Agency Name: Department of Transportation

Statutory Authority: 57-3-110(8)

Document Number: 4684

Proposed in State Register Volume and Issue: 40/10

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Transportation Committee

120 Day Review Expiration Date for Automatic Approval: 05/10/2017

Final in State Register Volume and Issue: 41/5

Status: Final

Subject: Secretary of Transportation Approval of Actions

History: 4684

By Date Action Description Jt. Res. No. Expiration Date

- 10/28/2016 Proposed Reg Published in SR

- 01/10/2017 Received by Lt. Gov & Speaker 05/10/2017

H 01/10/2017 Referred to Committee

S 01/10/2017 Referred to Committee

H 04/18/2017 Resolution Introduced to Approve 4133

- 05/10/2017 Approved by: Expiration Date

- 05/26/2017 Effective Date unless otherwise

 provided for in the Regulation

Document No. 4684

**DEPARTMENT OF TRANSPORTATION**

CHAPTER 63

Statutory Authority: 1976 Code Section 57-3-110(8)

63-100. Secretary of Transportation Approval of Actions.

**Synopsis:**

Act 114 of 2007 restructured governance of South Carolina Department of Transportation (SCDOT). Sections 57-1-460 and 470 of the Code of Laws, 1976, as amended, enacted pursuant to Act 114, give the SCDOT Commission oversight of the approval of requests for routine operations and maintenance and emergency repairs. Regulation 63-100 sets forth the procedures and standards for Commission oversight of these operational approvals.

Act 275 of 2016 further restructured the governance of SCDOT. Act 275 repealed many of the provisions of Act 114 of 2007 that had given the SCDOT Commission oversight of operational matters. For example, Act 275 repealed Section 57-1-370(N), which required the Commission to approve all requests for resurfacing, new signals, curb cuts, bike lanes and construction projects under ten million dollars. It appears that the failure of Act 275 to repeal Sections 57-1-460 and 470 was an oversight. SCDOT anticipates that the General Assembly during its 2017 session will repeal Sections 57-1-460 and 470 of the Code of Laws, 1976, as amended. Such repeal will make Regulation 63-100 unnecessary. Therefore, SCDOT is proposing that Regulation 63-100 be repealed, contingent upon General Assembly’s action making the regulation unnecessary. The SCDOT Commission approved this change on December 1, 2016.

A Notice of Drafting for proposed changes to Regulation 63-100 was published in the *State Register* on September 23, 2016.

**Instructions:**

Delete Regulation 63-100 in its entirety as shown below.

**Text:**

63-100. Repealed.

**Fiscal Impact Statement:**

SCDOT does not anticipate additional costs to the State or its political subdivisions as a result of the proposed repeal of Regulations 63-100.

**Statement of Rationale:**

Regulation 63-100 will be unnecessary if the General Assembly, as it is expected to do, takes action in its to remove Commission oversight of approvals of routine operations and maintenance and emergency repairs pursuant to Sections 57-1-460 and 470 of the Code of Laws of South Carolina, 1976, as amended.