



January 22, 2013

Departmental Office of Civil Rights  
U.S. Department of Transportation  
1200 New Jersey Ave.  
Washington D.C. 20590

To Whom It May Concern:

The Southern Coalition for Social Justice submits this complaint against the South Carolina Department of Transportation (hereinafter, "SC DOT") under Title VI of the Civil Rights Act of 1964<sup>1</sup> on behalf of Southernside Neighborhoods In Action, (hereinafter, "SNIA"), an unincorporated neighborhood association that meets once a month<sup>2</sup>; 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.

Southernside is a predominantly African-American neighborhood bordering downtown Greenville, South Carolina. As a natural result of SC DOT's decision-making process and actions, including its recent decision to demolish a pedestrian traffic bridge that served as a critical connector between the neighborhood and the rest of the city of Greenville, Southernside has disproportionately suffered adverse economic, social, and environmental effects compared to surrounding neighborhoods. SNIA requests that this department investigate SC DOT's decision-making process for consistency with its Title VI and Environmental Justice obligations, specifically in regards to the Hampton Avenue Bridge demolition, which was announced on July 26, 2012. The Hampton Avenue Bridge demolition is the latest in a series of SC DOT transportation decisions which restrict Southernside residents, in a discriminatory manner, from accessing and benefiting from the surrounding Greenville community.

Complainants respectfully requests that the United States Department of Transportation conduct an investigation to determine whether the SC DOT violated 49 CFR 21.5, as promulgated by US DOT pursuant to Title VI of the Civil Rights Act, 42 U.S.C. §§2000d to 2000d-7, in this series of transportation decisions, in which Southernside has been marginalized and treated differently than other neighborhoods by SC DOT, and which has led to numerous adverse social and environmental consequences. Complainants ask that this Department withhold federal funds until and unless SC DOT demonstrates a plan for engaging minority communities such as SNIA in a meaningful way prior to making decisions that detrimentally affect such communities. Finally, Complainants request that this Department withhold federal funds from SC DOT until a mitigation plan is developed and implemented to overcome the years

<sup>1</sup> 42 U.S.C. § 2000d et seq

<sup>2</sup> See, "City of Greenville Neighborhood and Business Associations," available at <http://www.greenvillesc.gov/Living/Associations.aspx> (SNIA meets second Thursday of each month)

of exclusionary decision-making and the decisions that resulted in the Southernside neighborhood being segregated and continuously economically deprived.

## I. Jurisdictional and Administrative Facts

### a. Complainants

Southernside Neighborhoods in Action (“SNIA”) is an unincorporated association comprised of residents of the Southernside neighborhood of Greenville, SC. Its members and other residents of the Southernside neighborhood, as well as its elected representatives, have long encouraged the city and the South Carolina Department of Transportation to be mindful of the effect that transportation and pedestrian access decisions have on Southernside. They were vocal in opposing the demolition of the Hampton Avenue Bridge.

Mary Duckett is the president of the Southernside Neighborhoods in Action. Chandra Dillard is a resident of Greenville, SC, and is a member of the South Carolina State House of Representatives. She represents the Southernside neighborhood. Both have been active in seeking to prevent SC DOT from making transportation decision that would detrimentally affect Southernside.

### b. Complaint Is Timely Filed

This complaint is timely under the DOT’s Title VI compliance regulations, which require complainants to file within 180 days of the alleged discrimination. This complaint is timely filed on January 22, 2013, within 180 days of the announcement to demolish the Hampton Avenue bridge, which occurred on July 26, 2012. Alternatively, the actual demolition of the bridge on September 24, 2012 could also be the triggering event to begin the 180 day period, as complainants were unaware that that they would be totally denied any hearing or input in decisions about the bridge’s fate until it was actually demolished. This complaint is filed well within 180 days from the bridge’s demolition, in compliance with 49 CFR 21.11.

### c. Federal Financial Assistance

The South Carolina Department of Transportation has been a recipient of federal financial assistance for many years.<sup>3</sup> Thus, it is obliged to comply with Title VI of the Civil Rights Act of 1964. SC DOT is the government agency responsible for the demolition of the bridge and the subsequent injury to the community. SC DOT controls the transportation decisions regarding Southernside challenged here, including the construction of Pete Hollis

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<sup>3</sup> See, “Prime Award Spending Data,” available at [http://www.usaspending.gov/search?form\\_fields={%22search\\_term%22%3A%22us+department+of+transportation%22%2C%22pop\\_state%22%3A%22SC%22%2C%22dept%22%3A\[%226900%22\]}&sort\\_by=dollars&per\\_page=25&page=1](http://www.usaspending.gov/search?form_fields={%22search_term%22%3A%22us+department+of+transportation%22%2C%22pop_state%22%3A%22SC%22%2C%22dept%22%3A[%226900%22]}&sort_by=dollars&per_page=25&page=1)

Boulevard, the road closures surrounding Pete Hollis Boulevard, and the decision to demolish the bridge, of which SC DOT had ownership.

d. Exhaustion of Administrative Remedies

Because, as discussed below, SC DOT did not engage in any public hearings on the decision to demolish the Hampton Avenue Bridge, there were no administrative remedies for Complainants to exhaust. Despite this lack of formal inclusion in the decision-making process, Complainants repeatedly provided SC DOT with information about the disparate impact that the demolition of the bridge would have on the Southernside residents, and spoke publically about their opposition to the demolition many times.

e. No Other Pending Proceedings

Complainants have not filed a lawsuit raising these claims in state or federal court. Thus, there are no other pending actions concerning this matter. This complaint has not been investigated by another federal, state or local civil rights agency, nor by the South Carolina Department of Transportation. There are no other means for Complainants to pursue to resolve these issues under comparable legal standards.

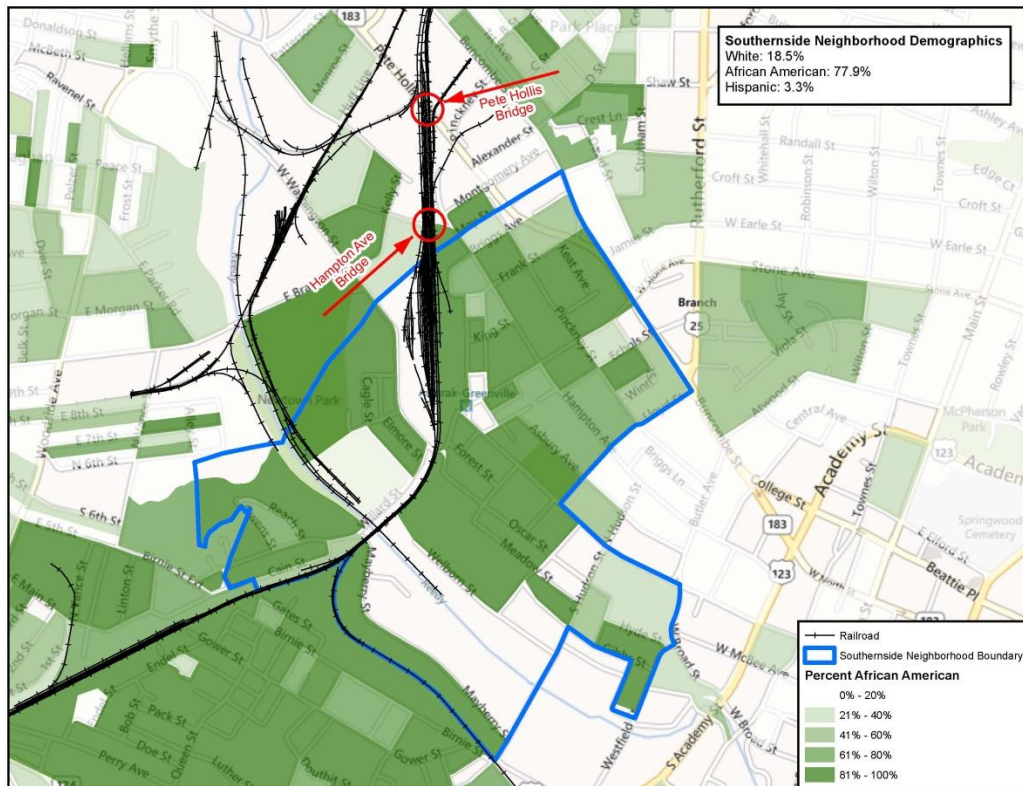
## **II. Background Facts**

Southernside, a neighborhood in Greenville, SC, is a heavily minority community whose total population is 77.9% African-American, 3.3% Hispanic, and only 18.5% White.<sup>4</sup> The neighborhood is predominately low-income, and 25% of its residents do not have access to a car.<sup>5</sup> It is pinned in on the northern side by the multilane Pete Hollis Boulevard and its barriers and on the southwestern side by the Reedy River. Norfolk Southern Railroad cuts through the neighborhood on the western side, and the Hampton Avenue Bridge previously connected the two sides of Southernside over its tracks.

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<sup>4</sup> See, Attachment A, Map and Demographics of Southernside Neighborhood (produced by Chris Ketchie, Southern Coalition for Social Justice)

<sup>5</sup> See, 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 – Fact Sheet) (compared to countywide, where only 6.3% of Greenville County households lack access to a car)



As the map above demonstrates, the Hampton Avenue Bridge is an important point of access across the nine-track Norfolk-Southern Railroad for the community internally, and for the community’s access to the rest of the city of Greenville, which lies to the left of the railroad. Citing liability from continued pedestrian use, SC DOT announced the demolition of Hampton Avenue Bridge on July 26, 2012.<sup>6</sup>

Over the years, SC DOT has closed off five different access points to and from the Southernside neighborhood, with Hampton Avenue Bridge being the sixth and most recent severed access point. After the vehicular bridge was closed by SC DOT in 1994,<sup>7</sup> the community frequently demonstrated its support and need for the bridge. The bridge played such a vital role in the community that some pedestrians continued to use it, while other residents moved out because of the adverse economic, transportation, and social effects resulting from the bridge closure. After the demolition was announced, a study by Dr. Kenneth Kolb at Furman University documented the conditions in the neighborhood.<sup>8</sup> This research highlighted the importance of the bridge to the community, as well as how Southernside has suffered from numerous adverse effects as a natural consequence of being physically disconnected from the rest of Greenville

<sup>6</sup> See, Attachment C, SC DOT press release announcing the decision to demolish the Hampton Avenue Bridge, available at <http://info.scdot.org/PressRelease/Lists/Posts/Post.aspx?ID=1319>

<sup>7</sup> See, Attachment D, Boyanoski, John, “Southernside Community ‘Killed’ by Loss of Access,” THE GREENVILLE NEWS, Feb. 8, 2003.

<sup>8</sup> See, Attachment B, “Causes and Consequences of Road Closures in Poor Communities,” supra note 5 (“Southernside-Hampton Avenue Bridge – Fact Sheet)

County and pinned by the railroad, the river, and Pete Hollis Boulevard from three sides.<sup>9</sup> An engineering expert was hired to find alternatives to demolition, and city and county representatives became involved in the struggle to save the bridge.<sup>10</sup>

Despite the demonstrated need for the bridge, and despite the strong showing of support for its repair and continued existence as a pedestrian bridge, the bridge was demolished less than two months later, on September 24, 2012. The Southernside Neighborhoods In Action respectfully requests that this Department find that Southernside is protected by Title VI and to investigate SC DOT's compliance with its Title VI obligation to Southernside in its decision-making process to demolish the bridge. SC DOT did not follow required federal guidelines giving the community nor the County of Greenville advanced notice of the decision to demolish, which should have included a public hearing. Additionally, SC DOT did not contact the neighborhood association, SNIA, or give the community any notice besides a "closed bridge" barrier.<sup>11</sup> Despite studies establishing the adverse impact this decision would have on Southernside,<sup>12</sup> SC DOT took no actions to prevent or mitigate the discriminatory effect and did not allow the interested community *any* opportunity for involvement or sufficient time to pursue funding for alternatives.

a) History and Cultural Significance of Southernside

Southernside is a neighborhood just west of downtown Greenville, SC. It was once formally segregated from the rest of Greenville, and even today, its residents are predominantly people of color. It is located between popular amenities downtown and a neighborhood that is listed on the National Register of Historic Places, Hampton-Pinckney. Southernside has a history of strong community cohesion and of playing a vital role within the surrounding African-American culture. For example, under the leadership of Lila Mae Brock, the Southernside Community Center opened in 1980 to help the disadvantaged and marginalized, foster a sense of community, and encourage upward mobility among members. Lila Mae Brock went on to receive numerous awards for her community work out of Southernside, including the Governor's Order of the Palmetto, South Carolina's highest civilian honor awarded for extraordinary lifetime achievement and service. This heritage of compassion and community spirit has been taken up by Southernside Neighborhoods In Action and President Mary Duckett and Vice President Rene Blanton.

Not only does Southernside play a role in the history of enhancing the lives of African Americans, it also has a special place in Greenville's history during segregation. "The Negro Travelers' Green Book" from that time pointed minority travelers toward boarding houses in Southernside.<sup>13</sup> People who grew up in Southernside still remember internationally famous

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<sup>9</sup> See, Attachment B, "Causes and Consequences of Road Closures in Poor Communities," supra note 5.

<sup>10</sup> See, Attachment E, Report from MMSA, Inc. (Michael M. Simpson and Associates, Inc.), dated September 14, 2012.

<sup>11</sup> See, Attachment F, Email between Chandra Dillard and Steven W. Gwinn, SC DOT District Engineering Administrator, dated August 9, 2012.

<sup>12</sup> See, Attachment B, "Causes and Consequences of Road Closures in Poor Communities," supra note 5.

<sup>13</sup> See, Attachment G, "Southernside Links Future to Bridge as Bridge Closure Isolates Community,"

musicians, like the Temptations and Cab Calloway, practicing on the porches of homes on Ashby Avenue in Southernside when they came to Greenville to perform.<sup>14</sup>

Southernside still contributes to the multicultural heritage of Greenville while providing resources for its residents. It currently has a rescue mission, the main post office for the county, Greenville Organic Foods Organization, six Community Churches, and at least five small pocket parks. It is also adjacent to noteworthy recreational and educational resources that contribute to healthy communities, such as the popular Swamp Rabbit Trail, a multiuse trail that connects various neighborhoods across Greenville as part of the Rails-to-Trails movement and promotes healthy outdoor recreation. It is also adjacent to A.J. Whittenberg Elementary School and The Salvation Army Ray & Joan Kroc Corps Community Center.<sup>15</sup>

Because of Southernside's special cultural and geographic characteristics and strong multicultural atmosphere, a Revitalization Master Plan ("Master Plan") was recently developed between the City of Greenville and the Clemson University City and Regional Planning Department.<sup>16</sup> In its analysis of Southernside's potential for growth, the Master Plan promisingly noted that Southernside's ideal location near downtown and nicer bordering neighborhoods, like Hampton-Pinckney or Viola, "could serve as a catalyst for redevelopment, further diversifying the neighborhood and providing additional services and housing options to its residents."<sup>17</sup> However, the Master Plan added, "[t]ransportation plans should consider integrating the neighborhood with these [neighboring] sites through sidewalks, bike trails, and the current road system."<sup>18</sup> The plan highlights the lack of connectivity, and calls for improved vehicular and pedestrian connections, more emphasis on pedestrian safety, and improved access to the Swamp Rabbit Trail.<sup>19</sup>

#### b) SC DOT's Actions

The actions taken by SC DOT regarding the Hampton Avenue Bridge do not satisfy its obligations under Title VI of the Civil Rights Act of 1964 and Executive Order 12989. SC DOT indifferently addressed the neighborhood's concerns regarding the bridge by: directing pedestrians to use Pete Hollis Boulevard bridge instead; shutting the residents out of the decision-making process entirely; and ignoring less adverse alternatives to the process chosen.

In response to the need for the bridge, SC DOT's suggestion that pedestrians can use Pete Hollis Boulevard bridge instead of the Hampton Avenue Bridge downplays the disproportionate burden upon residents of walking an extra mile along a highway that was primarily built for major vehicular traffic. Pete Hollis Boulevard is simply not a satisfactory pedestrian access option for Southernside residents living in the west side of the railroad tracks to access the rest of

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GreenvilleOnline.com (August 20, 2012) at p. 3.

<sup>14</sup> *Id.*

<sup>15</sup> See, Attachment H, "Southernside Neighborhood Revitalization Master Plan," Clemson University City and Regional Planning Department and the City of Greenville, Fall 2011, p. 15.

<sup>16</sup> See, Attachment H, "Southernside Neighborhood Revitalization Master Plan," supra note 15.

<sup>17</sup> See, Attachment H, "Southernside Neighborhood Revitalization Master Plan," supra note 15, at p. 10.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 56.

the neighborhood and Greenville. Many in Southernside consider the Pete Hollis Boulevard bridge unsafe to walk upon for several reasons, pointing out that cars often drive 50 to 60 miles per hour along Pete Hollis Boulevard, the sidewalks are narrow, and there is no buffer between pedestrians and the cars. Many neighborhood residents know of pedestrians who have been struck by vehicles on the Pete Hollis Boulevard bridge.<sup>20</sup> Further, the reason why the Hampton Avenue Bridge came to such disrepair was because it was closed to vehicular traffic 1994, and thus not properly maintained, due to the construction of Pete Hollis Boulevard.<sup>21</sup>

Additionally, SC DOT and Norfolk-Southern Railway, the original owners of the bridge, shut the Title VI-protected community entirely out of its decision-making process. There was never a plan to notify the residents or SNIA, or allow them to become involved in the process. On their own, SC DOT and Norfolk-Southern determined in December 2008 that the bridge no longer served a purpose to the area and was unsafe. Local members of the state legislature, Representative Chandra Dillard and Senator Ralph Anderson, were notified by letter.<sup>22</sup> Senator Anderson immediately wrote to the SC DOT Secretary of Transportation, pointing out, “It is very disturbing . . . that SC DOT would make such a decision without input [from] those who use the bridge. . . . This bridge is the only link between those communities. . . .”<sup>23</sup>

There was never a plan to inform residents, allow them a public hearing, or otherwise involve them in the process. When SC DOT made the decision in July to demolish the bridge, Representative Chandra Dillard pointed out pedestrians were still seen on the bridge and asked what will be done to let the community know. An SC DOT representative replied that: “Barricades will be installed to notify pedestrians that the bridge is out . . . construction crews will have signs to inform pedestrians the area is closed to traffic.”<sup>24</sup>

Even after the community became aware of the demolition plans and local government officials intervened on their behalf, SC DOT did not allow the community or the local government enough time to implement an alternative that would mitigate the disparate impact on the community.<sup>25</sup> A prominent structural engineering consulting firm, Michael M. Simpson & Associates (MMSA), was retained,<sup>26</sup> and Ken Jones, Senior Structural Engineer, assessed the bridge.<sup>27</sup> In an assessment dated Sept. 14, 2012, MMSA “felt confident that the bridge can be repaired with minimum effort. A new deck system could be installed to convert this bridge into a

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<sup>20</sup> See, Attachment G, “Southernside Links Future to Bridge as Bridge Closure Isolates Community,” supra note 13, at p. 1.

<sup>21</sup> See, Attachment I, Email from Paula Gucker, Assistant County Administrator for Public Works, Greenville County, dated July 20, 2009 (“Per our discussion it is our understanding the bridge was closed due to safety reasons and the construction of the Pete Hollis Blvd.”).

<sup>22</sup> See, Attachment J, Letters from Steve Gwinn, SC DOT, to Representative Dillard and Senator Anderson, dated December 2, 2008.

<sup>23</sup> See, Attachment K, Letter from Senator Anderson to H.B. Limehouse, Jr., SC Secretary of Transportation, dated December 4, 2008.

<sup>24</sup> See, Attachment F, Email between Chandra Dillard and Steven W. Gwinn, supra note 11.

<sup>25</sup> See, Attachment F, Email between Chandra Dillard and Steven W. Gwinn, supra note 11.

<sup>26</sup> See, Attachment E, Report from MMSA, Inc, supra note 10.

<sup>27</sup> *Id.*

pedestrian (or even light vehicle) traffic.”<sup>28</sup> Its preliminary construction renovation costs were \$219,650.<sup>29</sup>

In a correspondence dated Sept. 17, 2012, SC DOT acknowledged that Greenville County Chairman Butch Kirven expressed an interest in Greenville County assuming full maintenance, financial, and liability responsibility for the bridge, and it reviewed the MMSA assessment. However, citing the need for Greenville County to assume all responsibility, breach of contract concerns with Norfolk-Southern,<sup>30</sup> and “a very short timeline as this bridge is currently scheduled to be removed next Monday, September 24, 2012,” SC DOT refused to pause the demolition time in order to allow Representative Dillard, other interested officials, or Greenville County the time it needed for Greenville County to make the necessary arrangements to assume liability and retrofit the bridge.<sup>31</sup>

### **III. Discriminatory Impact of SC DOT’s Decisions Requires Action by the United States Department of Transportation**

The decision to demolish the Hampton Avenue Bridge, without input from the affected community and, indeed, over the vocal opposition of that community, had a disparately negative impact on the minority community that the decision affected. In doing so, SC DOT flagrantly violated its commitments under Title VI of the Civil Rights Act of 1964 and Executive Order 12898. That decision created new and unfair hardships for the Southernside neighborhood—a neighborhood that is protected by Title VI and EO 12898. It created hardships that are borne only by that neighborhood of color.

#### **a. SC DOT’s Obligations to Southernside Under Title VI**

Southernside is a predominantly minority neighborhood that is protected by Title VI of the Civil Rights Act of 1964<sup>32</sup>, which was enacted by Congress in order to prevent the perpetuation of effects from past discrimination.<sup>33</sup> Under Title VI, each recipient of federal funding “is *required to ensure* that no person, on the ground of race, color, or national origin, is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance. This statute affects every program area in DOT.” (Emphasis added). Section 602 of Title VI authorizes the United States Department of Transportation to develop regulations to enforce § 601, which it did by promulgating 49 CFR 21.5, which states: “(7) . . . Where *prior discriminatory practice* or usage *tends . . . to exclude individuals from participation in, . . . any program or activity to which this part applies, [SC DOT] must take affirmative action to remove or overcome the effects of the prior discriminatory practice or usage.*” (Emphasis added).

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> An agreement signed in the 1990s between SC DOT and Norfolk Southern stipulated that Norfolk-Southern would demolish the bridge at their cost if SC DOT determined the bridge was no longer safe.

<sup>31</sup> *See*, Attachment L, Email from Clem Watson, SC DOT, to Steve Gwinn, SC DOT, dated September 12, 2012.

<sup>32</sup> 42 U.S.C. § 2000d et seq.

<sup>33</sup> 110 Cong. Rec. 6544 (Statement of Sen. Humphrey); *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 284 (1978)



As such, SC DOT was obliged to “take affirmative action to remove or overcome the effects of the prior discriminatory practice or usage” affecting Southernside.<sup>34</sup> Prior discriminatory practices<sup>35</sup> towards Southernside of *de jure* and *de facto* segregation had resulted in a minority neighborhood that was disadvantaged and low income. These factors were aggravated when the Pete Hollis Boulevard was built along the eastern side of the community in 1994, cutting off streets that once connected Southernside to the bordering neighborhoods. These were even further aggravated when retainer walls were placed around Pete Hollis Boulevard, which hid the houses of Southernside from outside view. Not only was Southernside marginalized by a history of official segregation, it was thus made *invisible* to Greenville residents driving by on Pete Hollis Boulevard. This demonstrable history of segregation and marginalization required SC DOT to take affirmative action to address the historic and continuing transportation decisions that cut off Southernside from the rest of Greenville. They failed to do so.

Thus, because SC DOT falls under the purview of Title VI and 49 CFR 21.5, and because Southernside is a community that suffers the ongoing effects of past discrimination, SC DOT was obligated to at least consider and mitigate the documented and publicized harm to this protected community that would result in demolishing the bridge. Instead of exploring mitigating options, SC DOT unilaterally decided to demolish the bridge, completely excluding the Southernside neighborhood from that decision.

b. SC DOT’s Obligations to Southernside under Executive Order 12898

Furthermore, SC DOT has demonstrated disregard for its environmental justice obligations under another federal directive. The environmental justice movement grew out of recognition that adverse human health and environmental effects tend to fall disproportionately upon minority communities. In 1994 President Clinton issued Executive Order 12898: Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations. The resulting United States Department of Transportation order on Environmental Justice, DOT Order No.5610.2, directs agencies receiving federal funds, such as SC DOT, “to provide minority populations with greater access to information on, and opportunities for public participation in matters that may impact human health and environment.” Such adverse effects include, most relevantly to the issue at hand:

1. “Destruction or disruption of man-made or natural resources”
2. “Destruction or diminution of aesthetic values”
3. “Destruction or disruption of community cohesion or a community’s economic vitality”
4. “Destruction or disruption of the availability of public and private facilities and services”
5. “Adverse employment effects.”

Southernside’s history shows a marginalized community of color that has disproportionately borne the brunt of transportation and social policies in the past, and for these reasons

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<sup>34</sup> 49 CFR 21.5

<sup>35</sup> *Id.*

Southernside and neighborhoods like it are protected by the Civil Rights Act and Environmental Justice per Executive Order 12898. Despite this, SC DOT did not provide the minority population in question *any* “opportunity for public participation,” as ordered by DOT Order No.5610.2. Furthermore, as the following section will outline in detail, SC DOT’s decisions regarding Southernside over the years have resulted in all five of the above adverse effects.

c) History of discriminatory marginalization and disparate impact

Once an officially segregated neighborhood, Southernside has continued to suffer from transportation and city planning decisions that have had the effect of continued segregation. Southernside has been physically isolated in order to facilitate the flourishing of surrounding neighborhoods. The construction of the Pete Hollis Boulevard as part of the Pete Hollis Gateway plan was designed to support the connection of other neighborhoods to downtown. The Gateway Plan optimistically states, “Over the next five to ten years, the Pete Hollis Gateway and the surrounding area will become one of Greenville’s most attractive, cohesive and economically viable urban corridors.”<sup>36</sup>

While surrounding neighborhoods have flourished, however, Southernside has disproportionately borne the cost of the highway in several ways. Barriers were put up walling parts of Southernside off from surrounding neighborhoods and Pete Hollis Boulevard. The building of the highway necessitated the closure of other access points to the community.<sup>37</sup> The Hampton Avenue Bridge was closed, in part, because of the construction of the Pete Hollis Boulevard.<sup>38</sup> However, closing the bridge did not “leave many ways in and out of the [west side] of the community. That prompted many residents to move,” as Mary Duckett explained in 2003, and many houses were neglected and torn down, leaving empty lots throughout the west side of Southernside.<sup>39</sup> The construction of Pete Hollis Boulevard and the related closure of the Hampton Avenue Bridge and other access points meant that Southernside was cut in two, and the largest portion of the community was left to decline out of sight.

This is strongly consistent with sociological studies in the Southeast showing that “significant road projects (including closure of existing roadways and construction of new ones) have had a disproportionately negative impact on communities with lower socio- economic status in general and communities of color in particular.<sup>40</sup> Because of its physical disconnection as well as the construction of physical barriers along Pete Hollis, the neighborhood and its slow decline has become increasingly invisible. SC DOT made no efforts to involve the community to a higher degree because of the history of continued segregation and disparate impact of transportation and planning decisions.

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<sup>36</sup> See, “Pete Hollis Gateway Plan,” available at <http://www.greenvillesc.gov/PlanningZoning/forms/PeteHollisGatewayPlan.pdf>

<sup>37</sup> See, Attachment H, “Southernside Neighborhood Revitalization Master Plan,” supra note 15, at pp. 28-31.

<sup>38</sup> See, Attachment I, supra note 21 (7/20/2009 email).

<sup>39</sup> See, Attachment D, Boyanoski article, supra note 7.

<sup>40</sup> See, Attachment B, “Causes and Consequences of Road Closures in Poor Communities,” supra note 5, at pp. 1-3, 6-7.

d) Disparate Impact of Decision to Demolish the Hampton Avenue Bridge

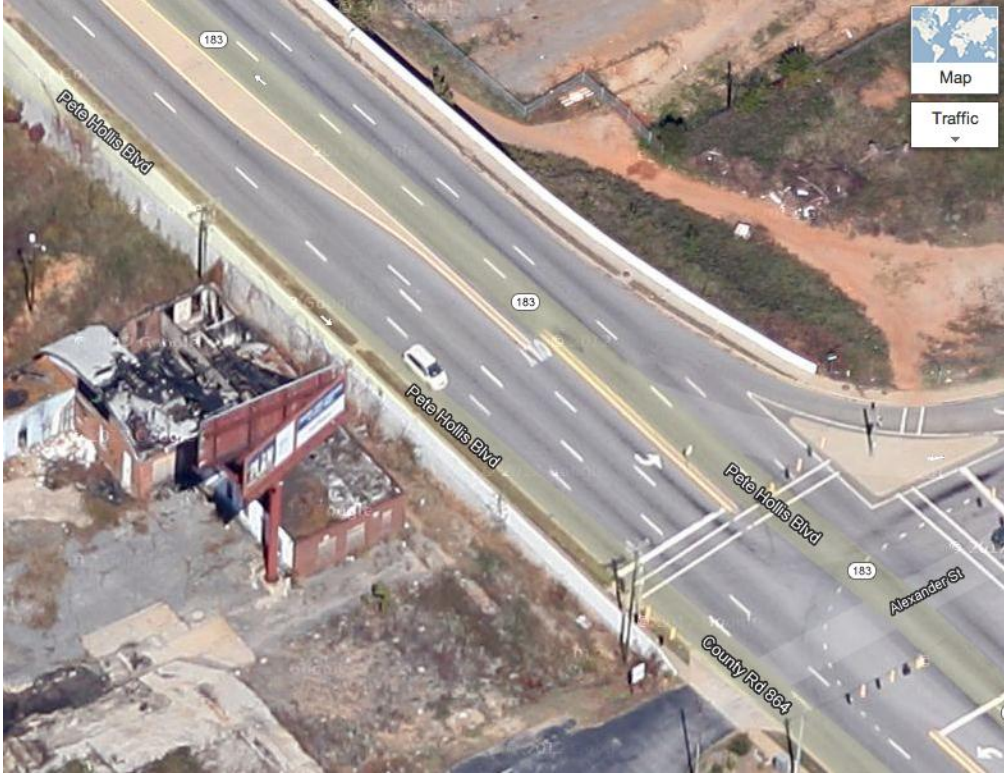
The July 26 decision to demolish the Hampton Avenue Bridge has created real injuries in an African-American community already weakened by the bridges' closure to vehicular traffic. Without ready pedestrian access to key resources like grocery stores, city and municipal services, the historically vibrant African-American community of Southernside is withering into a desolate neighborhood of vacant buildings and stranded residents.

The Southernside neighborhood is one in desperate need of revitalization efforts and funding. Unfortunately, the potential for Southernside to flourish as a community is only hindered by the destruction of Hampton Avenue Bridge on September 24, 2012. As discussed above, the Revitalization Master Plan recently done by the city and Clemson University recognized that the transportation decisions by SC DOT starting in the 90's that have barricaded Southernside on its western, northern, and southwestern sides have created a situation in which "[t]he physical design of the neighborhood presents economic challenges . . . ." Thus, SC DOT decision to demolish the Hampton Avenue Bridge undermines the community and city's efforts to revitalize this important neighborhood.

Additionally, a huge number of neighborhood residents will now face the additional burden of a substantially longer walk to access Greenville. Southernside is a low-income community. While only 6.3% of Greenville County households do not have a car, a stunning 25% of Southernside residents face the same lack of access to a car.<sup>41</sup> Those 25% are often forced to walk. The closest pedestrian access since the loss of the Hampton Avenue Bridge is the Pete Hollis Boulevard Bridge. Using this mode of pedestrian access adds an extra mile to the walk into Greenville. For residents of the western part of the Southernside neighborhood, they were already faced with a long walk just to access the Hampton Avenue Bridge. Additionally, the walk across the Pete Hollis Boulevard Bridge can be perilous. As discussed above, and demonstrated in the picture below, it is a multi-laned road, and there is no protective structure between the narrow sidewalks and the lanes of traffic.

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<sup>41</sup> 25.1% of Southernside households do not have access to a car (compared to 6.3% of Greenville County households).



*Picture of Pete Hollis Blvd. at its access point closest to the former Hampton Avenue Bridge, from google maps.*

Many residents attest to relying upon the bridge on a daily basis to access necessities like groceries, work, church, school, the bus system, the Swamp Rabbit Trail, or seeing relatives living across the railroad tracks.<sup>42</sup> Thus, the loss of a key pedestrian access severely impedes transportation options for community residents.

In addition, the demolition of the Hampton Bridge has removed a piece of infrastructure that residents of Southernside value highly. In a recent survey of adults in the Southernside neighborhood, researchers found that:

- 88% of Southernside residents could articulate a specific reason for using the bridge if it were safe.
- 71% of Southernside residents wanted the bridge to stay in place, and
- of the 22% who wanted it removed, 47% wanted it to be replaced immediately.<sup>43</sup>

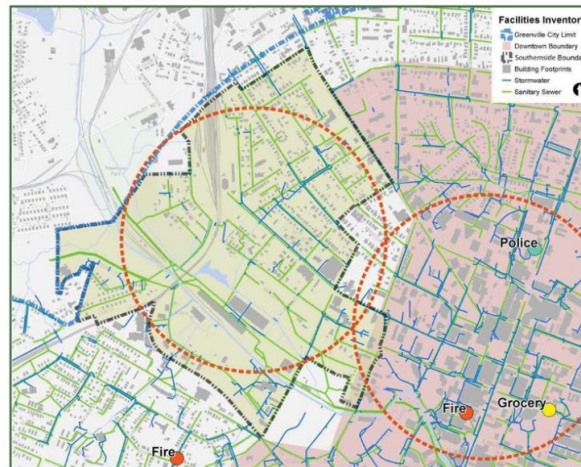
Residents of Southernside saw that bridge as critical to accomplishing daily tasks, and the removal of it without community input and approval was devastating.

Southernside is not a self-sustaining neighborhood. As shown by the map below, there is no grocery store within its community limits. To secure basic needs such as foods, residents must

<sup>42</sup> See, Attachment B, “Causes and Consequences of Road Closures in Poor Communities,” supra note 5 (“Southernside/Hampton Avenue Bridge Study: Summary Findings”).

<sup>43</sup> *Id.*

travel to surrounding neighborhoods. Additionally, there is no police station in the neighborhood, leaving residents without a local police presence. One of the most common concerns cited by residents is the delayed first response time of fire trucks, EMS and police since the bridge was closed to vehicular traffic.<sup>44</sup>



Southernside Master Plan

Without access to resources, residents must travel to surrounding neighborhoods daily.

The community's lack of resources and connections to surrounding neighborhoods have driven home owners out of the neighborhood. Currently, 37% of housing units in Southernside are vacant.<sup>45</sup> Within the once vibrant community, population has dropped 28.84% in the past 20 years.<sup>46</sup> With the decline in population, many of the homes once owned by African-Americans have been abandoned, leading the buildings to fall into disrepair.<sup>47</sup> Abandoned structures with ambiguous ownership have been shown to significantly increase neighborhood crime rates (i.e. "broken windows theory"). Demolishing the bridge pushed this once vibrant neighborhood further into decay and left the residents vulnerable to crime.

The Hampton Avenue Bridge's demolition has also restricted access to Swamp Rabbit Trail, a popular, public recreation site for community members.<sup>48</sup> The trail, extending through the city of Greenville, is one of the "rails to trails" projects where trails are built along abandoned sections or railroad. This type of community trails improves overall community health by providing free, affordable physical recreation that allows community residents to enjoy the physical and mental benefits of regular exercise.<sup>49</sup> The study conducted by Professor Kolb

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at "Southernside-Hampton Avenue Bridge: Fact Sheet."

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> See, Attachment B, "Causes and Consequences of Road Closures in Poor Communities," *supra* note 5, at pp. 1-3, 6-7.

<sup>49</sup> *Id.* at p. 3

indicated that 74% of Southernside residents have used the Swamp Rabbit Trail at some time in the past.<sup>50</sup> Now residents of Greenville and the smaller, severed portion of Southernside must access the trail by walking along the dangerous Pete Hollis Boulevard bridge. Depriving residents of easy access to the trail perpetuates the denial of public recreational access to the African-American community. Neighborhoods with lower socio-economic status generally face more barriers to using public recreation trails and thus often use them less than their more affluent counterparts.<sup>51</sup>

Finally, prior to the demolition, Complainant Dillard, and others, had made progress in urging the County to assume responsibility for the bridge in order to make repairs and keep it open as a pedestrian access. Despite urgent requests for a delay in demolition, SC DOT did not allow the community and its advocates the opportunity come up with a mitigating solution.<sup>52</sup>

In a long line of road and highway planning decisions, culminating in the decision to demolish Hampton Avenue Bridge, SC DOT has restricted Southernside's access to necessary public services and its connection to the surrounding community. This has naturally led to the disruption of community cohesion in the form of homeowners moving out, leaving behind an aging population subject to increased crime. It has denied Southernside's African-American residents equal opportunity to enjoy and benefit from the necessary amenities that other Greenville residents have access to and enjoy, including equal access to fire stations, police stations and public recreation. Because of its physical disconnection from surrounding neighborhoods as well as the construction of physical barriers along the Pete Hollis Boulevard, Southernside has suffered enormous negative consequences, and have borne these repercussions in a disproportionately large manner.

#### **IV. Conclusion**

In conclusion, Complainants respectfully ask this department to investigate the decision-making process surrounding and the disparate impact that the decision to demolish the Hampton Avenue Bridge has had on the Southernside neighborhood. Complainants request that this Department use its authority under Title VI of the Civil Rights Act of 1964 and Executive Order 12898 to hold SC DOT to its responsibility under those laws and regulations to adequately address and mitigate the impacts of its decisions on protected communities of color. SC DOT must be forced to remedy the disparate impact caused by years of exclusionary decision-making. It is the hope of Complainants that by this Department taking action, SC DOT will, going forward, do a better job of involving impacted minority communities and considering the discriminatory, adverse impact that its decisions may have on minority neighborhoods. In the instant case, SC DOT clearly failed to do so—their failure to listen to community arguments that the Pete Hollis Bridge was not an adequate alternative to the Hampton Avenue Bridge and the rushed demolition of the bridge even after Greenville County expressed interest in acquiring this bridge—make that abundantly clear. This lack of public engagement and lack of mitigating

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<sup>50</sup>*Id.* at “Southernside/Hampton Avenue Bridge Study: Summary of Findings.”

<sup>51</sup> See, Attachment B, “Causes and Consequences of Road Closures in Poor Communities,” *supra* note 5, at pp. 4-5.

<sup>52</sup> See *supra* note 31.

effort, as well as a history of similar actions, have caused needless injury to this community, necessitating a Title VI remedy.

Respectfully submitted,

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