

## **County Transportation Committee Program Administration**

### **County Transportation Committee Appointments:**

In 1992, a lawsuit was filed against the state claiming the C Fund Program was unconstitutional because it allowed the Legislature to directly control the expenditure of funds they had appropriated themselves. The State Supreme Court agreed and in 1994 the C Fund statutes were revised by removing the legislative delegation's control and creating County Transportation Committees (CTCs). Present legislation, South Carolina Code of Laws §12-28-2740 (the C fund statute), requires each county to have a CTC. Members of the CTC must be appointed by the county legislative delegation. There is no prescribed number of members for the CTC. All CTCs must be made up of fair representation from municipalities and unincorporated areas of the county. A county's legislative delegation may by delegation resolution abolish the CTC and devolve its powers and duties on the governing body of the county. This devolution may be reversed and the CTC reestablished by a subsequent delegation resolution. There is no standard established by law as to how a county legislative delegation makes their Committee selections and appointments. The responsibilities of the CTC include the formation of a county transportation plan as well as the approval and use of C funds.

### **Self-Administered CTC Program Administration:**

Each County Transportation Committee has the option of administering the county's C Program or may request the South Carolina Department of Transportation (SCDOT) to administer the county's program. Self-Administration of the program includes management of finances, accounting, and record keeping. It also includes compliance with all provisions of state law applicable to the C Program including the submittal by December of each year an annual financial report illustrating project expenditures to SCDOT. Specifically, a Self-Administered CTC must ensure it meets the minimum requirements for expenditures on the state highway system, adherence to procurement requirements, and compliance with project selection requirements. Furthermore, the CTC must assign to appropriate entities project responsibilities including project management, engineering, right of way acquisition, and construction services for its projects.

A CTC choosing to administer its own C Program will receive a monthly allocation of funds from the County Transportation Fund. These funds are held and managed by the CTC for the payment of all qualified and eligible costs of engineering, construction, and inspection for its projects. Interest earned on funds held by the CTC is accrued to the committee's account to be used in the same manner as the original C Funds.

### **Annual Reports and SCDOT Compliance Reviews:**

Currently 19 of the 46 CTCs are Self-Administered. These CTCs are required by Section D of South Carolina Code of Laws §12-28-2740 to prepare and submit to the South Carolina Department of Transportation each year a financial report listing funds expended. Expenditures must be documented on a per project basis and are to include a description of the completed project and a general accounting of all expenditures made in connection with the project. These individual reports are then compiled by SCDOT into an annual statewide report and submitted to the General Assembly by the second Tuesday of January of each year.

Paragraph (P) of the C fund statute requires compliance reviews by SCDOT of these 19 Committees based on the information supplied to the department in the Committee's annual reports to ensure that each CTC is complying with paragraphs (C), (D), (F), and (I) of the statute. The reviews include spot checking individual project expenditures and financial record keeping but are not considered an audit. Each CTC is reviewed to ensure a sufficient quantity of transportation related projects have been programmed on the state highway system to comply with the law. Furthermore, the balance of uncommitted funds carried forward from one year into the next is checked to ensure they did not exceed three hundred percent of the county's total apportionment for the most recent year. If there are discrepancies in the project documentation or questions regarding management of C Funds, a formal audit may be requested. Funds may be withheld from CTCs who fail to comply with the law.