

DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAY TECHNICAL SERVICES
RELOCATION ASSISTANCE

(By authority conferred on the state highway commission by section 2 of Act No. 31 of the Public Acts of 1970 and section 7 of Act No. 227 of the Public Acts of 1972, being SS252.142 and 213.326 of the Michigan Compiled Laws)

R 247.401 Definitions.

Rule 1. (1) "Commission" means the state highway commission.

(2) "Department" means the department of state highways and transportation.

(3) "Uniform act" means the uniform relocation assistance and real property acquisition policies act of 1970, Public Law 91-646.

(4) "Aggrieved relocatee" means a person who may be entitled to a determination pursuant to the uniform act who is dissatisfied with the department's determination with regard to their eligibility for benefits or the amount of the benefits.

(5) "Person" means an individual, partnership, corporation, or association.

History: 1979 AC.

R 247.402 Aggrieved relocatee's options.

Rule 2. (1) An aggrieved relocatee who wishes to contest any determination made by the department concerning either eligibility for benefits or the amount of benefits due pursuant to the uniform act may either:

(a) File written objections with the department's district right-of-way agent.

(b) Appear before the department's district right-of-way agent and present his objections orally.

(2) Objections, whether written or oral, shall be filed or presented within 6 months after the aggrieved relocatee is given written notice of the determination to which objection is made.

(3) The district right-of-way agent shall give written notice of his decision, by certified mail, within 30 days after receipt of written or oral objections.

History: 1979 AC.

R 247.403 Hearing by department.

Rule 3. An aggrieved relocatee, who wishes to contest the district agent's written decision, may file written objections with the department and may also appear before the department to present objections after written decision of the district agent. The written objections shall be filed within 30 days after written notice by the district agent. A personal appearance shall be scheduled after a written request by the aggrieved relocatee. The hearing shall be conducted by a hearings officer appointed by the director of the department. The aggrieved relocatee may represent himself at the hearing or be represented by legal counsel. The department shall be represented by a member of the right-of-way division and in addition may be represented by the attorney general.

History: 1979 AC.

R 247.404 Opening statements; evidence; witnesses.

Rule 4. (1) The hearing shall be opened by the hearings officer with a concise statement of the hearing's nature and purpose. The hearings officer shall follow the rules of evidence applicable to circuit court proceedings. However, in addition, the hearings officer may admit and give probative effect

to any evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs.

(2) Documentary evidence may be received in the form of copies, excerpts or by incorporation by reference.

(3) The aggrieved relocatee, the department and the hearings officer may examine witnesses.

History: 1979 AC.

R 247.405 Exhibits; forms; submission.

Rule 5. (1) Evidence to be presented, consisting of matters so complex as to make the presentation difficult to follow, may be presented in exhibit form and supplemented and explained but not duplicated by oral testimony.

(2) Documentary exhibits shall be typed on 1 side only of pages not exceeding 8 1/2 inches by 11 inches, or multiples thereof, with a sufficient margin for binding, preferably 1 1/2 inches to be left blank on the left side of each page. An exhibit in excess of 8 1/2 inches wide shall be folded to be not more than 8 1/2 inches by 11 inches if practicable. It is desirable that an exhibit of 2 or more pages be stapled together and notation made at the top of the first page as to the number of pages contained in the exhibit.

(3) An exhibit shall indicate the control section and parcel number on the first page and provide space for the name of the witness and number and date of the exhibit. Exhibits shall be numbered in numerical sequence regardless of the identity of the party offering them. The number of the exhibit shall be prefixed with a letter indicating the identity of the party offering it. A party introducing documentary exhibits shall furnish 3 copies to the hearings officer.

(4) Additional documentary evidence may be submitted subsequent to the closing of the hearing upon stipulation of the parties.

History: 1979 AC.

R 247.406 Arguments and decisions.

Rule 6. (1) After all of the evidence is entered in the record, the aggrieved relocatee and the department may summarize their arguments and the hearing shall be closed.

(2) Within 30 days after the hearing, the hearings officer shall send a written notice of the hearing decision by certified mail to the aggrieved relocatee. The written notice shall contain the reasons supporting the decision. A copy of the hearing transcript shall be available upon request.

History: 1979 AC.

R 247.407 Appeals to commission.

Rule 7. (1) The decision of the hearings officer may be appealed to the commission if written notice of appeal is filed by the aggrieved relocatee with the commission within 30 days after the hearings officer renders a decision.

(2) On appeal to the commission, additional written evidence may be filed by the aggrieved relocatee and by the department within 10 days after filing the notice of appeal of the hearings officer's decision. In rendering its decision, the commission shall consider the entire hearing record, and additional written evidence which may have been filed by the aggrieved relocatee or the department. The commission may request the aggrieved relocatee to appear personally. The commission shall inform the aggrieved relocatee and the department of its decision on the appeal by sending each of them a copy of its written decision within 30 days after the commission meets following the filing of additional written evidence.

(3) If the commission affirms the hearings officer's decision, the aggrieved relocatee may seek legal remedies in the appropriate state or federal court as provided by statutes and court rules.

History: 1979 AC.