**A** **BILL**

TO AMEND SECTION 12‑28‑2920 OF THE 1976 CODE, RELATING TO THE CONSTRUCTION OF TOLL ROADS, TO PROVIDE THAT THE DEPARTMENT SHALL REVIEW HIGHWAY AND BRIDGE PROJECTS FOR THE POSSIBILITY OF FINANCING THE PROJECTS WITH TOLLS AND TO PROVIDE THAT A TOLL MAY BE USED TO PAY FOR CERTAIN EXPENSES; TO AMEND SECTION 57‑5‑1330(2) OF THE 1976 CODE, RELATING TO TURNPIKE FACILITIES AND FEASIBILITY STUDIES, TO PROVIDE EXCEPTIONS FOR THE CONSIDERATION OF THE CONSTRUCTION OF A TURNPIKE FACILITY AND TO PROVIDE FOR THE FUNDING OF FEASIBILITY STUDIES FROM EXISTING DEPARTMENT OF TRANSPORTATION FUNDS; AND TO REPEAL SECTION 57-3-615 OF THE 1976 CODE, RELATING TO HIGHWAY TOLLS.

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

SECTION 1. Section 12‑28‑2920 of the 1976 Code is amended to read:

“Section 12‑28‑2920. (A) The department shall review highway and bridge projects for the possibility of ~~constructing toll roads to defray the cost of these projects~~ financing the projects with tolls pursuant to the authority granted the department in Section 57‑5‑1330. Such projects may include new highways, new lanes added to existing highways, the reconstruction of non-interstate highways, the reconstruction of interstate highways where federal law allows tolling, the reconstruction or replacement of bridges or tunnels, and capital improvements to existing toll facilities. If a toll is administered on a project by the Department of Transportation, then the toll may be used to pay for the construction, maintenance costs, and other expenses for that project and for construction, maintenance costs, and other expenses for improvements to the highway corridor.

(B) No project may be funded by means of imposing a toll on the users of the project unless ~~in conjunction with federal funds authorized for use on toll roads~~ it is determined to be substantially feasible by the department.

(C) The funds derived from tolls must be:

(1) credited to the State Highway Fund or retained and applied by the entity or entities developing the toll road pursuant to an agreement authorized under Section 57‑3‑200 for the purpose of funding the cost of construction, financing, operation, and maintenance of the toll project; or

(2) used to service bonded indebtedness for highway transportation purposes incurred pursuant to Paragraph 9, Section 13, Article X of the South Carolina Constitution.

~~Upon repayment of the cost of construction and financing, toll charges shall cease.~~

(D) No tolls may be imposed upon a state‑owned or district‑owned school bus.

(E) Upon repayment of the cost of construction and financing of the Cross Island Parkway, toll charges shall cease.”

SECTION 2. Section 57‑5‑1330(2) of the 1976 Code is amended to read:

“2. In every highway construction project, except federal and state secondary projects, rehabilitation and widening of federal and state primary and secondary road ~~and bridge~~ projects ~~and highway safety projects~~, the Department ~~shall~~ may consider making all or part of the highway construction a turnpike facility and financing it by the use of turnpike bonds. ~~It shall make an entry in the construction project file indicating whether or not it determines making all or part of the project a turnpike facility.~~ If the Department determines it is feasible to make all or part of the construction project a turnpike facility, it may engage in the preliminary estimates and studies incident to the determination of the feasibility or practicability of constructing any toll road as it from time to time considers necessary and the cost of the preliminary estimates and studies ~~must~~ may be paid from existing department funds ~~the general highway fund~~ and must be reimbursed from funds provided under this authority only if the studies and estimates lead to the construction of a toll road.”

SECTION 3. Section 57-3-615 of the 1976 Code is repealed.

SECTION 4. This act takes effect upon approval by the Governor.

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