To: Transportation; Ways and Means

MISSISSIPPI LEGISLATURE                           REGULAR SESSION 2001
By: Representative Fleming

HOUSE BILL NO. 238

AN ACT TO AMEND SECTION 57-43-13, MISSISSIPPI CODE OF 1972, TO ABD
TRANSFER THE MONIES IN THE ACCOUNT TO A NEW ACCOUNT TO BE ENTITL
THE MISSISSIPPI HIGHWAY-RAILROAD GRADE CROSSING SAFETY ACCOUNT; TO
CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION 57-43-15, MISS
CODE OF 1972, TO CREATE THE MISSISSIPPI HIGHWAY-RAILROAD GRADE C
SAFETY ACCOUNT; TO PROVIDE THAT A CERTAIN PERCENTAGE OF LOCOMOTIVE F
REVENUES SHALL BE DEPOSITED INTO SUCH ACCOUNT; TO AUTHORIZE MONIES IN T
EXPENDED BY THE TRANSPORTATION DEPARTMENT FOR HIGHWAY-RAILROAD CLOSURES AND INSTALLATION OR UPGRADE OF GRADE CROSSINGS SIGNALS; AND FOR RELATED PURPOSES.

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

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

57-43-13. (1) For the purposes of achieving a reduction in the number of public roadway/railroad grade crossings in this state, Two Hundred Thousand Dollars ($200,000.00) is hereby transferred from the Railroad Revitalization Fund to a new account hereby established and entitled the Mississippi Grade Crossing Closure Account. The Mississippi Grade Crossing Closure Account is to be administered by the same agency responsible for administering the Railroad Revitalization Fund. From and after March 12, 1993, funding for this account shall be derived from thirty-five percent (35%) of collections from the locomotive fuel tax for the previous year. This account will be cumulative. Funds not obligated for expenditure in any fiscal year will continue to accrue to succeeding fiscal years; unexpended amounts remaining in such account at the end of a fiscal year shall not lapse into the State General Fund; and any interest earned on...
amounts in such account shall be deposited to the credit of such account. The Mississippi Department of Transportation, in cooperation with the railroads operating in Mississippi, shall promulgate rules to ensure equitable allocation of these funds to projects throughout the state and shall consider the proportionate number of main line track miles of each railroad and the number of public roadway/railroad grade crossings on each railroad's main line. Funds from the Mississippi Grade Crossing Closure Account shall be limited to the following purposes: financial aid for closure of public roadway/railroad grade crossings; realignment of construction costs of roadways being rerouted to facilitate a closure of a public roadway/railroad grade crossing; monies to match federal or other funds for a grade separation eliminating an at-grade crossing of a public roadway and railroad. The Mississippi Department of Transportation shall consider all requests from the state's diagnostic review of public roadway/railroad grade crossings and from individual railroads for expenditure of funds for these limited purposes and shall establish uniform criteria and guidelines relating to such crossings and the expenditure of funds.

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

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

57-43-15. (1) There is established within the Railroad Revitalization Fund a new account to be entitled the Mississippi Highway-Railroad Grade Crossing Safety Account. The account shall be administered by the Mississippi Department of Transportation and shall consist of (a) such monies as are transferred to it on July 1, 2001, from the Mississippi Grade Crossing Closure Account;
and (b) thirty-five percent (35%) of collections from the locomotive fuel tax imposed under Section 27-59-307 for the previous year. Unexpended amounts remaining in the account at the end of a fiscal year shall not lapse into the State General Fund; and any interest earned on amounts in the account shall be deposited to the credit of the account.

(2) The Mississippi Department of Transportation, in cooperation with the railroads operating in Mississippi, shall promulgate rules to ensure equitable allocation of the funds described in subsection (1) of this section to projects throughout the state, and shall consider the proportionate number of main line track miles of each railroad and the number of public roadway/railroad grade crossings on each railroad's main line.

Expenditure of monies from the Mississippi Highway-Railroad Grade Crossing Safety Account shall be limited to the following purposes:

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

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

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

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

(3) The Mississippi Department of Transportation shall consider all requests from the state's diagnostic review of public
roadway/railroad grade crossings and from individual railroads for expenditure of funds for the purposes described in subsection (2) of this section, and shall establish uniform criteria and guidelines relating to such crossings and the expenditure of funds.

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