

By: Representatives Busby, Faulkner

To: Transportation;  
Appropriations

## HOUSE BILL NO. 1081

1 AN ACT TO AMEND SECTION 65-37-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT BRIDGES MUST BE DEFICIENT AS DETERMINED BY THE  
3 NATIONAL BRIDGE INSPECTION STANDARDS TO BE ELIGIBLE UNDER THE  
4 LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION PROGRAM; TO  
5 AMEND SECTION 65-37-3, MISSISSIPPI CODE OF 1972, TO REVISE AND  
6 CREATE CERTAIN DEFINITIONS RELATED TO THE LOCAL SYSTEM BRIDGE  
7 REPLACEMENT AND REHABILITATION PROGRAM; TO REVISE THE ALLOCATION  
8 FORMULA FOR THE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION  
9 FUND; TO AMEND SECTIONS 65-37-7, 65-37-11 AND 65-37-15,  
10 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 65-37-1, Mississippi Code of 1972, is  
13 amended as follows:

14 65-37-1. (1) There is established a local system bridge  
15 replacement and rehabilitation program to be administered by the  
16 State Aid Engineer for the purpose of assisting counties and  
17 municipalities in the replacement and rehabilitation of certain  
18 bridges located on local road systems in the counties and in  
19 incorporated municipalities within the counties. In order to be  
20 eligible under this program, a bridge must be \* \* \* a deficient  
21 bridge as defined by Section 65-37-3 (1) (a).



22           (2) In the replacement or rehabilitation of bridges pursuant  
23 to this chapter, consideration may be given to utilizing timber  
24 products on some projects, provided that such projects using  
25 timber products will be comparable in cost to, and can be  
26 constructed to meet current standards for, similar projects using  
27 concrete and steel.

28           (3) The provisions of this chapter shall not be construed to  
29 permit routes on which projects are performed under this chapter  
30 to be eligible for inclusion on the state aid road system except  
31 in accordance with the provisions of \* \* \* Section 65-9-1 et seq.

32           **SECTION 2.** Section 65-37-3, Mississippi Code of 1972, is  
33 amended as follows:

34           65-37-3. (1) For the purposes of this section, the  
35 following terms shall have the meanings ascribed to them in this  
36 subsection:

37           (a) "Deficient bridge" means a bridge \* \* \* with a  
38 condition rating of fair or less for its deck, superstructure or  
39 substructure, as determined by National Bridge Inspection  
40 Standards and that is included on the latest annual bridge  
41 inventory prepared by the Office of State Aid Road Construction.

42           (b) "Local system road miles" means all highways, roads  
43 and streets within a county, including highways, roads and streets  
44 within incorporated municipalities of the county, that are not  
45 included on the designated state highway system.



46           (c) "Local system bridge" means a bridge that is  
47 included on the latest annual official bridge inventory prepared  
48 by the Office of State Aid Road Construction, excluding bridges on  
49 the state aid road system, the municipal urban system and the  
50 rural major collector system.

51           (d) "Bridge" means a bridge that is included on the  
52 latest annual official bridge inventory prepared by the Office of  
53 State Aid Road Construction.

54           (2)   (a) Except as otherwise provided in paragraph (b) of  
55 this subsection (2), from the funds on deposit and credited to the  
56 Local System Bridge Replacement and Rehabilitation Fund created in  
57 Section 65-37-13, each county shall be allocated a percentage of  
58 such funds as they become available, which percentage shall be  
59 based:

60                   ( \* \* \*i)   One-half (1/2) on the proportion that  
61 the total number of deficient bridges in the county bears to the  
62 total number of deficient bridges in all counties of the state;  
63 and

64                   ( \* \* \*ii)   One-half (1/2) on the proportion that  
65 the total number of local system road miles in the county bears to  
66 the total number of local system road miles in all counties of the  
67 state.

68           (b) From the funds on deposit and credited to the Local  
69 System Bridge Replacement and Rehabilitation Fund created in  
70 Section 65-37-13, which are deposited into this fund after the



effective date of this act, each county shall be allocated a  
percentage of such funds as they become available, which  
percentage shall be based:

(i) One-half (1/2) on the proportion that the  
total number of local system bridges in the county bears to the  
total number of local system bridges in all counties of the state;  
and

(ii) One-half (1/2) on the proportion that the  
total square footage of deck area of all local system bridges in  
the county bears to the total square footage of deck area of all  
local system bridges in all counties of the state.

**SECTION 3.** Section 65-37-7, Mississippi Code of 1972, is  
amended as follows:

65-37-7. (1) In order for a county to be eligible for the  
expenditure of funds under the provisions of \* \* \* this chapter,  
the board of supervisors of the county shall meet the following  
conditions:

(a) On or before January 1, 1995, and on or before  
January 1 of each year thereafter, the board of supervisors shall  
present to the State Aid Engineer on a form to be prepared by the  
State Aid Engineer, a four-year plan of bridge replacement and  
rehabilitation for the county. The plan shall identify the  
project or projects and shall contain a detailed plan prepared and  
approved by the engineer for the county. The plan shall specify  
the condition of the existing bridges included in the project, the



96 drainage requirements, the type of replacement or rehabilitation  
97 to be made and the design and specifications therefor. Four-year  
98 plans may be modified each year or more often as necessary  
99 provided that the modifications are submitted to the State Aid  
100 Engineer.

101 (b) The county shall agree to employ a qualified  
102 engineer and such other technical experts as may be necessary to  
103 perform all engineering services required for the projects. The  
104 engineer shall be required to inspect the construction of the  
105 projects and to approve all estimate payments made on the  
106 projects.

107 (c) The county and municipalities shall agree to  
108 construct, at their own expense, the base and surface of all  
109 approaches providing necessary connections to each bridge project  
110 within their respective jurisdictions, including the base and  
111 surface for culvert projects whenever fill material is placed as  
112 part of the contract.

113 (d) The county and municipalities shall agree to  
114 acquire all rights-of-way and relocate or make adjustments to  
115 public utilities for each bridge project within their respective  
116 jurisdictions as may be necessary in the manner provided by law  
117 for the acquisition of rights-of-way and the uniform policy for  
118 accommodation of utility facilities within the rights-of-way of  
119 state aid roads as adopted by the State Aid Engineer under  
120 authority of Section 65-9-1 et seq. Rights-of-way may be acquired



by gift, purchase, deed, dedication or eminent domain. The only costs that may be paid from funds provided under \* \* \* this chapter for right-of-way acquisition shall be the actual cost paid by the county to the landowner for the land acquired as certified to the State Aid Engineer by the attorney for the board of supervisors. The only cost that may be paid from funds provided under \* \* \* this chapter for utility adjustments shall be the actual cost paid by the county for utility adjustments pursuant to contract let by the county as certified to the State Aid Engineer by order of the board of supervisors.

(2) A county shall not be eligible for the expenditure of monies allocated to it under \* \* \* this chapter and the State Aid Engineer shall not certify the use or expenditure of such monies on any bridge that \* \* \* is not a deficient bridge as defined by Section 65-37-3(1)(a), unless the State Aid Engineer certifies that all bridges on the local road system within the county for which funds may be made available under \* \* \* this chapter \* \* \* that are deficient are currently under contract for replacement or rehabilitation. When the State Aid Engineer certifies that all \* \* \* deficient bridges within the county \* \* \* are currently under contract for replacement or rehabilitation, then that county shall:

(a) Be eligible for the expenditure of funds allocated to it \* \* \* according to the formula established in Section 65-37-3(2)(a) for:



( \* \* \*i) The maintenance and replacement of other drainage-related structures in accordance with designs and standards prescribed for such projects by the Office of State Aid Road Construction;

( \* \* \*ii) The Local System Road Program established pursuant to Sections 65-18-1 through 65-18-17; and

( \* \* \*iii) The matching of federal funds for expenditure on state aid roads and bridge replacement in accordance with Section 65-9-29 \* \* \*; and

(b) Be eligible for the expenditure of funds allocated to it according to the formula established in Section 65-37-3(2)(b) solely for the preservation, maintenance and rehabilitation of local system bridges of the county which are deficient bridges as defined in Section 65-37-3(1)(a).

(3) (a) Except as otherwise provided in paragraph (d) of this subsection (3), when a county has failed to expend the monies allocated to it under the Local System Bridge Replacement and Rehabilitation Program, as described in \* \* \* this chapter, for an uninterrupted period of two (2) successive fiscal years, the county shall forfeit and no longer be entitled to the outstanding cumulative balance on hand of the monies that were allocated to it under the program before that period of time.

(b) The county is eligible to receive funds allocated to it in fiscal years occurring after that period of time that caused a forfeiture under the provisions of paragraph (a) of this



subsection (3), unless it so forfeits monies again under that provision.

(c) Monies forfeited each fiscal year under the provisions of this subsection (3) shall be reallocated annually among only those counties that are determined by the State Aid Engineer to have Local System Bridge Replacement and Rehabilitation Program projects that are ready for construction but are not being undertaken due to lack of funds.

(d) Before a forfeiture of funds may occur under the provisions of paragraph (a) of this subsection (3), the State Aid Engineer shall give written notice to the board of supervisors of the county at least ninety (90) days before the forfeiture, and for good cause shown, he may allow the county an additional twelve (12) months to expend the funds subject to the forfeiture.

**SECTION 4.** Section 65-37-11, Mississippi Code of 1972, is amended as follows:

65-37-11. (1) The board of supervisors of each county and the governing authorities of each municipality shall be responsible for properly maintaining all bridges replaced or repaired in their respective jurisdictions and for performing National Bridge Inspection Standard (NBIS) compliant inspections under the provisions of this chapter.

(2) The State Aid Engineer and his assistants shall make annual maintenance inspections of completed bridge projects and \* \* \* ensure that NBIS compliant inspections are performed as





the State Aid Engineer deems necessary. If at any time the State Aid Engineer is of the opinion that a county or municipality has not provided NBIS compliant bridge inspections or proper maintenance as required by subsection (1) of this section, he shall give written notice thereof to the board of supervisors of the county or the governing authorities of the municipality of default and direct such maintenance as may be necessary to be performed. If within sixty (60) days of the receipt of such notice the board of supervisors or governing authorities have not performed such maintenance as may be necessary, then the county or municipality shall not thereafter be eligible to participate in the Local System Bridge Replacement and Rehabilitation Program.

(3) Whenever any county fails to be eligible for the expenditure of monies allocated to it under the provisions of this chapter for a continuous period of two (2) years because it has failed to properly maintain bridges under the Local System Bridge Replacement and Rehabilitation Program, then the county shall forfeit and no longer be entitled to any part of the monies in the Local System Bridge Replacement and Rehabilitation Fund theretofore allocated to it. The balance of the monies theretofore allocated to it shall be reallocated pro rata among all other eligible counties in accordance with the formula established in Section 65-37-3.

**SECTION 5.** Section 65-37-15, Mississippi Code of 1972, is amended as follows:



65-37-15. Notwithstanding any other provisions of this chapter, when all deficient bridges, as defined by Section 65-37-3(1)(a), of a county \* \* \* have been replaced or are under contract for replacement or rehabilitation, then monies in the Local System Bridge Replacement and Rehabilitation Fund created under Section 65-37-13, that are allocated to a particular county may be expended for (a) the purpose of paying the principal, interest and debt service on any bonds, notes or obligations issued or incurred by that county before the effective date of this chapter for the purpose of replacing or rehabilitating any bridge or drainage-related structure on any highway, road or street under the jurisdiction of that county, (b) on bridges in the State Aid Road System, or (c) if bridges in the State Aid Road System of that county are in sufficient repair, such monies may be utilized for the repair of roads on the State Aid Road System or local system roads, upon presentation to the State Aid Engineer of a resolution duly adopted and entered on the minutes of the board of supervisors of such county requesting such expenditure and reciting in the resolution such information as may be necessary for the State Aid Engineer to determine that the county is eligible for expenditure of funds under the provisions of this section.

**SECTION 6.** This act shall take effect and be in force from and after July 1, 2020.

