

By: Representatives McCoy, Gadd

To: Transportation

HOUSE BILL NO. 587

1 AN ACT TO CREATE A COUNTY FEEDER ROAD PROGRAM TO BE
2 ADMINISTERED BY THE STATE AID ENGINEER; TO CREATE A SPECIAL FUND
3 IN THE STATE TREASURY IN WHICH MAY BE DEPOSITED A PORTION OF A
4 COUNTY'S STATE AID ROAD MONIES WHICH MAY BE USED TO ASSIST THE
5 COUNTY IN THE CONSTRUCTION, RECONSTRUCTION AND PAVING OF COUNTY
6 ROADS NOT ON THE STATE AID ROAD SYSTEM AND BRIDGES NOT ELIGIBLE
7 FOR THE LOCAL BRIDGE PROGRAM; TO ESTABLISH CRITERIA THAT COUNTIES
8 MUST MEET IN ORDER TO BE ELIGIBLE TO PARTICIPATE IN THE PROGRAM;
9 TO AMEND SECTIONS 65-9-1 AND 65-9-17, MISSISSIPPI CODE OF 1972, TO
10 AUTHORIZE COUNTIES TO EXPEND NOT TO EXCEED FIFTY PERCENT OF STATE
11 AID ROAD FUNDS ALLOCATED TO THEM FOR PROJECTS UNDER THE COUNTY
12 FEEDER ROAD PROGRAM; AND FOR RELATED PURPOSES.

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

14 SECTION 1. Sections 1 through 11 of this act shall be known
15 and may be cited as the "County Feeder Road Program."

16 SECTION 2. For the purposes of Sections 1 through 11 of this
17 act, the term "feeder road" means a road that is included on the
18 county road system as designated under Section 65-7-4 that (a) is
19 not on the state aid road system; and (b) provides access to the
20 state aid system, the federal aid system or the designated state
21 highway system. The term "feeder road" includes all drainage
22 related structures except bridges that are eligible for
23 replacement or rehabilitation under the Local System Bridge
24 Replacement and Rehabilitation Program (Sections 65-37-1 through
25 65-37-15). The term "feeder road" does not include a road or
26 highway on the designated state highway system.

27 SECTION 3. (1) There is established a County Feeder Road
28 Program which shall be administered by the State Aid Engineer for
29 the purpose of assisting the counties of this state in the
30 construction, reconstruction and paving of feeder roads.

31 (2) Routes on which projects are performed under Sections 1
32 through 11 of this act are not eligible for inclusion on the state



aid system except in accordance with the provisions of Section 65-9-1 et seq.

SECTION 4. The County Feeder Road Program shall be administered by the State Aid Engineer. In administering the program, the State Aid Engineer shall have the following powers and duties:

(a) To supervise the use of all funds made available to counties under the County Feeder Road Program for use on feeder roads in the State of Mississippi;

(b) To authorize expenditure of monies credited to each county that participates in the County Feeder Road Program but only when the county has complied with the provisions of Sections 1 through 11 of this act and only when the county is eligible for expenditure of monies under the program;

(c) To keep and compile records of all expenditures on feeder roads for which money is disbursed under the provisions of Sections 1 through 11 of this act, which records must be kept separate and apart from other state aid records;

(d) To approve the construction of feeder roads, including roadbeds, grades and drainage, before authorizing the release of funds under Sections 1 through 11 of this act;

(e) To establish such rules and regulations as the State Aid Engineer determines as desirable and necessary to implement the provisions of the County Feeder Road Program; and

(f) To report to the Legislature, no later than January 1 of each year, how monies in the County Feeder Road Fund created under Section 5 of this act were spent in each county, what projects were approved and constructed, the number of miles constructed or improved and the cost per mile for such construction and improvement.

SECTION 5. (1) There is created in the State Treasury a special fund to be known and designated as the "County Feeder Road Fund." The fund shall be administered by the State Aid Engineer



66 and shall consist of the monies deposited therein as provided
67 under Section 65-9-1. Monies in the fund may be expended or
68 authorized for expenditure by the Office of State Aid Road
69 Construction only for the purpose of constructing, reconstructing
70 and paving, feeder roads as defined in Section 2 of this act.
71 However, the Office of State Aid Road Construction shall be
72 entitled to reimbursement from monies in the fund, upon
73 requisitions therefor by the State Aid Engineer, for the actual
74 expenses incurred by the office in administering the provisions of
75 Sections 2 through 11 of this act.

76 (2) Monies in the County Feeder Road Fund credited to a
77 county shall be allocated and become available for distribution to
78 a county beginning January 1, 2001, on a project-by-project basis.
79 Monies in the County Feeder Road Fund may not be used or expended
80 for any purpose except as authorized under Sections 2 through 11
81 of this act.

82 SECTION 6. The State Aid Engineer shall establish specific
83 designs and standards to be followed by counties in the
84 construction, reconstruction and paving of feeder roads. The
85 specific designs and standards shall be based upon policies on
86 geometric design of local rural roads, highways and streets
87 adopted and published by the American Association of State Highway
88 and Transportation Officials.

89 SECTION 7. (1) In order for a county to be eligible for the
90 expenditure of monies under the County Feeder Road Program, a
91 county must meet the following conditions:

92 (a) The county has employed a county engineer, together
93 with such other technical assistance as is necessary to carry out
94 the duties of Sections 2 through 11 of this act, the same as
95 provided under the provisions of Section 65-9-15, for its state
96 aid road system and, through its official minutes, has authorized
97 the county engineer to perform the necessary engineering services
98 connected with the County Feeder Road Program. The county



99 engineer shall prepare the necessary plans and designs for all
100 construction projects, including state aid projects and projects
101 provided under Sections 2 through 11 of this act. He also shall
102 provide engineering supervision for the construction of such
103 projects and shall approve all estimate payments made on the
104 projects. Engineering cost for any project performed under the
105 County Feeder Road Program may be paid from any funds allocated to
106 a county under the program; however, the maximum fee paid to an
107 engineer from the County Feeder Road Fund shall not exceed twelve
108 percent (12%) of the final construction cost. No such cost shall
109 be reimbursed to the county before the letting of the project; and

110 (b) The county has presented a plan for the
111 construction, reconstruction and paving of a feeder road which
112 plan has been made and approved by the county engineer of the
113 county, showing the specific road or project to be improved,
114 stating the condition of the existing roadbed, drainage and
115 bridges and outlining the type of construction or reconstruction
116 to be made and the designs and specifications therefor including
117 the paving of the road and the sources of revenue to be used and
118 the sources and types of material to be used thereon. The plan
119 shall be presented to the State Aid Engineer for the initial
120 approval of the beginning of a project to receive monies.

121 (2) After the initial approval of the plan and plans as
122 specified in subsection (1)(b) of this section has been made by
123 the State Aid Engineer, the State Aid Engineer shall finally
124 approve or disapprove all contracts advertised and let by any
125 board of supervisors for the construction or reconstruction of
126 feeder roads and he shall approve or disapprove any or all force
127 account estimates for such construction. If disapproved, he shall
128 give a notice to the county of his disapproval and state each
129 reason, and he shall give the county time to cure the defects, or
130 such parts thereof as may be necessary to cure, so that the county



may receive money credited to it under the County Feeder Road Program.

All proposals covering work to be performed by any county with its own forces on feeder roads and all force account estimates submitted for approval shall be on forms prepared for the purpose by the State Aid Engineer. Such forms shall be in such detail and based upon such cost accounting rules and regulations as may be prescribed from time to time by the State Aid Engineer, but in no event shall the purchase of any road machinery or other general equipment out of the feeder road funds be allowed or permitted by such rules and regulations. Force account estimates may include a reasonable rental for machinery or equipment, and the reasonableness of the rental so estimated and as actually paid shall be subject at all times to modification, revision, approval, or disapproval of the State Aid Engineer and under the cost accounting rules and regulations promulgated by him.

SECTION 8. The county shall agree, at its own expense, to acquire all rights-of-way and relocate or make adjustments to public utilities for each feeder road program project within the county as may be necessary in the manner provided by law for the acquisition of rights-of-way and the uniform policy for accommodation of utility facilities within the rights-of-way of state aid roads as adopted by the State Aid Engineer under authority of Section 65-9-1 et seq. Rights-of-way may be acquired by gift, purchase, deed, dedication or eminent domain; however, no part of the costs of rights-of-way or utility adjustments may be paid from funds provided under the County Feeder Road Program.

SECTION 9. Contracts for the construction of county feeder road projects must be advertised and let by the board of supervisors of the county in the manner required by law. Before advertising for bids, plans and specifications covering the proposed work shall be prepared by the county engineer and filed



164 in the chancery clerk's office of the county. Copies of the plans
165 and specifications shall be subject to inspection during regular
166 office hours and shall be made available to all prospective
167 bidders upon such terms and conditions as may be required by the
168 board and its county engineer.

169 SECTION 10. Whenever any county fails to expend or obligate
170 by contract any of the monies allocated to it under the provisions
171 of Sections 2 through 11 of this act, within three (3) years after
172 the allocation is made, then such county shall no longer be
173 entitled to participate in the County Feeder Road Program; and the
174 balance of such monies previously allocated to it under the County
175 Feeder Road Program shall be transferred back to the State Aid
176 Road Fund and credited to the county for allocation to the county
177 in accordance with Section 65-9-1 et seq.

178 SECTION 11. It shall be the duty of the several boards of
179 supervisors to properly maintain all feeder roads in their
180 respective counties after construction of any such roads under
181 Sections 2 through 11 of this act. It shall be the duty of the
182 State Aid Engineer and his assistants to make annual maintenance
183 inspections of completed projects, and such other periodic
184 maintenance inspections as the State Aid Engineer shall deem
185 necessary. If essential maintenance is not properly and regularly
186 carried on, in the opinion of the State Aid Engineer, then notice
187 thereof shall be given in writing to the board in default, and if
188 such maintenance is not done and continued within sixty (60) days
189 from date of such notice, then, and in such event, the State Aid
190 Engineer may proceed to have done the necessary maintenance and
191 repair work on such road and charge the same to any funds
192 allocated to such county under the provisions of Sections 2
193 through 11 of this act. If such failure to maintain continues,
194 then such county shall be no longer eligible for monies under the
195 County Feeder Road Program until proper maintenance is resumed by
196 it, and notice of such withdrawal of feeder road funds shall be



197 duly given the State Auditor and State Treasurer; however, such
198 ineligibility shall not affect payment from the County Feeder Road
199 Fund of progress or final estimates on contracts awarded before
200 notice of such ineligibility.

201 Feeder roads that have been hard surfaced through the use of
202 feeder road funds shall be eligible for feeder road funds to
203 provide one or more seal courses, as required. Feeder roads in
204 which the grading and drainage structures were constructed under
205 the County Feeder Road Program and which have been subsequently
206 hard surfaced by the county through the use of county funds under
207 the supervision of the county engineer shall likewise be eligible
208 for feeder road funds to provide one or more seal courses as
209 required, provided that the hard surfacing and underlying base
210 were constructed in accordance with the then prevailing feeder
211 road standards and specifications. The county shall furnish the
212 State Aid Engineer with sufficient engineering data, including
213 borings and tests, if necessary, to substantiate the required
214 thickness and quality of the base and surfacing. The correction
215 of base defects and pavement breaks may be made part of the plans
216 and contract documents for each sealing project.

217 Feeder roads that were constructed in accordance with the
218 then prevailing feeder road standards and specifications shall be
219 eligible for feeder road funds for maintenance, repair and
220 reconstruction, subject to the prior written approval of such work
221 by the State Aid Engineer and subject to the work being completed
222 in accordance with the prior written approval.

223 SECTION 12. Section 65-9-1, Mississippi Code of 1972, is
224 amended as follows:

225 65-9-1. The board of supervisors of each county, now having
226 full jurisdiction over all roads, ferries, and bridges in its
227 respective county not maintained as state highways, is hereby
228 fully authorized and empowered to construct and maintain the same
229 (including designated state highways not yet taken over by the



230 highway department); and all such roads under the jurisdiction of
231 the several boards of supervisors are hereby designated, defined,
232 and declared to be either (a) "feeder" or "local * * * roads" or
233 (b) "state aid roads."

234 State aid roads are hereby defined as that group or class of
235 roads composing the main collector and distributor routes feeding
236 into local trade areas or into the state highway network, which
237 are not designated as state highways by the Legislature, and
238 particularly those essential to the conservation and development
239 of natural resources, of economic and social value, and
240 encouraging desirable land utilization, having in addition the
241 following characteristics, to wit: roads (including bridges and
242 ferries) which

243 (a) Connect communities within the individual counties
244 and with those of adjoining counties and/or which also connect
245 with the state highway system to form a complete network of
246 secondary or collector routes.

247 (b) Carry heavy volumes of traffic serving most of the
248 following interests of the counties, to wit:

- 249 (1) Agricultural
250 (2) Business
251 (3) Educational
252 (4) Industrial

253 The State Aid Engineer shall see that the criteria imposed
254 herein are explicitly followed in the designation and in the
255 construction of the state aid roads in each county. The State Aid
256 Engineer shall promulgate regulations pursuant to the
257 Administrative Procedures Act to require the development of a
258 network of intercounty roads and to provide for a review process
259 within the state aid division for the designation of said state
260 aid roads. Such regulations shall also establish standards for
261 state aid route designation. The State Aid Engineer is hereby
262 authorized and directed to withhold funds from such counties until



263 the state aid roads therein are designated and constructed
264 according to the characteristics set forth herein.

265 All other roads under the jurisdiction of the several boards
266 of supervisors are hereby declared to be "feeder roads" or
267 "local * * * roads * * *."

268 State aid roads in the several counties shall be eligible for
269 state aid in the manner and under the terms and conditions
270 hereinafter set out. State aid * * * shall consist of any sum or
271 sums provided by the Legislature to supplement funds furnished by
272 the several counties for the purpose of constructing, improving,
273 widening, straightening, surfacing, or reconstructing roads on the
274 state aid system, and shall be available to the several counties
275 in such proportion as may be fixed and determined by law. Upon
276 resolution duly adopted by the board of supervisors of any county
277 and filed with the State Aid Engineer, an amount not to exceed
278 fifty percent (50%) of the monies allocated to the county from the
279 State Aid Road Fund may be transferred to the County Feeder Road
280 Fund and credited to the county for expenditure by the county on
281 feeder roads of the county in accordance with the County Feeder
282 Road Program created under Sections 1 through 11 of House Bill No.
283 , 2001 Regular Session.

284 SECTION 13. Section 65-9-17, Mississippi Code of 1972, is
285 amended follows:

286 65-9-17. (1) When any county shall have met the
287 requirements of this chapter and shall have become eligible for
288 state aid, the State Aid Engineer, as soon as practicable, shall
289 notify such county in writing of such eligibility and that its
290 proportionate part of any state funds allocated to it for state
291 aid may be utilized for construction in the manner provided by
292 law, and such notice shall also be given in writing to the
293 Department of Finance and Administration and to the State
294 Treasurer.



(2) State aid funds shall be allocated to each county for use on state aid system roads in accordance with the provisions of Section 27-65-75. State aid funds allocated to a county also may be expended by a county for projects under the County Feeder Road Program as provided under Section 65-9-1.

(3) State aid funds may be credited to a county in advance of the normal accrual to finance certain state aid improvements, subject to the approval of the State Aid Engineer and subject further to the following limitations:

(a) That the maximum amount of state aid funds that may be advanced to any county shall not exceed ninety percent (90%) of the state aid funds estimated to accrue to such county during the remainder of the term of office of the board of supervisors of such county.

(b) That no advance credit of funds will be made to any county when the unobligated balance in the State Aid Road Fund is less than One Million Dollars (\$1,000,000.00).

(c) That such advance crediting of funds be effected by the State Aid Engineer at the time of the approval of the plans and specifications for the proposed improvements.

It is the intent of this provision to utilize to the fullest practicable extent the balance of state aid funds on hand at all times.

(4) State aid funds shall be available to such county to the following extent and in the following manner:

(a) On state aid projects, other than those on or off the federal aid secondary system to be partially financed with federal funds, state aid funds credited to such county in the State Aid Road Fund shall be available to cover the cost of such project. Upon the awarding of a contract for such state aid project, the board of supervisors of any county will, by an official order of the board, authorize the State Aid Engineer to set up the project fund for such project from that county's state



aid fund in the State Treasury. The amount of the project fund will cover the estimated cost of the project, including the contractor's payments and any other costs authorized under this chapter to be paid from state aid funds. Withdrawals from the project fund will be made by requisitions prepared by the State Aid Engineer, based on estimates and other supporting statements and documents prepared or approved by the county engineer, such requisitions, accompanied by such estimates and statements, to be directed to the Department of Finance and Administration, which will issue warrants in payment thereof. Requisitions may be drawn to cover the final cost of the project accepted by the boards of supervisors of the counties affected and the State Aid Engineer, even though such cost exceeds the aforesaid estimated project fund. Whenever, in the opinion of the State Aid Engineer, it should appear that any such estimate or statement of account has been improperly allowed or that any road construction project is not proceeding in accordance with the plans, specifications and standards set up therefor, then, in such event, due notice in writing shall be given the board of supervisors of such county and the contractor on such project, if any, stating the reason why such account should not have been allowed or why such project is not progressing satisfactorily; and if, within thirty (30) days from the date of such notice in writing, such error or default is not corrected to the satisfaction of the State Aid Engineer, all state aid funds theretofore allocated to such eligible county shall be immediately withdrawn and notice given the Department of Finance and Administration and the State Treasurer that such county has become ineligible therefor. Such county shall remain ineligible until it again becomes eligible by satisfying the State Aid Engineer as to its eligibility.

(b) On state aid projects on the federal aid secondary system which are to be partially financed with federal funds, state aid funds credited to such county in the State Aid Road Fund



shall be available to cover the sponsor's share of the cost of such project. At the same time, the State Treasurer, on order from the board of supervisors, shall transfer an amount up to one hundred percent (100%) of such cost from the credit of such county in the State Aid Road Fund to the credit of such county in the State Highway Fund, earmarked for such project.

(c) State aid road funds credited to a county in the State Aid Road Fund shall also be available to cover the sponsor's cost of any other project of such county which is partially financed with federal funds available through federal "safer off-system" road funds and/or other federal road funds allocated to the counties as provided for in accordance with Section 65-9-29(2). On order from the board of supervisors of such county, the State Treasurer shall transfer an amount up to one hundred percent (100%) of such cost from the credit of such county in the State Aid Road Fund to the credit of such county in the State Highway Fund, earmarked for such project.

(d) Up to one-third (1/3) of state aid road funds credited to a county in the State Aid Road Fund may be available to match federal bridge replacement monies or other federal funds, or both, to construct, replace, inspect or post bridges and to conduct pavement management surveys on county roads which are not on the state aid system. To implement such projects, the State Treasurer shall, as requested in an order from the board of supervisors of the county, make transfers out of the credit of such county in the State Aid Road Fund.

(5) The State Treasurer is hereby authorized to continue to receive and deposit all funds from the federal government made available by it, either by existing law or by any law which may be passed hereafter, to the credit of the State Highway Fund, and the Treasurer shall notify the commission of the amounts so received.

All accounts against the above-mentioned funds shall be certified to by the Executive Director of the Mississippi



394 Department of Transportation, who shall request the Department of
395 Finance and Administration to issue its warrant on the State
396 Treasurer for the amount of the accounts; and the Treasurer shall
397 pay same if sufficient funds are available, all in the manner
398 prescribed herein or as may be required by law.

399 (6) The board of supervisors of each county is hereby
400 authorized and empowered to pay funds into the State Treasury in
401 the manner above set out, and to use and expend such funds for the
402 purposes set out in this chapter. For the purpose of providing
403 such funds, the board of supervisors is hereby authorized and
404 empowered to use and expend any county road and bridge funds,
405 including revenue received from any gasoline taxes paid to such
406 county, or any funds available in the General Fund, or to issue
407 road and bridge bonds of such county in any lawful amount in the
408 manner and method and subject to the restrictions, limitations and
409 conditions, and payable from the same sources of revenue, now
410 provided by law.

411 SECTION 14. This act shall take effect and be in force from
412 and after July 1, 2001.

