

The Bottom Line: SCDOT Modernization

H. 5071 and S. 831 are broad SCDOT modernization bills that restructure how the South Carolina Department of Transportation is governed. The bill expands public-private partnership authority, tightens tolling rules, and creates a process for transferring some nonessential state roads to local governments, by mutual consent. It also adds local funding options, new enforcement/data-sharing tools for tolls, and a NEPA-assignment framework with reporting requirements.

Governance changes

The bill moves the Secretary of Transportation appointment power to the Governor, with Senate advice and consent, and makes the secretary serve at the Governor's pleasure. It also changes the DOT commission so all members are governor-appointed, removes the at-large model from the prior version, and allows the Governor to remove commission members at discretion.

Planning and oversight

H. 5071 updates DOT planning duties so the department develops the long-range statewide transportation plan and program priorities using criteria like safety, congestion, economic development, pavement quality, and life-cycle cost. It also strengthens internal audit requirements and requires final audit reports to be shared with legislative leaders and posted publicly.

Public-private partnerships

The bill adds a new section letting DOT use public-private partnerships for highways, bridges, transit, and related facilities. Those deals can include design-build, concession, lease, availability-payment, and similar structures, and can authorize tolls, user fees, dynamic pricing, and toll-by-mail or camera enforcement for qualifying projects.

Tolling rules

The bill tightens when tolls can be imposed and says toll revenue must be used only for the project that generated it. It generally bars tolls on existing interstate highways from January 1, 1997, unless separately approved by the General Assembly, while allowing tolls for turnpike facilities, certain managed/choice lanes, and approved public-private projects.

Local road transfers

The bill creates a program for DOT to identify roads that are not essential to the state highway system and transfer them, **by mutual consent**, to counties, municipalities, or other entities. If a county or municipality accepts all identified roads in its area, it can gain funding flexibility such as relief from certain C-fund requirements, authority for an additional 2-cent sales tax in some cases, and authority to levy extra millage for road maintenance.

Other major provisions

The bill adds rules for reciprocal enforcement of toll violations with other jurisdictions, data-sharing between DOT and DMV for toll enforcement, and a NEPA-assignment program under federal law with a manual and annual reporting. It also changes municipal consent rules for DOT work inside municipalities and adjusts turnpike-facility financing provisions.

Plain-English takeaway

In practical terms, the bill centralizes more control at the Governor and DOT leadership, opens the door wider for private financing and toll-based projects, and gives local governments a path to take over some roads with extra local funding tools. It is one of the larger transportation-structure bills in the session rather than a narrow fix.