

at the same time I am retained by the Department of Public Works on appraisal contracts, and the displaced businesses that I appraise are allowed only a maximum of \$3,000. These two gentlemen represent this group. This is one of the reasons why I must testify separately, because I have been retained by public agencies. But I offer my services to your committee, and appreciate the opportunity to testify.

Senator BAKER. Mr. Akerson, thank you very much.

I would like to address these questions to the three of you and ask either or all of you to reply.

There are one or two that I would like to especially clarify for my purposes and for the record. They occurred in the course of Mr. Libby's testimony and were taken up by each of you in sequence.

To begin with, you feel, and I really believe most people may share your feeling, that fair cash market value directly does not approximate actual compensation or does not permit someone from being less than whole after the forceful taking.

I wonder, however, if the replacement cost test as used by you, Mr. Libby, has worked and whether or not it might not entail some elements of enrichment, and whether or not it might not be better described as the cost of a comparable facility in a comparable location, rather than replacement cost, which implies the building of a new structure.

Mr. LIBBY. Yes, Senator, I too had my reservations, and in the course of my remarks I think I clarified it when I said we should be entitled to a like amount of space in a reasonably similar location.

Senator BAKER. Does this meet the requirements of replacement cost as you mean it to imply?

Mr. LIBBY. Well, sir, it has been my experience that the offering of a fair market value for the property which we occupy now does not enable us to acquire reasonably similar facilities in which to conduct our business.

You see, perhaps we get complacent, having been in one space for 43 years, and we get accustomed to the inefficiencies, et cetera, of it and we have learned to live with these buildings. But when we move, and we are given compensation on the basis of market value of that facility, we are not adequately enabled to acquire like facilities, Senator.

Senator BAKER. Are you willing, then, for the interpretation of replacement cost to imply replacement with a similar facility of similar age and of similar quality?

Mr. LIBBY. Yes, sir. We are not entitled to 1 cent more than that, sir. We don't want anything to which we are not entitled.

Senator BAKER. Together, of course, with reimbursement for the actual cost of moving, I take it, without regard to the amount of that cost?

Mr. LIBBY. I think that that must be limitless, sir.

Mr. AKERSON. May I ask a question, Senator Baker?

Senator BAKER. By all means, Mr. Akerson.

Mr. AKERSON. My interpretation of the Muskie bill as it is written now is that if passed, relocation payments that would be contested by a claimant could be taken into a Federal District Court, and that heretofore in any grant type of relocation payment, this opportunity has been denied the claimant.

Senator BAKER. Essentially, as I understand it, the thrust of the bill before the committee would be to make relocation cost a part of compensable damage as any other element.