SENATE BILL NO. 2791

AN ACT TO AMEND SECTION 65-1-61, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO CONDUCT LIFE-CYCLE COST ANALYSIS OF PAVING PROJECTS ASSOCIATED WITH NEW CONSTRUCTION, STRUCTURAL OVERLAY OR ENTIRE PAVEMENT STRUCTURE REPLACEMENT IF THE TOTAL PAVEMENT COST OF SUCH PROJECT EXCEEDS $2,000,000.00; AND FOR RELATED PURPOSES.

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

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

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

(2) 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 department shall conduct a life-cycle
cost analysis. The life-cycle cost analysis 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
classification shall be given to wet weather safety in determining
pavement rehabilitation timing. All pavement design life shall
ensure that state funds are utilized as efficiently as possible.

If a pavement type is selected which does not have the lowest
life-cycle cost, the department shall document the reasons for
such pavement selection.

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