**A** **BILL**

TO AMEND SECTION 57‑3‑780, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF TRANSPORTATION FEASIBILITY DETERMINATION AS TO WHETHER TO CONSTRUCT HIGH OCCUPANCY VEHICLE LANES, PEDESTRIAN WALKWAYS, SIDEWALKS, BICYCLE LANES OR PATHS BEFORE BUILDING NEW OR EXPANDING EXISTING PRIMARY HIGHWAYS, ROADS, AND STREETS, SO AS TO PROVIDE THIS PROVISION APPLIES TO ALL HIGHWAYS, ROADS, AND STREETS, TO PROVIDE THE FEASIBILITY DETERMINATION MUST BE BASED ON CERTAIN QUANTIFIABLE PERFORMANCE MEASURES THAT INCLUDE THE CONSTRUCTION OF DEDICATED BUS LANES, TO MAKE A TECHNICAL CHANGE, AND TO PROVIDE THE WRITTEN DETERMINATION MUST BE MADE BY THE SECRETARY OF TRANSPORTATION DURING THE PRECONSTRUCTION PROCESS.

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

SECTION 1. Section 57‑3‑780 of the 1976 Code is amended to read:

“Section 57‑3‑780. (A) Before building new or expanding existing ~~primary~~ highways, roads, and streets, the department shall consider and make a written determination, based on quantifiable performance measures, whether it is financially and physically feasible to include:

(1) high occupancy vehicle lanes or dedicated bus lanes, when the construction or expansion is in a metropolitan area;

(2) pedestrian ~~walkways or sidewalks~~ facilities; and

(3) bicycle lanes or paths.

(B) The quantifiable performance measures required in subsection (A)(2) and (3) shall include, but are not be limited to:

(1) the presence in pedestrian and bicycle plans adopted by metropolitan planning organizations, if available;

(2) alignment with the health equity measures included in local pedestrian plans, if available;

(3) safety and crash data;

(4) proximity to schools, hospitals, colleges and universities, government offices, parks, recreational facilities, and other pedestrian destinations;

(5) proximity to transit stops;

(6) the existence of worn footpaths;

(7) areas identified by the Centers for Disease Control and Prevention as socially vulnerable;

(8) locations identified in a Safe Routes to School Travel Plan or a department safety audit;

(9) proximity to grocery stores or convenience stores; and

(10) the existence of established federal, state, or local bicycle routes or trails including, but not limited to, state trails identified by the Department of Parks, Recreation and Tourism and bicycle routes included in the United States Bicycle Route System published by the American Association of State Highway and Transportation Officials.

(C) The written determination required in subsection (A) must be made and approved by the Secretary of Transportation during the preconstruction process prior to the development of project‑cost estimates.

(D) A copy of this determination must be submitted to the State Energy Office.”

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

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