**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4109**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McLeod, Herbkersman and Funderburk

Document Path: l:\council\bills\agm\19493cm09.docx

Companion/Similar bill(s): 749

Introduced in the House on May 20, 2009

Currently residing in the House Committee on **Education and Public Works**

Summary: Division of Railroad Transportation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/20/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\05-20-09.docx)‑269

5/20/2009 House Referred to Committee on **Education and Public Works** [HJ](file:///h:\HJ%20Archive\2009\05-20-09.docx)‑270

**VERSIONS OF THIS BILL**

[5/20/2009](file:///p:\pprever\2009-10\4109_20090520.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 57‑3‑45 AND 57‑3‑55 SO AS TO ESTABLISH THE DIVISION OF RAILROAD TRANSPORTATION AS A COMPONENT OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PROVIDE FOR ITS FUNCTIONS AND TO REQUIRE RAILROADS AND RAILWAYS ANNUALLY TO REPORT TO THIS DIVISION THEIR ACTIVE, INACTIVE, TO BE ABANDONED, AND ABANDONED RAIL LINES; TO AMEND SECTION 57‑3‑10, RELATING TO THE DIVISIONS COMPRISING THE DEPARTMENT OF TRANSPORTATION, SO AS TO ESTABLISH A DIVISION OF RAILROAD TRANSPORTATION AND MAKE A TECHNICAL CHANGE; TO AMEND SECTION 57‑3‑20, RELATING TO THE DUTIES OF THE DEPARTMENT OF TRANSPORTATION’S DIVISION DEPUTY DIRECTORS, SO AS TO DELETE THE TERM “MASS TRANSIT” AND REPLACE IT WITH THE TERM “PUBLIC TRANSIT”, AND TO PROVIDE THE RESPONSIBILITIES OF THE DIVISION DEPUTY DIRECTOR FOR RAILROAD TRANSPORTATION; AND TO AMEND SECTION 57‑3‑40, RELATING TO THE DEPARTMENT OF TRANSPORTATION DIVISION OF MASS TRANSIT’S POWERS AND DUTIES, SO AS TO DELETE THE TERM “MASS TRANSIT” AND REPLACE IT WITH THE TERM “PUBLIC TRANSIT”, AND TO CONFORM THIS PROVISION TO REFLECT THE ESTABLISHMENT OF THE DIVISION OF RAILROAD TRANSPORTATION WITHIN THE DEPARTMENT OF TRANSPORTATION.

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

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

“Section 57‑3‑45. (A) The Division of Railroad Transportation shall:

(1) provide for the planning and development of a statewide intermodal transportation connectivity plan for passenger and freight railroads;

(2) prepare and submit a statewide passenger and freight rail plan by February first of every fifth year for approval of the Governor, the House Education and Public Works Committee, and Senate Transportation Committee pursuant to Title 49 of the United States Code;

(3) prepare and submit a state grade crossing action plan by February first of every fifth year for approval of the Governor, the House Education and Public Works Committee, and Senate Transportation Committee pursuant to Title 49 of the United States Code;

(4) apply for, receive, use, or distribute state, federal, or other funds, for passenger and freight rail service and infrastructure needs, high‑speed rail planning and development, and rail corridor preservation and revitalization programs;

(5) initiate and coordinate engineering and safety studies for the development of a statewide intermodal transportation connectivity plan for passenger and freight railroads;

(6) coordinate statewide intermodal transportation connectivity plan for passenger and freight railroads with other modes of transportation within this State to help facilitate effective and efficient interstate and intrastate movement of people and goods;

(7) coordinate the preparation of a state railroad corridor preservation and revitalization plan. A railroad right of way or corridor held for railroad right of way preservation may be used for interim public purposes compatible with preservation of the corridor for future transportation use. A railroad corridor held for railroad right of way preservation may not be considered abandoned for any purpose of law. The Office of Regulatory Staff, as established pursuant to Section 58‑4‑10, shall send copies of all written notices of track retirement, as set forth in Section 58‑17‑150(B), to the division to facilitate railroad preservation planning purposes;

(8) preserve railroad rights of way for future use, and coordinate rail passenger service and high‑speed rail planning and development. This authority includes, but is not limited to, the power to apply for and to receive state, federal, or other funds for rail passenger service, high‑speed rail planning and development, and rail corridor preservation and revitalization programs;

(9) 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 showing an analysis of:

(a) the division’s accomplishments in the past year;

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

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

(10) use a railroad right of way or corridor held for railroad right of way preservation for interim public purposes compatible with preservation of the corridor for future transportation use. A railroad corridor held for railroad right of way preservation may not be considered abandoned for the purpose of any law.

(B) The Division of Aeronautics shall send all master plan or construction plans for airport transportation improvements as required under Section 55‑5‑86 to the division in order to facilitate statewide intermodal transportation connectivity planning purposes.

(C) The State Ports Authority shall notify the division of any existing or future plans for expansion of transportation needs for port facilities pursuant to Sections 54‑3‑110 and 54‑3‑240 in order to facilitate statewide intermodal transportation connectivity planning purposes.

(D) Funding for the cost of preparation and development of the comprehensive statewide intermodal transportation connectivity plan by the division is the responsibility of the Department of Commerce.

Section 57‑3‑55. All railroads and railways as defined pursuant to Section 58‑17‑10 shall submit to the division an annual report of their active, inactive, to be abandoned, and abandoned rail lines. The annual report must be made on the schedule provided pursuant to Section 58‑15‑960, mutatis mutandis.”

SECTION 2. Section 57‑3‑10 of the 1976 Code is amended to read:

“Section 57‑3‑10. The Department of Transportation ~~must be~~ is divided into ~~such divisions as the commission may prescribe but must consist of~~ the following principal divisions: (1) finance andadministration; (2) construction~~,~~; (3) engineering~~,~~ and planning; ~~and mass~~ (4) public transit; and (5) railroad transportation. The commission may establish other divisions, or ancillary or service divisions as ~~may be~~ necessary for the efficient and economic operation of the ~~division~~ department and to carry out the functions and purposes of the ~~division~~ department.”

SECTION 3. 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 are not ~~be~~ limited to, the following:

(1) division deputy director for finance and administration:

~~a.~~ (a) financial planning and management;

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

~~c.~~ (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.~~ (a) development of statewide strategic highway plans; and

~~b.~~ (b) ~~directs~~ direction of highway engineering activities, including construction, design, construction oversight, and maintenance of state highways.

(3) division deputy director for ~~mass~~ public transit~~:~~ ‑ ~~a.~~ development of a statewide ~~mass~~ public transit system~~; and~~

~~b. coordinate the preservation and revitalization of existing rail corridors~~.

(4) division deputy director for railroad transportation:

(a) planning, development and coordination of the freight rail system and passenger rail system;

(b) financial management of funding from federal, state, and local sources;

(c) maintaining and coordinating a comprehensive state rail plan for passenger and freight railroads and service; and

(d) coordinating the preservation and revitalization of existing rail corridors.”

SECTION 4. Section 57‑3‑40 of the 1976 Code is amended to read:

“Section 57‑3‑40. (A) The Division of ~~Mass~~ Public Transit must develop and coordinate a general ~~mass~~ public transit program and policy for the State in order to encourage the efficient development, implementation, operation, evaluation, and monitoring of ~~mass~~ public transit systems, both public and private.

(B) ~~The division is further designated as the agency of the State principally responsible for preserving railroad rights‑of‑way for future use, and coordinating rail passenger service and high‑speed rail planning and development. This authority includes, but is not limited to, the power to apply for and to receive state, federal, or other funds for rail passenger service, high‑speed rail planning and development, bus passenger service, and rail corridor preservation and revitalization programs.~~

~~(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 ~~department~~ public transit division, provide assistance, data, and advice upon request and must reimburse any such entity necessary cost 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)~~(C) The ~~division~~ public transit division 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 showing an analysis of:

(1) the division’s accomplishments in the past year;

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

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

~~(4)~~ ~~a state railroad corridor preservation and revitalization plan~~.

~~(E)~~ ~~A railroad right‑of‑way or corridor held for railroad right‑of‑way preservation may be used for interim public purposes compatible with preservation of the corridor for future transportation use. A railroad corridor held for railroad right‑of‑way preservation may not be considered abandoned for the purpose of any law.~~

~~(F)~~(D) All powers, duties, and responsibilities of the Interagency Council on Public Transportation are devolved upon the Division of ~~Mass~~ Public Transit.”

SECTION 5. This act takes effect January 1, 2010.

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