# South Carolina Department of Transportation

## Engineering Directive

**Directive Number:** **ED-41** **Effective: June 27, 2019**

**Subject:** **Removal of Roads or Sections of Roads from the State Highway System**

**References:** **S.C. Code of Laws, Sections 57-5-10, 57-5-80, 57-5-120, and 57-9-10, *et seq.***

**Primary Department:** **Road Data Services**

At its June 21, 2007, meeting the South Carolina Department of Transportation (SCDOT) Commission recognized the need to reduce the size of the secondary road system and implemented a new policy to begin this process. State law allows the removal of roads from the state highway system under specific circumstances. Removal of a road from the state highway system must be authorized by at least one of the statutes listed in appendix A of this directive and must follow the processes set forth herein.

**Contents**

Transfer from Secondary Road System to Another Governmental Agency .....2
Transfer from Secondary Road System to a Non-Governmental Entity .....3
Abandonment of Section of Relocated Highway .....5
Court Ordered Closures .....7

**Transfer from Secondary Road System to Another Governmental Agency**

This section shall be used when transferring from the state highway secondary system any road under its jurisdiction determined by SCDOT to be of low traffic importance to a county, municipality, school, or other governmental agency. When transferring to another governmental agency, all major collectors and below are deemed of low traffic importance. If the road is above a major collector functional classification, and the requesting office determines that the road is of low traffic importance, the request can be forwarded to the Director of Road Data Services who will review the request for final approval or denial. Transfer shall follow the procedures outlined below.

1. A "Request for Transfer of Road from State Secondary System to Another Governmental Agency" form must be completed for all transfers to another governmental agency. This form is available in appendix B of this directive, and is also available in a fillable PDF format from the Director of Road Data Services. The following procedures should be followed when completing this form:

    a. A request for transfer may be initiated by a district engineering administrator, an SCDOT director, or by the local entity (county, city, or school district) having jurisdiction. The local entity must work with the district engineering administrator when completing the request for transfer form.

    b. If the transfer involves a swap of roads, the number of lanes miles added to the state system should not exceed those removed. Any exceptions to this must be approved by the Director of Road Data Services. A printed copy of the Road Swap details spreadsheet should be attached to the transfer form, and an electronic copy forwarded to the Director of Road Data Services. The latest Road Swap details spreadsheet can be obtained from the Director of Road Data Services.

    c. If the road to be transferred intersects a state maintained road, it is important to include a plan sheet showing what right-of-way needs to be retained.

2. The request for transfer form and plan sheets must be forwarded to the Director of Road Data Services for appropriate action. The Director of Road Data Services will maintain records of each removal request with supporting documentation and record the action taken on each request.

3. The Director of Road Data Services shall review the request for accuracy of description, location, and mileage, and shall verify the requested transfer is in compliance with one of the statutes authorizing transfer or abandonment. The Director of Road Data Services shall also forward the request to the appropriate district engineering administrator for completion and concurrence as necessary.

4. Upon verification of the request for accuracy, compliance, and appropriate signatures, the Director of Road Data Services shall forward the request to the Deputy Secretary for Intermodal Planning in the form of a recommendation to the SCDOT Commission (Commission).

5. Upon approval of the transfer by the Commission, the following actions shall be taken:

    a. The Director of Road Data Services shall make the necessary adjustments in SCDOT's official mileage records, including those records necessary for enforcement of the secondary road mileage limitation.

    b. The Director of Road Data Services shall notify the district engineering administrator, the requestor, and the appropriate county legislative delegation, in writing, of the action taken by the Commission.

    c. The district engineering administrator shall ensure all SCDOT signs designating a road or route number (S-marker) are removed from the section of road transferred.

    d. If the entire road is to be transferred, the district engineering administrator shall ensure all SCDOT signs are removed.

6. Based on the Commission minutes or a copy of Commission actions available online, the Director of Rights of Way, if appropriate, shall prepare and forward a quitclaim deed for the transferred road to the party to whom the road is being transferred. The quitclaim deed shall, in addition to transferring the right-of-way, specifically transfer any bridge within the limits of the removed road, and transfer all future maintenance responsibility.

**Transfer from Secondary Road System to a Non-Governmental Entity**

This section shall be used when transferring from the state highway secondary system any road under its jurisdiction determined by SCDOT to be of low traffic importance to a person, business, or any other non-governmental entity. When transferring to a non-governmental entity, all rural minor collectors and local functional classification roads are deemed of low traffic importance. If the road is above these classifications, and the SCDOT office determines that the road is of low traffic importance, the request can be forwarded to the Director of Road Data Services who will review the request for final approval or denial. Transfer shall follow the procedures outlined below.

1. If the requestor is seeking transfer with the intention of closing the road to public traffic, they should be advised to use the "Court Ordered Closures" process. This process will ensure that proper procedures are followed to close the road before they accept maintenance responsibility.

2. A "Request for Transfer of Road from State Secondary System to a Non-Governmental Entity" form must be completed for all transfers to a non-governmental entity. This form is available in appendix C of this directive, and is also available in a fillable PDF format from the Director of Road Data Services. The following procedures should be followed when completing this form:

    a. A request for transfer may be initiated by a district engineering administrator, an SCDOT director, or by the requestor. The requestor must work with the district engineering administrator when completing the request for transfer form.

    b. If the road to be transferred intersects a state maintained road, it is important to include a plan sheet showing what right-of-way needs to be retained.

3. The requestor(s) must sign an affidavit as shown in appendix D of this directive.

4. The requestor or SCDOT office initiating the transfer must obtain a letter or email from the county or municipality stating that the county or municipality refuses to accept maintenance of the described road. A sample form letter that should be used when contacting the local government is provided in appendix E of this directive.

5. The requestor must obtain a statement from all persons, businesses, and entities having property interests on the road that they are in agreement with the transfer and provide adequate documentation that these are the only property owners with interests in the road.

6. The request for transfer form, plan sheets, affidavit, letter from the county or municipality, and statements from other property owners must be forwarded to the Director of Road Data Services for appropriate action. The Director of Road Data Services will maintain records of each transfer request with supporting documentation and record the action taken on each request.

7. The Director of Road Data Services shall review the request for accuracy of description, location, and mileage, and shall verify the requested transfer is in compliance with one of the statutes authorizing transfer or abandonment. The Director of Road Data Services shall also forward the request to the appropriate district engineering administrator for completion and concurrence as necessary.

8. Upon verification of the request for accuracy, compliance, and appropriate signatures, the Director of Road Data Services shall forward the request to the Deputy Secretary for Intermodal Planning in the form of a recommendation to the Commission.

9. Upon approval of the transfer by the Commission, the following actions shall be taken:

    a. The Director of Road Data Services shall make the necessary adjustments in SCDOT's official mileage records, including those records necessary for enforcement of the secondary road mileage limitation.

    b. The Director of Road Data Services shall notify the district engineering administrator, the requestor, and the appropriate county legislative delegation, in writing, of the action taken by the Commission.

    c. The district engineering administrator shall ensure all SCDOT signs designating a road or route number (S-marker) are removed from the section of road transferred.

    d. If the entire road is to be transferred, the district engineering administrator shall ensure all SCDOT signs are removed.

10. Based on the Commission minutes or a copy of Commission actions available online, the Director of Rights of Way, if appropriate, shall prepare and forward a quitclaim deed for the transferred road to the party to whom the road is being transferred. The quitclaim deed shall, in addition to transferring the right-of-way, specifically transfer any bridge within the limits of the removed road, and transfer all future maintenance responsibility.

**Abandonment of Section of Relocated Highway**

Pursuant to S.C. Code of Laws, Section 57-5-120, SCDOT may abandon any section of highway that has been relocated. At its discretion, SCDOT may choose to retain the old section when it serves as a needed connection to the new section or when it serves as a proper part of the state highway system. If SCDOT does not choose to retain the old section, it should be abandoned and removed from the state highway system. Every section abandoned due to relocation reverts to the jurisdiction of the appropriate local government authority (city or county) or is abandoned as a public way.

Abandonment of a section of relocated highway shall follow the procedure outlined below:

1. Page 1 of the "Request for Abandonment of Section of Relocated Highway" form should be completed by the district engineering administrator. This form is available in appendix F of this directive, and is also available in a fillable PDF format from the Director of Road Data Services.

2. The form and any appropriate plan sheets should be forwarded to the Director of Road Data Services. The Director of Road Data Services, in coordination with the Director of Rights of Way, will review the request for eligibility and complete page 2 of the form.

3. After the form is completed and signed by all necessary parties, it will be returned to the district engineering administrator.

4. After receiving the form, and at least thirty days in advance of the Commission meeting where action will be taken on the abandonment, the district engineering administrator shall write a letter notifying the appropriate local authority of SCDOT's intent to abandon pursuant to S.C. Code of Laws, Section 57-5-120.

    a. The appropriate local authority for roads within a municipal boundary with a population above 1,000 shall be the city/town council. A sample form letter that may be used is provided in appendix G of this directive.

    b. The appropriate local authority for all other roads shall be the county council. A sample form letter that may be used is provided in appendix H of this directive.

5. A copy of the letter and map to the appropriate local authority should be forwarded to the Director of Road Data Services for appropriate action.

6. Upon receiving the letter, the Director of Road Data Services shall forward the request to the Deputy Secretary for Intermodal Planning in the form of a recommendation to the Commission.

7. Upon approval of the abandonment by the Commission, the following actions shall be taken:

    a. The Director of Road Data Services shall make the necessary adjustments in SCDOT's official mileage records, including those records necessary for enforcement of the secondary road mileage limitation.

b. The Director of Road Data Services shall notify the district engineering administrator of all actions taken by the Commission.

c. The Director of Road Data Services shall notify the county or city council, in writing, of the action taken by the Commission and send an electronic copy to the district engineering administrator. A sample form letter that may be used is provided in appendix I of this directive.

d. The district engineering administrator shall ensure all SCDOT signs designating a road or route number (S-marker) are removed from the section of road abandoned.

If a section of relocated highway was originally constructed by SCDOT and/or SCDOT owns fee-simple right of way, the road may not qualify for abandonment. The SCDOT requesting office therefore has these three options for consideration.

1. Contact the Director of Road Data Services and request assistance in determining qualification for abandonment.

2. Contact the local government and ask if they will take over maintenance of this section of road. This may or may not involve a road swap. If the local government agrees then the procedures in the “Transfer of Secondary Roads to Another Governmental Agency” section of this directive should be followed.

3. If the local government will not accept maintenance responsibility, the old section of road should be added back to the state system as a new route number or with a different route auxiliary (e.g., “Spur”). These steps are as follows:

   a. The requesting office should forward information concerning the old section of road, including plan sheets, to the Director of Road Data Services requesting it be added to the state system.

   b. The Director of Road Data Services shall review the request for accuracy of description, location, and mileage, and shall verify the requested addition is in compliance with one of the statutes and Commission policy. The Director of Road Data Services shall also forward the request to the appropriate district engineering administrator for concurrence as necessary.

   c. Upon verification of the request for accuracy, and compliance, the Director of Road Data Services shall forward the request to the Deputy Secretary for Intermodal Planning in the form of a recommendation to the Commission.

   d. Upon approval of the addition by the Commission, the following actions shall be taken:

      i. The Director of Road Data Services shall make the necessary adjustments in SCDOT’s official mileage records, including those records necessary for enforcement of the secondary road mileage limitation.

      ii. The Director of Road Data Services shall notify the district engineering administrators of all actions taken by the Commission.

**Court Ordered Closures**

All petitions for court ordered closures shall follow the following procedures:

1. The Legal Office shall send a copy of the initial petition for closure to the Director of Road Data Services, Director of Rights of Way, and the appropriate district engineering administrator.

2. Each office should then determine if the petition covers a state system road. Once determined, each office must decide if they have objections to closure and notify the Legal Office within the time frame specified. Some examples of objections include sight distance concerns due to loss of right-of-way and the closure resulting in other state maintained roads becoming disconnected from the state system. The Legal Office will then convey any concerns to the courts.

3. If the court approves the closure, the final order of closure should be forwarded to the Director of Road Data Services.

4. If the road was a state maintained road, the Director of Road Data Services shall notify the Commission.

Upon notification of the court ordered closure by the Commission (if state maintained), the following actions shall be taken:

1. The Director of Road Data Services shall make the necessary adjustments in SCDOT's official mileage records, including those records necessary for enforcement of the secondary road mileage limitation (state and non-state maintained roads).

2. The Director of Road Data Services shall notify the district engineering administrators of all actions taken by the Commission (state maintained roads only).

3. Based on the Commission minutes or a copy of Commission actions available online, the district engineering administrator shall remove all SCDOT signs designating a road or route number (S-marker) from the section of road closed.

| | |
|---|---|
| Submitted and Recommended by: | Todd Anderson, P.E.<br>Director of Road Data Services |
| Approved by: | James J. Feda, Jr., P.E.<br>Deputy Secretary for Intermodal Planning |
| Approved by: | Leland Colvin, P.E.<br>Deputy Secretary for Engineering |

History:

Issued on September 15, 2008
First Revision on April 13, 2015
Second Revision on November 17, 2015
Third Revision on May 1, 2018
Fourth Revision on December 1, 2018
Fifth Revision on June 27, 2019

# APPENDIX A
# FOR ENGINEERING DIRECTIVE 41
# (Authorizing Statutes)

**<u>Note</u>: The statutes printed below are current as of December 2016. To ensure that no changes have been made to the statutory language, consult <u>http://www.scstatehouse.gov/code/statmast.php</u>.**

**<u>S,C. Code of Laws, Section 57-5-80. Highway transfers from the state secondary system.</u>**

The department may transfer from the state highway secondary system any road under its jurisdiction, determined by the department to be of low traffic importance, to one of the parties indicated in this section if mutual consent is reached between the department and the party that the road is being transferred to:

(a) a county or municipality;
(b) a school;
(c) a governmental agency;
(d) a nongovernmental entity; or
(e) a person.

In all cases, the county or municipality shall have right of first refusal to accept roads into their maintenance responsibility when roads are considered for transfer from the state highway system to a nongovernmental entity or person and in no case may a state road be transferred to a nongovernmental entity unless all persons and businesses located on that road are in agreement with the transfer. Maintenance responsibility for roads transferred from the state highway system pursuant to the provisions of this section shall transfer from the jurisdiction of the department to the jurisdiction of the county or municipality, school, governmental agency, nongovernmental entity, or person, effective upon notice from the department of official action removing the road from the state highway system. Notification of the transfer must be given to the county's legislative delegation.

**<u>S.C. Code of Laws, Section 57-5-120. Abandonment of section of relocated highway.</u>**

The department may abandon as a part of the state highway system any section of highway which may be relocated, and every such section so abandoned as a part of the state highway system shall revert to the jurisdiction of the respective appropriate local authorities involved or be abandoned as a public way. But the department, in its discretion, may retain in the system any such relocated section when it serves as a needed connection to the new section or when it serves as a proper part of the state highway system.

**<u>S.C. Code of Laws, Section 57-9-10. Petition to abandon or close street, road or highway; notice thereof.</u>**

Any interested person, the State or any of its political subdivisions or agencies may petition a court of competent jurisdiction to abandon or close any street, road or highway whether opened or not. Prior to filing the petition, notice of intention to file shall be published once a week for three consecutive weeks in a newspaper published in the county where such street, road or highway is situated. Notice also shall be sent by mail requiring a return receipt to the last known address of all abutting property owners whose property would be affected by any such change, and posted by the petitioning party along the street, road, or highway, subject to approval of the location of the posting by the governmental entity responsible for maintenance of the street, road, or highway. The Department of Transportation shall promulgate regulations which once

effective will establish the minimum mandatory size, language, and specific positioning of signs pursuant to this section.[1]

**S.C. Code of Laws, Section 57-9-20. Court shall make determination.**

If the court shall determine that it is to be the best interest of all concerned that such street, road or highway be abandoned or closed, the court shall then determine in whom the title thereto shall be vested and issue an appropriate order.

**S.C. Code of Laws, Section 57-9-30. Recording of court order.**

The clerk of court or register of deeds of the county where the property is situated shall record the order of the court and index the same in the book of deeds to real property.

[1] Regulations are contained in 63-1000 of the South Carolina Code of State Regulations.

APPENDIX B
FOR ENGINEERING DIRECTIVE 41
(Request for Transfer of Road from State Secondary System to Another Governmental Agency Form)

**REQUEST FOR TRANSFER OF ROAD FROM STATE SECONDARY**

**SYSTEM TO ANOTHER GOVERNMENTAL AGENCY**

(REVISED 06/27/2019)

## DESCRIPTION OF SECTION OF ROAD TO BE TRANSFERRED

COUNTY: _____ ROAD NUMBER: _____ ROAD NAME: _____

LENGTH TO BE TRANSFERRED: _____ MILES

BEGINNING POINT: _____ ENDING POINT: _____

DESCRIPTION: (PLEASE ATTACH LOCATION MAP)

## ACCEPTANCE OF MAINTENANCE RESPONSIBILITY

IT IS REQUESTED THAT THE ABOVE DESCRIBED ROAD BE REMOVED FROM THE STATE HIGHWAY SYSTEM. OWNERSHIP AND MAINTENANCE OF THIS ROAD WILL BECOME THE RESPONSIBILITY OF THE ENTITY LISTED BELOW. BY SIGNING BELOW, THE ENTITY ACKNOWLEDGES THAT THE ROAD MUST REMAIN OPEN TO THE PUBLIC UNLESS CLOSED PURSUANT TO APPROPRIATE LOCAL ROAD CLOSING PROCEDURES OR THE STATUTORY ROAD CLOSING PROCESS FOUND IN S. C. CODE SECTION 57-9-10, et seq.

GOVERNMENTAL AGENCY: _____
PLEASE TYPE OR PRINT

NAME: _____
PLEASE TYPE OR PRINT

TITLE: _____
PLEASE TYPE OR PRINT

SIGNED: _____ DATE: _____

**NOTE TO DISTRICT ENGINEERING ADMINISTRATOR:**

THIS COMPLETED FORM AND MAP SHOULD BE FORWARDED TO:

SCDOT DIRECTOR OF ROAD DATA SERVICES

955 PARK STREET - ROOM 515, P.O. BOX 191

COLUMBIA, S.C. 29202

**BASIS FOR TRANSFER**

**(TO BE COMPLETED BY SCDOT)**

CHECK ONE OF THE (2) TWO OPTIONS BELOW AND COMPLETE:

1. ☐ TRANSFER OF ROADS FROM THE SECONDARY SYSTEM (SWAP MILES ONLY)

ENTER DETAILS OF ROADS TO BE TRANSFERRED INTO THE ROAD SWAP DETAILS SPREADSHEET. PRINT AND ATTACHED THE SPREADSHEET TO THIS FORM. IF THE SWAP INVOLVED MORE THAN ONE STATE ROUTE, ON PAGE 1 ENTER "ROAD SWAP" FOR THE ROAD NUMBER AND "SEE ATTACHED" FOR THE ROAD NAME. THE NUMBER OF LANE MILES ADDED TO THE STATE SYSTEM SHOULD NOT EXCEED THOSE REMOVED.

2. ☐ TRANSFER OF ROADS FROM THE SECONDARY SYSTEM (NO SWAP MILES)

TRANSFER CHECKLIST (CHECK APPROPRIATE BOXES BELOW)

☐ ROAD IS NOT REQUIRED FOR DEPARTMENT PURPOSES

☐ ROAD IS OF LOW TRAFFIC IMPORTANCE. LIST FUNCTIONAL CLASSIFICATION: _____

THE RIGHT OF WAY LIMITS RETAINED AT THE INTERSECTING ROADS WILL BE ESTABLISHED AS FOLLOWS: [1]

ADDITIONAL COMMENTS: _____

[1] A COPY OF THE PLAN SHEET WITH THE NEW RIGHT OF WAY LIMITS SHOULD BE INCLUDED AS NEEDED.

REQUEST SUBMITTED BY: _____ DATE: _____

CONCURRENCE BY: _____ DATE: _____
(DEA or Director)

SIGNATURE REQUIRED BELOW ONLY FOR ROUTES ABOVE MAJOR COLLECTOR OR IF SWAP RESULTS IN ADDING LANE MILES TO THE STATE SYSTEM:

APPROVED: _____ DATE: _____
DIRECTOR OF ROAD DATA SERVICES OR DESIGNEE

APPENDIX C
FOR ENGINEERING DIRECTIVE 41
(Request for Transfer of Road from State Secondary System to a Non-Governmental Entity Form)

**REQUEST FOR TRANSFER OF ROAD FROM STATE SECONDARY SYSTEM TO A NON-GOVERNMENTAL ENTITY**

(REVISED 06/27/2019)

## DESCRIPTION OF SECTION OF ROAD TO BE TRANSFERRED

COUNTY: _____ ROAD NUMBER: _____ ROAD NAME: _____

LENGTH TO BE TRANSFERRED: _____ MILES

BEGINNING POINT: _____ ENDING POINT: _____

DESCRIPTION: (PLEASE ATTACH LOCATION MAP)

## ACCEPTANCE OF MAINTENANCE RESPONSIBILITY

IT IS REQUESTED THAT THE ABOVE DESCRIBED ROAD BE REMOVED FROM THE STATE HIGHWAY SYSTEM. OWNERSHIP AND MAINTENANCE OF THIS ROAD WILL BECOME THE RESPONSIBILITY OF THE ENTITY LISTED BELOW. BY SIGNING BELOW, THE ENTITY ACKNOWLEDGES THAT THE ROAD MUST REMAIN OPEN TO THE PUBLIC UNLESS THEY FIRST FOLLOW THE STATUTORY ROAD CLOSING PROCESS FOUND IN S. C. CODE SECTION 57-9-10. et seq.

BUSINESS NAME: _____
(If Applicable)
PLEASE TYPE OR PRINT

NAME: _____
PLEASE TYPE OR PRINT

TITLE: _____
PLEASE TYPE OR PRINT

SIGNED: _____ DATE: _____

**NOTE TO DISTRICT ENGINEERING ADMINISTRATOR:**

THIS COMPLETED FORM, ATTACHMENTS, AND MAP SHOULD BE FORWARDED TO:

SCDOT DIRECTOR OF ROAD DATA SERVICES
955 PARK STREET - ROOM 515, P.O. BOX 191
COLUMBIA, S.C. 29202

**BASIS FOR TRANSFER**

**(TO BE COMPLETED BY SCDOT)**

TRANSFER OF ROADS FROM THE SECONDARY SYSTEM

TRANSFER CHECKLIST (CHECK APPROPRIATE BOXES BELOW)

- ☐ RIGHT OF FIRST REFUSAL FROM COUNTY/MUNICIPALITY ATTACHED
- ☐ ROAD IS NOT REQUIRED FOR DEPARTMENT PURPOSES
- ☐ ROAD IS OF LOW TRAFFIC IMPORTANCE. LIST FUNCTIONAL CLASSIFICATION: _____
- ☐ AFFIDAVIT OF OWNERSHIP ATTACHED
- ☐ STATEMENT FROM ALL OTHERS HAVING PROPERTY INTEREST ATTACHED

THE RIGHT OF WAY LIMITS RETAINED AT THE INTERSECTING ROADS WILL BE ESTABLISHED AS FOLLOWS:[1]

ADDITIONAL COMMENTS: _____

[1] A COPY OF THE PLAN SHEET WITH THE NEW RIGHT OF WAY LIMITS SHOULD BE INCLUDED IF NEEDED.

REQUEST SUBMITTED BY: _____ DATE: _____

CONCURRENCE BY: _____ DATE: _____

(DEA or Director)

SIGNATURE REQUIRED BELOW ONLY FOR ROUTES ABOVE RURAL MINOR COLLECTOR:

APPROVED: _____ DATE: _____

DIRECTOR OF ROAD DATA SERVICES OR DESIGNEE

# APPENDIX D
# FOR ENGINEERING DIRECTIVE 41
# (Affidavit)

State of South Carolina )
) **AFFIDAVIT**
County of_____ )

Personally appeared before me the undersigned who being duly sworn, states that _____

_____is (are) the sole owner(s) of that certain parcel
(Name of Property Owner)

known as _____
(TMS No. or Street Address)

abutting Road_____(_____) between_____and
(No. of Road to be Removed) (Name of Road to be Removed) (Beginning Point Road)

_____in_____County.
(Ending Point Road)

_____
(Owner)

_____
(Owner)

**SWORN TO BEFORE ME** this_____day of

_____, 20 ___.

_____
NOTARY PUBLIC FOR SOUTH CAROLNA
My Commission Expires:_____

State of South Carolina )
) **AFFIDAVIT**
County of Richland )

Personally appeared before me the undersigned who being duly sworn, states that John A. Doe and Jane B. Doe is (are) the sole owner(s) of that certain parcel known as Road S-111 (222 Main Street) abutting Road S-111 between Road S-33 (Maple Drive) and Road S-44 (Elm Street) in Richland County.

_____
(Owner Signature) John A. Doe

_____
(Owner Signature) Jane B. Doe

**SWORN TO BEFORE ME** this_____day of

_____, 20 _.

_____
NOTARY PUBLIC FOR SOUTH CAROLNA
My Commission Expires:_____

SAMPLE

# APPENDIX E
# FOR ENGINEERING DIRECTIVE 41
# (Right of First Refusal Letter)

August 20, 2013

Mr. John Doe
City of Greenville
PO Box 1234
Greenville, SC 29292

RE: Request of Removal of S-23-123

To Whom It May Concern:

My office has been approached by Mr. John Smith requesting the South Carolina Department of Transportation (SCDOT) transfer ownership and maintenance responsibility of S-23-123(ABC Road) from Jones Avenue to Good Street to Mr. Smith. Our review of this road indicated it is of low traffic importance, and we have agreed to this transfer.

Based on this request, I am writing to inform you that the City of Greenville has the right of first refusal of the above road according to the law (Section 57-5-80). As such, we are requesting a written response from the City within 30 days from the date of this letter if it desires to exercise the first right of refusal. If we do not receive a reply within this timeframe, we will consider this as a refusal to accept maintenance of the roadway, and SCDOT will proceed to transfer ownership and maintenance to Mr. Smith as requested.

If you have any questions, please call at XXX-XXX-XXXX or email me at XXXX@scdot.org.

Sincerely,

# APPENDIX F
# FOR ENGINEERING DIRECTIVE 41
# (Request for Abandonment of Section of Relocated Highway Form)

# REQUEST FOR ABANDONMENT OF SECTION OF RELOCATED HIGHWAY

(REVISED 06/27/2019)

## DESCRIPTION OF SECTION OF ROAD TO BE ABANDONED

COUNTY: _____ ROAD NUMBER: _____ ROAD NAME: _____

LENGTH TO BE ABANDONED: _____ MILES

BEGINNING POINT: _____ ENDING POINT: _____

DESCRIPTION: (PLEASE ATTACH LOCATION MAP)

## BASIS FOR ABANDONMENT

(TO BE COMPLETED BY DISTRICT ENGINEERING ADMINISTRATOR)

ABANDONMENT CHECKLIST (CHECK APPROPRIATE BOXES BELOW)

☐ SECTION OF HIGHWAY THAT HAS BEEN RELOCATED. DESCRIBE RELOCATION PROJECT BELOW.

_____

☐ ROAD IS NOT REQUIRED FOR DEPARTMENT PURPOSES

☐ ROAD IS OF LOW TRAFFIC IMPORTANCE. LIST FUNCTIONAL CLASSIFICATION: _____

THE RIGHT OF WAY LIMITS RETAINED AT THE INTERSECTING ROADS WILL BE ESTABLISHED AS FOLLOWS:

REQUEST SUBMITTED BY: _____ DATE: _____

CONCURRENCE BY: _____ DATE: _____
(DEA or Director)

THIS COMPLETED FORM AND MAP SHOULD BE FORWARDED TO:

SCDOT DIRECTOR OF ROAD DATA SERVICES
955 PARK STREET - ROOM 515, P.O. BOX 191
COLUMBIA, S.C. 29202

**REQUEST FOR ABANDONMENT OF SECTION OF RELOCATED HIGHWAY**

(TO BE COMPLETED BY DIRECTOR OF ROAD DATA SERVICES)

YES NO

☐ ☐ ABANDONMENT QUALIFIES UNDER B-ADDITION NUMBER: _____

MUNICIPALITY: _____

POPULATION: _____

LEGISLATIVE ACT #: _____

DATE ROADWAY CAME INTO SYSTEM: _____

BASED ON LOCATION AND POPULATION, DISTRICT ENGINEERING ADMINISTRATOR SHOULD WRITE THE FOLLOWING COUNCIL TO NOTIFY THEM OF THE SCDOT'S INTENT TO ABANDON PURSUANT TO S.C. CODE OF LAWS, SECTION 57-5-120. A COPY OF THIS LETTER SHOULD BE FORWARDED TO THE DIRECTOR OF ROAD DATA SERVICES.

_____

APPROVED: _____ DATE: _____

DIRECTOR, ROAD DATA SERVICES

APPROVED: _____ DATE: _____

DIRECTOR, RIGHTS OF WAY

ACKNOWLEDGED: _____ DATE: _____

DEPUTY SECRETARY FOR ENGINEERING

APPENDIX G
FOR ENGINEERING DIRECTIVE 41
(Initial Abandonment Letter to City/Town Council)

Date

City/Town Council
Address

Re: Abandonment of Road _____ from _____ to _____

Dear _____:

Pending approval by the South Carolina Department of Transportation (SCDOT) Commission during their December 1, 2016 meeting, the above section of road ("Old Section") will be abandoned because it has been relocated. (See map enclosed.) SCDOT has no further need for the Old Section and will cease to maintain it. Pursuant to Section 57-5-120 of the Code of Laws of South Carolina, 1976, as amended, maintenance responsibility for the Old Section reverts to the jurisdiction of the appropriate local authority or is abandoned as a public way. In this situation, it appears that the city/town is the appropriate local authority, since this road is within the municipal boundaries and the city/town has a population above 1,000. See S. C. Attorney General's Opinion dated November 15, 2016 (2016 WL 7031993) and Wessinger v. Goza, 231 S. C. 607, 99 S.E. 2d 395 (1957).

No formal acceptance by the city/town is required to transfer maintenance responsibility. If the city/town wishes to abandon or discontinue the road as a public road, it must follow its own statutory procedures to remove the road from the local authority's jurisdiction. See S. C. Attorney General's Opinion dated September 4, 1997 (1997 WL 665424) and Wessinger v. Goza, 231 S. C. 607, 99 S.E. 2d 395 (1957).

I will notify you again in writing following the Commission's approval (or denial) of this abandonment.

Sincerely,

SCDOT ----------

Enclosure (Map)

# APPENDIX H
# FOR ENGINEERING DIRECTIVE 41
# (Initial Abandonment Letter to County Council)

Date

County Council
Address

Re: Abandonment of Road _____ from _____ to _____

Dear _____:

Pending approval by the South Carolina Department of Transportation (SCDOT) Commission during their December 1, 2016 meeting, the above section of road ("Old Section") will be abandoned because it has been relocated. (See map enclosed.) SCDOT has no further need for the Old Section and will cease to maintain it. Pursuant to Section 57-5-120 of the Code of Laws of South Carolina, 1976, as amended, maintenance responsibility for the Old Section reverts to the jurisdiction of the appropriate local authority or is abandoned as a public way. In this situation, it appears that the county is the appropriate local authority, since this road came into the state system from the county in 1951 by Legislative Act No. 827-1948

No formal acceptance by the County is required to transfer maintenance responsibility. If the county wishes to abandon or discontinue the road as a public road, it must follow its own statutory procedures to remove the road from the local authority's jurisdiction. See S. C. Attorney General's Opinion dated September 4, 1997 (1997 WL 665424) and Wessinger v. Goza, 231 S. C. 607, 99 S.E. 2d 395 (1957).

I will notify you again in writing following the Commission's approval (or denial) of this abandonment.

Sincerely,

SCDOT ----------

Enclosure (Map)

# APPENDIX I
# FOR ENGINEERING DIRECTIVE 41
# (Abandonment Confirmation Letter)

Date

County/City Council
Address

Re: Abandonment of Road _____ from _____ to _____

Dear _____:

In reference to district engineering administrator Smith's letter dated _____, the South Carolina Department of Transportation commission abandoned the above section of road to the County/City during their December 1, 2016 meeting. SCDOT forces will remove any signs designating this old section as a Secondary route as soon as scheduling permits.

Sincerely,

SCDOT ----------