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Indicates New Matter

COMMITTEE REPORT

April 13, 2011

**H. 3266**

Introduced by Reps. Owens and Hiott

S. Printed 4/13/11--H.

Read the first time January 11, 2011.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3266) to amend Section 57‑5‑10, Code of Laws of South Carolina, 1976, relating to the general composition of the state highway system, so as to provide that all, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 57‑5‑10 of the 1976 Code is amended to read:

“Section 57‑5‑10. The state highway system shall consist of a statewide system of connecting highways ~~which~~ that shall be constructed ~~by~~ to the Department of ~~Transportation~~ Transportation’s standards and ~~which~~ that shall be maintained by the department in a safe and serviceable condition as state highways. The Department of Transportation may utilize funding sources including, but not limited to, the State Nonfederal Aid Highway Fund and the State Highway Fund as established by Section 57‑11‑20 in carrying out the provisions of this section. The complete state highway system shall mean the system of state highways as now constituted, consisting of the roads, streets, and highways ~~heretofore~~ designated as state highways or designated for construction or maintenance by the department pursuant to law, together with the roads, streets, and highways ~~heretofore~~ added to the state highway system by the Commission of the Department of Transportation, and ~~such~~ the roads, streets, and highways ~~as may hereafter~~ that may be added to the system pursuant to law. Roads and highways in the state highway system are classified into three classifications:

(1) interstate system of highways;

(2) state highway primary system; and

(3) state highway secondary system.”

SECTION 2. Section 57‑5‑70 of the 1976 Code is amended to read:

“Section 57‑5‑70. The department ~~shall~~ may take over and accept as a part of the state highway secondary system ~~the~~ roads ~~remaining~~ in ~~the various~~ county or municipal road systems ~~which have been maintained by the respective counties, or so much mileage thereof as the availability of funds for construction of secondary state highways in a county may justify; provided, that municipal streets which are extensions of state highways may be added to the state highway secondary system in lieu of an equal mileage of county roads.~~ that the department determines are necessary for the interconnectivity of the state highway system. ~~The roads to be placed in the state highway system hereunder shall be selected by the department.~~ Maintenance jurisdiction by the department of roads added to the state highway secondary system pursuant to the provisions of this section shall not commence until construction to state highway standards ~~shall have started~~ has been completed and an equal amount of secondary system roadway lane mileage has been removed from the state highway system within that county or municipal limit. The roads placed in the State highway system pursuant to this section must be selected by the department with the consent of the county or municipality, and notification to the county’s legislative delegation.”

SECTION 3. Section 57‑5‑80 of the 1976 Code is amended to read:

“Section 57‑5‑80. (A) The department may delete and remove roads from the state highway secondary system: of roads in any county any roads which are of low traffic importance and may, but is not required, to substitute ~~therefor~~ therefore an equal, or less, mileage of other roads ~~of higher traffic importance as determined by traffic surveys and estimates~~. Maintenance responsibility for roads deleted and removed from the state highway secondary system pursuant to the provisions of this section shall transfer from the jurisdiction of the department to the jurisdiction of the county, or municipality, school, governmental agency, nongovernmental entity, or person in which such roads are situated, effective upon notice from the department of official action deleting and removing the roads from the state highway system. A county or municipality shall have first right of refusal to accept roads into their maintenance responsibility when roads are considered for transfer from the secondary highway system to a non‑governmental entity or person. Deletions, removals, or substitutions from the State secondary highway system to counties and municipalities must be made with the consent of the affected county or municipality, and notifications must be made to the county’s legislative delegation.”

SECTION 4. Section 57‑5‑90 of the 1976 Code is repealed.

SECTION 5. If part of Section 57‑5‑70 is held to be invalid, unenforceable, or unconstitutional, then the entire section is invalid, unenforceable, or unconstitutional.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

See Below

**EXPLANATION OF IMPACT:**

SCDOT indicates there would be no cost with the adoption of this bill. Section 3 of the bill addresses potential removal of roads from the state highway secondary system, which would result in a savings. SCDOT indicates that for 2010, the average cost to maintain a secondary paved road was approximately $3,200 per lane mile and the average cost to maintain a secondary dirt road was approximately $3,782 per lane mile.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 57‑5‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL COMPOSITION OF THE STATE HIGHWAY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS IN THE STATE HIGHWAY SYSTEM MUST BE BUILT ACCORDING TO STATE STANDARDS AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY USE CERTAIN FUNDS TO MAINTAIN THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57‑5‑70, RELATING TO ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ADD COUNTY AND MUNICIPAL ROADS TO THE STATE HIGHWAY SYSTEM WHEN NECESSARY FOR THE INTERCONNECTIVITY OF THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57‑5‑80, RELATING TO THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO REVISE THE PROCEDURE FOR THE REMOVAL OF ROADS FROM THE STATE HIGHWAY SYSTEM WHEN A GOVERNMENTAL AGENCY AGREES TO ACCEPT THE ROAD INTO ITS OWN HIGHWAY SYSTEM; AND TO REPEAL SECTION 57‑5‑90 RELATING TO BELT LINES AND SPURS.

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

SECTION 1. Section 57‑5‑10 of the 1976 Code is amended to read:

“Section 57‑5‑10. The state highway system shall consist of a statewide system of connecting highways ~~which~~ that shall be constructed ~~by~~ to the Department of ~~Transportation~~ Transportation’s standards and ~~which~~ that shall be maintained by the department in a safe and serviceable condition as state highways. The Department of Transportation may utilize funding sources including, but not limited to, the State Nonfederal Aid Highway Fund and the State Highway Fund as established by Section 57‑11‑20 in carrying out the provisions of this section. The complete state highway system shall mean the system of state highways as now constituted, consisting of the roads, streets, and highways ~~heretofore~~ designated as state highways or designated for construction or maintenance by the department pursuant to law, together with the roads, streets, and highways ~~heretofore~~ added to the state highway system by the Commission of the Department of Transportation, and ~~such~~ the roads, streets, and highways ~~as may hereafter~~ that may be added to the system pursuant to law. Roads and highways in the state highway system are classified into three classifications:

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SECTION 4. Section 57‑5‑90 of the 1976 Code is repealed.

SECTION 5. If part of Section 57‑5‑70 is held to be invalid, unenforceable, or unconstitutional, then the entire section is invalid, unenforceable, or unconstitutional.

SECTION 6. This act takes effect upon approval by the Governor.

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