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COMMITTEE REPORT

April 2, 2014

**H. 3995**

Introduced by Reps. G.M. Smith, Quinn, King, Edge, Finlay, Herbkersman and Pope

S. Printed 4/2/14--H.

Read the first time April 18, 2013.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3995) to amend Section 57‑1‑370, Code of Laws of South Carolina, 1976, relating to the Statewide Transportation Improvement Program, so as to revise the criteria, 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, by striking all after the enacting words and inserting:

/SECTION 1. Section 57‑1‑370(B), as added by Act 114 of 2007, is amended to read:

“(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; and

(9) Prior to inclusion in the State Transportation Improvement Program of a capacity project from the list provided in item (8), the department shall conduct a cost‑benefit analysis.”

SECTION 2. Section 6 of Act 114 of 2007 is repealed.

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

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**A** **BILL**

TO AMEND SECTION 57‑1‑370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM, SO AS TO REVISE THE CRITERIA AND THE MANDATORY PRIORITY LIST FOR SELECTING CERTAIN TRANSPORTATION IMPROVEMENT PROJECTS AND NONMETROPOLITAN AREA PROJECTS.

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

SECTION 1. Section 57‑1‑370(B), as added by Act 114 of 2007, is amended to read:

“(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~~ mandatory priority list of all projects, including new capacity and construction projects, taking into consideration at least the following criteria to the extent permitted under federal law and regulation:

(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; and

(j) a cost‑benefit analysis to determine whether a project under construction would provide a net‑benefit of greater than 1.0 when analyzed pursuant to the Transportation Development Impact System or a similar net‑benefit when analyzed by a comparable state of the art modeling tool; and

(9) use the ranked priority list when selecting projects to fund. Entities for which the department manages projects also must use the ranked priority list when selecting projects to fund. Projects must be selected in order according to their rank on the priority list. Failure to rank projects based on prioritization criteria or to select projects for funding based on their rank must result in a directive from the commission for the department to discontinue work on a project until the project is ranked according to the prioritization criteria, and the project rank qualifies it for selection.”

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

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