

By: Senator(s) Dearing

To: Highways and
Transportation

SENATE BILL NO. 2791

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
5 REPLACEMENT IF THE TOTAL PAVEMENT COST OF SUCH PROJECT EXCEEDS
6 \$2,000,000.00; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

