MISSISSIPPI LEGISLATURE

By: Senator(s) Hewes, Gollott, Moffatt, Robertson

REGULAR SESSION 2001

To: Highways and Transportation; Appropriations

SENATE BILL NO. 2527
(As Sent to Governor)

AN ACT TO CREATE THE MULTI-MODAL TRANSPORTATION IMPROVEMENT FUND; TO PROVIDE THAT MONEY IN SUCH FUND SHALL BE EXPENDED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AS PROVIDED FOR IN THIS ACT FOR THE IMPROVEMENTS OF AIRPORTS, PORTS, RAILROADS AND TRANSIT SYSTEMS IN MISSISSIPPI; TO FORM COMMITTEES FOR EACH MODE OF TRANSPORTATION TO RECEIVE AND APPROVE APPLICATIONS FOR SUCH FUNDS; TO PROVIDE THAT A CERTAIN PERCENTAGE OF THE MONEY IN SUCH FUND SHALL BE ALLOCATED TO EACH MODE OF TRANSPORTATION; TO PROVIDE THAT 5% OF THE MONEY IN THE FUND SHALL BE ALLOCATED AMONG THE VARIOUS MODES OF TRANSPORTATION BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION BASED ON CRITERIA ESTABLISHED BY SUCH DEPARTMENT; TO PROVIDE THAT 30% OF THE FUNDS ALLOCATED TO TRANSIT SYSTEMS SHALL BE DISTRIBUTED TO THE COAST TRANSIT AUTHORITY AND 30% SHALL BE ALLOCATED TO THE CITY OF JACKSON TRANSIT SYSTEM; TO REQUIRE THAT A PORTION OF THE COST OF THE PROJECT OR PURPOSE FOR WHICH FUNDING IS SOUGHT, NOT TO EXCEED 10%, SHALL BE FURNISHED BY THE PORT, AIRPORT, RAILROAD OR TRANSIT SYSTEM SEEKING FUNDING; TO CREATE A SPECIAL JOINT LEGISLATIVE MULTI-MODAL FUND COMMITTEE; TO REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ANNUALLY PREPARE A WRITTEN REPORT ON THE ADMINISTRATION OF THE FUND AND THE MULTI-MODAL TRANSPORTATION SYSTEMS OF THE STATE AND TO SUBMIT SUCH REPORT TO THE SPECIAL JOINT LEGISLATIVE MULTI-MODAL FUND COMMITTEE; AND FOR RELATED PURPOSES.

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

SECTION 1. As used in this act:
(a) "Airport" means a publicly-owned airport in Mississippi.
(b) "Fund" means the Multi-Modal Transportation Improvement Fund created in Section 2 of this act.
(c) "MDA" means the Mississippi Development Authority.
(d) "MDOT" means the Mississippi Department of Transportation.
(e) "Modes" means airports, ports, railroads and transit systems.
(f) "Port" means a public port in Mississippi.

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(g) "Railroad" means a publicly-owned short line railroad in Mississippi.

(h) "Transit system" means a public transit system in Mississippi.

SECTION 2. There is established in the State Treasury a special fund to be designated as the "Multi-Modal Transportation Improvement Fund" into which shall be deposited such state funds as may be designated for deposit therein. Unexpended amounts remaining in the fund at the end of the state fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Money in the fund shall be expended by MDOT as provided for in this act for the improvement of airports, ports, railroads and transit systems in Mississippi.

SECTION 3. (1) (a) There is hereby created the Multi-Modal Fund Committee whose membership shall be as follows:

(i) The Executive Director of MDA, or his designee;

(ii) The Executive Director of MDOT, or his designee;

(iii) Two (2) directors of ports appointed by the Port Multi-Modal Fund Committee created in subsection (2) of this section;

(iv) Two (2) directors of airports appointed by the Airport Multi-Modal Fund Committee created in subsection (3) of this section;

(v) Two (2) directors of railroads appointed by the Railroad Multi-Modal Fund Committee created in subsection (4) of this section; and

(vi) Two (2) representatives appointed by the President of the Mississippi Public Transit Association.

(b) A majority of the membership of the Multi-Modal Committee shall constitute a quorum. MDOT shall call meetings of
the committee and shall call a meeting of the committee to perform
the duty provided for in Section 4 of this act by not later than
August 1 of each fiscal year.

(2) (a) There is hereby created the Port Multi-Modal Fund
Committee whose membership shall consist of:

(i) The director of each port, or his designee;
(ii) The Executive Director of MDA, or his
designee;
(iii) The Executive Director of MDOT, or his
designee; and
(iv) The Executive Director of the Mississippi
Water Resources Association, or his designee.

(b) A majority of the membership of the committee shall
constitute a quorum. MDOT shall call meetings of the committee
and shall call a meeting for the purpose of reviewing and
approving applications as required in Section 4 of this act by not
later than August 1 of each fiscal year.

(3) (a) There is hereby created an Airport Multi-Modal Fund
Committee whose membership shall consist of:

(i) Five (5) directors of airports appointed by
the President of the Mississippi Airport Association, or their
designees, at least three (3) of whom shall represent airports
with commercial passenger service;
(ii) The Executive Director of MDA, or his
designee; and
(iii) The Executive Director of MDOT, or his
designee.

(b) A majority of the membership of the committee shall
constitute a quorum. MDOT shall call meetings of the committee
and shall call a meeting for the purpose of reviewing and
approving applications as required in Section 4 of this act by not
later than August 1 of each fiscal year.
(4) (a) There is hereby created the Railroad Multi-Modal Fund Committee whose membership shall consist of:

(i) The director of each railroad, or his designee;

(ii) The Executive Director of MDA, or his designee; and

(iii) The Executive Director of MDOT, or his designee.

(b) A majority of the membership of the committee shall constitute a quorum. MDOT shall call meetings of the committee and shall call a meeting for the purpose of reviewing and approving applications as required in Section 4 of this act by not later than August 1 of each fiscal year.

(5) (a) There is hereby created the Public Transit Multi-Modal Fund Committee whose membership shall consist of:

(i) Three (3) directors of transit systems, other than the Coast Transit Authority and the City of Jackson Transit System serving the greater Jackson urbanized area, appointed by the President of the Mississippi Public Transit Association, or their designees;

(ii) The Executive Director of MDA, or his designee; and

(iii) The Executive Director of MDOT, or his designee.

(b) A majority of the membership of the committee shall constitute a quorum. MDOT shall call meetings of the committee and shall call a meeting for the purpose of reviewing and approving applications as required in Section 4 of this act by not later than August 1 of each fiscal year.

SECTION 4. (1) During each state fiscal year, MDOT shall distribute ninety-five percent (95%) of the money in the fund among the various modes as follows:
(a) Thirty-eight percent (38%) shall be distributed to ports;
(b) Thirty-four percent (34%) shall be distributed to airports;
(c) Sixteen percent (16%) shall be distributed to transit systems; and
(d) Twelve percent (12%) shall be distributed to railroads.

(2) During each fiscal year, MDOT shall distribute the five percent (5%) of the fund that is not allocated under subsection (1) of this section among the various modes based on criteria to be established by MDOT. Such criteria and distribution shall be approved by the Multi-Modal Fund Committee.

(3) In order for a port to receive money allocated under subsection (1) of this section, the port shall file an application with MDOT describing how the funds will be used and shall provide such other information as MDOT may require. Such applications shall be reviewed by the Port Multi-Modal Fund Committee. The Port Multi-Modal Fund Committee shall decide which applications shall be approved and the amount of funding for each approved application based upon such criteria as it shall consider appropriate; provided, however, that no application shall be approved or funds distributed pursuant to this act unless the expenditure of such funds shall be:
   (a) Directly related to dredging, capital improvements or the rebuilding or rehabilitation of basic infrastructure and not for routine maintenance, administrative or operational expenses;
   (b) For a project or use directly related to the operation of the port in its modal role; and
   (c) For a purpose outside the normal operating budget of the port.
(4) In order for an airport to receive money allocated under subsection (1) of this section, the airport shall file an application with MDOT describing how the funds will be used and shall provide such other information as MDOT may require. Such applications shall be reviewed by the Airport Multi-Modal Fund Committee. The Airport Multi-Modal Fund Committee shall decide which applications shall be approved and the amount of funding for each approved application based upon such criteria as it shall consider appropriate; provided, however, that no application shall be approved or funds distributed pursuant to this act unless the expenditure of such funds shall be:

   (a) Directly related to capital improvements or the rebuilding or rehabilitation of basic infrastructure and not for routine maintenance, administrative or operational expenses;

   (b) For a project or use directly related to the operation of the airport in its modal role; and

   (c) For a purpose outside the normal operating budget of the airport.

(5) In order for a railroad to receive money allocated under subsection (1) of this section, the railroad shall file an application with MDOT describing how the funds will be used and shall provide such other information as MDOT may require. Such applications shall be reviewed by the Railroad Multi-Modal Fund Committee. The Railroad Multi-Modal Fund Committee shall decide which applications shall be approved and the amount of funding for each approved application based upon such criteria as it shall consider appropriate; provided, however, that no application shall be approved or funds distributed pursuant to this act unless the expenditure of such funds shall be:

   (a) Directly related to capital improvements or the rebuilding or rehabilitation of basic infrastructure and not for routine maintenance, administrative or operational expenses;
(b) For a project or use directly related to the operation of the railroad in its modal role; and

(c) For a purpose outside the normal operating budget of the railroad.

(6) (a) Thirty percent (30%) of the money allocated for transit systems under subsection (1) of this section shall be distributed by MDOT to Coast Transit Authority.

(b) Thirty percent (30%) of the money allocated for transit systems under subsection (1) of this section shall be distributed by MDOT to the City of Jackson Transit System serving the greater Jackson urbanized area.

(c) The remainder of the money allocated for transit systems under subsection (1) of this section shall be distributed by MDOT among other transit systems. In order to receive funds under subsection (1) of this section, any such transit system shall file an application with MDOT describing how the money will be used and shall provide such other information as MDOT may require. Such applications shall be reviewed by the Public Transit Multi-Modal Fund Committee. The Public Transit Multi-Modal Fund Committee shall decide which applications shall be approved and the amount of funding for each approved application based upon such criteria as it shall consider appropriate.

(7) As a condition for the receipt of any funds distributed under this section, the port, airport, railroad or transit system shall be required to fund, from public or private sources, not more than ten percent (10%) of the total cost of the project or purpose for which the funds are to be spent. The percentage amount of such matching fund requirement shall be determined by MDOT. In addition to such other contributions and expenditures as may be considered acceptable by MDOT, in-kind contributions and expenditures for the following shall be credited toward the above matching requirement:
(a) Pre-construction studies, planning and design;
(b) Personal property acquisition;
(c) Real property acquisition, reclamation and related relocation costs;
(d) Professional services; and
(e) Construction.

(8) In addition to such other expenditures as may be deemed appropriate by MDOT or hereunder, money distributed from the fund may be used to meet federal matching fund requirements and for pre-construction studies, planning and design; personal property acquisition; real property acquisition, reclamation and related relocation costs; professional services; and construction.

(9) When approving applications under this section, the Port Multi-Modal Fund Committee, the Airport Multi-Modal Fund Committee, the Railroad Multi-Modal Fund Committee, the Public Transit Multi-Modal Fund Committee, MDOT and the Multi-Modal Fund Committee, respectively, are empowered to make commitments for funding for up to three (3) consecutive state fiscal years, subject to the availability of money from the fund.

SECTION 5. (1) There is hereby created the Joint Legislative Multi-Modal Fund Committee which shall consist of the Chairman of the Senate Appropriations Committee, or his designee; the Chairman of the Senate Highways and Transportation Committee, or his designee; the Chairman of the Senate Ports and Marine Resources Committee, or his designee; the Chairman of the House Appropriations Committee, or his designee; the Chairman of the House Transportation Committee, or his designee; the Chairman of the House Conservation and Water Resources Committee, or his designee; one (1) member of the Senate to be appointed by the Lieutenant Governor; and one (1) member of the House of Representatives to be appointed by the Speaker of the House.

Administration of this act shall be subject to oversight by the Joint Legislative Multi-Modal Fund Committee.
(2) MDOT shall annually prepare at its expense a written report on administration of the fund and the multi-modal transportation systems of the state which shall include, without limitation, a description of all applications for funding received under this act, the status of each application, the criteria used to evaluate such application, an analysis of the return and benefits from funding projects under this act, and three-year and ten-year forecasts of multi-modal transportation needs that MDOT recommends to be funded through the fund. MDOT shall consult with the committees established in Section 3 of this act when preparing such report and provide sufficient copies of the report at no cost to such committees. MDOT shall submit such report to the Joint Legislative Multi-Modal Fund Committee by not later than September 1 of each year.

SECTION 6. Sections 1 through 6 of Senate Bill No. 2527, 2001 Regular Session, shall stand repealed from and after July 1, 2006.

SECTION 7. This act shall take effect and be in force from and after July 1, 2001.