

By: Representative Fleming

To: Transportation; Ways and Means

HOUSE BILL NO. 238

1 AN ACT TO AMEND SECTION 57-43-13, MISSISSIPPI CODE OF 1972,
 2 TO ABOLISH THE MISSISSIPPI GRADE CROSSING CLOSURE ACCOUNT AND TO
 3 TRANSFER THE MONIES IN THE ACCOUNT TO A NEW ACCOUNT TO BE ENTITLED
 4 THE MISSISSIPPI HIGHWAY-RAILROAD GRADE CROSSING SAFETY ACCOUNT; TO
 5 CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION 57-43-15,
 6 MISSISSIPPI CODE OF 1972, TO CREATE THE MISSISSIPPI
 7 HIGHWAY-RAILROAD GRADE CROSSING SAFETY ACCOUNT; TO PROVIDE THAT A
 8 CERTAIN PERCENTAGE OF LOCOMOTIVE FUEL TAX REVENUES SHALL BE
 9 DEPOSITED INTO SUCH ACCOUNT; TO AUTHORIZE MONIES IN THE ACCOUNT TO
 10 BE EXPENDED BY THE TRANSPORTATION DEPARTMENT FOR HIGHWAY-RAILROAD
 11 GRADE CROSSING CLOSURES AND INSTALLATION OR UPGRADE OF
 12 HIGHWAY-RAILROAD GRADE CROSSINGS SIGNALS; AND FOR RELATED
 13 PURPOSES.

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

15 SECTION 1. Section 57-43-13, Mississippi Code of 1972, is
 16 amended as follows:

17 57-43-13. (1) For the purposes of achieving a reduction in
 18 the number of public roadway/railroad grade crossings in this
 19 state, Two Hundred Thousand Dollars (\$200,000.00) is hereby
 20 transferred from the Railroad Revitalization Fund to a new account
 21 hereby established and entitled the Mississippi Grade Crossing
 22 Closure Account. The Mississippi Grade Crossing Closure Account
 23 is to be administered by the same agency responsible for
 24 administering the Railroad Revitalization Fund. From and after
 25 March 12, 1993, funding for this account shall be derived from
 26 thirty-five percent (35%) of collections from the locomotive fuel
 27 tax for the previous year. This account will be cumulative.
 28 Funds not obligated for expenditure in any fiscal year will
 29 continue to accrue to succeeding fiscal years; unexpended amounts
 30 remaining in such account at the end of a fiscal year shall not
 31 lapse into the State General Fund; and any interest earned on
 32 amounts in such account shall be deposited to the credit of such



33 account. The Mississippi Department of Transportation, in
34 cooperation with the railroads operating in Mississippi, shall
35 promulgate rules to ensure equitable allocation of these funds to
36 projects throughout the state and shall consider the proportionate
37 number of main line track miles of each railroad and the number of
38 public roadway/railroad grade crossings on each railroad's main
39 line. Funds from the Mississippi Grade Crossing Closure Account
40 shall be limited to the following purposes: financial aid for
41 closure of public roadway/railroad grade crossings; realignment of
42 construction costs of roadways being rerouted to facilitate a
43 closure of a public roadway/railroad grade crossing; monies to
44 match federal or other funds for a grade separation eliminating an
45 at-grade crossing of a public roadway and railroad. The
46 Mississippi Department of Transportation shall consider all
47 requests from the state's diagnostic review of public
48 roadway/railroad grade crossings and from individual railroads for
49 expenditure of funds for these limited purposes and shall
50 establish uniform criteria and guidelines relating to such
51 crossings and the expenditure of funds.

52 (2) This section shall stand repealed from and after July 1,
53 2001, and all monies in the Mississippi Grade Crossing Closure
54 Account on such date shall be transferred to the Mississippi
55 Highway-Railroad Grade Crossing Safety Account established in
56 Section 57-43-15.

57 SECTION 2. The following shall be codified as Section
58 57-43-15, Mississippi Code of 1972:

59 57-43-15. (1) There is established within the Railroad
60 Revitalization Fund a new account to be entitled the Mississippi
61 Highway-Railroad Grade Crossing Safety Account. The account shall
62 be administered by the Mississippi Department of Transportation
63 and shall consist of (a) such monies as are transferred to it on
64 July 1, 2001, from the Mississippi Grade Crossing Closure Account;
65 and (b) thirty-five percent (35%) of collections from the



66 locomotive fuel tax imposed under Section 27-59-307 for the
67 previous year. Unexpended amounts remaining in the account at the
68 end of a fiscal year shall not lapse into the State General Fund;
69 and any interest earned on amounts in the account shall be
70 deposited to the credit of the account.

71 (2) The Mississippi Department of Transportation, in
72 cooperation with the railroads operating in Mississippi, shall
73 promulgate rules to ensure equitable allocation of the funds
74 described in subsection (1) of this section to projects throughout
75 the state, and shall consider the proportionate number of main
76 line track miles of each railroad and the number of public
77 roadway/railroad grade crossings on each railroad's main line.
78 Expenditure of monies from the Mississippi Highway-Railroad Grade
79 Crossing Safety Account shall be limited to the following
80 purposes:

81 (a) Financial aid for closure of public
82 roadway/railroad grade crossings;

83 (b) Realignment of construction costs of roadways being
84 rerouted to facilitate a closure of a public roadway/railroad
85 grade crossing;

86 (c) Monies to match federal or other funds for a grade
87 separation eliminating an at-grade crossing of a public roadway
88 and railroad; and

89 (d) Installation or upgrade of highway-railroad grade
90 crossing signals, at the discretion of the Mississippi
91 Transportation Commission, based upon the Federal Railroad
92 Administration ranking of all Mississippi highway-railroad grade
93 crossings. Not less than ten percent (10%) of the monies
94 necessary to defray the costs of such installations must be
95 federal funds.

96 (3) The Mississippi Department of Transportation shall
97 consider all requests from the state's diagnostic review of public
98 roadway/railroad grade crossings and from individual railroads for



99 expenditure of funds for the purposes described in subsection (2)
100 of this section, and shall establish uniform criteria and
101 guidelines relating to such crossings and the expenditure of
102 funds.

103 SECTION 3. This act shall take effect and be in force from
104 and after July 1, 2001.

