**A** **BILL**

TO AMEND SECTION 57-1-370(B) OF THE 1976 CODE, RELATING TO THE DEVELOPMENT OF THE STATEWIDE TRANSPORTATION PLAN, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION COMMISSION SHALL ESTABLISH PROJECT PRIORITY LISTS FOR EACH PROGRAM CATEGORY PROPOSED TO BE INCLUDED IN THE STATEWIDE TRANSPORTATION INFRASTRUCTURE PLAN AND THE STATE NON-FEDERAL AID PROGRAM; TO REPEAL SECTION 57-1-460, RELATING TO THE DEPARTMENT OF TRANSPORTATION SECRETARY’S EVALUATION AND APPROVAL OF ROUTINE OPERATION, MAINTENANCE, AND EMERGENCY REPAIRS; TO REPEAL SECTION 57-1-470, RELATING TO THE COMMISSION’S REVIEW OF ROUTINE MAINTENANCE AND EMERGENCY REPAIR REQUESTS APPROVED BY THE SECRETARY; TO AMEND SECTION 57-1-310(A) AND (B), RELATING TO THE COMPOSITION OF THE COMMISSION, TO INCREASE THE NUMBER OF AT-LARGE SEATS TO TWO; TO AMEND SECTION 57-1-360(B), RELATING TO THE STANDARDS FOR AUDITS, TO REQUIRE THAT FINAL AUDIT REPORTS MUST BE PUBLISHED ON THE DEPARTMENT’S AND STATE AUDITOR’S WEBSITES; TO AMEND SECTION 57-1-430, RELATING TO THE SECRETARY’S DUTIES, TO REQUIRE THE SECRETARY TO PREPARE AND PUBLISH ON THE DEPARTMENT’S WEBSITE AN ANNUAL REPORT OUTLINING THE DEPARTMENT’S ANNUAL EXPENDITURES, A LIST OF ALL COMPANIES DOING BUSINESS WITH THE DEPARTMENT, AND THE AMOUNT SPENT ON THESE CONTRACTS; TO AMEND SECTION 57-1-310(A), RELATING TO THE COMPOSITION OF THE DEPARTMENT OF TRANSPORTATION COMMISSION, TO REQUIRE THAT THE MEMBERS OF THE COMMISSION REPRESENT THE TRANSPORTATION NEEDS OF THE STATE AS A WHOLE AND MAY NOT SUBORDINATE THE NEEDS OF THE STATE TO THOSE OF ANY PARTICULAR AREA OF THE STATE; AND TO AMEND SECTION 57-1-350, RELATING TO THE DEPARTMENT OF TRANSPORTATION COMMISSION’S RULES AND PROCEDURES, TO REQUIRE THE COMMISSION TO HOLD A MINIMUM OF SIX REGULAR MEETINGS ANNUALLY AND TO PROVIDE NOTICE REQUIREMENTS, TO LIMIT A COMMISSIONER’S PARTICIPATION IN THE DAY-TO-DAY OPERATIONS OF THE DEPARTMENT, EXCEPT IN AN OVERSIGHT ROLE WITH THE SECRETARY, TO PROHIBIT A COMMISSIONER FROM TAKING PART IN CERTAIN FUNCTIONS OF THE DEPARTMENT, AND TO PROHIBIT A COMMISSIONER FROM HAVING ANY INTEREST, DIRECT OR INDIRECT, IN ANY CONTRACT, FRANCHISE, PRIVILEGE, OR OTHER BENEFIT GRANTED OR AWARDED BY THE DEPARTMENT DURING THE TERM OF HIS APPOINTMENT AND FOR ONE YEAR AFTER THE TERMINATION OF THE APPOINTMENT.

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

SECTION 1. Section 57-1-370(B) of the 1976 Code is amended to read:

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

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

(5) 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) 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) 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) 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~~.~~; and

(9) establish project priority lists for each program category proposed to be included in the Statewide Transportation Improvement Program and the State Non-Federal Aid Highway Program. The projects on the list shall be in the order in which those projects will be placed in the Statewide Transportation Improvement Program, unless the commission provides written justification for circumstances requiring deviation from the list order. The commission may deviate from the list if there are significant financial or engineering considerations, which include:

(a) delayed permitting;

(b) acts of God, governmental acts, acts of terrorism, war, fire, flood, earthquake, hurricane, other natural disasters, explosion, or civil commotion;

(c) pending legal actions directly related to the proposed project;

(d) economic growth; or

(e) federal law or regulation.”

SECTION 2. Section 57-1-460 of the 1976 Code, relating to the Department of Transportation Secretary’s evaluation and approval of routine operation, maintenance, and emergency repairs, is repealed.

SECTION 3. Section 57-1-470 of the 1976 Code, relating to the Department of Transportation Commission’s review of routine maintenance and emergency repair requests approved by the secretary, is repealed.

SECTION 4. Section 57-1-310(A) and (B) of the 1976 Code are amended to read:

“Section 57-1-310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective congressional districts. The Commission of the Department of Transportation shall be composed of one member from each transportation district and ~~one~~ two ~~member~~ members from the State at large, all appointed by the Governor, upon the advice and consent of the Senate, subject to the provisions of Section 57‑1‑325. In making appointments to the commission, the Governor shall take into account race, gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.

(B) The at‑large ~~appointment~~ appointments made by the Governor must be transmitted to the Joint Transportation Review Committee.”

SECTION 5. Section 57-1-360(B) of the 1976 Code is amended to read:

“(B)(1) The chief internal auditor must be a Certified Public Accountant and possess any other experience the State Auditor may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The State Auditor shall set the salary for the chief internal auditor as allowed by statute or applicable law.

(2) The audits performed by the chief internal auditor must comply with recognized governmental auditing standards. The department and any entity contracting with the department must fully cooperate with the chief internal auditor in the discharge of his duties and responsibilities and must timely produce all books, papers, correspondence, memoranda, and other records considered necessary in connection with an internal audit. All final audit reports must be submitted to the commission and the Chairman of the Senate Transportation Committee, the Chairman of the Senate Finance Committee, the Chairman of the House of Representatives Education and Public Works Committee, and the Chairman of the House of Representatives Ways and Means Committee before being made public. All final audit reports shall be published on the department’s and the State Auditor’s websites.

(3) The State Auditor is vested with the exclusive management and control of the chief internal auditor.”

SECTION 6. Section 57‑1‑430 of the 1976 Code is amended to read:

“Section 57-1-430. (A) The secretary is charged with the affirmative duty to carry out the policies of the commission, to administer the day‑to‑day affairs of the department, to direct the implementation of the Statewide Transportation Improvement Program and the Statewide Mass Transit Plan, and to ensure the timely completion of all projects undertaken by the department, and routine operation and maintenance requests, and emergency repairs. He must represent the department in its dealings with other state agencies, local governments, special districts, and the federal government. The secretary must prepare an annual budget for the department that must be approved by the commission before becoming effective.

(B) For each division, the secretary may employ such personnel and prescribe their duties, powers, and functions as he considers necessary and as may be authorized by statute and for which funds have been authorized in the annual general appropriations act.

(C) The secretary shall prepare and publish on the department’s website an annual report outlining the department’s annual expenditures. The report must include a statewide summary and a detailed expenditure report for each county.

(D) The secretary shall prepare and publish on the department’s website an annual report that includes a list of all companies doing business with the department and the amount spent on these contracts.”

SECTION 7. Section 57-1-310(A) of the 1976 Code is amended to read:

“Section 57‑1‑310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective congressional districts. The Commission of the Department of Transportation shall be composed of one member from each transportation district and one member from the State at large, all appointed by the Governor, upon the advice and consent of the Senate, subject to the provisions of Section 57‑1‑325. In making appointments to the commission, the Governor shall take into account race, gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The members of the commission shall represent the transportation needs of the State as a whole and may not subordinate the needs of the State to those of any particular area of the State.”

SECTION 8. Section 57‑1‑350 of the 1976 Code is amended to read:

“Section 57-1-350. (A) The commission may adopt an official seal for use on official documents of the department.

(B) The commission shall elect a chairman and adopt its own rules and procedures and may select such additional officers to serve such terms as the commission may designate.

(C) Commissioners must be reimbursed for official expenses as provided by law for members of state boards and commissions as established in the annual general appropriations act.

(D) All commission members are eligible to vote on all matters that come before the commission.

(E) The commission shall hold a minimum of six regular meetings annually, and other meetings may be called by the chair upon giving at least one week’s notice to all members and the public. Emergency meetings may be held with twenty‑four hours’ notice. Meeting materials for the regularly scheduled meetings shall be published at least twenty‑four hours in advance of the meeting.

(F) The commission or a member thereof may not enter into the day‑to‑day operations of the department, except in an oversight role with the secretary, and is specifically prohibited from taking part in:

(1) the awarding of contracts;

(2) the selection of a consultant or contractor or the prequalification of any individual consultant or contractor;

(3) the selection of a route for a specific project;

(4) the specific location of a transportation facility;

(5) the acquisition of rights‑of‑way or other properties necessary for a specific project or program; and

(6) the granting, denial, suspension, or revocation of any permit issued by the department.

(G) A member of the commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department during the term of his appointment and for one year after the termination of the appointment.”

SECTION 9. This act takes effect upon approval by the Governor.

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