

By: Representatives Frierson, Busby, Arnold, Barker, Bennett, Bounds, Brown, Clarke, Coleman, Currie, DeLano, Denny, Gipson, Huddleston (30th), Monsour, Moore, Myers, Staples, Turner To: Appropriations

HOUSE BILL NO. 1648 (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 2017; 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, 2016, and ending June 30, 2017.....
12\$ 1,329,186,287.00.

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..... 3,384



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 2018 do not
26 exceed Fiscal Year 2017 funds appropriated for that purpose,
27 unless programs or positions are added to the agency's Fiscal Year
28 2017 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 2017
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 2017 "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.....	\$ 930,412,115.00
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 2016. It is further the intention of the Legislature that
79 the agency's budget request for Fiscal Year 2018 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 2017 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 2017.

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 2016 for
138 maintenance overlay projects and maintenance repair projects but
139 not completed by the end of Fiscal Year 2016, 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 2016 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 HB
153 1535, 2015 Regular Session, for Fiscal Year 2017.

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		FY2017
203	<u>Performance Measures</u>	<u>Target</u>
204	Maintenance	
205	Total Acres Mowed (First & Subsequent) (Num)	300,000
206	Percentage Increase of Acreage Mowed	0.47
207	(Not Mowing Same Acreage Multiple Times)	
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	
216	an Acceptable Pavement Condition Rating	71.00
217	Percent of 2 Lane Highway Lane-miles with	
218	an 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 Sq Ft (\$)	80.00
222	Construction	
223	Percentage of Miles of State Maintained	1.40
224	Highways that Meet MDOT Thresholds	
225	for Congestion (%)	1.40
226	Miles of State Maintained Highways Requiring	
227	Additional Capacity (Num of Lane Miles)	153.00
228	Cost per Mile to Construct State Highways	10,210,000.00
229	Administration & Other	
230	Administration as a Percent of Total Budget	5.00
231	GO-MDOT - Total Number of Page Views	245,000
232	Percent Increase in Utilization of	
233	MDOTTTRAFFIC.COM Website	10.00
234	Bonded Debt Service	
235	Amount of Funds Invested For Adding Capacity	0.00
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	0.00
243	Aeronautics & Rails	
244	Airports Inspected (Sites)	68



269 **SECTION 25.** Of the funds appropriated in Section 1, it is
270 the intention of the Legislature that the Mississippi Department
271 of Transportation shall expend Four Million Dollars
272 (\$4,000,000.00) to upgrade and repair Highway 552 in Claiborne
273 County, Mississippi.

274 **SECTION 26.** It is the intention of the Legislature that with
275 the funds appropriated in Section 1, Ten Million Dollars
276 (\$10,000,000.00) shall be used to continue new construction on
277 Highway 82/Leland Greenville Bypass.

278 **SECTION 27.** Of the funds appropriated in Section 1, it is
279 the intention of the Legislature that Ten Million Dollars
280 (\$10,000,000.00) shall be used for new construction on Highway
281 25/Lakeland Drive.

282 **SECTION 28.** Of the funds appropriated in Section 1, it is
283 the intention of the Legislature that an amount not to exceed One
284 Hundred Fifty Thousand Dollars (\$150,000.00) shall be transferred
285 to the Mississippi Development Authority for the maintenance and
286 upkeep, landscaping, security, etc., of the Welcome Center in
287 Natchez, Mississippi.

288 **SECTION 29.** It is the intention of the Legislature that the
289 Mississippi Department of Transportation is authorized to pay
290 invoices submitted by Quality Inn and Suites, Oxford, MS, for
291 services in prior fiscal years in an amount not to exceed Nine
292 Hundred Forty-two Dollars and Ninety-seven Cents (\$942.97).



293 **SECTION 30.** It is the intention of the Legislature that the
294 Mississippi Department of Transportation is authorized to pay
295 invoices submitted by Hampton Inn, Batesville, MS, for services in
296 prior fiscal years in an amount not to exceed One Hundred
297 Twenty-nine Dollars (\$129.00).

298 **SECTION 31.** It is the intention of the Legislature that the
299 Mississippi Department of Transportation is authorized to pay
300 invoices submitted by City of Ridgeland, MS, for services
301 performed in prior fiscal years in an amount not to exceed Nine
302 Thousand Nine Hundred Three Dollars (\$9,903.00).

303 **SECTION 32.** It is the intention of the Legislature that the
304 Mississippi Department of Transportation is authorized to pay
305 invoices submitted by the City of Tchula, MS, for services
306 performed in prior fiscal years not to exceed Twenty-five Thousand
307 Seven Hundred Thirty-five Dollars and Forty-eight Cents
308 (\$25,735.48).

309 **SECTION 33.** It is the intention of the Legislature that the
310 Mississippi Department of Transportation is authorized to pay
311 invoices submitted by City of Oxford, MS, for services performed
312 in prior fiscal years, in an amount not to exceed Fifty Thousand
313 Six Hundred Eighty-Seven Dollars and Forty Cents (\$50,687.40).

314 **SECTION 34.** It is the intention of the Legislature that the
315 Mississippi Department of Transportation is authorized to pay
316 invoices submitted by Town of Wesson, MS, for services performed
317 in prior fiscal years, in an amount not to exceed Twenty-one



318 Thousand Six Hundred Ninety Dollars and Forty-one Cents
319 (\$21,690.41).

320 **SECTION 35.** It is the intention of the Legislature that the
321 Mississippi Department of Transportation is authorized to pay
322 invoices submitted by Town of Monticello, MS, for services
323 performed in prior fiscal years, in an amount not to exceed
324 Twenty-six Thousand Six Hundred Sixty-nine Dollars and Sixteen
325 Cents (\$26,669.16).

326 **SECTION 36.** It is the intention of the Legislature that the
327 Mississippi Department of Transportation is authorized to pay
328 invoices submitted by Hinds County Board of Supervisors, MS, for
329 services performed in prior fiscal years, in an amount not to
330 exceed One Hundred Nine Thousand Four Hundred Thirty-one Dollars
331 (\$109,431.00).

332 **SECTION 37.** It is the intention of the Legislature that the
333 Mississippi Department of Transportation is authorized to pay
334 invoices submitted by Gulfport-Biloxi Airport, MS, for services
335 performed in prior fiscal years, in an amount not to exceed Nine
336 Thousand Four Hundred Seventy-two Dollars and Sixty-eight cents
337 (\$9,472.68).

338 **SECTION 38.** It is the intention of the Legislature that the
339 Mississippi Department of Transportation is authorized to pay
340 invoices submitted by City of Baldwin, MS, for services performed
341 in prior fiscal years, in an amount not to exceed Twenty-one



342 Thousand Nine Hundred Thirty-two Dollars and Eighty-seven cents
343 (\$21,932.87).

344 **SECTION 39.** It is the intention of the Legislature that the
345 Mississippi Department of Transportation is authorized to pay
346 invoices submitted by Warren County Port Commission, Vicksburg,
347 MS, for services performed in prior fiscal years, in an amount not
348 to exceed Twenty-one Thousand Four Hundred One Dollars and
349 Thirty-three cents (\$21,401.33).

350 **SECTION 40.** It is the intention of the Legislature that the
351 Mississippi Department of Transportation is authorized to pay
352 invoices submitted by A to Z Printing, Jackson, MS, for services
353 performed in prior fiscal years, in an amount not to exceed Three
354 Hundred Dollars (\$300.00).

355 **SECTION 41.** It is the intention of the Legislature that the
356 Mississippi Department of Transportation is authorized to pay
357 invoices submitted by Home Hardware Center, Brookhaven, MS, for
358 services performed in prior fiscal years, in an amount not to
359 exceed One Thousand Dollars (\$1,000.00).

360 **SECTION 42.** It is the intention of the Legislature that the
361 Department of Transportation is authorized to expend an amount not
362 to exceed Two Hundred Million Dollars (\$200,000,000.00) received
363 in connection with HELP projects as authorized in Section
364 65-1-8(2)(z) and from general obligation bonds issued for highway
365 projects.



366 **SECTION 43.** It is the intention of the Legislature that with
367 the funds appropriated in Section 1, Three Million Dollars
368 (\$3,000,000.00) shall go to Lafayette County for paying costs of
369 extending West Oxford Loop to College Hill Road as a "local public
370 agencies project."

371 **SECTION 44.** Of the funds appropriated in Section 1, Fifteen
372 Thousand Dollars (\$15,000.00) is provided to make corrective
373 salary adjustments to the compensation of the employees in PINs
374 2657 and 2658 where inequity was created between employees of
375 equivalent capacity by previous application of the agency
376 appropriation acts. Such adjustments will not be retroactive.

377 **SECTION 45.** With the funds herein appropriated, the agency
378 is authorized to implement a salary range realignment of Ten
379 Percent (10%) for all DOT Enforcement Officer job titles, and to
380 develop and implement a special compensation plan based on
381 experience and training pay increments of Five Percent (5%) for
382 DOT Enforcement Officer V, DOT Enforcement Officer Specialist, DOT
383 Enforcement Officer Supervisor and DOT Enforcement Officer
384 Commander.

385 **SECTION 46.** It is the intention of the Legislature that with
386 the funds appropriated in Section 1, Four Million Two Hundred
387 Fifty Thousand Dollars (\$4,250,000.00) shall go to the East
388 Metropolitan Corridor Commission, which is a commission operating
389 as a local public agency representing the Jackson Municipal
390 Airport Authority, the City of Brandon, the City of Flowood, and



391 the City of Pearl, for paying costs associated with land
392 acquisition and implementation of the East Metro Corridor project
393 in Rankin County from its current terminus at the southeast corner
394 of, and within, the Jackson-Medgar Wiley Evers International
395 Airport, traversing easterly and southerly and terminating at
396 Interstate 20 at Crossgates Boulevard in Brandon, Mississippi, as
397 a "local public agencies project."

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

404 **SECTION 48.** This act shall take effect and be in force from
405 and after July 1, 2016, except for Sections 29, 30, 31, 32, 33,
406 34, 35, 36, 37, 38, 39, 40 and 41 which shall take effect and be
407 in force from and after passage.

