

By: Representative Moore (60th)

To: Transportation

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.

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

7 **SECTION 1.** Section 65-1-61, Mississippi Code of 1972, is
8 amended as follows:

9 65-1-61. It shall be the duty of the Transportation
10 Commission to have the Transportation Department construct,
11 reconstruct and maintain, at the cost and expense of the state,
12 all highways under its jurisdiction up to such standards and
13 specifications and with such surfacing material as the
14 Transportation Commission may determine, such paving to be done
15 for each project as rapidly as funds are made available therefor
16 and, as nearly as practicable, immediately upon the completion of
17 all work performed pursuant to grade, drainage and bridge
18 contracts for the project. Such paving shall be done in the order
19 of the relative use and importance of said highways, as may be
20 determined by the present and future traffic censuses thereof and
21 other criteria, taking into consideration their present and future
22 use, convenience, public necessity, public safety, the recorded
23 maintenance expense, and their availability as highways through
24 the state. The type of the paving and surfacing of such highways
25 shall be determined by the executive director, subject to the
26 rules, regulations and orders of the commission as spread on its
27 minutes, after a complete study of the traffic requirements based
28 upon the present and future traffic censuses, taking into



29 consideration the factors above set forth. However, no highways
30 shall be constructed, reconstructed, or maintained out of any
31 patented paving material, regardless of what kind, on which a
32 direct royalty is paid by the commission or any contractor; and
33 the commission shall not have included in the plans or
34 specifications for constructing, reconstructing, or maintenance of
35 any highway the requirements that any material used or specified
36 shall be laid under any process patented requiring the payment of
37 a direct royalty for use of such process or patent.

38 On all projects for paving associated with new construction,
39 structural overlay or entire pavement structure replacement, in
40 which the total pavement cost exceeds Two Million Dollars
41 (\$2,000,000.00), the Transportation Department shall conduct a
42 life-cycle cost analysis. Life-cycle cost shall compare
43 equivalent designs and shall be based upon Mississippi's actual
44 historic pavement maintenance, repair and resurfacing schedules
45 and costs, as well as when pavements first needed maintenance,
46 repair or resurfacing, using the department's life-cycle cost
47 analysis as approved by the Federal Highway Administration. Due
48 consideration shall be given to wet weather safety in determining
49 pavement rehabilitation timing. All pavement design life shall
50 ensure that state funds are used as efficiently as possible. If a
51 pavement type is selected that does not have the lowest life-cycle
52 cost, the department must document the reasons for the pavement
53 selection.

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

