

Updated Conceptual Stage Relocation Study



Prepared for:



**State of Alaska
Department of Transportation and
Public Facilities**

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1.0 Introduction

This document has been prepared in support of the Draft Supplemental Environmental Impact Statement (SEIS) being prepared by HDR Alaska, Inc. on behalf of the Alaska Department of Transportation and Public Facilities. The purpose of this report is to identify properties that may be acquired for construction of the SEIS build alternatives and potentially require relocation of residents or businesses. There are other costs associated with right-of-way that are not provided in this report and will not be determined until after the final design is complete and negotiations have taken place between the State of Alaska and affected property owners. This report provides the following:

- An estimate of the number of households that could be relocated.
- Verification of available decent, safe, and sanitary housing in the area.
- An estimate of the businesses that may be displaced with each alternative and the number of employees potentially affected.
- A statement that the acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and that relocation resources are available to all residential and business relocatees without discrimination.

2.0 Relocation Assistance

The purpose of relocation assistance is to ensure that persons displaced as a direct result of Federal or federally-assisted projects are treated fairly, consistently, and equitably so that such displaced persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. As a means of providing uniform and equitable treatment for those persons displaced, the government passed the “Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970,” and the “Uniform Relocation Act Amendments of 1987 and 2005.” This legislation provides for fair, uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal and federally assisted programs and establishes fair, uniform and equitable land acquisition policies for federal and federally assisted programs. Whenever acquiring real property for a program or project by a federal agency results in displacing anyone, the agency is required to determine any reimbursements due to displacees and provide relocation planning, advisory services, and coordination (49 CFR Part 24).

Through the acquisition process, all property owners, without discrimination, would be compensated for their loss of real property at fair market value. In addition, those that meet the definition of a displacee under 49 CFR Part 24.2 can qualify for relocation benefits. Relocations will be conducted in accordance with the “Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970” as amended, and relocation assistance would be made available to all lawful residential, businesses, farms and non-profit organizations that would be affected by the Sterling Highway MP 45–60 Project.

3.0 Relocation Requirements

Owners and qualified renters are entitled to reimbursement of reasonable and necessary moving costs and certain related expenses incurred in moving such as disconnect, dismantling, removing, reassembling and reinstallation for qualified personal property items. A move benefit can be computed up to a 50 mile radius. Transportation beyond the 50 miles radius is not eligible, unless the State determines that relocation beyond 50 miles is justified on a case-by-case determination. Any owner-occupant or tenant who qualifies as a displaced person (defined at 49 CFR Part 24.2 [a] [9]) and who moves from a dwelling (including a mobile home) or who moves from a business, farm or non-profit organization is entitled to payment of their actual, moving and related expenses, as the State determines to be reasonable and necessary. A displaced person's actual, reasonable and necessary moving expenses for moving of personal property from a dwelling may be determined based upon the cost of one, or a combination of a commercial move, self-move or fixed residential moving cost schedule. A displaced person's actual, reasonable and necessary moving expenses for moving of personal property from a business, farm or non-profit organization may be determined based upon the cost of one, or a combination of a commercial move, the lower of two bids or estimates from a commercial movers, or actual receipts. Prior to any move taking place, it is very important that the relocation agent and the displaced persons have coordinated the move process. For businesses there are also discretionary utility relocation payments which are used for extraordinary expense purposes only as described in 49 CFR Part 24.306.

In addition to moving benefits, a displaced person may qualify for Replacement Housing Payments. These payments are supplements to the displaced person(s) and they are separated into the following four basic types and are dependant upon whether the resident is a long term owner (have occupied the residence for at least 180 days) or a tenant (have occupied the dwelling for at least 90 days), and how long they have lived in the property being acquired prior to the initiation of negotiations:

- **Replacement Housing Payment for 180-day homeowner-occupants** – The replacement housing payment for an eligible 180-day homeowner-occupant may not exceed \$22,500. The payment up to this maximum is limited to the amount necessary to relocate to a comparable replacement dwelling. The total amount of this payment must be applied towards the purchase of a decent, safe and sanitary replacement dwelling.
- **Replacement Housing Payment for 90-day occupants** – A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed \$5,250 for rental assistance.
- **Rental Assistance Payment** – An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed \$5,250 for rental assistance. This payment is 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of the monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling or the monthly rent and estimated average monthly cost of utilities for

the decent, safe and sanitary replacement dwelling actually occupied by the displacee.

- **Down Payment Assistance** – An eligible displaced person who purchases a replacement dwelling is entitled to a down payment assistance payment in the amount the person would receive under the Replacement Housing Payment for 90-day occupants, if the person rented a comparable replacement dwelling. At the Agency’s discretion, a down payment assistance payment that is less than \$5,250 may be increased to any amount not to exceed \$5,250. The payment to a displaced homeowner shall not exceed the amount the owner would receive under the 180-day occupancy requirement. A displaced person eligible for a payment as a 180-day owner-occupant is not eligible for this payment.

In order for any of the above payments to be made, the full amount of the replacement housing payment or down payment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses. The expenses must be incurred and the replacement housing must meet the decent, safe and sanitary requirements.

4.0 Environmental Justice

This section addresses Environmental Justice Executive Order 12898:

Each federal agency shall make achieving environmental justice part of its mission by identifying and addressing as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations or low-income populations.

The Federal Highway Administration (FHWA) order 6640.23 “FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” contains the following definitions:

- **Low-Income:** A household income at or below the poverty guidelines of the U.S. Department of Health and Human Services.
- **Minorities:**
 - Black (having origins in any of the black racial groups of Africa).
 - Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race).
 - Asian-American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands).
 - American Indian or Alaskan Native (having origins in any of the original people of North America and who maintain cultural identification through tribal affiliation or community recognition).

The FHWA also defines a “disproportionately high and adverse effect on minority and low-income populations” as follows:

An adverse effect that is predominately borne by a minority population and/or a low-income population; or will be suffered by the minority population and/or low-income population, and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non low-income population.

The above right-of-way and relocation requirements, as well as environmental justice, are addressed in the following outlined alternatives.

4.1 Cooper Creek Alternative

The Cooper Creek Alternative generally follows the existing Sterling Highway alignment, constructing 3.5 miles of new highway through Cooper Landing between approximately MP 46 and MP 48.5. The construction of right-of-way would affect approximately 52 parcels— four of which are State-owned, eight are Borough-owned, three are Federally-owned and 37 are privately owned. Of the 37 private parcels, seven would be total acquisitions. Out of the seven total acquisitions, three are vacant parcels, one is a non-profit, one is a commercial lodge, and two are private residential parcels.

According to local real estate listings provided through the multi-listing service (MLS) and through the internet (www.realtor.com), only four comparable houses and one lodge were currently available in Cooper Landing; however, there are more than 71 comparable properties available within 50 miles of Cooper Landing.

In addition to the acquisition of residential properties, there is one privately-owned commercial property which would displace roughly two winter employees and six summer employees. There are 13 comparable commercial properties available in the area within 50 miles of Cooper Landing.

The racial or income composition of the potentially affected residents who would be impacted as a result of selecting the Cooper Creek Alternative is unknown, as this specific information has not been collected.

4.2 G South Alternative

The G South Alternative would include 9.3 miles of new alignment north of the existing Sterling Highway, between approximately MP 46.3 and MP 55.6. This alternative requires the construction of new bridges across the Kenai River, Juneau Creek and bridge replacement at Schooner Bend. The construction of right-of-way would partially infringe upon four residential properties, 13 Borough-owned properties, four State-owned properties and three federally-owned properties and would not require the relocation of any residences, businesses, farms or non-profit organizations.

Because the G South Alternative does not require total acquisition of any residential or commercial properties, this alternative is presumed to have no direct impacts on minority or low-income residents.

4.3 Juneau Creek Alternative

The Juneau Creek Alternative provides 9.3 miles of new roadway alignment north of the existing alignment, from MP 46 to west of Sportsman's Landing at MP 55.5. The construction of right-of-way would require partial acquisitions of four residential properties, 13 partial acquisitions of Borough land of which one has residential improvements, five partial acquisitions of State-owned land and two partial acquisition of federally-owned lands— of which one has an accessory building located on it and one has a general institutional facility located on it. None of these partial acquisitions would require the relocation of any residences, businesses, farms or non-profit organizations.

Because the Juneau Creek Alternative does not require any total acquisitions of any residential or commercial properties, this alternative would have no direct impact on minority or low-income residents.

4.4 No Build Alternative

The No Build Alternative does not require any acquisition or relocation. The No Build Alternative does not impact any residences, businesses, farms or non-profit organizations.

5.0 Conclusion

The Cooper Creek Alternative is the only build alternative that would require total acquisition of residential or commercial properties. The Cooper Creek Alternative would require total acquisition of seven properties, including two private residences, and partial acquisition of 45 additional properties.

The G South and Juneau Creek alternatives would leave the existing roadway through Cooper Landing in place and would develop a bypass route around the community. These alternatives would each require partial acquisition of 24 parcels, but would not require total acquisition of any residential or commercial properties. Neither the G South nor Juneau Creek alternatives would require the relocation of any residences, businesses, farms or non-profit organizations.

The No Build Alternative would leave everything as it currently exists. It would not require the acquisition of any residential or commercial properties.

The racial or income composition of the potentially affected residents who would be impacted as a result of selecting any of the build alternatives is not known.