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Indicates New Matter

COMMITTEE REPORT

March 5, 2020

**S. 1084**

Introduced by Senator Grooms

S. Printed 3/5/20--S.

Read the first time February 5, 2020.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (S. 1084) to amend Article 3, Chapter 25, Title 57 of the 1976 Code, relating to the Highway Advertising Control Act, by adding Section 57-25-187, 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, page 2, by striking lines 20 through 23 and inserting:

/for the construction of the sound barrier.

(C)(1) If an outdoor advertising sign that is obstructed due to the construction of a sound barrier cannot be adjusted or /

Amend the bill further, as and if amended, page 3, by striking line 11 and inserting:

/pursuant to subsection (C).

(E) The local government is limited to an expenditure of five million dollars for its part of just compensation pursuant to this section.” /

Amend the bill further, as and if amended, by striking SECTION 2 in its entirety.

Renumber sections to conform.

Amend title to conform.

LAWRENCE K. GROOMS for Committee.

**A** **BILL**

TO AMEND ARTICLE 3, CHAPTER 25, TITLE 57 OF THE 1976 CODE, RELATING TO THE HIGHWAY ADVERTISING CONTROL ACT, BY ADDING SECTION 57-25-187, TO PROVIDE THAT AN OWNER OF AN OUTDOOR ADVERTISING SIGN SHALL HAVE THE OPTION TO RELOCATE OR ADJUST THE SIGN IF THE SIGN IS OBSTRUCTED BY THE CONSTRUCTION OF A SOUND BARRIER, TO PROVIDE THAT THE COST OF RELOCATING OR ADJUSTING THE SIGN SHALL BE PAID BY THE ENTITY RESPONSIBLE FOR THE CONSTRUCTION OF THE SOUND BARRIER, AND TO PROVIDE THAT A LOCAL GOVERNMENT SHALL PROVIDE COMPENSATION IF THE DEPARTMENT OF TRANSPORTATION ISSUES AN ENCROACHMENT PERMIT TO THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OF A SOUND BARRIER WITHIN A HIGHWAY RIGHT-OF-WAY; AND TO AMEND SECTION 57-25-190 OF THE 1976 CODE, RELATING TO COMPENSATION FOR THE REMOVAL OF SIGNS AND RELOCATION OF SIGNS AFFECTED BY HIGHWAY PROJECTS, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY JUST COMPENSATION UPON THE REMOVAL OF AN OUTDOOR ADVERTISING SIGN IF THE VISIBILITY OR READABILITY OF THE SIGN HAS BEEN OBSTRUCTED BY THE CONSTRUCTION OF A SOUND BARRIER WITHIN THE HIGHWAY RIGHT-OF-WAY.

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

SECTION 1. Article 3, Chapter 25, Title 57 of the 1976 Code is amended by adding:

“Section 57-25-187. (A) If an outdoor advertising sign that conforms to the requirements of this chapter is obstructed by a sound barrier that is constructed by the department or a political subdivision along an interstate system, federal-aid primary system existing as of June 1, 1991, or highway that is part of the National Highway System, and if the outdoor advertising sign is not visible from the road at a distance of one thousand feet from the face of the sign, then, within one hundred eighty days of the completion of the sound barrier, the owner of the sign shall have the option to:

(1) adjust the height or angle of the sign to a position that restores the visibility and readability of the sign to the same or comparable visibility and readability as before the construction of the sound barrier; or

(2) if the outdoor advertising sign cannot be adjusted pursuant to item (1), relocate the sign in accordance with the department’s policy and the applicable state and federal law.

(B) Costs for the adjustment or relocation of an outdoor advertising sign due to the construction of a sound barrier shall be paid by the department or political subdivision that is responsible for the construction of the sound barrier, in accordance with the department’s policy related to project costs and the applicable state and federal law.

(C)(1) If an outdoor advertising sign cannot be adjusted or relocated, then compensation shall be paid to the owner by the department or political subdivision requiring the outdoor advertising sign’s removal.

(2) Compensation shall be a cash payment of the fair market value of the outdoor advertising sign in place immediately before its removal and without consideration of the effect of the construction of a sound barrier or a diminution in value caused by the sound barrier. The Uniform Standards of Professional Appraisal Practices must be used in determining the fair market value, including, but not limited to, the following factors:

(a) the sale price of similar outdoor advertising signs;

(b) the physical condition of the outdoor advertising sign;

(c) the productivity of the outdoor advertising sign;

(d) the economic utility of the property on which the outdoor advertising sign is located, or its usability and adaptability for industrial, commercial, or other purposes;

(e) the value of the outdoor advertising sign permit issued by the appropriate governing body;

(f) the replacement cost of the outdoor advertising sign;

(g) the age of the outdoor advertising sign;

(h) the remaining life of the outdoor advertising sign;

(i) the effect of obsolescence on the outdoor advertising sign;

(j) the listed property tax value of the outdoor advertising sign; and

(k) any other factor that may affect the value of the property on which the outdoor advertising sign is located.

(D) If the department issues an encroachment permit to a local government for the construction of a sound barrier within a highway right‑of‑way, then the local government shall provide compensation pursuant to subsection (C).”

SECTION 2. Section 57‑25‑190 of the 1976 Code is amended to read:

“Section 57-25-190. (A) The Department of Transportation may acquire by purchase, gift, or condemnation and shall pay just compensation upon the removal of the following outdoor advertising signs:

(1) those lawfully in existence on November 3, 1971;

(2) those lawfully erected after November 2, 1971.

(B) Compensation may be paid only for the taking from the owner of:

(1) a sign of all right, title, leasehold, and interest in it;

(2) the real property on which the sign is located of the right to erect and maintain a sign on it; or

(3) the economic utility of a sign that has been obstructed by the construction of a sound barrier within the highway right-of-way.

(C) No sign may be removed until the owner of the property on which it is located has been compensated fully for a loss which may be suffered by him as a result of the removal of the sign through the termination of a lease or other financial arrangement with the owner of the sign. The compensation must include damage to the landowner's property occasioned by the removal of the sign. The Department of Transportation is limited to an expenditure of five million dollars for the state's part of just compensation.

(D) Tourist oriented directional signs must be the last to be removed under the terms of this article.

(E) Notwithstanding a county or municipal zoning plan, ordinance, or resolution, outdoor advertising signs conforming to ~~Section 57‑25‑110, et seq.,~~ this chapter that are affected by state highway projects may be relocated pursuant to the federal ~~uniform~~ Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended ~~(42 U.S.C. 4601, et seq.)~~, to a position which is perpendicular to the right of way of the original sign site, or may be altered so that no portion of the sign overhangs the right of way.”

SECTION 3. This act takes effect upon approval by the Governor.

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