**South Carolina General Assembly**

118th Session, 2009-2010

**A206, R253, S749**

**STATUS INFORMATION**

General Bill

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Companion/Similar bill(s): 4109

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Governor's Action: June 7, 2010, Signed

Summary: Division of Railroad Transportation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/23/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\04-23-09.docx)‑4

4/23/2009 Senate Referred to Committee on **Transportation** [SJ](file:///h:\SJ%20Archive\2009\04-23-09.docx)‑4

4/22/2010 Senate Committee report: Favorable with amendment **Transportation**

4/27/2010 Senate Committee Amendment Amended and Adopted [SJ](file:///h:\SJ%20Archive\2010\04-27-10.docx)‑42

4/27/2010 Senate Amended [SJ](file:///h:\SJ%20Archive\2010\04-27-10.docx)‑42

4/27/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\04-27-10.docx)‑42

4/28/2010 Scrivener's error corrected

4/28/2010 Senate Read third time and sent to House [SJ](file:///h:\SJ%20Archive\2010\04-28-10.docx)‑31

4/29/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\04-29-10.docx)‑15

4/29/2010 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2010\04-29-10.docx)‑15

5/6/2010 House Recalled from Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2010\05-06-10.docx)‑32

5/6/2010 House Referred to Committee on **Education and Public Works** [HJ](file:///h:\HJ%20Archive\2010\05-06-10.docx)‑32

5/20/2010 House Committee report: Favorable **Education and Public Works** [HJ](file:///h:\HJ%20Archive\2010\05-20-10.docx)‑64

5/25/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\05-25-10.docx)‑79

5/26/2010 House Read third time and enrolled [HJ](file:///h:\HJ%20Archive\2010\05-26-10.docx)‑11

6/1/2010 Ratified R 253

6/7/2010 Signed By Governor

6/11/2010 Effective date 06/07/10

6/15/2010 Act No. 206

**VERSIONS OF THIS BILL**

[4/23/2009](file:///p:\pprever\2009-10\749_20090423.docx)

[4/22/2010](file:///p:\pprever\2009-10\749_20100422.docx)

[4/27/2010](file:///p:\pprever\2009-10\749_20100427.docx)

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[5/20/2010](file:///p:\pprever\2009-10\749_20100520.docx)

(A206, R253, S749)

**AN ACT TO AMEND SECTIONS 57‑1‑20 AND 57‑1‑30, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF TRANSPORTATION AND ITS CONSTITUENT DIVISIONS, SO AS TO RECONSTITUTE THE DIVISION OF MASS TRANSIT AS THE DIVISION OF INTERMODAL AND FREIGHT PROGRAMS AND REVISE THE RESPONSIBILITIES OF THIS DIVISION; TO AMEND SECTIONS 57‑3‑10 AND 57-3-20, RELATING TO THE DIVISIONS COMPRISING THE DEPARTMENT OF TRANSPORTATION AND THE RESPONSIBILITIES OF THE VARIOUS DIVISION DEPUTY DIRECTORS, SO AS TO REFLECT THE NEW DIVISION OF INTERMODAL AND FREIGHT PROGRAMS AND THE RESPONSIBILITIES OF THE NEW DIVISION’S DEPUTY DIRECTOR; BY ADDING SECTION 57‑3‑30 SO AS TO ESTABLISH THE OFFICE OF RAILROADS WITHIN THE DIVISION OF INTERMODAL AND FREIGHT PROGRAMS AND PROVIDE THE RESPONSIBILITIES AND FUNCTIONS OF THE OFFICE OF RAILROADS; TO AMEND SECTION 57‑3‑40, RELATING TO THE FUNCTIONS OF THE FORMER DIVISION OF MASS TRANSIT, SO AS TO ESTABLISH THE OFFICE OF PUBLIC TRANSIT WITHIN THE DIVISION OF INTERMODAL AND FREIGHT PROGRAMS AND PROVIDE FOR THE RESPONSIBILITIES AND FUNCTIONS OF THE OFFICE OF PUBLIC TRANSIT; BY ADDING SECTIONS 57‑3‑210, 57‑3‑220, AND 57‑3‑230 SO AS TO PROVIDE FOR THE FUNCTIONS AND RESPONSIBILITIES OF THE DEPARTMENT OF TRANSPORTATION WITH RESPECT TO PUBLIC TRANSIT PROGRAMS, PROVIDE FOR THE TEMPORARY USE OF RAILROAD RIGHT‑OF‑WAY CORRIDORS, AND PROVIDE FOR A SPECIAL ADVISORY COMMITTEE TO ASSIST THE DEPARTMENT OF TRANSPORTATION ON FREIGHT TRANSPORTATION ISSUES; AND TO AMEND SECTION 13‑1‑1710, AS AMENDED, RELATING TO THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO ADD THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION AS AN EX OFFICIO MEMBER OF THE COUNCIL.**

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

**Division of Intermodal and Freight Programs established**

SECTION 1. Section 57‑1‑20 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑20. The Department of Transportation is established as an administrative agency of state government which is comprised of a Division of Intermodal and Freight Programs, a Division of Construction Engineering and Planning, and a Division of Finance and Administration. Each division of the Department of Transportation shall have such functions and powers as provided for by law.”

**Functions of the Department of Transportation**

SECTION 2. Section 57‑1‑30 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑30. (A) The department shall have as its functions and purposes the systematic planning, construction, maintenance, and operation of the state highway system and the development of a statewide intermodal and freight system that is consistent with the needs and desires of the public.

(B) The department shall coordinate all state and federal programs relating to highways among all departments, agencies, and other bodies politic and legally constituted agencies of this State and the performance of such other duties and matters as may be delegated to it pursuant to law. The goal of the department is to provide adequate, safe, and efficient transportation services for the movement of people and goods.”

**Divisions comprising the Department of Transportation**

SECTION 3. Section 57‑3‑10 of the 1976 Code is amended to read:

“Section 57‑3‑10. (A) The Department of Transportation is comprised of the following principal divisions:

(1) finance and administration;

(2) construction, engineering, and planning; and

(3) intermodal and freight programs.

(B) The Secretary of Transportation may establish other divisions, or ancillary or service divisions or offices as may be necessary for the efficient and economic operation of the department and to carry out the functions and purposes of the department.”

**Duties of Department of Transportation Division deputy directors**

SECTION 4. Section 57‑3‑20 of the 1976 Code is amended to read:

“Section 57‑3‑20. The responsibilities and duties of the following division deputy directors must include, but not be limited to, the following:

(1) division deputy director for finance and administration:

(a) financial planning and management;

(b) accounting systems necessary to comply with all federal and/or state laws and/or regulations as well as all policies established by the Comptroller General; and

(c) administrative functions, including recording proceedings of the commission and developing policy and procedures to ensure compliance with these policies and procedures;

(2) division deputy director for construction, engineering, and planning:

(a) develop statewide strategic highway plans; and

(b) direct highway engineering activities, including construction, design, construction oversight, and maintenance of state highways;

(3) division deputy director for intermodal and freight programs:

(a) develop a statewide public transit system;

(b) coordinate the preservation and revitalization of existing rail corridors;

(c) develop and coordinate a statewide passenger and freight rail system, including the development of a comprehensive state rail plan for passenger and freight railroads and rail infrastructure services;

(d) plan, develop, and coordinate a comprehensive intermodal transportation program for the movement of passengers and freight through integrated highway, railroad, port, airport, and other transit systems;

(e) financial management of funding from federal, state, and local transit, rail, and other intermodal sources; and

(f) manage the Office of Railroads and the Office of Public Transit.”

**Office of Railroads established, functions**

SECTION 5. Article 1, Chapter 3, Title 57 of the 1976 Code is amended by adding:

“Section 57‑3‑30. (A) The Office of Railroads is established within the Division of Intermodal and Freight Programs. The office is principally responsible for:

(1) preserving railroad rights‑of‑way for future use and coordinating the preparation of a state railroad corridor preservation and revitalization plan;

(2) coordinating high‑speed and intercity passenger rail planning and development;

(3) planning, developing, maintaining, and coordinating a comprehensive state rail plan for passenger and freight railroads and infrastructure services with other modes of transportation to help facilitate effective and efficient interstate and intrastate movement of people and freight;

(4) applying for and receiving state, federal, or other funds for passenger and freight rail service and infrastructure needs, high‑speed and intercity passenger rail planning and development, and rail corridor preservation and revitalization programs; and

(5) preparing and submitting by February first of each year a full, printed, detailed report to the House Education and Public Works Committee and the Senate Transportation Committee containing an analysis of the:

(a) state railroad corridor preservation and revitalization plan; and

(b) comprehensive state rail plan for passenger and freight railroads and infrastructure services.

(B) Every five years the office must develop and prepare a comprehensive state rail plan for passenger and freight railroads and infrastructure services. The plan must be approved by the United States Department of Transportation. The plan, and any updates, must be submitted to the General Assembly.

(C) All departments, boards, public authorities, or other agencies of the State or its political subdivisions, local government, transportation authorities, and other local public entities must cooperate with the office, provide assistance, data, and advice upon request, and must reimburse any such entity necessary costs in the event of any expense. This authority does not preclude another governmental entity, public or private organization, or individual from entering into a contract or agreement concerning the purposes set forth in this section.

(D) Nothing in this section may be interpreted to subrogate the powers and duties of the Division of Public Railways to the Office of Railroads.”

**Office of Public Transit established, functions**

SECTION 6. Section 57‑3‑40 of the 1976 Code is amended to read:

“Section 57‑3‑40. (A) The Office of Public Transit is established within the Division of Intermodal and Freight Programs. The office must develop and coordinate a general public transit program and policy for the State in order to encourage the efficient development, implementation, operation, evaluation, and monitoring of public transit systems, both public and private. The office is authorized to apply for and receive federal, state, and other funds for passenger public transit systems on the department’s behalf.

(B) All departments, boards, public authorities, or other agencies of the State or its political subdivisions, local government, transportation authorities, and other local public entities must cooperate with the office, provide assistance, data, and advice upon request and must reimburse any such entity necessary costs in the event of any expense. This authority does not preclude another governmental entity, public or private organization, or individual from entering into a contract or agreement concerning the purposes set forth in this section.

(C) The office must develop and annually submit by February first of each year a full, printed, detailed report to the House Education and Public Works Committee and the Senate Transportation Committee containing an analysis of:

(1) the office’s accomplishments during the past year;

(2) a five year plan detailing future needs and goals of the State as it relates to all forms of public transit; and

(3) a plan for funding and receiving federal matching funds or other funds as may be available.

(D) All powers, duties, and responsibilities of the Interagency Council on Public Transportation are devolved upon the office.”

**Responsibilities of Department of Transportation**

SECTION 7. Article 2, Chapter 3, Title 57 of 1976 Code is amended by adding:

“Section 57‑3‑210. (A) The department is authorized to utilize public transit funds to contract directly with private operators of public transit systems to provide service to the general public, provided that the private operators have established a plan of service that has been approved by the local governmental entity that has jurisdiction over the area to be served, the department, the commission, and the federal government.

(B)(1) The department shall plan and develop mechanisms for increasing coordination of funding streams and resources for public transportation at both the state and local levels to improve access and delivery of transportation services, especially in rural areas. The department shall work with each agency that provides funding for transportation and assure input in the process from major local providers of transportation services to the public, including current providers of coordinated public service.

(2) The department shall prepare and submit a progress report to the General Assembly on or before January fifteenth each year. The progress report required by this section may be combined with the Department of Transportation Annual Report required pursuant to Section 57‑3‑760 and the Office of Public Transit Report required by Section 57‑3‑40.

(C)(1) Any agency, local government, or other entity, including nonprofit organizations, using state funds or state‑administered federal funds to transport members of the general public on a regular basis must:

(a) provide input and information concerning its operations upon request by the Office of Public Transit for planning purposes. The input and information must be provided in a timely manner and in a format specified by the office; and

(b) demonstrate progress toward the development of or participation in a public transportation coordination plan.

(2) No transportation funds may be provided to any entity not in compliance with the requirements of this subsection.

(3) The Department of Corrections, the Department of Education, school districts, and institutions of higher education are exempt from the requirements of this subsection.

Section 57‑3‑220. (A) A railroad right‑of‑way corridor held for railroad right‑of‑way preservation may be used for a public purpose compatible with preservation of the corridor for future transportation use on an interim basis until the corridor is used for rail transport. A railroad corridor held for railroad right‑of‑way preservation is not abandoned for the purpose of any law.

(B) Each railroad and railway, as defined in Section 58‑17‑10, shall file a report with the Office of Railroads concerning active, inactive, to be abandoned, and abandoned rail lines. The report must be amended to reflect additions, changes, and revisions to the status of reporting entity’s rail lines within three months of the addition, change, or revision.

(C) To assist the facilitation of a comprehensive intermodal transportation program for the effective and efficient interstate and intrastate movement of people and freight, the Office of Railroads must be:

(1) notified by the State Ports Authority of any existing or future plans for expanding the authority’s transportation infrastructure; and

(2) provided with master plans or construction plans for airport transportation improvements by the Division of Aeronautics.

Section 57‑3‑230. The Secretary of Transportation may convene a special advisory committee to assist the department in evaluating and addressing issues related to the facilitation of safe and efficient freight, transportation, and logistics infrastructure in the State. The advisory committee must include members of the general public to represent the freight transportation and supply chain industries. The secretary also may invite other state agencies to participate in the committee.”

**Coordinating Council for Economic Development, Secretary of the Department of Transportation made ex officio member**

SECTION 8. Section 13‑1‑1710 of the 1976 Code, as last amended by Act 387 of 2000, is further amended to read:

“Section 13‑1‑1710. There is created the Coordinating Council for Economic Development. The membership consists of the Secretary of Commerce, the Commissioner of Agriculture, the Executive Director of the South Carolina Department of Employment and Workforce, the Director of the South Carolina Department of Parks, Recreation and Tourism, the Chairman of the State Board for Technical and Comprehensive Education, the Chairman of the South Carolina Ports Authority, the Chairman of the South Carolina Public Service Authority, the Chairman of the South Carolina Jobs Economic Development Authority, the Director of the South Carolina Department of Revenue, the Secretary of the Department of Transportation, and the Chairman of the South Carolina Research Authority. The Secretary of Commerce serves as the chairman of the coordinating council.”

**Reports required to be filed**

SECTION 9. The reports required by Section 57‑3‑220 in Section 7 of this act must be filed within three months of the effective date of this act.

**Time effective**

SECTION 10. This act takes effect upon approval by the Governor.

Ratified the 1st day of June, 2010.

Approved the 7th day of June, 2010.

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