



Richland County Transportation Ad Hoc Committee

October 22, 2019 - 1:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Calvin "Chip" Jackson
2. **APPROVAL OF MINUTES** The Honorable Calvin "Chip" Jackson
 - a. Regular Session: September 24, 2019 [**PAGES 1-14**]
3. **ADOPTION OF AGENDA** The Honorable Calvin "Chip" Jackson
4. **ITEMS FOR INFORMATION** The Honorable Calvin "Chip" Jackson
 - A. Transportation Transition Update [**PAGE 15**]
5. **ITEMS FOR ACTION** The Honorable "Calvin" Chip Jackson
 - A. Mitigation Credit Sales: Alpine and Percival Road Intersections [**PAGES 16-38**]
 - B. Edmunds Farm Rd/Railroad Crossing Closures [**PAGES 39-45**]
 - C. Cash Flow Model Presentation- First Tryon [**PAGES 46-47**]
 - D. Blythewood Road Widening Condemnations [**PAGES 48-49**]
 - E. Staff Project Evaluation Findings and Recommendations [**PAGES 50-63**]
 - F. OET RFQ Approval
 - G. CE&I RFQ Approval

6. ADJOURNMENT



Richland County Council
Transportation Ad Hoc Committee
September 24, 2019 – 2:00 PM
Council Chambers
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Calvin “Chip” Jackson, Chair; Paul Livingston, Dalhi Myers and Chakisse Newton

OTHERS PRESENT: Michelle Onley, Eden Logan, Kimberly Toney, Michael Niermeier, Allison Steele, Quinton Epps, Christine Keefer, Rasheed Muwwakkil, Cheryl Cook, Nancy Stone-Collum, Jennifer Wladischkin, Leonardo Brown, Casey White, John Thompson, Tim Nielsen, Mohammed Al-Tofan, Tariq Hussain, Stacey Hamm, and James Hayes

1. **Call to Order** – Mr. Jackson called the meeting to order at approximately 1:00 PM.
2. **Approval of Minutes: July 23, 2019** – Ms. Newton moved, seconded by Ms. Myers, to approve the minutes as distributed.

In Favor: Jackson, Newton and Myers

The vote in favor was unanimous.

3. **Adoption of the Agenda** – Ms. Newton moved, seconded by Ms. Myers, to adopt the agenda as amended to include the Transition Update and to move Item 5(f): “Policy for addressing projects over the 2012 referendum amount” to an Item for Information, as Item 4(c).

In Favor: Jackson, Newton and Myers

The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson expressed his appreciation for the work staff has been doing, in a concerted effort, to make the transition as smooth as possible. He also expressed his appreciation for staff’s hard work in trying to ensure the projects that either underway, or in the process of beginning, continue with the appropriate support needed, so none of the projects will have to be suspended, delayed or deferred. Finally, he would like to thank Mr. Beaty, the representative from the PDT, for the outstanding job he has done in this transition.

4. **ITEMS FOR INFORMATION:**

- a. **Legal Opinion on State Law regarding entities financial responsibility** – Ms. Pike stated the bill was for the purpose of establishing a manner in which expenses, with regard to the relocation of utilities, could be handled with regard to wet utilities only (i.e. water and sewer). This does not impact utilities with prior rights. This is just those that are within right-of-ways. The bill divides it

into small public utilities and large public utilities. Small public utilities being those that have 10,000 or less taps, and serve approximately 30,000 people. Large public utilities have more than 10,000 taps, and serve more than 30,000 people. For your small public utilities, we will be responsible for the relocation costs. With regard to the large public utilities, we would be responsible for up to 4% of the bid construction costs. The one exception would be if we have to move the utilities of both a small and a large utility. In that case, it is up to 4.5%. We would pay for 100% of the small utilities relocation costs, and then those relocation costs would be subtracted from the 4.5% cost and the remaining part would be allocated to the large utility. If you have two (2) large utilities, those share 4% of the bid construction costs.

Ms. Myers inquired if this is in harmony with our 2012 ordinance, and what does that mean, as far as, what is an allowable cost.

Ms. Pike stated they have not looked at that, but they will.

Mr. Jackson inquired if we are making sure that where the cost should be bore by the City it is factored in.

Ms. Pike stated they have had discussing with SCDOT about these kinds of issues, and it is their position, as well as ours, that you would look to the IGA, when you have multiple entities that are sharing costs on a project.

Mr. Jackson stated it seemed like before there was an issue where it was clear, in the IGA, that the cost should be bore by the City, but that there was some prior right that they would not bear the cost, even though it was clear in the IGA they should.

Mr. Beaty stated the IGA says Richland County falls under the SCDOT requirements, for utility coordination and relocation. By that statute, any other utility that is within the SCDOT right-of-way, by encroach, that utility would be responsible for paying their own expenses to move. However, on this program, since the City is within the County, and their residents are paying for the Penny, this body has previously agreed, that any City relocations will be bore 100%, at the expense of the Penny. This change in the State law will not affect the program very much. The only project that would be immediately impacted is the Blythewood Road Widening Project.

Ms. Pike inquired if there is an IGA between the City and the County, with regard to the matter Mr. Beaty just discussed.

Mr. Beaty stated there is not a written IGA. There is a memorandum from a previous County Administrator detailing the path forward.

Ms. Newton requested a copy of the memorandum. She inquired, when you look at an agreement like this, where we have a statutory obligation who tracks what percentage we have paid, or committed to pay.

Mr. Beaty stated it is tracked through the utility coordination efforts, and a Utility Coordinator would look at the utilities that are within the project. The utility company provides their historical documents (i.e. plans, easements) and provide proof they were there before the road, which means they have prior rights, or a certain percentage was there. Based on that percentage, their total utility costs is pro-rated. For example, if they document 40% of their lines were there first, the County is responsible for that 40% and the utility is responsible for the remainder.

- b. **Blythewood/SCDOT Maintenance Agreement Update** – Mr. Niermeier stated the agreement between the two (2) bodies has been negotiated. Blythewood voted to unanimously approve the agreement. We are awaiting the parties to execute the document.
- c. **Policy for addressing projects over the 2012 referendum amount** – Mr. Niermeier stated staff has been independently reviewing all of the projects that were over the referendum for options in which we could shave costs, but still achieve the desired effect of the improvement. The preliminary analysis is included in the agenda packet, which will continue to be refined over the next couple of weeks, so they can present the final analysis, along with the cash flow plan, to Council. In general, they have found there are some projects that you cannot do anything to reduce costs and achieve the desired objectives. Council has given them some ability to remove Shared Used Paths, or some of the betterment activities, so they can save on those projects. Then, they will have to come up with a solid recommendation to determine if it worth changing. For example, Is saving \$200,000 worth having to potentially go back and doing some redesign work.

Mr. Livingston stated it would be helpful to be provided the detailed information associated with each project, so he would have an idea of the possibilities.

Ms. Myers stated, the way it is laid out, we have differing information under each one, so there is no way to do an apple to apples comparison. She requested like traffic analysis for each project. She stated, as a novice, there is no way for her to understand how to make comparisons as to what is necessary, and what would just be helpful.

Mr. Niermeier stated, on some of the studies, there were different types of testing or analysis done. Some do not even have data, but relies on safety data.

Ms. Newton stated, as staff works on refining this, what do they anticipate working on or changing between this version and the proposed final version.

Mr. Niermeier stated they will have the ability to look deeper into the utility alignments.

Ms. Newton inquired if there any significant dependent variables or external factors that staff anticipates originating outside of the Transportation Department that would be hard for them to get to complete this information.

Mr. Niermeier stated nothing comes to mind. They were going to coordinate this with Economic Development and Planning and Development because the premise was transportation improvement for economic development and quality of life.

Ms. Newton stated it would be unfortunate if we made decisions that did not take into account how our County is growing and how people are traveling.

Ms. Myers requested staff to include information on which projects we have purchased rights-of-way and the amount expended. Once we have made investments, it would be helpful to know prior to us deciding to abandon a project.

Mr. Niermeier stated this has been a significant discussion among the group, and they are just waiting on getting that data compiled.

Mr. Jackson requested Mr. Niermeier to add some editorial notes, as he puts the final proposal

together. He stated there are some projects where there is strong community sentiment that they do not want them (i.e. Polo Road Widening). He would like to hear staff's thoughts on whether we proceed, regardless of what the community wants, or is that something we want to think about because there is not a desire for the community to have it. In addition, there are a couple of greenways, which lead to nowhere, but are still in the mix right now. Finally, any of the changes that have occurred in the landscape, that now make us give pause to the idea of proceeding or rethinking those projects that are at a high end that we may no longer need.

- d. **Transition Update** – Mr. Niermeier stated since we last met there has been a lot of activity. The PDT has turned over a substantial amount of the projects. All of the project management minutiae and financial data has been turned over. The backup server will be picked up and installed in their offices this week. A FTP site will be set up to start moving large chunks of other data. Last week, they closed and opened up 18 bids for OET contracts. They are currently in the evaluation process. Additionally, the staff augmentation contract is out and will close at the beginning of October. Finally, they have the Construction, Engineering & Inspection RFQ, which is out. They have hired 5 of 6 Engineer Program Managers, and their final CEI Inspector will be starting on Monday. The Inspectors have been prepping some of the projects. They are inspecting, and are doing a really good job. The Project Managers have been extremely active.

Mr. Livingston inquired if we have hired any licensed Engineers.

Mr. Niermeier stated we have several professional engineers on staff.

Ms. Myers thanked Dr. Thompson, Mr. Niermeier and Mr. Brown for getting the staff going. There was patch in there where there was a lot of doubt as to whether you could get that done.

Mr. Livingston stated, one concern of his was, because of the nature of the impact of SCDOT roads with our projects. He inquired if we feel comfortable, in terms of the transition, with staff being able to work directly with SCDOT.

Mr. Niermeier stated the staff has either worked for SCDOT, in the past, or worked with them in various capacities. The point of contact turnover began in September.

Mr. Jackson stated, with all the work that has previously been done, to expect to continue at the same pace, with the number of people being relieved of their duties versus the number we are bringing on, and how long it could take them to get up to speed, a smooth transition may not be a realistic expectation. He requested Mr. Niermeier to be candid and honest, without fear of retribution by Council, in updating us on where we are, with regard to this transition, once we have transitioned. He stated talking about, and bringing people in, and them anticipating the workload, is one thing. Once they get on board and have to work with SCDOT using the criteria they are being challenged to use, which they may not be as familiar with, may impact the level and volume of work that gets done. He stated he and Dr. Thompson have lengthy conversations, in the past, about the possibility of whether we will be able to maintain the same pace. If we are not able to maintain the same pace, we are not able to maintain it, but he would like us to say that rather than let that be discovered. He requested this item be added to the upcoming Council agenda.

5. ITEMS FOR ACTION

- a. **Greenway Project Funding Alignment** – Mr. Niermeier stated before the committee is the briefing document, as well as the documentation that was provided at the Greenways Work Session in July.

Staff's recommendation allows them to complete as much as they can, based on the challenges of greenways to nowhere, or alignments that are no longer fiscally responsible.

Ms. Newton stated, according to our minutes, one of the things that was discussed, at our previous meeting, was the process for making changes. She inquired, if we wanted to accept the staff's recommendation would that require us to do three readings and a public hearing, per regular ordinance changes. She stated there are several projects where the recommendation calls for a new design, redesign or evaluation of design. In the current plans, she inquired as to who would do that design work, and the timeframe for that design work to be completed.

Mr. Niermeier stated the Lincoln Tunnel Greenway is the only greenway that has been completed, and the Three Rivers Greenway is under construction. Everything else is under preliminary engineering, with less than 30% design. He believes they can realize some cost savings because they could do some of the design work in-house. Others may be let to a new OET. He stated we have discussed changing the referendum ordinance, with three readings and a public hearing. One could take the approach that we are reprioritizing what is front of you, and simply moving others to the bottom of the list until funds are expended.

Ms. Newton inquired if we have definitively requested an answer on that question, and, if so, did we receive definitive guidance. From her perspective, this is different than reprioritization. Reprioritization says we are going to do all the things that we said, and that taxpayers voted for, we are just going to do it in a different order. Saying you voted on this, but we are not going to do it at all because it goes to nowhere, or 35 did not want it, so we are going to pull it out, is actually changing the agreement.

Mr. Livingston stated he does not think the referendum specified termini for greenways.

Mr. Beaty stated the termini was not specified in the referendum itself. Many of the termini were referenced in the original Parsons Brinckerhoff studies, which supported the referendum.

Ms. Newton requested a definitive answer on the process.

Mr. Jackson stated, once we get a definitive answer, we are going to move beyond that question. We have asked that question multiple times, and he has heard each time that the termini was not included. He stated Mr. Pearce got a letter from the community regarding the Gills Creek Greenway Section A. One side of the community decided not to have it behind their homes, and the other side said they wanted it extended. We made that adjustment, and we had the question asked then, if we could do that without three readings and public hearing. He thought the answer then was yes. All that was required then was a letter from the community saying they did not want the greenways behind their homes.

Ms. Newton stated that part of the question may have been answered, but with some of the things we are going to have to do from a budgetary perspective, it is going to come up again.

Mr. Jackson stated he would like to entertain a motion to move this item forward to Council, with the understanding that is a question that needs to be answered. The answer to the question will then determine whether we are able to vote on this.

Mr. Livingston moved, seconded by Ms. Myers, to forward to Council with a recommendation for approval, with the caveat that request a definitive answer on the issue of process.

In Favor: Jackson, Newton, Myers and Livingston

The vote in favor was unanimous.

- b. **Approval of Letter Recommending to Award bid for Greene Street Phase** – Mr. Niermeier stated on September 18th the four (4) bids received were opened. Staff is recommending going with the lowest responsive, responsible bidder of Crowder Construction.

Ms. Newton inquired, if we were to need the contingency, would that keep us in the referendum amount.

Mr. Niermeier stated, at the present state, it would stay within the referendum amount.

Mr. Livingston moved, seconded by Mr. Jackson, to forward to Council with a recommendation of approval.

In Favor: Jackson, Newton, Myers and Livingston

The vote in favor was unanimous.

- c. **Dirt Road Program Update** – Mr. Niermeier stated the separate document, which was distributed, is for information.

Mr. Beaty stated the request today is for Council guidance and approval for staff to move forward with designing 38 additional dirt roads, and then move into the design of 21 previously designed dirt roads. He stated the referendum had \$45M for dirt roads. The County maintains 596 individual dirt roads, which is a total of approximately 223 miles. To date, approximately 50 roads have been constructed, and there are 22 under construction. He stated about \$22.5M of the funds have either been spent in construction, design, right-of-way acquisition or has been committed to construction activities. There is a summary of the dirt roads that have been dropped from the program. In accordance with the dirt road ordinance, roads can be dropped through the consent/denial process. If 25% or more of the residents state they do not support the road, the road will be dropped. Oftentimes, if the project moves forward, and the design progresses, then when the right-of-way agents go out, to acquire the right-of-way, the residents may deny the right-of-way. Statistically, an average of 50% of dirt roads are dropped from the program, in a 5-year period, due to the residents' lack of support for paving the road.

Ms. Myers stated Goffman Road is listed as "Dropped, Refused by Property Owner". One of the 11 residents refused. The other 10 are under the impression that their road is on the list to be paved. She inquired what the process is for notifying Council when a road is taken off the list. She pointed out there was a timespan when people were going out to get the agreement, but they were not dressed in any identifying clothing, so the residents thought it was a scam; therefore, they refused to sign the agreement.

Mr. Beaty stated he does not believe there has been a process, to date, to notify the property owners that supported the road.

Ms. Myers inquired if there is a process to go back to Council, so we can move forward.

Mr. Beaty stated the only process, to date, which needs to be improved, is documenting it in the PDT's

monthly report and/or a Dirt Road Ad Hoc Committee.

Ms. Myers recommended, for the dirt roads that were in Years 1 and 2, that we revisit those and have some input by the Council members in those areas.

Mr. Jackson requested an explanation of what “dropped” means.

Mr. Beaty stated, when the PDT began their involvement in developing the dirt road program in July 2018, one thing they implementing, with staff’s concurrence, we had the On-Call Engineers send out the consent/denial letter to the homeowners before any design monies were spent. At that point, if 25% said “No”, then that would drop the road.

Mr. Jackson stated, if that is the case, based on Ms. Myers’ example, someone might have some misinformation because 1 out of 11 does not represent 25%.

Mr. Beaty stated that is one way a road can be dropped. If 25% or less say “No” the road moves on. If they do not respond, then we take that as a “Yes.” Then, the designer develops 30% plans, and we do a field visit. The designer modifies the plans according, and they become 70% complete plans that show the right-of-way. At that point, a right-of-way agent should send out letters and knock on doors. At that time, another owner could say they have changed their mind or they do not like the plans; therefore, they decide not to sell or give any of their right-of way. It is the County’s policy not to condemn for dirt roads. So, if the designers cannot move the road over or make any changes, one owner can kill the job by denying right-of-way.

Mr. Jackson stated he thinks it would be important to revisit those roads that were dropped, and document the method by which that determination was made.

Mr. Livingston requested a copy of the dirt road ordinance. He stated we might need to make some changes to it.

Mr. Beaty stated you spend a lot of time, and money, developing a project, only to have 2 opportunities for it to be killed.

Ms. Newton stated some of the constituents she has run into question whether they got a letter, and a lot of confusion about the process. She requested Mr. Beaty to remind the committee how many dirt roads are complete; if we had done all of the roads and they had not fallen off the list how many would we have done; and if we add these roads what is that number.

Mr. Beaty stated the construction cost to pave a dirt road is a \$1M a mile, but does not include design, right-of-way or any overhead charges that could be applied to that project. He estimates the additional charges are 30%, which would equate to approximately \$1.3M. If you divide \$45M by \$1.3M you could pave 37 – 38 miles. To date, 50 individual dirt roads have been paved, and 22 are under construction. Many more are in some phase of design or right-of-way acquisition.

Ms. Newton inquired, when you look at the \$22M have you taken out all of the cost that will be expended for the roads that are currently under construction, or as those projects continued under construction will that then deplete the remaining dollars.

Mr. Beaty stated the \$22M includes what has been built and what is under construction, which leaves approximately \$22.5M. They have estimated what you will spend in design and right-of-way, and

how many projects will be dropped. There are about 38 of Years 1 & 2 that have not been started, and they are asking the committee to approve the designers getting started. Then, there is 21 more that were previously designed by the previous dirt road program manager. Based on issues with those plans, and constructability, they need to be redesigned. They anticipate that 50% of the 59 will not go all the way through construction because of the drop rate, and they estimate, with the remaining funds, we would be able to complete those 30 roads.

Ms. Newton stated, for clarification, if we say to send these roads out to design, the OETs design them, and we send them out. How will that work with the PDT's contract ending in November?

Mr. Beaty stated the request today is that staff move forward and allow them to engage the designers to design these. He stated he would have to defer to Mr. Niermeier on whether he intends to utilize the current OETs or use the new On-Call list, which is currently being procured.

Mr. Niermeier stated he intends to wait on the new On-Call Teams. He stated we have 8 roads ready for the next package, but the responsible thing would be to wait for the new contracts to be in place.

Ms. Myers stated she and Ms. Newton will review the dirt road ordinance in the Dirt Road Ad Hoc Committee.

Mr. Jackson stated he wants the dirt roads to get the appropriate attention it deserves. He is encouraged by Mr. Beaty's statement that if things continue as they have in the past, 50% of the remaining roads unfortunately will not be done, that the remaining 30 roads will be done with the existing funding. He thinks, if that scenario plays out, we will be in great shape of getting the majority of the roads, for the citizens that want them done, completed with the funds we have.

Ms. Myers stated she slightly disagrees. The majority of the roads that are on this dropped list were from Years 1 & 2. There is some expectation, from many of these people that these roads are still under consideration. She is reluctant to move this completely out of the way and substitute them with the roads they are now suggesting without some analysis of the why, and if they should have been dropped.

Mr. Jackson stated he does not disagree, except that when we created the framework, which they used to determine whether a road remains on the list or is dropped, he is assuming they followed it. Therefore, he is not assuming that any on this list were dropped improperly, or illegally, according to the criteria that was established. If that is true, he is not sure what, by revisiting it, we are asking the officials to do if the road was dropped based upon the criteria. He is not sure how we can put the road back on the list.

Ms. Myers stated she thinks Mr. Jackson is right, but she has heard from many of the residents that she represents, when this was initially done, that they were reluctant to sign documents to get these roads paved because the people that were going out were not dressed in any kind of uniform. The residents were not willing to agree to have the road to be paved, or give up their rights, without some assurance that it was Richland County. She came back to the Transportation Director and requested specifically that we do something to send people out into the field, so that residents would know that it was Richland County coming and not just a random company, and that they were not losing some right in exchange for nothing. She thinks some of these may have been during that period, and that would have been dropped from the list because of that. She stated this is a health and safety issue, and she would not like these roads to be dropped because people were confused about what we were asking to have done.

Mr. Jackson stated he is not disagreeing with Ms. Myers. In many ways this is similar to the challenges she faced with the sewer problem, in terms of people's "lack of clarity" about what they would be charged versus what they would not be charged, so they chose not to do it, when what they were basing it on was not accurate information. We revisited it, and some of those same people are holdouts and do not want it. His point is, if we are asking them to go back and revisit these residents, and ask them once again, that would be a tremendous ask, because this list represents a significant number of roads that have been dropped, based upon the criteria. He inquired how long this process took to get to this point.

Mr. Beaty stated, prior to the Penny, the County had staff that initiated the dirt road program. There were 30 dirt roads that were designed prior to the PDT, or Dirt Road Program Manager, coming on board. He would estimate 6 - 7 years to get to this point.

Mr. Jackson stated that is big ask, but Ms. Myers is entitled to make it.

Ms. Myers stated she is making that ask because some things are so fundamental to what people pay their taxes for, and their expectation. When these people voted for the Penny, it was on a promise. The only promise that many of these people were looking for was that these roads are paved. They are not people that live downtown. They do not live near any of the Vista areas, or the other places where there have been hundreds of millions dollars of improvements. They are living in remote parts of the County, and the only thing they wanted in exchange for voting for the Penny was a dirt road paved. She would be reluctant to vote to move past all of these roads. In her district alone, there are at least 30, and some of them recognize because she consistently gets calls from people about these roads. They do not believe their roads have been dropped. Moreover, until today, she did not either. She would like to revisit, at least the ones where she is clearly aware that people are sitting and waiting for these roads to be paved. The only issue on Goffman Road, which is where the 93-year old lady lives, is the one person at the end of the road would not sign the right-of-way agreement because, when the people arrived, he was not sure that it was someone from the County. She requested Dr. Thompson to send someone back out in a Richland County t-shirt and the gentleman would sign. Some of this may be them protesting, but they protested because the contractor did not show up in a County vehicle or a County shirt. She stated she would have been confused by that too.

Mr. Livingston stated he understands Ms. Myers' concern, but you have no idea what process or criteria used to go back and revisiting all of these. He does not know about the time or cost to do it. He does not know how many years ago we are talking about. It just boggles his mind, in terms of how you do that with all these roads.

Mr. Beaty stated you would have to go back, beginning in 2015, when the Dirt Road Program Manager began. In Years 1 & 2, there were 100 roads dropped. If you chose to, you could identify all of the property owners, and you could redo the whole consent/denial process. Then, you would have to be prepared for the response. What, if those 100 turned into 50? Now, you have 50 new roads that want to be designed, so you would not have the funds to do the 59 we are talking about today. You would need to put everything on hold, while you revisit the 100 roads. You would want to allow 6 months to compile the data before moving forward.

Ms. Newton wondered if there might be a middle way. She understands the extraordinary work that it would be if we revisited this consent/denial process, and what revisiting is has not even been defined, so it could be large. With representing communities where there are life and death concerns about these roads and it is critical, she wonders what the time would be, if we revisited the whole process. Prior to this conversation, the ask, that was made, was can we look at the roads that have

been dropped, and a “grid” that identifies the criteria that was used to drop these roads. She stated before we agree to revisit all the roads, and we put the program on hold indefinitely, could we defer this until we have that information. There are several solutions she can think of that are not necessarily appropriate for her to bring to the floor here, where we might be able to address this more expeditiously.

Mr. Beaty stated they do have all the requested information. It is in a massive spreadsheet, so they would be able to tell you which ones dropped and why.

Ms. Newton moved, seconded by Ms. Myers, to defer this item until we have the opportunity to review the information the PDT has regarding the criteria used for the roads to be dropped.

Mr. Livingston stated, for clarification, we are deferring the recommendation to move forward with the design of the 38 new roads and 21 previous roads that need to be redesigned. He inquired, if these are roads, whereby the community did not deny the roads through the consent/denial process. He believes it is unfair to those people who met our criteria, at that given time. He stated, for clarification, if we move forward, half of the money would still be left for dirt roads.

Mr. Beaty stated about half of the dirt road funds has been expended. There is approximately \$22.5M remaining to move forward, which will get you about 17 miles. If you move forward with the recommended 59 roads, then all of the funds will be spent. Therefore, there will not be any funds to go back to the 133 that have been dropped.

Mr. Jackson stated he is not opposed to getting the information and deferring this, and though he is sympathetic with residents not being clear on the person knocking on their door and identifying who they were, that was after a letter was sent, which would have been very clear and specific. To suggest that the letter was not clear, the person coming to the door was not clear, and only 1 person out of 11 disapproving of the road being done, as a basis for this massive list of dropped roads, he has difficulty accepting that as a legitimate explanation. He is more than happy to defer until we get that additional information, but he wants to go on record saying he is not comfortable denying those that have gone through the process, the way it was designed, the right to have their road done. From the beginning, there was not enough money to do all the road widenings, in general. There has not been enough money to do all the intersections and greenways, specifically. Moreover, there has not been enough money to do the dirt roads, so this is not an isolated situation where all of a sudden only the dirt roads are coming up short. This entire transportation funding effort has been inadequate for the list of demands from day one.

Mr. Livingston inquired if the residents of the dirt roads in front of us, for approval, been anticipating that we were going to move forward on them.

Mr. Beaty stated the 21 roads, which are in need of redesign, the property owners have been contacted, they have approved the projects, and they have seen the surveyors do the work. The remaining 38, we have sent out the letters for consent/denial, and they approved the roads. Therefore, both parties would think that the project is moving forward.

Ms. Myers stated, for the record, that Ms. Newton’s motion to defer, and her 2nd was what was on the floor, but now we are debating it. She pointed out that none of the people on this dropped list is aware that their roads have been taken off the list. We have compounded the problem by not notifying them that their roads have been dropped from the list, and we have moved on to substitute a new road in its place. In large part, that is why she raised this issue. We did not send them a follow-

up letter to that effect. We just substituted another road.

Mr. Beaty stated many counties in South Carolina do not have the same design standards that Richland County has for paving dirt roads. If you chose to, you could modify your design standards so that you could get more dirt roads paved. For example, if you cannot get 22 ft. wide in totality, you could pave 17 – 18 ft. It would not be striped as a two-way road, but you could view it as maintenance. You could pave the road without moving the ditches or buying right-of-way.

In Favor: Jackson Newton, Myers and Livingston

The vote in favor was unanimous.

d. Recommendations for Remaining Years 3 & 4 & Redesign of certain Years 1 – 2 Roads – Ms. Myers inquired if we are starting from scratch on the redesign.

Mr. Niermeier responded in the affirmative.

Ms. Myers inquired as to which roads are being redesigned, how much have we already paid, and what are we planning to spend on the redesign.

Mr. Niermeier stated we are talking about the 21 roads on p. 96 of the agenda.

Ms. Myers stated we spent Penny funding on this once, so now we are spending Penny funding on it again. She would like to know why we are doing this again when we are clearly at a place where we do not have a whole bunch of money.

Mr. Beaty stated the quality of the plans, and the level of work that went into the plans, is not adequate to construct the project. If you were to go to construction, with these plans, you would have greater issues during construction than what you would pay to redesign them. You have spent tens, if not hundreds, of thousands of dollars to design these 21, and you are going to need to re-spend that same amount of money.

Ms. Myers inquired if there has been any discussion with Legal staff about how we recoup any of the funding.

Dr. Thompson stated there have been some discussions, in the past, about a lawsuit with that particular vendor. He stated this has been a hang up for the past 18 months.

Ms. Myers inquired, with regard to this list, why are these roads the priority for redesign ahead of wherever we are.

Dr. Thompson stated these roads went through the consent/denial process for construction; however, because a contractor, for Richland County, did not do an adequate job we find ourselves in this situation. From staff's perspective, it is only fair for us to go back to Years 1 and 2 to make it right for those citizens, on those particular roads.

Mr. Livingston moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve staff's recommendation.

In Favor: Jackson, Myers and Livingston

Present but Not Voting: Newton

The vote in favor was unanimous.

- e. **Cash Flow Presentation – First Tryon** – Mr. David Cheatwood stated they came before you over the Summer to highlight a model they were putting together, in conjunction with staff, to look at the project cash flow schedule on the Penny Tax Program. Within that was built in different assumptions on interest earnings, sales tax growth, etc. The main purpose of it was to look at different options for taking out the \$175M bond anticipation note that is coming due at the end of February 2020. Since that time, they have gone back and looked at a couple different options. What they are looking for, from the committee, is discussion and guidance on how much of that \$175M to take out with a long-term bond, or how much funds on hand to potentially use to buy that amount down and take out the rest. Again, the end date that we need to issue a bond to pay off that BAN is the end of February 2020. In order to get there, they are going to have to have 2 – 3 months to prepare an offering document, get credit ratings, etc. to be in a position to sell those bonds in early February. They looked at two primary scenarios. The first one is using the existing project cash flow schedule from PDT. With that project cash flow schedule, you would need to take out the full \$175M BAN, with a long-term bond issue. The long-term bond issue would be for approximately 8 years, and would be a General Obligation Sales Tax Bond. With the bond sale, you will pay interest on those bonds. You would sell \$175M, and generate premium from that sale. Premium investors are going to pay you more than 100 cents on the dollar to get a higher interest rate, so under State law you use that premium to pay the interest. He stated he is going to talk about total interest and net interest. Net interest is the total interest that you pay on the bonds, less the premium that is available to pay the interest. You would fund the rest of your projects with the quarterly sales tax distributions. He stated the question was raised by Mr. Jackson, with the transition from the PDT to County staff, if there is some delay or pushback on some of these projects, and, if so, do if we need to take out the full \$175M or to use some of the funds on hand. The other scenario they ran is to take \$25M funds on hand and pay off \$25M of the \$175M. Then, we would have a long-term 8 year bond issue for the remaining \$150M. He stated we could look at various other options. You can go all the way to the extreme of using \$175M of funds on hand to pay the BAN off completely. However, if you do that you would dramatically have to pushback all your projects in order to accumulate more sales tax funds to pay for the projects. He highlighted some of the key assumptions they have built into this model. The model is only good as the assumptions we have in it. Inevitably, things are going to change, in terms of the growth assumptions on sales tax and the project amounts. He stated they are trying to track the different “buckets” and red flag, if we are over certain limitations. On a monthly basis, they will track the inflows (sales tax revenues and interest earnings) and outflows (debt service, principal and interest on bonds/BANs and projects). He stated you will not know how much premium you will receive until you sell the bonds. It is up to underwriters who are bidding on the bonds, but they have estimated about \$19.5M. If you issue \$175M, you are going to owe approximately \$210M. The net debt service will be \$191M, which means you are paying \$16M in interest. The debt service schedule would be largely principal the first couple of years. The 2nd scenario, where we take \$25M funds on hand and apply that to the \$175M BAN, which means we are issuing \$150M. The low point dips slightly negative in 2025. The Transportation Department did tweak the cash flow schedule because they recognized there might be some slow down with the transition. He stated you would not need Council approval, with three readings. You would simply need to pass a resolution with the amount of the bond listed.

Ms. Myers inquired if they ran any scenarios with us using a pay-as-you-go.

Mr. Cheatwood stated the only issue with that is that you have \$175M of debt outstanding, so you

have to pay that out. The pay-as-you-go scenario would be to use \$175M of funds on hand to pay it off, which would have a dramatic effect.

Ms. Myers stated we would spend all of our money and use the receipts that come in quarterly.

Mr. Niermeier stated he knows that was looked at early in the process. If the intent is not to slow down what we are doing, you could not sustain the amount of construction work that we anticipate in the next 18 months.

Ms. Myers stated she has voted no on every BAN. She is still not convinced that we should have had it. She would like an analysis of the pay-as-you-go.

Mr. Cheatwood stated we would simply shift the \$175M, in terms of paying off the BAN. As you would expect, your funds on hand will dramatically go down from the approximately \$200M you have now, so you are in the negative. The next step would be, which projects do we shift, and how far out do we have to shift them.

Ms. Myers stated, in looking at this chart, is this based on existing projects, planned projects, or a mixture of both.

Mr. Cheatwood stated it is a mixture.

Ms. Myers inquired as to what the minimum is we can borrow. She stated we have done back-to-back BANs, and we have only used \$25M of the 2nd BAN.

Ms. Hamm stated it is approximately \$55M.

Ms. Myers inquired how much has come in in Penny receipts.

Mr. Cheatwood stated, at the end of June, there was approximately \$200M of funds between the remaining BAN proceeds and quarterly collections.

Ms. Myers stated she knows that we are spending the BAN money first so we do not have an arbitrage issue. If we did not do that, with the money on hand that we have, and the receipts, as they come in, what would that do to the rate.

Mr. Cheatwood stated the question would be not stopping the ones that are currently under...

Ms. Myers stated she is not suggesting stopping anything. She is asking what it looks like if we use the cash on hand, that we have, and do a pay-as-you-go.

Mr. Hayes stated that currently we are using \$120M BAN, and \$40M current year receipts, to fund current projects. Any deviation from that will cause us to have to shift funds that are currently budgeted and push them out further.

Mr. Cheatwood stated you have to go forward with the ones that are under contract, so there is certain amounts that you are going to have to spend now. The ones that you have not bid out would be the ones you have to push back. That is something that they could run. With that, he would note in the current interest rate environment, they have seen rates hit all-time lows. He stated your all cost of money is under 2%, if you did an 8-year bond issue. You are earning around 2% right now, so that

interest cost is largely offset by your interest earnings.

Mr. Jackson inquired, if it is true, that we have not reached the peak of the volume of work, although we have spent an average of \$50M a year. He stated there was a chart he saw that shows, in the years to come, we are going to increase spending significantly, based upon where we are in the construction of projects that are now in the design phase.

Mr. Niermeier responded in the affirmative.

Mr. Jackson stated, if we got that level of commitment now, that we have to honor in 12 months, he does not see how we can honor it if we do not have the BAN/bond money to support it.

Mr. Niermeier stated that is a correct statement.

Ms. Newton inquired, if Mr. Cheatwood was referring to construction plans, when he mentioned the PDT's existing cash flow plan.

Mr. Cheatwood stated it is a quarterly cash flow model involving projects under consideration, which includes design, right-of-way and construction.

Ms. Newton stated, it is her understanding, that the interest that we are paying on our BANs is counted against our administrative costs, from a referendum perspective.

Mr. Cheatwood stated, it is bond counsel's interpretation that interest paid, on BANs and bonds, goes to the project amounts.

Mr. Jones stated they have looked at it very closely. He does think there has been some confusion. There is a single sentence in the ordinance, that if you read it by itself, you might draw the conclusion that the administrative expenses include interest, but if you read the ordinance together, as well as the minutes from the County Council meetings, at which administrative caps were discussed, the conclusion is interest expense is not included in administrative expenses.

Mr. Cheatwood stated, if you want them to come back to committee, with Ms. Myers' scenario, they could do that.

Mr. Jackson stated he would like to have this presented to Council. If we can bring this forward prior to the end of October.

Ms. Myers moved, seconded by Mr. Livingston, to forward this item to Council for discussion.

In Favor: Jackson, Newton and Myers

Present but Not Voting: Livingston

The vote in favor was unanimous.

6. **ADJOURN** – The meeting adjourned at approximately 2:45 PM.

**RICHLAND COUNTY GOVERNMENT
DEPARTMENT OF TRANSPORTATION**

2009 Hampton Street, Columbia, SC 29204
T 803-576-2050 | F 803-576-2137 | TDD 803-576-2045
richlandcountysc.gov



TRANSITION UPDATE



**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

To: Chair of the Committee and the Honorable Members of the Committee
Prepared by: Michael Niermeier
Department: Transportation Department
Date Prepared: October 17, 2019 **Meeting Date:** October 29, 2019

Legal Review		Date:	
Budget Review		Date:	
Finance Review		Date:	
Other Review:		Date:	
Approved for Council consideration:	Assistant County Administrator		
Committee	Transportation Ad Hoc Committee		
Subject:	Mitigation Credit Sales		

Recommended Action:

Staff respectfully requests the Committee to concur with these credit sales and forward to full Council for consideration.

Motion Requested:

Approval of the requested mitigation credit sales.

Request for Council Reconsideration: Yes

Fiscal Impact:

This mitigation credit sale will generate \$147,108.00 which will be credited to the Transportation Penny Program.

Motion of Origin:

Staff recommendation.

Council Member	
Meeting	
Date	

Discussion:

Staff requests approval for the sale of mitigation bank credits from the Mill Creek Mitigation Bank to the SCDOT for the Alpine Road and Old Percival Road Intersection Improvement Project as described below and in the attachments. This bank was established with Transportation Program funding in order to provide mitigation credits necessary to acquire construction permits for transportation projects. The contract the County holds with mitigation bankers also allows the County to sell surplus credits, and retain 92% of the sale value. Funding from previous credit sales has been credited back to the Transportation Program as the Program wholly funded this mitigation bank.

Project Name: SCDOT Alpine Road and Old Percival Road Intersection Improvement Project

Richland County Share: \$147,108.00

Attachments:

- 1) Approved Army Corps of Engineers 404 Permit # SAC-2015-01281
- 2) Surplus Credit Sale Checklist SCDOT Alpine Road and Percival Road Intersection
- 3) Credit Sales Contract Mill Creek SCDOT Alpine Road and Old Percival Road Intersection



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

JUL 10 2018

RECEIVED

JUL 17 2018

Regulatory Division

South Carolina Department of Transportation (SCDOT)
Mr. Jeff Siceloff
PO Box 191
Columbia, South Carolina 29202-0191

Dear Mr. Siceloff:

This letter is in response to your application for a Department of the Army permit to construct an overall project known as SCDOT S-36 (Alpine Road) and S-1026 (Old Percival Road) Intersection Improvement project, which we received and considered complete on June 25, 2018. By submittal of the application, you requested verification that the proposed project is authorized by Department of the Army General Permit # SAC-2015-01281.

The information you submitted contains the following identifying information for this project. The work affecting waters of the United States is part of an overall project known as SCDOT S-63 (Alpine Road) and S-1026 (Old Percival Road) Intersection Improvement project in Richland County, South Carolina project (SCDOT Project ID# 027626). This project includes construction of a single lane traffic circle at this intersection with the placement of fill, piping and rock rip rap in waters of the U.S. Specifically, the activities in waters of the United States include impacts to a total of 0.054 acre of wetland (0.035 acre fill impact and 0.019 acre mechanical clearing impact) and 217 linear feet of tributaries from the placement of fill and piping intersection improvements in Richland County, South Carolina project (SCDOT Project ID# 027626) (Latitude: 34.065611 °N, Longitude: -80.908115 °W).

The application also includes the following supplemental information:

- a. Drawing sheets 1-7 of 7 titled "S-63 (Alpine Road) at S-1026 (Old Percival Road) Intersection Improvements Richland County SCDOT Project ID: 027626 USACE SAC 2017-00470" and dated June 22, 2018;
- b. A delineation of wetlands, other special aquatic sites, and other waters (SAC-2017-00470, issued of May 26, 2017);
- d. A Categorical Exclusion Evaluation, signed by SCDOT dated June 30, 2016, Biological Survey, and Cultural Resources Project Screening Report

Based on a review of the information provided, it has been determined that the proposed activity will not result in more than minimal individual or cumulative adverse environmental effects, and is not contrary to the public interest. Furthermore, the activity described above meets the terms and conditions of Department of the Army General Permit # SAC-2015-01281.

For this authorization to remain valid, the project must comply with: (1) the terms and conditions listed in the enclosed copy of the Department of the Army General Permit # SAC-2015-01281; and (2) the following special conditions:

- a. That prior to beginning the authorized work the permittee must obtain and provide the Corps with a copy of all appropriate state certifications and/or authorizations (e.g., Coastal Zone Management Act concurrence, State Navigable Waters Permit, etc.).
- b. That impacts to aquatic areas do not exceed those specified in the above mentioned PCN, including any supplemental information or revised permit drawings that were submitted to the Corps by the permittee.
- c. That the construction, use, and maintenance of the authorized activity is in accordance with the information given in the PCN, including the supplemental information listed above, and is subject to any conditions or restrictions imposed by this letter.
- d. That the permittee shall submit the attached signed compliance certification to the Corps within 30 days following completion of the authorized work.
- e. That as compensatory mitigation for impacts to aquatic resources, the permittee agrees to purchase or debit a total of 0.4 wetland mitigation credits and 868 stream mitigation credits from the [Mill Creek Wetland Mitigation Bank. At least one half of the required wetland credits (0.2 wetland credits) and one half of the required stream mitigation credits (434 stream credits) must be restoration/non-buffer enhancement credits. In addition, no more than one half of the required wetland credits (0.2 wetland credits) and one half of the required stream mitigation credits (434 stream credits) may be preservation credits.
- f. That the permittee must submit evidence of the purchase or debit of the required mitigation credits to both the Corps of Engineers and SCDHEC prior to commencement of the authorized work. Your responsibility to complete the required compensatory mitigation will not be considered fulfilled until you have received written verification from the U.S. Army Corps of Engineers

This verification is valid until Department of the Army General Permit SAC-2015-01281 expires on July 20, 2021, unless prior to this date the subject General Permit is suspended, revoked, or is modified such that the activity no longer complies with the terms and conditions of the General Permit.

This authorization is being verified under Department of the Army General Permit #SAC-2015-01281 based on the information you have provided. It is your responsibility to read the attached General Permit before you begin work. If your project fails to meet all of the terms and conditions of the subject General Permit, including the special conditions above, at any time (i.e., prior to commencement of the authorized work, during construction, or after project completion), the activity is considered unauthorized, and you should contact the Corps immediately.

In all future correspondence concerning this matter, please refer to our file number SAC-2006-02407. A copy of this letter is being forwarded to certain State and/or Federal agencies for their information. If you have any questions concerning this matter, please contact Stephen A. Brumagin, Project Manager, at (803) 253-3445

Respectfully,


Amanda L. Heath
Chief, Special Projects

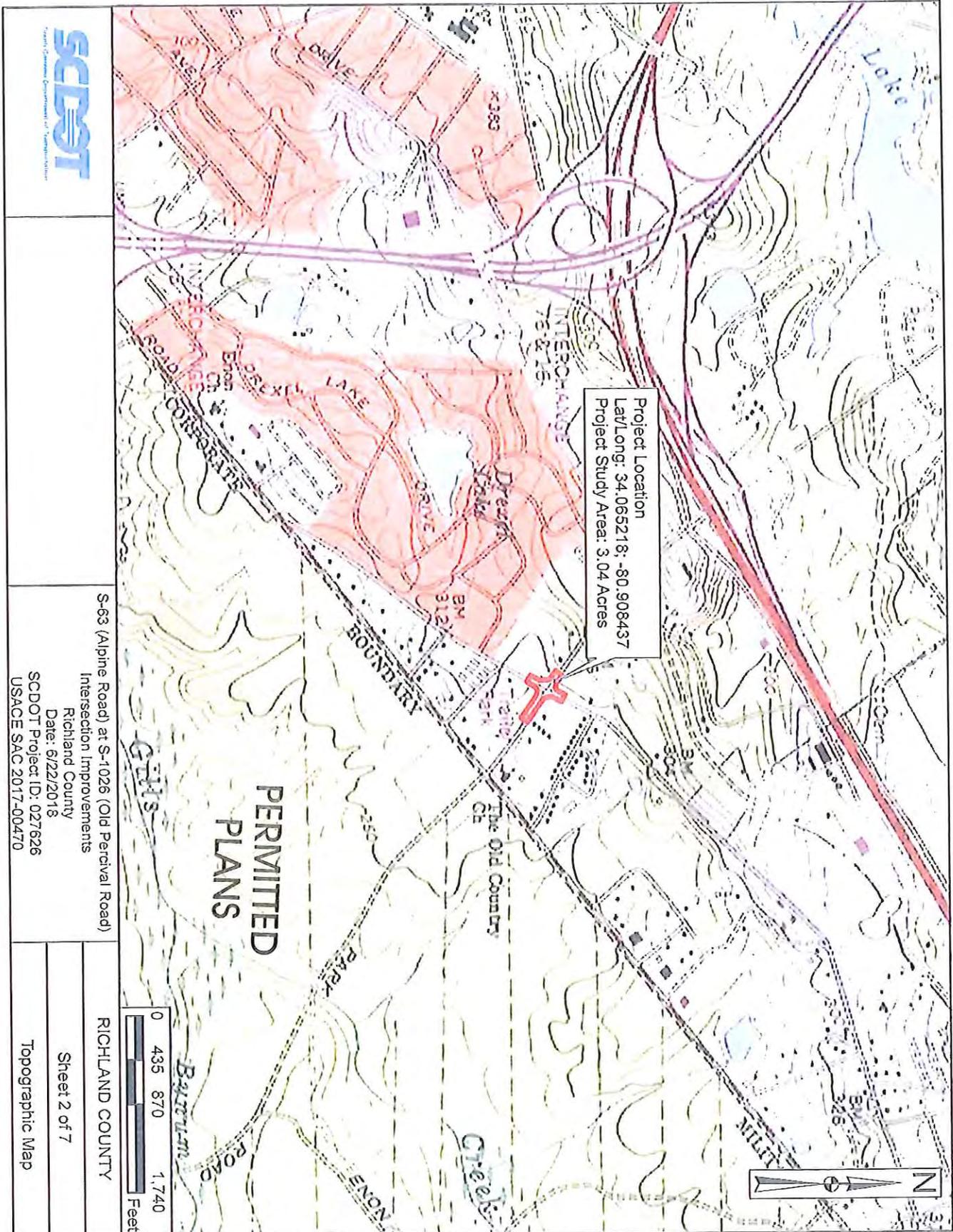
Enclosures:

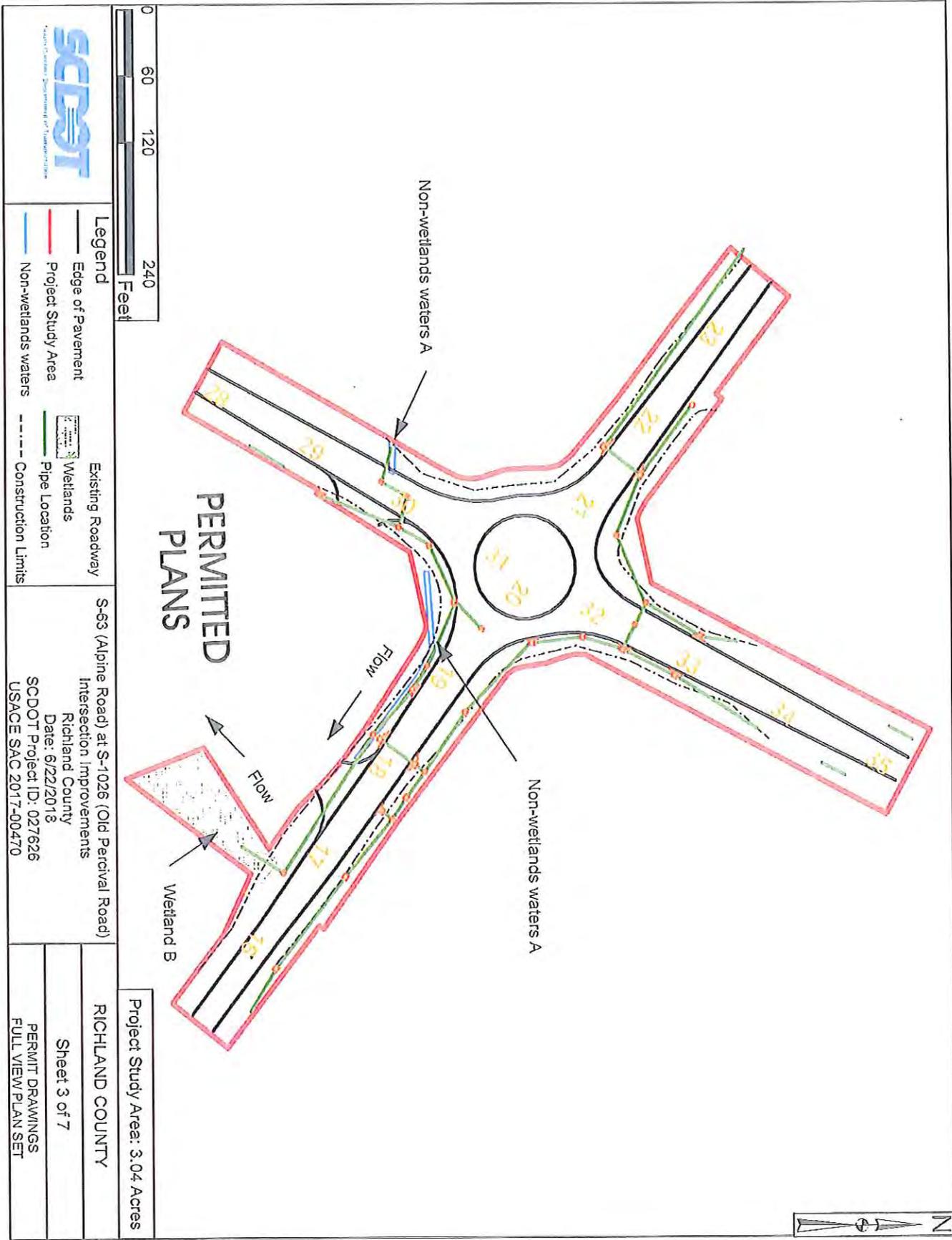
Permit Drawings
General Permit # SAC-2015-01281
Certification of Compliance

Copy Furnished:

Ms. Jessica Frey
TranSystems
400 West Nationwide Boulevard
Columbus, Ohio 43215

Mr. Chuck Hightower
South Carolina Department of
Health and Environmental Control
Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201



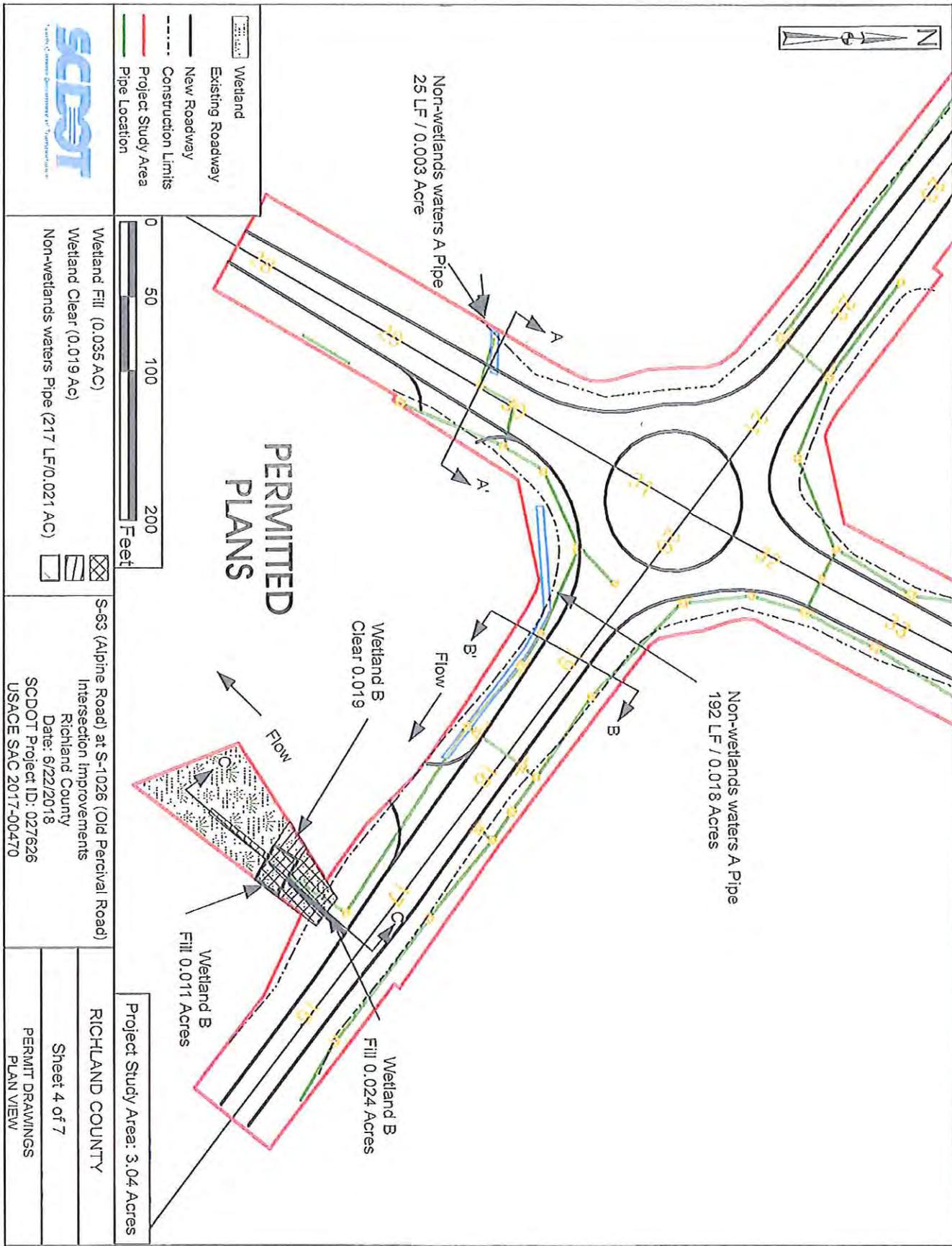


- Legend**
- Edge of Pavement
 - Project Study Area
 - Non-wetlands waters
 - Existing Roadway
 - Wetlands
 - Pipe Location
 - Construction Limits

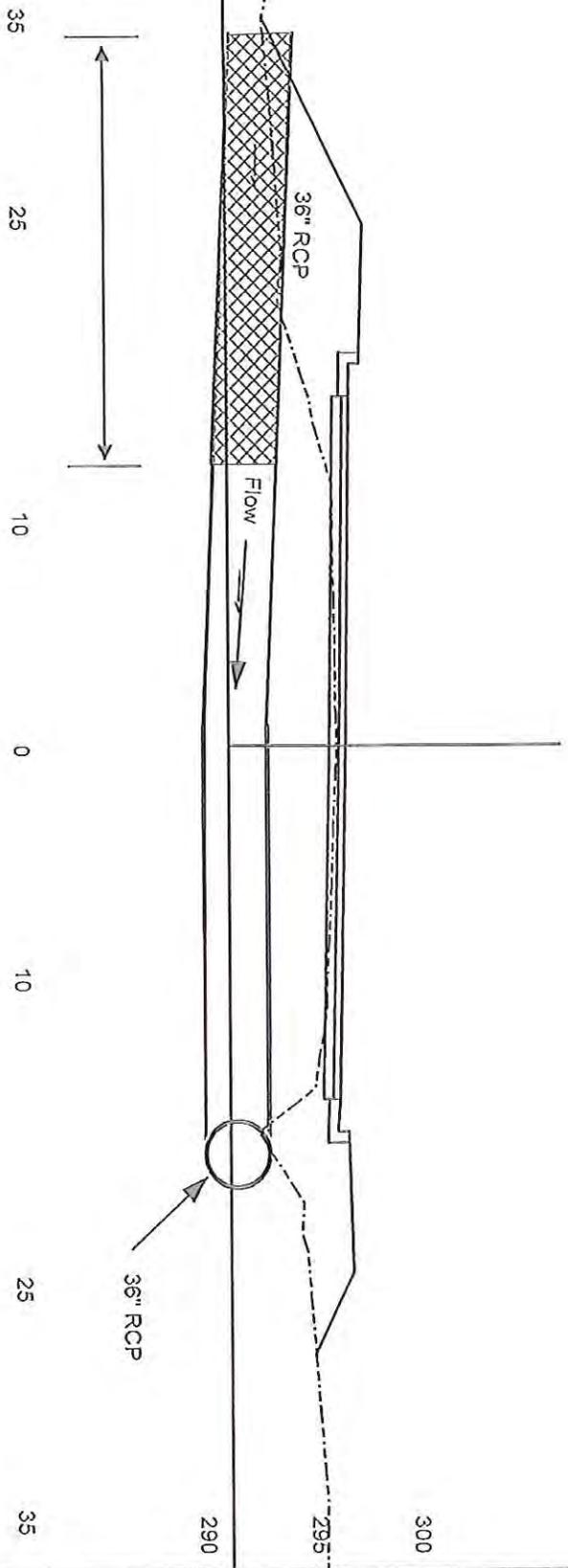
S-63 (Alpine Road) at S-1026 (Old Percival Road)
 Intersection Improvements
 Richland County
 Date: 6/22/2016
 SCDOT Project ID: 027626
 USACE SAC 2017-00470

RICHLAND COUNTY
 Sheet 3 of 7
 PERMIT DRAWINGS
 FULL VIEW PLAN SET

Project Study Area: 3.04 Acres



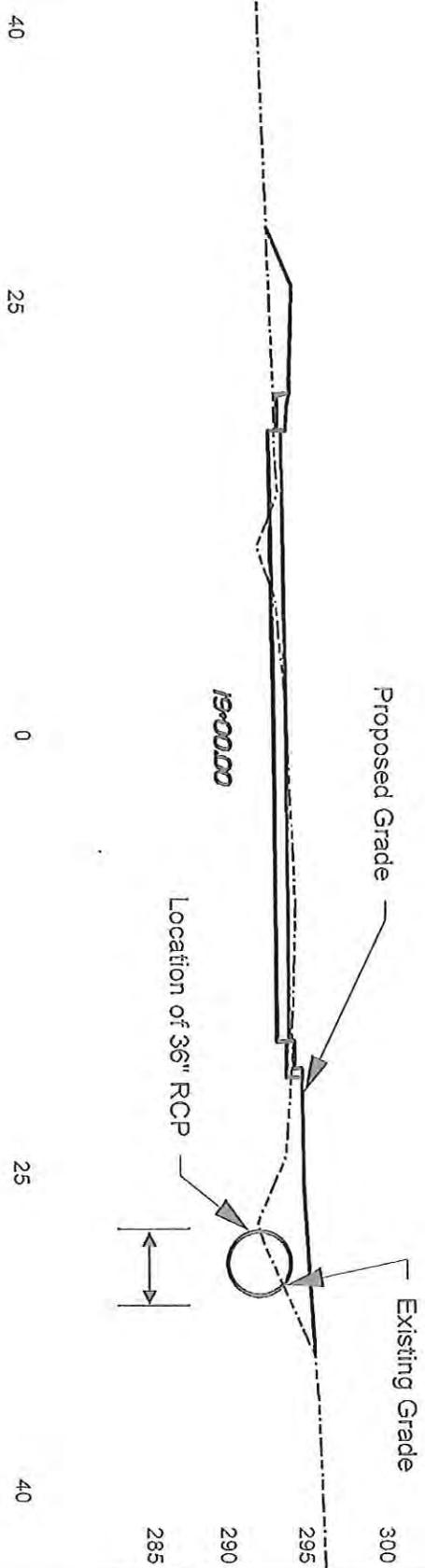
Sta. 29+71
 Section A-A'
 Non-wetlands waters A



**PERMITTED
 PLANS**

	Non-wetlands waters Pipe (25 L/F/0.003 Acres) 	S-63 (Alpine Road) a S-1026 (Old Percival Road) Intersection Improvements Richland County Date: 6/22/2018 SCDOT Project ID: 027626 USACE SAC 2017-00470	RICHLAND COUNTY
			Sheet 5 of 7 Cross Section Station 29+71

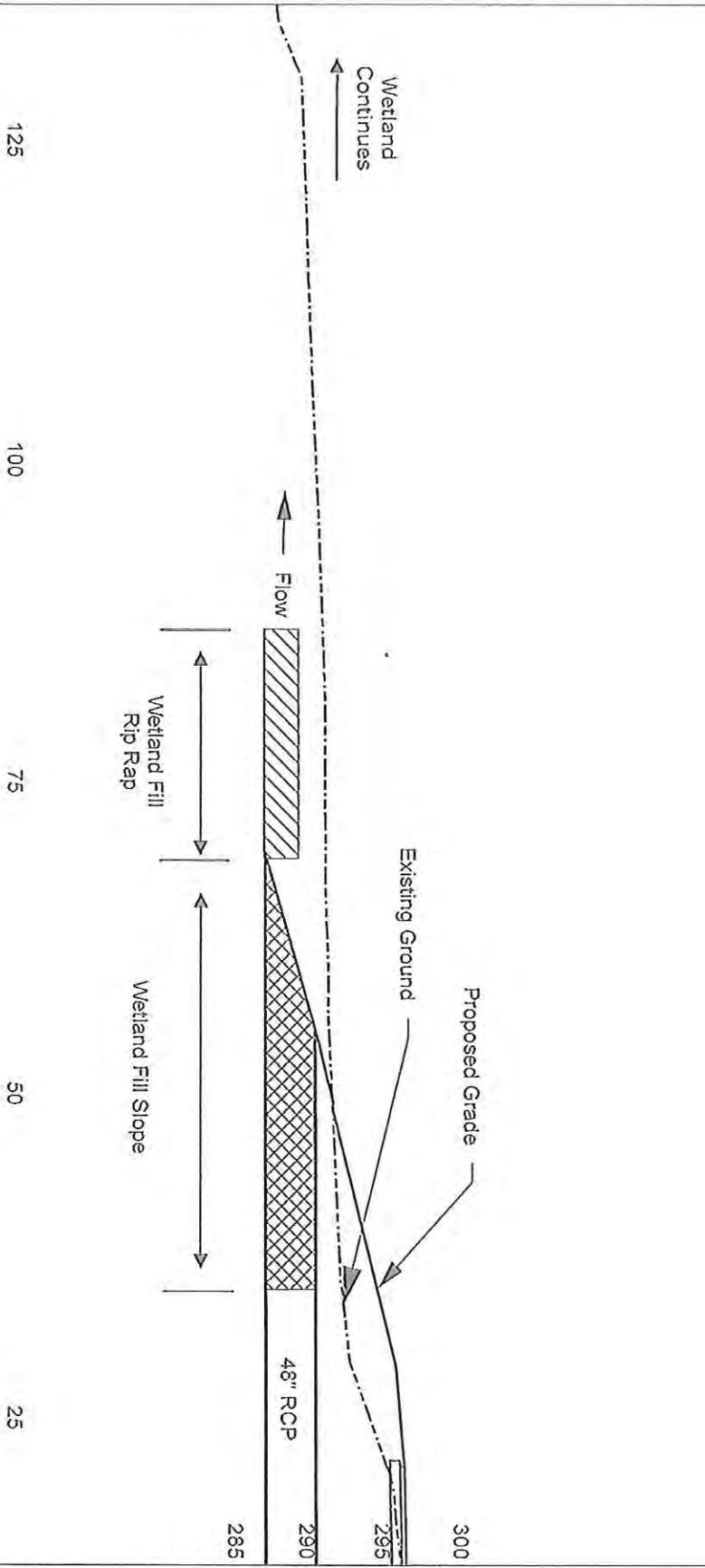
Sta. 19+00
 Section B-B'
 Non-wetlands waters A



**PERMITTED
 PLANS**

	Non-wetlands waters Pipe (192 LF/0.0183 AC)	S-63 (Alpine Road) a S-1026 (Old Perivival Road) Intersection Improvements Richland County Date: 6/22/2018 SCDOT Project ID: 027626 USACE SAC 2017-00470	RICHLAND COUNTY	
			Sheet 6 of 7 Cross Section Station 19+00	

Sta. 16+71
Section C-C'
Wetland B



**PERMITTED
PLANS**

	Wetland Fill Slope (0.024 Acres) Wetland Fill Rip Rap (0.011 Acres) Wetland Clear (0.01 Acres)		S-63 (Alpine Road) a S-1026 (Old Percival Road) Intersection Improvements Richland County Date: 6/22/2018 SCDOT Project ID: 027626 USACE SAC 2017-00470	RICHLAND COUNTY Sheet 7 of 7 Cross Section Station 16+71
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Permit Number: _____

Name of Permittee: _____

Date of Issuance: _____

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Regulatory Division
69A Hagood Avenue
Charleston, South Carolina 29403-5107

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

=====

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

MITIGATION CREDIT SALES AGREEMENT SUMMARY

<u>Project:</u>	SCDOT S-36 (Alpine Road) and S-1026 (Old Percival Road) Intersection Improvement Project
<u>Location:</u>	Permit with maps are attached
<u>Buyer:</u>	SCDOT
<u>Buyer's USACE 404 Permit #:</u>	SAC-2015-01281
<u>Price Per Wetland Credit:</u>	\$20,000
<u>Price Per Stream Credit:</u>	\$175
<u>Wetland Credits:</u>	0.40 (0.20 restoration/enhancement; 0.20 preservation)
<u>Stream Credits:</u>	868.00 (434.00 restoration/enhancement; 434.00 preservation)
<u>Credit Gross Proceeds:</u>	\$159,900.00
<u>Richland County Share:</u>	\$147,108.00 (92% of \$159,900.00)
<u>MCMH Share:</u>	\$12,792.00 (8% of \$159,900.00)

AGREEMENT FOR PURCHASE AND SALE OF STREAM
AND/OR WETLAND MITIGATION CREDITS

THIS AGREEMENT FOR PURCHASE AND SALE OF STREAM AND/OR WETLAND CREDITS (this "Agreement") is dated this ____ day of _____, 2019 by and between MILL CREEK MITIGATION HOLDINGS LLC, a Delaware limited liability company, and the owner and operator of a stream and wetland mitigation bank commonly known as the Mill Creek Mitigation Bank ("Seller"), and SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION ("Purchaser").

RECITALS

A. The Mill Creek Mitigation Bank (the "Bank") was approved and is being operated pursuant to that certain Final Mitigation Banking Instrument: Mill Creek Mitigation Bank, dated December 22, 2015, United States Army Corps of Engineers - Charleston District (the "Corps") permit number SAC-2014-00222 (the "MBI");

B. Pursuant to the MBI, the Bank may offer wetland and stream credits for sale as compensation for unavoidable adverse impacts to, or for the loss of, among other things, jurisdictional waters of the United States, including wetlands and streams, and other natural habitats and ecosystems, located within that certain geographical service area more particularly depicted on the attached Exhibit A (the "Service Area");

C. Purchaser desires to procure compensatory mitigation in connection with the project known as "SCDOT S-36 (Alpine Road) and S-1026 (Old Percival Road) Intersection Improvement Project" pursuant to USACE Charleston District permit SAC 2015-01281;

D. Purchaser desires to purchase from Seller, and Seller desires to sell to Purchaser, wetland and/or stream mitigation credits pursuant to the terms and conditions set forth herein.

AGREEMENT

In consideration of the foregoing and the mutual promises, covenants, agreements and obligations of the parties contained in this Agreement, the adequacy and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, Seller and Purchaser agree as follows:

1. Recitals. The recitals to this Agreement are herein incorporated by reference and made an integral part hereof.

2. Sale of Credits. Seller hereby sells to Purchaser, and Purchaser hereby purchases from Seller (a) FOUR HUNDRED THIRTY-FOUR and 00/100 (434.00) stream restoration/non-buffer enhancement credits and FOUR HUNDRED THIRTY-FOUR and 00/100 (434.00) stream preservation credits (collectively, the "Stream Credits") and (b) ZERO and 20/100 (0.20) wetland restoration/non-buffer enhancement credits and ZERO and 20/100 (0.20) wetland preservation credits (collectively, the "Wetland Credits," and together with the Stream Credits, the "Credits") from the Bank based on the terms and conditions contained herein.

Upon execution of this Agreement, Seller shall provide Purchaser with an invoice for the Purchase Price (as defined in Section 3 below) and Purchaser shall remit payment within 14 days of receipt of such invoice. Upon receipt of such payment, Seller will file the documentation with the Corps necessary to transfer the Credits to Purchaser in accordance with Corps policies and procedures and the terms of this Agreement.

3. Purchase Price. The purchase price for the (a) Stream Credits shall be ONE HUNDRED SEVENTY-FIVE and 00/100 Dollars (\$175.00) for each Stream Credit, for a total purchase price for the Stream Credits of ONE HUNDRED FIFTY-ONE THOUSAND NINE HUNDRED and 00/100 (\$151,900.00); and (b) Wetland Credits shall be TWENTY THOUSAND and 00/100 Dollars (\$20,000.00) for each Wetland Credit, for a total purchase price for the Wetland Credits of EIGHT THOUSAND and 00/100 (\$8,000.00), for a grand total purchase price for the Stream Credits and the Wetland Credits of ONE HUNDRED FIFTY-NINE THOUSAND NINE HUNDRED and 00/100 (\$159,900.00) (the "Purchase Price"). Upon payment of the Purchase Price in full, neither Purchaser, nor its successors, assignees or designees shall be liable for the payment to Seller of any other consideration or fee in connection with the sale of the Credits.

4. Delivery of Credits. Upon receipt of the Purchase Price, Seller shall:

(a) notify the Corps of the completion of the sale using such documentation as required by the Corps, with a copy delivered to Purchaser; and

(b) deliver to Purchaser a bill of sale for the Credits in substantially the same form as Exhibit B attached hereto.

5. Representations, Warranties and Covenants. Seller hereby warrants and represents to, and covenants with, Purchaser as follows:

(c) Seller expressly represents, warrants, and covenants the matters set forth as Recitals A and B.

(d) Seller has a sufficient number of credits in the Bank to consummate the transactions contemplated herein.

(e) Seller has full power and authority to convey the Credits to Purchaser and to consummate the transactions contemplated herein.

(f) Seller shall deliver the Credits to Purchaser free and clear of any liens, security interests or other encumbrances.

(g) There is no pending or threatened action or proceeding affecting Seller before any court, governmental agency, or arbitrator that would adversely affect Seller's ability to comply with its obligations hereunder.

(h) Seller hereby covenants and agrees with Purchaser that Seller shall not sell any number of credits in the Bank that would prevent the consummation of the transactions contemplated herein.

(i) Seller shall be solely responsible, at its sole cost and expense, for compliance with the requirements of this Agreement and with all statutes, regulations, and other requirements applicable to the operation, management, and maintenance of the Bank.

(j) That the execution and delivery of this Agreement on behalf of Seller has been duly authorized and such execution and delivery shall constitute the valid and binding agreement of Seller and is enforceable in accordance with its terms.

(k) All of Seller's representations, warranties, and covenants herein shall survive the termination of this Agreement and the delivery of the bill or bills of sale pursuant to this Agreement.

6. Miscellaneous

(a) Notices. Any notice, demand or request which is required or permitted hereunder shall be deemed effective when hand delivered, sent by a receipted overnight delivery service, or mailed, via certified mail, to the following addresses:

Seller: Mill Creek Mitigation Holdings LLC
Six Concourse Parkway, Suite 2140
Atlanta, Georgia

With a copy to:

The Lyme Timber Company LP
General Counsel
23 South Main Street, 3rd Floor
Hanover, NH 03755

Purchaser: South Carolina Department of Transportation

955 Park St
Columbia, SC 29205
2

With a copy to:

The parties may change the address for notices by delivery of a change of address to the other party in accordance with the requirements set forth above.

(b) Brokerage Commission. Seller and Purchaser each warrant to the other that no broker, agent, salesman or similar person is entitled to a commission or other fee in connection with this transaction.

(c) Entire Agreement; Modification. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and neither Party shall be bound by representations except as set forth in this Agreement. There are no other agreements or understandings, written or oral, between the parties with regard to the subject matter of this Agreement. This Agreement shall not be modified or amended except by a written document executed by both parties.

(d) Governing Law. The validity, interpretation, and performance of this Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina, with the proper venue being Richland County, except to the extent that any applicable federal law or regulation shall supersede South Carolina law in relation to the matters set forth in this Agreement.

(e) Compliance with Applicable Laws. Both parties shall comply with all applicable federal, state, and local laws, rules, regulations, and orders in the conduct of their obligations hereunder.

(f) Severability. The provisions of this Agreement shall be deemed severable and, if any term herein shall be held invalid, illegal, or unenforceable, the remainder of this Agreement shall continue to be effective and binding on the parties.

(g) Additional Assurances. Both of the parties agree to execute and deliver any other document or documents that may be requested from time to time by the other party necessary to perform such party's obligations under this Agreement.

(h) Attorney's Fees. If legal action is commenced by either party to enforce its rights under this Agreement, the substantially prevailing party in such action shall be entitled to recover reasonable costs incurred by it, including, but not limited to, reasonable attorneys' fees and costs, in addition to any other relief granted.

(i) Nature of Credits. The sale and conveyance of the Credits pursuant to this Agreement shall not constitute the conveyance or transfer of any right, interest, or ownership of real property or the Bank, nor shall such conveyance impose upon Purchaser any obligation, duty, or liability arising from or incident to ownership of an interest in real property.

(k) Assignability. Neither party hereto may assign its rights and obligations hereunder to any third party entity without the prior written consent of the other, which may be withheld in the other party's sole discretion.

(l) Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original, and all of which shall together constitute one and the same Agreement. Signed signature pages may be transmitted by facsimile or email and any such signature or electronic signature shall have the same legal effect as an original.

WITNESS the following authorized signatures:

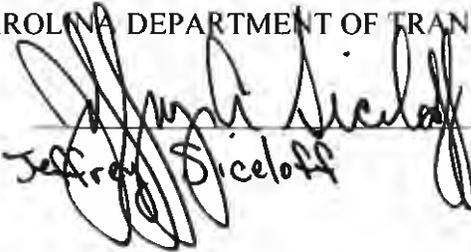
SELLER: MILL CREEK MITIGATION HOLDINGS LLC

By: _____

Printed:

Its:

PURCHASER: SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

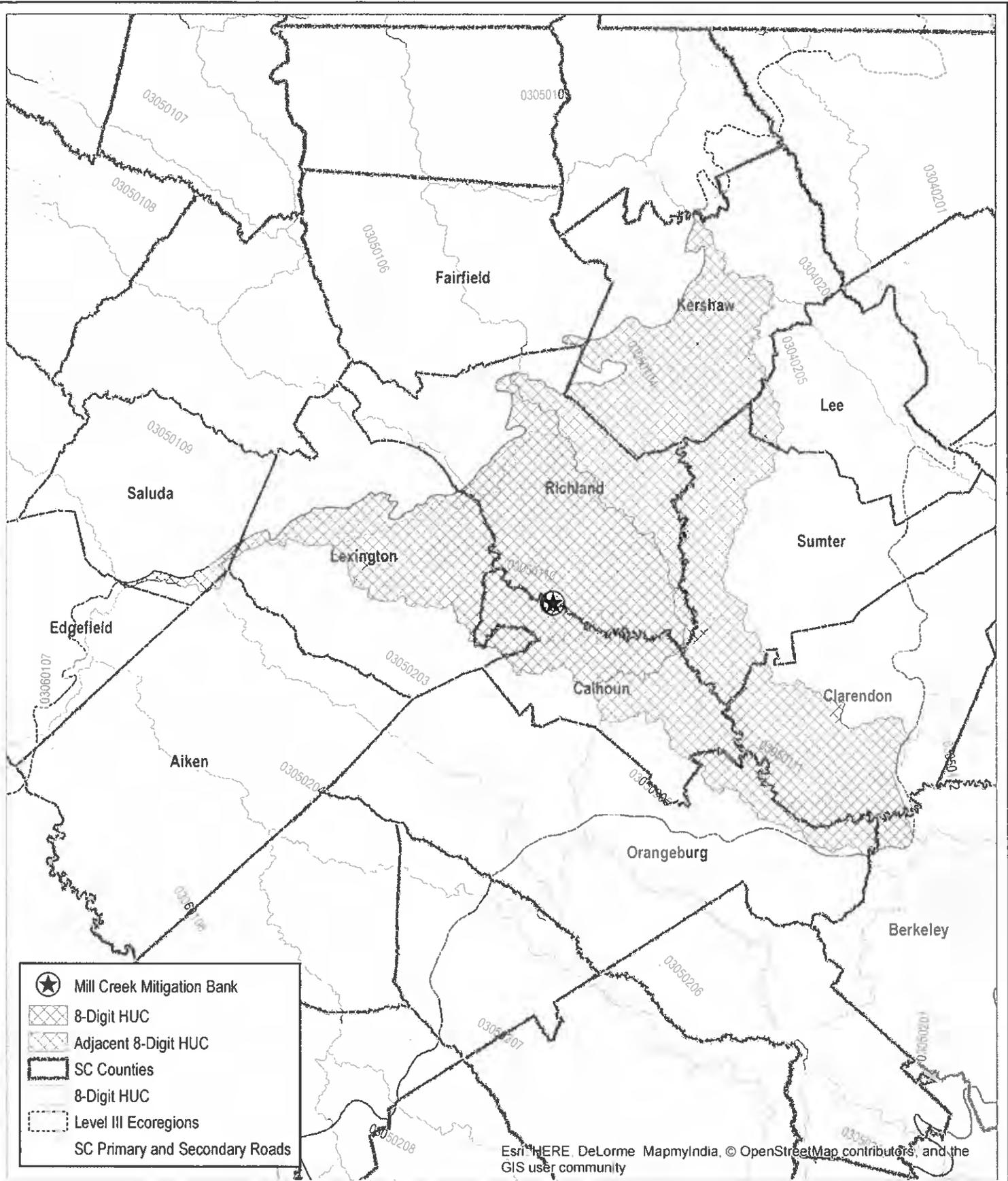
By:  _____

Printed: Jeffrey Sicheloff

Its:

EXHIBIT A

[Attach map of Service Area]



-  Mill Creek Mitigation Bank
-  8-Digit HUC
-  Adjacent 8-Digit HUC
-  SC Counties
-  8-Digit HUC
-  Level III Ecoregions
-  SC Primary and Secondary Roads

Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



TIDEWATER
 A **JMT** Division
 952 Houston Northcutt Blvd., Suite 100
 Mount Pleasant, SC 29464
 Ph: (843) 556-2624 Fx: (843) 556-4329
 www.JMT.com

Figure 16: Service Area Map
 Mill Creek Mitigation Bank
 Richland County, South Carolina
 Source: ESRI, USGS, EPA
 Date: July 2016

1 inch = 15 miles



0 7.5 15 30 Miles



EXHIBIT B

BILL OF SALE

THIS BILL OF SALE is made as of the _____ day of _____, 2016, by MILL CREEK MITIGATION HOLDINGS LLC, a Delaware limited liability company ("Seller"), and _____, a _____ ("Purchaser").

Seller and Purchaser have entered into that certain Agreement for Purchase and Sale of Stream and Wetland Mitigation Credits dated _____, 2016 (the "Agreement"), the terms of which are incorporated herein by reference and made a part hereof, with respect to the sale by Seller and the purchase by Purchaser of Stream Credits and Wetland Credits (each as defined in the Agreement) held in Seller's Mill Creek Mitigation Bank, Richland County, South Carolina.

In consideration of the Purchase Price (as defined in the Agreement) and other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged, Seller hereby sells, transfers, assigns, conveys, delivers, and sets over to Purchaser, its successors, or assigns, _____ and _____/100 Stream Credits and _____ and _____/100 Wetland Credits, to have and hold all such Stream Credits and Wetland Credits, forever. Witness the following authorized signature:

Mill Creek Mitigation Holdings LLC

By: _____

Printed:

Its:



Agenda Briefing

To: Chair of the Committee and the Honorable Members of the Committee
Prepared by: Michael A. Niermeier, Director
Department: Richland County Transportation
Date Prepared: October 10, 2019 **Meeting Date:** October 22, 2019

Legal Review	N/A	Date:	
Budget Review	N/A	Date:	
Finance Review	N/A	Date:	
Other Review:	N/A	Date:	
Approved for Council consideration:		Assistant County Administrator	John Thompson, Ph. D

Committee

Subject: Edmonds Farm Rd. Dirt Rod Paving

Background Information:

Edmonds Farm Rd is a dirt road in District 10, included in the Years 3-4 funding category, and recommended for design development. The existing road lies wholly within the existing rights of way owned by Norfolk Southern Railroad (NSRR); therefore, coordination with NSRR is and would be required for the successful paving of this road. NSRR has provided documented financial support for this project in return for the closing of (2) existing rail crossings within the project vicinity. NSRR has offered \$25,000.00 toward the paving project for each of the permanent closures. See Exhibit A for a copy of this project offer letter.

The location of these proposed crossing closures in relation to the paving project are shown in Exhibit B. SCDOT has confirmed that they have no claim to these crossings and would have no issue with their closures.

A joint resolution between NSRR and Richland County will be needed in order to vacate these closures, along with all other necessary railroad coordination specific to rights of entry and PE Agreements for design review.

Recommended Action:

Staff requests Council to approve the closing of these two railroad crossings.

Motion Requested:

None

Request for Council Reconsideration: Yes

Fiscal Impact:

This dirt road would be funded from the Dirt Road Paving Program. If Council approves the closure of the two railroad crossings then NS will provide \$50,000 to the County to assist with the paving of Edmonds Farm Rd.

Motion of Origin:

This request did not result from a Council motion.

Council Member	N/A
Meeting	N/A
Date	N/A

Discussion:

None

Attachments:

1. Norfolk Southern Letter of Support
2. Overview Maps

Edmonds Farm Rd (Dirt Road Paving) – Norfolk Southern Railroad Project Support

Edmonds Farm Rd is a dirt road in District 10, included in the Years 3-4 funding category, and recommended for design development. The existing road lies wholly within the existing rights of way owned by Norfolk Southern Railroad (NSRR); therefore, coordination with NSRR is and would be required for the successful paving of this road. NSRR has provided documented financial support for this project in return for the closing of (2) existing rail crossings within the project vicinity. NSRR has offered \$25,000.00 toward the paving project for each of the permanent closures. See Exhibit A for a copy of this project offer letter.

The location of these proposed crossing closures in relation to the paving project are shown in Exhibit B. SCDOT has confirmed that they have no claim to these crossings and would have no issue with their closures.

A joint resolution between NSRR and Richland County will be needed in order to vacate these closures, along with all other necessary railroad coordination specific to rights of entry and PE Agreements for design review.

Exhibit A – NSRR Project Support Letter

Exhibit B - Proposed Crossing Closures Overview Map



Norfolk Southern Corporation
1200 Peachtree Street, NE – Box 13
Atlanta, GA 30309-0036
Phone 404-582-6937
william.miller@nscorp.com

William R. Miller
Public Safety Director

July 9, 2019

Ms. Allison Steele, P. E.
Assistant Director
Richland County Transportation Department
2009 Hampton Street
Columbia, SC 29204

Sent Via E-mail

**SUBJECT – State X-Over Rd. - DOT # 723 731D & Third St. – DOT # 723 729C–
Highway/Rail Grade Crossing Safety - Project Edmonds Mill Rd. Paving Project**

Dear Ms. Steele:

Thank you for taking the time to speak with me recently regarding the various reasons to pursue permanent closure of the Norfolk Southern railroad crossings, as outlined above, in Richland County.

Safety has always been a top priority at Norfolk Southern. Furthermore, we support the Federal Rail Administration's goal of consolidating 25% of the nation's public at-grade crossings. All railroads in the country have been tasked, by the FRA, to work with local communities to eliminate redundant crossings or un-needed crossings. Norfolk Southern has a program with incentive offers to assist your community with this consolidation process. This program exists because Norfolk Southern wants to prevent collisions with trains, which can result to injury or death.

The Norfolk Southern Grade Crossing Group would like to make an offer of \$25,000 each for the permanent closures of **State X-Over Rd. - DOT # 723 731D & Third St. – DOT # 723 729C** in Richland County, SC. It is understood that this incentive will go towards a paving project at Edmonds Mill Rd. which we will help to support given that all normal requirements for such projects are met.

We ask for your assistance in informing the proper Richland County officials of our offer and with local help in navigating the process for permanently closing the crossings. We look forward to working with you and the county on this important safety project.

It will be necessary for the county to pass a resolution vacating the crossing. Once this is done, forward a copy to me and on receipt I will process the request for the incentive payment to Norfolk Southern senior management. When the check is sent, NS will then close the crossing by removing the asphalt from between the rails out to our right-of-way. This will be done at NS' expense. It may be necessary for the road authority to put up, or remove existing, signage to indicate the crossings are closed.

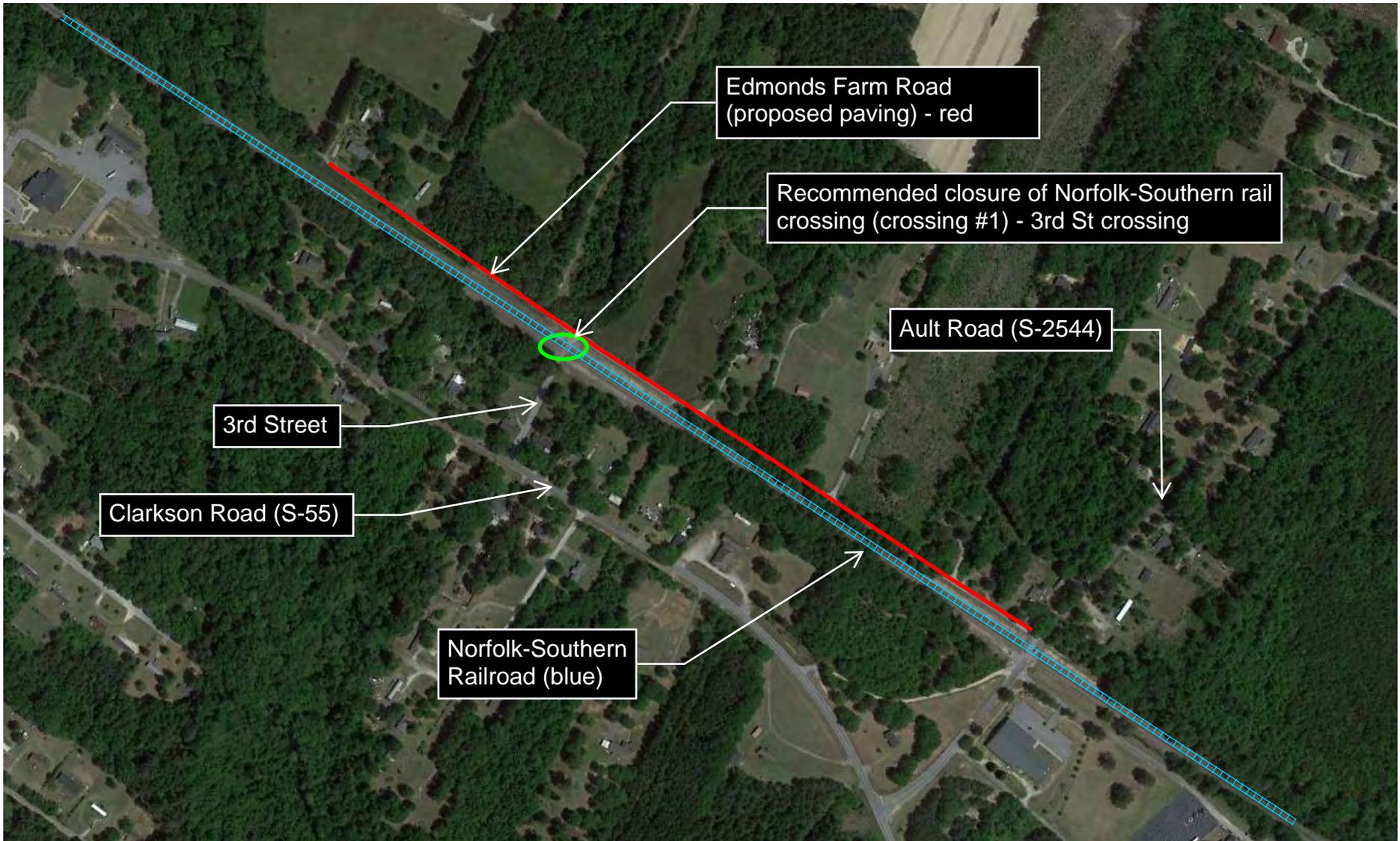
Page 2
Ms. Allison Steele, P. E.
July 9, 2019

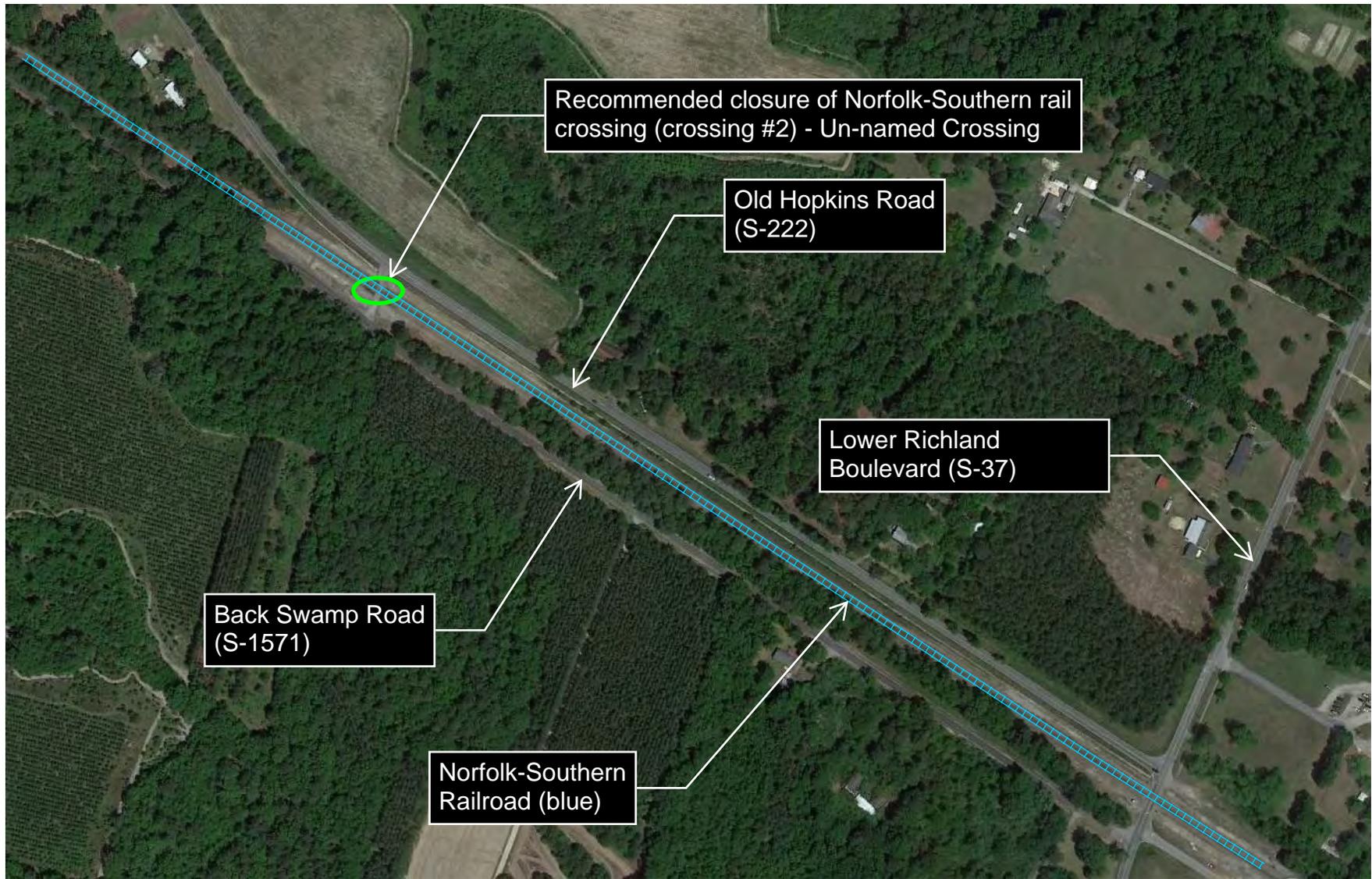
If you have any questions regarding this proposal, please give me a call at 404-582-6937.

Sincerely,

A handwritten signature in blue ink, reading "William R. Miller". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Cc . Jacob Watson – NS (via e-mail)
Joey Riddle – SCDOT (via e-mail)
Eric Wessinger – SCDOT (via e-mail)
Mohammed Al-Tofan (via e-mail)
Raven Gambrell (via e-mail)
Ben Lewis (via e-mail)
David Beaty (via e-mail)





**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

To: Chair of the Committee and the Honorable Members of the Committee
Prepared by: Michael A. Niermeier, Director
Department: Richland County Transportation
Date Prepared: October 16, 2019 **Meeting Date:** October 22, 2019

Legal Review	N/A	Date:	
Budget Review	N/A	Date:	
Finance Review	N/A	Date:	
Other Review:	N/A	Date:	
Approved for Council consideration:		Assistant County Administrator	John Thompson, Ph. D

Committee

Subject: Transportation Cash Flow

Background Information:

First Tryon financial advisors have reviewed the remaining Penny projects along with their current proposed cost estimates and has evaluated the three options listed below:

1. Take out the full \$175 million BAN with General Obligation Bonds
2. Pay down \$24 million of the BAN using cash reserves and take out the remaining \$150 million with General Obligation Bonds
3. Do not incorporate a BAN and proceed with the projects on a pay-as-you go schedule.

Recommended Action:

Staff requests Council to approve Scenario 2, partial payback with \$150M in bonding.

Motion Requested:

Move to approve Transportation cash flow plan, Scenario #2, partial payback with \$150M in bonding.

Request for Council Reconsideration: Yes

Fiscal Impact:

Although repayment of some debt reduces cash on hand, the program as planned is sustainable with bonding for \$150M. This also reduces debt service costs by nearly \$28M.

Motion of Origin:

This request did not result from a Council motion.

Council Member	N/A
Meeting	N/A
Date	N/A

Discussion:

As scenario three shows, a pay-go model is possible. However, this involves not starting new projects for at least 18 to 24 months with the current work underway or work about to be advertised.

Attachments:

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

To: Chair of the Committee and the Honorable Members of the Committee
Prepared by: Michael A. Niermeier, Director
Department: Richland County Transportation
Date Prepared: October 16, 2019 **Meeting Date:** October 22, 2019

Legal Review	N/A	Date:	
Budget Review	N/A	Date:	
Finance Review	N/A	Date:	
Other Review:	N/A	Date:	
Approved for Council consideration:			

Committee

Subject: Blythewood Road Widening Condemnations

Background Information:

During Right of Way acquisition for the Blythewood Road Widening Project, 15 parcels have been acquired with seven remaining.

Recommended Action:

Staff requests Council approve moving into condemnation actions for acquiring the seven remaining parcels.

Motion Requested:

Approved staff to begin condemnation of the seven parcels.

Request for Council Reconsideration: Yes

Fiscal Impact:

NA

Motion of Origin:

This request did not result from a Council motion.

Council Member	N/A
Meeting	N/A
Date	N/A

Discussion:

None

Attachments:

Condemnation Summary

Project Name	Property Owner	Project Type	Tract No.	Initial Contact w/ Property Owner (Date)	Area of Acquisition (AC/SF)	Initial Offer (Date)	Initial Offer Amount	Number of Contacts Attempted (written or verbal)	Current Counter Offer by Property Owner	Current Offer Amount from Richland Penny Program	Recommended Action	Miscellaneous Notes
Blythewood Road – S-59	Sharpe Properties, LLC	Widening	8	11/6/18	0.206 AC/8,963 SF	1/28/19	\$34,000	19	\$134,445	NONE	Condemnation	Mr. Sharpe stated he wanted \$15.00 SF for all four of his properties
Blythewood Road – S-59	Blythewood Lodge No. 395, Ancient Free Masons	Widening	19	1/15/19	0.751AC/32,720 SF	3/6/19	\$147,300	10	\$310,835	NONE	Condemnation	Justification for counter-offer wasn't acceptable
Blythewood Road – S-59	Sharpe Properties, LLC	Widening	22	1/15/19	1.847 AC/80,448 SF	3/11/19	\$257,500	12	\$1,206,720	NONE	Condemnation	Mr. Sharpe stated he wanted \$15.00 SF for all four of his properties
Blythewood Road – S-59	Sharpe Properties, LLC	Widening	24	11/15/18	0.559 AC/ 24,340 SF	1/28/19	\$251,500	19	\$365,100	NONE	Condemnation	Mr. Sharpe stated he wanted \$15.00 SF for all four of his properties
Blythewood Road – S-59	Village at Blythewood Owner's Association	Widening	25	12/3/18	0.056 AC/2,441 SF	3/6/19	\$5,600	17	\$39,215	\$10,000 REFUSED by Property owner	Condemnation	Property owner counter offered @ \$15 SF plus landscaping & site improvements
Blythewood Road – S-59	Blythewood Oil Company, Inc (Mr. Larry Sharpe)	Widening	26	12/3/18	0.070AC/3,046 SF	1/28/19	\$37,100	12	\$45,690	None	Condemnation	Mr. Sharpe indicated he wish to settle all four parcels at once.
Blythewood Road S-59	Robert Stewart Holler, Edwin Hobbs Holler & David C. Holler	Widening	12	11/6/18	0.731 Acres/31,827 SF	4/29/19	\$21,300.00	21	None	None	Condemnation	Robert Holler & Edwin Holler agreed to offer, unable to get a decision from David Holler – (Attorney)



Agenda Briefing

To: Chair of the Committee and the Honorable Members of the Committee
Prepared by: Michael A. Niermeier, Director
Department: Richland County Transportation
Date Prepared: October 16, 2019 **Meeting Date:** October 22, 2019

Legal Review	N/A	Date:	
Budget Review	N/A	Date:	
Finance Review	N/A	Date:	
Other Review:	N/A	Date:	
Approved for Council consideration:		Assistant County Administrator	John Thompson, Ph. D

Committee

Subject: Staff Project Evaluation Findings and Recommendation

Background Information:

Of the remaining uncompleted projects that were part of the original referendum, there are 8 widening and 3 intersection projects whose estimates are above their approved referendum funding amounts. Transportation staff has evaluated these 11 projects to identify some possible cost-saving options, which are listed below.

1. Atlas Rd. Widening – Only proceed with widening Atlas Road between Shop Road and Garners Ferry Road (including pedestrian improvements) and proceed with installing pedestrian improvements between Bluff Rd. and Shop Rd. This project will still be over referendum.
2. Bluff Rd. Ph. 2 – Only proceed with the installation of a traffic signal at the intersection of Bluff Rd. and Bluff Industrial Rd. and resurface the road from National Guard Rd. to S. Beltline Blvd. This will bring the project under referendum.
3. Blythewood Rd. Widening – Only proceed with priorities 1 and 2 from the Blythewood Area Improvements project and transfer the remaining funding to this widening project. This will bring the project under referendum.
4. Broad River Rd. Widening – Only widen the road to 3 lanes instead of 5 lanes and provide turning lanes at intersections that are missing them. This will still be slightly over referendum according to general cost estimates but could possibly be reduced further with a more detailed analysis.
5. Lower Richland Blvd Widening – Only proceed with intersection improvements at Garners Ferry Rd and installing 5’ sidewalks on both sides of the road. This will bring the project under referendum.
6. Polo Rd. Widening – Only proceed with intersection improvements at intersections that will benefit from it, and install bikeways and 5’ sidewalks. This will bring the project under referendum.
7. Shop Rd. Widening – Only proceed with widening the road to 3 lanes instead of 5 lanes and install bikeways and 5’ sidewalks. This will bring the project under referendum.
8. Spears Creek Church Rd. Widening – Only proceed with widening the road from 2 lanes to 3 lanes. This will bring the project under referendum.

9. Clemson\Sparkleberry Intersection – Leave the design in place except change the SUPs to 5’ sidewalks. This project will still be over referendum.
10. Bull\Elmwood Intersection – Leave the design in place. This project will still be over referendum.
11. Screaming Eagle\Percival Intersection – Only proceed with installing a traffic signal and adding a turning lane to the 4th leg. This will still be slightly over referendum according to general cost estimates but could possibly be reduced further with a more detailed analysis.

Summary of Estimates by Project

PROJECT	REF Amount	CURRENT EST.	NEW EST.	POSSIBLE SAVINGS
Atlas Rd.	\$17.6	\$45.3M	\$36.3M	\$9M
Bluff Rd. Ph. 2	\$7.1 rem	\$8.8M	\$2M	\$6.8M
Blythewood Rd.	\$8.0	\$13.2M	\$13.2M	0
Broad River Rd.	\$29.0	\$39.6M	\$30M	\$9.6M
Lower Richland Blvd.	\$6.1	\$6.7M	\$5M	\$1.7M
Polo Rd.	\$12.8	\$15.8M	\$10.4M	\$5.4M
Shop Rd.	\$33.1	\$46.4M	\$32M	\$14.4M
Spears Creek Church Rd.	\$26.6	\$32.4M	\$20M	\$12.4M
Clemson\Sparkleberry	\$5.1	\$12.7M	\$12.5M	\$0.2M
Bull\Elmwood	\$2.0	\$3.7M	\$3.7M	0
Screaming Eagle\Percival	\$1.0	\$3.1M	\$1.6M	\$1.5M
Total	\$148.4	\$225.7	\$166.7	\$61.0

Recommended Action:

Staff requests Council to approve the changes listed above for these 11 projects. This will allow staff to address service order modifications with the current or new OET for the projects.

Motion Requested:

None

Request for Council Reconsideration: Yes

Fiscal Impact:

Even though several of the projects will still be over referendum, these changes would possibly save the program approximately \$60.7M.

Motion of Origin:

This request did not result from a Council motion.

Council Member	N/A
Meeting	N/A
Date	N/A

Discussion:

None

Attachments:

1. Individual project de-scope evaluations

ATLAS RD. WIDENING

Original Project Scope

- The project scope for Atlas Road is to widen the two lane roadway to alleviate existing and projected traffic for this travel way. Proposed improvements include widening the road to three lanes between Bluff Road and Shop Road and widening to five lanes between Shop Road and Garners Ferry Road. Additional improvements include two four-foot wide bike lanes and two five-foot wide sidewalks.

Referendum Funding - \$17,600,000.00

Current Cost Estimate - \$45,308,464.22

Traffic Analysis and Results

- The traffic analysis report showed that widening the road from two to three lanes between Bluff Road and Shop Road had minimal improvements to the 2040 Level of Service for this section of Atlas Road. Both the “build” and “no-build” alternatives provided the same Level of Service.
- However, the report did show a significant improvement to Atlas Road between Shop Road and Garners Ferry Road in 2040 based on widening the road to five lanes of travel. The Level of Service improves from a D in the “no-build” scenario to an A in the “build” scenario.
- Crash Data between 1/1/12 and 7/14/15 (3.6 years)
 - **Intersections:** Atlas\Bluff – 5 Atlas\Garners Ferry – 107 Atlas\Shop – 50
 - **Road Sections:** Shop to Garners Ferry – 74 Bluff to Shop - 18

Public Input Results

- While the public was mostly supportive of the proposed improvements, Bible Way Church representatives expressed concerns with pedestrian traffic access to church buildings located on both sides of Atlas Road. Several comments were in opposition of the widening, and several requested a traffic signal at the intersection of Atlas and Richard St.
- Other frequent comments were related to right-of-way acquisition.

Right-Of-Way

- ROW Obtained To Date – 110 parcels, 7 permissions, 8 condemnations (22 condemnations are outstanding)
- Expended To Date - \$2,977,978.96

Possible Design Modifications to Lower Cost

- Option #1- Proceed with widening Atlas Road between Shop Road and Garners Ferry Road while including pedestrian improvements between Bluff Road and Shop Road.
New Approx. Estimate: \$36.3M (Approx. Savings \$9M)
Note: This is the only option that addresses capacity issues
- Option #2- Proceed with widening Atlas Road between Bluff Road and Shop Road while removing the section between Shop Road and Garners Ferry Road **New Approx. Estimate: \$22.2M (Approx. Savings \$23.1M)**
Note: This option could be implemented in Penny 2.0
- Option #3- No road widening improvements but install sidewalks and bike lanes along full length of road **New Approx. Estimate: \$14M (Approx. Savings \$31.3M)**

BLUFF ROAD PHASE 2 IMPROVEMENTS

Original Project Scope

- The original project scope for the Bluff Road Phase 2 Improvements project was to widen Bluff Road to five lanes with bicycle and pedestrian accommodations. On June 05, 2018, Richland County Council approved to revise the project scope to only include constructing shared use paths on both sides of Bluff Road with asphalt resurfacing from the National Guard Road/Berea Road to South Beltline Blvd. The project length is 2.00 miles.

Referendum Funding - \$16.7M for Phases 1 and 2

- Bluff Road Phase 1 (Rosewood Avenue to National Guard Rd) had \$9.6M allocated for it, with additional outside funding in the amount \$1.8M. Therefore, \$7.1M is the remaining allotment for Bluff Road Phase 2.

Current Cost Estimate:

- The revised scope is estimated at \$8,834,886.16, which is \$1,734,886.16 over the allotment.

Traffic Analysis and Results

- The traffic analysis was conducted at the intersections along the length of this project. Providing turning lanes for these intersections would improve the LOS at each. The intersection of Bluff Road and Bluff Industrial Blvd meets several signalization warrants.
- Crash Data between 1/1/11 and 10/31/14 (3.8 years) shows that there have been 327 crashes in this timeframe between Rosewood Dr. to South Beltline Rd., the majority being rear-end collisions. 98 of these crashes were near intersections, with 49 being near the intersection of Bluff Rd. and Bluff Industrial Blvd.

Public Input Results

- A public hearing was held for the original scope of widening the road. The majority of attendees were in favor of bike lanes adjacent to the travel lanes on both sides of the roadway and sidewalks for pedestrians.
- A public hearing has not yet been held for the revised scope.

Right-Of-Way

- ROW Obtained To Date – 0 Expended To Date - \$4,500.00

Possible Design Modifications to Lower Cost

- Option # 1 - Remove the ten-foot shared use path, only resurface and construct five foot sidewalks with 4' bike lanes, and shorten the ending termini to Southern Dr., which is the last road with residential use. **New Approx. Estimate: \$7M (Approx. Savings \$1.8M)**
- Option # 2 – Because the intersection of Bluff Rd. and Bluff Industrial Blvd. has a significant number of crashes and warrants a traffic signal install the traffic signal at this location. Remove the sidewalk and bike lanes from the project and then resurface the road. **New Approx. Estimate: \$2M (Approx. Savings \$6.8M)**

Note: This area is mostly commercial\industrial so except during football games, it is unclear that there would be much pedestrian\cyclist traffic in this area.

BLYTHEWOOD RD WIDENING

Original Project Scope

- The proposed scope recommends a 5-lane (4 travel lanes with a center turn lane) improvement from I-77 west to Syrup Mill Road. Provisions for bicycle and pedestrian accommodation are proposed through the construction of offset, shared-use paths. This project also includes a double-lane roundabout at the intersection of Community Rd and Blythewood Rd. (as part of Blythewood's Master Plan.)

Referendum Funding - \$8,000,000.00 **Current Cost Estimate** - \$13,208,127.44

Traffic Analysis & Results

- The traffic analysis was conducted along this road and at the intersections along the length of this project. Widening this roadway greatly increases the Levels of Service both along the roadway and at these intersections.
- A signal warrant analysis performed at the intersection of Syrup Mill Rd. and Blythewood Rd. was performed. Based on warrant analysis results and also field reviews a signal is not recommended at this location.
- Crash Data between 1/1/13 and 12/31/15 (3 years) shows that there were 22 crashes between I-77 southbound ramp and Muller Road with the majority being rear-end collisions.

Public Input Results

- Many citizens support the project with the shared-use paths.
- Many citizens do not support the roundabout.
- Many citizens requested a traffic signal at the intersection of Syrup Mill Rd. and Blythewood Rd.

Right-Of-Way

- ROW Obtained To Date– 15 parcels, 7 condemnations (Pending Approval) Expended To Date - \$484,265.00

Possible Design Modifications to Lower Cost

- The Blythewood Area Improvements project includes 4 projects, ranked in priority by the Town of Blythewood. There will not be enough referendum funding to complete all 4 projects so only the first two projects, chosen by the town, are being moved forward. After completing the first two projects, there will be approximately \$8,000,000 remaining that would not be sufficient to fund either of the last two projects. If this funding were transferred to the Blythewood Rd. Widening project, it would be sufficient to cover the difference in the referendum and cost estimate amounts.

Note: This option was discussed with the Town of Blythewood and is acceptable to them.

BROAD RIVER RD. WIDENING

Original Project Scope

- The project scope for the Broad River Road Widening Project was to widen the roadway to 5 lanes between North Royal Tower Drive and Dutch Fork Road in the Irmo community. In addition, the road was to be widened to 3 lanes between Dutch Fork Road and I-26 (Exit 97).
- (2) 4-foot wide bike lanes and (2) 5-foot wide sidewalks are included in the project scope.

Revised Project Scope - Based on traffic volumes, public input, and funding, the PDT recommended to only include the widening from North Royal Tower to Dutch Fork.

Referendum Funding - \$29,000,000.00

Current Cost Estimate: \$39,663,756.37

Traffic Analysis and Results

- The traffic study evaluated 15 intersections along the length of this project along with the intersections of the off/on ramps of I-26. SCDOT plans to widen I-26 in this area, so the off/on ramps would be addressed with their project.
- The 2043 Level of Service in this corridor has been identified as “Adequate” for the proposed improvements while the 2043 “No- Build” evaluation showed that the majority of the intersections would operate at a “F” Level of Service.
- Crash Data between 1/1/13 and 12/31/15 (3 years) shows that there were 161 crashes near these 15 intersections with the majority being rear-end collisions.

Public Input Results

- 185 residents attended the December 15, 2016, Public Meeting
- The design alternative supported by the most residents was a 5 lane travel way that included 2 4-foot wide bike lanes and 2 5-foot wide sidewalks
- Residents agreed that removing the 3 lane section between Dutch Fork Road and I-26 was preferred

Right-Of-Way

- ROW Obtained To Date – 0 Expended To Date - \$0

Possible Design Modifications to Lower Cost

- Widen the road to 3 lanes (2 driving lanes and a median) and also provide turning lanes at the intersections that are missing them at this time. This could improve turning movements in and out of the many businesses in the corridor and decrease the number of rear-end collisions.

New Approx. Estimate: \$30M (Approx. Savings \$9.6M)

Note: This option would not improve capacity but would improve safety.

- The cost estimate includes approximately \$1,150,000 to relocate a 54” waterline at SCDOT’s request. Staff is currently working with SCDOT to possibly have this requirement removed.

LOWER RICHLAND BOULEVARD WIDENING

Original Project Scope:

The proposed scope recommends a 5-lane section (4 travel lanes and a center turn lane) between Rabbit Run and Garners Ferry Road and will include bicycle and pedestrian accommodations. Bike lanes and a shared use path are also proposed along both sides of Lower Richland Boulevard.

Referendum Funding: \$6,100,000 **Current Cost Estimate:** \$6,708,092

Traffic Analysis And Results

The intersection of Garners Ferry Rd and Lower Richland Blvd will perform at a LOS of E/D (AM/PM peak hours) in 2042 with no-build scenario. The completed project will bring the LOS up to a C.

The intersection of Lower Richland Blvd and Rabbit Run is currently functioning at an LOS of B and will continue to function at this LOS in year 2042 even with the no-build scenario.

Crash Data between 1/1/15 and 6/30/18 (3.5 years) shows that there were 17 reported crashes with rear-end collisions being the most common.

Public Input Results

- Only 5 comments were received from the public meeting held for this project. 2 were supportive of the project, 1 was concerned with drainage, 1 was concerned with the intersection of Lower Richland and 378, and 1 was a complaint not specifically pertaining to this project.

Right-Of-Way

- ROW Obtained To Date – 0 Expended To Date - \$0

Possible Design Modifications To Lower Cost

1. Do not widen the road or perform any intersection work at Rabbit Run. Perform intersection improvements by installing dedicated left-turn lanes at Garners Ferry and install 5' sidewalks on both sides of the road from Rabbit Run to Garners Ferry. **New Approx. Estimate: \$5M (Approx. Savings \$1.7M)**
Note: This option addresses the inadequate LOS and provides pedestrian safety.
2. Instead of building sidewalk on both sides of Lower Richland, limit sidewalk to the east side and limit it to 5' in width. There will be an existing 10' wide share-use path running along the east side of Lower Richland from Rabbit Run approximately 1800 feet south to Lower Richland stadium entrance. (See SERN plans). **New Approx. Estimate: \$6.6M (Approx. Savings \$0.1M)**
3. If sidewalk on west side of road is kept, reduce the proposed width from 8' down to 5'. **New Approx. Estimate: \$6.6M (Approx. Savings \$40,000)**

POLO RD. WIDENING

Original Project Scope – Widen Polo Rd. from a 2-lane road to a 3-lane road from Two Notch Rd. to Mallet Hill Rd. and install sidewalks and bikeways from Two Notch Rd. to just south of Mallet Hill Rd.

Referendum Funding: Widening - \$12,800,000 Bikeway – \$1,075,853 **TOTAL:** \$13,875,853

Current Cost Estimate: \$15,865,240.98

Traffic Analysis And Results – The traffic analysis performed mainly looked at the Level of Service at the intersection of Polo Rd. with Two Notch Rd., Running Fox Rd., Miles Rd., and Mallet Hill Rd.

Because only a median, or third lane, is proposed as part of this widening, the Level of Service will not improve because the median will not provide any extra traffic capacity to the overall road.

The proposed median has the potential to improve the Level of Service at some of the intersections over the next couple of years, but not all intersections. In looking at the 20-year traffic projection, even with the proposed median, most of the intersections will have an LOS of D, E or F.

Crash Data between 1/15 and 9/18 (3.7 years) shows that there were 74 crashes reported with the most common being angle and rear-end collisions.

Public Input Results – After reviewing the public comments received through mail, email and public meeting attendance, 66% of these comments were either neutral or opposed the widening of this road. Only 34% supported the widening of the road.

A few of the neutral\opposed were against the widening but okay with SUPs, bikeways and\or sidewalks.

The biggest concern from the comments are that there will be an increase in traffic and also speeding along Polo Road and that the project will damage the wetlands and cause flooding.

Right-Of-Way

- ROW Obtained To Date – 0 Expended To Date - \$0

Possible Design Modifications To Lower Cost

1. Do not widen the entire road but rather provide intersection improvements (turning lanes) at the locations of the four intersections listed above, and then include bikeways and 5' sidewalks.
New Approx. Estimate: \$10.6 (Approx. savings is \$5.2)
2. Do not widen the entire road and do not provide work at the intersections where it will not improve LOS. Install improvements at the intersections where it will improve LOS and include bikeways and 5' sidewalks. **New Approx. Estimate: \$10.4 (Approx. savings is \$5.4)**
Note: This is the most economical solution to address LOS issues and provide pedestrian\bicyclist safety.
3. Do not widen or complete intersection improvements but do install bikeways and 5' sidewalks.
New Approx. Estimate: \$8.6M (Approx. savings is \$7.2M)

SHOP ROAD WIDENING

Original Project Scope:

The proposed scope recommends a 5-lane (4 travel lanes with a center turn lane) widened roadway with offset, shared use paths along both sides of the road (for bicycle and pedestrian accommodations) on Shop Road from George Rogers Blvd. to Mauney Drive.

Referendum Funding: \$33,100,000 **Current Cost Estimate:** \$46,461,612

Traffic Analysis And Results

For opening year (2022) and design year (2042) “no-build” conditions, most of the intersections within the project limits function at an adequate Level of Service but some are inadequate.

The analysis shows that the widening project will significantly improve the Levels of Service once the project is completed; however, a few intersections will still function at an inadequate level and in year 2042 more of the intersections will function at an inadequate level.

Crash Data between 1/1/11 and 10/31/14 (3.9 years) shows that there were 82 reported crashes with rear-end collisions being the most common.

Public Input Results

- General support of the project widening and the plans for the addition of bike / pedestrian accommodations.
- Relocations (Residential & Commercial) & R/W issues – many questions relative to the process for relocations and ultimately, compensation.
- Parking / vehicular circulation impacts adjacent to Shop Road (by a few business owners)
- Traffic Signals at Side Roads / Safety –comments relative to adding traffic signals at side roads within Little Camden / Washington Park. The comments received were concerned with safety of crossing the road due to speeding traffic and increased volumes.
- Walcott Drainage - planned improvements to the drainage outfall along Walcott Street; specifically that the outfall needed improvements.

Right-Of-Way

- ROW Obtained To Date – 5 Expended To Date - \$104,265.00

Possible Design Modifications To Lower Cost

1. Remove SUPs and buffers from both sides of the road and install 4’ bike lanes with 5’ sidewalks. **New Approx. Estimate: \$46M (Approx. savings is \$0.6M)**
2. Currently, a significant portion of this road is 2 lanes with turning lanes at a few intersections. Option 2 would be uniformly widen the road to a 3-lane (2 travel lanes and one median) and include the bike lanes and sidewalks. The median would allow for and improve turning movements in and out of the various roads and driveways. **New Approx. Estimate: \$32M (Approx. savings is \$14.4M)**
Note: This option would improve the driver safety along the road since most collisions were rear end. This would also set up to widen the road to a 5-lane road in Penny 2.0.

SPEARS CREEK CHURCH RD. WIDENING

Original Project Scope – Widen Spears Creek Church Rd. from a 2-lane road to a 5-lane road starting at Two Notch Rd. and ending at Percival Rd.

Revised Project Scope – The PDT recommended to shorten the termini of the project to Jacobs Mill Pond Rd. This revision has had the first of three readings.

Referendum Funding - \$26,600,000 **Current Cost Estimate** - \$32,498,126.10

Traffic Analysis And Results

- A traffic analysis has not been completed for this project.
- Crash Data between 1/1/15 and 12/31/17 (3 years) shows that there were 129 reported crashes with rear-end collisions being the most common.

Public Input Results – To date, no public meetings have been held. The project never progressed to the point of a public meeting.

Right-Of-Way

- ROW Obtained To Date – 0 Expended To Date - \$0

Possible Design Modifications To Lower Cost

1. The average daily traffic on this road is similar in quantity to other two-lane roads in this vicinity of the County such as Bookman Rd., N. Brickyard Rd., Sparkleberry Ln., and Percival Rd. These other roads are not currently scheduled for widening. Widen the road to a 3-lane in order to provide a median from Two Notch Rd. to Jacobs Mill Pond Rd.

New Approx. Estimate: \$20M (Approx. Savings is \$12,4M)

Note: This option would improve the driver safety along the road since most collisions were rear end. This would also set up to widen the road to a 5-lane road in Penny 2.0.

BULL\ELMWOOD INTERSECTION

Original Project Scope – Construct an additional lane on the southside of Elmwood Avenue beginning at Marion Street and ending at the Bull Street Intersection to provide eight lanes and a raised concrete median. The existing southbound right-turn lane from Bull Street to Elmwood Avenue is proposed to be converted to a channelized free-flow movement. Bull Street is proposed to be restriped to add an additional northbound through lane and remove the southbound dedicated right turn onto Calhoun Street. The leg of Elmwood Avenue that is used as the entrance to the old Department of Mental Health Facility will retain the existing lane configurations.

Referendum Funding: \$2,000,000 **Current Cost Estimate:** \$3,798,911.02

Traffic Analysis And Results – The traffic study performed at this intersection was part of an overall study to evaluate traffic related to the BullStreet mixed-use development.

This intersection currently functions at a LOS of D in the AM peak and LOS of E in the PM peak.

Once the development is completed, the intersection is expected to function at LOS of E in the AM and F in the PM. The proposed scope of work will improve these levels back to a D in the AM and an E in the PM.

Crash Data between 2015 and 2017 (3 years) shows that there were 73 reported crashes at this intersection with sideswipe collisions being the most common.

Public Input Results - No public input information was found for this project.

Right-Of-Way

- ROW Obtained To Date – 5 permissions, 3 parcels Expended To Date - \$222,535 (Est.)

Possible Design Modifications To Lower Cost

There does not appear to be another cost-saving option for this project that would address capacity or safety issues.

CLEMSON\SPARKLEBERRY INTERSECTION

Original Project Scope – Improvements to the intersection of Clemson Rd. and Sparkleberry Ln. and surrounding area to increase intersection capacity. The initial design also included 10' SUPs on both sides of the roads leading up to the intersection.

Referendum Funding: \$5,100,000

Current Cost Estimate (Alt. 3): \$15,751,126.37 **Current Cost Estimate (Alt. 4):** \$12,780,946.12

Traffic Analysis And Results – The traffic analysis performed mainly looked at the Level of Service at the intersection of Clemson Rd. and Sparkleberry Ln., although any improvements made to this intersection will also affect the surrounding intersections. The existing LOS for the AM and PM peak hours is D/E, and the proposed 20-year LOS is F in the AM and the PM.

Based on the traffic analysis, the OET presented three intersection improvement alternates. The first two alternatives offered no real improvement to the capacity of the intersection. The third alternate keeps the 20-year LOS at a C. The cost estimate for this alternative, called a double crossover or diverging intersection, is roughly 3 times the referendum amount.

In 2019 the PDT performed an independent study to evaluate a fourth alternate called a modified quadrant. This alternative will provide a LOS of C\B for the AM\PM peak hour, and it brings the cost estimate of the project down to roughly 2.5 times the referendum amount.

Crash Data between 1/2011 and 12/2014 (4 years) shows that there were 69 reported crashes at this intersection with angle collisions being the most common.

Public Input Results – A public meeting was held in December 2015, and citizens were given the option to vote on Alternates 1, 2, or 3. Out of the 26 comments received, 20 selected alternate 3. A second public meeting was held in April 2018 to review updated plans for alternate 3.

There has not yet been a public meeting to unveil alternate 4 that was completed by the PDT in 2019.

Right-Of-Way

- ROW Obtained To Date – 1 Expended To Date - \$3,229,910.40

Possible Design Modifications To Lower Cost

1. Remove SUPs and/or sidewalks along Sparkleberry Ln. and Sparkleberry Crossing from the design. There are no current sidewalks or SUPs along Sparkleberry in this area to tie any of these new features into. **New Approx. Estimate: \$12.5M (Approx. savings is \$0.2M)**

Note: There does not appear to be another cost-saving option for this project that would address capacity or safety issues.

SCREAMING EAGLE/PERCIVAL INTERSECTION PROJECT

Original Project Scope

The proposed scope recommends realigning Screaming Eagle Road to bring the angle of the intersection closer to a right angle as well as widening Screaming Eagle Road to provide left and right turn lanes, which will improve capacity. Percival Road is also proposed be widened to provide a left turn lane onto Screaming Eagle Road. The project also includes installing a new traffic signal at the intersection.

Referendum Funding: \$1,000,000.00 **Current Cost Estimate:** \$3,105,147.46

Traffic Analysis & Results

The traffic results show that at the time of the study in 2016, 3 out of the 4 legs of this intersection were functioning at a Level of Service A and even if no work is performed at the intersection, these same 3 legs will continue to function at an A in year 2040. In 2016, the 4th leg was functioning at an LOS of D, is proposed to function at a C if the improvements are made in 2020, and will function at a D in year 2040.

Crash Data between 1/2013 and 3/31/16 (3.2 years) shows that there were 5 reported crashes at this intersection with run-off-road being the most common.

Public Input Result: No public meetings held for this intersection

Right-Of-Way

- ROW Obtained To Date – 2 parcels, 4 permissions Expended To Date - \$22,525.00

Possible Design Modifications to Lower Cost

1. Instead of shifting this intersection and providing turning lanes in all directions, leave it in its current location and improve the current intersection by adding a turning lane to address the LOS at the 4th leg, which is the only one with capacity issues. Install the traffic signal as planned.

New Approx. Estimate: \$1.6M (Approx. savings is \$1.5M)

Note: This option will address the capacity issue now at the 4th leg of the intersection.