

By: Representative Coleman (65th)

To: Transportation

HOUSE BILL NO. 914

1 AN ACT TO AMEND SECTION 65-1-145, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT CERTAIN HIGHWAY ROUTE LOCATIONS OR RELOCATIONS MAY  
3 BE APPROVED BY A MAJORITY OF THE MEMBERS OF THE MISSISSIPPI  
4 TRANSPORTATION COMMISSION; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 65-1-145, Mississippi Code of 1972, is  
7 amended as follows:

8 65-1-145. (1) The expenditure of funds now or hereafter  
9 available for the construction and reconstruction of primary and  
10 secondary roads by the Mississippi Transportation Commission,  
11 after having determined the priority in accordance with the  
12 requirements of Section 65-1-141 hereof, shall be as follows:

13 (a) Four-lane roads shall be constructed using the  
14 existing two-lane roads as part of such construction along  
15 portions of highways where the most recent average daily traffic  
16 count exceeds thirty percent (30%) of the route segment's  
17 capacity.

18 (b) Along such portions of highways where the most  
19 recent average daily traffic count does not exceed thirty percent  
20 (30%) of the capacity, two-lane roads shall be constructed, or  
21 existing two (2) lanes shall be widened, overlaid and  
22 reconstructed. Along such two-lane portions of highways passing  
23 lanes may be constructed where traffic congestion or special  
24 hazards dictate, or, where such two-lane segment connects two (2)  
25 existing four-lane roads, such segment may be constructed as a  
26 four-lane road for road continuity, using the existing two-lane  
27 road as part of such construction.



28           (c) Four-lane, full-control or limited access highways  
29 bypassing municipalities shall not be constructed until the  
30 Transportation Commission determines that the most recent average  
31 daily traffic count exceeds sixty percent (60%) of an existing  
32 two-lane route's capacity or determines that within a reasonable  
33 period of time after construction of such a four-lane,  
34 full-control or limited access municipal bypass the average daily  
35 traffic count will exceed sixty percent (60%) of an existing  
36 two-lane route's capacity. In no event shall such a bypass be  
37 constructed until approved by the Legislature by an appropriation  
38 of highway funds for a specific bypass, the construction of which  
39 has been recommended by the Executive Director of the  
40 Transportation Department pursuant to an order of the  
41 Transportation Commission duly recorded in the minutes of the  
42 commission and included in the three-year plan prepared pursuant  
43 to Section 65-1-141.

44           (d) Four-lane facilities may be constructed without  
45 using existing roadways as a part of such construction where it is  
46 necessary to construct four-lanes on new location because of bad  
47 alignment of existing roadway or where it is necessary to relocate  
48 or realign such roadway so as to connect with a four-lane facility  
49 in an adjoining state.

50           (e) Any four-lane bypass project of which all, or any  
51 portion thereof, is presently under construction, or let to  
52 contract, or which has been partially completed, except where  
53 right-of-way only has been acquired, may be completed in its  
54 entirety.

55           (f) Notwithstanding any limitation imposed above on the  
56 construction of four-lane roads, through June 30, 2007, contracts  
57 to construct four-lane roads may be let when (i) the federal  
58 government has provided money for four-laning a specific highway  
59 project, (ii) four-laning will enhance the current economic  
60 development of the area in which the four-lane road will be



61 constructed, or (iii) the four-lane road to be constructed will  
62 connect with an existing four-lane road.

63 Before a route location is submitted to the Federal Highway  
64 Administration for approval, appropriate identification of the  
65 proposed route must be spread upon the minutes of the Mississippi  
66 Transportation Commission and approved by an affirmative vote of  
67 a majority of the commission. Where a route location has been  
68 approved by the Federal Highway Administration and a relocation of  
69 the route is contemplated, the same procedure of advertisement and  
70 hearings upon request must be followed which is used in reaching  
71 an initial route location. Any change in location must be spread  
72 upon the minutes of the Mississippi Transportation Commission and  
73 be approved by an affirmative vote of a majority of the  
74 commission. The Mississippi Transportation Commission may alter  
75 construction standards of an approved route by an affirmative vote  
76 of a majority of the commission; provided that such change is in  
77 conformity with items (a), (b), (c), (d), (e) and (f) of this  
78 subsection.

79 (2) No state monies shall be expended on any construction  
80 project unless a Transportation Department engineer shall be  
81 assigned to such project.

82 **SECTION 2.** This act shall take effect and be in force from  
83 and after July 1, 2002.

