HOUSE BILL NO. 1199

1 AN ACT TO AMEND SECTION 65-1-61, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO CONDUCT
3 LIFE-CYCLE COST ANALYSIS OF PAVING PROJECTS ASSOCIATED WITH NEW
4 CONSTRUCTION, STRUCTURAL OVERLAY OR ENTIRE PAVEMENT STRUCTURE; AND
5 FOR RELATED PURPOSES.
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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
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9 SECTION 1. Section 65-1-61, Mississippi Code of 1972, is
10 amended as follows:
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12 65-1-61. It shall be the duty of the Transportation
13 Commission to have the Transportation Department construct,
14 reconstruct and maintain, at the cost and expense of the state,
15 all highways under its jurisdiction up to such standards and
16 specifications and with such surfacing material as the
17 Transportation Commission may determine, such paving to be done
18 for each project as rapidly as funds are made available therefor
19 and, as nearly as practicable, immediately upon the completion of
20 all work performed pursuant to grade, drainage and bridge
21 contracts for the project. Such paving shall be done in the order
22 of the relative use and importance of said highways, as may be
23 determined by the present and future traffic censuses thereof and
24 other criteria, taking into consideration their present and future
25 use, convenience, public necessity, public safety, the recorded
26 maintenance expense, and their availability as highways through
27 the state. The type of the paving and surfacing of such highways
28 shall be determined by the executive director, subject to the
29 rules, regulations and orders of the commission as spread on its
30 minutes, after a complete study of the traffic requirements based
31 upon the present and future traffic censuses, taking into
consideration the factors above set forth. However, no highways shall be constructed, reconstructed, or maintained out of any patented paving material, regardless of what kind, on which a direct royalty is paid by the commission or any contractor; and the commission shall not have included in the plans or specifications for constructing, reconstructing, or maintenance of any highway the requirements that any material used or specified shall be laid under any process patented requiring the payment of a direct royalty for use of such process or patent.

On all projects for paving associated with new construction, structural overlay or entire pavement structure replacement, in which the total pavement cost exceeds Two Million Dollars ($2,000,000.00), the Transportation Department shall conduct a life-cycle cost analysis. Life-cycle cost shall compare equivalent designs and shall be based upon Mississippi's actual historic pavement maintenance, repair and resurfacing schedules and costs, as well as when pavements first needed maintenance, repair or resurfacing, using the department's life-cycle cost analysis as approved by the Federal Highway Administration. Due consideration shall be given to wet weather safety in determining pavement rehabilitation timing. All pavement design life shall ensure that state funds are used as efficiently as possible. If a pavement type is selected that does not have the lowest life-cycle cost, the department must document the reasons for the pavement selection.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.