

By: Senator(s) Harden

To: Highways and
Transportation

SENATE BILL NO. 2862

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

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

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

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

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

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



30 four-lane road for road continuity, using the existing two-lane
31 road as part of such construction.

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

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

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

59 (f) Notwithstanding any limitation imposed above on the
60 construction of four-lane roads, through June 30, 2007, contracts
61 to construct four-lane roads may be let when (i) the federal
62 government has provided money for four-laning a specific highway



63 project, (ii) four-laning will enhance the current economic
64 development of the area in which the four-lane road will be
65 constructed, or (iii) the four-lane road to be constructed will
66 connect with an existing four-lane road.

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

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

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

