South Carolina’s 2016 Transportation Funding Bond Measure

Title of Bill: South Carolina S.1258

Result: Signed into law by Governor Nikki Haley (R) on June 8, 2016

Purpose: South Carolina lawmakers created short-term transportation funding legislation that utilizes over $200 million in existing fees to borrow approximately $2.2 billion to fund major interstate and bridge projects over the next decade. This bill also gives the Governor much more influence in the selection of members to the Commission of the Department of Transportation, which provides regulatory oversight to the use of transportation revenues included in this legislation.

History

South Carolina Transportation Revenue

South Carolina’s transportation budget for the Fiscal Year 2015-16 totaled approximately $1.62 billion. These revenues came from a variety of streams at the state, local, and federal level:

- Federal Reimbursement under the FAST Act and fund matching generated $902 million, or about 56 percent of total transportation revenue.
- South Carolina’s motor fuel excise tax (which is 16 cents per gallon for both gasoline and diesel) generated $456 million, or about 28 percent of total transportation revenue.
  - $351 million of this tax was generated from gasoline revenue, and $105 million was generated from diesel revenue, indicating 22 percent and 6 percent revenue contributions respectively.
- Non-Federal Aid, which is comprised of various taxes and fees including sales taxes, license fees, electric fees, and inspection taxes generated $106 million, or about six percent of total transportation revenue.
- General Fund transfers generated $79 million in revenue, or about five percent of total transportation revenue.
- Fines, tolls, and trucking permits generated 52 million in revenue, or about three percent of total transportation revenue.
- Reimbursement payments from the South Carolina Port Authority generated $25 million, or about two percent of total transportation revenue.

South Carolina Transportation Expenditure
South Carolina has budgeted about $1.633 billion in general transportation expenditure for the Fiscal Year 2015-16.

- Road maintenance and preservation will cost approximately $848 million, comprising 52 percent of total transportation expenditure.
- Operational highway improvements, which mostly deal with updating congestion capacity, will cost approximately $472 million, comprising 29 percent of total transportation expenditure.
- Engineering and project management will cost approximately $121 million, comprising seven percent of total transportation expenditure.
- Debt services and project loan programs will cost approximately $82 million, comprising five percent of total transportation expenditure.
- General administrative costs will total approximately $55 million, comprising three percent of total transportation expenditure.
- Intermodal planning and mass transit projects will cost approximately $28 million, comprising two percent of total transportation expenditure.
- Various enhancement projects, such as environmental and congestive improvements, will cost $18 million, comprising one percent of total transportation expenditure.
- Toll upkeep allocations will cost approximately nine million dollars, comprising about half of one percent of total transportation expenditure.

**Need for Transportation Investment**

A TRIP report from 2015 highlighted several shortfalls in efficient expenditure and safety patterns found within South Carolina’s infrastructure.

- Poor pavement conditions and lackluster safety measures cost South Carolina residents about $3 billion annually in additional operating costs, lost wage time, and wasted fuel from congestion and crashes. These roadways cost on average about $255 per licensed driver per year.
  - In some urban areas this number is much higher, with the average drivers in Charleston, Columbia, and Greenville areas paying $1,168, $1,250, and $1,248 annually, respectively.
- Many of South Carolina’s roads are classified as “poor or mediocre”. 36 percent of roads in the Columbia area, 37 percent in the Charleston area, and 48 percent in the Greenville area received this classification.
- 46 percent of all major roads in South Carolina were rated as “poor”. This was a 14 point increase from 2008, where 32 percent of roads received this classification.

**Roadway Fatalities**
South Carolina shares the unfortunate distinction with West Virginia as having the nation’s highest roadway fatality rate. This rate peaked between 2008 and 2012, where an average of 863 people died due to traffic crashes. The rural fatality rate for 2012 was 2.99 fatalities per 100 million miles of vehicular travel, which is significantly higher than the national average of 1.86 fatalities per 100 million miles of travel.

**Summary of Legislation**

**Bill History**

This bill was first introduced to the South Carolina Senate on April 20. After its third reading, it was first passed to the South Carolina House of Representatives on April 27 with a yes-no vote of 34-4. The House sent the bill to the House Committee on Ways and Means, who reported favorably on the bill on May 19. The House proposed a series of amendments on May 24, and passed them favorably at a 102-3 margin. The Senate updated these amendments, and sent them back to the House by a vote of 31-10. The House concurred with this second round of amendments on June 1, and passed the bill 109-2. The bill was signed into law by Governor Nikki Haley (R) on June 8, and it will take official action on July 1.

**Components of S. 1258**

The bill was broken down into three principal categories: Governing the Improvement of the State’s Transportation Infrastructure System (Part 1), Funding the Improvement of the State’s Transportation Infrastructure System (Part 2), and Transition Provisions and Effective Date (Part 3).

- **Part 1**

  The first section of the bill outlines the structure of the South Carolina Department of Transportation. The amendments to the selection process of all eight commissioners to their corresponding transportation districts give the Governor’s office more oversight into the selection process of these officials. It also gives the Governor the ability to remove members from the DOT’s commission with the approval of the State Legislature. However, these checks still do not give the Governor’s office complete control over which individuals are ultimately selected, as this review process keeps the Governor’s direct influence out of the Commission’s final selection process. It also reaffirms the state’s ability to conduct annual audits on the DOT’s funding and expenditure. However, a key addition to this process is the new reduced minimum project cost. In order for a plan to qualify for a loan from the State Infrastructure Bank, which serves as the source of bond revenue necessary to fund state transportation projects, the project must cost at least $25 million in total eligible spending.
Part 2

The second part of the bill concerns specific revenue breakdowns concerning DMV fees and other associated funds. The bill will transfer existing vehicle sales tax revenues ($131.3M) and DMV related revenues ($84.2M) to the State Highway Fund. SCDOT will then identify road and bridge projects on a needs based methodology to be financed through the State Infrastructure Bank, and transfer the redirected non-tax revenue in amounts equal to the finance requirements of selected projects. With the new recurring funds from DMV fees and Vehicle Sales Taxes, SIB Bonds, and the utilization of existing SCDOT funds will result in a total of $4B - $4.3B in projects over the next ten years. Below are the various DMV fees included within the legislation:

- Any fees charged for processing a license reinstatement DMV payment, which is $50, will be directly diverted into the State Highway Fund
- Of the two dollar fee premiums for the “Uninsured Fund”, $1.20 is allocated to the State Highway Fund
- An additional one dollar fee for car issuing a driver’s license deposited directly into the State Highway Fund
- $50 fee for affixing an on-car identification card for committing a violent crime
- Of the $100 charged for a restricted driver’s license, $80 is diverted into the State Highway Fund
- Of the $10 charged for a replacement driver’s license, three dollars are diverted into the State Highway Fund
- $50 fee for failing to update the required vision certification during the fifth year of one’s ten year license
- Of the $100 required to file for a temporary alcohol license, $75 is diverted directly into the State Highway Fund
- Of the $100 required to pay for one’s license reinstatement, $70 is diverted directly into the State Highway Fund, one dollar is diverted to landscaping the rights-of-way, and the remainder is diverted into the Non-Federal Aid Highway Fund
- $35 dollar administrative fee for issuing a payment plan on a driver’s license reinstatement
- A $100 dollar fee for obtaining an ignition interlock license, allowing for measuring one’s BAC before they can start their car
- Of the $100 fee for issuing a route-restricted license, $80 is diverted directly into the State Highway Fund, and the remainder of the fees are allocated to the Non-Federal Aid Highway Fund
- $20 fee for requesting an expedited license from the DMV
- Of the $100 fee to obtain a provisional license for an offender entering an Alcohol and Drug Safety Program, $5 is diverted into the State Highway Fund
- $25 dollar fee for retaking a commercial license test
- One dollar fee for a special identification card
- Five dollar fee for a temporary license plate given to convicted license sales violators
- $50 fine for carrying more than the 26,000 lbs allowed under a commercial license
- Of the $10 required for a license transfer, seven dollars are allocated to the State Highway Fund
$50 registration reinstatement fee for failing to pay a toll
Five dollar fee for obtaining a hearing-disabled placard
Of the $200 required to obtain a manufacturer license plate, $40 is diverted to the State Highway Fund (license expires after two years)
Of the $200 required to obtain a “research and development” license plate, $40 is diverted to the State Highway Fund
Variable fees may be charged to retrieve DMV licensing data, and all fees are diverted into the State Highway Fund
Any fees accrued by the DMV from administering special licenses to special fund recipients (Penn Center, INC. and South Carolina Nurses Foundation) may be diverted to the State Highway Fund
Of the $40 fee for collegiate special license plates, $30 is diverted into the State Highway Fund
Any DOT costs associated with producing and administering special or commemorative license plates are diverted to the State Highway Fund
These allocations also apply to private vehicles applying for an EMS license
Certain commemorative charitable license plates may have fee diversions within their costs, leaving any additional revenues available for their respective charity
Examples of this fee: Fund to Save the Hunley Submarine contributes $60 to their non-profit commission, and $40 is allocated to the State Highway Fund
$6,800 fee from an organization to begin producing special license plates
Variable fees are assigned for furnishing an electronic copy of one’s driving violations
$200 fine for not surrendering one’s suspended license plates
Revenue collected from $200 fine for showing a lapsed or expired insurance proof document
Five dollar fees for the transmission of electronic liens
Five dollars may be reallocated from $15 fees for title transfer or duplication
$50 dollar fee for retiring the title on a manufactured/modular home

For dispersing the revenue to individual resurfacing projects, the SCDOT will use a needs-based methodology to guarantee that not only will all counties receive funding, but that the ones that require it most will receive it first. $50 million will be directly used on bridge replacement, road rehabilitation, and improvements on existing roads. Each funding allocation will be reviewed by the Joint Bond Review Committee, and will be properly scheduled based upon the project’s needs. Any projects undertaken under this new legislation will not require a local funding match.

Part 3

The final part of the bill discusses how the SCDOT and the staff associated with the State Auditor will transition. SCDOT’s chief auditor will continue to serve through the passage of the bill until the State Auditor names a successor, pending legislative approval. The same staff may be retained through whatever transitions may occur. The SCDOT commission and their elected Commissioner may also
continue to serve after the passage of this act, until a successor is named pending legislative approval. With the bill’s ratification on June 2, the legislation will officially become law on July 1.

**Legislative Makeup**

At the time of S.1258’s passage, South Carolina’s Governor Nikki Haley was Republican, and the legislature was majority Republican. 82 percent of legislators voted to pass the bill, while seven percent voted against it.

- There were 63 Democrats in the South Carolina State Legislature, with 58 voting in favor of S. 1258 and 1 opposed. (Four Democrats were absent, or did not vote.)
- There were 106 Republicans in the South Carolina State Legislature, with 81 voting in favor of S. 1258 and 11 opposed. (14 Republicans were absent, or did not vote.)

**Overall Votes on S. 1258**

**Legislators Voting Against S. 1258**

(continued on next page)
Supporters

Arguments:

Lawmakers and coalitions cited the need for immediate transportation investment through a variety of arguments. One of the most significant arguments was the lack of a revenue stream that would adequately fund South Carolina’s transportation, which needs upkeep to fix issues including their place atop the nation’s list of deadliest roadways\textsuperscript{xix}. The legislation’s system of borrowing revenue was not a long term solution, but it still received support from lawmakers and coalitions. Senate President pro tempore Hugh K. Leatherman Sr. described the bill as a “shot in the arm” for the state’s infrastructure improvement\textsuperscript{x}. The infrastructure advocacy coalition South Carolina Alliance to Fix Our Roads also acknowledged this point; “Today’s action is a positive step forward. But, a long term funding formula must be adopted in order to ensure our roads and bridges will meet the needs of generations to come...”\textsuperscript{xix}.

Key Players:

- Bill Ross, Chairman of South Carolina Alliance to Fix our Roads
- South Carolina Chamber of Commerce
- Senate President Pro Tempore Hugh K. Leatherman Sr. (R)
- Speaker of the House of Representatives James Lucas H. Lucas (R)
- Representative Gary Simrill (R)
- Christy Hall, South Carolina State Transportation Secretary
South Carolina Alliance to Fix Our Roads:

The South Carolina Alliance to Fix Our Roads (SCFOR) is a non-profit and non-partisan organization that advocates for a safe and efficient transportation system. SCFOR uses a multimedia platform to demonstrate the state’s need for additional infrastructure funding. SCFOR encourages citizens to submit images of South Carolina’s infrastructure, which are then published on their website, social media pages and sent to legislators. They have also coordinated several letter-writing campaigns that both ask lawmakers for transportation investments, and thank certain lawmakers for supporting transportation legislation. To see more of SCFOR’s media campaigns, visit their website by clicking here.

In terms of funding advocacy, they support a gas tax increase as part of a comprehensive solution to the state’s funding shortfall. In their legislative presentation, they stated that South Carolina not only has lowest gas tax in the Southeastern United States, but also that the state has the fourth largest highway system in the country, spanning 41,429 miles. They previously campaigned for a gas tax increase in 1987 with their “Drive for Tomorrow” program, which was also the last time that the state increased this tax. They also led a program called “Danger Ahead” that restored $78 million in redirected funds back to the Highway Fund and the State Infrastructure Bank.

SCFOR has several members, including business leaders, trade associations, trucking companies, and material producers. Several members are listed below:

- AAA Carolinas
- AARP of South Carolina
- BB&T Insurance Services
- Carolina International Trucks, Inc.
- Carolina Ready Mixed Concrete Association
- Charleston Metro Chamber of Commerce
- Enterprise Holdings
- ICA Engineering
- Infrastructure Consulting and Engineering
- Maritime Association of South Carolina
- Midstate Chamber Coalition
- Mining Association of South Carolina
- SEACO, Inc. Asphalt Emulsion
- South Carolina Petroleum Council
- Southeastern Freight Lines
- Upstate Chamber Coalition
- Thompson Trucking Company
- Vulcan Materials Company

For a full list of SCFOR’s members and their legislative presentation containing their advocacy, click here.

South Carolina Chamber of Commerce

The South Carolina Chamber of Commerce serves as a voice for reforms that benefit South Carolina’s business sector through legislative reforms. Within the infrastructure debate, the SCCC frames the argument of infrastructure reform as a vital component of attracting business to the state and allowing it to safely develop. They cite the fact that a majority of the $400 million in goods shipped in and out of the state are shipped via trucking. They also state that almost 100 percent of internal shipping and
receiving in the state is handled by trucks, and therefore relies on the highway’s safety and congestion relief efforts.

In 2015 and 2016, the South Carolina Chamber of Commerce focused their message on improving safety conditions on the state’s roads and bridges. The Chamber utilized social media channels, and directed residents to a campaign page designed to raise awareness of the need for transportation funding: http://www.scchamber.net/competitiveness-agenda/infrastructure.

The South Carolina Chamber of Commerce has several contributing members, including banks, telecommunications companies, utility providers, and freight networks. Several members are listed below:

- AT&T
- Michelin
- Sonoco
- Santee Cooper
- BMW Manufacturing Co., LLC
- Central Electric Power Co-op
- Colonial Life
- Nucor Steel-South Carolina
- Piedmont Natural Gas
- Pure Power Technologies
- South Carolina State Ports Authority
- Southeastern Freight Lines
- The Boeing Company
- Dominion Carolina Gas Transmission
- Pfizer, Inc.
- Vulcan Materials

For a full list of the SCCC’s membership, click here.

Opponents

Arguments:

Many aspects of the legislation were seen as not impactful enough to help set in place long term transportation reform for the state. One area of concern was the bill leaving out any type of sustainable funding source. The bill’s main source of funding was borrowing against $200 million in existing revenue streams, which leaves out solutions like gas or mileage taxes. Even groups that supported the bill acknowledged this shortfall. The South Carolina Chamber of Commerce commented on the bill’s lack of
a proper funding source, commenting that the bill is, “far from perfect, and falls woefully short of a sustainable, long term solution that has plagued our state for too long”xvi.

Many other opponents disliked the proposed DOT reforms. Senator Tom Davis (R) claimed that the process of legislative review over installations of commissioners gives them veto power that undercuts Governor Haley’s ability to select individuals she wants, comparing it to a “magistrate-like situation”xvii. Governor Haley even made remarks about how little the DOT reforms would change, referring to them as “little more than window dressing”xviii.

Key Players:
- Governor Nikki Haley (R)
- Senator Tom Davis (R)

Why did it succeed?

Need for Investment, Regardless of Plan

Much controversy arose from the lack of a long-term solution to the issue of transportation funding in South Carolina. Both the South Carolina Chamber of Commerce and the South Carolina Alliance to Fix Our Roads published statements that acknowledged the importance of this bill’s passage, while also addressing the imperative need for legitimate long-term solutions to update the state’s roads. Governor Haley even commented that she signed the bill reluctantly, out of necessity for the state’s infrastructurexix. However, even with a general consensus that the bill was not particularly ideal for the state, it still overwhelmingly passed with 82 percent of the legislature voting in favor of this short-term funding solution. This reflects the data describing the dire state of South Carolina’s roads present in both the TRIP reports, as well as the legislative presentations assembled by groups like the South Carolina Alliance to Fix Our Roads.

Coalition Support

Both coalitions outlined in this report, the South Carolina Chamber of Commerce (SCCC) and the South Carolina Alliance to Fix Our Roads (SCAFOR), were able to mount successful campaigns to advocate for transportation reform. One of the more meaningful contributions that these coalitions provided was their extensive social media access. An example of this from SCAFOR was their posted picture publishing operation, which they carried out both on their website as well as their social media accounts. This enabled users to send in pictures of broken down areas of roads and highways. This method’s accessibility to users (all one needed to participate was a camera) allowed SCAFOR to post several user-
generated images to their accounts and spread their transportation advocacy in a simple, yet effective way.

Both coalitions were also able to galvanize significant business support spreading their pro-transportation message. The coalitions were able to parallel the importance of transportation reform to business development, as well as shipping operations, which gained them several allies around the state. Both coalitions had donation programs that highlighted the resources provided by each business more significantly when more money was given to each coalition on their websites. This allowed businesses to support a cause that would benefit their own growth in a way that could also benefit their publicity.

Report Contacts

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The Transportation Investment Advocacy Center™ (TIAC) is a first-of-its kind, dynamic education program and Internet-based information resource designed to help private citizens, legislators, organizations and businesses successfully grow transportation investment at the state and local levels through the legislative and ballot initiative processes.

The TIAC website, www.transportationinvestment.org, helps transportation investment advocates to mount successful campaigns. It exists to put in one place—and promote the sharing of—strategies... sample political and communications tools... legislative and ballot initiative language... and information on where to obtain professional campaign advice, research and help. To receive free, regular email updates from the TIAC blog, subscribe here.

TIAC staff produces regular research reports and analyses, hosts an annual workshop in Washington, D.C., and holds ongoing webinars for transportation investment advocates featuring case studies, best practices, and the latest in political and media strategies. State and local chamber of commerce executives, state legislators, state and local transportation officials, “Better Roads & Transportation” group members, industry and labor executives, and leaders of state and local chapters of national organizations who have an interest in transportation development programs are welcomed to participate.

The Center’s program of work is also guided by a Transportation Investment Advocates Council, a national network of business professionals and public officials who share a common interest in building support for transportation infrastructure investments in their state or local community— roads, bridges, public transit, pedestrian walkways and cycling paths, airports, waterways, ports and rail facilities.

TIAC is a project of the American Road and Transportation Builders Association’s “Transportation Makes America Work!”™ (TMAW) and supported through voluntary contributions and sponsorships.

To become a sponsor or to make a contribution, contact TIAC Manager Carolyn Kramer. Also contact Ms. Kramer if you have questions or comments about any reports or case studies published through the TIAC, or would like more information on the program and the Council.
Members of the South Carolina Senate who voted YES on S.1258

Thomas C. Alexander (Republican-District 1)  
Karl B. Allen (Democrat-District 7)  
Sean Bennett (Republican-District 38)  
Paul G. Campbell Jr. (Republican-District 44)  
Raymond E. Cleary III (Republican-District 34)  
Creighton B. Coleman (Democrat-District 17)  
Ronnie W. Cromer (Republican-District 18)  
Michael L. Fair (Republican-District 6)  
Michael W. Gambrell (Republican-District 4)  
Greg Gregory (Republican-District 16)  
Lawrence K. Grooms (Republican-District 37)  
Greg Hembree (Republican-District 28)  
C. Bradley Hutto (Democrat-District 40)  
Darrell Jackson (Democrat-District 21)  
Kevin L. Johnson (Democrat-District 36)  
Marlon Kimpson (Democrat-District 42)  
Hugh K. Leatherman Sr. (Republican-District 31)  
Gerald Malloy (Democrat-District 29)  
Larry Martin (Republican-District 2)  
A. Shane Massey (Republican-District 25)  
John W. Matthews Jr. (Democrat-District 39)  
Margie B. Matthews (Democrat-District 45)  
Floyd Nicholson (Democrat-District 10)  
Luke A. Rankin (Republican-District 33)  
Ronnie A. Sabb (Democrat-District 32)  
John L. Scott Jr. (Democrat-District 19)  
Nikki G. Setzler (Democrat-District 26)  
Katrina Frye Shealy (Republican-District 23)  
Vincent A. Sheheen (Democrat-District 27)  
Ross Turner (Republican-District 8)  
Kent M. Williams (Democrat-District 30)

Members of the South Carolina Senate who voted NO on S.1258

Lee Bright (Republican-District 12)  
Kevin L. Bryant (Republican-District 3)  
George E. Campsen III (Republican-District 43)  
Thomas D. Corbin (Republican-District 5)  
Tom Davis (Republican-District 46)  
Shane Martin (Republican-District 13)  
Thomas McElveen (Democrat-District 35)  
Harvey S. Peeler Jr. (Republican-District 14)  
Daniel B. Verdin III (Republican-District 9)  
Tom Young Jr. (Republican-District 24)

Members of the South Carolina House of Representatives who voted YES on S.1258

Terry Alexander (Democrat-District 59)  
Merita Ann Allison (Republican-District 36)  
Carl Anderson (Democrat-District 103)  
Michael A. Anthony (Democrat-District 42)  
Todd Atwater (Republican-District 87)  
Jimmy Bales (Democrat-District 80)  
Nathan Ballentine (Republican-District 71)  
Justin Bamberg (Democrat-District 90)  
Bruce Bannister (Republican-District 24)  
Beth E. Bernstein (Democrat-District 78)  
Kenneth Bingham (Republican-District 89)  
William K. Bowers (Democrat-District 122)  
Doug Brannon (Republican-District 38)  
Grady A. Brown (Democrat-District 50)  
Robert L. Brown (Democrat-District 116)  
Mike Burns (Republican-District 17)  
Gary E. Clary (Republican-District 3)  
Alan D. Clemmons (Republican-District 107)  
Bill Clyburn (Democrat-District 81)  
Gilda Cobb-Hunter (Democrat-District 66)  
Derham Cole (Republican-District 32)  
Neal Collins (Republican-District 5)  
Heather A. Crawford (Republican-District 68)  
Bill Crosby (Republican-District 117)  
Joseph Daning (Republican-District 92)  
Greg Delleney (Republican-District 43)
Jonathan D. Hill (Republican-District 8)  Ralph Norman (Republican-District 48)

Members of the South Carolina House of Representatives who voted NO on S.1258

Jonathan D. Hill (Republican-District 8)  Ralph Norman (Republican-District 48)
Report Sources

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v “South Carolina Transportation by the Numbers”

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vii “South Carolina General Assembly: Status Information, S.1258”

viii “Leatherman says plan for South Carolina’s roads will work”

ix “Roads Bill Passes”
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x “SCFOR Presentation”
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xiii “South Carolina Chamber of Commerce: Infrastructure”
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xiv “Haley Signs Bill funding billions for roads by borrowing”

xv “How the SC Senate sold us a fraudulent reform”

xiv “Haley Signs Bill funding billions for roads by borrowing”

xvi “Haley Signs Roads Bill into Law”