~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 19, 2012

**S. 1375**

Introduced by Senators Campsen and Hutto

S. Printed 4/19/12--S.

Read the first time March 27, 2012.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (S. 1375) to amend Section 56‑5‑3860 of the 1976 Code, relating to the prohibition of animals and certain vehicles on controlled access highways, to provide for an exemption for, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 56‑5‑3860 of the 1976 Code is amended to read:

“Section 56‑5‑3860. (A)(1) No person, unless otherwise directed by a law enforcement officer, shall occupy any space within the limits of the roadway and shoulders of the main facility of a freeway with an animal‑drawn vehicle, a ridden or led animal, herded animals, a pushcart, a bicycle, a bicycle with motor attached, a motor‑driven cycle with a motor which produces not to exceed five brake horsepower, an agricultural tractor or other farm machinery, except in the performance of public works or official duties.

(2) The prohibitions imposed by this subsection on the use of freeways do not apply to service roads alongside the highways.

(B)(1) A local governing body may authorize a partial exemption from the provisions contained in subsection (A) that would allow bicyclists and pedestrians to use the roadway and shoulders of the main facility of a non‑interstate freeway.

(2) The local governing body may authorize a partial exemption to subsection (A) for bicyclists and pedestrians if the local governing body:

(a) determines that bicyclists and pedestrians have no other reasonably safe or viable alternative route;

(b) adopts an ordinance allowing bicycle and pedestrian traffic on the shoulder of a main facility of the non‑interstate freeway and allowing bicycle and pedestrian traffic on the roadway when utilizing the shoulder is not practicable because of an obstruction or an unpaved shoulder, or when necessary to cross an access ramp in compliance with accepted bicycle safety standards and practices; and

(c) notifies the department that the ordinance has been adopted.

(4) Upon receiving notice pursuant to item (3)(c), the department shall remove all signs prohibiting pedestrians and bicyclists along the roadway and shoulders of the main facility of the portion of the freeway to which the ordinance applies.

(5) The local governing body may request permission from the department to erect appropriate signs and markers along the roadway and shoulders of the main facility of the portion of the freeway to which the partial exemption applies.

~~(B)~~(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.”

SECTION 2. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

LAWRENCE K. GROOMS for Committee.

**A** **BILL**

TO AMEND SECTION 56‑5‑3860 OF THE 1976 CODE, RELATING TO THE PROHIBITION OF ANIMALS AND CERTAIN VEHICLES ON CONTROLLED ACCESS HIGHWAYS, TO PROVIDE FOR AN EXEMPTION FOR BICYCLES AND PEDESTRIANS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 56‑5‑3860 of the 1976 Code is amended to read:

“Section 56‑5‑3860. (A)(1) No person, unless otherwise directed by a law enforcement officer, shall occupy any space within the limits of the roadway and shoulders of the main facility of a freeway with an animal‑drawn vehicle, a ridden or led animal, herded animals, a pushcart, a bicycle, a bicycle with motor attached, a motor‑driven cycle with a motor which produces not to exceed five brake horsepower, an agricultural tractor or other farm machinery, except in the performance of public works or official duties.

(2) The prohibitions imposed by this subsection on the use of freeways do not apply to service roads alongside the highways.

(B)(1) A local governing body may apply to the Department of Transportation for a partial exemption from the provisions contained in subsection (A) that would allow bicyclists and pedestrians to use the roadway and shoulders of the main facility of a freeway.

(2) The department may grant a partial exemption to subsection (A) for bicyclists and pedestrians if:

(a) the local governing body adopts an ordinance allowing bicycle and pedestrian traffic on the main facility of the freeway and requiring bicyclists and pedestrians to primarily utilize the shoulder but also allowing bicycle and pedestrian traffic on the roadway when utilizing the shoulder is not practicable; and

(b) the department determines that bicyclists and pedestrians have no other reasonably safe or viable alternative route and determines that the local governing body has adopted the ordinance required in item (2)(a).

(3) An ordinance adopted pursuant to item (2)(a) shall not be effective until the date that the department issues a waiver. If the department declines a waiver request the ordinance will be *ultra vires*.

(4) The department shall erect appropriate signs and markers along the roadway and shoulders of the main facility of the portion of the freeway to which the partial exemption applies. The signs and markers shall provide notice that bicycle and pedestrian traffic is permitted but that bicycles and pedestrians should remain on the shoulder whenever practicable.

~~(B)~~(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.”

SECTION 2. This act takes effect upon approval by the Governor.

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