**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 57‑3‑45 AND 57‑3‑55 SO AS TO ESTABLISH THE DIVISION OF RAILROAD TRANSPORTATION AS A COMPONENT OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PROVIDE FOR ITS FUNCTIONS AND TO REQUIRE RAILROADS AND RAILWAYS ANNUALLY TO REPORT TO THIS DIVISION THEIR ACTIVE, INACTIVE, TO BE ABANDONED, AND ABANDONED RAIL LINES; AND TO AMEND SECTIONS 57‑3‑10, 57‑3‑20, AND 57‑3‑40, RELATING RESPECTIVELY TO THE DIVISIONS COMPRISING THE DEPARTMENT OF TRANSPORTATION, THE RESPONSIBILITIES AND DUTIES OF DIVISION DEPUTY DIRECTORS ADMINISTERING THESE DIVISIONS, AND THE FUNCTIONS OF THE MASS TRANSIT DIVISION, SO AS TO CONFORM THESE PROVISIONS TO REFLECT THE ESTABLISHMENT OF THE DIVISION OF RAILROAD TRANSPORTATION WITHIN THE DEPARTMENT OF TRANSPORTATION.

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

SECTION 1. Article 1, Chapter 3, Title 57 of the 1976 Code is amended by adding:

“Section 57‑3‑45. (A) The Division of Railroad Transportation shall:

(1) provide for the planning and development of a statewide intermodal transportation connectivity plan for passenger and freight railroads;

(2) prepare and submit a statewide passenger and freight rail plan by February first of every fifth year for approval of the Governor, the House Education and Public Works Committee, and Senate Transportation Committee pursuant to Title 49 of the United States Code;

(3) prepare and submit a state grade crossing action plan by February first of every fifth year for approval of the Governor, the House Education and Public Works Committee, and Senate Transportation Committee pursuant to Title 49 of the United States Code;

(4) apply for, receive, use, or distribute state, federal, or other funds, for passenger and freight rail service and infrastructure needs, high‑speed rail planning and development, and rail corridor preservation and revitalization programs;

(5) initiate and coordinate engineering and safety studies for the development of a statewide intermodal transportation connectivity plan for passenger and freight railroads;

(6) coordinate statewide intermodal transportation connectivity plan for passenger and freight railroads with other modes of transportation within this State to help facilitate effective and efficient interstate and intrastate movement of people and goods;

(7) coordinate the preparation of a state railroad corridor preservation and revitalization plan. A railroad right‑of‑way or corridor held for railroad right‑of‑way preservation may be used for interim public purposes compatible with preservation of the corridor for future transportation use. A railroad corridor held for railroad right‑of‑way preservation may not be considered abandoned for any purpose of law. The Office of Regulatory Staff, as established pursuant to Section 58‑4‑10, shall send copies of all written notices of track retirement, as set forth in Section 58‑17‑150(B), to the division to facilitate railroad preservation planning purposes.

(B) The Division of Aeronautics shall send all master plan or construction plans for airport transportation improvements as required under Section 55‑5‑86 to the division in order to facilitate statewide intermodal transportation connectivity planning purposes.

(C) The State Ports Authority shall notify the division of any existing or future plans for expansion of transportation needs for port facilities pursuant to Sections 54‑3‑110 and 54‑3‑240 in order to facilitate statewide intermodal transportation connectivity planning purposes.

(D) Funding for the cost of preparation and development of the comprehensive statewide intermodal transportation connectivity plan by the division is the responsibility of the Department of Commerce.

Section 57‑3‑55. All railroads and railways as defined pursuant to Section 58‑17‑10 shall submit to the division an annual report of their active, inactive, to be abandoned, and abandoned rail lines. The annual report must be made on the schedule provided pursuant to Section 58‑15‑960, mutatis mutandis.”

SECTION 2. Section 57‑3‑10 of the 1976 Code is amended to read:

“Section 57‑3‑10. The Department of Transportation ~~must be~~ is divided into ~~such divisions as the commission may prescribe but must consist of~~ the following principal divisions: finance and administration; construction, engineering~~,~~ and planning; railroad transportation and mass transit. The commission may establish other divisions, or ancillary or service divisions as ~~may be~~ necessary for the efficient and economic operation of the ~~division~~ department and to carry out the functions and purposes of the ~~division~~ department.”

SECTION 3. Section 57‑3‑20 of the 1976 Code is amended to read:

“Section 57‑3‑20. The responsibilities and duties of the following division deputy directors ~~must~~ include, but are not ~~be~~ limited to, the following:

(1) division deputy director for finance and administration:

~~a.~~ (a) financial planning and management;

~~b.~~ (b) accounting systems necessary to comply with all applicable federal and~~/or~~ state laws and~~/or~~ regulations ~~as well as~~ and all policies established by the Comptroller General; and

~~c.~~ (c) administrative functions, including recording proceedings of the commission and developing policy and procedures to ensure compliance with these policies and procedures.

(2) division deputy director for construction, engineering~~,~~ and planning:

~~a.~~ (a) development of statewide strategic highway plans; and

~~b.~~ (b) ~~directs~~ direction of highway engineering activities, including construction, design, construction oversight, and maintenance of state highways.

(3) division deputy director for mass transit~~:~~ ‑ ~~a.~~ development of a statewide mass transit system~~; and~~

~~b. coordinate the preservation and revitalization of existing rail corridors~~.

(4) division deputy director for railroad transportation:

(a) planning, development and coordination of the freight rail system and passenger rail system;

(b) financial management of funding from federal, state, and local sources;

(c) maintaining and coordinating a comprehensive state rail plan for passenger and freight railroads and service; and

(d) coordinating the preservation and revitalization of existing rail corridors.”

SECTION 4. Subsections (B), (D), and (E) of Section 57‑3‑40 of the 1976 Code are amended to read:

“(B) ~~The division is further designated as the agency of the State principally responsible for preserving railroad rights‑of‑way for future use, and coordinating rail passenger service and high‑speed rail planning and development. This authority includes, but is not limited to, the power to apply for and to receive state, federal, or other funds for rail passenger service, high‑speed rail planning and development, bus passenger service, and rail corridor preservation and revitalization programs.~~ RESERVED

(D) The division ~~must~~ shall develop and ~~annually~~ submit by February first of each year a full, printed, detailed report to the House Education and Public Works Committee and the Senate Transportation Committee showing an analysis of:

(1) the division’s accomplishments in the past year;

(2) a five year plan detailing future needs and goals of the State as it relates to all forms of mass transit; and

(3) a plan for funding and receiving federal matching funds or other funds as may be available~~; and~~

~~(4)~~ ~~a state railroad corridor preservation and revitalization plan~~.

(E) ~~A railroad right‑of‑way or corridor held for railroad right‑of‑way preservation may be used for interim public purposes compatible with preservation of the corridor for future transportation use. A railroad corridor held for railroad right‑of‑way preservation may not be considered abandoned for the purpose of any law.~~ RESERVED”

SECTION 5. This act takes effect January 1, 2010.

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