



HENRY McMASTER  
GOVERNOR

May 24, 2021

The Honorable Lawrence K. “Larry” Grooms  
203 Gressette Building  
Columbia, South Carolina 29201

Dear Senator Grooms:

I have signed into law R-101, S. 40, which amends certain statutory provisions relating to state highways so as to prohibit a municipality from altering, or restricting the use of, any state highway facility or right of way without the prior approval of the South Carolina Department of Transportation (“SCDOT”). In addition to the foregoing, S. 40 addresses related issues associated with parking facilities in coastal communities by providing that for municipalities eligible to receive state beach renourishment funds, parking facilities on state highways must include free beach parking but may include some paid parking options. The bill also authorizes municipalities to utilize revenue from paid parking to offset the corresponding costs associated with maintaining public beach parking, providing traffic control and enforcement, and removing litter from public beaches.

To be sure, while S. 40 passed unanimously in the Senate and overwhelmingly in the House of Representatives, I recognize that certain provisions of this legislation are particularly controversial. Although some have raised legal concerns regarding this legislation, it is clear that the source of the controversy is not the law but rather the recent circumstances the bill was intended to address. *See Town of Hilton Head Island v. Coal. of Expressway Opponents*, 307 S.C. 449, 456, 415 S.E.2d 801, 805 (1992) (“Municipalities have no authority to set aside the structure and administration of any governmental service or function, the responsibility for which rests with the state government or which requires statewide uniformity. The planning, construction, and financing of state roads is a governmental service which requires statewide uniformity.” (citing S.C. Const. art. VIII, § 14; S.C. Code Ann. §§ 57-3-10 to -30 (1976 & Supp. 1991))). Accordingly, it is necessary to provide a bit of background regarding the origins of the underlying dispute and the rhetoric it has generated.

It is undisputed that the controversy related to certain provisions of S. 40 principally stems from actions by one or more coastal communities to limit beach parking or access during the 2019 Novel Coronavirus (“COVID-19”) pandemic. On the one hand, those who opposed these

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restrictions, and now support this legislation, have accused coastal municipalities of using emergency measures to limit the general public's ability to access the beach, effectively converting their communities into private islands, under the auspices of protecting public health. While on the other hand, certain opponents of this bill have publicly accused its sponsors of pandering, for political purposes, to a vocal minority of residents who were frustrated by their inability to access public beaches.

At bottom, the underlying issue is one of quality of life, not only for those South Carolinians who wish to access their shared, taxpayer-supported public beaches via state-maintained roads but also for those coastal residents who wish to ensure reasonable and reliable access to their private homes and communities, while simultaneously preserving public safety. Although I appreciate the significant, legitimate concerns of interested parties on both sides of these important issues, I believe that this legislation represents a reasonable effort to clarify existing law in a manner that will facilitate further cooperation and compromise. I encourage S. 40's opponents and proponents alike to refrain from resorting to heated rhetoric and to instead rededicate their energy, or redouble their efforts, toward fostering constructive communication and promoting meaningful collaboration.

I am confident that this legislation will allow SCDOT to accommodate the legitimate concerns of all involved and work cooperatively to achieve a solution that will address the underlying issues and avoid unnecessary controversy. To this end, I recently met with Secretary Christy Hall regarding this matter, and I conveyed to her that SCDOT shall explore any and all options and potential solutions to both preserve public access to our State's beaches and protect the safety, identity, and aesthetics of our treasured coastal communities. Secretary Hall is familiar with the tensions involved, and she understands the issues and expectations. I have asked Secretary Hall to keep me informed of SCDOT's progress.

For the foregoing reasons, I have signed S. 40 into law. I look forward to following SCDOT's ongoing efforts to foster constructive communication, collaboration, and compromise. I trust that all involved will work diligently to identify and implement a mutually beneficial solution and ensure that the public has a right to access its beaches in a manner that does not unduly burden coastal communities.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Henry McMaster", written in a cursive style.

Henry McMaster

cc: The Honorable Christy A. Hall  
Secretary of Transportation