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COMMITTEE AMENDMENT AMENDED AND ADOPTED

April 21, 2016

**S. 561**

Introduced by Senators Grooms, Davis, Gregory, Peeler, Malloy, Campbell, Cleary and Bennett

S. Printed 4/21/16--S.

Read the first time March 17, 2015.

**A** **BILL**

TO AMEND ARTICLE 3, CHAPTER 1, TITLE 57 OF THE 1976 CODE, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, TO INCREASE THE MEMBERSHIP OF THE COMMISSION TO NINE MEMBERS, TO PROVIDE THAT COMMISSIONERS SHALL BE APPOINTED BY THE GOVERNOR FROM THE STATE AT LARGE SUBJECT TO SCREENING BY THE JOINT TRANSPORTATION REVIEW COMMITTEE AND THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE THAT COMMISSIONERS SHALL BE APPOINTED TO SIX‑YEAR TERMS, AND TO CLARIFY THE COMMISSION’S DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 57‑1‑410, RELATING TO THE APPOINTMENT OF THE SECRETARY OF TRANSPORTATION, TO PROVIDE THAT THE COMMISSION, WITH THE APPROVAL OF THE GOVERNOR, SHALL APPOINT A SECRETARY OF TRANSPORTATION SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE; TO AMEND SECTIONS 57‑1‑720(C) AND 57‑1‑730 TO MAKE TECHNICAL AND CONFORMING AMENDMENTS REFLECTING THE APPOINTMENT OF COMMISSIONERS RATHER THAN ELECTION OF COMMISSIONERS; TO AMEND CHAPTER 6, TITLE 1 OF THE 1976 CODE, RELATING TO THE OFFICE OF INSPECTOR GENERAL, TO ESTABLISH A DIVISION WITHIN THE OFFICE OF INSPECTOR GENERAL THAT IS RESPONSIBLE FOR THE INTERNAL AUDIT FUNCTION OF THE DEPARTMENT OF TRANSPORTATION; AND TO REPEAL SECTIONS 57‑1‑460 AND 57‑1‑740.

Amend Title To Conform

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

SECTION 1. Section 57-1-370 of the 1976 Code is amended to read:

“Section 57‑1‑370. (A) The commission must develop the long‑range Statewide Transportation Plan, with a minimum twenty‑year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the commission must:

(1) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long‑range Statewide Transportation Plan and the Statewide Transportation Improvement Program;

(2) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program from time to time as permitted by and in the manner required by federal laws or regulations;

(3) develop and revise the transportation plan for inclusion in the Statewide Transportation Improvement Program, for each nonmetropolitan planning area in consultation with local officials with responsibility for transportation;

(4) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

(5) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local officials with responsibility for transportation;

(6) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization’s approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

(7) consult with each metropolitan planning organization, in metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; and

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations’ transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the commission shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.

(C)(1) To the extent that state funds are available to address the needs of the state highway system, the commission must develop a comprehensive plan specifying objectives and performance measures for the preservation and improvement of the existing system. The projects included in this plan must be supported solely by state funds including the Nonfederal Aid Highway Fund or other state revenue source. When developing the plan required by this subsection, the commission must consider, but is not limited to, considering~~,~~ the criteria in subsection (B)(8).

(2) When state funding is programmed for a project selected from the plan to be undertaken, the department may use federal law, regulations, or guidelines relevant to the type of project being undertaken to be eligible for federal matching funds.

(D) ~~To the extent permitted by federal laws or regulations, the commission has the authority to award all federal enhancement grants. Annually, the commission must submit a report to the chairman of the Senate Transportation Committee, the chairman of the Senate Finance Committee, the chairman of the House of Representatives Ways and Means Committee, and the chairman of the House of Representatives Education and Public Works Committee describing the number of federal enhancement grants that were awarded and the recipients of the federal enhancement grants.~~

~~(E)~~ ~~The commission must give its prior authorization to any consulting contracts advertised for or awarded by the department and authorize the selection of consultants by department personnel.~~

~~(F)~~ ~~Roads may not be added to or removed from the state highway system without prior authorization from the commission.~~

~~(G)~~ ~~The department shall conduct a public hearing in each county in which a public hearing is required by federal regulations to allow the department to share information regarding the project with the local community and to allow the local community to address its concerns with department officials. The hearing must include the opportunity for members of the public to address a hearing officer in a format in which comments can be heard by the general public.~~

~~(H)~~ ~~The department shall promulgate, by regulation, procedures not inconsistent with federal laws for applying the criteria contained in subsection (B)(8) for prioritizing projects.~~

~~(I)~~ ~~The department may not sell surplus property without prior authorization from the commission.~~

~~(J)~~ The commission must approve the department’s annual budget.

~~(K)~~ ~~The department may not dedicate or name highway facilities without prior authorization from the commission.~~

~~(L)~~ ~~The department may not enter into any contract with a value in excess of five hundred thousand dollars without the prior authorization of the commission.~~

~~(M)~~ ~~The commission shall give prior approval to any additional contracts the department wishes to be entered into during a fiscal year with an entity that has already received individual contracts during that fiscal year that in the aggregate value are at least five hundred thousand dollars.~~

~~(N)~~ ~~Any request made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be reviewed and approved by the commission who certify that the request is needed based upon objective and quantifiable factors before work may proceed.~~

~~(O)~~ ~~The commission shall have any other rights, duties, obligations, or responsibilities as provided by law.~~”

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

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