

By: Senator(s) Tollison

To: Highways and  
Transportation

SENATE BILL NO. 2827

1 AN ACT TO AMEND SECTION 65-9-29, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE FOR THE ALLOCATION AND MATCHING OF FEDERAL AID HIGHWAY  
3 FUNDS ALLOCATED TO MISSISSIPPI UNDER THE TRANSPORTATION EQUITY ACT  
4 FOR THE TWENTY-FIRST CENTURY (TEA-21); TO AMEND SECTION 65-9-30,  
5 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
6 PURPOSES.

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

8 SECTION 1. Section 65-9-29, Mississippi Code of 1972, is  
9 amended as follows:

10 65-9-29. (1) Federal aid highway funds allocated to  
11 Mississippi \* \* \* to be expended on the federal aid \* \* \* roads  
12 shall be expended as follows:

13 (a) \* \* \* Federal aid \* \* \* funds allocated to  
14 Mississippi and to be expended on the federal aid routes shall be  
15 divided between the Mississippi Department of Transportation and  
16 the several counties, so that fifty percent (50%) will be matched  
17 by the Mississippi Department of Transportation and expended on  
18 the federal aid routes on the state highway system, and fifty  
19 percent (50%) matched by the counties with state aid or local  
20 funds and expended on the federal aid routes in the several  
21 counties.

22 (b) Such division will be made upon allocation by the  
23 Administrator of the Federal Highway Administration. The  
24 expenditure of all federal \* \* \* funds shall be through and under  
25 the Mississippi Department of Transportation, subject to and in  
26 accordance with all rules and regulations and applicable laws of  
27 the federal government.

28           (c) Not less than fifty percent (50%) of the funds  
29 appropriated to Mississippi under the surface transportation  
30 program authorization of Public Law 105-178 (the Transportation  
31 Equity Act for the Twenty-first Century, hereinafter called  
32 TEA-21), shall be allocated for sub-state distribution in any area  
33 of the state and fifty percent (50%) of the amount allocated to  
34 areas with a population of less than five thousand (5,000) shall  
35 be allocated to the eighty-two (82) counties of the state and  
36 administered by the Office of State Aid Road Construction.

37           (d) Not less than thirty percent (30%) of the bridge  
38 replacement funds allocated to Mississippi under TEA-21 shall be  
39 allocated to the eighty-two (82) counties of the state to replace  
40 deficient bridges in accordance with all rules and regulations of  
41 the Federal Highway Administration and administered by the Office  
42 of State Aid Road Construction.

43           (e) The amount of funds allocated to each county for  
44 use on state aid system roads will be apportioned among the  
45 counties of this state by the Mississippi Transportation  
46 Commission in accordance with the formula in the manner provided  
47 in Section 65-9-3, Mississippi Code of 1972. The Mississippi  
48 Transportation Commission is authorized to finance from its own  
49 funds the preliminary surveys, engineering and plans for all work  
50 involving funds expended on federal aid \* \* \* projects on the  
51 state aid road system, and the rights-of-way required for state  
52 aid system roads constructed with federal aid highway funds will  
53 be provided by the county receiving such aid from its funds other  
54 than state aid funds. The Mississippi Transportation Commission  
55 will program federal aid highway funds made available to the  
56 counties under this section on such projects and limited to such  
57 counties as recommended by the State Aid Engineer.

58           (2) Federal "safer off-system" funds, and/or any other  
59 available federal road funds, except the federal aid highway funds  
60 hereinabove provided for separately, allocated to Mississippi and

61 to be expended on county roads, but not on the designated state  
62 highway system, shall be expended as follows:

63 (a) Federal "safer off-system" funds and/or any such  
64 other available federal road funds shall be matched with available  
65 state aid funds and expended on such county roads.

66 (b) The expenditure of such federal "safer off-system"  
67 funds and/or all such other available federal road funds shall be  
68 through and under the Mississippi Transportation Commission,  
69 subject to, and in accordance with, all rules and regulations and  
70 applicable laws of the federal government.

71 (c) The amount of such federal "safer off-system" funds  
72 and/or all such other available federal road funds allocated to  
73 each county for use on such county roads will be apportioned among  
74 the counties of this state by the Mississippi Transportation  
75 Commission in accordance with the formula in the manner provided  
76 in Section 65-9-3, Mississippi Code of 1972. The Mississippi  
77 Transportation Commission will program such federal "safer  
78 off-system" funds and/or all such other available federal road  
79 funds made available to the counties on such projects and limited  
80 to such counties as recommended by the State Aid Engineer.

81 (3) Federal aid off-system highway funds allocated to  
82 Mississippi, (except federal aid highway funds and federal "safer  
83 off-system" funds provided for separately in subsections (1) and  
84 (2) of this section), including \* \* \* other special grants made  
85 available for expenditure of county roads, shall be expended as  
86 follows:

87 (a) Federal aid off-system highway funds expended on  
88 state aid roads shall be matched with available state aid funds  
89 and/or other available local funds, or as otherwise provided in  
90 Section 65-1-70, Mississippi Code of 1972.

91 (b) Federal aid off-system highway funds available for  
92 expenditure on roads not on the state aid system and not eligible  
93 for inclusion on the state aid system shall be matched with

94 available local funds, or as otherwise provided in Section 65-9-17  
95 or Section 65-1-70, Mississippi Code of 1972.

96 (c) The expenditure of all federal off-system highway  
97 funds on county roads shall be programmed by the State Highway  
98 Commission, subject to and in accordance with applicable federal  
99 law, rules and regulations, and limited to such county projects as  
100 recommended by the State Aid Engineer. The State Aid Engineer is  
101 authorized to assign state aid personnel to administer off-system  
102 construction projects and other special federal aid program  
103 requirements in the same manner and under the same provisions and  
104 conditions as other projects authorized under this chapter.

105 SECTION 2. Section 65-9-30, Mississippi Code of 1972, is  
106 amended as follows:

107 65-9-30. (1) The State Aid Engineer shall maintain an  
108 accurate record of all federal aid highway funds, federal "safer  
109 off-system" funds, and all other available federal road funds  
110 allocated to the counties in accordance with the percentages set  
111 out in Section 65-9-3. He shall likewise maintain an accurate  
112 account of all state aid funds apportioned to the counties in  
113 accordance with the percentages and provisions set out in Section  
114 27-65-75.

115 (2) The State Aid Engineer is hereby authorized to utilize  
116 state aid funds, and federal aid highway funds allocated to the  
117 counties as provided for in accordance with Section 65-9-29, and  
118 federal "safer off-system" funds, and/or any other available  
119 federal road funds allocated to Mississippi and to be expended on  
120 county roads, and allocated to the counties as provided for in  
121 accordance with Section 65-9-29, in such amounts as he deems  
122 necessary for an orderly and effective programming of all funds  
123 available to the counties, including an interchange of one (1)  
124 type of funds for another type of funds when necessary; provided,  
125 however, that each county shall receive, not less than annually,  
126 its pro rata share of the combined funds so allocated; and further

127 provided that the authority of the county boards of supervisors to  
128 otherwise adopt construction programs is in no way circumvented.

129 SECTION 3. This act shall take effect and be in force from  
130 and after July 1, 2001.