

**SOUTH CAROLINA DEPARTMENT OF COMMERCE,
DIVISION OF PUBLIC RAILWAYS – RELOCATION ASSISTANCE**

RECITALS

WHEREAS, the South Carolina Department of Commerce, Division of Public Railways (“Palmetto Railways”) is constructing facility industry spur to serve the Camp Hall Industrial Park known as the Camp Hall Rail project (“Camp Hall Rail”) in Berkeley County, South Carolina; and

WHEREAS, Palmetto Railways has or will acquire properties in connection with the Camp Hall Rail either by condemnation or negotiated purchase; and

WHEREAS, state and federal law proscribe the rights of individuals and/or entities displaced by such acquisitions and the procedures that must be adhered to in the event of such displacement; and

WHEREAS, the South Carolina Department of Transportation (“SCDOT”) has promulgated regulations and developed a relocation manual and associated forms in accordance with applicable law that can be found in the SCDOT Department of Right of Way Relocation Assistance Manual (the “Relocation Assistance Manual”), which is available on SCDOT’s website using the following link:

<http://www.scdot.org/doing/technicalPDFs/rightOfWay/Relocation.pdf>; and

WHEREAS, Palmetto Railways has adopted and intends to follow the procedures regarding relocation as set forth in the Relocation Assistance Manual; and

WHEREAS, Palmetto Railways requires an appeals procedure that is consistent with the appeals procedure established by SCDOT, but that will apply to appeals concerning relocations necessitated by the Camp Hall Rail.

NOW, THEREFORE, Palmetto Railways hereby identifies the following persons who will be responsible for managing relocation assistance and appeals for Palmetto Railways and further adopts the following procedures related to appeals concerning relocations of displaced persons or entities associated with Camp Hall Rail as a supplement to the procedures set forth in the Relocation Assistance Manual:

I. Relocation Assistance and Appeals at Palmetto Railways

Relocation Assistance within Palmetto Railways is under the general supervision of the President. A designated employee from its Right of Way consultant (or its subconsultant) shall serve as Right of Way Agent for relocation assistance associated with the Camp Hall Rail project. Palmetto Railways Chief Financial Officer shall serve as Relocations Manager and shall monitor the relocations process to ensure that relocations are managed in a uniform and fiscally

responsible manner. Chief Legal Counsel for the South Carolina Department of Commerce shall review any decision by the Relocation Manager upon proper request, as set forth herein.

II. Notice of Right to Appeal

Persons dissatisfied by the determination of their eligibility for relocation assistance payments, or the amount of payment, may have their eligibility reviewed by means of an appeal. Such persons shall be promptly furnished with the forms necessary to file an appeal and will be advised of the procedures required for presentation of their grievances.

III. Review of File by Person Making Appeal

Any displaced person shall be permitted to inspect and copy all materials pertinent to the appeal at 540 E. Bay Street, Charleston, South Carolina, during normal working hours. However, the Right of Way Agent's log is confidential and cannot be inspected or copied as provided by 49 CFR Part 24 Section 24.9(b).

IV. Appeal Procedure

- A. Applicants for relocation assistance payment shall be promptly notified in writing of their eligibility for assistance, the amount of entitlement, if any, and the time and manner in which such payment shall be made. Such notification shall also advise applicants of the right to appeal and of the procedures for filing an appeal. Applicants who disagree with the Relocation Manager's decision with respect to eligibility for a payment or the amount of payment offered under this regulation shall be promptly reminded of the procedures to be followed in filing a request for review or an appeal.
- B. Whenever a displaced person indicates dissatisfaction with the Relocation Manager's determination of relocation assistance eligibility or when such eligibility is otherwise contested, the assigned Right of Way Agent shall provide full instructions regarding the filing and mailing of the appeal.

IV. Time Limit for Appeals

A request for review by the Chief Legal Counsel, South Carolina Department of Commerce, must be requested within sixty (60) days after the person receives written notification of the Relocation Manager's determination of eligibility or of the amount of any relocation assistance payment. An appeal of the Chief Legal Counsel's decision must be filed within thirty (30) days of receipt of such decision before the Administrative Law Judge Division.

V. Appeal Procedures

Any person who files a proper petition request for review within the time specified in its regulation shall be given a prompt decision in writing along with the reasons for such decision.