**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57‑5‑880 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL BEAR ALL COSTS RELATED TO RELOCATING WATER AND SEWER LINES THAT ARE MAINTAINED AND OPERATED BY A PUBLIC WATER SYSTEM OR A PUBLIC SEWER SYSTEM THAT ARE LOCATED WITHIN THE RIGHT‑OF‑WAY FOR A STATE TRANSPORTATION IMPROVEMENT PROJECT AND THAT MUST BE RELOCATED TO UNDERTAKE THE PROJECT OR THAT ARE OTHERWISE REQUIRED BY THE DEPARTMENT TO RELOCATE, TO PROVIDE THAT NOTHING CONTAINED IN THIS SECTION GRANTS THE DEPARTMENT THE AUTHORITY TO PREVENT OR MATERIALLY LIMIT A PUBLIC WATER SYSTEM’S UTILIZATION OF PROPERTY LOCATED WITHIN A STATE TRANSPORTATION IMPROVEMENT PROJECT’S RIGHT‑OF‑WAY FOR WATER AND SEWER CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATIONS, AND TO PROVIDE THAT IN CONJUNCTION WITH NEW ROAD CONSTRUCTION, OR THE MAINTENANCE OR RECONSTRUCTION OF EXISTING ROADWAYS IN THE PUBLIC HIGHWAY SYSTEM, THE DEPARTMENT MAY ACQUIRE ADDITIONAL RIGHTS‑OF‑WAY TO FACILITATE THE LOCATION OF UTILITIES OUTSIDE OF RIGHTS‑OF‑WAY CURRENTLY CONTAINED IN THE PUBLIC HIGHWAY SYSTEM AND TO PROVIDE FOR THE MANNER OF FUNDING FOR ACQUISITIONS.

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

SECTION 1. Article 5, Chapter 5, Title 57 of the 1976 Code is amended by adding:

“Section 57‑5‑880. (A) For the purposes of this section:

(1) ‘Betterment’ means any upgrading of the facility being relocated that is made solely for the benefit of the public water system and is not attributable to improvement, construction, reconstruction, or alteration of roads, streets, or highways undertaken by the department.

(2) ‘Costs related to relocating water and sewer lines’ means the entire amount attributable to the relocation less the amount of any betterment made to the system. Costs related to relocating water and sewer lines include, but are not limited to, right‑of‑way acquisition to accommodate the relocated utility, design, engineering, permitting, removal, installation, inspection, materials, and labor costs.

(3) ‘Public highway system’ means:

(a) the state highway system as defined in Section 57‑5‑10;

(b) roads, streets, and highways under the jurisdiction of a county or municipality; and

(c) bridges, tunnels, overpasses, underpasses, interchanges, and other similar facilities located throughout the State.

(4) ‘Public water system’ has the same meaning as in Section 44‑55‑20(13);

(5) ‘Public sewer system’ means any publicly or privately owned sewer system that provides sewer services to the public;

(6) ‘Relocating’ or ‘relocated’ means the adjustment of a public water system facility by removing and reinstalling the facility, including necessary temporary facilities; moving, rearranging, or changing the type of existing facilities; taking necessary safety and protective measures; the construction of a replacement facility that is both functionally equivalent to, but not a betterment of, the existing facility and necessary for continuous operation of the system’s service.

(7) ‘State transportation improvement project’ or ‘project’ means a permanent improvement, construction, reconstruction, or alteration to the public highway system undertaken by the Department of Transportation, a county, or a municipality.

(B) The department shall bear all costs related to relocating water and sewer lines:

(1) that are maintained and operated by a public water system or a public sewer system that are located within the rights‑of‑way for a state transportation improvement project; and

(2) that must be relocated to undertake the project or that are otherwise required by the department to relocate.

(C) Nothing contained in this section grants the department the authority to prevent or materially limit a public water system’s utilization of property located within a state transportation improvement project’s right‑of‑way for water and sewer construction, installation, maintenance, and operations.

(D) In conjunction with new road construction, or the maintenance or reconstruction of existing roadways in the public highway system, the department may acquire additional rights‑of‑way to facilitate the location of utilities outside of rights‑of‑way currently contained in the public highway system. Additional rights‑of‑way acquired pursuant to this subsection shall be funded pursuant to an agreement entered into between the department and the utility desiring to utilize the newly acquired right‑of‑way.”

SECTION 2. This act takes effect upon approval by the Governor.

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