

By: Senator(s) Dearing, Farris

To: Highways and  
Transportation;  
Appropriations

SENATE BILL NO. 2436

1 AN ACT TO AMEND SECTION 65-3-97, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE ADDITIONAL FEDERAL FUNDS TO BE USED FOR THE 1987  
3 FOUR-LANE HIGHWAY PROGRAM; TO PROVIDE THAT SUCH FEDERAL FUNDS MAY  
4 BE UTILIZED IN LIEU OF STATE FUNDING THAT WOULD OTHERWISE BE  
5 UTILIZED FOR SUCH PROGRAM; TO PROVIDE THAT THE ANNUAL TOTAL AMOUNT  
6 OF FUNDING FOR THE 1987 FOUR-LANE HIGHWAY PROGRAM SHALL NOT BE  
7 LESS THAN IT WOULD HAVE OTHERWISE BEEN WITHOUT THE UTILIZATION OF  
8 SUCH ADDITIONAL FEDERAL FUNDS; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 65-3-97, Mississippi Code of 1972, is  
11 amended as follows:

12 65-3-97. (1) In addition to and including all other  
13 highways designated as a part of the state highway system, there  
14 is hereby designated as a part thereof a four-lane highway system  
15 to connect various areas of the state with interstate and primary  
16 highways. The Mississippi Department of Transportation shall  
17 construct and reconstruct four-lane highways, that is, not less  
18 than two (2) lanes for traffic flowing in each direction, along  
19 the routes designated in this section.

20 (2) In the construction and reconstruction of the four-lane  
21 highway system designated in this section, the Mississippi  
22 Department of Transportation may utilize the roadway of any  
23 existing highway under its jurisdiction and control and shall do  
24 so when such utilization is feasible, provided that such highways  
25 which are utilized shall be constructed to current standards for  
26 such roadways. When it is not feasible to utilize existing  
27 designated highways, the Transportation Department shall relocate  
28 such highways and construct entirely new facilities whether in  
29 urban or rural areas.

30           (3) Construction of the four-lane highway system designated  
31 in this subsection shall commence, proceed and be performed by the  
32 Mississippi Department of Transportation strictly in accordance  
33 with the following set of priorities established for the letting  
34 of contracts on and along various segments thereof:

35           (a) Of the following group of highway segments not less  
36 than fifteen percent (15%) of all contracts necessary to be let  
37 for completion of all segments within the group shall be let by  
38 June 30, 1988, not less than thirty percent (30%) of such  
39 contracts shall be let by June 30, 1989, not less than fifty  
40 percent (50%) of such contracts shall be let by June 30, 1990, not  
41 less than seventy percent (70%) of such contracts shall be let by  
42 June 30, 1991, not less than ninety percent (90%) of such  
43 contracts shall be let by June 30, 1992, and one hundred percent  
44 (100%) of such contracts shall be let by June 30, 1993:

45           (i) Highway segments along or near U.S. 45  
46 beginning at the Clarke/Lauderdale county line and extending  
47 northerly to I-59; then beginning at Macon and extending northerly  
48 to Brooksville; then beginning at Columbus Air Force Base and  
49 extending northerly to Aberdeen; then beginning at U.S. 278 and  
50 extending northerly to Shannon; then beginning at Saltillo and  
51 extending northerly to Corinth.

52           (ii) Highway segments along or near U.S. 45A  
53 beginning at U.S. 82 and extending northerly to West Point; then  
54 beginning four (4) miles south of Okolona and extending northerly  
55 to Shannon.

56           (iii) A highway segment along or near U.S. 49W  
57 beginning at U.S. 49 and extending westerly through Yazoo City to  
58 the Yazoo River.

59           (iv) A highway segment along or near U.S. 49W  
60 beginning at Inverness and extending northerly to Indianola.

61 (v) A highway segment along or near U.S. 61  
62 beginning at Port Gibson and extending northerly to the four-lane  
63 south of Vicksburg.

64 (vi) Highway segments along or near U.S. 72  
65 beginning at or near Mt. Pleasant and extending southeasterly to  
66 Mississippi 5; then beginning at Walnut and extending  
67 southeasterly to Corinth; then beginning at Strickland and  
68 extending southeasterly to Burnsville.

69 (vii) Highway segments along or near U.S. 78  
70 beginning at Holly Springs and extending southeasterly to the New  
71 Albany bypass; then beginning at Mississippi 25 and extending  
72 southeasterly to Tremont.

73 (viii) Highway segments along or near U.S. 82  
74 beginning at I-55 and extending easterly to Kilmichael; then  
75 beginning at Eupora and extending easterly to Mathiston; then  
76 beginning at Mississippi 12 and extending easterly to the Alabama  
77 state line.

78 (ix) A highway segment along or near U.S. 84  
79 beginning at I-59 and extending easterly to the Jones/Wayne county  
80 line.

81 (x) Highway segments along or near U.S. 98  
82 beginning at Columbia and extending easterly to the Marion/Lamar  
83 county line; then beginning at U.S. 49 and extending southeasterly  
84 to the Alabama state line.

85 (b) Of the following group of highway segments not less  
86 than five percent (5%) of all contracts necessary to be let for  
87 completion of all segments within the group shall be let by June  
88 30, 1991, not less than ten percent (10%) of such contracts shall  
89 be let by June 30, 1992, not less than twenty-five percent (25%)  
90 of such contracts shall be let by June 30, 1993, not less than  
91 forty percent (40%) of such contracts shall be let by June 30,  
92 1994, not less than fifty-five percent (55%) of such contracts  
93 shall be let by June 30, 1995, not less than seventy percent (70%)

94 of such contracts shall be let by June 30, 1996, not less than  
95 eighty-five percent (85%) of such contracts shall be let by June  
96 30, 1997, and one hundred percent (100%) of such contracts shall  
97 be let by June 30, 1998:

98 (i) Highway segments along or near Mississippi 25  
99 beginning at Mississippi 471 and extending northeasterly to  
100 Mississippi 43; then beginning at the Winston/Oktibbeha county  
101 line and extending northeasterly to Starkville.

102 (ii) A highway segment along or near Mississippi  
103 63 beginning at the Jackson/George county line and extending  
104 northerly to Lucedale.

105 (iii) A highway segment along or near Mississippi  
106 302 beginning at I-55 in Southaven and extending easterly to U.S.  
107 72 at or near Mt. Pleasant.

108 (iv) Highway segments along or near U.S. 45  
109 beginning at the Alabama state line and extending northerly to the  
110 Clarke/Lauderdale county line; then beginning at Lauderdale and  
111 extending northerly to Macon; then beginning at Aberdeen and  
112 extending northerly to U.S. 278.

113 (v) A highway segment along or near U.S. 45A  
114 beginning at West Point and extending northerly to four (4) miles  
115 south of Okolona.

116 (vi) A highway segment beginning at Brooksville  
117 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.  
118 82, such segment having been designated by the Transportation  
119 Commission pursuant to the provisions of paragraph (1)(c) of this  
120 section.

121 (vii) A highway segment along or near U.S. 49W  
122 beginning at the Yazoo River and extending northerly to Inverness.

123 (viii) Highway segments along or near U.S. 61  
124 beginning at the Louisiana state line and extending northerly to  
125 the Wilkinson/Adams county line; then beginning at Washington and  
126 extending northerly to Port Gibson; then beginning at Merigold and

127 extending northerly to Shelby; then beginning at the north end of  
128 the Clarksdale bypass and extending northerly to the Tennessee  
129 state line.

130 (ix) A highway segment along or near U.S. 72  
131 beginning at Mississippi 5 and extending southeasterly to Walnut.

132 (x) A highway segment along or near U.S. 78  
133 beginning at Tremont and extending southeasterly to the Alabama  
134 state line.

135 (xi) Highway segments along or near U.S. 82  
136 beginning at the Montgomery/Webster county line and extending  
137 easterly to Eupora; then beginning at Mathiston and extending  
138 easterly to Starkville.

139 (xii) Highway segments along or near U.S. 84  
140 beginning at Leesdale and extending easterly to Roxie; then  
141 beginning at Auburn Road and extending easterly to I-55; then  
142 beginning at the east end of the Brookhaven bypass and extending  
143 easterly to Prentiss; then beginning at the Jones/Covington county  
144 line and extending easterly to Horse Creek; then beginning at the  
145 Jones/Wayne county line and extending easterly to Waynesboro.

146 (xiii) Highway segments along or near U.S. 98  
147 beginning at the Pike/Walthall county line and extending easterly  
148 to Columbia; then beginning at the Marion/Lamar county line and  
149 extending easterly to the four-lane west of Hattiesburg.

150 (c) Of the following group of highway segments not less  
151 than ten percent (10%) of all contracts necessary to be let for  
152 completion of all segments within the group shall be let by June  
153 30, 1996, not less than twenty percent (20%) of such contracts  
154 shall be let by June 30, 1997, not less than forty percent (40%)  
155 of such contracts shall be let by June 30, 1998, and one hundred  
156 percent (100%) of such contracts shall be let by June 30, 1999:

157 (i) A highway segment along or near Mississippi 25  
158 beginning at Mississippi 43 and extending northeasterly to the  
159 Winston/Oktibbeha county line.

160                   (ii) A highway segment along or near Mississippi  
161 63 beginning at Lucedale and extending northerly to U.S. 45 at  
162 State Line.

163                   (iii) A highway segment along or near U.S. 61  
164 beginning at Shelby and extending northerly to U.S. 49.

165                   (iv) A highway segment along or near U.S. 82  
166 beginning at Kilmichael and extending easterly to the  
167 Montgomery/Webster county line.

168                   (v) Highway segments along or near U.S. 84  
169 beginning at Eddiceton and extending easterly to Auburn Road; then  
170 beginning at Prentiss and extending easterly to Collins; then  
171 beginning at Waynesboro and extending easterly to the Alabama  
172 state line.

173                   (d) (i) Of the following group of highway segments not  
174 less than five percent (5%) of all contracts necessary to be let  
175 for completion of all segments within the group shall be let by  
176 June 30, 2002, not less than fifteen percent (15%) of such  
177 contracts shall be let by June 30, 2003, not less than twenty-five  
178 percent (25%) of such contracts shall be let by June 30, 2004, not  
179 less than thirty-five percent (35%) of such contracts shall be let  
180 by June 30, 2005, not less than forty-five percent (45%) of such  
181 contracts shall be let by June 30, 2006, not less than sixty  
182 percent (60%) of such contracts shall be let by June 30, 2007, not  
183 less than seventy percent (70%) of such contracts shall be let by  
184 June 30, 2008, not less than eighty percent (80%) of such  
185 contracts shall be let by June 30, 2009, not less than ninety  
186 percent (90%) of such contracts shall be let by June 30, 2010, and  
187 one hundred percent (100%) of such contracts shall be let by June  
188 30, 2011:

189                   A. A highway segment along or near  
190 Mississippi 6 beginning at the Clarksdale bypass and extending  
191 easterly to Batesville.

192                   B. A highway segment along or near  
193 Mississippi 12 beginning at I-55 and extending easterly to  
194 Kosciusko.

195                   C. A highway segment along or near  
196 Mississippi 15 beginning at I-10 and extending northerly to  
197 Mississippi 26; then beginning at U.S. Highway 98 and extending  
198 northerly to the Mississippi/Tennessee state line.

199                   D. A highway segment consisting of two (2)  
200 lanes of construction and two (2) lanes of right-of-way  
201 acquisition along or near Mississippi 15 beginning at Mississippi  
202 26 and extending northerly to U.S. Highway 98.

203                   E. A highway segment along or near  
204 Mississippi 19 beginning at Collinsville and extending  
205 northwesterly to Kosciusko.

206                   F. Highway segments along or near Mississippi  
207 25 beginning at Aberdeen and extending northerly to Fulton; then  
208 beginning at the Alabama state line and extending northerly to  
209 U.S. Highway 72.

210                   G. A highway segment along or near U.S.  
211 Highway 61 beginning at Redwood and extending northerly to Leland.

212                   H. A highway segment along or near U.S.  
213 Highway 98 beginning at Meadville and extending southeasterly to  
214 Summit.

215                   I. A highway segment along or near  
216 Mississippi Highway 24/48 beginning at Woodville and extending  
217 easterly to McComb.

218                   J. A highway segment along or near  
219 Mississippi 35 beginning at the Mississippi/Louisiana state line  
220 and extending northerly to or near Foxworth.

221                   K. A highway segment along or near  
222 Mississippi 27 beginning at I-20 and extending southeasterly to  
223 I-55.

224 L. A highway segment along or near  
225 Mississippi 57 beginning at I-10 and extending northerly ten (10)  
226 miles to just north of the community of Van Cleave.

227 (ii) Contracts for the construction and/or  
228 reconstruction of highway segments designated within this group  
229 shall be let by the Transportation Commission strictly in  
230 accordance with the volume capacity of the highway segment. If  
231 the volume capacity of a highway segment is less than the volume  
232 capacity threshold at which the Transportation Department  
233 recommends the construction of a four-lane highway, then the  
234 Transportation Department shall make other improvements and  
235 highway modifications to such highway segment as needed, such as  
236 straightening and realignment of the existing roadway, the  
237 addition of passing lanes and the widening of existing lanes, and  
238 may acquire any necessary right-of-way for such purposes and for  
239 the purpose of future construction of four-lane highways along  
240 such segments.

241 (4) The construction priorities established in this section  
242 shall not be construed as prohibiting the completion of highway  
243 segments which, on July 1, 1987, are included in the current  
244 three-year plan under Section 65-1-141, and for which, on July 1,  
245 1987, grade and drainage has been completed or contracts for grade  
246 and drainage have been let.

247 (5) Contracts may be let and construction may commence and  
248 be performed concurrently on any of the highway segments  
249 designated in subsection (3) of this section, notwithstanding the  
250 priorities established for the letting of contracts on the various  
251 segments designated therein, provided that funds are available  
252 and, provided that, at all times, the percentages of all contracts  
253 required to be let on the segments designated in paragraphs  
254 (3)(a), (3)(b), (3)(c) and (3)(d), respectively, are, in fact, let  
255 no later than the dates established therein.



256           (6) (a) All highway construction and reconstruction  
257 authorized under this section shall be performed by contract let  
258 on competitive bid in the manner provided by statute; however,  
259 highway segments shall be constructed in lengths of not less than  
260 ten (10) miles.

261           (b) It is the intent of the Legislature that not less  
262 than ten percent (10%) of the amounts authorized to be expended  
263 for construction and reconstruction of the four-lane highway  
264 segments designated in this section shall be expended with small  
265 business concerns owned and controlled by socially and  
266 economically disadvantaged individuals. The term "socially and  
267 economically disadvantaged individuals" shall have the meaning  
268 ascribed to such term under Section 8(d) of the Small Business Act  
269 (15 USCS, Section 637(d)) and relevant subcontracting regulations  
270 promulgated pursuant thereto; except that women shall be presumed  
271 to be socially and economically disadvantaged individuals for the  
272 purposes of this paragraph (b).

273           (7) (a) Notwithstanding the provisions of subsection (6)(a)  
274 of this section, the Mississippi Transportation Commission may  
275 construct highway segments of less than ten (10) miles in length  
276 if:

277                   (i) The segment as described in subsection (3) of  
278 this section is less than ten (10) miles in length;

279                   (ii) The segment will connect two (2) existing  
280 four-lane highways;

281                   (iii) The segment will connect an existing  
282 four-lane highway with an incorporated municipality;

283                   (iv) The segment will connect an existing  
284 four-lane highway with a river, the state boundary or any other  
285 natural or man-made barrier;

286                   (v) For a particular project, the costs of  
287 constructing a single segment of at least ten (10) miles in length

288 would greatly exceed the aggregate costs of constructing two (2)  
289 or more segments; or

290 (vi) The segment is in an urban area and involves  
291 the completion of bypasses or other construction which will  
292 facilitate and accommodate major traffic movement.

293 (b) In any case in which the Transportation Commission  
294 authorizes the construction of a highway segment of less than ten  
295 (10) miles in length, the commission shall set forth and record in  
296 its official minutes explanation and justification therefor based  
297 upon one or more of the conditions prescribed in paragraph (7)(a)  
298 of this section.

299 (8) (a) To assist in defraying the costs and expenses for  
300 construction, reconstruction and relocation of the four-lane  
301 highway system described in this section, the following revenues  
302 shall be paid out of such funds made available to the  
303 Transportation Commission and the Transportation Department:

304 (i) From matched federal funds or other federal  
305 funds, Thirty-two Million Dollars (\$32,000,000.00) for fiscal year  
306 1988, Twenty-five Million Dollars (\$25,000,000.00) for fiscal year  
307 1989, Thirty Million Dollars (\$30,000,000.00) for fiscal year 1990  
308 and fifty percent (50%) of such federal funds for fiscal year 1991  
309 and each fiscal year thereafter; and

310 (ii) Five Million Dollars (\$5,000,000.00) from  
311 matched federal bridge replacement funds for fiscal year 1988 and  
312 each fiscal year thereafter when the segments proposed for  
313 construction contain bridges that are eligible for replacement  
314 under the Federal Aid Bridge Replacement Program.

315 (b) Federal funds in addition to the federal funds  
316 specified in paragraph (a) of this subsection (8) may be used for  
317 the construction, reconstruction and relocation of the four-lane  
318 highway system described in this section. Such federal funds may  
319 be utilized in lieu of state funding that would otherwise be  
320 utilized for such system; provided, however, that the annual total

321 amount of funding for the construction, reconstruction and  
322 relocation of the four-lane highway system described in this  
323 section shall not be less than it would have otherwise been  
324 without the utilization of such additional federal funds.

325 (9) The Transportation Department shall submit a report to  
326 the Legislature by January 10 of each calendar year setting forth  
327 the current status of the construction program set forth in this  
328 section to include, but not be limited to, the following  
329 information:

330 (a) Specific segments on which engineering is being  
331 performed or has been completed;

332 (b) Specific segments for which right-of-way has been  
333 acquired or is being acquired;

334 (c) Specific segments for which construction contracts  
335 have been let;

336 (d) Specific segments on which construction is in  
337 progress;

338 (e) Specific segments on which construction has been  
339 completed;

340 (f) Projections for completion of the next step on each  
341 segment;

342 (g) Revenue derived for such construction program from  
343 each revenue source contained in Chapter 322, Laws, 1987, and in  
344 Chapter 557, Laws, 1994;

345 (h) For each fiscal year beginning in 1994, a detailed  
346 cash flow projection by source of program activities and an  
347 estimate of when the program will encounter a funding shortage due  
348 to costs exceeding original projections;

349 (i) A schedule of all complete and open-to-traffic  
350 highway segments and the related total cost of each segment;

351 (j) A schedule of all highway segments on which all  
352 contracts necessary for completion of the segments were not let as  
353 of the date required by law;

354           (k) A complete recap of all program receipts by source,  
355 and of all disbursements for the prior fiscal year and cumulative  
356 totals since the inception of the program as compared to  
357 projections; and

358           (1) A statement from the Department of Transportation  
359 regarding the status of the funding of the program based on agency  
360 cost experience and projections for the future.

361           The report shall be deemed submitted when ten (10) copies are  
362 submitted to the Clerk of the House of Representatives and ten  
363 (10) copies are submitted to the Secretary of the Senate.

364           SECTION 2. This act shall take effect and be in force from  
365 and after July 1, 2001.