

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

To: Highways and
Transportation;
Appropriations

SENATE BILL NO. 2527
(As Sent to Governor)

1 AN ACT TO CREATE THE MULTI-MODAL TRANSPORTATION IMPROVEMENT
2 FUND; TO PROVIDE THAT MONEY IN SUCH FUND SHALL BE EXPENDED BY THE
3 MISSISSIPPI DEPARTMENT OF TRANSPORTATION AS PROVIDED FOR IN THIS
4 ACT FOR THE IMPROVEMENTS OF AIRPORTS, PORTS, RAILROADS AND TRANSIT
5 SYSTEMS IN MISSISSIPPI; TO FORM COMMITTEES FOR EACH MODE OF
6 TRANSPORTATION TO RECEIVE AND APPROVE APPLICATIONS FOR SUCH FUNDS;
7 TO PROVIDE THAT A CERTAIN PERCENTAGE OF THE MONEY IN SUCH FUND
8 SHALL BE ALLOCATED TO EACH MODE OF TRANSPORTATION; TO PROVIDE THAT
9 5% OF THE MONEY IN THE FUND SHALL BE ALLOCATED AMONG THE VARIOUS
10 MODES OF TRANSPORTATION BY THE MISSISSIPPI DEPARTMENT OF
11 TRANSPORTATION BASED ON CRITERIA ESTABLISHED BY SUCH DEPARTMENT;
12 TO PROVIDE THAT 30% OF THE FUNDS ALLOCATED TO TRANSIT SYSTEMS
13 SHALL BE DISTRIBUTED TO THE COAST TRANSIT AUTHORITY AND 30% SHALL
14 BE ALLOCATED TO THE CITY OF JACKSON TRANSIT SYSTEM; TO REQUIRE
15 THAT A PORTION OF THE COST OF THE PROJECT OR PURPOSE FOR WHICH
16 FUNDING IS SOUGHT, NOT TO EXCEED 10%, SHALL BE FURNISHED BY THE
17 PORT, AIRPORT, RAILROAD OR TRANSIT SYSTEM SEEKING FUNDING; TO
18 CREATE A SPECIAL JOINT LEGISLATIVE MULTI-MODAL FUND COMMITTEE; TO
19 REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO ANNUALLY
20 PREPARE A WRITTEN REPORT ON THE ADMINISTRATION OF THE FUND AND THE
21 MULTI-MODAL TRANSPORTATION SYSTEMS OF THE STATE AND TO SUBMIT SUCH
22 REPORT TO THE SPECIAL JOINT LEGISLATIVE MULTI-MODAL FUND
23 COMMITTEE; AND FOR RELATED PURPOSES.

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

25 SECTION 1. As used in this act:

26 (a) "Airport" means a publicly-owned airport in
27 Mississippi.

28 (b) "Fund" means the Multi-Modal Transportation
29 Improvement Fund created in Section 2 of this act.

30 (c) "MDA" means the Mississippi Development Authority.

31 (d) "MDOT" means the Mississippi Department of
32 Transportation.

33 (e) "Modes" means airports, ports, railroads and
34 transit systems.

35 (f) "Port" means a public port in Mississippi.

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

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

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

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

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

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

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

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

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

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

67 (b) A majority of the membership of the Multi-Modal
68 Committee shall constitute a quorum. MDOT shall call meetings of

69 the committee and shall call a meeting of the committee to perform
70 the duty provided for in Section 4 of this act by not later than
71 August 1 of each fiscal year.

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

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

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

77 (iii) The Executive Director of MDOT, or his
78 designee; and

79 (iv) The Executive Director of the Mississippi
80 Water Resources Association, or his designee.

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

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

88 (i) Five (5) directors of airports appointed by
89 the President of the Mississippi Airport Association, or their
90 designees, at least three (3) of whom shall represent airports
91 with commercial passenger service;

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

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

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

101 (4) (a) There is hereby created the Railroad Multi-Modal
102 Fund Committee whose membership shall consist of:

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

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

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

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

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

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

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

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

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

130 SECTION 4. (1) During each state fiscal year, MDOT shall
131 distribute ninety-five percent (95%) of the money in the fund
132 among the various modes as follows:

133 (a) Thirty-eight percent (38%) shall be distributed to
134 ports;

135 (b) Thirty-four percent (34%) shall be distributed to
136 airports;

137 (c) Sixteen percent (16%) shall be distributed to
138 transit systems; and

139 (d) Twelve percent (12%) shall be distributed to
140 railroads.

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

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

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

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

163 (c) For a purpose outside the normal operating budget
164 of the port.

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

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

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

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

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

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

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

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

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

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

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

220 (7) As a condition for the receipt of any funds distributed
221 under this section, the port, airport, railroad or transit system
222 shall be required to fund, from public or private sources, not
223 more than ten percent (10%) of the total cost of the project or
224 purpose for which the funds are to be spent. The percentage
225 amount of such matching fund requirement shall be determined by
226 MDOT. In addition to such other contributions and expenditures as
227 may be considered acceptable by MDOT, in-kind contributions and
228 expenditures for the following shall be credited toward the above
229 matching requirement:

- 230 (a) Pre-construction studies, planning and design;
231 (b) Personal property acquisition;
232 (c) Real property acquisition, reclamation and related
233 relocation costs;
234 (d) Professional services; and
235 (e) Construction.

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

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

249 SECTION 5. (1) There is hereby created the Joint
250 Legislative Multi-Modal Fund Committee which shall consist of the
251 Chairman of the Senate Appropriations Committee, or his designee;
252 the Chairman of the Senate Highways and Transportation Committee,
253 or his designee; the Chairman of the Senate Ports and Marine
254 Resources Committee, or his designee; the Chairman of the House
255 Appropriations Committee, or his designee; the Chairman of the
256 House Transportation Committee, or his designee; the Chairman of
257 the House Conservation and Water Resources Committee, or his
258 designee; one (1) member of the Senate to be appointed by the
259 Lieutenant Governor; and one (1) member of the House of
260 Representatives to be appointed by the Speaker of the House.
261 Administration of this act shall be subject to oversight by the
262 Joint Legislative Multi-Modal Fund Committee.

263 (2) MDOT shall annually prepare at its expense a written
264 report on administration of the fund and the multi-modal
265 transportation systems of the state which shall include, without
266 limitation, a description of all applications for funding received
267 under this act, the status of each application, the criteria used
268 to evaluate such application, an analysis of the return and
269 benefits from funding projects under this act, and three-year and
270 ten-year forecasts of multi-modal transportation needs that MDOT
271 recommends to be funded through the fund. MDOT shall consult with
272 the committees established in Section 3 of this act when preparing
273 such report and provide sufficient copies of the report at no cost
274 to such committees. MDOT shall submit such report to the Joint
275 Legislative Multi-Modal Fund Committee by not later than September
276 1 of each year.

277 SECTION 6. Sections 1 through 6 of Senate Bill No. 2527,
278 2001 Regular Session, shall stand repealed from and after July 1,
279 2006.

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