SENATE BILL NO. 2436

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

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

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

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

(2) In the construction and reconstruction of the four-lane highway system designated in this section, the Mississippi Department of Transportation may utilize the roadway of any existing highway under its jurisdiction and control and shall do so when such utilization is feasible, provided that such highways which are utilized shall be constructed to current standards for such roadways. When it is not feasible to utilize existing designated highways, the Transportation Department shall relocate such highways and construct entirely new facilities whether in urban or rural areas.
(3) Construction of the four-lane highway system designated in this subsection shall commence, proceed and be performed by the Mississippi Department of Transportation strictly in accordance with the following set of priorities established for the letting of contracts on and along various segments thereof:

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

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

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

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

(iv) A highway segment along or near U.S. 49W beginning at Inverness and extending northerly to Indianola.
(v) A highway segment along or near U.S. 61 beginning at Port Gibson and extending northerly to the four-lane south of Vicksburg.

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

(vii) Highway segments along or near U.S. 78 beginning at Holly Springs and extending southeasterly to the New Albany bypass; then beginning at Mississippi 25 and extending southeasterly to Corinth; then beginning at Strickland and extending southeasterly to Burnsville.

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

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

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

(b) Of the following group of highway segments not less than five percent (5%) of all contracts necessary to be let for completion of all segments within the group shall be let by June 30, 1991, not less than ten percent (10%) of such contracts shall be let by June 30, 1992, not less than twenty-five percent (25%) of such contracts shall be let by June 30, 1993, not less than forty percent (40%) of such contracts shall be let by June 30, 1994, not less than fifty-five percent (55%) of such contracts shall be let by June 30, 1995, not less than seventy percent (70%)
of such contracts shall be let by June 30, 1996, not less than eighty-five percent (85%) of such contracts shall be let by June 30, 1997, and one hundred percent (100%) of such contracts shall be let by June 30, 1998:

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

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

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

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

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

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

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

(viii) Highway segments along or near U.S. 61 beginning at the Louisiana state line and extending northerly to the Wilkinson/Adams county line; then beginning at Washington and extending northerly to Port Gibson; then beginning at Merigold and...
extending northerly to Shelby; then beginning at the north end of the Clarksdale bypass and extending northerly to the Tennessee state line.

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

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

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

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

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

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

(i) A highway segment along or near Mississippi 25
beginning at Mississippi 43 and extending northeasterly to the Winston/Oktibbeha county line.
(ii) A highway segment along or near Mississippi 63 beginning at Lucedale and extending northerly to U.S. 45 at State Line.

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

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

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

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

A. A highway segment along or near Mississippi 6 beginning at the Clarksdale bypass and extending easterly to Batesville.
B. A highway segment along or near Mississippi 12 beginning at I-55 and extending easterly to Kosciusko.

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

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

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

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

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

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

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

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

K. A highway segment along or near Mississippi 27 beginning at I-20 and extending southeasterly to I-55.
L. A highway segment along or near Mississippi 57 beginning at I-10 and extending northerly ten (10) miles to just north of the community of Van Cleave.

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

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

(5) Contracts may be let and construction may commence and be performed concurrently on any of the highway segments designated in subsection (3) of this section, notwithstanding the priorities established for the letting of contracts on the various segments designated therein, provided that funds are available and, provided that, at all times, the percentages of all contracts required to be let on the segments designated in paragraphs (3)(a), (3)(b), (3)(c) and (3)(d), respectively, are, in fact, let no later than the dates established therein.
(6) (a) All highway construction and reconstruction authorized under this section shall be performed by contract let on competitive bid in the manner provided by statute; however, highway segments shall be constructed in lengths of not less than ten (10) miles.

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

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

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

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

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

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

(v) For a particular project, the costs of constructing a single segment of at least ten (10) miles in length...
would greatly exceed the aggregate costs of constructing two (2) or more segments; or

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

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

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

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

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

(b) Federal funds in addition to the federal funds specified in paragraph (a) of this subsection (8) may be used for the construction, reconstruction and relocation of the four-lane highway system described in this section. Such federal funds may be utilized in lieu of state funding that would otherwise be utilized for such system; provided, however, that the annual total
amount of funding for the construction, reconstruction and
relocation of the four-lane highway system described in this
section shall not be less than it would have otherwise been
without the utilization of such additional federal funds.

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

(a) Specific segments on which engineering is being
performed or has been completed;
(b) Specific segments for which right-of-way has been
acquired or is being acquired;
(c) Specific segments for which construction contracts
have been let;
(d) Specific segments on which construction is in
progress;
(e) Specific segments on which construction has been
completed;
(f) Projections for completion of the next step on each
segment;
(g) Revenue derived for such construction program from
each revenue source contained in Chapter 322, Laws, 1987, and in
Chapter 557, Laws, 1994;
(h) For each fiscal year beginning in 1994, a detailed
cash flow projection by source of program activities and an
estimate of when the program will encounter a funding shortage due
to costs exceeding original projections;
(i) A schedule of all complete and open-to-traffic
highway segments and the related total cost of each segment;
(j) A schedule of all highway segments on which all
contracts necessary for completion of the segments were not let as
of the date required by law;
ST: 1987 Four-Lane Highway Program; authorize additional federal funds to be used in lieu of state funds.

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

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

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

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