cedar,  
Christian, Dade, Dallas, Greene, Henry,  
Hickory, Jasper, Lawrence, McDonald,  
Newton, Polk, St. Clair, Stone, Taney,  
Vernon, Webster

**SE District**

Missouri Department of Transportation  
2675 North Main Street  
Sikeston, Missouri 63801-0160  
573-472-5333

**Counties:**

Bollinger, Butler, Cape Girardeau, Carter,  
Douglas, Dunklin, Howell, Iron, Madison,  
Mississippi, New Madrid, Oregon, Ozark,  
Pemiscot, Perry, Reynolds, Ripley, St.  
Francois, Ste. Genevieve, Scott, Shannon,  
Stoddard, Texas, Wayne, Wright