

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2318**

**By Representative(s) Committee**

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

25        SECTION 1. This act shall be known and may be cited as the  
26 "Local System Road Program."

27        SECTION 2. For the purposes of this act, the term "local  
28 system road" means a road that is included on the county road  
29 system as designated under Section 65-7-4 that (a) is functionally  
30 classified as a local rural road in accordance with policies on  
31 geometric design of highways and streets adopted and published by  
32 the American Association of State Highway and Transportation  
33 Officials; (b) provides access to the state aid system, the  
34 federal aid system or the designated state highway system; and (c)  
35 has an average daily traffic count of four hundred (400) vehicles  
36 or less. The term "local system road" includes all drainage  
37 related structures except bridges that are included on the  
38 National Bridge Inspection Inventory maintained by the Office of  
39 State Aid Road Construction. The term "local system road" does  
40 not include a road or highway on the designated state highway  
41 system or on the state aid road system.

42        SECTION 3. (1) There is established a Local System Road  
43 Program which shall be administered by the State Aid Engineer for  
44 the purpose of assisting the counties of this state in the  
45 construction, reconstruction and paving of local system roads.

46        (2) Routes on which projects are performed under this act  
47 are not eligible for inclusion on the state aid system except in  
48 accordance with the provisions of Section 65-9-1 et seq.

49        SECTION 4. The Local System Road Program shall be  
50 administered by the State Aid Engineer. In administering the  
51 program, the State Aid Engineer shall have the following powers  
52 and duties:

53            (a) To supervise the use of all funds made available  
54 for the purposes of this act for use on local system roads in the  
55 State of Mississippi;

56            (b) To allocate to each county that county's share of  
57 all monies made available under the provisions of this act but  
58 only when the county has complied with the provisions of this act  
59 and only when the county is eligible for the allocation of monies  
60 under the Local System Road Program;

61            (c) To keep and compile records of all expenditures on  
62 local system roads to which money is disbursed under the  
63 provisions of this act, which records must be kept separate and  
64 apart from other state aid records;

65            (d) To approve the construction of local system roads,  
66 including roadbeds, grades and drainage, before authorizing the  
67 release of funds under this act;

68            (e) To establish such rules and regulations as the  
69 State Aid Engineer determines as necessary to implement the  
70 provisions of the Local System Road Program; and

71            (f) To report to the Legislature, no later than January

72 1 of each year, on the Local System Road Program. Such report  
73 shall include what projects were approved and constructed, the  
74 number of miles constructed or improved and the cost per mile for  
75 such construction and improvement.

76 SECTION 5. (1) The State Aid Engineer shall allocate  
77 annually the amount of the state aid road allocation of a county  
78 that is requested by such county for use in the construction,  
79 reconstruction and paving of local system roads in the county if  
80 the county has met the requirements of this act; provided,  
81 however, that the State Aid Engineer shall not allocate more than  
82 twenty-five percent (25%) of the annual state aid road allocation  
83 of a county for such purposes.

84 (2) The State Aid Engineer shall allocate annually the  
85 amount of the Local System Bridge Replacement and Rehabilitation  
86 Program allocation of a county that is requested by such county  
87 for use in the construction, reconstruction and paving of local  
88 system roads in the county if:

89 (a) The State Aid Engineer has certified, pursuant to  
90 Section 65-37-7, that all the local system bridges within the  
91 county have a sufficiency rating of greater than fifty (50) or  
92 that all such bridges within the county with a sufficiency rating  
93 of fifty (50) or less are currently under contract for replacement  
94 or rehabilitation; and

95 (b) The county has met the requirements of this act.

96 (3) The State Aid Engineer shall establish specific designs  
97 and standards to be followed by such counties in the construction,  
98 reconstruction and paving of local system roads. The specific  
99 designs and standards shall be based upon policies on geometric  
100 design of local rural roads, highways and streets adopted and  
101 published by the American Association of State Highway and

102 Transportation Officials.

103       SECTION 6. (1) In order for a county to be eligible to  
104 utilize its Local System Bridge Replacement and Rehabilitation  
105 Program allocation or any of its state aid road funds for the  
106 Local System Road Program, a county must meet the following  
107 conditions:

108           (a) The county has employed a county engineer, together  
109 with such other technical assistance as is necessary to carry out  
110 the duties of this act, the same as provided under the provisions  
111 of Section 65-9-15, for its state aid road system and, through its  
112 official minutes, has authorized the county engineer to perform  
113 the necessary engineering services connected with the Local System  
114 Road Program. The county engineer shall prepare the necessary  
115 plans and designs for all construction projects, including state  
116 aid projects and projects provided under this act. He also shall  
117 provide engineering supervision for the construction of such  
118 projects and shall approve all estimate payments made on the  
119 projects. Engineering cost for any project performed under the  
120 Local System Road Program may be paid from any funds allocated to  
121 a county under the program; however, the maximum fee paid to an  
122 engineer shall not exceed twelve percent (12%) of the final  
123 construction cost. No such cost shall be reimbursed to the county  
124 before the letting of the project; and

125           (b) The county has presented a plan for the  
126 construction, reconstruction and paving of a local system road  
127 which plan has been made and approved by the county engineer of  
128 the county, showing the specific road or project to be improved,  
129 stating the condition of the existing roadbed, drainage and  
130 bridges and outlining the type of construction or reconstruction  
131 to be made and the designs and specifications therefor including

132 the paving of the road and the sources of revenue to be used and  
133 the sources and types of material to be used thereon. The plan  
134 shall be presented to the State Aid Engineer for the initial  
135 approval of the beginning of a project to receive monies.

136 (2) After the initial approval of the plan and plans as  
137 specified in subsection (1)(b) of this section has been made by  
138 the State Aid Engineer, the county shall be eligible to receive  
139 all funds made available to the county under the Local System Road  
140 Program to be used exclusively for the construction,  
141 reconstruction or paving of the local system road. The project  
142 may be done either by contract or by using county equipment and  
143 employees. It shall be according to the original plan or any  
144 amendments thereto which have been approved by the State Aid  
145 Engineer. The board may use county equipment and employees if the  
146 construction can be accomplished at a more reasonable cost than  
147 can be achieved by contract.

148 SECTION 7. All rights-of-way and adjustments for utilities  
149 necessary for Local System Road Program projects must be acquired  
150 or performed by the boards of supervisors in the manner provided  
151 by law for the acquisition of rights-of-way, including gift,  
152 purchase, deed, dedication and eminent domain; however, no part of  
153 the cost of such rights-of-way may be paid from Local System Road  
154 Program funds.

155 SECTION 8. Contracts for the construction of local system  
156 road projects must be advertised and let by the board of  
157 supervisors of the county in the manner required by law. Before  
158 advertising for bids, plans and specifications covering the  
159 proposed work shall be prepared by the county engineer and filed  
160 in the chancery clerk's office of the county. Copies of the plans  
161 and specifications shall be subject to inspection during regular

162 office hours and shall be made available to all prospective  
163 bidders upon such terms and conditions as may be required by the  
164 board and its county engineer.

165       SECTION 9. It shall be the duty of the several boards of  
166 supervisors to properly maintain all local system roads in their  
167 respective counties after construction of any such roads under  
168 Sections 1 through 9 of Senate Bill No. 2318, 2001 Regular  
169 Session. It shall be the duty of the State Aid Engineer and his  
170 assistants to make annual maintenance inspections of completed  
171 projects, and such other periodic maintenance inspections as the  
172 State Aid Engineer shall deem necessary. If essential maintenance  
173 is not properly and regularly carried on, in the opinion of the  
174 State Aid Engineer, then notice thereof shall be given in writing  
175 to the board in default, and if such maintenance is not done and  
176 continued within sixty (60) days from date of such notice, then,  
177 and in such event, the State Aid Engineer may proceed to have done  
178 the necessary maintenance and repair work on such road and charge  
179 the same to any funds allocated to such county under the  
180 provisions of the Local System Road Program. If such failure to  
181 maintain continues, then such county shall be no longer eligible  
182 for monies under the Local System Road Program until proper  
183 maintenance is resumed by it, and notice of such withdrawal of  
184 local system road funds shall be duly given the State Auditor and  
185 State Treasurer; however, such ineligibility shall not affect  
186 payment under the Local System Road Program of progress or final  
187 estimates on contracts awarded before notice of such  
188 ineligibility.

189       Local system roads that have been hard surfaced through the  
190 use of local system road funds shall be eligible for local system  
191 road funds to provide one or more seal courses, as required.

192 Local system roads in which the grading and drainage structures  
193 were constructed under the Local System Road Program and which  
194 have been subsequently hard surfaced by the county through the use  
195 of county funds under the supervision of the county engineer shall  
196 likewise be eligible for local system road funds to provide one or  
197 more seal courses as required, provided that the hard surfacing  
198 and underlying base were constructed in accordance with the then  
199 prevailing local system road standards and specifications. The  
200 county shall furnish the State Aid Engineer with sufficient  
201 engineering data, including borings and tests, if necessary, to  
202 substantiate the required thickness and quality of the base and  
203 surfacing. The correction of base defects and pavement breaks may  
204 be made part of the plans and contract documents for each sealing  
205 project.

206 Local system roads that were constructed in accordance with  
207 the then prevailing local system road standards and specifications  
208 shall be eligible for local system road funds for maintenance,  
209 repair and reconstruction, subject to the prior written approval  
210 of such work by the State Aid Engineer and subject to the work  
211 being completed in accordance with the prior written approval.

212 SECTION 10. Section 65-9-1, Mississippi Code of 1972, is  
213 amended as follows:

214 65-9-1. The board of supervisors of each county, now having  
215 full jurisdiction over all roads, ferries, and bridges in its  
216 respective county not maintained as state highways, is hereby  
217 fully authorized and empowered to construct and maintain the same  
218 (including designated state highways not yet taken over by the  
219 highway department); and all such roads under the jurisdiction of  
220 the several boards of supervisors are hereby designated, defined,  
221 and declared to be either (a) "feeder" or "local farm roads" or

222 (b) "state aid roads."

223 State aid roads are hereby defined as that group or class of  
224 roads composing the main collector and distributor routes feeding  
225 into local trade areas or into the state highway network, which  
226 are not designated as state highways by the Legislature, and  
227 particularly those essential to the conservation and development  
228 of natural resources, of economic and social value, and  
229 encouraging desirable land utilization, having in addition the  
230 following characteristics, to wit: roads (including bridges and  
231 ferries) which

232 (a) Connect communities within the individual counties  
233 and with those of adjoining counties and/or which also connect  
234 with the state highway system to form a complete network of  
235 secondary or collector routes.

236 (b) Carry heavy volumes of traffic serving most of the  
237 following interests of the counties, to wit:

238 (1) Agricultural

239 (2) Business

240 (3) Educational

241 (4) Industrial

242 The State Aid Engineer shall see that the criteria imposed  
243 herein are explicitly followed in the designation and in the  
244 construction of the state aid roads in each county. The State Aid  
245 Engineer shall promulgate regulations pursuant to the  
246 Administrative Procedures Act to require the development of a  
247 network of intercounty roads and to provide for a review process  
248 within the state aid division for the designation of said state  
249 aid roads. Such regulations shall also establish standards for  
250 state aid route designation. The State Aid Engineer is hereby  
251 authorized and directed to withhold funds from such counties until



252 the state aid roads therein are designated and constructed  
253 according to the characteristics set forth herein.

254 All other roads under the jurisdiction of the several boards  
255 of supervisors are hereby declared to be "local farm roads" and  
256 not affected in anywise by this chapter.

257 State aid roads in the several counties shall be eligible for  
258 state aid in the manner and under the terms and conditions  
259 hereinafter set out. Local system roads (as defined in Section 2  
260 of Senate Bill No. 2318, 2001 Regular Session) in the several  
261 counties shall be eligible for state aid in the manner and under  
262 the terms and conditions set out in the Local System Road Program  
263 established in Sections 1 through 9 of Senate Bill No. 2318, 2001  
264 Regular Session. State aid, by way of funds to be expended on  
265 state aid roads and local system roads (as defined in Section 2 of  
266 Senate Bill No. 2318, 2001 Regular Session), shall consist of any  
267 sum or sums provided by the Legislature to supplement funds  
268 furnished by the several counties for the purpose of constructing,  
269 improving, widening, straightening, surfacing, or reconstructing  
270 roads on the state aid system or for the purpose of the  
271 construction, reconstruction and paving of roads on the Local  
272 System Road Program, and shall be available to the several  
273 counties in such proportion as may be fixed and determined by law.

274 SECTION 11. Section 65-9-17, Mississippi Code of 1972, is  
275 amended as follows:

276 65-9-17. (1) When any county shall have met the  
277 requirements of this chapter and shall have become eligible for  
278 state aid, the State Aid Engineer, as soon as practicable, shall  
279 notify such county in writing of such eligibility and that its  
280 proportionate part of any state funds allocated to it for state  
281 aid may be utilized for construction in the manner provided by

282 law, and such notice shall also be given in writing to the  
283 Department of Finance and Administration and to the State  
284 Treasurer.

285 (2) State aid funds shall be allocated to each county for  
286 use on state aid system roads or roads on the Local System Road  
287 Program in accordance with the provisions of Section 27-65-75.

288 (3) State aid funds may be credited to a county in advance  
289 of the normal accrual to finance certain state aid improvements,  
290 subject to the approval of the State Aid Engineer and subject  
291 further to the following limitations:

292 (a) That the maximum amount of state aid funds that may  
293 be advanced to any county shall not exceed ninety percent (90%) of  
294 the state aid funds estimated to accrue to such county during the  
295 remainder of the term of office of the board of supervisors of  
296 such county.

297 (b) That no advance credit of funds will be made to any  
298 county when the unobligated balance in the State Aid Road Fund is  
299 less than One Million Dollars (\$1,000,000.00).

300 (c) That such advance crediting of funds be effected by  
301 the State Aid Engineer at the time of the approval of the plans  
302 and specifications for the proposed improvements.

303 It is the intent of this provision to utilize to the fullest  
304 practicable extent the balance of state aid funds on hand at all  
305 times.

306 (4) State aid funds shall be available to such county to the  
307 following extent and in the following manner:

308 (a) On state aid projects, other than those on or off  
309 the federal aid secondary system to be partially financed with  
310 federal funds, state aid funds credited to such county in the  
311 State Aid Road Fund shall be available to cover the cost of such

312 project. Upon the awarding of a contract for such state aid  
313 project, the board of supervisors of any county will, by an  
314 official order of the board, authorize the State Aid Engineer to  
315 set up the project fund for such project from that county's state  
316 aid fund in the State Treasury. The amount of the project fund  
317 will cover the estimated cost of the project, including the  
318 contractor's payments and any other costs authorized under this  
319 chapter to be paid from state aid funds. Withdrawals from the  
320 project fund will be made by requisitions prepared by the State  
321 Aid Engineer, based on estimates and other supporting statements  
322 and documents prepared or approved by the county engineer, such  
323 requisitions, accompanied by such estimates and statements, to be  
324 directed to the Department of Finance and Administration, which  
325 will issue warrants in payment thereof. Requisitions may be drawn  
326 to cover the final cost of the project accepted by the boards of  
327 supervisors of the counties affected and the State Aid Engineer,  
328 even though such cost exceeds the aforesaid estimated project  
329 fund. Whenever, in the opinion of the State Aid Engineer, it  
330 should appear that any such estimate or statement of account has  
331 been improperly allowed or that any road construction project is  
332 not proceeding in accordance with the plans, specifications and  
333 standards set up therefor, then, in such event, due notice in  
334 writing shall be given the board of supervisors of such county and  
335 the contractor on such project, if any, stating the reason why  
336 such account should not have been allowed or why such project is  
337 not progressing satisfactorily; and if, within thirty (30) days  
338 from the date of such notice in writing, such error or default is  
339 not corrected to the satisfaction of the State Aid Engineer, all  
340 state aid funds theretofore allocated to such eligible county  
341 shall be immediately withdrawn and notice given the Department of

342 Finance and Administration and the State Treasurer that such  
343 county has become ineligible therefor. Such county shall remain  
344 ineligible until it again becomes eligible by satisfying the State  
345 Aid Engineer as to its eligibility.

346 (b) On state aid projects on the federal aid secondary  
347 system which are to be partially financed with federal funds,  
348 state aid funds credited to such county in the State Aid Road Fund  
349 shall be available to cover the sponsor's share of the cost of  
350 such project. At the same time, the State Treasurer, on order  
351 from the board of supervisors, shall transfer an amount up to one  
352 hundred percent (100%) of such cost from the credit of such county  
353 in the State Aid Road Fund to the credit of such county in the  
354 State Highway Fund, earmarked for such project.

355 (c) State aid road funds credited to a county in the  
356 State Aid Road Fund shall also be available to cover the sponsor's  
357 cost of any other project of such county which is partially  
358 financed with federal funds available through federal "safer  
359 off-system" road funds and/or other federal road funds allocated  
360 to the counties as provided for in accordance with Section  
361 65-9-29(2). On order from the board of supervisors of such  
362 county, the State Treasurer shall transfer an amount up to one  
363 hundred percent (100%) of such cost from the credit of such county  
364 in the State Aid Road Fund to the credit of such county in the  
365 State Highway Fund, earmarked for such project.

366 (d) Up to one-third (1/3) of state aid road funds  
367 credited to a county in the State Aid Road Fund may be available  
368 to match federal bridge replacement monies or other federal funds,  
369 or both, to construct, replace, inspect or post bridges and to  
370 conduct pavement management surveys on county roads which are not  
371 on the state aid system. To implement such projects, the State

372 Treasurer shall, as requested in an order from the board of  
373 supervisors of the county, make transfers out of the credit of  
374 such county in the State Aid Road Fund.

375 (e) Up to twenty-five percent (25%) of the state aid  
376 road funds credited to a county in the State Aid Road Fund may be  
377 available for projects authorized under the Local System Road  
378 Program. Withdrawals from the fund for the Local System Road  
379 Program will be made by requisitions prepared by the State Aid  
380 Engineer, based on estimates and other supporting statements and  
381 documents prepared or approved by the county engineer; such  
382 requisitions, accompanied by such estimates and statements, to be  
383 directed to the Department of Finance and Administration, which  
384 will issue warrants in payment thereof. Requisitions may be drawn  
385 to cover the final cost of the local system road project accepted  
386 by the boards of supervisors of the counties affected and the  
387 State Aid Engineer even though such cost exceeds the aforesaid  
388 estimated project fund. Whenever, in the opinion of the State Aid  
389 Engineer, it should appear that any such estimate or statement of  
390 account has been improperly allowed or that any road construction  
391 project is not proceeding in accordance with the plans,  
392 specifications and standards set up therefor, then, in such event,  
393 due notice in writing shall be given the board of supervisors of  
394 such county and the contractor on such project, if any, stating  
395 the reason why such account should not have been allowed or why  
396 such project is not progressing satisfactorily; and if, within  
397 thirty (30) days from the date of such notice in writing, such  
398 error or default is not corrected to the satisfaction of the State  
399 Aid Engineer, all state aid funds theretofore allocated to such  
400 eligible county shall be immediately withdrawn and notice given  
401 the Department of Finance and Administration and the State

402 Treasurer that such county has become ineligible therefor. Such  
403 county shall remain ineligible until it again becomes eligible by  
404 satisfying the State Aid Engineer as to its eligibility.

405 (5) The State Treasurer is hereby authorized to continue to  
406 receive and deposit all funds from the federal government made  
407 available by it, either by existing law or by any law which may be  
408 passed hereafter, to the credit of the State Highway Fund, and the  
409 Treasurer shall notify the commission of the amounts so received.

410 All accounts against the above-mentioned funds shall be  
411 certified to by the Executive Director of the Mississippi  
412 Department of Transportation, who shall request the Department of  
413 Finance and Administration to issue its warrant on the State  
414 Treasurer for the amount of the accounts; and the Treasurer shall  
415 pay same if sufficient funds are available, all in the manner  
416 prescribed herein or as may be required by law.

417 (6) The board of supervisors of each county is hereby  
418 authorized and empowered to pay funds into the State Treasury in  
419 the manner above set out, and to use and expend such funds for the  
420 purposes set out in this chapter. For the purpose of providing  
421 such funds, the board of supervisors is hereby authorized and  
422 empowered to use and expend any county road and bridge funds,  
423 including revenue received from any gasoline taxes paid to such  
424 county, or any funds available in the General Fund, or to issue  
425 road and bridge bonds of such county in any lawful amount in the  
426 manner and method and subject to the restrictions, limitations and  
427 conditions, and payable from the same sources of revenue, now  
428 provided by law.

429 SECTION 12. Section 65-37-7, Mississippi Code of 1972, is  
430 amended as follows:

431 65-37-7. (1) In order for a county to be eligible for the

432 expenditure of funds under the provisions of Sections 65-37-1  
433 through 65-37-15, the board of supervisors of the county shall  
434 meet the following conditions:

435           (a) On or before January 1, 1995, and on or before  
436 January 1 of each year thereafter, the board of supervisors shall  
437 present to the State Aid Engineer on a form to be prepared by the  
438 State Aid Engineer, a four-year plan of bridge replacement and  
439 rehabilitation for the county. The plan shall identify the  
440 project or projects and shall contain a detailed plan prepared and  
441 approved by the engineer for the county. The plan shall specify  
442 the condition of the existing bridges included in the project, the  
443 drainage requirements, the type of replacement or rehabilitation  
444 to be made and the design and specifications therefor. Four-year  
445 plans may be modified each year or more often as necessary  
446 provided that the modifications are submitted to the State Aid  
447 Engineer.

448           (b) The county shall agree to employ a qualified  
449 engineer and such other technical experts as may be necessary to  
450 perform all engineering services required for the projects. The  
451 engineer shall be required to inspect the construction of the  
452 projects and to approve all estimate payments made on the  
453 projects.

454           (c) The county and municipalities shall agree to  
455 construct, at their own expense, the base and surface of all  
456 approaches providing necessary connections to each bridge project  
457 within their respective jurisdictions, including the base and  
458 surface for culvert projects whenever fill material is placed as  
459 part of the contract.

460           (d) The county and municipalities shall agree, at their  
461 own expense, to acquire all rights-of-way and relocate or make

462 adjustments to public utilities for each bridge project within  
463 their respective jurisdictions as may be necessary in the manner  
464 provided by law for the acquisition of rights-of-way and the  
465 uniform policy for accommodation of utility facilities within the  
466 rights-of-way of state aid roads as adopted by the State Aid  
467 Engineer under authority of Section 65-9-1 et seq. Rights-of-way  
468 may be acquired by gift, purchase, deed, dedication or eminent  
469 domain; however, no part of the costs of rights-of-way or utility  
470 adjustments may be paid from funds provided under Sections 65-37-1  
471 through 65-37-15.

472 (2) A county shall not be eligible for the expenditure of  
473 monies allocated to it under Sections 65-37-1 through 65-37-15 and  
474 the State Aid Engineer shall not certify the use or expenditure of  
475 such monies on any bridge that has a sufficiency rating of greater  
476 than fifty (50), as determined by National Bridge Inspection  
477 standards, unless the State Aid Engineer certifies that all  
478 bridges on the local road system within the county for which funds  
479 may be made available under Sections 65-37-1 through 65-37-15 have  
480 a sufficiency rating of greater than fifty (50) or that all such  
481 bridges in the county with a sufficiency rating of less than fifty  
482 (50) are currently under contract for replacement or  
483 rehabilitation. When the State Aid Engineer certifies that all  
484 such bridges of a county have a sufficiency rating of greater than  
485 fifty (50) or that all such bridges within the county with a  
486 sufficiency rating of fifty (50) or less are currently under  
487 contract for replacement or rehabilitation, then that county shall  
488 be eligible for the expenditure of funds allocated to it under  
489 Sections 65-37-1 through 65-37-15 for:

490 (a) The maintenance and replacement of other drainage  
491 related structures in accordance with designs and standards



492 prescribed for such projects by the Office of State Aid Road  
493 Construction, or

494 (b) The Local System Road Program established pursuant  
495 to Sections 1 through 9 of Senate Bill No. 2318, 2001 Regular  
496 Session.

497 SECTION 13. This act shall take effect and be in force from  
498 and after July 1, 2001.