



Richland County Council
Transportation Improvement Public Hearing
AGENDA
July 9, 2024 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

1. **Call to Order**

The Honorable Jessica Mackey, Chair
Richland County Council

2. **Adoption of Agenda**

3. **Public Hearing:**

The Honorable Jessica Mackey

- a. Authorizing the imposition of a one percent (1%) Transportation Sales and Use Tax within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended, determining (I) the categories of projects to be funded with the tax, (II) the maximum time for imposition of the tax, and (III) the estimated capital cost of the projects; directing the Board of Voter Registration and Elections of Richland County to conduct a county-wide referendum on the imposition of the tax and the issuance of General Obligation Bonds; prescribing the contents of the ballot questions; and other related matters. **[PAGES 2-14]**

4. **Adjournment**

The Honorable Jessica Mackey

Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____

AUTHORIZING THE IMPOSITION OF A ONE PERCENT (1%) TRANSPORTATION SALES AND USE TAX WITHIN RICHLAND COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; DETERMINING (I) THE CATEGORIES OF PROJECTS TO BE FUNDED WITH THE TAX, (II) THE MAXIMUM TIME FOR IMPOSITION OF THE TAX, AND (III) THE ESTIMATED CAPITAL COST OF THE PROJECTS; DIRECTING THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF RICHLAND COUNTY TO CONDUCT A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS; PRESCRIBING THE CONTENTS OF THE BALLOT QUESTIONS; AND OTHER RELATED MATTERS.

WHEREAS, the Richland County Council ("*County Council*") is the governing body of Richland County, South Carolina ("*County*");

WHEREAS, pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended ("*Act*"), subject to referendum approval by a majority of qualified electors, a county governing body may impose by ordinance a sales and use tax within its jurisdiction in an amount not to exceed one percent (1%) ("*Transportation Penny*") to fund multiple projects and for a specific period of time to collect a limited amount of money;

WHEREAS, the proceeds of a Transportation Penny may be expended on highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects facilities including but not limited to, drainage facilities relating to the highways, roads, streets, bridges, and other transportation-related projects ("*Eligible Projects*");

WHEREAS, Eligible Projects may be operated by a county or jointly-operated projects of a county and other governmental entities;

WHEREAS, the proceeds of a Transportation Penny may pay for (i) the capital costs associated with Eligible Projects, (ii) the operating costs of a mass transit system and such other costs that may be tethered to a specific transportation-related project or the administration of a specific transportation project as further described in South Carolina Revenue Ruling #22-2 ("*Revenue Ruling*") issued by the South Carolina Department of Revenue ("*DOR*") on April 18, 2022 (collectively, (i) and (ii) are "*Eligible Costs*"), and (iii) the debt service and costs of issuance relating to any bonds issued to pay for Eligible Projects;

WHEREAS, in 2012, the County, after referendum approval by qualified electors, imposed a Transportation Penny ("*Prior Penny*") to fund multiple Eligible Projects;

WHEREAS, in late 2023, the County directed the completion of a county-wide Transportation Needs Assessment (“*Needs Assessment*”) by a third-party engineering firm (“*Engineer*”);

WHEREAS, in the course of conducting the Needs Assessment, the Engineer and County staff have held multiple public input sessions in each County Council district and solicited needs from other key stakeholders including the municipalities located with the County;

WHEREAS, the Needs Assessment together with the public input and the needs identified by the stakeholders reflects the current transportation needs of the entire County, all of which qualify as Eligible Projects (“*Current Needs*”);

WHEREAS, the County also anticipates there will be emerging transportation needs that could result from new or continued growth and development, continued aging or obsolescence of the County’s transportation infrastructure or a weather-related event, all of which would qualify as Eligible Projects (“*Emerging Needs*”);

WHEREAS, the County has solicited needs from the Central Midlands Regional Transit Authority regarding its mass transit system (“*COMET*”);

WHEREAS, the COMET has experienced significant growth funded by the Prior Penny and forecasts future growth in ridership and routes that are necessary to keep pace with the County’s overall growth and development. To address future growth, the COMET’s board of directors developed and presented to County Council a multi-year plan for service enhancement that identifies a number of projects, all of which qualify as Eligible Projects (“*COMET Needs*,” and together with Current Needs and Future Needs, “*Transportation Needs*”);

WHEREAS, by its Resolution adopted on March 19, 2024, the County Council requested the Richland County Transportation Advisory Committee (“*TPAC*”) review the Transportation Needs and recommend principles by which the County would undertake the Transportation Needs. The TPAC has provided input on (i) the Needs Assessment, (ii) the principles and policies to be utilized by the County to fund and complete a Transportation Need through an Eligible Project (“*Project*”), and (iii) the categorization of the Transportation Needs into one of the Project Categories (as defined herein);

WHEREAS, the TPAC has conducted multiple public meetings over the past several months, provided interim reports to the Transportation Ad Hoc Committee of County Council (“*TAHC*”), and delivered its final advisory report (“*TPAC Report*”) to the TAHC on June 18, 2024;

WHEREAS, the TAHC has conducted multiple public meetings over the past several months, and, with the advice and input provided in the TPAC Report, the TAHC delivered its written recommendation to County Council entitled “Richland County Penny Projects, Principles and Categories,” which was adopted and approved by a Resolution of the County Council on [July 16, 2024];

WHEREAS, the inflation-adjusted Eligible Costs necessary to address the Transportation Needs over the next 25 years is approximately \$8 billion (“*Transportation Costs*”);

WHEREAS, the County Council has determined the most advantageous approach to timely address the Transportation Needs for the citizens of the County is to pay for a significant portion of the Transportation Costs through the imposition of a Transportation Penny (“*New Penny*”) that would commence following the termination of the collection of the Prior Penny and continue for a period of 25 calendar years from the date of imposition, subject to a referendum to be held on November 5, 2024 (“*Referendum*”);

WHEREAS, the ballot question to be considered in the Referendum should separate the Transportation Needs into discernible categories (“*Project Categories*”) to provide clarity to the electors. In addition, there should be included within the Referendum a ballot question requesting the approval of the issuance of general obligation bonds of the County (“*Bonds*”) to be repaid solely from the proceeds of the New Penny; and

WHEREAS, imposition of a New Penny to address the Transportation Needs will serve a public purpose to facilitate economic development, promote public health and safety, provide needed infrastructure, promote desirable living conditions, and enhance the quality of life in the County.

NOW THEREFORE, BE IT ORDAINED, by the County Council as follows:

Section 1. *Imposition of New Penny.* The New Penny is hereby imposed in the County, subject to a favorable vote of a majority of the qualified electors voting in the Referendum. As more fully described herein, the proceeds of the New Penny shall be utilized to pay Transportation Costs.

Section 2. *Fulfillment of Statutory Requirements.*

(a) **Projects.** In accordance with Section 4-37-30(A)(1)(a) of the Act, the New Penny shall be used do defray the Eligible Costs of the following categories of Transportation Needs:

(i) Community Investment Projects: These projects address the integrity, safety, reliability and sustainability of the transportation infrastructure in local communities and impact the day-to-day activities of citizens and local businesses. These projects may include viable and unfunded 2012 penny projects as well as road improvements, widening, resurfacing, paving of dirt roads, intersection improvements, bikeways, greenbelts, sidewalks, and other pedestrian-friendly enhancements;

(ii) County Advancement Projects: These projects target the expansion of transportation infrastructure to achieve, support and sustain economic growth on a county-wide basis. These projects may include new construction, improvements and widening for major roadways, intersections and commuting corridors; and

(iii) COMET Enhancement Projects: These projects target the operation and expansion of the COMET. These projects may include operational sustainability, establishment of new routes, new construction and improvements to enhance rider safety and comfort, and acquisition of new buses and other modes of transportation.

The major Projects expected to be addressed within each of the Project Categories are summarized on the attached **Exhibit A**.

(b) **Maximum Time.** In accordance with Section 4-37-30(A)(1)(b) of the Act, the New Penny shall be imposed commencing on the first day of the calendar month immediately following the termination of the collection of the Prior Penny and continue for twenty-five years. Based on current projections, the termination of the collection of the Prior Penny is expected to occur in November 2026. Accordingly, the New Penny is expected to be imposed on December 1, 2026, and continue for twenty-five years through December 1, 2051. As provided in Section 4-37-30(A)(5) of the Act, the New Penny may terminate earlier if the DOR determines the New Penny has raised revenues sufficient to provide the Transportation Costs, or the cost to amortize all Bonds, whichever is greater.

(c) **Estimated Cost; Amount of Bonds.** In accordance with Section 4-37-30(A)(1)(c) of the Act:

(i) The estimated Transportation Costs to be paid from the proceeds of the New Penny are approximately \$4.5 billion, which shall be allocated as follows

1. 30%, or approximately \$1.350 billion, to County Advancement Projects;
 2. 48%, or approximately \$2.160 billion, to Community Investment Projects;
- and
3. 22%, or approximately \$990 million, to COMET Enhancement Projects.

(ii) The principal amount of Bonds to be issued and repaid from the proceeds of the New Penny is not to exceed \$950 million.

Section 3. Referendum Matters.

(a) **Call for Referendum.** The imposition of the New Penny is subject in all respects to the favorable vote of a majority of qualified electors casting votes in the Referendum to be conducted by the Board of Voter Registration and Elections of Richland County ("**Election Commission**"). The Election Commission shall conduct the Referendum in accordance with the Act and election laws of the State of South Carolina, *mutatis mutandis*. The County shall pay the reasonable expenses of the Referendum.

(b) **Ballot Questions.** The ballot questions to be considered in the Referendum shall appear substantially in the forms set forth in **Exhibit B**. If a majority of the electors voting in the Referendum vote in favor of imposing the New Penny, then the New Penny shall be imposed as provided in the Act and this Ordinance. If a majority of the electors voting in the Referendum shall vote in favor of the issuance of the Bonds, then the issuance shall be authorized in accordance with Article X, Section 14, Paragraph (6) of the South Carolina Constitution.

Section 4. *Certification of Results.* If the New Penny is approved by a majority of the qualified electors voting in the Referendum, the Election Commission is directed to certify the results not later than November 30, 2024, to the County Council and DOR in accordance with the Act.

Section 5. *Remittance; Administration of New Penny.* The Richland County Transportation Department shall be charged with the primary responsibility to manage the Projects to be undertaken with the proceeds of the New Penny. The proceeds of the New Penny shall be remitted, managed and expended in accordance with the terms of the Act, guidance from South Carolina courts and any applicable opinion, ruling or regulation promulgated by DOR, including the Revenue Ruling.

Section 6. *Budget and Audit Matters.*

(a) **Funding Requests.** Any outside agencies, political subdivisions, or organizations designated to receive funding from the New Penny must annually submit requests for funding in accordance with procedures and schedules established by the County Administrator. The County Administrator, based on the recommendation of the Transportation Department of the Projects to be undertaken in such fiscal year, shall prepare the proposed annual budget for the New Penny for the applicable fiscal year and submit it to the County Council at such time as the County Council determines. At the time of submitting the proposed budget, the County Administrator shall submit to the County Council a statement describing the important features of the proposed budget.

(b) **Appropriations.** County Council shall adopt annually and prior to the beginning of fiscal year a budget for the proposed and expected expenditures of New Penny revenues for such fiscal year. County Council may make supplemental appropriations of revenues of the New Penny following the same procedures prescribed for the enactment of other budget ordinances. The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for the New Penny for purposes other than as specified in the annual budget when (i) County Council approves such transfers or (ii) such transfers are made in accordance with procedures set forth by County Council. In the preparation of the annual budget, County Council may require any reports, estimates, and statistics from any county agency or department as may be necessary to perform its duties as the responsible fiscal body of the County.

(c) **Annual Audits.** Except as specifically authorized by County Council, any outside agency or organization receiving an appropriation of the New Penny must provide to County Council an independent annual audit of such agency's or organization's financial records and transactions and such other and more frequent financial information as required by County Council, all in form satisfactory to County Council.

Section 7. *Savings Clause.* The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

Section 8. *General Repealer.* Any prior ordinance, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 9. *Effectiveness.* This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk of Council, Richland County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading: April 9, 2024
Second Reading: May 14, 2024
Public Hearing: July 9, 2024
Third Reading:

EXHIBIT A

PROJECT CATEGORIES: MAJOR PROJECTS

Community Investment Projects - 48%:

Road Resurfacing and Rebuilding [\$690 million]¹

To improve the overall conditions and safety of the roadways in the County. These may include roadways owned and maintained by the State, the County or the other municipalities.

Pedestrian Safety and Access [\$410 million]

Installing sidewalks and other pedestrian accommodations to improve access and safety.

Road Paving [\$165 million]

To pave and modernize roadways in the County subject to the County's local code and rules.

Multimodal Transportation Improvements [\$200 million]

Installing bikeways, greenways and shared use paths throughout the County and improving the alternative transportation network across the County.

Traffic Safety and Congestion Relief [\$220 million]

Intersection improvements and traffic signal installation and upgrades to reduce occurrence and severity of traffic incidents and improve traffic flow to reduce commuting times.

Emerging Community Investment Needs [\$100 million]

Expected funds necessary to address needs arising from continued residential growth or development in the County.

County Advancement Projects - 30%:

Widening of roadways to improve capacity and access. Roadways which have been identified for potential widening are as follows: [\$750 million]

Two Notch Road US 1 Pontiac (from Richland County Line to S-53
Spears Creek)

Kennerly Rod S-129 (from Hollingshed Rd to Broad River Rd)

Shady Grove Rd (from Broad River Rd to Koon Rd)

Broad River Rd US 176 North (from I-26 to Chapin Rd)

Lost Creek Rd (from Broad River Rd to Boat Ramp Rd)

Hardscrabble Rd North (from Langford Rd to Kelly Mill Rd)

Rauch Metz Road (from Dutch Fork Rd to Broad River Rd (US 176))

Pineview Road (from Shop Rd to Bluff Rd)

¹ Costs provided are estimates of current base construction costs. The costs do not include costs for the related PE, rights-of-way, utility relocation or construction engineering for each project. Additionally, the costs do not account for an inflation over the time period in which the New Penny will be collected. Accordingly, the above dollar amounts should not be deemed as a budget or limitation on funds collected from the New Penny to be allocated to any type of project funded under each category.

Broad River Rod (I-26 (Exit 97) to Dutch Fork Rd)
US 76 (from Broad River Rd (US 176) to SC 6)
US 76 (from Shadowood Dr to Richland County Line)
Langford Rd (from Main St to Hardscrabble Rd)
Main St (US 21) (from I-77 (Ex 24) to Langford)
Blythewood Rd (from I-77 (Ex 27) to Main St)
Longtown Rd (from Farrow Rd to Longtown Rd E/W)
N Springs Rd (from Brickyard Rd to Clemson Rd)
Spears Creek Ch Rd (from I-20 (Ex 82) to Percival Rd)
Garners Ferry Rd (from Trotter Rd to Lower Richland Blvd)
Patterson Rd (from Garners Ferry Rd to Caroline Rd)
Bookman Rd S-53 (from Two Notch Rd to Kelly Mill Rd)
Percival Rd (from Forest Dr to Decker Blvd)
Percival Rd (from I-77 to Clemson Rd)
Rimer Rd (from US 21 to Hardscrabble)
Rabon Rd (from SC 555 to US 1)
Beltline Blvd (from Elmhurst to River Dr)
South Stadium Road (from Bluff Rd to the End)
National Guard Rd (from Bluff Rd to the End)
Bluff Industrial Blvd (from Bluff Rd to Silo Ct)
Silo Ct (from Bluff Industrial Blvd to the End)

Railroad Projects [\$30 million]

Improvements along rail-lines and at crossings to reduce noise and improve traffic flow at crossings.

Construction of new roadways to open transportation corridors or provide alternated roadways. New roadways which have been identified for potential construction are as follows: [\$35 million]

Creech Rd Ext (from Creech Rd to Firetower Ct)
New Connector Rd (from Arborwood Rd to Indian Mound Rd)
Shop Rd Ext (Phase 3) (from Montgomery Ln to Garners Ferry)
New Connector Rd (from S Stadium Rd to National Guard Rd)

Traffic Safety and Congestion Relief [\$20 million]

Intersection improvements and traffic signal installation and upgrades at major transportation corridors or at roadways in areas of anticipated growth or having large traffic volume.

Road Resurfacing and Rebuilding [\$75 million]

To improve the overall conditions and safety of major transportation corridors or roadways in areas of anticipated growth or having large traffic volume. These may include roadways owned and maintained by the State, the County or the other municipalities.

Emerging County Advancement Needs [\$250 million]

Expected funds necessary to address emerging needs in the County.

COMET Enhancement Project - 22%:

New operating and capital costs associated with the development of a multi-modal transportation center, establishment and expansion of micro-transit services in Lower Richland and Blythewood, increased frequency on existing routes to allow expansion of partnerships with schools, the military and employers in hospitality, manufacturing and industry and enhanced ADA/paratransit services. In addition to the foregoing, the proceeds of the New Penny will support the overall continued operations of the COMET.

EXHIBIT B
FORM OF REFERENDUM QUESTIONS

RICHLAND COUNTY SPECIAL SALES AND USE TAX

QUESTION 1

I approve a special sales and use tax in the amount of one percent to be imposed in Richland County for not more than twenty-five (25) years to fund certain projects with an aggregate cost of not exceeding \$4.5 billion. Collection of the special sales and use tax will not begin until the current special sales and use tax imposed in Richland County is terminated. The special sales and use tax proceeds will be used to fund the following projects:

Project (1) - Community Investment Projects: These projects address the integrity, safety, reliability and sustainability of the transportation infrastructure in local communities and impact the day-to-day activities of citizens and local businesses. These projects may include viable and unfunded 2012 penny projects as well as road improvements, widening, resurfacing, paving of dirt roads, intersection improvements, bikeways, greenbelts, sidewalks, and other pedestrian-friendly enhancements.

48% of the revenues generated by the sales and use tax shall be used to pay eligible costs of the Community Investment Projects, which is expected to be \$2.160 billion.

Project (2) - County Advancement Projects: These projects target the expansion of transportation infrastructure to achieve, support and sustain economic growth on a county-wide basis. These projects may include new construction, improvements and widening for major roadways, intersections and commuting corridors.

30% of the revenues generated by the sales and use tax shall be used to pay eligible costs of the County Advancement Projects, which is expected to be \$1.350 billion.

Project 3: - COMET Enhancement Projects: These projects target the operation and expansion of the mass transit system operated by the Central Midlands Regional Transit Authority known as the COMET. These projects may include operational sustainability, establishment of new routes, new construction and improvements to enhance rider safety and comfort, and acquisition of new buses and other modes of transportation.

22% of the revenues generated by the sales and use tax shall be used to pay eligible costs of the COMET Enhancement Projects, which is expected to be \$990 million.

YES _____

NO _____

Instructions to Voters: All qualified electors desiring to vote in favor of levying the special sales and use tax shall vote “YES;” and

All qualified electors opposed to levying the special sales and use tax shall vote “NO.”

QUESTION 2

I approve the issuance of not exceeding \$950 million of general obligation bonds of Richland County, payable from the special transportation sales and use tax described in Question 1 above, maturing over a period not to exceed twenty-five (25) years, to fund projects from among the categories described in Question 1 above.

YES _____
NO _____

Instructions to Voters: All qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote “YES”; and

All qualified electors opposed to the issuance of bonds for the stated purposes shall vote “NO.”