

By: Representative Cummings

To: Transportation

HOUSE BILL NO. 1298

1 AN ACT TO AMEND SECTION 65-9-29, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE ALLOCATION OF CERTAIN FEDERAL AID HIGHWAY FUNDS
3 ALLOCATED TO MISSISSIPPI UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE,
4 EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS
5 (SAFETEA-LU); TO AMEND SECTION 65-9-30, MISSISSIPPI CODE OF 1972,
6 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 65-9-29, Mississippi Code of 1972, is
9 amended as follows:

10 65-9-29. (1) Federal aid highway funds allocated to
11 Mississippi * * * to be expended on the federal aid routes shall
12 be expended as follows:

13 (a) Not less than fifty percent (50%) of the funds
14 appropriated to Mississippi allocated for substate distribution in
15 any area of the state under the Surface Transportation Program
16 authorization of Public Law 109-59 (the Safe, Accountable,
17 Flexible, Efficient Transportation Equity Act: A Legacy for
18 Users, hereinafter called SAFETEA-LU) and fifty percent (50%) of
19 the amount allocated to areas with a population of less than five
20 thousand (5,000) shall be allocated to the eighty-two (82)
21 counties of the state and administered by the Office of State Aid
22 Road Construction.

23 (b) Not less than thirty percent (30%) of the bridge
24 replacement funds allocated to Mississippi under SAFETEA-LU shall
25 be allocated to the eighty-two (82) counties of the state to
26 replace deficient bridges in accordance with all rules and
27 regulations of the Federal Highway Administration and administered
28 by the Office of State Aid Road Construction.

29 (c) Such division will be made upon allocation by the
30 Division Administrator of the Federal Highway
31 Administration * * *. The expenditure of all federal * * * funds
32 shall be through and under the Mississippi Department of
33 Transportation, subject to and in accordance with all rules and
34 regulations and applicable laws of the federal government.

35 * * *

36 (2) Federal aid * * * highway funds allocated to
37 Mississippi, * * * including federal bridge replacement funds and
38 other special grants made available for expenditure of county
39 roads, shall be expended as follows:

40 (a) Federal aid * * * highway funds expended on state
41 aid roads shall be matched with available state aid funds and/or
42 other available local funds, or as otherwise provided in Section
43 65-1-70.

44 (b) Federal aid * * * highway funds available for
45 expenditure on roads not on the state aid system and not eligible
46 for inclusion on the state aid system shall be matched with
47 available local funds, or as otherwise provided in Section 65-9-17
48 or Section 65-1-70.

49 (c) The expenditure of all federal * * * highway funds
50 on county roads shall be programmed by the Mississippi
51 Transportation Commission, subject to and in accordance with
52 applicable federal law, rules and regulations, and limited to such
53 county projects as recommended by the State Aid Engineer. The
54 State Aid Engineer is authorized to assign state aid personnel to
55 administer off-system construction projects and other special
56 federal aid program requirements in the same manner and under the
57 same provisions and conditions as other projects authorized under
58 this chapter.

59 **SECTION 2.** Section 65-9-30, Mississippi Code of 1972, is
60 amended as follows:

61 65-9-30. (1) The State Aid Engineer shall maintain an
62 accurate record of all federal aid highway funds and all other
63 available federal road funds allocated to the counties * * *. He
64 shall likewise maintain an accurate account of all state aid funds
65 apportioned to the counties in accordance with the percentages and
66 provisions set out in Section 27-65-75.

67 (2) The State Aid Engineer is hereby authorized to utilize
68 state aid funds, and federal aid highway funds allocated to the
69 counties as provided for in accordance with Section 65-9-29, * * *
70 and/or any other available federal road funds allocated to
71 Mississippi and to be expended on county roads, and allocated to
72 the counties as provided for in accordance with Section 65-9-29,
73 in such amounts as he deems necessary for an orderly and effective
74 programming of all funds available to the counties, including an
75 interchange of one (1) type of funds for another type of funds
76 when necessary; provided, however, that each county shall receive,
77 not less than annually, its pro rata share of the combined funds
78 so allocated; and further provided that the authority of the
79 county boards of supervisors to otherwise adopt construction
80 programs is in no way circumvented.

81 **SECTION 3.** This act shall take effect and be in force from
82 and after July 1, 2006.