

By: Representative Compretta

To: Transportation

HOUSE BILL NO. 1043

1 AN ACT TO AMEND SECTIONS 65-9-11 AND 65-37-1, MISSISSIPPI
 2 CODE OF 1972, TO REQUIRE PROJECTS FOR THE CONSTRUCTION,
 3 RECONSTRUCTION OR REPLACEMENT OF BRIDGES ON THE STATE AID ROAD
 4 SYSTEM OR THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION
 5 PROGRAM TO USE TIMBER PRODUCTS IF THE USE OF TIMBER PRODUCTS FOR
 6 SUCH PROJECTS WILL BE COMPARABLE IN COST TO, AND CAN BE
 7 CONSTRUCTED TO MEET CURRENT STANDARDS FOR, SIMILAR PROJECTS USING
 8 CONCRETE AND STEEL; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 65-9-11, Mississippi Code of 1972, is
 11 amended as follows:

12 65-9-11. It shall be the duty of the State Aid Engineer to
 13 advise with the boards of supervisors of the several counties on
 14 all matters of policy, use of funds, priority of construction,
 15 uniform standards for state aid roads, safeguards in accounting
 16 methods, and other related matters and to cooperate with the
 17 several boards of supervisors on all matters connected with the
 18 laying out and construction of the state aid system of county
 19 roads. The State Aid Engineer shall promulgate, as soon as
 20 practicable, such uniform and reasonable rules and regulations as
 21 he may deem necessary to effectuate a proper designation of state
 22 aid roads to be constructed in each county, the methods for
 23 determining priority of construction, the making of surveys, and
 24 the preparation of plans and specifications for the construction
 25 of state aid roads, and to provide a uniform system of accounting
 26 in the expenditure of state aid road funds. The State Aid
 27 Engineer, after conferring with the Chief Engineer of the
 28 Mississippi Department of Transportation, shall prepare and
 29 promulgate uniform design standards and specifications for the

30 construction of the State Aid Road System, which said uniform
31 design standards and specifications may be modified or amended
32 from time to time as the State Aid Engineer may deem necessary.
33 Such standards may be in one or more classifications, according to
34 types and kinds of roads. After * * * uniform design standards
35 and specifications have been prepared and approved by the State
36 Aid Engineer, the boards of supervisors shall apply the same to
37 all new construction of state aid roads in their counties and,
38 unless not practicable and feasible, to reconstruction of old
39 roads on the State Aid Road System; but no deviation from such
40 uniform standards and specifications shall be made without the
41 approval of the State Aid Engineer.

42 It shall also be the duty of the State Aid Engineer to advise
43 and cooperate with the boards of supervisors in the selection and
44 designation of the county roads which are to be made a part of the
45 State Aid Road System, as provided in this chapter, and to approve
46 or disapprove the selection of roads to be made a part of the
47 State Aid Road System by the boards of supervisors.

48 The State Aid Engineer shall finally approve or disapprove
49 all contracts advertised and let by any board of supervisors for
50 the construction or reconstruction of state aid roads and he shall
51 approve or disapprove any or all force account estimates for such
52 construction. If disapproved, he shall give a notice to said
53 county of his disapproval and state each reason, and he shall give
54 the said county time to cure the defects, or such parts thereof as
55 may be necessary to cure, so that the county may receive its share
56 of state aid.

57 All proposals covering work to be performed by any county
58 with its own forces on state aid roads and all force account
59 estimates submitted for approval shall be on forms prepared for
60 the purpose by the State Aid Engineer. Such forms shall be in
61 such detail and based upon such cost accounting rules and
62 regulations as may be prescribed from time to time by the State

63 Aid Engineer, but in no event shall the purchase of any road
64 machinery or other general equipment out of the state aid road
65 funds be allowed or permitted by such rules and regulations.
66 Force account estimates may include a reasonable rental for
67 machinery or equipment, and the reasonableness of the rental so
68 estimated and as actually paid shall be subject at all times to
69 modification, revision, approval, or disapproval of the state aid
70 engineer and under the cost accounting rules and regulations
71 promulgated by him.

72 The State Aid Engineer and such assistants as he may
73 designate shall supervise and inspect all state aid road projects
74 as the work progresses. Upon final completion of any such
75 project, the State Aid Engineer shall cause a final inspection to
76 be made of such project for the purpose of determining whether
77 such project has been completed satisfactorily in accordance with
78 the plans and specifications; and if satisfactorily completed, the
79 State Aid Engineer shall approve payment of the final estimate on
80 such project. No progress or final estimate, either on a contract
81 or a force account project, shall be paid unless approved in such
82 manner by the State Aid Engineer, and on all such contracts or
83 force account projects a percentage of not less than two and
84 one-half percent (2-1/2%) nor more than ten percent (10%) of each
85 estimate thereon paid shall be retained until final acceptance of
86 such project; provided, however, the amount retained by the prime
87 contractor from each payment due the subcontractor shall not
88 exceed the percentage withheld from the prime contractor.

89 SECTION 2. Section 65-37-1, Mississippi Code of 1972, is
90 amended as follows:

91 65-37-1. (1) There is established a local system bridge
92 replacement and rehabilitation program to be administered by the
93 State Aid Engineer for the purpose of assisting counties and
94 municipalities in the replacement and rehabilitation of certain
95 bridges located on local road systems in the counties and in

96 incorporated municipalities within the counties. In order to be
97 eligible under this program, a bridge must be eligible for
98 replacement or rehabilitation as determined by the National Bridge
99 Inspection Standards sufficiency rating and must be included on
100 the latest annual official bridge inventory maintained by the
101 Office of State Aid Road Construction, excluding bridge
102 inventories on the State Aid Road System, the municipal urban
103 system or the rural major collector system.

104 (2) In the replacement or rehabilitation of bridges pursuant
105 to Sections 65-37-1 through 65-37-15, * * * timber products shall
106 be used for bridge projects, provided that such projects using
107 timber products will be comparable in cost to, and can be
108 constructed to meet current standards for, similar projects using
109 concrete and steel.

110 (3) The provisions of Sections 65-37-1 through 65-37-15
111 shall not be construed to permit routes on which projects are
112 performed under this act to be eligible for inclusion on the state
113 aid system except in accordance with the provisions of Section
114 65-9-1 et seq.

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