AN ACT TO AMEND SECTION 65-1-145, MISSISSIPPI CODE OF 1972, TO CHANGE THE VOTE REQUIRED FOR THE SUBMISSION OF A ROUTE LOCATION BY THE MISSISSIPPI TRANSPORTATION COMMISSION TO THE FEDERAL HIGHWAY ADMINISTRATION TO A MAJORITY VOTE OF THE TRANSPORTATION COMMISSION; TO CHANGE THE VOTE REQUIRED FOR A CHANGE IN THE LOCATION OF AN APPROVED ROUTE AND FOR AN ALTERATION IN CONSTRUCTION STANDARDS OF AN APPROVED ROUTE TO A MAJORITY VOTE OF THE TRANSPORTATION COMMISSION; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

(f) Notwithstanding any limitation imposed above on the
construction of four-lane roads, through June 30, 2007, contracts
to construct four-lane roads may be let when (i) the federal
government has provided money for four-laning a specific highway
project, (ii) four-laning will enhance the current economic
development of the area in which the four-lane road will be
constructed, or (iii) the four-lane road to be constructed will
connect with an existing four-lane road.

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

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

SECTION 2. This act shall take effect and be in force from
and after its passage.