CHAPTER 3

Department of Transportation

ARTICLE 1

Administration of the Department of Transportation

**SECTION 57‑3‑10.** Department divided into divisions.

 (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.

HISTORY: 1962 Code Section 33‑21; 1952 Code Section 33‑21; 1951 (47) 457; 1977 Act No. 82 Section 3; 1993 Act No. 181, Section 1506; 2010 Act No. 206, Section 3, eff June 7, 2010.

**SECTION 57‑3‑20.** Responsibilities and duties of division deputy directors.

 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.

HISTORY: 1962 Code Section 33‑22; 1952 Code Section 33‑22; 1951 (47) 457; 1977 Act No. 82 Section 4; 1986 Act No. 383, Section 1; 1993 Act No. 181, Section 1506; 2010 Act No. 206, Section 4, eff June 7, 2010.

**SECTION 57‑3‑30.** Office of Railroads; establishment; responsibilities; comprehensive state rail plan; interagency cooperation.

 (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.

HISTORY: 2010 Act No. 206, Section 5, eff June 7, 2010.

**SECTION 57‑3‑40.** Office of Public Transit; powers and duties.

 (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.

HISTORY: 1962 Code Section 33‑24; 1964 (53) 2056; 1993 Act No. 181, Section 1506; 2010 Act No. 206, Section 6, eff June 7, 2010.

**SECTION 57‑3‑50.** Establishment of highway districts; review.

 The commission may establish such highway districts as in its opinion shall be necessary for the proper and efficient performance of its duties. The commission, every ten years, must review the number of highway districts and the territory embraced within the districts and make such changes as may be necessary for the proper and efficient operation of the districts.

HISTORY: 1962 Code Section 33‑25; 1964 (53) 2056; 1993 Act No. 181, Section 1506.

ARTICLE 2

General Provisions

**SECTION 57‑3‑110.** Powers and duties of Department of Transportation.

 The Department of Transportation shall have the following duties and powers:

 (1) lay out, build, and maintain public highways and bridges, including the exclusive authority to establish design criteria, construction specifications, and standards required to construct and maintain highways and bridges;

 (2) acquire such lands, road building materials, and rights‑of‑way as may be needed for roads and bridges by purchase, gift, or condemnation;

 (3) cause the state highways to be marked with appropriate directions for travel and regulate the travel and traffic along such highways, subject to the laws of the State;

 (4) number or renumber state highways;

 (5) initiate and conduct such programs and pilot projects to further research and development efforts, and to promote training of personnel in the fields of planning, construction, maintenance, and operation of the state highway system;

 (6) cooperate with the federal government in the construction of federal‑aid highways in the development of improved mass transit service, facilities, equipment, techniques, and methods and in planning and research in connection therewith; and seek and receive such federal aid and assistance as may from time to time become available except for funds designated by statute to be administered by the Chief Executive Officer of the State;

 (7) instruct, assist, and cooperate with the agencies, departments, and bodies politic and legally constituted agencies of the State in street, highway, traffic, and mass transit matters when requested to do so, and, if requested by such government authorities, supervise or furnish engineering supervision for the construction and improvement of roads and bridges, provided such duties do not impair the attention to be given the highways in the state highway system;

 (8) promulgate such rules and regulations in accordance with the Administrative Procedures Act for the administration and enforcement of the powers delegated to the department by law, which shall have the full force and effect of law;

 (9) grant churches the right to cross over, under, along, and upon any public roads or highways and rights‑of‑way related thereto;

 (10) enter into such contracts as may be necessary for the proper discharge of its functions and duties and may sue and be sued thereon;

 (11) erect such signs as requested by a local governing body, if the department deems the signs necessary for public safety and welfare, including “Deaf Child” signs and “Crime Watch Area” signs; and

 (12) do all other things required or provided by law.

HISTORY: 1993 Act No. 181, Section 1507.

**SECTION 57‑3‑120.** Definitions.

 For the purposes of this title, the following words, phrases, and terms are defined as follows:

 (1) “Highway”, “street”, or “road” are general terms denoting a public way for the purpose of vehicular travel, including the entire area within the right‑of‑way, and the terms shall include roadways, pedestrian facilities, bridges, tunnels, viaducts, drainage structures, and all other facilities commonly considered component parts of highways, streets, or roads.

 (2) “Highway district” means the geographic area established by Section 57‑3‑50.

 (3) “Mass transit” shall mean every conveyance of human passengers by bus, rail, or high‑speed rail, van, or any other ground surface vehicle which is provided to the general public, or selected groups thereof, on a regular and continuing basis.

 (4) “Roadway” shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder or berm. In the event a highway includes two or more separate roadways, the term “roadway” as used herein shall refer to any such roadways separately but not to all such roadways collectively.

HISTORY: 1993 Act No. 181, Section 1507.

**SECTION 57‑3‑130.** Special permit to operate or move vehicle exceeding maximum size, weight, or load or otherwise not in conformity with requirements; fee; discretion in issuing; conditions; security; annual permit; limited applicability of Title 1, Chapter 23.

 (A) Subject to the conditions prescribed in subsection (B), the Department of Transportation, in its discretion upon application in writing and good cause being shown that it is in the public interest, may issue special permits authorizing the applicants to operate or move vehicles or combinations of vehicles of a size and weight of vehicle or load exceeding the maximum specified in Article 33, Chapter 5, Title 56 or otherwise not in conformity with the article upon a state highway. The application for the permit specifically must describe the vehicle and load to be operated or moved and the particular highways for which a permit to operate is requested. A permit must be carried in the vehicle or combination of vehicles to which it refers and must be open to inspection by a police officer or an authorized agent of the authority granting the permit. No person may violate the terms or conditions of the special permit. Fees collected pursuant to this section must be placed in the state highway fund and used for defraying the cost of issuing and administering the permits and for other highway purposes. The department may charge the following rates for oversize or overweight permits and licenses:

|  |  |  |
| --- | --- | --- |
|  |  |  |
|   | Single Trip | $30.00 |
|   | Excessive Width Over 16 feet | $35.00 |
|   | Excessive Width Over 18 feet | $40.00 |
|   | Excessive Width Over 20 feet | $45.00 |
|   | Excessive Width Over 22 feet | $50.00 |
|   | Multiple Trip (Annual) | $ 100.00 |
|   | Housemoving License (Annual) | $ 100.00 |
|   | Superload Application (Non‑Refundable) | $ 100.00 |
|   | Superload Engineer Analysis Over 130,000 pounds | $ 100.00 |
|   | Superload Engineer Analysis Over 200,000 pounds | $ 200.00 |
|   | Superload Engineer Analysis Over 300,000 pounds | $ 350.00 |
|   | Superload Impact Fee for Loads Over 130,000 pounds | $3.00/1,000 pounds |
|   | Administration Fee for Prorating Active Annual Permits | $10.00 |
|   | Administration Fee for Road Machinery Permits | $10.00 |
|   | Additional Megaload Impact Fee for Loads Over 500,000 pounds | $.05/1000 lbs/mile |

 (B)(1) The Department of Transportation may exercise its discretion in issuing permits for the movement of all types of vehicles which exceed the legal size and weight limits, if the:

 (a) load carried on the vehicle cannot be disassembled readily;

 (b) movements are made so as not to damage the highways nor unduly interfere with highway traffic.

 (2) The Department of Transportation may limit or prescribe the conditions of operation of the vehicles provided for in item (1) and may require insurance or other security it considers necessary.

 (3) The following are general provisions applicable to all oversize and overweight loads:

 (a) The granting of a permit does not constitute a waiver of the license requirements imposed by South Carolina, does not waive the liability or responsibility of the applicant which might accrue for property damage, including damage to the highways, or for personal injuries, and does not exempt the applicant from compliance with the ordinances, rules, and regulations of a municipality.

 (b) Before granting a permit, the Department of Transportation, at its discretion, may require the vehicle owner or operator to furnish a certificate showing the amount of public liability and property damage insurance carried.

 (c) All vehicles shall meet the requirements of all applicable laws and regulations.

 (d) Overwidth loads or mobile homes must be moved over sections of highways selected by the Department of Transportation.

 (e) The Department of Transportation may determine the maximum speeds at which permitted loads are to operate.

 (f) The driver shall remove the towing vehicle along with the load or mobile home from the traveled way to allow closely following traffic, five vehicles maximum, to pass and proceed. For any load traveling under police escort, this must be done at the discretion of the escort officer.

 (4) Applications for overweight and oversize permits must be submitted on forms provided by the Department of Transportation and must include all the necessary information required. Each application must be accompanied by the permit fee before it may be issued. The permit fee accompanying an application that is rejected must be returned to the person or company named within the application.

 (5) Special oversize and overweight trip permits for movement of vehicles or combinations of vehicles with individual loads on them in excess of the maximum sizes and weights allowed must receive special consideration by and have prior approval of the Department of Transportation before any part of the move to be undertaken. For loads exceeding five hundred thousand pounds, there is an additional megaload impact fee assessed on the entire gross vehicle weight on a pounds per mile basis as provided in the permits and licenses rates table contained in subsection (A).

 (6) The State reserves the right to recall or not issue permits in accordance with the limitations provided in this section if there is an abuse of the permit or the permit would cause an unnecessary amount of disruption in the normal traffic flow.

 (C) Notwithstanding the exemptions provided in Section 56‑5‑4020, the owner of vehicles or combinations of vehicles used to transport and spread soil improvement products exempted from load and size limitations shall obtain an annual special permit from the Department of Transportation which prescribes limitations on the exemption the Department of Transportation may determine necessary. The fee for the annual permits is five dollars. The fees must be used as prescribed for other fees collected pursuant to this section.

 (D) The detailed implementation of this section does not have general applicability to the public as prescribed in Chapter 23 of Title 1. Additional procedures established by the Department of Transportation for implementation are exempt from the requirement of General Assembly approval required by that chapter when the procedures are established in accordance with this section.

HISTORY: 1994 Act No. 497, Part II, Section 85A; 2008 Act No. 353, Section 2, Pt 26B.1, eff July 1, 2008; 2012 Act No. 110, Section 2, eff February 1, 2012.

**SECTION 57‑3‑140.** Permit for sheet tobacco trucks; fee; regulations; violation a misdemeanor; penalty.

 (A) The Department of Transportation, under the terms and conditions as in its judgment may be in the public interest for safety on the highways and in addition to other permits required by Title 57, may issue permits for the use on public highways of sheet tobacco trucks. For the purposes of this section “sheet tobacco truck” is defined as a vehicle used to transport tobacco in sheets which does not exceed ninety‑six inches in width at the truck bed and nine feet six inches at the widest part of the load above the truck bed. To be valid the permit must be carried on the towing vehicle, and it is unlawful for a person to violate a provision, term, or condition of the permit. The fee for each permit is fifteen dollars, and it authorizes the use of only one properly described sheet tobacco truck. The Department of Transportation may promulgate regulations to implement this section.

 (B) A person violating subsection (A) or a regulation promulgated pursuant to this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 1994 Act No. 497, Part II, Section 85A.

**SECTION 57‑3‑150.** Multiple trip permit; annual trip permit.

 (A) The Department of Transportation, under the terms and conditions it considers to be in the best interest of the public for safety on the highways, may issue multiple trip permits for the moving of over‑dimensional or overweight nondivisible loads over specified state highways determined by the Department of Transportation. The fee for the permit is as delineated in the fee schedule in Section 57‑3‑130(A), payable at the time of issuance, as long as a permit is purchased for each vehicle in the fleet, one hundred percent. A multiple trip permit is valid for one year from the date of issuance. To be valid, the original permit must be carried on the towing vehicle. It is unlawful for a person to violate a provision, term, or condition of the permit. The permit is subject at all times to inspection by a law enforcement officer or an authorized agent of the authority issuing the permit. A multiple trip permit is void one year from the date of issue or whenever the Department of Transportation is notified in writing that the permit has been lost, stolen, or destroyed.

 (B) The Department of Transportation may issue to a motor home, travel trailer, or truck camper manufacturer, dealer, or transporter an annual trip permit authorizing the unlimited commercial movement of a motor home, travel trailer, or truck camper in the manufacturer’s, transporter’s, or dealer’s possession which exceeds the maximum width specified in Section 56‑5‑4030(B). Notwithstanding the provisions contained in subsection (A), additional permit requirements must not be imposed on the commercial movement of motor homes, travel trailers, or truck campers if they comply with the provisions contained in Section 56‑5‑4030.

HISTORY: 1994 Act No. 497, Part II, Section 85A; 2002 Act No. 197, Section 4; 2008 Act No. 353, Section 2, Pt 26B.2, eff July 1, 2008.

**SECTION 57‑3‑160.** Permit for cotton modular vehicle.

 (A) Notwithstanding Section 56‑5‑4030 or another provision of Chapter 5 of Title 56, the Department of Transportation shall issue, under terms and conditions in the public interest for safety on the highways, a permit for the use on the public highways of cotton modular vehicles. The permit must be issued annually, and it allows movement on the highways at any time. For the purposes of this section, “cotton modular vehicle” is defined as a single motor vehicle used only to transport seed cotton modules, cotton, or equipment used in the transporting or processing of cotton. This cotton modular vehicle may not exceed a width of one hundred ten inches and may not exceed a length of fifty feet extreme overall dimensions, inclusive of front and rear bumpers and load. To be valid, the permit must be carried on the vehicle, and it is unlawful for a person to violate a provision, term, or condition of the permit. The fee for the permit is fifty dollars and authorizes the use of only one properly described cotton modular vehicle. Loaded cotton modular vehicles must not be operated on interstate highways.

 (B) A person violating this section, a provision, term, or condition of the permit, or a regulation promulgated pursuant to this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 1994 Act No. 497, Part II, Section 85A; 1997 Act No. 32, Section 1.

**SECTION 57‑3‑170.** Open‑end permit, deposit or bond required.

 Before issuance of an open‑end permit, the permittee shall file with the Department of Transportation a:

 (1) bond in the amount of five hundred dollars or a greater amount the applicant determines at all times equals or exceeds the net value of all open‑end permits issued to the applicant by the Department of Transportation for which payment is not received at the time of issuance, payable to the department by a surety or guaranty company authorized to do business in this State and approved by the department as surety conditional upon the lawful movement of an oversize mobile home, modular home unit, or utility building over a highway in this State and the payment to the department of amounts when due for fees provided for in Sections 56‑3‑710 and 57‑3‑180 and the compliance with all of the terms, conditions, and restrictions of an oversize permit of any sort issued to the person filing bond; or

 (2) deposit of cash or acceptable negotiable securities sufficient in the opinion of the Department of Transportation to secure adequately the sum of five hundred dollars or a greater amount the applicant may determine at all times equals or exceeds the net value of all open‑end permits to be issued to the applicant by the Department of Transportation for which payment is not received at the time of issuance. The deposit must be made upon the same conditions as those required to be set forth in the bond provided for in item (1).

HISTORY: 1994 Act No. 497, Part II, Section 85A.

**SECTION 57‑3‑180.** Records, quarterly reports concerning trips; fees; records open to audit and inspection.

 All persons to whom open‑end permits are issued shall file with the Department of Transportation before the twenty‑first day of each January, April, July, and October reports showing the number of trips made during the preceding quarter ending on December thirty‑first, March thirty‑first, June thirtieth, and September thirtieth, respectively, the dates of the trips, and other information the department may require. The fee of ten dollars a trip, required to be paid pursuant to Section 56‑3‑710, must be paid to the Department of Transportation with each report filed. However, the fee for additional trips of less than twelve miles distance made under the open‑end permits is one dollar a trip. Persons to whom open‑end permits are issued shall maintain full and complete records of all oversize mobile homes, modular home units, or utility buildings moved, the records to be open to audit and inspection by the Department of Transportation and the Department of Public Safety.

HISTORY: 1994 Act No. 497, Part II, Section 85A.

**SECTION 57‑3‑190.** Department may issue open‑end or annual permits; height maximum; owner responsible for damage.

 The Department of Transportation, in the public interest for safety on the highways, may issue open‑end or annual permits for moving oversize loads and vehicles, oversize mobile homes, modular home units, utility buildings, and steel tanks, pursuant to Sections 57‑3‑160, 57‑3‑170, and 57‑3‑180. All heights may not exceed fourteen and one‑half feet, and the owner of a transporter is responsible for damage which may occur.

HISTORY: 1994 Act No. 497, Part II, Section 85A.

**SECTION 57‑3‑200.** Department of Transportation authorized to enter into agreements to finance construction and maintenance of highways, roads, streets, and bridges.

 From the funds appropriated to the Department of Transportation and from any other sources which may be available to the Department, the Department of Transportation may expend such funds as it deems necessary to enter into partnership agreements with political subdivisions including authorized transportation authorities, and private entities to finance, by tolls and other financing methods, the cost of acquiring, constructing, equipping, maintaining and operating highways, roads, streets and bridges in this State. The provisions of this Section must not be construed to confer upon the Department of Transportation or political subdivisions any power to finance by tolls or other means the acquisition, construction, equipping, maintenance or operation which the Department of Transportation or political subdivisions does not possess under other provisions of this Code.

HISTORY: 1994 Act No. 497, Part II, Section 128.

**SECTION 57‑3‑210.** Contracting with private operators of public transit systems; coordination of funding and resources; annual progress report of department; reporting requirements for entities using public funds for public transportation purposes; exemptions.

 (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.

HISTORY: 2010 Act No. 206, Section 7, eff June 7, 2010.

**SECTION 57‑3‑220.** Interim use of railroad right‑of‑way corridor held for railroad right‑of‑way preservation; reporting requirements.

 (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.

HISTORY: 2010 Act No. 206, Section 7, eff June 7, 2010.

**SECTION 57‑3‑230.** Secretary authorized to convene special advisory committee; purpose; membership; participation of other state agencies.

 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.

HISTORY: 2010 Act No. 206, Section 7, eff June 7, 2010.

ARTICLE 7

Powers and Duties Generally

**SECTION 57‑3‑600.** Newly constructed roads.

 Before a county or municipal corporation may accept a deed to a newly constructed road or agree to maintain a newly constructed road, it shall obtain an affidavit from the donor and the contractor who constructed the road that all construction costs have been paid, that the road complies with all applicable construction specifications and standards for construction, and that the road is free of all encumbrances.

 A donor or contractor who knowingly submits a false affidavit affirming that all construction costs have been paid for a road or that a road is free of all encumbrances, or both, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

 For the purposes of this section, a “newly constructed road” is one which has been completed within two years of the date of the city’s or county’s consideration of whether to accept the deed or to maintain a newly constructed road.

HISTORY: 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑610.** Naming a road, bridge, or highway in honor of an individual.

 Whenever a road, bridge, or other highway facility is dedicated and named in honor of an individual by act or resolution of the General Assembly, the Department of Transportation must be reimbursed all expenses incurred by the department to implement the dedication.

 Reimbursement for expenses incurred by the department must first be approved by a majority of each county legislative delegation of the county in which the road, bridge, or facility is located. Reimbursement must be from the State Secondary “C” Apportionment Fund of the county or counties in which the road, bridge, or facility is located, and expenses under this section are limited to five hundred dollars.

 Reimbursement for expenses incurred by the department to name and dedicate a highway facility pursuant to a request from other than the General Assembly must be by agreement between the requesting entity and the department.

HISTORY: 1962 Code Section 33‑71; 1952 Code Section 33‑71; 1951 (47) 457; 1977 Act No. 82 Section 5; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑615.** Highway tolls; usage.

 If a toll is administered on a project by the Department of Transportation, the toll must be used to pay for the construction, maintenance costs, and other expenses for only that project. A toll project that is in excess of one hundred fifty million dollars may only be initiated as provided in Chapter 37 of Title 4.

 No toll may be imposed on passage of any vehicle on federal interstate highways in this State which were in existence as of January 1, 1997, unless the imposition is otherwise affirmatively approved by the General Assembly in separate legislation enacted solely for that purpose.

HISTORY: 1994 Act No. 309, Section 1; 1995 Act No. 52, Section 4; 1997 Act No. 148, Section 3.

**SECTION 57‑3‑618.** Imposition and collection of toll on Interstate 73.

 Notwithstanding another provision of law, the Department of Transportation may impose and collect a toll on the proposed Interstate 73 corridor upon completion of this highway project. This toll must be used to pay for the cost of planning, right‑of‑way acquisitions, financing, construction, operation, and other expenses associated with this highway project, and for the removal of the tolls upon payment of all such costs. This toll must not be imposed upon a state‑owned or district‑owned school bus.

HISTORY: 2006 Act No. 228, Section 1, eff February 6, 2006.

**SECTION 57‑3‑625.** Improvements bordering right‑of‑way at signal‑controlled intersection; demolition or alteration of permanent building may not be required; property owner not to pay.

 If access to a particular property or properties is controlled by a traffic signal, the Department of Transportation may require that improvements be made to the property within five hundred feet of the department’s right of way which are necessary to improve traffic flow at the intersection controlled by the traffic signal. The required improvements must be limited to lane widening, adding a lane, curb cuts, medians, and similar improvements. Under this section, demolition or alteration of a permanent building on the property must not be required by the department. The property owner is not required to pay for improvements performed by the department.

HISTORY: 1993 Act No. 119, Section 1.

**SECTION 57‑3‑630.** Bringing of suits.

 The department may bring suits in its name, whenever a cause of action shall accrue to the State by reason of the injury, damage, destruction, or obstruction of any road in the state highway system, any bridge, culvert, ditch, causeway, embankment, wharf, tollgate, tollhouse, or other facility or any equipment, apparatus, or property, real or personal, belonging to the state highway system. Suits for the recovery of appropriate damages, and other proceedings incident thereto, shall be instituted in any court of competent jurisdiction, for and in behalf of the State in the name of the department as plaintiff. Complaints and other pleadings requiring verification may be verified by the director or any other person duly authorized by him.

HISTORY: 1962 Code Section 33‑73; 1952 Code Section 33‑73; 1951 (47) 457; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑640.** Driveways and roads in state parks.

 The department may construct and maintain necessary driveways and roads in state parks. All work to be performed by the department pursuant to the provisions of this section shall be with the consent and approval of the Department of Parks, Recreation and Tourism, and such work shall not result in the assumption by the department of any liability whatsoever on account of damages to property, injuries to persons or death growing out of or in any way connected with such work. Such driveways and roads taken over in state parks shall not affect the respective counties’ portion of mileage to be taken over by the department under any other statute. The construction and maintenance work by the department authorized by this section shall be paid for from the state highway fund.

HISTORY: 1962 Code Section 33‑74; 1952 Code Section 33‑74; 1951 (47) 457; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑650.** Restoration, preservation, and enhancement of scenic beauty along highways; information centers.

 (a) Highway construction and maintenance by the department as authorized in this title shall include the authority to acquire strips of land along highways and to landscape and develop the strips and other lands within the highway right‑of‑way in order to restore, preserve, and enhance the scenic beauty along the highways. The department may construct and maintain on such land public rest and recreational areas or trails, roadside parks, sanitary and other facilities reasonably necessary to accommodate the traveling public.

 (b) In order to provide information in the specific interest of the traveling public, the department is authorized to construct and maintain such information centers at the aforesaid recreational and rest areas as it may deem desirable. For the purpose of informing the public of places of interest within the State and providing such other information as may be considered desirable, these centers shall distribute maps, informational directories, and advertising pamphlets. Information centers shall be staffed by persons hired and paid by the Department of Parks, Recreation and Tourism.

 (c) The department is authorized to enter into agreements with the United States Secretary of Commerce as provided for in Title 23 of the United States Code, relating to the establishment and operation of information centers at rest and recreational areas, and to take action in the name of the State to comply with the terms of such agreements.

HISTORY: 1962 Code Section 33‑74.1; 1961 (52) 288; 1965 (54) 271; 1966 (54) 2106; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑660.** Streets, roads, and driveways at state institutions.

 The department may hard surface and otherwise improve such streets, roads, and driveways, including sidewalks, at state institutions as the department, together with the board of trustees or other governing body of any such state institution, may deem necessary. The cost of such improvements shall be paid for out of the state highway fund.

HISTORY: 1962 Code Section 33‑75; 1952 Code Section 33‑75; 1951 (47) 457; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑670.** Cooperation and contracts with Federal Highway Administration.

 The department may cooperate and enter into contracts with the Federal Highway Administration and do any and all things necessary to carry out the provisions of any Federal‑Aid Highway Act, including, but not limited to, the planning, construction, and maintenance of federal‑aid highways, access roads, flight strips, and all other eligible projects, regardless of whether such projects are a part of the state highway system and may condemn or otherwise acquire lands necessary for rights‑of‑way in connection therewith under the procedure prescribed by law in condemning and acquiring lands for state highway purposes.

HISTORY: 1962 Code Section 33‑76; 1952 Code Section 33‑76; 1951 (47) 457; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑680.** Federal‑aid projects which are not part of state system.

 If any such project to be constructed under the provisions of Section 57‑3‑670 is not a part of the state highway system, no part of the actual costs of rights‑of‑way, construction, or maintenance shall be paid for from state highway funds. Any political subdivision having jurisdiction over a project not a part of the state highway system shall deposit with the department its estimated share of the cost of such project before the contract is awarded, except that state highway funds may be advanced to meet current payments to contractors and others when existing agreements provide for reimbursements by the federal government of such funds advanced by the department. Article 13 of Chapter 5 of this title shall not apply to any project that is not a part of the state highway system.

HISTORY: 1962 Code Section 33‑77; 1952 Code Section 33‑77; 1951 (47) 457; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑690.** Construction of county roads with Federal funds.

 Whenever the department shall with federal funds, undertake the construction of any county road or shall, in anticipation of federal funds becoming available for such purpose, establish the location of any such road, the lawfully authorized officials of the county concerned shall provide, without cost to the department, all necessary rights‑of‑way for such construction, including lands for borrow and material pits. In order to secure such rights‑of‑way and other necessary lands such county officials may exercise any or all of the usual powers of condemnation lawfully authorized to be exercised by them in the case of other county roads.

HISTORY: 1962 Code Section 33‑78; 1952 Code Section 33‑78; 1942 Code Section 5866‑1; 1936 (39) 1309; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑700.** Department as agent for counties.

 With the approval of the commission, the county officials may designate the department, acting through its agents and employees, as agents of the county in securing necessary rights‑of‑way and other lands.

HISTORY: 1962 Code Section 33‑79; 1952 Code Section 33‑79; 1942 Code Section 5866‑1; 1936 (39) 1309, 1987 Act No. 173 Section 37; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑710.** Counties shall make land payments and be liable for damages.

 All payments to be made or obligated on account of rights‑of‑way and other lands acquired for the purposes contemplated by Section 57‑3‑690 shall be made by the county on order of the department. Any person having any claim on account of damages to property, injuries to person, or death growing out of any such construction as is contemplated in said section shall have such right of action against the county concerned as is authorized by law, and the remedy thus afforded shall be exclusive.

HISTORY: 1962 Code Section 33‑80; 1952 Code Section 33‑80; 1942 Code Section 5866‑1; 1936 (39) 1309; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑720.** Access facilities to state ports shipping and warehousing facilities.

 The department is authorized to construct and maintain street and road access facilities to state ports shipping and warehousing facilities, airports, railroad marshalling yards, and trucking terminals, the cost of same to be paid from the state highway fund; provided, however, that all such construction and maintenance shall be limited to work on publicly owned property.

HISTORY: 1962 Code Section 33‑80.1; 1969 (56) 738; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑730.** Cooperation with drainage districts in carrying drainage canals across state highways.

 The department may cooperate with any drainage district within the State, organized in accordance with the laws of the State, in order to carry drainage canals across state highways. But the cost to be assumed by the department incident to any such crossing shall not exceed the actual cost of the structure necessary to carry the waters of the drainage canal across the state highway.

HISTORY: 1962 Code Section 33‑81; 1952 Code Section 33‑81; 1951 (47) 457; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑750.** Records of road projects, contacts, and force accounts, must be kept and open.

 A full account of each road project shall be kept by the department so that it may ascertain at any time the expenditures or liabilities against all projects. The department shall also keep records of contracts and force account work. The account records, together with all supporting documents, shall be open at all times to the inspection of the Governor, other state officials, and the public.

HISTORY: 1962 Code Section 33‑83; 1952 Code Section 33‑83; 1951 (47) 457; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑755.** Online transaction register of all funds expended; exemption; role of Comptroller General.

 (A) The Department of Transportation shall maintain a transaction register that includes a complete record of all funds expended, from whatever source for whatever purpose. The register must be prominently posted on the department’s Internet website and made available for public viewing and downloading.

 (1)(a) The register must include for each expenditure:

 (i) the transaction amount;

 (ii) the name of the payee;

 (iii) the identification number of the transaction; and

 (iv) a description of the expenditure, including the source of funds, a category title, and an object title for the expenditure.

 (b) The register must include all reimbursements for expenses, but must not include an entry for salary, wages, or other compensation paid to individual employees.

 (c) The register must not include a social security number.

 (d) The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.

 (e) At the option of the department, the register may exclude any information that can be used to identify an individual employee.

 (f) This section does not require the posting of any information that is not required to be disclosed under Chapter 4, Title 30.

 (2) The register must be searchable and updated at least once a month. Each monthly register must be maintained on the Internet website for at least three years.

 (B) The department shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the department, that posts on its Internet website the institution’s monthly state procurement card statements or monthly reports containing all or substantially all of the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the institution can be found. The information posted may not contain the state procurement card number.

 (C) Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.

 (D) In the event the department has a question or issue relating to technical aspects of complying with the requirements of this section or the disclosure of public information under this section, it shall consult with the Office of Comptroller General, which may provide guidance.

 (E) The Department of Transportation may fulfill the requirements of this section by providing, on its Internet website, a link to the Internet website of another state agency, to the extent that the link provides the information required by this section.

HISTORY: 2012 Act No. 230, Section 1, eff June 18, 2012.

**SECTION 57‑3‑760.** Annual report.

 The department, at the beginning of each regular session of the General Assembly, shall make a full, printed, detailed report to the General Assembly showing an analysis of:

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

 (2) a ten‑year plan detailing future needs of the State in the fields of planning, construction, maintenance, and operation of the state highway system;

 (3) a five‑year plan detailing the regulation of traffic which includes the administration and enforcement of traffic, driver, and motor vehicle laws and other laws relating to such subjects, the coordination of state and federal programs relating to mass transportation among the departments, agencies, and other bodies politic and legally constituted agencies in the State; and

 (4) a listing of all firms, companies, or businesses of any type doing business with the department and the amount of such contracts entered into by the department.

HISTORY: 1962 Code Section 33‑84; 1952 Code Section 33‑84; 1951 (47) 457; 1977 Act No. 82 Section 6; 1992 Act No. 501, Part II Section 41F; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑770.** Gift of dirt and topsoil to landowner.

 The department when cleaning or removing dirt and topsoil from ditches or roadbeds along roads, highways, and highway rights‑of‑way under its jurisdiction is authorized to give this dirt and topsoil to the landowner whose property adjoins the road which is being cleaned. The department is further authorized to haul this dirt and topsoil to a location on the adjoining landowner’s property which location is designated by him; provided, that this location must be within one hundred yards of the road being cleaned.

HISTORY: 1984 Act No. 443, Section 1; 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑780.** Determinations required as to feasibility of high occupancy vehicle lanes, sidewalks, and bicycle lanes.

 Before building new or expanding existing primary highways, roads, and streets, the department shall consider and make a written determination whether it is financially and physically feasible to include:

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

 (2) pedestrian walkways or sidewalks; and

 (3) bicycle lanes or paths.

 A copy of this determination must be submitted to the State Energy Office.

HISTORY: 1993 Act No. 181, Section 1508.

**SECTION 57‑3‑785.** Highway construction work zone signs.

 (A) The Department of Transportation shall require the placement of construction work zone signs when necessary to inform motorists of ongoing construction. The department shall direct the removal of these signs when work is substantially completed and normal traffic flow has resumed. The department shall assume responsibility for traffic maintenance upon the removal of these signs pursuant to this section.

 (B) Work zone signs posted pursuant to Section 56‑5‑1535(C)(1) must be removed or covered with weather resistant material when a work zone becomes inactive for more than three days.

HISTORY: 2001 Act No. 2, Section 1.