**South Carolina General Assembly**

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**S. 1090**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Sheheen, Gregory, Leventis, Peeler, Rose and Cromer

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Introduced in the Senate on January 11, 2012

Currently residing in the Senate Committee on **Transportation**

Summary: Maintenance of roads and bridges by the Department of Transportation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/11/2012 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj%20archive\2012\01-11-12.docx))

1/11/2012 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 6](file:///h:\sj%20archive\2012\01-11-12.docx))

**VERSIONS OF THIS BILL**

[1/11/2012](file:///p:\pprever\2011-12\1090_20120111.docx)

**A** **BILL**

TO AMEND SECTION 57‑1‑30 OF THE 1976 CODE, RELATING TO THE FUNCTIONS AND PURPOSES OF THE DEPARTMENT OF TRANSPORTATION, TO PROVIDE THAT THE DEPARTMENT MUST DEVELOP A PROCESS TO PRIORITIZE AND EXPEDITE PROJECTS RELATING TO PRESERVING, MAINTAINING, REHABILITATING, AND EXTENDING THE LIFE OF THE EXISTING STATE HIGHWAY SYSTEM AND BRIDGES; TO AMEND SECTION 57‑1‑370, TO PROVIDE THAT ROAD AND BRIDGE PRESERVATION, MAINTENANCE, AND REHABILITATION MUST BE THE PRIMARY CONSIDERATIONS WHEN DEVELOPING THE STATEWIDE TRANSPORTATION PLAN, TO PROVIDE ROAD AND BRIDGE STRUCTURAL AND FUNCTIONAL BENCHMARKS, AND TO PROVIDE FUNDING ALLOCATION TO MEET AND MAINTAIN THE BENCHMARKS; TO AMEND SECTION 57‑3‑110, TO REQUIRE THE DEPARTMENT TO MAINTAIN AN INVENTORY OF THE ROADS AND BRIDGES IN THE MOST URGENT NEED OF MAINTENANCE AND REHABILITATION, AND TO DEVELOP LONG‑TERM FINANCING PLANS FOR PRESERVATION, MAINTENANCE, AND REHABILITATION OF THE ROADS AND BRIDGES IN SOUTH CAROLINA; AND TO AMEND CHAPTER 1, TITLE 57, BY ADDING SECTION 57‑1‑45, TO PROVIDE A WAITING PERIOD AFTER CERTAIN DEPARTMENTAL ENGINEERS SEPARATE FROM EMPLOYMENT BEFORE THEY MAY PARTICIPATE IN BIDDING ON, NEGOTIATING, OR PARTICIPATING IN THE PERFORMANCE OF CONTRACTS WITH THE DEPARTMENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 57‑1‑30(A) of the 1976 Code is amended by adding:

“(A)(1) The department shall have as its functions and purposes the systematic planning, construction, maintenance, and operation of the state highway system and the development of a statewide intermodal and freight system that is consistent with the needs and desires of the public.

(2) To carry out its functions and purposes the department must develop a process that will prioritize and expedite projects related to maintaining, preserving, rehabilitating, and extending the life of the existing state highway system and bridges.”

SECTION 2. Subsections (A) and (B) of Section 57‑1‑370 of the 1976 Code are amended to read:

“Section 57‑1‑370. (A)(1) The commission must develop the long‑range Statewide Transportation Plan, with a minimum twenty‑year forecast period at the time of adoption, that provides for the development, ~~and~~ implementation, maintenance, preservation, and rehabilitation of the multimodal transportation system for the State. The department’s primary considerations when developing the plan must be preserving, maintaining, and rehabilitating the existing transportation infrastructure, public safety, enhancing South Carolina’s economic competitiveness, and improving travel choices for state residents.

(2) The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials and the plan must be developed to ensure that:

(a) eighty percent of the pavement on the state highway system is in good structural and functional condition;

(b) ninety percent of department‑maintained bridges are in good structural and functional; and

(c) the department achieves one hundred percent of the acceptable maintenance standard on the state highway system.

(3) The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the commission must:

(1) allocate a minimum of seventy‑five percent of highway funds for preservation, maintenance, and rehabilitation projects including those necessary to preserve, maintain, and rehabilitate roads and bridges within the state highway system until the state highway system meets the standards identified in subsection (A)(2). After the standards have been met, the commission must allocate sufficient resources to maintain those standards;

~~(1)~~(2) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long‑range Statewide Transportation Plan and the Statewide Transportation Improvement Program;

~~(2)~~(3) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program from time to time as permitted by and in the manner required by federal laws or regulations;

~~(3)~~(4) develop and revise the transportation plan for inclusion in the Statewide Transportation Improvement Program, for each nonmetropolitan planning area in consultation with local officials with responsibility for transportation;

~~(4)~~(5) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

~~(5)~~(6) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local officials with responsibility for transportation;

~~(6)~~(7) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization’s approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

~~(7)~~(8) consult with each metropolitan planning organization, in metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; ~~and~~

~~(8)~~(9) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations’ transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the commission shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.”

SECTION 3. Section 57‑3‑110 of the 1976 Code is amended by adding two appropriately numbered items after item (11) to read:

“( ) maintain an inventory of the condition of structures and corridors in the most urgent need of maintenance or rehabilitation;

( ) develop long‑term financing plans that reliably provide ongoing preservation, maintenance, and rehabilitation of the transportation infrastructure.”

SECTION 4. Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57‑1‑45. (A) For the purposes of this section, ‘senior level engineers’ means an engineer employed by the department whose primary duties and responsibilities are not carried out on the engineering district level.

(B) For a period of three years after leaving the employment of the department, the Secretary of Transportation, departmental deputy secretaries, division deputy directors, the Chief Highway Engineer, and all senior level engineers may not respond to or participate in responding to a request for proposal or request for qualification solicited by the department, bid on, negotiate, or participate in the performance of a contract with the department, or otherwise attempt to influence the award of a contract by the department if the contract would have fallen under their responsibilities while employed by the department.

(C)(1) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned not more than sixty days, or both.

(2) A contract awarded to a person in violation of this section, or to the employer of a person in violation of this section, is void and must be relet. The department may recover all direct and indirect expenses associated with reletting the contract from the person, or employer of the person, in violation of this section.”

SECTION 5. This act takes effect upon approval by the Governor.

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