

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.