MISSISSIPPI LEGISLATURE

By: Representative Janus

REGULAR SESSION 2001

To: Transportation; Ways and Means

HOUSE BILL NO. 495

AN ACT TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE DESIGNATED AS THE "MULTIMODAL TRANSPORTATION CAPITAL IMPROVEMENT PROGRAM FUND"; TO PROVIDE THAT MONEY IN SUCH FUND SHALL BE EXPENDED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION FOR CAPITAL IMPROVEMENT PROJECTS AT PORTS, AIRPORTS, PUBLICLY OWNED RAILROADS AND PUBLIC TRANSIT PROVIDERS IN MISSISSIPPI; TO PROVIDE FOR THE ALLOCATION OF SUCH FUNDS AMONG THE VARIOUS MODES OF TRANSPORTATION; TO PROVIDE THAT AS A CONDITION PRECEDENT FOR THE RECEIPT OF ANY MONEY FROM THE FUND, THE GOVERNING AUTHORITY OF THE PORT, AIRPORT, RAILROAD OR TRANSIT SYSTEM SHALL BE REQUIRED TO FURNISH 10% OF THE TOTAL PROJECT COST; TO PROVIDE THAT A CERTAIN AMOUNT OF THE MONEY ALLOCATED TO AIRPORT CAPITAL IMPROVEMENTS SHALL BE DIVIDED AMONG ALL AIRPORTS WITHIN THE STATE WITH REGULARLY SCHEDULED COMMERCIAL PASSENGER SERVICE BASED ON ENPLANEMENTS AT SUCH AIRPORTS; TO PROVIDE FOR THE DISTRIBUTION OF THE REMAINDER OF THE FUNDS ALLOCATED TO AIRPORT PROJECTS; TO CREATE THE MISSISSIPPI PORTS PROJECT SELECTION COMMITTEE; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION SHALL SOLICIT AND EVALUATE APPLICATIONS FOR THE FUNDS ALLOCATED TO PORT PROJECTS USING THE CRITERIA ESTABLISHED IN THIS ACT; TO PROVIDE THAT THE PORTS PROJECT SELECTION COMMITTEE SHALL SELECT PORT PROJECTS FROM THOSE THAT THE DEPARTMENT OF TRANSPORTATION DETERMINES TO MEET THE ELIGIBILITY CRITERIA ESTABLISHED IN THIS ACT; TO CREATE THE MISSISSIPPI PUBLICLY OWNED RAILROAD PROJECT SELECTION COMMITTEE; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION SHALL SOLICIT AND EVALUATE APPLICATIONS FOR THE FUNDS ALLOCATED TO PUBLICLY OWNED RAILROADS USING THE CRITERIA ESTABLISHED IN THIS ACT; TO PROVIDE THAT THE PUBLICLY OWNED RAILROAD PROJECT SELECTION COMMITTEE SHALL SELECT RAIL PROJECTS FROM THOSE THAT THE DEPARTMENT OF TRANSPORTATION DETERMINES TO MEET THE ELIGIBILITY CRITERIA ESTABLISHED BY THIS ACT; TO PROVIDE THAT, OF THE FUNDS ALLOCATED FOR PUBLIC TRANSIT IMPROVEMENTS, 30% SHALL BE ALLOCATED TO THE COAST TRANSIT AUTHORITY AND THE TRANSIT AUTHORITY SERVING THE JACKSON METROPOLITAN AREA; TO PROVIDE FOR THE ALLOCATION OF THE REMAINDER OF THE FUNDS ALLOCATED TO PUBLIC TRANSIT CAPITAL IMPROVEMENTS; TO PROVIDE FOR THE ELIGIBILITY CRITERIA FOR PORT PROJECTS AND PUBLIC TRANSIT IMPROVEMENTS; AND FOR RELATED PURPOSES.

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

SECTION 1. There is established in the State Treasury a special fund to be designated as the "Multimodal Transportation Capital Improvement Program Fund" into which shall be deposited such funds as may be designated for deposit therein. Unexpended amounts remaining in the fund at the end of the state fiscal year shall not lapse into the State General Fund, and any interest...
earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. Money in the fund shall be expended by the Mississippi Department of Transportation for capital improvement projects at ports, airports, publicly owned railroads and public transit providers in Mississippi.

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

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

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

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

(d) Twenty percent (20%) shall be allocated for capital improvements to public transit systems.

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

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

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

SECTION 2. (1) Thirty percent (30%) of the funds allocated to airport capital improvements pursuant to Section 1 of this act...
shall be divided among all airports within the state with regularly scheduled commercial passenger service. Each airport shall be granted funds in the proportion that the number of enplanements at the airport during the previous year bears to the total enplanements for all commercial airports in the state for the previous year. The number of enplanements shall be based on enplanement statistics published by the Federal Aviation Administration. The funds authorized in this section shall be issued to the local airport authority for any capital improvements on airport property which directly supports the operations of the airport.

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

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

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

SECTION 4. (1) There is established the Mississippi Publicly Owned Railroad Project Selection Committee which shall consist of the chief executive officer of each of the publicly owned railroads of the state, the Executive Director of the Mississippi Development Authority, or his designee, and the Executive Director of the Mississippi Department of Transportation, or his designee. A majority of the membership shall constitute a quorum.

(2) The Mississippi Department of Transportation shall solicit applications for the funds allocated to publicly owned railroads capital improvements pursuant to Section 1 of this act. The department shall evaluate each application for funds using the selection criteria established in Section 6 of this act and such funds may be utilized only for projects on short line railroads. The department shall call a meeting of the Mississippi Publicly Owned Railroad Project Selection Committee for the purpose of selecting projects for funding by not later than September of each year. The committee shall meet and decide which railroad projects shall receive funds from the fund created in Section 1 of this act and the amount of such funds. The committee shall approve only those projects meeting the eligibility criteria as determined by the Mississippi Department of Transportation.

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

(2) The remainder of the funds allocated for public transit capital improvements shall be allocated by the Mississippi
SECTION 6. (1) In order for a port project or a publicly owned rail project to be eligible for funds from the Multimodal Transportation Capital Improvement Program Fund, a project must be:

(a) A capital improvement, not a maintenance or operational expense;

(b) Directly related to the operation of the port or railroad in its modal role; and

(c) Beyond the normal operating budget of the project.

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

SECTION 7. This act shall take effect and be in force from and after July 1, 2001.