

By: Dearing

To: Highways and
Transportation

SENATE BILL NO. 2131
(As Sent to Governor)

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.

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

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

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

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

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

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

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

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

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

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

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

63 south of Vicksburg.

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

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

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

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

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

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

96 30, 1997, and one hundred percent (100%) of such contracts shall
97 be let by June 30, 1998:

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

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

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

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

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

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

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

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

129 state line.

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

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

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

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

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

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

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

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

162 State Line.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

224 L. A highway segment along or near
225 Mississippi 57 beginning at I-10 and extending northerly ten (10)
226 miles to just north of the community of Van Cleave.

227 (ii) Contracts for the construction and/or

228 reconstruction of highway segments designated within this group
229 shall be let by the Transportation Commission strictly in
230 accordance with the volume capacity of the highway segment. If
231 the volume capacity of a highway segment is less than the volume
232 capacity threshold at which the Transportation Department
233 recommends the construction of a four-lane highway, then the
234 Transportation Department shall make other improvements and
235 highway modifications to such highway segment as needed, such as
236 straightening and realignment of the existing roadway, the
237 addition of passing lanes and the widening of existing lanes, and
238 may acquire any necessary right-of-way for such purposes and for
239 the purpose of future construction of four-lane highways along
240 such segments.

241 (4) The construction priorities established in this section
242 shall not be construed as prohibiting the completion of highway
243 segments which, on July 1, 1987, are included in the current
244 three-year plan under Section 65-1-141, and for which, on July 1,
245 1987, grade and drainage has been completed or contracts for grade
246 and drainage have been let.

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

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

261 (b) It is the intent of the Legislature that not less
262 than ten percent (10%) of the amounts authorized to be expended
263 for construction and reconstruction of the four-lane highway
264 segments designated in this section shall be expended with small
265 business concerns owned and controlled by socially and
266 economically disadvantaged individuals. The term "socially and
267 economically disadvantaged individuals" shall have the meaning
268 ascribed to such term under Section 8(d) of the Small Business Act
269 (15 USCS, Section 637(d)) and relevant subcontracting regulations
270 promulgated pursuant thereto; except that women shall be presumed
271 to be socially and economically disadvantaged individuals for the
272 purposes of this paragraph (b).

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

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

279 (ii) The segment will connect two (2) existing
280 four-lane highways;

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

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

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

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

293 (b) In any case in which the Transportation Commission

294 authorizes the construction of a highway segment of less than ten
295 (10) miles in length, the commission shall set forth and record in
296 its official minutes explanation and justification therefor based
297 upon one or more of the conditions prescribed in paragraph (7)(a)
298 of this section.

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

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

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

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

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

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

324 (c) Specific segments for which construction contracts
325 have been let;

326 (d) Specific segments on which construction is in

327 progress;

328 (e) Specific segments on which construction has been
329 completed;

330 (f) Projections for completion of the next step on each
331 segment;

332 (g) Revenue derived for such construction program from
333 each revenue source contained in Chapter 322, Laws, 1987, and in
334 Chapter 557, Laws, 1994;

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

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

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

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

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

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

354 SECTION 2. This act shall take effect and be in force from
355 and after July 1, 2000.