

By: Representatives Frierson, Johnson,  
Coleman (29th), Banks, Barker, Beckett,  
Coleman (65th), DeLano, Eaton, Shows

To: Appropriations

HOUSE BILL NO. 1535  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FROM SPECIAL FUNDS IN THE  
2 STATE TREASURY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE  
3 MISSISSIPPI DEPARTMENT OF TRANSPORTATION, FOR THE FISCAL YEAR  
4 2016; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** The following sum, or so much thereof as may be  
7 necessary, is appropriated out of any money in the State Treasury  
8 to the credit of the Department of Transportation Funds, for the  
9 purpose of defraying the administrative expenses of the  
10 Mississippi Department of Transportation for the fiscal year  
11 beginning July 1, 2015, and ending June 30, 2016.....  
12 .....\$ 1,331,000,000.00.

13 **SECTION 2.** The following offices are supported by the funds  
14 appropriated in Section 1: The Office of Administrative Services,  
15 the Office of Highways, the Office of Aeronautics and Rails and  
16 the Office of Enforcement. Of the funds appropriated under the  
17 provisions of Section 1, the following positions are authorized:

18 AUTHORIZED POSITIONS:

19 Permanent: Full Time..... 3,432



20	Part Time.....	9
21	Time-Limited: Full Time.....	0
22	Part Time.....	0

23 With the funds herein appropriated, it shall be the agency's  
24 responsibility to make certain that funds required to be  
25 appropriated for "Personal Services" for Fiscal Year 2017 do not  
26 exceed Fiscal Year 2016 funds appropriated for that purpose,  
27 unless programs or positions are added to the agency's Fiscal Year  
28 2016 budget by the Mississippi Legislature. Based on data  
29 provided by the Legislative Budget Office, the State Personnel  
30 Board shall determine and publish the projected annual cost to  
31 fully fund all appropriated positions in compliance with the  
32 provisions of this act. It shall be the responsibility of the  
33 agency head to ensure that no single personnel action increases  
34 this projected annual cost and/or the Fiscal Year 2016  
35 appropriations for "Personal Services" when annualized, with the  
36 exception of escalated funds and the award of benchmarks. If, at  
37 the time the agency takes any action to change "Personal  
38 Services," the State Personnel Board determines that the agency  
39 has taken an action which would cause the agency to exceed this  
40 projected annual cost or the Fiscal Year 2016 "Personal Services"  
41 appropriated level, when annualized, then only those actions which  
42 reduce the projected annual cost and/or the appropriation  
43 requirement will be processed by the State Personnel Board until  
44 such time as the requirements of this provision are met.



45 Any transfers or escalations shall be made in accordance with  
46 the terms, conditions and procedures established by law or  
47 allowable under the terms set forth within this act. The State  
48 Personnel Board shall not escalate positions without written  
49 approval from the Department of Finance and Administration. The  
50 Department of Finance and Administration shall not provide written  
51 approval to escalate any funds for salaries and/or positions  
52 without proof of availability of new or additional funds above the  
53 appropriated level.

54 No general funds authorized to be expended herein shall be  
55 used to replace federal funds and/or other special funds which are  
56 being used for salaries authorized under the provisions of this  
57 act and which are withdrawn and no longer available.

58 None of the funds herein appropriated shall be used in  
59 violation of Internal Revenue Service's Publication 15-A relating  
60 to the reporting of income paid to contract employees, as  
61 interpreted by the Office of the State Auditor.

62 **SECTION 3.** Of the funds appropriated to the Mississippi  
63 Department of Transportation under the provisions of Section 1,  
64 the following amounts shall be available for expenditure in the  
65 program budgets as required by Section 27-103-127, Mississippi  
66 Code of 1972:

67 Administration and Other Expenses.....	\$ 59,182,330.00
68 Construction.....	\$ 932,225,868.00
69 Maintenance.....	\$ 216,000,000.00



70 Debt Service.....\$ 73,767,802.00  
71 Law Enforcement.....\$ 15,552,500.00  
72 Aeronautics, Rails and other.....\$ 34,271,500.00

73 **SECTION 4.** It is the intention of the Legislature that the  
74 Mississippi Department of Transportation shall maintain complete  
75 accounting and personnel records related to the expenditure of all  
76 funds appropriated under this act and that such records shall be  
77 in the same format and level of detail as maintained for Fiscal  
78 Year 2015. It is further the intention of the Legislature that  
79 the agency's budget request for Fiscal Year 2017 shall be  
80 submitted to the Joint Legislative Budget Committee in a format  
81 and level of detail comparable to the format and level of detail  
82 provided during the Fiscal Year 2016 budget request process.

83 **SECTION 5.** Of the funds appropriated in Section 1, it is the  
84 intention of the Legislature that Six Hundred Fifty Thousand  
85 Dollars (\$650,000.00) shall be transferred to the Department of  
86 Agriculture and Commerce for the Beaver Control or Eradication  
87 Program during the Fiscal Year 2016.

88 **SECTION 6.** Of the funds appropriated in Section 1 of this  
89 act, the Mississippi Department of Transportation shall expend  
90 such funds as necessary to conduct project planning. Such project  
91 planning shall apply to all preliminary engineering, right-of-way  
92 acquisition and construction projects of the department and, at a  
93 minimum, shall consist of policies for the oversight and  
94 management of project cost which:



95           (a) Establish a reasonable cost estimate for each  
96 project. For purposes of this provision, projects include  
97 preliminary engineering, right-of-way acquisition and  
98 construction;

99           (b) Capture and retain the initial project cost  
100 estimates for comparison with final actual expenditures;

101           (c) Require that any changes to a cost estimate for a  
102 project will be reviewed and approved by district or central  
103 office personnel. Such personnel shall be responsible for signing  
104 any revision, and providing a narrative description of the reasons  
105 for approving a revision;

106           (d) Capture the cost of consultants, engineers,  
107 attorneys, contract appraisers and other technical and  
108 professional contractors used in preliminary engineering,  
109 right-of-way acquisition and construction projects.

110           **SECTION 7.** None of the funds appropriated under the  
111 provisions of Section 1 of this act may be expended by the  
112 Department of Transportation for construction of new highways if  
113 such highway segment is less than ten (10) miles in length unless:

114           (a) The explanation and justification for letting such  
115 a contract for a length of less than ten (10) miles is entered  
116 upon the official minutes of the Transportation Commission;

117           (b) The commission, within ten (10) working days after  
118 entry of its explanation and justification upon its minutes, gives  
119 notice, by United States First Class Mail, and provides a copy of



120 such entry upon its minutes, to the Chairman of the Transportation  
121 Committee of the Mississippi House of Representatives and the  
122 Chairman of the Mississippi Senate Highways and Transportation  
123 Committee.

124 **SECTION 8.** Of the funds appropriated to the Mississippi  
125 Department of Transportation, Three Hundred Thousand Dollars  
126 (\$300,000.00) shall be used for the Statewide Litter Prevention  
127 Program.

128 **SECTION 9.** It is the intention of the Legislature that the  
129 Mississippi Department of Transportation is authorized to expend  
130 an amount not to exceed Six Million Dollars (\$6,000,000.00)  
131 received from third-party damages.

132 **SECTION 10.** Of the funds appropriated in Section 1, not less  
133 than Eighty Million Dollars (\$80,000,000.00) shall be expended for  
134 contracted maintenance overlay and pavement rehabilitation.

135 **SECTION 11.** It is the intention of the Legislature that the  
136 Mississippi Department of Transportation is authorized to expend  
137 with funds which were obligated in Fiscal Year 2015 for  
138 maintenance overlay projects and maintenance repair projects but  
139 not completed by the end of Fiscal Year 2015, in an amount not to  
140 exceed Ten Million Dollars (\$10,000,000.00).

141 **SECTION 12.** It is the intention of the Legislature that the  
142 Mississippi Department of Transportation is authorized to transfer  
143 between the various programs in an amount not to exceed ten  
144 percent (10%) of the amount allocated in Section 3, except that no



145 transfers shall be authorized which increase the "Administrative  
146 and Other Expenses" Program or the "Law Enforcement" Program or  
147 which decrease the "Maintenance" Program.

148       **SECTION 13.** It is the intention of the Legislature that the  
149 Mississippi Department of Transportation is authorized to expend  
150 funds which were obligated in Fiscal Year 2015 in the "Capital  
151 Outlay-Equipment" and "Vehicles" category in an amount not to  
152 exceed Two Million Dollars (\$2,000,000.00) as authorized in SB  
153 2002, 2014 First Extraordinary Session, for Fiscal Year 2016.

154       **SECTION 14.** It is the intention of the Legislature that the  
155 Mississippi Department of Transportation is authorized to expend  
156 an amount not to exceed Thirty Million Dollars (\$30,000,000.00)  
157 received from other public or private entities as reimbursements  
158 for payments made on federal projects.

159       **SECTION 15.** Of the funds appropriated in Section 1, the  
160 Mississippi Department of Transportation is authorized to expend  
161 an amount not to exceed One Hundred Thousand Dollars (\$100,000.00)  
162 to conduct a study on monorail transportation in Tunica and DeSoto  
163 Counties.

164       **SECTION 16.** With the funds appropriated in this act, the  
165 Mississippi Department of Transportation shall notify members of  
166 the Mississippi Senate and House of Representatives upon the award  
167 of projects within their respective districts and at least five  
168 (5) days prior to a public ceremony announcing the award of any  
169 grant in their district or any public announcement of ceremony



170 regarding the groundbreaking or opening of a facility, roadway or  
171 bridge for which the Legislature has made funds available. Any  
172 signage regarding any public event or any new facility, roadway or  
173 bridge shall include the following language: "Funds were made  
174 available for this project by the Mississippi State Legislature."  
175 Further, the signage shall state the four-year legislative term in  
176 which the project was funded.

177         **SECTION 17.** It is the intention of the Legislature that  
178 whenever two (2) or more bids are received by this agency for the  
179 purchase of commodities or equipment, and whenever all things  
180 stated in such received bids are equal with respect to price,  
181 quality and service, the Mississippi Industries for the Blind  
182 shall be given preference. A similar preference shall be given to  
183 the Mississippi Industries for the Blind whenever purchases are  
184 made without competitive bids.

185         **SECTION 18.** Of the funds appropriated in Section 1, the  
186 Mississippi Department of Transportation shall expend so much  
187 thereof as may be necessary to four-lane Highway 15 in Laurel to  
188 the Bay Springs City Limit and three-lane Highway 15 from the Bay  
189 Springs City Limit to the Industrial Park in lieu of a bypass.

190         **SECTION 19.** The Mississippi Department of Transportation is  
191 authorized to dispose of or transfer used cell phones that are  
192 obsolete or inoperable to cell phone recycling programs dedicated  
193 to providing free phone access to United States military  
194 personnel.



195           **SECTION 20.** In compliance with the "Mississippi Performance  
 196 Budget and Strategic Planning Act of 1994," it is the intent of  
 197 the Legislature that the funds provided herein shall be utilized  
 198 in the most efficient and effective manner possible to achieve the  
 199 intended mission of this agency. Based on the funding authorized,  
 200 this agency shall make every effort to attain the targeted  
 201 performance measures provided below:

202		FY2016
203	<u>Performance Measures</u>	<u>Target</u>
204	Maintenance	
205	Total Acres Mowed (First and Subsequent) (#)	300,000
206	Percentage Increase of Acreage Mowed	
207	(Not Mowing Same Acreage Multiple Times)	0.47
208	Reduce Number of Fatalities on Roadways	
209	Baseline: 525 or Less Fatalities	610
210	Percent Decrease in State-Maintained Lane	
211	Miles Needing Repair or Rehabilitation	-1.50
212	Percent of Pavement Needs Met Annually	5.00
213	Percent of Interstate Lane-miles with an	
214	Acceptable Pavement Condition Rating	38.00
215	Percent of 4 Lane Highway Lane-miles with an	
216	Acceptable Pavement Condition Rating	71.00
217	Percent of 2 Lane Highway Lane-miles with an	
218	Acceptable Pavement Condition Rating	54.00
219	Cost per Mile to Maintain State Highways (\$)	18,914.00



220	Number of Structurally Deficient Bridges	215
221	Bridge Replacement Cost Per SqFt (\$)	80.00
222	Construction	
223	Percentage of Miles of State Maintained	
224	Highways That Meet MDOT Thresholds for	
225	Congestion (%)	1.40
226	Miles of State Maintained Highways Requiring	
227	Additional Capacity (# of Lane Miles)	153
228	Cost Per Mile to Construct State Highways	10,210,000.00
229	Administration & Other	
230	Administration as a Percent of Total Budget	
231	GO-MDOT - Total Number of Page Views	245,000
232	Percent Increase in Utilization of	
233	MDOTTRAFFIC.COM Website	10.00
234	Bonded Debt Service	
235	Amount of Funds Invested For Adding Capacity	122,000,000.00
236	Law Enforcement	
237	Trucks Weighed (Number)	6,700,000
238	Trucks Over Axle (Number)	5,500
239	Weight & Size Permits Authorized (Permits)	155,000
240	Trucks Over Gross (Number)	7,000
241	Percent of Vehicles Inspected Exceeding	
242	Restricted Weight Limits	
243	Aeronautics & Rails	
244	Airports Inspected (Sites)	68





270 Sixty Thousand One Hundred Fifty-nine Dollars (\$11,160,159.00)  
271 shall be used for the rehabilitation, repair and upgrade of  
272 Highway 14 at Rolling Fork, Mississippi.

273         **SECTION 26.** Of the funds appropriated in Section 1, it is  
274 the intention of the Legislature that One Million Six Hundred  
275 Thousand Dollars (\$1,600,000.00) shall be used to rehabilitate and  
276 repair Parks Road in Drew, Mississippi.

277         **SECTION 27.** It is the intention of the Legislature that the  
278 Mississippi Department of Transportation shall access available  
279 federal funds in addition to Two Million Dollars (\$2,000,000.00)  
280 of the funds appropriated in Section 1 to repair the Woodrow  
281 Wilson Bridge in Jackson, Mississippi.

282         **SECTION 28.** Of the funds appropriated in Section 1, it is  
283 the intention of the Legislature that the Mississippi Department  
284 of Transportation shall expend Four Million Dollars  
285 (\$4,000,000.00) to upgrade and repair Highway 552 in Claiborne  
286 County, Mississippi.

287         **SECTION 29.** It is the intention of the Legislature that with  
288 the funds appropriated in Section 1, Ten Million Dollars  
289 (\$10,000,000.00) shall be used to continue new construction on  
290 Highway 82/Leland Greenville Bypass.

291         **SECTION 30.** Of the funds appropriated in Section 1, it is  
292 the intention of the Legislature that the Mississippi Department  
293 of Transportation shall transfer One Hundred Fifty-seven Thousand  
294 Eight Hundred Sixty-one Dollars and Thirty Cents (\$157,861.30) to



295 Alcorn County in Fund 341S for the Kimberly Clark Project, Project  
296 Number HA-033 under the Mississippi Development Authority Economic  
297 Development Highway Program.

298       **SECTION 31.** Of the funds appropriated in Section 1, it is  
299 the intention of the Legislature that Four Million Dollars  
300 (\$4,000,000.00) shall be used for the Interstate 20 South Frontage  
301 Road/Railroad Bridge Extension in Warren County.

302       **SECTION 32.** Of the funds appropriated in Section 1, it is  
303 the intention of the Legislature that Ten Million Dollars  
304 (\$10,000,000.00) shall be used for new construction on Highway  
305 25/Lakeland Drive.

306       **SECTION 33.** Of the funds appropriated in Section 1, it is  
307 the intention of the Legislature that Two Hundred Fifteen Thousand  
308 Dollars (\$215,000.00) shall be used for a turn lane and turn-out  
309 on Highway 8 in Cleveland, Mississippi, at the Mississippi Grammy  
310 Museum.

311       **SECTION 34.** Of the funds appropriated in Section 1, it is  
312 the intention of the Legislature that an amount not to exceed Two  
313 Hundred Seventy-five Thousand Dollars (\$275,000.00) shall be  
314 transferred to the Mississippi Development Authority for the  
315 maintenance and upkeep, landscaping, security, etc., of the  
316 Welcome Center in Natchez, Mississippi.

317       **SECTION 35.** It is the intention of the Legislature that the  
318 Mississippi Department of Transportation is authorized to pay  
319 invoices submitted by Williford, Gearhart & Knight, Clinton,



320 Mississippi, for services in prior fiscal years in an amount not  
321 to exceed Eight Hundred Seventy-five Dollars and Seventy-four  
322 Cents (\$875.74).

323         **SECTION 36.** It is the intention of the Legislature that the  
324 Mississippi Department of Transportation is authorized to pay  
325 invoices submitted by SoilTech Consultants, Inc., Jackson,  
326 Mississippi, for services in prior fiscal years in an amount not  
327 to exceed Seven Thousand Six Hundred Seventy Dollars and  
328 Forty-seven Cents (\$7,670.47).

329         **SECTION 37.** It is the intention of the Legislature that the  
330 Mississippi Department of Transportation is authorized to pay  
331 invoices submitted by Michael Baker, Ridgeland, Mississippi, for  
332 work performed in prior fiscal years in an amount not to exceed  
333 Eight Thousand Three Hundred Fifty-four Dollars and Thirty-three  
334 Cents (\$8,354.33).

335         **SECTION 38.** It is the intention of the Legislature that the  
336 Mississippi Department of Transportation is authorized to pay  
337 invoices submitted by Gable Feed & Seed, Raleigh, Mississippi, for  
338 services performed in prior fiscal years in an amount not to  
339 exceed One Hundred Seventy-two Dollars and Sixty-four Cents  
340 (\$172.64).

341         **SECTION 39.** It is the intention of the Legislature that the  
342 Mississippi Department of Transportation is authorized to pay  
343 invoices submitted by the Natchez Grand Hotel, Natchez,  
344 Mississippi, for services performed in prior fiscal years not to



345 exceed One Thousand Five Hundred Forty-three Dollars and  
346 Eighty-five Cents (\$1,543.85).

347       **SECTION 40.** It is the intention of the Legislature that the  
348 Mississippi Department of Transportation is authorized to pay  
349 invoices submitted by Napa Auto Parts, Jackson, Mississippi, for  
350 services performed in prior fiscal years, in an amount not to  
351 exceed Sixty-one Dollars and Eleven Cents (\$61.11).

352       **SECTION 41.** Of the funds herein appropriated, it is the  
353 intention of the Legislature that the Mississippi Department of  
354 Transportation is authorized to make salary adjustments in a total  
355 amount not to exceed Sixty-six Thousand Dollars (\$66,000.00) for  
356 PINs 3155, 2654, 2688, and 4223 due to salary inequity between  
357 employees of equivalent capacity.

358       **SECTION 42.** Of the funds appropriated in Section 1 of this  
359 act, it is the intention of the Legislature that, if funding is  
360 available, Five Hundred Thousand Dollars (\$500,000.00) is for use  
361 to construct a traffic signal at the intersection of Highway 67  
362 and Big John Road in Harrison County.

363       **SECTION 43.** It is the intention of the Legislature that the  
364 Department of Transportation is authorized to expend an amount not  
365 to exceed Three Hundred Million Dollars (\$300,000,000.00) received  
366 in connection with HELP projects as authorized in Section  
367 65-1-8(2)(z) and from general obligation bonds issued for highway  
368 projects.



369           **SECTION 44.** It is the intention of the Legislature that with  
370 the funds appropriated in Section 1, Three Million Dollars  
371 (\$3,000,000.00) shall go to Lafayette County for paying costs of  
372 extending West Oxford Loop to College Hill Road as a "local public  
373 agencies project."

374           **SECTION 45.** It is the intention of the Legislature that with  
375 the funds appropriated in Section 1, Seven Hundred Fifty Thousand  
376 Dollars (\$750,000.00) shall go to the City of Starkville for  
377 planning and pre-construction activities for improvements to  
378 Highway 12 in Starkville, Mississippi, as a "local public agencies  
379 project."

380           **SECTION 46.** It is the intention of the Legislature that with  
381 the funds appropriated in Section 1, Four Million Two Hundred  
382 Fifty Thousand Dollars (\$4,250,000.00) shall go to the East  
383 Metropolitan Corridor Commission, which is a commission operating  
384 as a local public agency representing the Jackson Municipal  
385 Airport Authority, the City of Brandon, the City of Flowood, and  
386 the City of Pearl, for paying costs associated with land  
387 acquisition and implementation of the East Metro Corridor project  
388 in Rankin County from its current terminus at the southeast corner  
389 of, and within, the Jackson-Medgar Wiley Evers International  
390 Airport, traversing easterly and southerly and terminating at  
391 Interstate 20 at Crossgates Boulevard in Brandon, Mississippi, as  
392 a "local public agencies project."



393           **SECTION 47.** The money herein appropriated shall be paid by  
394 the State Treasurer out of any money in the State Treasury to the  
395 credit of the proper fund or funds as set forth in this act, upon  
396 warrants issued by the State Fiscal Officer; and the State Fiscal  
397 Officer shall issue his warrants upon requisitions signed by the  
398 proper person, officer or officers, in the manner provided by law.

399           **SECTION 48.** This act shall take effect and be in force from  
400 and after July 1, 2015, with the exceptions of Sections 35, 36,  
401 37, 38, 39 and 40, which shall take effect and be in force from  
402 and after its passage.

