SENATE BILL NO. 3007


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

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

65-1-8. (1) The Mississippi Transportation Commission shall have the following general powers, duties and responsibilities:

(a) To coordinate and develop a comprehensive, balanced transportation policy for the State of Mississippi;

(b) To promote the coordinated and efficient use of all available and future modes of transportation;

(c) To make recommendations to the Legislature regarding alterations or modifications in any existing transportation policies;
(d) To study means of encouraging travel and transportation of goods by the combination of motor vehicle and other modes of transportation;

(e) To take such actions as are necessary and proper to discharge its duties pursuant to the provisions of Laws, 1992, Chapter 496, and any other provision of law;

(f) To receive and provide for the expenditure of any funds made available to it by the Legislature, the federal government or any other source.

(2) In addition to the general powers, duties and responsibilities listed in subsection (1) of this section, the Mississippi Transportation Commission shall have the following specific powers:

(a) To make rules and regulations whereby the Transportation Department shall change or relocate any and all highways herein or hereafter fixed as constituting a part of the state highway system, as may be deemed necessary or economical in the construction or maintenance thereof; to acquire by gift, purchase, condemnation, or otherwise, land or other property whatsoever that may be necessary for a state highway system as herein provided, with full consideration to be given to the stimulation of local public and private investment when acquiring such property in the vicinity of Mississippi towns, cities and population centers;

(b) To enforce by mandamus, or other proper legal remedies, all legal rights or rights of action of the Mississippi Transportation Commission with other public bodies, corporations or persons;

(c) To make and publish rules, regulations and ordinances for the control of and the policing of the traffic on the state highways, and to prevent their abuse by any or all persons, natural or artificial, by trucks, tractors, trailers or any other heavy or destructive vehicles or machines, or by any
other means whatsoever, by establishing weights of loads or of
vehicles, types of tires, width of tire surfaces, length and width
of vehicles, with reasonable variations to meet approximate
weather conditions, and all other proper police and protective
regulations, and to provide ample means for the enforcement of
same. The violation of any of the rules, regulations or
ordinances so prescribed by the commission shall constitute a
misdemeanor. No rule, regulation or ordinance shall be made that
conflicts with any statute now in force or which may hereafter be
enacted, or with any ordinance of municipalities. A monthly
publication giving general information to the boards of
supervisors, employees and the public may be issued under such
rules and regulations as the commission may determine;
(d) To give suitable numbers to highways and to change
the number of any highway that shall become a part of the state
highway system. However, nothing herein shall authorize the
number of any highway to be changed so as to conflict with any
designation thereof as a U.S. numbered highway. Where, by a
specific act of the Legislature, the commission has been directed
to give a certain number to a highway, the commission shall not
have the authority to change such number;
(e) To make proper and reasonable rules, regulations
and ordinances for the placing, erection, removal or relocation of
telephone, telegraph or other poles, signboards, fences, gas,
water, sewerage, oil or other pipelines, and other obstructions
that may, in the opinion of the commission, contribute to the
hazards upon any of the state highways, or in any way interfere
with the ordinary travel upon such highways, or the construction,
reconstruction or maintenance thereof, and to make reasonable
rules and regulations for the proper control thereof. Any
violation of such rules or regulations or noncompliance with such
ordinances shall constitute a misdemeanor.
Whenever the order of the commission shall require the removal of, or other changes in the location of telephone, telegraph or other poles, signboards, gas, water, sewerage, oil or other pipelines; or other similar obstructions on the right-of-way or such other places where removal is required by law, the owners thereof shall at their own expense move or change the same to conform to the order of the commission. Any violation of such rules or regulations or noncompliance with such orders shall constitute a misdemeanor;

(f) To regulate and abandon grade crossings on any road fixed as a part of the state highway system, and whenever the commission, in order to avoid a grade crossing with the railroad, locates or constructs said road on one side of the railroad, the commission shall have the power to abandon and close such grade crossing, and whenever an underpass or overhead bridge is substituted for a grade crossing, the commission shall have power to abandon such grade crossing and any other crossing adjacent thereto. Included in the powers herein granted shall be the power to require the railroad at grade crossings, where any road of the state highway system crosses the same, to place signal posts with lights or other warning devices at such crossings at the expense of the railroad, and to regulate and abandon underpass or overhead bridges and, where abandoned because of the construction of a new underpass or overhead bridge, to close such old underpass or overhead bridge, or, in its discretion, to return the same to the jurisdiction of the county board of supervisors;

(g) To make proper and reasonable rules and regulations to control the cutting or opening of the road surfaces for subsurface installations;

(h) To make proper and reasonable rules and regulations for the removal from the public rights-of-way of any form of obstruction, to cooperate in improving their appearance, and to prescribe minimum clearance heights for seed conveyors, pipes,
passageways or other structure of private or other ownership above the highways;

(i) To establish, and have the Transportation Department maintain and operate, and to cooperate with the state educational institutions in establishing, enlarging, maintaining and operating a laboratory or laboratories for testing materials and for other proper highway purposes;

(j) To provide, under the direction and with the approval of the Department of Finance and Administration, suitable offices, shops and barns in the City of Jackson;

(k) To establish and have enforced set-back regulations;

(l) To cooperate with proper state authorities in producing limerock for highway purposes and to purchase same at cost;

(m) To provide for the purchase of necessary equipment and vehicles and to provide for the repair and housing of same, to acquire by gift, purchase, condemnation or otherwise, land or lands and buildings in fee simple, and to authorize the Transportation Department to construct, lease or otherwise provide necessary and proper permanent district offices for the construction and maintenance divisions of the department, and for the repair and housing of the equipment and vehicles of the department; however, in each Supreme Court district only two (2) permanent district offices shall be set up, but a permanent status shall not be given to any such offices until so provided by act of the Legislature and in the meantime, all shops of the department shall be retained at their present location. As many local or subdistrict offices, shops or barns may be provided as is essential and proper to economical maintenance of the state highway system;

(n) To cooperate with the Department of Archives and History in having placed and maintained suitable historical
markers, including those which have been approved and purchased by
the State Historical Commission, along state highways, and to have
constructed and maintained roadside driveways for convenience and
safety in viewing them when necessary; however, no highway or
bridge shall ever be memorialized to a man while living;
(o) To cooperate, in its discretion, with the
Mississippi Department of Wildlife, Fisheries and Parks in
planning and constructing roadside parks upon the right-of-way of
state highways, whether constructed, under construction, or
planned; said parks to utilize where practical barrow pits used in
construction of state highways for use as fishing ponds. Said
parks shall be named for abundant flora and fauna existing in the
area or for the first flora or fauna found on the site;
(p) Unless otherwise prohibited by law, to make such
contracts and execute such instruments containing such reasonable
and necessary appropriate terms, provisions and conditions as in
its absolute discretion it may deem necessary, proper or
advisable, for the purpose of obtaining or securing financial
assistance, grants or loans from the United States of America or
any department or agency thereof, including contracts with several
counties of the state pertaining to the expenditure of such funds;
(q) To cooperate with the Federal Highway
Administration in the matter of location, construction and
maintenance of the Great River Road, to expend such funds paid to
the commission by the Federal Highway Administration or other
federal agency, and to authorize the Transportation Department to
erect suitable signs marking this highway, the cost of such signs
to be paid from state highway funds other than earmarked
construction funds;
(r) To cooperate, in its discretion, with the
Mississippi Forestry Commission and the School of Forestry,
Mississippi State University, in a forestry management program,
including planting, thinning, cutting and selling, upon the
right-of-way of any highway, constructed, acquired or maintained
by the Transportation Department, and to sell and dispose of any
and all growing timber standing, lying or being on any
right-of-way acquired by the commission for highway purposes in
the future; such sale or sales to be made in accordance with the
sale of personal property which has become unnecessary for public
use as provided for in Section 65-1-123, Mississippi Code of 1972;
(s) To expend funds in cooperation with the Division of
Plant Industry, Mississippi Department of Agriculture and
Commerce, the United States government or any department or agency
thereof, or with any department or agency of this state, to
tcontrol, suppress or eradicate serious insect pests, rodents,
plant parasites and plant diseases on the state highway
rights-of-way;
(t) To provide for the placement, erection and
maintenance of motorist services business signs and supports
within state highway rights-of-way in accordance with current
state and federal laws and regulations governing the placement of
traffic control devices on state highways, and to establish and
collect reasonable fees from the businesses having information on
such signs;
(u) To request and to accept the use of persons
convicted of an offense, whether a felony or a misdemeanor, for
work on any road construction, repair or other project of the
Transportation Department. The commission is also authorized to
request and to accept the use of persons who have not been
convicted of an offense but who are required to fulfill certain
court-imposed conditions pursuant to Section 41-29-150(d)(1) or
99-15-26, Mississippi Code of 1972, or the Pretrial Intervention
of 1972. The commission is authorized to enter into any
agreements with the Department of Corrections, the State Parole
Board, any criminal court of this state and any other proper
official regarding the working, guarding, safekeeping, clothing
and subsistence of such persons performing work for the
Transportation Department. Such persons shall not be deemed
agents, employees or involuntary servants of the Transportation
Department while performing such work or while going to and from
work or other specified areas;

(v) To provide for the administration of the railroad
revitalization program pursuant to Section 57-43-1 et seq.;

(w) The Mississippi Transportation Commission is
further authorized, in its discretion, to expend funds for the
purchase of service pins for employees of the Mississippi
Transportation Department;

(x) To cooperate with the State Tax Commission by
providing for weight enforcement field personnel to collect and
assess taxes, fees and penalties and to perform all duties as
required pursuant to Section 27-55-501 et seq., Sections 27-19-1
et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,
Mississippi Code of 1972, with regard to vehicles subject to the
jurisdiction of the Office of Weight Enforcement. All collections
and assessments shall be transferred daily to the State Tax
Commission;

(y) The Mississippi Transportation Commission may
delegate the authority to enter into a supplemental agreement to a
contract previously approved by the commission if the supplemental
agreement involves an additional expenditure not to exceed One
Hundred Thousand Dollars ($100,000.00);

(z) (i) The Mississippi Transportation Commission, in
its discretion, may enter into agreements with any county,
municipality, county transportation commission, business,
corporation, partnership, association, individual or other legal
entity, for the purpose of accelerating the completion date of
scheduled highway construction projects.
(ii) Such an agreement may permit the cost of a highway construction project to be advanced to the commission by a county, municipality, county transportation commission, business, corporation, partnership, association, individual or other legal entity, and repaid to such entity by the commission when highway construction funds become available; provided, however, that repayment of funds advanced to the Mississippi Transportation Commission shall be made no sooner than the commission's identified projected revenue schedule for funding of that particular construction project, and no other scheduled highway construction project established by statute or by the commission may be delayed by an advanced funding project authorized under this paragraph (z). Repayments to an entity that advances funds to the Mississippi Transportation Commission under this paragraph (z) may not include interest or other fees or charges, and the total amount repaid shall not exceed the total amount of funds advanced to the commission by the entity.

(iii) In considering whether to enter into such an agreement, the commission shall consider the availability of financial resources, the effect of such agreement on other ongoing highway construction, the urgency of the public's need for swift completion of the project and any other relevant factors.

(iv) Such an agreement shall be executed only upon a finding by the commission, spread upon its minutes, that the acceleration of the scheduled project is both feasible and beneficial. The commission shall also spread upon its minutes its findings with regard to the factors required to be considered pursuant to item (iii) of this paragraph (z).

(3) The Mississippi Transportation Commission shall require the executive director to carry out project planning as required in Section 65-1-10 for any preliminary engineering, right-of-way acquisition or construction project activities of the department.
SECTION 2. Section 65-1-10, Mississippi Code of 1972, is amended as follows:

65-1-10. Under the authority of the Mississippi Transportation Commission, and in conformity with its orders as spread on its minutes, the executive director shall:

(a) Unless otherwise provided by law, appoint a director in charge of each operating office of the department who shall be responsible to the executive director for the operation of such office. Each such director shall be qualified and experienced in the functions performed by the office under his charge;

(b) Administer the policies promulgated by the commission;

(c) Supervise and direct all administrative and technical activities of the department;

(d) Organize the offices and bureaus of the department;

(e) Coordinate the activities of the various offices of the department;

(f) Fix the compensation of employees of the department and require any employee to give bond to the State of Mississippi for the faithful performance of his duties in an amount the executive director deems appropriate. Premiums on all bonds so required shall be paid out of any funds available to the department;

(g) Recommend such studies and investigations as he may deem appropriate and carry out the approved recommendations in conjunction with the various offices;

(h) Prepare and deliver to the Legislature and the Governor on or before January 1 of each year, and at such other times as may be required by the Legislature or Governor, a full report of the work of the department and the offices thereof, including a detailed statement of expenditures of the department and any recommendations the department may have.
(i) Have full and general supervision over all matters relating to the construction or maintenance of the state highways, letting of contracts therefor, and the selection of materials to be used in the construction of state highways under the authority conferred by this chapter as herein set forth and the employment, promotion, demotion, reprimand, suspension, termination, reassignment, transfer, moving or relocation of all personnel not specifically authorized by statute to be employed by the commission. The executive director may authorize the payment of expenses of any personnel reassigned, transferred, moved or relocated in accordance with such rules and regulations as are promulgated by the commission;

(j) Approve all bids, sign all vouchers and requisitions, issue all orders for supplies and materials, sign all contracts and agreements in the name of the State of Mississippi, and subscribe to all other matters which may arise in the carrying out of the intent and purpose of this chapter;

(k) Receive and assume control, for the benefit of the state, of any and all highways herein or hereafter fixed as roads constituting a part of the state highway system;

(l) Provide for boulevard stops, restricted entrances to main highways and access driveways, neutral grounds, and roadside parks, erect all suitable direction and warning signs, and provide access roads in or to municipalities where necessary; provide limited access facilities when and where deemed necessary, such a facility being defined as a highway or street especially designed or designated for through traffic and over, from or to which owners or occupants of abutting land or other persons have only such limited right or easement of access as may be prescribed by the commission, and provide that certain highways or streets may be parkways from which trucks, buses and other commercial vehicles shall be excluded or may be freeways open to customary forms of highway and street traffic and use, and such limited...
access facilities or parkways may be planned, designated,
established, regulated, vacated, altered, improved, constructed
and maintained and rights-of-way therefor specifically obtained,
either by purchase, gift, condemnation or other form of
acquisition;

(m) Construct bridges with or without footways, and
sidewalks where deemed essential to decrease hazards;

(n) Perform services for the Department of Finance and
Administration on state property, including, but not limited to,
engineering services, and to advance such funds to defray the cost
of the expenses incurred in performing such services from out of
transportation department funds until such department is
reimbursed by the Department of Finance and Administration;

(o) Perform all duties authorized by Section 27-19-136,
Mississippi Code of 1972, concerning the assessment and collection
of permit fees, fines and penalties.

(p) Conduct project planning as provided for in this
paragraph (p). Such project planning shall apply to all
preliminary engineering, right-of-way acquisition and construction
projects of the department and shall, at a minimum, consist of:

(i) Establishment of a master budget for each
segment of highway to be constructed, reconstructed or repaired.

For purposes of this requirement, no segment shall be less than
ten (10) miles in length unless a shorter segment is specifically
authorized or required by law.

(ii) Policies for the oversight and management of
the master budget for segments which will:

A. Establish a reasonable cost estimate to
serve as a budget for each project within a segment. For purposes
of this provision, projects include preliminary engineering,
right-of-way acquisition and construction.

B. Capture and retain the initial project
budgets for comparison with final actual expenditures.
C. Capture and retain the initial segment budget for comparison with final segment actual expenditures.

D. Require that any changes to a budget for a project will be reviewed and approved by district or central office personnel. Such personnel shall be responsible for signing any revision, providing a narrative description of the reasons for approving a revision and why other alternatives were inappropriate.

E. With existing resources, develop an information system to provide the Legislature, managers and the public with up to date segment cost information.

F. Capture the cost of consultants, engineers, attorneys, contract appraisers and other technical and professional contractors used in preliminary engineering, right-of-way acquisition and construction projects.

G. Ensure that projects for preliminary engineering, right-of-way acquisition and construction do not overlap segments.

SECTION 3. 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 Tremont.

(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 level of service as defined by the Transportation Research Board of the highway segment. If the level of service of a highway segment is less than the level of service 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.

(iii) With respect to the segments authorized in this paragraph (d), the Transportation Department shall consider the level of service of the projects together with all projects authorized in Section 65-39-1 and nonprogram highway construction and shall devise a priority schedule for preliminary engineering, right-of-way acquisition and construction which established a schedule for completion of these projects and reflects the relative need for the projects authorized in this paragraph (d) and in Section 65-39-1 and nonprogram highways. The department
shall accord to Federal Highway Administration standards great weight in setting priorities and may also consider other factors as the department considers relevant where such is not a violation of federal law. No funds deposited into the special funds created in Sections 65-39-3 or 65-39-17 shall be expended on any project authorized in this paragraph (d).

(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) * * *
highways which were existing four-lane highways on July 1, 2001;

(iii) For a particular project, the costs of
constructing a single segment of at least ten (10) miles in length
would * * * exceed the aggregate costs of constructing two (2) or
more segments by more than ten percent (10%). * * *

(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, on at least a quarterly basis. A
prospective explanation and justification therefor based upon one
or more of the conditions prescribed in paragraph (7)(a) of this
section. Nothing in this paragraph (b) shall be construed as
authorizing the commission to approve a segment of less than ten
(10) miles in length after a contract for such section has been
let.

(8) 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:

(a) 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

(b) 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.

(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;

(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.

(m) A listing of all segments of less than ten (10) miles in length which were authorized by the commission. This listing shall include:

(i) Contract let by date;

(ii) The highway on which the contract was let;

(iii) A description of the project, including the beginning and end point of the contract;

(iv) The name of the contractor selected to perform the contract work.

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 4. Section 65-39-1, Mississippi Code of 1972, is amended as follows:

65-39-1. (1) The Mississippi Transportation Commission is authorized, subject to the availability of funds in the Gaming Counties State-Assisted Infrastructure Fund created in Section S. B. No. 3007  *SS02/ R899* 01/SS02/R899 PAGE 24
65-39-17, to conduct feasibility studies and, pursuant to
information gathered in such studies, select routes and locations,
perform preliminary engineering, acquire necessary right-of-way
and property, construct and/or reconstruct and improve existing or
new highways, roads, streets and bridges, including two-lane,
four-lane and multi-lane roads (or segments thereof), perform
intersection improvements, provide signal retiring, turnbay
extensions, additional interchanges and other traffic
modifications, within and approaching those counties in this state
where legal gaming is being conducted or is authorized. Any
highway, road, street or bridge that is authorized to be
constructed, reconstructed or improved shall meet design standards
established by the Mississippi Department of Transportation, shall
be constructed to bear a load limit of at least eighty thousand
(80,000) pounds and, upon completion, shall become a part of the
state highway system, and thereafter shall be under the
jurisdiction of the Mississippi Transportation Commission and the
Mississippi Department of Transportation for construction and
maintenance.

(2) The projects authorized in subsection (1) of this
section shall include, but shall not be limited to, highways,
roads, streets and bridges on and along the following locations:

   (a) U.S. Highway 90 from its intersection with
Mississippi 607 in Hancock County to Ocean Springs, and including
Lakeshore Road in Hancock County from its intersection with U.S.
Highway 90 to Beach Boulevard;

   (b) Mississippi 4 from U.S. Highway 61 to Mississippi
3;

   (c) Mississippi 4 from Mississippi 3 to Senatobia;

   (d) Lorraine Cowan Road from U.S. Highway 90 to I-10;

   (e) U.S. Highway 49 from U.S. Highway 90 to I-10 in
Gulfport;
(f) Mississippi 304 beginning at the Tennessee state line at or near U.S. 72 and thence running in a southwesterly direction to intersect with U.S. 78 at or near Byhalia and thence running in a westerly direction to intersect I-55 at or near Hernando and thence running in a westerly direction to intersect with U.S. 61 in DeSoto County, with a spur extending southwesterly to or near Robinsonville in Tunica County;

(g) I-10 from Exit 28 to Exit 57;

(h) A new location from the northernmost point on I-110 to U.S. 49;

(i) U.S. Highway 61 from the Tunica County line to the Tennessee state line;

(j) (i) Four-lanes for traffic along Mississippi 16 beginning at its intersection with Mississippi 25 and extending easterly to join the existing four-lane on the west side of Carthage within the corporate boundaries;

(ii) Passing lanes and turn lanes, as needed, along Mississippi 16 beginning at a point on the east side of Carthage within the corporate boundaries where the existing four-lane ends and extending easterly to the Leake/Neshoba county line; and

(iii) Four-lanes for traffic along Mississippi 16 beginning at the Leake/Neshoba county line and extending easterly to not more than ten (10) miles east of Mississippi 15;

(k) Lorraine/Cowan Road Extension from I-10 north to relocated/reconstructed Mississippi 67;

(l) At various locations on and along U.S. Highway 82 and Mississippi 1 in the City of Greenville;

(m) At various locations on and along I-20, U.S. Highway 61 and U.S. Highway 80 in the City of Vicksburg, including a truck route from Harbor Industrial Park to U.S. Highway 61 North and an extension of South Frontage Road with railroad bridge to Interstate Highway 20;
(n) At various locations on and along U.S. Highway 61, U.S. Highway 65 and Washington Street in the City of Natchez;
(o) At various locations on and along U.S. Highway 90 in the City of Pass Christian;
(p) Mississippi 43/603 beginning where the existing four-lane ends north of I-10 and extending northerly to a point approximately one (1) mile north of Kiln where Mississippi 43/603 divides into Mississippi 43 and Mississippi 603;
(q) Mississippi 43 beginning where Mississippi 43 and Mississippi 603 divide and extending northwesterly to or near Picayune;
(r) U.S. 49 from U.S. 61 west to the Mississippi River bridge;
(s) Subject to the conditions prescribed in subsection (3) of this section, a central Harrison County connector from I-10 to U.S. 90 in the vicinity of Canal Road to the Mississippi State Port at Gulfport; and
(t) An east Harrison County connector from U.S. 90 to I-10 to be located between the Cowan–Lorraine Road interchange and the I-110 interchange.

(3) Authorization for the project described in paragraph (2)(s) of this section is conditioned upon receipt by the Mississippi Transportation Commission of a written commitment by the Mississippi Development Authority to make available for such project not less than Six Million Dollars ($6,000,000.00).

(4) All planning, construction, reconstruction and performance of the projects authorized under this section, including the letting of contracts, shall commence, proceed and be performed by the Mississippi Transportation Commission and the Mississippi Department of Transportation according to priorities based on volume capacity and traffic congestion in comparative project areas; however, if a project authorized in this section is also included in the four-lane highway program under Section...
65-3-97, then all contracts necessary to be let for the completion
of the project under this section shall be let not later than the
priorities established for the letting of contracts for the
project under Section 65-3-97. Prioritization of construction for
the projects authorized in this section shall be conducted as
provided for in Section 65-3-97(3)(d)(iii).

(5) (a) Funds for the projects authorized under this
section may be provided through the issuance of bonds under
Sections 65-39-5 through 65-39-33, through the issuance of notes
for such purposes under Section 31-17-127 or from such monies as
may be available in the Gaming Counties State-Assisted
Infrastructure Fund created under Section 65-39-17.

(b) In addition to the funds provided for under
paragraph (a) of this subsection, funds for the project described
in subsection (2)(s) of this section also may be provided from any
available federal, state, county or municipal funds authorized for
such project, including the Economic Development Highway Act.

(6) (a) For all highway segments authorized in this
section, the Mississippi Department of Transportation shall
construct highway segments of at least ten (10) miles unless one
or more of the following conditions occur:

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

(ii) The segment will connect two (2) highways
which were existing four-lane highways on July 1, 2001;

(iii) For a particular project, the costs of
constructing a single segment of at least ten (10) miles in length
would exceed the aggregate costs of constructing two (2) or more
segments by more than ten percent (10%).

(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, on at least a quarterly basis, a prospective
explanation and justification therefor based on one or more of the conditions prescribed in subsection (6)(a) of this section.

Nothing in this subsection shall be construed as authorizing the commission to approve a segment of less than ten (10) miles in length after a contract for such segment has been let.

SECTION 5. Section 65-39-35, Mississippi Code of 1972, is amended as follows:

65-39-35. The date upon which the taxes and fees levied and charged under the provisions of Sections 27-55-11, 27-57-37, 27-59-11, 27-19-43, 27-19-309, 27-65-75 and Sections 27-55-519 and 27-55-521 are reduced under such sections shall be the first day of the month immediately following the date upon which:

(a) The Mississippi Transportation Commission certifies to the State Tax Commission that:

(i) The Four-Lane Highway Program created under Section 65-3-97 and the Gaming Counties Infrastructure Program created under Section 65-39-3, are completed and no funds are any longer necessary to pay the costs of such programs or twenty-five (25) years have elapsed since the completion of the last segment of highway authorized in Section 65-3-97, whichever occurs first; and

(ii) The Mississippi Transportation Commission will not declare the necessity for additional borrowings under Section 65-9-27, or for additional bonds under Sections 65-39-5 through 65-39-33; and

(b) The State Treasurer certifies:

(i) That the amount on deposit in the Gaming Counties Bond Sinking Fund, together with earnings on investments to accrue to such fund, is equal to or greater than the aggregate of the entire principal, redemption premium (if any), and interest due and to become due (until the final maturity date or earlier scheduled redemption date) on all general obligation bonds issued under Sections 65-39-5 through 65-39-33; and
(ii) That all principal, interest, cost and other expenses for all bonds, notes or other borrowings under Section 65-9-27 and Section 31-17-127 (including redemption notes, if any) have been paid and are completely satisfied.

SECTION 6. Section 75-76-129, Mississippi Code of 1972, is amended as follows:

75-76-129. [Until the highway segments authorized in Section 65-39-1 are certified as complete by the Mississippi Department of Transportation, this section shall read as follows:]

75-76-129. On or before the last day of each month all taxes, fees, interest, penalties, damages, fines or other monies collected by the State Tax Commission during that month under the provisions of this chapter, with the exception of (a) the local government fees imposed under Section 75-76-195, and (b) an amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), or an amount equal to twenty-five percent (25%) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), whichever is the greater amount, shall be paid by the State Tax Commission to the State Treasurer to be deposited in the State General Fund. The local government fees shall be distributed by the State Tax Commission pursuant to Section 75-76-197. An amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) shall be deposited by the State Tax Commission into the bond sinking fund created in Section 65-39-3. The revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) that is in excess of Three Million Dollars ($3,000,000.00), but is less than twenty-five percent (25%) of the amount of revenue collected during that month, shall be deposited into the State Highway Fund to be used exclusively for the reconstruction and maintenance of highways of the State of Mississippi.
[After the highway segments authorized in Section 65-39-1 are certified as complete by the Mississippi Department of Transportation, this section shall read as follows:]

75-76-129. On or before the last day of each month, all taxes, fees, interest, penalties, damages, fines or other monies collected by the State Tax Commission during that month under the provisions of this chapter, with the exception of the local government fees imposed under Section 75-76-195, shall be paid by the State Tax Commission to the State Treasurer to be deposited in the State General Fund. The local government fees shall be distributed by the State Tax Commission pursuant to Section 75-76-197.

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