SENATE BILL NO. 3020

AN ACT TO AMEND SECTIONS 65-3-97 AND 65-39-1, MISSISSIPPI CODE OF 1972, TO REQUIRE A REEVALUATION OF PHASE FOUR OF THE 1987 FOUR-LANE HIGHWAY PROGRAM AND HIGHWAY SEGMENTS IN THE GAMING COUNTIES BEFORE COMMENCEMENT OF ANY CONSTRUCTION PROJECT IN PHASE TWO OR PHASE THREE, AND TO REVISE THE MANNER IN WHICH HIGHWAY SEGMENTS IN PHASE FOUR AND HIGHWAY SEGMENTS IN THE GAMING COUNTIES STATE-ASSISTED INFRASTRUCTURE PROGRAM ARE PRIORITIZED; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

(viii) Highway segments along or near U.S. 78
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.

No contract for the construction and/or reconstruction of
highway segments designated within this paragraph (b) (Phase 2)
shall be let by the Transportation Commission until such time as
the reevaluation of the priority of highway segments designated in
paragraph (d) (Phase 4) has been completed as required in
subparagraph (d) (iii).

(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 beginning at Mississippi 43 and extending northeasterly to the Winston/Oktibbeha county line.

(ii) A highway segment along or near Mississippi 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.

No contract for the construction and/or reconstruction of highway segments designated within this group (c) (Phase 3) shall be let by the Transportation Commission until such time as the reevaluation of the priority of the highway segments in paragraph (d) (Phase 4) has been completed as required in subparagraph (d) (iii).

(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.
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 Section 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) existing four-lane highways;

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

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

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

(vi) The segment is in an urban area and involves the completion of bypasses or other construction which will facilitate and accommodate major traffic movement.
(b) In any case in which the Transportation Commission authorizes the construction of a highway segment of less than ten (10) miles in length, the commission shall set forth and record in its official minutes explanation and justification therefor based upon one or more of the conditions prescribed in paragraph (7) (a) of this section.

(8) 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.

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

SECTION 2. 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
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 Department of Economic and Community Development 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 let ting of contracts for the project under Section 65-3-97. Provided, however, that no construction or reconstruction contracts for any projects authorized under this section shall be let by the Transportation Commission until such time as the reevaluation of the priority of the highway segments in Section 65-3-97 (3) (d) (Phase 4) and the priority of the highway segments in this section is completed. 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.

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