

By: Senator(s) Dearing

To: Highways and
Transportation

SENATE BILL NO. 2287

1 AN ACT TO AMEND SECTION 65-3-97, MISSISSIPPI CODE OF 1972, TO
2 REVISE A PROVISION IN THE FOUR-LANE HIGHWAY PROGRAM THAT
3 AUTHORIZES THE CONSTRUCTION OF EITHER A CERTAIN SEGMENT OF
4 MISSISSIPPI HIGHWAY 24/48 IN AMITE AND PIKE COUNTIES OR A CERTAIN
5 SEGMENT OF U.S. HIGHWAY 98 IN AMITE, PIKE AND FRANKLIN COUNTIES,
6 IN ORDER TO INCLUDE BOTH SEGMENTS WITHIN THE FOUR-LANE HIGHWAY
7 PROGRAM UNDER THE SAME CRITERIA AS OTHER SEGMENTS IN PHASE FOUR OF
8 SUCH PROGRAM; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
9 LEGISLATURE OF THE STATE OF MISSISSIPPI:

10
11 SECTION 1. Section 65-3-97, Mississippi Code of 1972, is
12 amended as follows:

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

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

31 (3) Construction of the four-lane highway system designated
32 in this subsection shall commence, proceed and be performed by the
33 Mississippi Department of Transportation strictly in accordance
34 with the following set of priorities established for the letting
35 of contracts on and along various segments thereof:

36 (a) Of the following group of highway segments not less
37 than fifteen percent (15%) of all contracts necessary to be let
38 for completion of all segments within the group shall be let by
39 June 30, 1988, not less than thirty percent (30%) of such
40 contracts shall be let by June 30, 1989, not less than fifty
41 percent (50%) of such contracts shall be let by June 30, 1990, not
42 less than seventy percent (70%) of such contracts shall be let by
43 June 30, 1991, not less than ninety percent (90%) of such
44 contracts shall be let by June 30, 1992, and one hundred percent
45 (100%) of such contracts shall be let by June 30, 1993:

46 (i) Highway segments along or near U.S. 45
47 beginning at the Clarke/Lauderdale county line and extending
48 northerly to I-59; then beginning at Macon and extending northerly
49 to Brooksville; then beginning at Columbus Air Force Base and
50 extending northerly to Aberdeen; then beginning at U.S. 278 and
51 extending northerly to Shannon; then beginning at Saltillo and
52 extending northerly to Corinth.

53 (ii) Highway segments along or near U.S. 45A
54 beginning at U.S. 82 and extending northerly to West Point; then
55 beginning four (4) miles south of Okolona and extending northerly
56 to Shannon.

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

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

62 (v) A highway segment along or near U.S. 61
63 beginning at Port Gibson and extending northerly to the four-lane

64 south of Vicksburg.

65 (vi) Highway segments along or near U.S. 72
66 beginning at or near Mt. Pleasant and extending southeasterly to
67 Mississippi 5; then beginning at Walnut and extending
68 southeasterly to Corinth; then beginning at Strickland and
69 extending southeasterly to Burnsville.

70 (vii) Highway segments along or near U.S. 78
71 beginning at Holly Springs and extending southeasterly to the New
72 Albany bypass; then beginning at Mississippi 25 and extending
73 southeasterly to Tremont.

74 (viii) Highway segments along or near U.S. 82
75 beginning at I-55 and extending easterly to Kilmichael; then
76 beginning at Eupora and extending easterly to Mathiston; then
77 beginning at Mississippi 12 and extending easterly to the Alabama
78 state line.

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

82 (x) Highway segments along or near U.S. 98
83 beginning at Columbia and extending easterly to the Marion/Lamar
84 county line; then beginning at U.S. 49 and extending southeasterly
85 to the Alabama state line.

86 (b) Of the following group of highway segments not less
87 than five percent (5%) of all contracts necessary to be let for
88 completion of all segments within the group shall be let by June
89 30, 1991, not less than ten percent (10%) of such contracts shall
90 be let by June 30, 1992, not less than twenty-five percent (25%)
91 of such contracts shall be let by June 30, 1993, not less than
92 forty percent (40%) of such contracts shall be let by June 30,
93 1994, not less than fifty-five percent (55%) of such contracts
94 shall be let by June 30, 1995, not less than seventy percent (70%)
95 of such contracts shall be let by June 30, 1996, not less than
96 eighty-five percent (85%) of such contracts shall be let by June

97 30, 1997, and one hundred percent (100%) of such contracts shall
98 be let by June 30, 1998:

99 (i) Highway segments along or near Mississippi 25
100 beginning at Mississippi 471 and extending northeasterly to
101 Mississippi 43; then beginning at the Winston/Oktibbeha county
102 line and extending northeasterly to Starkville.

103 (ii) A highway segment along or near Mississippi
104 63 beginning at the Jackson/George county line and extending
105 northerly to Lucedale.

106 (iii) A highway segment along or near Mississippi
107 302 beginning at I-55 in Southaven and extending easterly to U.S.
108 72 at or near Mt. Pleasant.

109 (iv) Highway segments along or near U.S. 45
110 beginning at the Alabama state line and extending northerly to the
111 Clarke/Lauderdale county line; then beginning at Lauderdale and
112 extending northerly to Macon; then beginning at Aberdeen and
113 extending northerly to U.S. 278.

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

117 (vi) A highway segment beginning at Brooksville
118 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.
119 82, such segment having been designated by the Transportation
120 Commission pursuant to the provisions of paragraph (1)(c) of this
121 section.

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

124 (viii) Highway segments along or near U.S. 61
125 beginning at the Louisiana state line and extending northerly to
126 the Wilkinson/Adams county line; then beginning at Washington and
127 extending northerly to Port Gibson; then beginning at Merigold and
128 extending northerly to Shelby; then beginning at the north end of
129 the Clarksdale bypass and extending northerly to the Tennessee

130 state line.

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

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

136 (xi) Highway segments along or near U.S. 82
137 beginning at the Montgomery/Webster county line and extending
138 easterly to Eupora; then beginning at Mathiston and extending
139 easterly to Starkville.

140 (xii) Highway segments along or near U.S. 84
141 beginning at Leesdale and extending easterly to Roxie; then
142 beginning at Auburn Road and extending easterly to I-55; then
143 beginning at the east end of the Brookhaven bypass and extending
144 easterly to Prentiss; then beginning at the Jones/Covington county
145 line and extending easterly to Horse Creek; then beginning at the
146 Jones/Wayne county line and extending easterly to Waynesboro.

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

151 (c) Of the following group of highway segments not less
152 than ten percent (10%) of all contracts necessary to be let for
153 completion of all segments within the group shall be let by June
154 30, 1996, not less than twenty percent (20%) of such contracts
155 shall be let by June 30, 1997, not less than forty percent (40%)
156 of such contracts shall be let by June 30, 1998, and one hundred
157 percent (100%) of such contracts shall be let by June 30, 1999:

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

161 (ii) A highway segment along or near Mississippi
162 63 beginning at Lucedale and extending northerly to U.S. 45 at

163 State Line.

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

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

169 (v) Highway segments along or near U.S. 84
170 beginning at Eddiceton and extending easterly to Auburn Road; then
171 beginning at Prentiss and extending easterly to Collins; then
172 beginning at Waynesboro and extending easterly to the Alabama
173 state line.

174 (d) (i) Of the following group of highway segments not
175 less than five percent (5%) of all contracts necessary to be let
176 for completion of all segments within the group shall be let by
177 June 30, 2002, not less than fifteen percent (15%) of such
178 contracts shall be let by June 30, 2003, not less than twenty-five
179 percent (25%) of such contracts shall be let by June 30, 2004, not
180 less than thirty-five percent (35%) of such contracts shall be let
181 by June 30, 2005, not less than forty-five percent (45%) of such
182 contracts shall be let by June 30, 2006, not less than sixty
183 percent (60%) of such contracts shall be let by June 30, 2007, not
184 less than seventy percent (70%) of such contracts shall be let by
185 June 30, 2008, not less than eighty percent (80%) of such
186 contracts shall be let by June 30, 2009, not less than ninety
187 percent (90%) of such contracts shall be let by June 30, 2010, and
188 one hundred percent (100%) of such contracts shall be let by June
189 30, 2011:

190 A. A highway segment along or near
191 Mississippi 6 beginning at the Clarksdale bypass and extending
192 easterly to Batesville.

193 B. A highway segment along or near
194 Mississippi 12 beginning at I-55 and extending easterly to
195 Kosciusko.

196 C. A highway segment along or near
197 Mississippi 15 beginning at I-10 and extending northerly to
198 Mississippi 26; then beginning at U.S. Highway 98 and extending
199 northerly to the Mississippi/Tennessee state line.

200 D. A highway segment consisting of two (2)
201 lanes of construction and two (2) lanes of right-of-way
202 acquisition along or near Mississippi 15 beginning at Mississippi
203 26 and extending northerly to U.S. Highway 98.

204 E. A highway segment along or near
205 Mississippi 19 beginning at Collinsville and extending
206 northwesterly to Kosciusko.

207 F. Highway segments along or near Mississippi
208 25 beginning at Aberdeen and extending northerly to Fulton; then
209 beginning at the Alabama state line and extending northerly to
210 U.S. Highway 72.

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

213 H. A highway segment along or near U.S.
214 Highway 98 beginning at Meadville and extending southeasterly to
215 Summit * * *.

216 I. A highway segment along or near
217 Mississippi Highway 24/48 beginning at Woodville and extending
218 easterly to McComb * * *.

219 J. A highway segment along or near
220 Mississippi 35 beginning at the Mississippi/Louisiana state line
221 and extending northerly to or near Foxworth.

222 K. A highway segment along or near
223 Mississippi 27 beginning at I-20 and extending southeasterly to
224 I-55.

225 (ii) Contracts for the construction and/or
226 reconstruction of highway segments designated within this group
227 shall be let by the Transportation Commission strictly in
228 accordance with the volume capacity of the highway segment. If

229 the volume capacity of a highway segment is less than the volume
230 capacity threshold at which the Transportation Department
231 recommends the construction of a four-lane highway, then the
232 Transportation Department shall make other improvements and
233 highway modifications to such highway segment as needed, such as
234 straightening and realignment of the existing roadway, the
235 addition of passing lanes and the widening of existing lanes, and
236 may acquire any necessary right-of-way for such purposes and for
237 the purpose of future construction of four-lane highways along
238 such segments.

239 (4) The construction priorities established in this section
240 shall not be construed as prohibiting the completion of highway
241 segments which, on July 1, 1987, are included in the current
242 three-year plan under Section 65-1-141, and for which, on July 1,
243 1987, grade and drainage has been completed or contracts for grade
244 and drainage have been let.

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

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

259 (b) It is the intent of the Legislature that not less
260 than ten percent (10%) of the amounts authorized to be expended
261 for construction and reconstruction of the four-lane highway

262 segments designated in this section shall be expended with small
263 business concerns owned and controlled by socially and
264 economically disadvantaged individuals. The term "socially and
265 economically disadvantaged individuals" shall have the meaning
266 ascribed to such term under Section 8(d) of the Small Business Act
267 (15 U.S.C.S., Section 637(d)) and relevant subcontracting
268 regulations promulgated pursuant thereto; except that women shall
269 be presumed to be socially and economically disadvantaged
270 individuals for the purposes of this paragraph (b).

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

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

277 (ii) The segment will connect two (2) existing
278 four-lane highways;

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

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

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

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

291 (b) In any case in which the Transportation Commission
292 authorizes the construction of a highway segment of less than ten
293 (10) miles in length, the commission shall set forth and record in
294 its official minutes explanation and justification therefor based

295 upon one or more of the conditions prescribed in paragraph (7)(a)
296 of this section.

297 (8) To assist in defraying the costs and expenses for
298 construction, reconstruction and relocation of the four-lane
299 highway system described in this section, the following revenues
300 shall be paid out of such funds made available to the
301 Transportation Commission and the Transportation Department:

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

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

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

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

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

322 (c) Specific segments for which construction contracts
323 have been let;

324 (d) Specific segments on which construction is in
325 progress;

326 (e) Specific segments on which construction has been
327 completed;

328 (f) Projections for completion of the next step on each
329 segment;

330 (g) Revenue derived for such construction program from
331 each revenue source contained in Chapter 322, Laws, 1987, and in
332 House Bill No. 1302, 1994 Regular Session [Laws, 1994, Ch. 557];

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

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

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

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

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

349 The report shall be deemed submitted when ten (10) copies are
350 submitted to the Clerk of the House of Representatives and ten
351 (10) copies are submitted to the Secretary of the Senate.

352 SECTION 2. This act shall take effect and be in force from
353 and after July 1, 1999.