

By: Hewes

To: Highways and  
Transportation;  
AppropriationsSENATE BILL NO. 2758  
(As Passed the Senate)

1 AN ACT TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE  
2 DESIGNATED AS THE "MULTIMODAL TRANSPORTATION CAPITAL IMPROVEMENT  
3 PROGRAM FUND"; TO PROVIDE THAT MONEY IN SUCH FUND SHALL BE  
4 EXPENDED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR  
5 CAPITAL IMPROVEMENT PROJECTS AT PORTS, AIRPORTS, PUBLICLY OWNED  
6 RAILROADS AND PUBLIC TRANSIT PROVIDERS IN MISSISSIPPI; TO PROVIDE  
7 FOR THE ALLOCATION OF SUCH FUNDS AMONG THE VARIOUS MODES OF  
8 TRANSPORTATION; TO PROVIDE THAT AS A CONDITION PRECEDENT FOR THE  
9 RECEIPT OF ANY MONEY FROM THE FUND, THE GOVERNING AUTHORITY OF THE  
10 PORT, AIRPORT, RAILROAD OR TRANSIT SYSTEM SHALL BE REQUIRED TO  
11 FURNISH 10% OF THE TOTAL PROJECT COST; TO PROVIDE THAT A CERTAIN  
12 AMOUNT OF THE MONEY ALLOCATED TO AIRPORT CAPITAL IMPROVEMENTS  
13 SHALL BE DIVIDED AMONG ALL AIRPORTS WITHIN THE STATE WITH  
14 REGULARLY SCHEDULED COMMERCIAL PASSENGER SERVICE BASED ON  
15 ENPLANEMENTS AT SUCH AIRPORTS; TO PROVIDE FOR THE DISTRIBUTION OF  
16 THE REMAINDER OF THE FUNDS ALLOCATED TO AIRPORT PROJECTS; TO  
17 CREATE THE MISSISSIPPI PORTS PROJECT SELECTION COMMITTEE; TO  
18 PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION SHALL  
19 SOLICIT AND EVALUATE APPLICATIONS FOR THE FUNDS ALLOCATED TO PORT  
20 PROJECTS USING THE CRITERIA ESTABLISHED IN THIS ACT; TO PROVIDE  
21 THAT THE PORTS PROJECT SELECTION COMMITTEE SHALL SELECT PORT  
22 PROJECTS FROM THOSE THAT THE DEPARTMENT OF TRANSPORTATION  
23 DETERMINE TO MEET THE ELIGIBILITY CRITERIA ESTABLISHED IN THIS  
24 ACT; TO CREATE THE MISSISSIPPI PUBLICLY OWNED RAILROAD PROJECT  
25 SELECTION COMMITTEE; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF  
26 TRANSPORTATION SHALL SOLICIT AND EVALUATE APPLICATIONS FOR THE  
27 FUNDS ALLOCATED TO PUBLICLY OWNED RAILROADS USING THE CRITERIA  
28 ESTABLISHED IN THIS ACT; TO PROVIDE THAT THE PUBLICLY OWNED  
29 RAILROAD PROJECT SELECTION COMMITTEE SHALL SELECT RAIL PROJECTS  
30 FROM THOSE THAT THE DEPARTMENT OF TRANSPORTATION DETERMINE TO MEET  
31 THE ELIGIBILITY CRITERIA ESTABLISHED BY THIS ACT; TO PROVIDE THAT,  
32 OF THE FUNDS ALLOCATED FOR PUBLIC TRANSIT IMPROVEMENTS, 30% SHALL  
33 BE ALLOCATED TO THE COAST TRANSIT AUTHORITY AND THE TRANSIT  
34 AUTHORITY SERVING THE JACKSON METROPOLITAN AREA; TO PROVIDE FOR  
35 THE ALLOCATION OF THE REMAINDER OF THE FUNDS ALLOCATED TO PUBLIC  
36 TRANSIT CAPITAL IMPROVEMENTS; TO PROVIDE FOR THE ELIGIBILITY  
37 CRITERIA FOR PORT PROJECTS AND PUBLIC TRANSIT IMPROVEMENTS; AND  
38 FOR RELATED PURPOSES.

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

40 SECTION 1. There is established in the State Treasury a  
41 special fund to be designated as the "Multimodal Transportation  
42 Capital Improvement Program Fund" into which shall be deposited  
43 such funds as may be designated for deposit therein. Unexpended  
44 amounts remaining in the fund at the end of the state fiscal year

45 shall not lapse into the State General Fund, and any interest  
46 earned on amounts in the fund shall be deposited to the credit of  
47 the fund. Money in the fund shall be expended by the Mississippi  
48 Department of Transportation for capital improvement projects at  
49 ports, airports, publicly owned railroads and public transit  
50 providers in Mississippi.

51 (2) The Mississippi Department shall allocate the  
52 expenditure of money in such fund each fiscal year among each mode  
53 as follows:

54 (a) Forty percent (40%) shall be allocated for capital  
55 improvements at ports;

56 (b) Twenty percent (20%) shall be allocated for capital  
57 improvements at airports;

58 (c) Twenty percent (20%) shall be allocated for capital  
59 improvements to publicly owned railroads;

60 (d) Twenty percent (20%) shall be allocated for capital  
61 improvements to public transit systems; and

62 The Mississippi Department of Transportation may, in its  
63 discretion, divert not more than ten percent (10%) of the amount  
64 allocated to a mode as provided in this subsection to another mode  
65 or modes based on priorities established by the department.

66 (3) As a condition precedent for the receipt of any money  
67 from the fund, the governing authority of the port, airport,  
68 railroad or transit system shall be required to furnish ten  
69 percent (10%) of the total project cost; provided, however, that  
70 when money from the fund is utilized to match federal funds the  
71 Mississippi Department of Transportation may require such  
72 governing authority to furnish an amount not to exceed fifty  
73 percent (50%) of the required federal match.

74 (4) The allocation for specific projects for the various  
75 modes shall be governed by the provisions of Sections 2, 3, 4, and  
76 5 of this act.

77 SECTION 2. (1) Thirty percent (30%) of the funds allocated  
78 to airport capital improvements pursuant to Section 1 of this act  
79 shall be divided among all airports within the state with  
80 regularly scheduled commercial passenger service. Each airport  
81 shall be granted funds in the proportion that the number of

82 enplanements at the airport during the previous year bears to the  
83 total enplanements for all commercial airports in the state for  
84 the previous year. The number of enplanements shall be based on  
85 enplanement statistics published by the Federal Aviation  
86 Administration. The funds authorized in this section shall be  
87 issued to the local airport authority for any capital improvements  
88 on airport property which directly supports the operations of the  
89 airport.

90 (2) The remainder of the funds allocated for airport capital  
91 improvements pursuant to Section 1 of this act shall be disbursed  
92 to general aviation airports in this state utilizing the selection  
93 criteria of the Mississippi Department of Transportation.

94 SECTION 3. (1) There is established the Mississippi Ports  
95 Project Selection Committee which shall consist of the port  
96 director of each of the ports of the state, the Executive Director  
97 of the Mississippi Department of Economic and Community  
98 Development, or his designee, the Executive Director of the  
99 Mississippi Department of Transportation, or his designee. A  
100 majority of the membership shall constitute a quorum.

101 (2) The Mississippi Department of Transportation shall  
102 solicit applications for the funds allocated to port capital  
103 improvements pursuant to Section 1 of this act. The department  
104 shall evaluate each application for funds using the selection  
105 criteria established in Section 6 of this act. The department  
106 shall call a meeting of the Ports Project Selection Committee for  
107 the purpose of selecting projects for funding by not later than  
108 September of each year. The committee shall meet and decide which  
109 port projects shall receive funds from the fund created in Section  
110 1 of this act and the amount of such funds. The committee shall  
111 approve only those projects meeting the eligibility criteria as  
112 determined by the Mississippi Department of Transportation.

113 SECTION 4. (1) There is established the Mississippi  
114 Publicly Owned Railroad Project Selection Committee which shall

115 consist of the chief executive officer of each of the publicly  
116 owned railroads of the state, the Executive Director of the  
117 Mississippi Department of Economic and Community Development, or  
118 his designee, the Executive Director of the Mississippi Department  
119 of Transportation, or his designee. A majority of the membership  
120 shall constitute a quorum.

121 (2) The Mississippi Department of Transportation shall  
122 solicit applications for the funds allocated to publicly owned  
123 railroads capital improvements pursuant to Section 1 of this act.

124 The department shall evaluate each application for funds using  
125 the selection criteria established in Section 6 of this act and  
126 such funds may be utilized only for projects on short line  
127 railroads. The department shall call a meeting of the Publicly  
128 Owned Railroad Project Selection Committee for the purpose of  
129 selecting projects for funding by not later than September of each  
130 year. The committee shall meet and decide which railroad projects  
131 shall receive funds from the fund created in Section 1 of this act  
132 and the amount of such funds. The committee shall approve only  
133 those projects meeting the eligibility criteria as determined by  
134 the Mississippi Department of Transportation.

135 SECTION 5. (1) Of the funds allocated for public transit  
136 capital improvements pursuant to Section 1 of this act, thirty  
137 percent (30%) shall be allocated to the Coast Transit Authority,  
138 thirty percent (30%) shall be allocated to the transit authority  
139 serving the Jackson metropolitan area. Such funds shall be  
140 utilized in accordance with the rules governing the use of Federal  
141 Transit Administration funds.

142 (2) The remainder of the funds allocated for public transit  
143 capital improvements shall be allocated by the Mississippi  
144 Department of Transportation in compliance with Federal Transit  
145 Authority rules for the rural public transit program.

146 SECTION 6. (1) In order for a port project or a publicly  
147 owned rail project to be eligible for funds from the Multimodal

148 Transportation Capital Improvement Program Fund, a project:

149           (a) Shall be a capital improvement, not a maintenance  
150 or operational expense;

151           (b) Shall be directly related to the operation of the  
152 port or railroad in its modal role; and

153           (c) Shall be beyond the normal operating budget of the  
154 project.

155           (2) Local expenditures for design or other preconstruction  
156 costs may be used toward the local matching fund requirement. In  
157 cases in which the preconstruction costs are significant, such  
158 costs may be paid with money from the fund in the discretion of  
159 the Executive Director of the Mississippi Department of  
160 Transportation.

161           SECTION 7. This act shall take effect and be in force from  
162 and after July 1, 2000.