

From: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
To: Danny Varat <DannyVarat@scstatehouse.gov>
Date: 3/21/2017 9:46:08 AM
Subject: RE: Constituents in Anderson

So I have looked at a way to put something in place regarding reduced speed at a school bus stop however I don't think it can be done by proviso. Currently the county or municipality is responsible for establishing school zones and school zone speed limits and they would be the body that could do the same for a school bus stop. From what I have reviewed a county or municipality already has the authority to create a similar rule for school bus stops, pursuant to 56-5-1540. However the law requires that it be based on a traffic investigation, though I suspect that a petition could initiate the investigation.

As far as putting anything regarding this in proviso, the only remotely appropriate proviso would be 1.16 dealing with school bus insurance. However a proviso would be more appropriately in the transportation section and there weren't any that looked like this could tie in.

Outside of the above, there are education laws requiring safe bus routes that in theory would allow a parent (or group of parents) to request a new safer bus stop. (I have worked with a constituent on this before) However judging from the location of this road, there wouldn't really be a viable alternative bus stop.

Thoughts?

Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
CatherineMcNicoll@SCStatehouse.gov
803-734-5292 (phone)

From: Danny Varat
Sent: Monday, March 20, 2017 3:57 PM
To: Catherine McNicoll
Subject: Re: Constituents in Anderson

Any flexibility if the road is used by a school bus?

From: Catherine McNicoll
Sent: Monday, March 20, 2017 3:51 PM
To: Danny Varat
Subject: RE: Constituents in Anderson

Several things need to occur. The road needs to be classified as residential, it needs to be in an urban area, it needs to have a speed limit under 30, and it must have a daily traffic volume of less than 4000. Per Rule 24 a proviso can temporarily suspend a permanent law but it cannot amend, add, or repeal a law. Here there is a combination of local ordinance (classification of the road and the Anderson Speed Hump Program Ordinance), and state law (the other provisions), plus the requirements are tied into other provisions (i.e. the definition for Urban Districts is used in many laws.). You couldn't accomplish this through temporarily suspending laws because once the proviso was removed you would have an illegal speed hump.

Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
CatherineMcNicoll@SCStatehouse.gov
803-734-5292 (phone)

From: Danny Varat
Sent: Monday, March 20, 2017 3:25 PM
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Subject: Re: Constituents in Anderson
Not necessarily. The real question is what changes are needed? Can they be accomplished by proviso?

From: Catherine McNicoll
Sent: Monday, March 20, 2017 2:59 PM
To: Danny Varat
Subject: RE: Constituents in Anderson

Danny, I have found the story and looking at the story in comparison to the law, it looks like they followed the law. Would you still like me to try to contact the two from the story?

<http://www.foxcarolina.com/story/34935430/citing-dangers-residents-in-anderson-co-petition-for-speed-bumps>

Best Regards,

Catherine McNicoll

Director of Legal & Legislative Affairs

Lieutenant Governor's Office

CatherineMcNicoll@SCStatehouse.gov

803-734-5292 (phone)

From: Danny Varat
Sent: Friday, March 17, 2017 4:48 PM
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Subject: Re: Constituents in Anderson

I can't find the news story on their website, so, please contact Fox Carolina and see if they can get you to them.

<http://www.foxcarolina.com/>

From: Catherine McNicoll
Sent: Friday, March 17, 2017 3:50 PM
To: Danny Varat
Subject: FW: Constituents in Anderson

Danny, Below is a very thorough answer from Kevin at DOT. If you can put me in contact with the constituents I can try to sort out which Gentry Road and whether speed humps would be permissible or if they are prohibited. Thank you.

Best Regards,

Catherine McNicoll

Director of Legal & Legislative Affairs

Lieutenant Governor's Office

CatherineMcNicoll@SCStatehouse.gov

803-734-5292 (phone)

From: McLaughlin, Kevin R [<mailto:McLaughlKR@scdot.org>]
Sent: Friday, March 17, 2017 2:18 PM
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Subject: RE: Constituents in Anderson

Catherine,

Good afternoon. I have copied a couple of links below and cut/pasted a section from Title 57 of the SC Code of Laws. First link is SCDOT's Traffic Calming Policy, for consideration of traffic calming devices on State roads. We do not permit traditional speed bumps. What may be possible through our policy is the application of speed humps. Similarly, Anderson County Roads and Bridges has a policy concerning the possibility of speed humps on roads

maintained by them in Anderson County, and the second link below goes directly to this policy within their web page. I noted using mapping resources that 2 roads in Anderson County are named Gentry Road, and both of these roads are not in the State Highway System and likely maintained by Anderson County Roads and Bridges. Their policy includes reference to the section of SC Law pasted below.

Let me know if you have any questions concerning this information and have a great weekend.

Thanks, Kevin

Kevin R. McLaughlin

SCDOT District Two Engineering Administrator

864 227 6971 Office

864 889 8011 Direct in Office

864 910 0458 Cell



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http://www.scdot.org/doing/technicalPDFs/publicationsManuals/trafficEngineering/SCDOT_TCG_06.pdf

<http://www.andersoncountysc.org/Portals/0/Departments/Roads%20and%20Bridges/Documents/SpeedHump.pdf>

HISTORY: 2012 Act No. 224, Section 3, eff June 18, 2012.

ARTICLE 3

Obstructions and Drainage

SECTION 57-7-210. Obstructions in highways.

It shall be unlawful for any person wilfully to obstruct ditches and drainage openings along any highway, to place obstructions upon any such highway or to throw or place on any such highway any objects likely to cut or otherwise injure vehicles using them. A violation of this section shall be punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days.

HISTORY: 1962 Code Section 33-491; 1952 Code Section 33-491; 1949 (46) 466.

SECTION 57-7-220. Removal of obstructions in highways.

Any time during the year when any public highway shall be obstructed, any overseer of the district in which it may be shall forthwith cause such obstruction to be removed.

HISTORY: 1962 Code Section 33-493; 1952 Code Section 33-493; 1942 Code Section 5828; 1932 Code Section 5828; Civ. C. '22 Section 2921; Civ. C. '12 Section 1946; 1902 (23) 1007.

SECTION 57-7-230. Speed-control devices in certain areas not deemed obstructions.

(1) Municipalities or counties may, upon roads and streets in residential areas or school zones, construct and maintain speed-control devices as they deem necessary upon the basis of an investigation of the area. Such devices shall consist of a mound, rib or hump with sloping sides, extending across a road or street, and not exceeding six inches in height above the street or road surface. Provided, however, the speed limit in any such area shall be posted at twenty-five miles per hour or less and signs shall be erected warning of the existence of the devices.

(2) Speed-control devices, when constructed and posted according to this section, shall not be deemed obstructions of the road or street, and no action may be brought on behalf of any party against a municipality or county for damages occasioned thereby.

HISTORY: 1962 Code Section 33-494; 1969 (56) 635.

SECTION 57-7-240. Obstruction of roads by railroad cars and other obstacles.

If any person shall obstruct unnecessarily any street, public road or highway by permitting any railroad car or locomotive to be or remain upon or across any street, public road or highway for a longer period than five minutes, after notice to remove such car or locomotive has been given to the conductor, engineer, agent or other person in charge of such car or locomotive or shall permit any timber, wood or other obstruction to remain upon or across any such street, road or highway to the hindrance or inconvenience of travelers or any person passing along or upon such street, road or highway, such person so offending shall forfeit and pay for every such offense a sum not exceeding twenty nor less than five dollars and shall be liable for all damages arising to any highway, to be recovered by an action at the suit of the county in which such offense shall have been committed or any person suing for the same, before any magistrate within the county in which such offense shall have been committed or by indictment in the court of general sessions or suit in the court of common pleas. All fines so accruing under the provisions of this section, when collected, shall be paid over by the magistrate to the county treasurer for the district in which such offense was committed. Every twenty-four hours such person, after being notified, shall suffer such obstruction to remain, to the hindrance or inconvenience of travelers or any person going along or upon such road or highway, shall be deemed an additional offense against the provisions of this section.

HISTORY: 1962 Code Section 33-495; 1952 Code Section 33-495; 1942 Code Section 5829; 1932 Code Section 5829; Civ. C. '22 Section 2922; Civ. C. '12 Section 1947; Civ. C. '02 Section 1375; 1896 (22) 234; 1902 (23) 1007.

SECTION 57-7-250. Obstruction of drainage or emptying water in road by railroads.

It shall be unlawful for any railroad company to obstruct, by its roadbed or otherwise, the drainage of any public road or highway, or to empty the water from its ditches into any public road or highway, to the injury of such highway. If any railroad company, being warned by the overseer of the proper district by leaving a written notice with any agent or informing any station agent of the railroad company personally, shall refuse or neglect to remedy any such obstruction to the satisfaction of the overseer, it shall forfeit and pay a sum not exceeding fifty nor less than twenty dollars, to be recovered by an action at the suit of the county before any magistrate. And every ten days such railroad company, after being notified, shall neglect or refuse to remedy such offense shall be deemed an additional offense against the provisions of this chapter. Any money so collected shall be paid by the magistrate collecting it to the county treasurer, and the money so paid over shall become a part of the county road fund.

HISTORY: 1962 Code Section 33-496; 1952 Code Section 33-496; 1942 Code Section 5831; 1932 Code Section 5831; Civ. C. '22 Section 2924; Civ. C. '12 Section 1949; 1902 (23) 1008.

From: Catherine McNicoll [mailto:CatherineMcNicoll@scstatehouse.gov]

Sent: Friday, March 17, 2017 1:24 PM

To: McLaughlin, Kevin R

Subject: Constituents in Anderson

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Good Afternoon Kevin,

The Lieutenant Governor has been approached about a road issue in Anderson. There has apparently been a request for speed bumps on Gentry Rd that was rejected by the county because state law prohibits speed bumps on the type of road the Gentry is. I was hoping you could direct me to the applicable state law. Please let me know if you need more information and I will get it. Thank you for your help.

Best Regards,

Catherine McNicoll

Director of Legal & Legislative Affairs

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803-734-5292 (phone)