

By: Representatives Endt, Wells-Smith, Read To: Transportation

HOUSE BILL NO. 167  
(As Passed the House)

1 AN ACT TO AMEND SECTION 65-3-97, MISSISSIPPI CODE OF 1972, TO  
2 ADD A SEGMENT OF HIGHWAY IN JACKSON COUNTY TO THE FOUR-LANE  
3 HIGHWAY PROGRAM; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 65-3-97, Mississippi Code of 1972, is  
6 amended as follows:

7 65-3-97. (1) In addition to and including all other  
8 highways designated as a part of the state highway system, there  
9 is hereby designated as a part thereof a four-lane highway system  
10 to connect various areas of the state with interstate and primary  
11 highways. The Mississippi Department of Transportation shall  
12 construct and reconstruct four-lane highways, that is, not less  
13 than two (2) lanes for traffic flowing in each direction, along  
14 the routes designated in this section.

15 (2) In the construction and reconstruction of the four-lane  
16 highway system designated in this section, the Mississippi  
17 Department of Transportation may utilize the roadway of any  
18 existing highway under its jurisdiction and control and shall do  
19 so when such utilization is feasible, provided that such highways  
20 which are utilized shall be constructed to current standards for  
21 such roadways. When it is not feasible to utilize existing  
22 designated highways, the Transportation Department shall relocate  
23 such highways and construct entirely new facilities whether in  
24 urban or rural areas.

25 (3) Construction of the four-lane highway system designated  
26 in this subsection shall commence, proceed and be performed by the

27 Mississippi Department of Transportation strictly in accordance  
28 with the following set of priorities established for the letting  
29 of contracts on and along various segments thereof:

30 (a) Of the following group of highway segments not less  
31 than fifteen percent (15%) of all contracts necessary to be let  
32 for completion of all segments within the group shall be let by  
33 June 30, 1988, not less than thirty percent (30%) of such  
34 contracts shall be let by June 30, 1989, not less than fifty  
35 percent (50%) of such contracts shall be let by June 30, 1990, not  
36 less than seventy percent (70%) of such contracts shall be let by  
37 June 30, 1991, not less than ninety percent (90%) of such  
38 contracts shall be let by June 30, 1992, and one hundred percent  
39 (100%) of such contracts shall be let by June 30, 1993:

40 (i) Highway segments along or near U.S. 45  
41 beginning at the Clarke/Lauderdale county line and extending  
42 northerly to I-59; then beginning at Macon and extending northerly  
43 to Brooksville; then beginning at Columbus Air Force Base and  
44 extending northerly to Aberdeen; then beginning at U.S. 278 and  
45 extending northerly to Shannon; then beginning at Saltillo and  
46 extending northerly to Corinth.

47 (ii) Highway segments along or near U.S. 45A  
48 beginning at U.S. 82 and extending northerly to West Point; then  
49 beginning four (4) miles south of Okolona and extending northerly  
50 to Shannon.

51 (iii) A highway segment along or near U.S. 49W  
52 beginning at U.S. 49 and extending westerly through Yazoo City to  
53 the Yazoo River.

54 (iv) A highway segment along or near U.S. 49W  
55 beginning at Inverness and extending northerly to Indianola.

56 (v) A highway segment along or near U.S. 61  
57 beginning at Port Gibson and extending northerly to the four-lane  
58 south of Vicksburg.

59 (vi) Highway segments along or near U.S. 72  
60 beginning at or near Mt. Pleasant and extending southeasterly to  
61 Mississippi 5; then beginning at Walnut and extending  
62 southeasterly to Corinth; then beginning at Strickland and  
63 extending southeasterly to Burnsville.

64 (vii) Highway segments along or near U.S. 78  
65 beginning at Holly Springs and extending southeasterly to the New  
66 Albany bypass; then beginning at Mississippi 25 and extending  
67 southeasterly to Tremont.

68 (viii) Highway segments along or near U.S. 82  
69 beginning at I-55 and extending easterly to Kilmichael; then  
70 beginning at Eupora and extending easterly to Mathiston; then  
71 beginning at Mississippi 12 and extending easterly to the Alabama  
72 state line.

73 (ix) A highway segment along or near U.S. 84  
74 beginning at I-59 and extending easterly to the Jones/Wayne county  
75 line.

76 (x) Highway segments along or near U.S. 98  
77 beginning at Columbia and extending easterly to the Marion/Lamar  
78 county line; then beginning at U.S. 49 and extending southeasterly  
79 to the Alabama state line.

80 (b) Of the following group of highway segments not less  
81 than five percent (5%) of all contracts necessary to be let for  
82 completion of all segments within the group shall be let by June  
83 30, 1991, not less than ten percent (10%) of such contracts shall  
84 be let by June 30, 1992, not less than twenty-five percent (25%)  
85 of such contracts shall be let by June 30, 1993, not less than  
86 forty percent (40%) of such contracts shall be let by June 30,  
87 1994, not less than fifty-five percent (55%) of such contracts  
88 shall be let by June 30, 1995, not less than seventy percent (70%)  
89 of such contracts shall be let by June 30, 1996, not less than  
90 eighty-five percent (85%) of such contracts shall be let by June  
91 30, 1997, and one hundred percent (100%) of such contracts shall  
92 be let by June 30, 1998:

93 (i) Highway segments along or near Mississippi 25  
94 beginning at Mississippi 471 and extending northeasterly to  
95 Mississippi 43; then beginning at the Winston/Oktibbeha county  
96 line and extending northeasterly to Starkville.

97                   (ii) A highway segment along or near Mississippi  
98 63 beginning at the Jackson/George county line and extending  
99 northerly to Lucedale.

100                   (iii) A highway segment along or near Mississippi  
101 302 beginning at I-55 in Southaven and extending easterly to U.S.  
102 72 at or near Mt. Pleasant.

103                   (iv) Highway segments along or near U.S. 45  
104 beginning at the Alabama state line and extending northerly to the  
105 Clarke/Lauderdale county line; then beginning at Lauderdale and  
106 extending northerly to Macon; then beginning at Aberdeen and  
107 extending northerly to U.S. 278.

108                   (v) A highway segment along or near U.S. 45A  
109 beginning at West Point and extending northerly to four (4) miles  
110 south of Okolona.

111                   (vi) A highway segment beginning at Brooksville  
112 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.  
113 82, such segment having been designated by the Transportation  
114 Commission pursuant to the provisions of paragraph (1)(c) of this  
115 section.

116                   (vii) A highway segment along or near U.S. 49W  
117 beginning at the Yazoo River and extending northerly to Inverness.

118                   (viii) Highway segments along or near U.S. 61  
119 beginning at the Louisiana state line and extending northerly to  
120 the Wilkinson/Adams county line; then beginning at Washington and  
121 extending northerly to Port Gibson; then beginning at Merigold and  
122 extending northerly to Shelby; then beginning at the north end of  
123 the Clarksdale bypass and extending northerly to the Tennessee  
124 state line.

125                   (ix) A highway segment along or near U.S. 72  
126 beginning at Mississippi 5 and extending southeasterly to Walnut.

127                   (x) A highway segment along or near U.S. 78  
128 beginning at Tremont and extending southeasterly to the Alabama  
129 state line.

130                   (xi) Highway segments along or near U.S. 82  
131 beginning at the Montgomery/Webster county line and extending  
132 easterly to Eupora; then beginning at Mathiston and extending  
133 easterly to Starkville.

134                   (xii) Highway segments along or near U.S. 84  
135 beginning at Leesdale and extending easterly to Roxie; then  
136 beginning at Auburn Road and extending easterly to I-55; then  
137 beginning at the east end of the Brookhaven bypass and extending  
138 easterly to Prentiss; then beginning at the Jones/Covington county  
139 line and extending easterly to Horse Creek; then beginning at the  
140 Jones/Wayne county line and extending easterly to Waynesboro.

141                   (xiii) Highway segments along or near U.S. 98  
142 beginning at the Pike/Walthall county line and extending easterly  
143 to Columbia; then beginning at the Marion/Lamar county line and  
144 extending easterly to the four-lane west of Hattiesburg.

145                   (c) Of the following group of highway segments not less  
146 than ten percent (10%) of all contracts necessary to be let for  
147 completion of all segments within the group shall be let by June  
148 30, 1996, not less than twenty percent (20%) of such contracts  
149 shall be let by June 30, 1997, not less than forty percent (40%)  
150 of such contracts shall be let by June 30, 1998, and one hundred  
151 percent (100%) of such contracts shall be let by June 30, 1999:

152                   (i) A highway segment along or near Mississippi 25  
153 beginning at Mississippi 43 and extending northeasterly to the  
154 Winston/Oktibbeha county line.

155                   (ii) A highway segment along or near Mississippi  
156 63 beginning at Lucedale and extending northerly to U.S. 45 at  
157 State Line.

158                   (iii) A highway segment along or near U.S. 61  
159 beginning at Shelby and extending northerly to U.S. 49.

160                   (iv) A highway segment along or near U.S. 82  
161 beginning at Kilmichael and extending easterly to the  
162 Montgomery/Webster county line.

163                   (v) Highway segments along or near U.S. 84  
164 beginning at Eddiceton and extending easterly to Auburn Road; then  
165 beginning at Prentiss and extending easterly to Collins; then  
166 beginning at Waynesboro and extending easterly to the Alabama  
167 state line.

168                   (d) (i) Of the following group of highway segments not  
169 less than five percent (5%) of all contracts necessary to be let  
170 for completion of all segments within the group shall be let by  
171 June 30, 2002, not less than fifteen percent (15%) of such  
172 contracts shall be let by June 30, 2003, not less than twenty-five  
173 percent (25%) of such contracts shall be let by June 30, 2004, not  
174 less than thirty-five percent (35%) of such contracts shall be let  
175 by June 30, 2005, not less than forty-five percent (45%) of such  
176 contracts shall be let by June 30, 2006, not less than sixty  
177 percent (60%) of such contracts shall be let by June 30, 2007, not  
178 less than seventy percent (70%) of such contracts shall be let by  
179 June 30, 2008, not less than eighty percent (80%) of such  
180 contracts shall be let by June 30, 2009, not less than ninety  
181 percent (90%) of such contracts shall be let by June 30, 2010, and  
182 one hundred percent (100%) of such contracts shall be let by June  
183 30, 2011:

184                   A. A highway segment along or near  
185 Mississippi 6 beginning at the Clarksdale bypass and extending  
186 easterly to Batesville.

187                   B. A highway segment along or near  
188 Mississippi 12 beginning at I-55 and extending easterly to  
189 Kosciusko.

190                   C. A highway segment along or near  
191 Mississippi 15 beginning at I-10 and extending northerly to  
192 Mississippi 26; then beginning at U.S. Highway 98 and extending  
193 northerly to the Mississippi/Tennessee state line.

194                   D. A highway segment consisting of two (2)  
195 lanes of construction and two (2) lanes of right-of-way

196 acquisition along or near Mississippi 15 beginning at Mississippi  
197 26 and extending northerly to U.S. Highway 98.

198 E. A highway segment along or near  
199 Mississippi 19 beginning at Collinsville and extending  
200 northwesterly to Kosciusko.

201 F. Highway segments along or near Mississippi  
202 25 beginning at Aberdeen and extending northerly to Fulton; then  
203 beginning at the Alabama state line and extending northerly to  
204 U.S. Highway 72.

205 G. A highway segment along or near U.S.  
206 Highway 61 beginning at Redwood and extending northerly to Leland.

207 H. A highway segment along or near U.S.  
208 Highway 98 beginning at Meadville and extending southeasterly to  
209 Summit or, in lieu thereof, a highway segment along or near  
210 Mississippi Highway 24/48 beginning at Woodville and extending  
211 easterly to McComb, whichever of such routes meets the criteria  
212 established in subparagraph (d)(ii) of this subsection (3).

213 I. A highway segment along or near  
214 Mississippi 35 beginning at the Mississippi/Louisiana state line  
215 and extending northerly to or near Foxworth.

216 J. A highway segment along or near  
217 Mississippi 27 beginning at I-20 and extending southeasterly to  
218 I-55.

219 K. A highway segment along or near  
220 Mississippi 57 beginning at I-10 and extending northerly ten (10)  
221 miles to just north of the community of Van Cleave.

222 (ii) Contracts for the construction and/or  
223 reconstruction of highway segments designated within this group  
224 shall be let by the Transportation Commission strictly in  
225 accordance with the volume capacity of the highway segment. If  
226 the volume capacity of a highway segment is less than the volume  
227 capacity threshold at which the Transportation Department  
228 recommends the construction of a four-lane highway, then the

229 Transportation Department shall make other improvements and  
230 highway modifications to such highway segment as needed, such as  
231 straightening and realignment of the existing roadway, the  
232 addition of passing lanes and the widening of existing lanes, and  
233 may acquire any necessary right-of-way for such purposes and for  
234 the purpose of future construction of four-lane highways along  
235 such segments.

236 (4) The construction priorities established in this section  
237 shall not be construed as prohibiting the completion of highway  
238 segments which, on July 1, 1987, are included in the current  
239 three-year plan under Section 65-1-141, and for which, on July 1,  
240 1987, grade and drainage has been completed or contracts for grade  
241 and drainage have been let.

242 (5) Contracts may be let and construction may commence and  
243 be performed concurrently on any of the highway segments  
244 designated in subsection (3) of this section, notwithstanding the  
245 priorities established for the letting of contracts on the various  
246 segments designated therein, provided that funds are available  
247 and, provided that, at all times, the percentages of all contracts  
248 required to be let on the segments designated in paragraphs  
249 (3)(a), (3)(b), (3)(c) and (3)(d), respectively, are, in fact, let  
250 no later than the dates established therein.

251 (6) (a) All highway construction and reconstruction  
252 authorized under this section shall be performed by contract let  
253 on competitive bid in the manner provided by statute; however,  
254 highway segments shall be constructed in lengths of not less than  
255 ten (10) miles.

256 (b) It is the intent of the Legislature that not less  
257 than ten percent (10%) of the amounts authorized to be expended  
258 for construction and reconstruction of the four-lane highway  
259 segments designated in this section shall be expended with small  
260 business concerns owned and controlled by socially and  
261 economically disadvantaged individuals. The term "socially and



262 economically disadvantaged individuals" shall have the meaning  
263 ascribed to such term under Section 8(d) of the Small Business Act  
264 (15 USCS, Section 637(d)) and relevant subcontracting regulations  
265 promulgated pursuant thereto; except that women shall be presumed  
266 to be socially and economically disadvantaged individuals for the  
267 purposes of this paragraph (b).

268 (7) (a) Notwithstanding the provisions of subsection (6)(a)  
269 of this section, the Mississippi Transportation Commission may  
270 construct highway segments of less than ten (10) miles in length  
271 if:

272 (i) The segment as described in subsection (3) of  
273 this section is less than ten (10) miles in length;

274 (ii) The segment will connect two (2) existing  
275 four-lane highways;

276 (iii) The segment will connect an existing  
277 four-lane highway with an incorporated municipality;

278 (iv) The segment will connect an existing  
279 four-lane highway with a river, the state boundary or any other  
280 natural or man-made barrier;

281 (v) For a particular project, the costs of  
282 constructing a single segment of at least ten (10) miles in length  
283 would greatly exceed the aggregate costs of constructing two (2)  
284 or more segments; or

285 (vi) The segment is in an urban area and involves  
286 the completion of bypasses or other construction which will  
287 facilitate and accommodate major traffic movement.

288 (b) In any case in which the Transportation Commission  
289 authorizes the construction of a highway segment of less than ten  
290 (10) miles in length, the commission shall set forth and record in  
291 its official minutes explanation and justification therefor based  
292 upon one or more of the conditions prescribed in paragraph (7)(a)  
293 of this section.

294 (8) To assist in defraying the costs and expenses for

295 construction, reconstruction and relocation of the four-lane  
296 highway system described in this section, the following revenues  
297 shall be paid out of such funds made available to the  
298 Transportation Commission and the Transportation Department:

299 (a) From matched federal funds or other federal funds,  
300 Thirty-two Million Dollars (\$32,000,000.00) for fiscal year 1988,  
301 Twenty-five Million Dollars (\$25,000,000.00) for fiscal year 1989,  
302 Thirty Million Dollars (\$30,000,000.00) for fiscal year 1990 and  
303 fifty percent (50%) of such federal funds for fiscal year 1991 and  
304 each fiscal year thereafter; and

305 (b) Five Million Dollars (\$5,000,000.00) from matched  
306 federal bridge replacement funds for fiscal year 1988 and each  
307 fiscal year thereafter when the segments proposed for construction  
308 contain bridges that are eligible for replacement under the  
309 Federal Aid Bridge Replacement Program.

310 (9) The Transportation Department shall submit a report to  
311 the Legislature by January 10 of each calendar year setting forth  
312 the current status of the construction program set forth in this  
313 section to include, but not be limited to, the following  
314 information:

315 (a) Specific segments on which engineering is being  
316 performed or has been completed;

317 (b) Specific segments for which right-of-way has been  
318 acquired or is being acquired;

319 (c) Specific segments for which construction contracts  
320 have been let;

321 (d) Specific segments on which construction is in  
322 progress;

323 (e) Specific segments on which construction has been  
324 completed;

325 (f) Projections for completion of the next step on each  
326 segment;

327 (g) Revenue derived for such construction program from

328 each revenue source contained in Chapter 322, Laws, 1987, and in  
329 Chapter 557, Laws, 1994;

330 (h) For each fiscal year beginning in 1994, a detailed  
331 cash flow projection by source of program activities and an  
332 estimate of when the program will encounter a funding shortage due  
333 to costs exceeding original projections;

334 (i) A schedule of all complete and open-to-traffic  
335 highway segments and the related total cost of each segment;

336 (j) A schedule of all highway segments on which all  
337 contracts necessary for completion of the segments were not let as  
338 of the date required by law;

339 (k) A complete recap of all program receipts by source,  
340 and of all disbursements for the prior fiscal year and cumulative  
341 totals since the inception of the program as compared to  
342 projections; and

343 (l) A statement from the Department of Transportation  
344 regarding the status of the funding of the program based on agency  
345 cost experience and projections for the future.

346 The report shall be deemed submitted when ten (10) copies are  
347 submitted to the Clerk of the House of Representatives and ten  
348 (10) copies are submitted to the Secretary of the Senate.

349 SECTION 2. This act shall take effect and be in force from  
350 and after its passage.