



June 18, 2013

Office of Civil Rights  
Federal Highway Administration  
1200 New Jersey Avenue, SE  
8th Floor E81-314  
Washington, DC 20590

RE: Title VI Complaint – DOT #2013-0070

To Whom It May Concern:

The Southern Coalition for Social Justice submits the following information to supplement its January 22, 2013, complaint against the South Carolina Department of Transportation (hereinafter, “SC DOT”) under Title VI of the Civil Rights Act of 1964.<sup>1</sup> SCSJ filed that complaint and this supplement on behalf of Southernside Neighborhoods In Action, (hereinafter, “SNIA”), an unincorporated neighborhood association that meets once a month; Mary Duckett, president of SNIA and resident of Southernside; and Representative Chandra Dillard, who represents Southernside and other parts of Greenville in the South Carolina State House of Representatives.

This supplement to the complaint is submitted to provide additional documentation of the exclusion of the Southernside community members and their advocates from the SC DOT decisionmaking process. This additional information demonstrates even more thoroughly that SC DOT not only denied Southernside community members the opportunity to give input on the demolition of the Hampton Avenue Bridge, but also completely failed to give community members any notice of the bridge’s coming demise. As stated in the initial complaint, SC DOT was obligated under Title VI and Executive Order 12898 to involve residents of the Southernside neighborhood in the decision to demolish the Hampton Avenue Bridge. SC DOT acknowledges this obligation, stating in its “Public Participation Plan” that “[t]raditionally underserved groups such as low-income and minority populations must be identified and given increased opportunity for involvement in order to ensure effective participation.”<sup>2</sup> A timeline of events related to the demolition of the Hampton Avenue Bridge is attached to demonstrate how no opportunity for involvement, let alone an “increased opportunity for involvement,” was afforded to Southernside residents, despite the persistent efforts to halt demolition of the bridge by advocates for the Southernside community.<sup>3</sup>

#### Timeline of Decision to Demolish

<sup>1</sup> 42 U.S.C. §2000d et seq

<sup>2</sup> See “South Carolina Department of Transportation Public Participation Plan,” available at [http://www.scdot.org/inside/pdfs/public\\_participation\\_plan.pdf](http://www.scdot.org/inside/pdfs/public_participation_plan.pdf).

<sup>3</sup> See Attachment 1, “Timeline of Events.”

A series of correspondence between SC DOT and advocates for the Southernside community between 2008 and 2012 reveals the inflexible nature of SC DOT's pre-determined decision to demolish the Hampton Avenue Bridge. In the time leading up to the bridge's demolition, S.C. Representative Chandra Dillard and S.C. Senator Ralph Anderson worked tirelessly to ensure that Southernside residents would maintain a way to travel safely and conveniently in and out of the neighborhood. Despite their best efforts, and the efforts of several other advocates for the Southernside community, the Hampton Avenue Bridge was demolished as planned, and Southernside residents are still waiting on another bridge to provide them safe passage.

On December 2, 2008, SC DOT sent identical letters to Representative Dillard and Senator Anderson in which SC DOT expressed its intention to have the Hampton Avenue Bridge demolished.<sup>4</sup> The letter stated that the "bridge no longer serves a purpose and should be removed." The letter did not identify what, if any, conditions on the bridge had changed to warrant its destruction. The letter did not indicate that SC DOT would seek public comment from those affected by its decision, nor did it suggest any alternatives to demolition. Without ever having sought public input, SC DOT stated that "[r]emoval of the bridge would benefit the community by eliminating an area hazardous to the public."

Sen. Anderson immediately responded to the letter by writing to the SC Secretary of Transportation H.B. Limehouse, Jr., urging that SC DOT reconsider its decision and instead rehabilitate the bridge.<sup>5</sup> SC DOT had committed to demolishing the bridge without ever considering options for repairing and rehabilitating the bridge, and only at Sen. Anderson's insistence did SC DOT even nominally research the rehabilitative potential of the bridge.<sup>6</sup> Sen. Anderson "strongly protest[ed] the removal of the bridge," but SC DOT moved forward with demolition plans. SC DOT District Engineering Administrator Steve Gwinn responded to Sen. Anderson, stating in a letter that "[t]he option of rehabilitating the existing bridge is not a viable option."<sup>7</sup> Gwinn asserted that the cost of removing the existing bridge and replacing it with a pedestrian bridge would cost \$1.5 million. Gwinn and SC DOT based the decision to demolish the bridge based on two unfounded assumptions: that A) the bridge could not be rehabilitated and B) a replacement bridge would cost \$1.5 million.

The Greenville-Pickens Area Transportation Study ("GPATS") Policy Coordinating Committee became involved early on in attempting to secure funding for a replacement bridge. GPATS is the Metropolitan Planning Organization in the Greenville area, and the Policy Coordinating Committee, comprised of elected and appointed officials in the area, is responsible

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<sup>4</sup> See Original Complaint Attachment J, Letters from Steve Gwinn, SC DOT, to Representative Chandra Dillard and Senator Ralph Anderson, dated December 2, 2008.

<sup>5</sup> See Original Complaint Attachment K, Letter from Senator Anderson to H.B. Limehouse, Jr., SC Secretary of Transportation, dated December 4, 2008.

<sup>6</sup> See Attachment 2, Letter from Steve Gwinn, SC DOT, to Senator Anderson, dated March 11, 2009 ("Subsequent to the letter in December, you requested that I research the bridge site and determine whether this bridge could be rehabilitated or a replacement bridge could be utilized.").

<sup>7</sup> See Attachment 2, Letter from Steve Gwinn, SC DOT, to Senator Anderson, supra note 6.

for making funding decisions and approving projects and plans.<sup>8</sup> GPATS's primary source of funding comes from federal funds funneled through SC DOT. In an October 12, 2009 GPATS Policy Coordinating Committee meeting, the Committee adopted a resolution requesting SC DOT to authorize funds to replace the Hampton Avenue Bridge with a pedestrian overpass.<sup>9</sup> This resolution was to no avail, as SC DOT never authorized any funds toward a replacement bridge over the tracks.

Prior to demolition, SC DOT deflected responsibility and avoided significant engagement with the community to determine what was in the community's best interest by pointing to a 1998 agreement between SC DOT and Norfolk Southern Railroad.<sup>10</sup> That agreement gave ownership of the bridge to SC DOT but included the requirement that Norfolk Southern would remove the bridge at its expense once SC DOT determined removal was necessary, so long as another bridge was not put in its place.<sup>11</sup> SC DOT had proceeded on the unfounded assumption that Norfolk Southern was unwilling to authorize or contribute to the replacement of the existing bridge, stating in March 2012 that the "Norfolk Southern agreement prohibits another structure from being built in its place."<sup>12</sup> However, even when it appeared Norfolk Southern was amenable to having a replacement pedestrian bridge in place over the tracks, SC DOT did not allow demolition to be halted. Steve Gwinn of SC DOT claimed that he had reached out to Norfolk Southern regarding a pedestrian bridge at the location, and that he was waiting to hear back.<sup>13</sup> Gwinn subsequently made no mention of correspondence with Norfolk Southern, either to the GPATS Coordinating Committee or to Rep. Dillard, but Rep. Dillard was quickly able to get in touch with Norfolk Southern and work on a plan to keep a pedestrian bridge over the tracks.<sup>14</sup> On September 10, Dillard emailed Gwinn and SC DOT Commissioner John Edwards to notify that Norfolk Southern would accept Dillard's request for a stay of execution, stating that "if SCDOT gives the order to stop deconstruction [Norfolk Southern] will pull the contractor."<sup>15</sup> Neither Gwinn nor Edwards responded to this email, and there is no indication in subsequent correspondence that SC DOT was in any way influenced by Norfolk Southern's willingness to halt demolition.

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<sup>8</sup> See "About GPATS," <http://www.gpats.org/about/>.

<sup>9</sup> See Attachment 3, Minutes of GPATS Policy Coordinating Committee, dated October 12, 2009.

<sup>10</sup> See Original Complaint Attachment C, SC DOT press release announcing the decision to demolish the Hampton Avenue Bridge, dated July 26, 2012, available at <http://info.scdot.org/PressRelease/Lists/Posts/Post.aspx?List=02fa2710-0281-4b71-8897-59896828dc20&ID=1319&Web=e9ffbcd1-2766-4d9e-86d4-08feb4f17e3e>.

<sup>11</sup> See Attachment 2, Letter from Steve Gwinn, SC DOT, to Senator Anderson, *supra* note 6 ("There is an agreement in place where Norfolk Southern will remove the bridge at their expense provided that no replacement bridge is placed in its place by SC DOT.").

<sup>12</sup> See Attachment 4, Letter from Robert St. Onge, SC DOT, to Xanthene Norris, dated March 12, 2012.

<sup>13</sup> See Attachment 5, Minutes of GPATS Policy Coordinating Committee, dated June 18, 2012.

<sup>14</sup> See Attachment 6, Email from David Wyatt, Norfolk Southern Corporation, to Chandra Dillard, dated August 15, 2012.

<sup>15</sup> See Attachment 6, Email from Chandra Dillard to John Edwards and Steve Gwinn, SC DOT, dated September 10, 2012, *supra* note 14.

Even when SC DOT was confronted with conflicting conclusions regarding the rehabilitative potential of the bridge and the cost of erecting a pedestrian bridge, SC DOT moved forward with its original demolition plans according to its pre-determined schedule—a schedule developed without any community input. On Sep. 11, 2012, Rep. Dillard emailed SC DOT with comments from Ty Houck, Director of Greenways, Natural and Historic Resources for Greenville County Recreation District.<sup>16</sup> Houck stated his assessment that part of the bridge could be rehabilitated, and shared the insight of a bridge manufacturer who had assessed a complete replacement of the bridge at \$400,000, well below the \$1.5 million figure upon which SC DOT based its decision to demolish the bridge. Houck stated that “a few days halt on demolition with just compensation for the contractor **could easily save us hundreds of thousands of dollars for a very important community connectivity need.**” (emphasis added). SC DOT Chief Engineer of Operations Clem Watson responded to Houck’s comments without addressing the inconsistencies between Houck’s and SC DOT’s assessment of the bridge, instead stating that “[t]o stop the contractor at this point will only increase the department’s exposure, both from a financial standpoint and liability standpoint.”<sup>17</sup>

If Houck’s assessment of the bridge was not enough to convince SC DOT to halt demolition to consider the possibility of the bridge being rehabilitated, Houck also enlisted the aid of Michael M. Simpson & Associates, Inc. (hereinafter, “MMSA”), a structural engineering firm that assessed the bridge and produced a formal report on Sep. 14, 2012.<sup>18</sup> MMSA’s formal assessment contradicted both of the assumptions upon which SC DOT based its decision to demolish the Hampton Avenue Bridge. First, the report stated that “MMSA feels confident that the bridge can be repaired with minimum effort.” Second, the report estimated the cost of turning the Hampton Avenue Bridge into a pedestrian bridge at \$219,650, less than 15% of SC DOT’s original assessment. Rep. Dillard sent MMSA’s formal report to Steve Gwinn on Sep. 15, 2012.<sup>19</sup> Just as Clem Watson had done in regard to Houck’s comments, Gwinn responded to Rep. Dillard’s email without addressing the contradiction between SC DOT’s assessment of the bridge and that of MMSA.<sup>20</sup> Gwinn’s response stated that, “[u]nless another entity such as Greenville County comes forward and assumes all maintenance responsibility, liability and financial responsibility for potential claims from Norfolk Southern Railroad for breach of contract, we must move forward with demolition of this bridge.”

When it appeared clear that Gwinn was not going to be responsive to pleas to halt demolition, Rep. Dillard emailed Wendy Nicholas, legislative liaison for SC DOT, asking for a stay of execution in light of MMSA’s cost estimate for rehabilitating the bridge.<sup>21</sup> Rep. Dillard reiterated Norfolk Southern’s commitment to working with interested stakeholders in Greenville

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<sup>16</sup> See Attachment 7, Email from Chandra Dillard to Steve Gwinn, SC DOT, dated September 11, 2012.

<sup>17</sup> See Attachment 7, Email from Clem Watson, SC DOT, to Steve Gwinn, SC DOT, dated September 10, 2012, *supra* note 16.

<sup>18</sup> See Original Complaint Attachment E, Report from MMSA, Inc., dated September 14, 2012.

<sup>19</sup> See Attachment 8, Email from Chandra Dillard to Steve Gwinn, SC DOT, dated September 15, 2012.

<sup>20</sup> See Attachment 8, Email from Steve Gwinn, SC DOT, to Chandra Dillard, dated September 17, 2012, *supra* note 19.

<sup>21</sup> See Attachment 9, Email from Chandra Dillard to Wendy Nicholas, SC DOT, dated September 15, 2012.

and stated that “reconsideration of full demolition could save us thousands in the long run.” Rep. Dillard asked that Nicholas pass the information on to SC DOT Secretary of Transportation Robert St. Onge. Nicholas replied that she would share the information with St. Onge and would be in touch afterwards, but Rep. Dillard stated that she never heard back from Nicholas or St. Onge.

After MMSA had visited the bridge and determined that it could be rehabilitated, Ty Houck emailed Steve Gwinn, asking to see “the documentation that states why the bridge needs to be demolished.”<sup>22</sup> When Gwinn’s response failed to acknowledge Houck’s request,<sup>23</sup> Houck again emailed Gwinn to ask for the documents.<sup>24</sup> The next day, Bonita Davenport of SC DOT emailed Houck to provide documentation of the inspection SC DOT had conducted on the Hampton Avenue Bridge.<sup>25</sup> The inspection documenting the need for the bridge to be demolished had been conducted in April 2012, despite the fact that SC DOT had maintained for several years prior to the inspection that demolition was the only option.<sup>26</sup>

Even when an entity did express interest in assuming responsibility for the bridge, SC DOT did nothing to halt the demolition. Gwinn acknowledged in an email to Rep. Dillard that Greenville County Council Chairman Butch Kirven had expressed interest in Greenville County assuming responsibility for the bridge.<sup>27</sup> Despite this acknowledgment, Gwinn expressed no intention of SC DOT to halt demolition plans to allow time for Greenville County to move forward with assuming responsibility, instead reiterating the plan of having the bridge removed on Sep. 24, 2012.

#### Timeline of SC DOT Procedure Afforded to Southernside Residents

SC DOT made the decision to demolish the bridge in 2008, and for four years Southernside residents crossed the bridge without knowledge of its coming demise, and with no opportunity to advocate for a different outcome. It was not until the contractor had been hired, and the date of demolition had been set, that the general public was informed of a decision that Southernside residents should have been privy to long before, a decision that would greatly impact their daily lives. SC DOT had pulled the bridge out from under the feet of the Southernside community.

Late in 2008, SC DOT and Norfolk Southern Railroad unilaterally made the decision to demolish the Hampton Avenue Bridge without notifying Southernside residents, much less

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<sup>22</sup> See Attachment 7, Email from Ty Houck to Steve Gwinn, dated September 12, 2012, supra note 16.

<sup>23</sup> See Attachment 7, Email from Steve Gwinn to Ty Houck, dated September 12, 2012, supra note 16.

<sup>24</sup> See Attachment 7, Email from Ty Houck to Steve Gwinn, dated September 12, 2012, supra note 16.

<sup>25</sup> See Attachment 10, Email from Bonita Davenport, SC DOT, to Ty Houck, dated September 13, 2012 (Inspection is attached to MMSA report).

<sup>26</sup> See, e.g., Attachment 2 (“The option of rehabilitating the existing bridge is not a viable option.”); Attachment 12, infra note 32 (“the bridge . . . is beyond repair”); Attachment 4 (“The bridge is considered fracture critical which indicates that catastrophic failure could occur if left in its present state.”).

<sup>27</sup> See Attachment 8, Email from Steve Gwinn, SCDOT, to Chandra Dillard, dated September 17, 2012, supra note 19.

seeking their input on the decision.<sup>28</sup> In his letters to Rep. Dillard and Sen. Anderson, Steve Gwinn stated that SC DOT had determined that the “bridge no longer serves a purpose to the area and should be removed.” Had the SC DOT spoken with any Southernside residents, they would have learned that the bridge did in fact serve an important purpose in the community, as many residents made use of the bridge for pedestrian traffic.<sup>29</sup>

Sen. Anderson responded to SC DOT’s letter by asking that plans to demolish not go forward “until dialogue with the community that uses the bridge can be held.”<sup>30</sup> Gwinn’s response letter to Sen. Anderson intimated no plans to engage in dialogue with the Southernside community.<sup>31</sup> In fact, the only communication Gwinn expressed SC DOT would have with Southernside residents was through the addition of “supplemental signs warning pedestrians not to use the bridge.”

On Oct. 6, 2011, Gwinn and Secretary St. Onge met with S.C. Representative Karl Allen and Senator Anderson at the Hampton Avenue Bridge to discuss its condition and future.<sup>32</sup> Upon information and belief, no residents of the Southernside neighborhood were invited to or were present at that meeting.

Even when SC DOT was pressed to hear out the Southernside residents concerning the demolition of the bridge, the department showed no interest in providing for such a process. On May 22, 2012, Rep. Dillard emailed Gwinn to keep SC DOT abreast of the research findings of Dr. Ken Kolb, sociology professor at Furman University, concerning Southernside residents’ opinions about the bridge closure and its impact on the neighborhood.<sup>33</sup> Rep. Dillard informed Gwinn that there would be a presentation of Dr. Kolb’s research results and that she would invite him and his staff to attend once a time and date was set. After a date was set, Rep. Dillard again emailed Gwinn to invite him to the June 14 presentation of Dr. Kolb’s Hampton Avenue Bridge survey results,<sup>34</sup> but neither Gwinn nor any members of his staff attended the presentation.<sup>35</sup>

The first time SC DOT informed Southernside residents of the plan to demolish the Hampton Avenue Bridge was on July 26, 2012, in a press release issued to the general public.<sup>36</sup> Rep. Dillard emailed Gwinn following the press release in hopes of having her concerns

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<sup>28</sup> See Original Complaint Attachment J, Letters from Steve Gwinn to Chandra Dillard and Ralph Anderson, *supra* note 4.

<sup>29</sup> See Original Complaint Attachment B, “Causes and Consequences of Road Closures in Poor Communities,” Kenneth H. Kolb, Ph.D., Department of Sociology, Furman University (“Southernside/Hampton Avenue Bridge Study: Summary Findings”) (88% of Southernside residents could articulate a specific reason for using the bridge, and 71% want the bridge to stay in place).

<sup>30</sup> See Original Complaint Attachment K, Letter from Senator Anderson to H.B. Limehouse, Jr., SC Secretary of Transportation, *supra* note 5.

<sup>31</sup> See Attachment 11, Letter from Steve Gwinn, SC DOT, to Senator Anderson, dated June 4, 2009.

<sup>32</sup> See Attachment 12, Letter from Robert St. Onge, SC DOT, to Senator Anderson, dated November 17, 2011.

<sup>33</sup> See Attachment 13, Email from Chandra Dillard to Steve Gwinn, SC DOT, dated May 22, 2012.

<sup>34</sup> See Attachment 14, Email from Chandra Dillard to Steve Gwinn, SC DOT, dated June 11, 2012.

<sup>35</sup> See Attachment 14, Email from Steve Gwinn, SC DOT, and Chandra Dillard, dated June 14, 2012, *supra* note 34.

<sup>36</sup> See Original Complaint Attachment C, SC DOT press release announcing the decision to demolish the Hampton Avenue Bridge, *supra* note 10.

addressed.<sup>37</sup> Rep. Dillard inquired into whether there were plans to inform residents of the demolition, noting that “[m]any residents do not have access to the Greenville News or may have missed the TV news coverage.” In response to Rep. Dillard’s question of whether steps would be taken to inform residents, Gwinn stated that “[b]arricades will be installed at both ends of the bridge to notify pedestrians that the bridge is out. Additionally, construction crews who are removing the bridge will have signs to inform pedestrians the area is closed to traffic.”<sup>38</sup> SC DOT made no attempt to reach out to Southern side residents and inform them of the impending demolition following this email correspondence.

### Effects of Decision to Demolish

In her August 2 email to Steve Gwinn, Rep. Dillard stated that “I’m very concerned that when the existing bridge comes down—we may not be able to convince [Norfolk Southern] to allow the replacement. If all possible, we really need their commitment toward a new bridge before the existing bridge comes down.”<sup>39</sup> SC DOT did nothing to facilitate this agreement, and Rep. Dillard’s fears have since come to fruition. While Gwinn allegedly waited in vain to hear a response from Norfolk Southern,<sup>40</sup> Rep. Dillard was able to quickly and easily secure an agreement from Norfolk Southern to halt demolition of the bridge.<sup>41</sup> Unfortunately, SC DOT never authorized Norfolk Southern to halt demolition, and the subsequent process of securing a replacement bridge has proven to be extremely difficult.

On Sep. 19, 2012, Greenville County Councilwoman Xanthene Norris held a meeting to discuss MMSA’s engineering opinion and SC DOT’s statement that it would only halt demolition if an entity assumed financial responsibility for the bridge.<sup>42</sup> County engineering and public works staff were present, along with Ty Houck, Rep. Dillard, Butch Kirven, and representatives from U.S. Congressman Trey Gowdy’s office.<sup>43</sup> Those present at the meeting determined that it should be a priority of the County to obtain funding for a pedestrian bridge to be built over the tracks at Hampton Avenue, and Chairman Kirven stated that he would push for the County to do so. In part because of the discrepancies in cost estimates for the bridge, as well as the fact that the bridge was to be demolished in five days, those present at the meeting felt that it was unrealistic to assume responsibility for the existing Hampton Avenue Bridge and that the only option was to work toward erecting a replacement bridge. As a result of this meeting,

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<sup>37</sup> See Original Complaint Attachment F, Email from Chandra Dillard to Steve Gwinn, SC DOT, dated August 2, 2012.

<sup>38</sup> See Original Complaint Attachment F, Email from Steve Gwinn, SC DOT, to Chandra Dillard, dated August 9, 2012, *supra* note 37.

<sup>39</sup> See Original Complaint Attachment F, Email from Chandra Dillard to Steve Gwinn, SC DOT, dated August 2, 2012, *supra* note 37.

<sup>40</sup> See Attachment 5, Minutes of GPATS Policy Coordinating Committee, dated June 18, 2012, *supra* note 13 (“Mr. Gwinn stated he has contacted Norfolk Southern, regarding a pedestrian bridge and is awaiting word back.”).

<sup>41</sup> See Attachment 1, “Timeline of Events.” Rep. Dillard first contacted Norfolk Southern on August 3, 2012, asked that demolition be halted on Sep. 8, 2012, and was able to secure an agreement to halt demolition by Sep. 10, 2012.

<sup>42</sup> See Attachment 15, Email from Paula Gucker, Assistant County Administrator for Community Planning, Development and Public Works, to Chandra Dillard, dated September 17, 2012.

<sup>43</sup> See Attachment 19, Email from Chandra Dillard, dated June 20, 2013.

Greenville County Administrator Joseph Kernell wrote David Wyatt of Norfolk Southern on September 20 to inform Mr. Wyatt of the County's interest in having a pedestrian bridge built in place of the old bridge.<sup>44</sup> Wyatt responded on October 9 stating that Norfolk Southern would want the County to assume responsibility for two other bridges that Norfolk Southern owned as part of Norfolk Southern coming to the table for a new bridge at Hampton Avenue.<sup>45</sup> However, in the time between that October 9 email and the submission of this supplemental complaint, Norfolk Southern has not responded to anyone with Greenville County to work with the County in pursuing the construction of a pedestrian bridge. Had SC DOT allowed the County to negotiate with Norfolk Southern before the demolition, it is likely that the County would have had more bargaining power to force a better outcome for Southernside residents.

In refusing to halt demolition, SC DOT had stated that “[t]o stop the contractor at this point will only increase the department’s exposure . . . from a financial standpoint.”<sup>46</sup> This statement is perplexing in light of the fact that SC DOT’s 1998 agreement with Norfolk Southern specifically provided that *Norfolk Southern* would assume financial responsibility for the bridge’s demolition.<sup>47</sup> In fact, the only parties who had a financial stake in the fate of the bridge—Norfolk Southern and Greenville County—had incentives for it to remain in place. Norfolk Southern would have to spend approximately \$500,000 if the bridge was to be demolished.<sup>48</sup> Greenville County stood to lose over \$800,000 between the estimated cost of erecting a new bridge (\$1.15 Million)<sup>49</sup> and rehabilitating the old bridge (\$219,650).<sup>50</sup>

Because Norfolk Southern and Greenville County both had financial incentives to keep the bridge in place, the two parties could have easily worked together to have the bridge rehabilitated if SC DOT had authorized Norfolk Southern to halt demolition. SC DOT refused to halt demolition of the bridge despite the fact that the estimated cost of demolishing the bridge *alone* was more than twice the estimated cost of having it rehabilitated. As a result, Norfolk Southern lost all monetary incentive to work with the County in maintaining a pedestrian bridge, and it is of no surprise to anyone that negotiations with Norfolk Southern are at an impasse. While SC DOT acted contrary to the interests of Norfolk Southern and Greenville County, it is important not to forget the one party whose interest was harmed most but whose voice was never allowed to be heard--the Southernside community.

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<sup>44</sup> See Attachment 16, Letter from Joseph Kernell, Greenville County Administrator, to David Wyatt, Norfolk Southern, dated September 20, 2012.

<sup>45</sup> See Attachment 17, Email from David Wyatt, Norfolk Southern, to Joseph Kernell, dated October 9, 2012.

<sup>46</sup> See Attachment 7, Email from Clem Watson, SC DOT, to Steve Gwinn, SC DOT, dated September 12, 2012, *supra* note 16.

<sup>47</sup> See Original Complaint Attachment C, SC DOT press release announcing the decision to demolish the Hampton Avenue Bridge, *supra* note 10.

<sup>48</sup> See Attachment 2, Letter from Steve Gwinn to Senator Anderson, *supra* note 6 (“\$0.5 Million would be needed to fund the removal of the existing bridge”).

<sup>49</sup> See Attachment 18, Agenda of GPATS Policy Coordinating Committee Attachment 7, dated August 13, 2012.

<sup>50</sup> See Original Complaint Attachment E, Report from MMSA, Inc., *supra* note 18.



As always, if you have questions, please do not hesitate to contact Allison Riggs at 919-323-3380 ext. 117 or [allison@southerncoalition.org](mailto:allison@southerncoalition.org). Thank you for your continued consideration of this very important matter.

Respectfully submitted,

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