INTRODUCED

April 18, 2017

**H. 4133**

Introduced by Regulations and Administrative Procedures Committee

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Read the first time April 18, 2017.

**A** **JOINT RESOLUTION**

TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO SECRETARY OF TRANSPORTATION APPROVAL OF ACTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4684, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

SECTION 1. The regulations of the Department of Transportation, relating to Secretary of Transportation Approval of Actions, designated as Regulation Document Number 4684, and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the 1976 Code, are approved.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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SUMMARY AS SUBMITTED

BY PROMULGATING AGENCY.

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 Act 275 repealed many of the provisions of Act 114 of 2007 that had given the SCDOT Commission oversight of operational matters. For example, Act 275 repealed Section 57‑1‑370(N), which required the Commission to approve all requests for resurfacing, new signals, curb cuts, bike lanes and construction projects under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 Therefore, SCDOT is proposing that Regulation 63‑100 be repealed, contingent upon General Assembly’s action making the regulation unnecessary.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.

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