

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2436: 1987 Four-Lane Highway Program; authorize additional federal funds to be used in lieu of state funds.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

21 65-3-97. (1) In addition to and including all other
22 highways designated as a part of the state highway system, there
23 is hereby designated as a part thereof a four-lane highway system
24 to connect various areas of the state with interstate and primary
25 highways. The Mississippi Department of Transportation shall
26 construct and reconstruct four-lane highways, that is, not less
27 than two (2) lanes for traffic flowing in each direction, along
28 the routes designated in this section.

29 (2) In the construction and reconstruction of the four-lane
30 highway system designated in this section, the Mississippi
31 Department of Transportation may utilize the roadway of any
32 existing highway under its jurisdiction and control and shall do
33 so when such utilization is feasible, provided that such highways
34 which are utilized shall be constructed to current standards for

35 such roadways. When it is not feasible to utilize existing
36 designated highways, the Transportation Department shall relocate
37 such highways and construct entirely new facilities whether in
38 urban or rural areas.

39 (3) Construction of the four-lane highway system designated
40 in this subsection shall commence, proceed and be performed by the
41 Mississippi Department of Transportation strictly in accordance
42 with the following set of priorities established for the letting
43 of contracts on and along various segments thereof:

44 (a) Of the following group of highway segments not less
45 than fifteen percent (15%) of all contracts necessary to be let
46 for completion of all segments within the group shall be let by
47 June 30, 1988, not less than thirty percent (30%) of such
48 contracts shall be let by June 30, 1989, not less than fifty
49 percent (50%) of such contracts shall be let by June 30, 1990, not
50 less than seventy percent (70%) of such contracts shall be let by
51 June 30, 1991, not less than ninety percent (90%) of such
52 contracts shall be let by June 30, 1992, and one hundred percent
53 (100%) of such contracts shall be let by June 30, 1993:

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

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

65 (iii) A highway segment along or near U.S. 49W

66 beginning at U.S. 49 and extending westerly through Yazoo City to
67 the Yazoo River.

68 (iv) A highway segment along or near U.S. 49W
69 beginning at Inverness and extending northerly to Indianola.

70 (v) A highway segment along or near U.S. 61
71 beginning at Port Gibson and extending northerly to the four-lane
72 south of Vicksburg.

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

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

82 (viii) Highway segments along or near U.S. 82
83 beginning at I-55 and extending easterly to Kilmichael; then
84 beginning at Eupora and extending easterly to Mathiston; then
85 beginning at Mississippi 12 and extending easterly to the Alabama
86 state line.

87 (ix) A highway segment along or near U.S. 84
88 beginning at I-59 and extending easterly to the Jones/Wayne county
89 line.

90 (x) Highway segments along or near U.S. 98
91 beginning at Columbia and extending easterly to the Marion/Lamar
92 county line; then beginning at U.S. 49 and extending southeasterly
93 to the Alabama state line.

94 (b) Of the following group of highway segments not less
95 than five percent (5%) of all contracts necessary to be let for
96 completion of all segments within the group shall be let by June

97 30, 1991, not less than ten percent (10%) of such contracts shall
98 be let by June 30, 1992, not less than twenty-five percent (25%)
99 of such contracts shall be let by June 30, 1993, not less than
100 forty percent (40%) of such contracts shall be let by June 30,
101 1994, not less than fifty-five percent (55%) of such contracts
102 shall be let by June 30, 1995, not less than seventy percent (70%)
103 of such contracts shall be let by June 30, 1996, not less than
104 eighty-five percent (85%) of such contracts shall be let by June
105 30, 1997, and one hundred percent (100%) of such contracts shall
106 be let by June 30, 1998:

107 (i) Highway segments along or near Mississippi 25
108 beginning at Mississippi 471 and extending northeasterly to
109 Mississippi 43; then beginning at the Winston/Oktibbeha county
110 line and extending northeasterly to Starkville.

111 (ii) A highway segment along or near Mississippi
112 63 beginning at the Jackson/George county line and extending
113 northerly to Lucedale.

114 (iii) A highway segment along or near Mississippi
115 302 beginning at I-55 in Southaven and extending easterly to U.S.
116 72 at or near Mt. Pleasant.

117 (iv) Highway segments along or near U.S. 45
118 beginning at the Alabama state line and extending northerly to the
119 Clarke/Lauderdale county line; then beginning at Lauderdale and
120 extending northerly to Macon; then beginning at Aberdeen and
121 extending northerly to U.S. 278.

122 (v) A highway segment along or near U.S. 45A
123 beginning at West Point and extending northerly to four (4) miles
124 south of Okolona.

125 (vi) A highway segment beginning at Brooksville
126 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.
127 82, such segment having been designated by the Transportation

128 Commission pursuant to the provisions of paragraph (1)(c) of this
129 section.

130 (vii) A highway segment along or near U.S. 49W
131 beginning at the Yazoo River and extending northerly to Inverness.

132 (viii) Highway segments along or near U.S. 61
133 beginning at the Louisiana state line and extending northerly to
134 the Wilkinson/Adams county line; then beginning at Washington and
135 extending northerly to Port Gibson; then beginning at Merigold and
136 extending northerly to Shelby; then beginning at the north end of
137 the Clarksdale bypass and extending northerly to the Tennessee
138 state line.

139 (ix) A highway segment along or near U.S. 72
140 beginning at Mississippi 5 and extending southeasterly to Walnut.

141 (x) A highway segment along or near U.S. 78
142 beginning at Tremont and extending southeasterly to the Alabama
143 state line.

144 (xi) Highway segments along or near U.S. 82
145 beginning at the Montgomery/Webster county line and extending
146 easterly to Eupora; then beginning at Mathiston and extending
147 easterly to Starkville.

148 (xii) Highway segments along or near U.S. 84
149 beginning at Leesdale and extending easterly to Roxie; then
150 beginning at Auburn Road and extending easterly to I-55; then
151 beginning at the east end of the Brookhaven bypass and extending
152 easterly to Prentiss; then beginning at the Jones/Covington county
153 line and extending easterly to Horse Creek; then beginning at the
154 Jones/Wayne county line and extending easterly to Waynesboro.

155 (xiii) Highway segments along or near U.S. 98
156 beginning at the Pike/Walthall county line and extending easterly
157 to Columbia; then beginning at the Marion/Lamar county line and
158 extending easterly to the four-lane west of Hattiesburg.

159 (c) Of the following group of highway segments not less
160 than ten percent (10%) of all contracts necessary to be let for
161 completion of all segments within the group shall be let by June
162 30, 1996, not less than twenty percent (20%) of such contracts
163 shall be let by June 30, 1997, not less than forty percent (40%)
164 of such contracts shall be let by June 30, 1998, and one hundred
165 percent (100%) of such contracts shall be let by June 30, 1999:

166 (i) A highway segment along or near Mississippi 25
167 beginning at Mississippi 43 and extending northeasterly to the
168 Winston/Oktibbeha county line.

169 (ii) A highway segment along or near Mississippi
170 63 beginning at Lucedale and extending northerly to U.S. 45 at
171 State Line.

172 (iii) A highway segment along or near U.S. 61
173 beginning at Shelby and extending northerly to U.S. 49.

174 (iv) A highway segment along or near U.S. 82
175 beginning at Kilmichael and extending easterly to the
176 Montgomery/Webster county line.

177 (v) Highway segments along or near U.S. 84
178 beginning at Eddiceton and extending easterly to Auburn Road; then
179 beginning at Prentiss and extending easterly to Collins; then
180 beginning at Waynesboro and extending easterly to the Alabama
181 state line.

182 (d) (i) Of the following group of highway segments not
183 less than five percent (5%) of all contracts necessary to be let
184 for completion of all segments within the group shall be let by
185 June 30, 2002, not less than fifteen percent (15%) of such
186 contracts shall be let by June 30, 2003, not less than twenty-five
187 percent (25%) of such contracts shall be let by June 30, 2004, not
188 less than thirty-five percent (35%) of such contracts shall be let
189 by June 30, 2005, not less than forty-five percent (45%) of such

190 contracts shall be let by June 30, 2006, not less than sixty
191 percent (60%) of such contracts shall be let by June 30, 2007, not
192 less than seventy percent (70%) of such contracts shall be let by
193 June 30, 2008, not less than eighty percent (80%) of such
194 contracts shall be let by June 30, 2009, not less than ninety
195 percent (90%) of such contracts shall be let by June 30, 2010, and
196 one hundred percent (100%) of such contracts shall be let by June
197 30, 2011:

198 A. A highway segment along or near
199 Mississippi 6 beginning at the Clarksdale bypass and extending
200 easterly to Batesville.

201 B. A highway segment along or near
202 Mississippi 12 beginning at I-55 and extending easterly to
203 Kosciusko.

204 C. A highway segment along or near
205 Mississippi 15 beginning at I-10 and extending northerly to
206 Mississippi 26; then beginning at U.S. Highway 98 and extending
207 northerly to the Mississippi/Tennessee state line.

208 D. A highway segment consisting of two (2)
209 lanes of construction and two (2) lanes of right-of-way
210 acquisition along or near Mississippi 15 beginning at Mississippi
211 26 and extending northerly to U.S. Highway 98.

212 E. A highway segment along or near
213 Mississippi 19 beginning at Collinsville and extending
214 northwesterly to Kosciusko.

215 F. Highway segments along or near Mississippi
216 25 beginning at Aberdeen and extending northerly to Fulton; then
217 beginning at the Alabama state line and extending northerly to
218 U.S. Highway 72.

219 G. A highway segment along or near U.S.
220 Highway 61 beginning at Redwood and extending northerly to Leland.

221 H. A highway segment along or near U.S.
222 Highway 98 beginning at Meadville and extending southeasterly to
223 Summit.

224 I. A highway segment along or near
225 Mississippi Highway 24/48 beginning at Woodville and extending
226 easterly to McComb.

227 J. A highway segment along or near
228 Mississippi 35 beginning at the Mississippi/Louisiana state line
229 and extending northerly to or near Foxworth.

230 K. A highway segment along or near
231 Mississippi 27 beginning at I-20 and extending southeasterly to
232 I-55.

233 L. A highway segment along or near
234 Mississippi 57 beginning at I-10 and extending northerly ten (10)
235 miles to just north of the community of Van Cleave.

236 M. A highway segment along or near
237 Mississippi 24 beginning at Liberty and extending northwesterly to
238 Gloster and along or near Mississippi 24/33 extending southerly
239 from Gloster to Centreville.

240 (ii) Contracts for the construction and/or
241 reconstruction of highway segments designated within this group
242 shall be let by the Transportation Commission strictly in
243 accordance with the level of service of the highway segment as
244 defined by the Transportation Research Board, or any successor
245 board or agency. If the level of service of a highway segment is
246 less than the level of service threshold at which the
247 Transportation Department recommends the construction of a
248 four-lane highway, then the Transportation Department shall make
249 other improvements and highway modifications to such highway
250 segment as needed, such as straightening and realignment of the
251 existing roadway, the addition of passing lanes and the widening

252 of existing lanes, and may acquire any necessary right-of-way for
253 such purposes and for the purpose of future construction of
254 four-lane highways along such segments.

255 (iii) With respect to the segments authorized in
256 this paragraph (d), the Transportation commission shall consider
257 the level of service of the projects together with all projects
258 authorized in Section 65-39-1 and nonprogram highway construction
259 and shall devise a priority schedule for preliminary engineering,
260 right-of-way acquisition and construction which establishes a
261 schedule for completion of these projects and reflects the
262 relative need for the projects authorized in this paragraph (d)
263 and in Section 65-39-1 and nonprogram highways. The commission
264 shall accord great weight to Federal Highway Administration
265 standards in setting priorities and also may consider other
266 factors, not in violation of federal law, such as economic
267 development and safety, as the commission considers relevant. No
268 funds deposited into the special funds created in Section 65-39-3
269 or 65-39-17 may be expended on any project authorized in this
270 paragraph (d).

271 (4) The construction priorities established in this section
272 shall not be construed as prohibiting the completion of highway
273 segments which, on July 1, 1987, are included in the current
274 three-year plan under Section 65-1-141, and for which, on July 1,
275 1987, grade and drainage has been completed or contracts for grade
276 and drainage have been let.

277 (5) Contracts may be let and construction may commence and
278 be performed concurrently on any of the highway segments
279 designated in subsection (3) of this section, notwithstanding the
280 priorities established for the letting of contracts on the various
281 segments designated therein, provided that funds are available
282 and, provided that, at all times, the percentages of all contracts

283 required to be let on the segments designated in paragraphs
284 (3)(a), (3)(b), (3)(c) and (3)(d), respectively, are, in fact, let
285 no later than the dates established therein.

286 (6) (a) All highway construction and reconstruction
287 authorized under this section shall be performed by contract let
288 on competitive bid in the manner provided by statute; however,
289 highway segments shall be constructed in lengths of not less than
290 ten (10) miles.

291 (b) It is the intent of the Legislature that not less
292 than ten percent (10%) of the amounts authorized to be expended
293 for construction and reconstruction of the four-lane highway
294 segments designated in this section shall be expended with small
295 business concerns owned and controlled by socially and
296 economically disadvantaged individuals. The term "socially and
297 economically disadvantaged individuals" shall have the meaning
298 ascribed to such term under Section 8(d) of the Small Business Act
299 (15 USCS, Section 637(d)) and relevant subcontracting regulations
300 promulgated pursuant thereto; except that women shall be presumed
301 to be socially and economically disadvantaged individuals for the
302 purposes of this paragraph (b).

303 (7) (a) Notwithstanding the provisions of subsection (6)(a)
304 of this section, the Mississippi Transportation Commission may
305 construct highway segments of less than ten (10) miles in length
306 if:

307 (i) The segment as described in subsection (3) of
308 this section is less than ten (10) miles in length;

309 (ii) The segment will connect two (2) existing
310 four-lane highways;

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

313 (iv) The segment will connect an existing

314 four-lane highway with a river, the state boundary or any other
315 natural or man-made barrier;

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

320 (vi) The segment is in an urban area and involves
321 the completion of bypasses or other construction which will
322 facilitate and accommodate major traffic movement.

323 (b) In any case in which the Transportation Commission
324 authorizes the construction of a highway segment of less than ten
325 (10) miles in length, the commission shall set forth and record in
326 its official minutes explanation and justification therefor based
327 upon one or more of the conditions prescribed in paragraph (7)(a)
328 of this section.

329 (8) (a) To assist in defraying the costs and expenses for
330 construction, reconstruction and relocation of the four-lane
331 highway system described in this section, the following revenues
332 shall be paid out of such funds made available to the
333 Transportation Commission and the Transportation Department:

334 (i) From matched federal funds or other federal
335 funds, Thirty-two Million Dollars (\$32,000,000.00) for fiscal year
336 1988, Twenty-five Million Dollars (\$25,000,000.00) for fiscal year
337 1989, Thirty Million Dollars (\$30,000,000.00) for fiscal year 1990
338 and fifty percent (50%) of such federal funds for fiscal year 1991
339 and each fiscal year thereafter; and

340 (ii) Five Million Dollars (\$5,000,000.00) from
341 matched federal bridge replacement funds for fiscal year 1988 and
342 each fiscal year thereafter when the segments proposed for
343 construction contain bridges that are eligible for replacement
344 under the Federal Aid Bridge Replacement Program.

345 (b) Federal funds in addition to the federal funds
346 specified in paragraph (a) of this subsection (8) may be used for
347 the construction, reconstruction and relocation of the four-lane
348 highway system described in this section. Such federal funds may
349 be utilized in lieu of state funding that would otherwise be
350 utilized for such system; provided, however, that the annual total
351 amount of funding for the construction, reconstruction and
352 relocation of the four-lane highway system described in this
353 section shall not be less than it would have otherwise been
354 without the utilization of such additional federal funds.

355 (9) The Transportation Department shall submit a report to
356 the Legislature by January 10 of each calendar year setting forth
357 the current status of the construction program set forth in this
358 section to include, but not be limited to, the following
359 information:

360 (a) Specific segments on which engineering is being
361 performed or has been completed;

362 (b) Specific segments for which right-of-way has been
363 acquired or is being acquired;

364 (c) Specific segments for which construction contracts
365 have been let;

366 (d) Specific segments on which construction is in
367 progress;

368 (e) Specific segments on which construction has been
369 completed;

370 (f) Projections for completion of the next step on each
371 segment;

372 (g) Revenue derived for such construction program from
373 each revenue source contained in Chapter 322, Laws, 1987, and in
374 Chapter 557, Laws, 1994;

375 (h) For each fiscal year beginning in 1994, a detailed

376 cash flow projection by source of program activities and an
377 estimate of when the program will encounter a funding shortage due
378 to costs exceeding original projections;

379 (i) A schedule of all complete and open-to-traffic
380 highway segments and the related total cost of each segment;

381 (j) A schedule of all highway segments on which all
382 contracts necessary for completion of the segments were not let as
383 of the date required by law;

384 (k) A complete recap of all program receipts by source,
385 and of all disbursements for the prior fiscal year and cumulative
386 totals since the inception of the program as compared to
387 projections; and

388 (l) A statement from the Department of Transportation
389 regarding the status of the funding of the program based on agency
390 cost experience and projections for the future.

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

394 SECTION 2. The Mississippi Department of Transportation
395 shall perform such construction, reconstruction and repair,
396 including resurfacing, as may be necessary to bring the following
397 highway segment up to state highway standards:

398 That segment of Mississippi Highway 63 in George County
399 and the City of Lucedale, beginning at or near Sally
400 Parker Road and extending northerly to U.S. Highway 98,
401 that has been replaced by the Transportation Department
402 with a municipal bypass and returned to the jurisdiction
403 of the Board of Supervisors of George County and the
404 Governing Authorities of the City of Lucedale.

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

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

1 AN ACT TO AMEND SECTION 65-3-97, MISSISSIPPI CODE OF 1972, TO
2 ADD A SEGMENT OF HIGHWAY TO PHASE FOUR OF THE 1987 FOUR-LANE
3 HIGHWAY PROGRAM; TO AUTHORIZE ADDITIONAL FEDERAL FUNDS TO BE USED
4 FOR THE 1987 FOUR-LANE HIGHWAY PROGRAM; TO PROVIDE THAT SUCH
5 FEDERAL FUNDS MAY BE UTILIZED IN LIEU OF STATE FUNDING THAT WOULD
6 OTHERWISE BE UTILIZED FOR SUCH PROGRAM; TO PROVIDE THAT THE ANNUAL
7 TOTAL AMOUNT OF FUNDING FOR THE 1987 FOUR-LANE HIGHWAY PROGRAM
8 SHALL NOT BE LESS THAN IT WOULD HAVE OTHERWISE BEEN WITHOUT THE
9 UTILIZATION OF SUCH ADDITIONAL FEDERAL FUNDS; TO REQUIRE THE
10 MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO PERFORM SUCH
11 CONSTRUCTION, RECONSTRUCTION AND REPAIR AS MAY BE NECESSARY TO
12 BRING A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 63 IN GEORGE COUNTY
13 AND THE CITY OF LUCEDALE UP TO STATE HIGHWAY STANDARDS; TO REVISE
14 THE MANNER IN WHICH HIGHWAY SEGMENTS IN PHASE FOUR OF THE 1987

15 FOUR-LANE HIGHWAY PROGRAM AND HIGHWAY SEGMENTS IN THE GAMING
16 COUNTIES STATE-ASSISTED INFRASTRUCTURE PROGRAM ARE PRIORITIZED;
17 AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

X _____
Bob M. Dearing

X _____
J. P. Compretta

X _____
William R. Minor

X _____
Randy Mitchell

X _____
Travis L. Little

X _____
Bobby Shows