**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3828**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pendarvis and Moore

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Introduced in the House on January 31, 2019

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: South Carolina Developer-Provided Transit Stop

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/31/2019 House Introduced and read first time ([House Journal‑page 57](file:///h:\hj\20190131.docx))

1/31/2019 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 57](file:///h:\hj\20190131.docx))

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**VERSIONS OF THIS BILL**

[1/31/2019](file:///p:\pprever\2019-20\3828_20190131.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 7, TITLE 6 SO AS TO ENACT THE “SOUTH CAROLINA DEVELOPER‑PROVIDED TRANSIT STOP ACT” TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO INCENTIVIZE DEVELOPERS OF CERTAIN HOUSING PROJECTS THAT ADJOIN OR ARE WITHIN A HALF MILE OF A PUBLIC TRANSIT LINE TO PROVIDE SPACE AND APPROPRIATE BUS STOP INFRASTRUCTURE FOR TRANSIT RIDERS INCLUDING A SAFE, WALKABLE PATH ON THEIR PROPERTY TO SUCH STOPS; AND TO AMEND SECTION 12‑6‑3420, RELATING TO TAX CREDITS FOR THE CONSTRUCTION OR IMPROVEMENT OF CERTAIN INFRASTRUCTURE PROJECTS, SO AS TO PROVIDE A TAX CREDIT FOR EXPENSES ACCRUED BY A TAXPAYER TO BUILD, CONSTRUCT, OR OTHERWISE PROVIDE SPACE AND APPROPRIATE BUS STOP INFRASTRUCTURE IN CONJUNCTION WITH THE DEVELOPMENT OF A HOUSING PROJECT THAT RECEIVED ONE OR MORE OF THE LOCAL GOVERNMENT INCENTIVES PROVIDED PURSUANT TO THIS ACT.

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

SECTION 1. This act shall be known and may be cited as the “South Carolina Developer‑Provided Transit Stop Act”.

SECTION 2. Chapter 7, Title 6 of the 1976 Code is amended by adding:

“Article 5

South Carolina Developer‑Provided Transit Stop Act

Section 6‑7‑510. (A) The General Assembly finds:

(1) After decades of migration to the suburbs many South Carolinians are returning to the city to live, in part because traffic has become so congested in certain metropolitan areas that commuting has become an increasingly frustrating, inefficient, and costly endeavor.

(2) Traffic studies have shown that over time traditional attempts to alleviate congestion by constructing more highways inevitably creates more sprawl and, eventually, more congestion.

(3) Driving‑based lifestyles demand the construction of ever more roads, interchanges, driveways, garages, and parking facilities, the supply of which is never enough, since traffic increases as soon as new roads or lanes are constructed.

(4) Consequently, younger Americans especially are choosing to travel less or use emerging transportation modes; a recent report concluded that the average number of vehicle miles travelled had dropped twenty‑three percent since 2001 for people age sixteen to thirty‑four.

(5) The aging of America also points to a need for more transportation options. By 2029, more than one million South Carolinians will be older than sixty‑five, according to estimates.

(6) These older adults will require travel alternatives, since one in five people over age sixty‑five do not drive. Moreover, studies show that nondrivers over age sixty‑five who live in more densely populated areas with more transit options are more likely to use transit and less likely to stay home on a given day because they can get to needed services such as doctor appointments and grocery stores.

(7) Differently abled persons need better transit stops so they can reach medical care, employment and educational opportunities so that they are better able to support themselves through gainful employment and have more fulfilling lives.

(8) Persons who have lost their driver’s license due to the accumulation of points or legal violations are less likely to drive without a license or insurance if transit is available and safe to use. Fewer uninsured drivers on the road will reduce the cost of accidents and insurance for those who drive with a license and insurance.

(9) Attractive welcoming transit stops can be opportunities for a community and developer to express the character of their community through architecture and art.

(B) The purpose of this act is to break the vicious circle in which the established policies, regulations, and design methods put in place to cope with increased congestion increasingly generate even greater congestion. To this end, South Carolina’s counties and municipalities must possess the authority to incentivize developers of certain housing projects that adjoin or are within a half mile of a public transit line to provide space and appropriate bus stop infrastructure for transit riders including a safe, walkable path on their property to such stops.

(C) Pursuant to subsection (B), the appropriate local government agency, board, commission, department, office, or governing body may consider offering one or more of the following incentives to a housing developer in exchange for the developer’s pledge to build, construct, or otherwise provide space and appropriate bus stop infrastructure for transit riders including a safe, walkable path on their property to such stops if the housing project adjoins or is within a half mile of a public transit line:

(1) expediting or prioritizing the review and processing of all areas requiring land use permitting or approvals;

(2) reducing or waiving fees, or allowing alternative methods to pay fees;

(3) allowing flexibility in densities for the housing project;

(4) reducing parking and setback requirements for the housing project;

(5) allowing flexible lot configurations, including zero‐lot‐line configurations;

(6) modifying street requirements for the housing project; or

(7) another lawful incentive considered prudent in the judgement of the appropriate local government agency, board, commission, department, office, or governing body.

(D) A transit or bus stop facility constructed in exchange for one or more of the incentives provided in this section must be:

(1) approved by the appropriate local transit authority and permitting authority prior to construction;

(2) completed and fit for use prior to the issuance of the certificate of occupancy for the housing project; and

(3) deeded to the appropriate local transit authority, county, or municipality for the purpose of resolving future potential liability in connection with activities or incidents occurring at a transit or bus stop built, constructed, or provided pursuant to provisions of this section.”

SECTION 3. Section 12‑6‑3420(A) of the 1976 Code is amended to read:

“(A) A corporation may claim a credit for the construction or improvement of an infrastructure project against taxes due under Section 12‑6‑530 or Section 12‑11‑20 for:

(1) expenses paid or accrued by the taxpayer;

(2) contributions made to a governmental entity; ~~or~~

(3) contributions made to a qualified private entity in the case of water or sewer lines and their related facilities in areas served by a private water and sewer company; or

(4) expenses accrued by the taxpayer to build, construct, or otherwise provide space and appropriate bus stop infrastructure in conjunction with the development of a housing project that received one or more of the local government incentives provided pursuant to Section 6‑7‑510.”

SECTION 4. This act takes effect upon approval by the Governor.

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