**A** **BILL**

TO AMEND SECTION 57‑5‑1140 OF THE 1976 CODE, RELATING TO THE INSTALLATION OF RESIDENTIAL RIGHTS‑OF‑WAY ENTRANCES AND APRONS TO STATE HIGHWAYS, TO PROVIDE THAT THE OWNER OF THE PROPERTY CONNECTED TO THE STATE HIGHWAY SYSTEM MAY INSTALL THE ENTRANCE OR MUST BEAR THE COST OF INSTALLATION IF THE ENTRANCE IS INSTALLED BY THE DEPARTMENT OF TRANSPORTATION; AND TO AMEND ARTICLE 7, CHAPTER 5, TITLE 57, BY ADDING SECTION 57‑5‑1150 TO PROVIDE FOR ENCROACHMENT PERMIT APPLICATIONS FOR CERTAIN ENCROACHMENTS AND ASSOCIATED APPLICATION FEES.

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

SECTION 1. Section 57‑5‑1140 of the 1976 Code is amended to read:

“Section 57‑5‑1140. (A) The department ~~shall~~ may construct ~~at its expense~~ with its maintenance forces at the property owner’s expense, or a property owner may construct in accordance with the department’s guidelines, the portion within the right‑of‑way of entrances and aprons or driveways to state highways from private residences at any point necessary to render adequate ingress and egress to the abutting property at locations where the driveways will not constitute hazardous conditions. The driveways must be of access to existing developed property or property that is being developed for the personal use of the owner and not for speculative or resale purposes. An entrance ten feet wide (paved portion) measured at right angles to the centerline of the driveway is the maximum width for one‑way traffic. An entrance sixteen feet wide (paved portion) is the maximum width for two‑way traffic.

(B) If pipe culvert is necessary for drainage, the ~~department shall install~~ the amount necessary for twelve inch, fifteen inch, eighteen inch, twenty‑four inch, ~~or~~ thirty inch, or larger pipe, as appropriate, must be installed. ~~Should~~ If the department conducts the driveway installation ~~require~~ and pipe larger than thirty inches is required, the department ~~may install the pipe and charge the homeowner for the difference in cost between thirty inch pipe and larger diameter pipe required~~ must notify the property owner and obtain the property owner’s consent before installation may proceed.

(C) Driveways requiring drainage structures other than pipe must be brought to the attention of the State Maintenance Engineer and the property owner. The State Maintenance Engineer and the property owner must agree upon the appropriate drainage structures before installation may proceed.

(D) The entrances to be constructed as outlined in this section shall include base and surfacing as necessary to provide an all weather driveway entrance.

(E) ~~If wider entrances or additional entrances are requested and approved, the construction may be performed by the department at the owner’s expense~~ The fee charged a homeowner pursuant to this section when the department installs a driveway shall not exceed the average cost of residential driveway installations that are similar in scope performed by the department. ”

SECTION 2. Article 7, Chapter 5 of Title 57 of the 1976 Code is amended by adding:

“Section 57‑5‑1150. (A) The department may issue encroachment permits for the use of state highway rights‑of‑way by public and private entities for driveways and roadways permitted pursuant to Section 57‑5‑1080, bus shelters, landscaping, sidewalk installation, utilities, drainage, road connections, turn lanes, overhead structures, traffic signals, traffic calming devices, or other appropriate uses.

(B) The department may charge the following fees for encroachment permit applications:

(1) fifty dollars for residential driveways and encroachments with up to twenty vehicle trips per day;

(2) two hundred fifty dollars for encroachments with twenty‑one to six hundred vehicle trips per day;

(3) one thousand five hundred dollars for encroachments with more than six hundred vehicle trips per day; and

(4) three hundred dollars for drainage encroachments.

(C) If a permitee fails to comply with any condition in the encroachment permit, the department may cancel the permit and require the permittee to restore the right‑of‑way to its preexisting conditions at the permittee’s expense.”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑