To: Transportation

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Representative Reynolds

HOUSE BILL NO. 1191

AN ACT TO CREATE A COUNTY FEEDER ROAD PROGRAM TO BE
ADMINISTERED BY THE STATE AID ENGINEER; TO CREATE A SPECIAL FUND
IN THE STATE TREASURY IN WHICH SHALL BE DEPOSITED MONIES
APPROPRIATED BY THE LEGISLATURE TO ASSIST COUNTIES IN THE
CONSTRUCTION, RECONSTRUCTION AND PAVING OF COUNTY ROADS NOT ON THE
STATE AID ROAD SYSTEM AND BRIDGES NOT INCLUDED ON THE LOCAL BRIDGE
PROGRAM; TO ESTABLISH A FORMULA FOR ALLOCATING AND DISTRIBUTING
MONIES IN THE SPECIAL FUND TO COUNTIES; TO ESTABLISH CRITERIA THAT
COUNTIES MUST MEET IN ORDER TO BE ELIGIBLE TO PARTICIPATE IN THE
PROGRAM; AND FOR RELATED PURPOSES.

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

SECTION 1. This act shall be known and may be cited as the
"County Feeder Road Program."

SECTION 2. For the purposes of this act, the term "feeder
road" means a road that is included on the county road system as
designated under Section 65-7-4 that (a) is functionally
classified as a local rural road in accordance with policies on
geometric design of highways and streets adopted and published by
the American Association of State Highway and Transportation
Officials; (b) provides access to the state aid system, the
federal aid system or the designated state highway system; and (c)
has an average daily traffic count of four hundred (400) vehicles
or less. The term "feeder road" includes all drainage related
structures except bridges that are included on the National Bridge
Inspection Inventory maintained by the Office of State Aid Road
Construction. The term "feeder road" does not include a road or
highway on the designated state highway system.

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

(2) Routes on which projects are performed under 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
for the purposes of this act for use on feeder roads in the State
of Mississippi;

(b) To allocate to each county that county's share of
all monies made available under the provisions of this act but
only when the county has complied with the provisions of this act
and only when the county is eligible for the allocation of monies
under the County Feeder Road Program;

(c) To keep and compile records of all expenditures on
feeder roads to which money is disbursed under the provisions 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 this act;

(e) To establish such rules and regulations as the
State Aid Engineer determines as 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 and shall consist of the monies deposited therein as provided under subsection (2) of this section, and such other monies as the Legislature designates for deposit therein. Monies in the fund may be expended by the Office of State Aid Road Construction, upon appropriation by the Legislature, only for the purpose of constructing, reconstructing and paving, feeder roads as defined in Section 4 of this act. Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the special fund shall be deposited to the credit of the special fund. The Office of State Aid Road Construction shall be entitled to reimbursement from monies in the fund, upon requisitions therefor by the State Aid Engineer, for the actual expenses incurred by the office in administering the provisions of this act.

(2) During the 2001 regular legislative session and the regular legislative session held in each year thereafter, the Legislature shall appropriate Ten Million Dollars ($10,000,000.00) from the State General Fund for deposit into the County Feeder Road Fund created under subsection (1) of this section.

(3) Monies in the County Feeder Road Fund shall be allocated and become available for distribution to counties in accordance with the formula prescribed in Section 6 of this act beginning January 1, 2002, on a project-by-project basis. Monies in the County Feeder Road Fund may not be used or expended for any purpose except as authorized under this act.

SECTION 6. From the monies on deposit and credited to the County Feeder Road Fund created in Section 5 of this act, each county shall be allocated a percentage of such monies as they become available, as follows:
(a) One-half (1/2) to be allocated equally among all of
the counties; and
(b) One-half (1/2) to be allocated based upon the
proportion that the total number of feeder road miles in the
county bears to the total number of feeder road miles in all
counties of the state.

SECTION 7. The State Aid Engineer shall allocate monies
under the provisions of this act to each county that has met the
requirements of this act and shall establish specific designs and
standards to be followed by such counties in the construction,
reconstruction and paving of feeder roads. The specific designs
and standards shall be based upon policies on geometric design of
local rural roads, highways and streets adopted and published by
the American Association of State Highway and Transportation
Officials.

SECTION 8. (1) In order for a county to be eligible for the
expenditure of monies under the County Feeder Road Program, a
county must meet the following conditions:
(a) The county has employed a county engineer, together
with such other technical assistance as is necessary to carry out
the duties of this act, the same as provided under the provisions
of Section 65-9-15, for its state aid road system and, through its
official minutes, has authorized the county engineer to perform
the necessary engineering services connected with the County
Feeder Road Program. The county engineer shall prepare the
necessary plans and designs for all construction projects,
including state aid projects and projects provided under this act.
He also shall provide engineering supervision for the construction
of such projects and shall approve all estimate payments made on
the projects. Engineering cost for any project performed under
the County Feeder Road Program may be paid from any funds
allocated to a county under the program; however, the maximum fee
paid to an engineer from the County Feeder Road Fund shall not
exceed twelve percent (12%) of the final construction cost. No such cost shall be reimbursed to the county before the letting of the project; and

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

(2) After the initial approval of the plan and plans as specified in subsection (1)(b) of this section has been made by the State Aid Engineer, the county may proceed to construct or reconstruct the road in accordance with the plan, and upon doing so shall be eligible to receive all funds made available to the county to be used exclusively for the paving of the road. The project may be done either by contract or by using county equipment and employees. It shall be according to the original plan or any amendments thereto which have been approved by the State Aid Engineer. The board may use county equipment and employees if the construction can be accomplished at a more reasonable cost than can be achieved by contract.

SECTION 9. All rights-of-way and adjustments for utilities necessary for County Feeder Road Program projects must be acquired or performed by the boards of supervisors in the manner provided by law for the acquisition of rights-of-way, including gift, purchase, deed, dedication, and eminent domain; however, no part of the cost of such rights-of-way may be paid from feeder road program funds.
SECTION 10. 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 in the chancery clerk's office of the county. Copies of the plans and specifications shall be subject to inspection during regular office hours and shall be made available to all prospective bidders upon such terms and conditions as may be required by the board and its county engineer.

SECTION 11. Whenever any county fails to expend or obligate by contract any of the monies allocated to it under the provisions of this act, within three (3) years after the allocation is made, then such county shall forfeit and no longer be entitled to any part of the monies in the County Feeder Road Fund previously allocated to it; and the balance of such monies previously allocated to it shall be reallocated pro rata between all other eligible counties in accordance with the formula established in Section 6 of this act.

SECTION 12. The boards of supervisors shall properly maintain all roads constructed under the County Feeder Road Program in their respective counties. The board and its county engineer shall make annual maintenance inspections of completed projects to determine if essential maintenance is being carried on and the board shall record on its official minutes the determinations made from such maintenance inspections.

SECTION 13. This act shall take effect and be in force from and after July 1, 2001.