~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 18, 2011

**H. 3266**

Introduced by Reps. Owens, Hiott, Whipper and R.L. Brown

S. Printed 5/18/11--H.

Read the first time January 11, 2011.

**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.

Amend Title To Conform

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:

(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 take over and accept as a part of the state highway secondary system the roads remaining in the various county 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. 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.~~

A county or municipality and the department may by mutual consent agree to transfer a road from the county or municipal road system to the state highway system. The transfer may be of the road ‘as is’, without further improvement to the road or upon such terms and conditions as the parties mutually agree. Notification of the transfer must be given to the county’s legislative delegation. If the department determines that a road in the county or municipal road system is necessary for the interconnectivity of the state highway system, and the municipality or county does not consent to the transfer, the department may initiate a condemnation action to acquire the road, or a portion of it, and the county or municipality is not required to make any further improvements to it.”

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

“Section 57‑5‑80. ~~The department may delete and remove from the state highway secondary system: of roads in any county any roads which are of low traffic importance and substitute therefor 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 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.~~ The department may transfer from the state highway secondary system any road under its jurisdiction, determined by the department to be of low traffic importance, to one of the parties indicated in this section if mutual consent is reached between the department and the party that the road is being transferred to:

(a) a county or municipality;

(b) a school;

(c) a governmental agency;

(d) a nongovernmental entity; or

(e) a person.

In all cases, the county or municipality shall have right of first refusal to accept roads into their maintenance responsibility when roads are considered for transfer from the State highway system to a non‑governmental entity or person. Maintenance responsibility for roads transferred from the state highway 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, effective upon notice from the department of official action removing the road from the state highway system. Notification of the transfer must be given 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.

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