

By: Senator(s) Branning

To: Highways and
Transportation

SENATE BILL NO. 2637

1 AN ACT TO AMEND SECTION 65-1-901, MISSISSIPPI CODE OF 1972,
2 TO FURTHER DEFINE FUND ALLOCATION; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** Section 65-1-901, Mississippi Code of 1972, is
5 amended as follows:

6 65-1-901. (1) There is created in the State Treasury a
7 special fund to be known as the "Strategic Multi-Modal Investments
8 Fund," into which shall be deposited nonfederal money appropriated
9 by the Legislature or otherwise made available in any manner, and
10 funds from any other source designated for deposit into such fund.
11 Unexpended amounts remaining in the fund at the end of a fiscal
12 year shall not lapse into the State General Fund and any interest
13 earned or investment earnings on amounts in the fund shall be
14 deposited into the fund. The expenditure of money deposited into
15 the fund shall be under the direction of the Mississippi
16 Department of Transportation, and such funds shall be paid by the
17 Mississippi Department of Transportation upon warrants issued by
18 the Department of Finance and Administration.



(2) For purposes of this act, unless the context requires otherwise, the following terms shall have the meanings ascribed herein:

(a) "Airport project" means the construction, reconstruction, or rehabilitation of runways, taxiways, aprons, hangars, passenger or freight terminals, cargo or freight storage facilities, aircraft and airfield equipment maintenance and storage buildings, on airport service and access roads, and related buildings and parking facilities, or the acquisition or instillation of equipment for the movement or safety or security of persons or freight, at public-use airports in Mississippi in order to increase the airport's capacity and/or to support additional freight activity at the airport.

(b) "Department" means the Mississippi Department of Transportation.

(c) "Fund" means the Strategic Multi-Modal Investments Fund.

(d) "Port project" means the repair, rehabilitation, construction, reconstruction, upgrading and improvement of port facilities, port intermodal facilities, and major marine terminal equipment for the loading and unloading of goods at any state, county or municipal port authorities in Mississippi in order to increase the capacity to support additional freight activity or to support additional customers at the port.



43 (e) "Rail project" means the reconstruction,
44 replacement, or new construction of railroad infrastructure,
45 including track, roadbed, switches, spurs, bridges, industrial
46 leads and sidings, transloading facilities, grade separation
47 projects, and track-related structures to support additional
48 freight rail activity for serving new customer locations or
49 expansions in Mississippi for a public benefit. A public benefit
50 may include safety improvements, economic development, and
51 operational efficiencies that reduce congestion and benefit
52 surrounding communities.

53 (3) Money in the fund shall be utilized by the department,
54 with the advice of the Strategic Multi-Modal Investments Advisory
55 Board, to provide funding for necessary investments and repairs to
56 airports, ports * * * and rail lines in this state, as determined
57 by a majority vote of the Mississippi Transportation Commission.
58 Eligible applicants for airport projects are public-use airports
59 in the state that are on the National Plan of Integrated Airport
60 Systems (NPIAS) maintained by the Federal Aviation Administration.
61 Eligible applicants for port projects are state, county or
62 municipal port authorities in Mississippi. Eligible applicants
63 for rail projects are any freight rail operator or state, local or
64 regional governmental entities operating a railroad. For rail
65 projects, local units of government may be deemed eligible
66 applicants if the application is related to a federal rail grant
67 opportunity that requires local units of * * * government to serve



as eligible applicants as opposed to a freight rail owner or operator.

(4) The purpose of the fund is to increase * * * economic activity at the airports, ports and railroads located in this state and to support long-term economic growth in the state. The department should prioritize projects leveraging federal funds for similar purposes or that provide a positive rate of return based on sound projections of increased economic activity and project readiness. The department shall ensure an equitable distribution of funds between types of recipients, provided that no mode receives less than twenty percent (20%) of total funds appropriated in a given year.

The department shall also ensure an equitable share of funding for projects serving rural areas of the state. Money in the fund may be used to match other federal funding programs when allowable by those federal programs. However, before the expenditure of money in the fund, the department shall promulgate rules and regulations as authorized in subsection (3) of this section.

(5) (a) There is created the Strategic Multi-Modal Investments Advisory Board which shall consist of the following members:

(i) The President and Chief Executive Officer of the Mississippi Economic Council;



(ii) The President and Chief Executive Officer of the Mississippi Manufacturers Association;

(iii) The President of the Mississippi Farm Bureau Federation;

(iv) The Executive Director of the Mississippi Railroad Association;

(v) The Executive Director of the Ports Council;

(vi) The Executive Director of the Mississippi Airports Association; and

(vii) The Executive Director of the Mississippi Economic Development Council.

(b) The board shall provide nonbinding advice to the Department of Transportation regarding the expenditure of money in the Strategic Multi-Modal Investments Fund.

(c) The Strategic Multi-Modal Investments Advisory Board shall elect from among its members a chairman of the board within ninety (90) days of June 30, 2023, and the board shall elect such other officers as it considers necessary from among its members.

(d) A majority of the members of the board shall constitute a quorum for the conduct of meetings and all actions of the board shall be by a majority vote. No compensation, per diem or mileage expense shall be provided to the board members.

(e) The department shall provide any necessary administrative support to the board.



(f) The board shall meet at least annually to conduct business.

(6) The department shall have all powers necessary to implement and administer the program established under this section to maximize all potential sources of funding, including state and federal, for projects covered by the program. Any available sources of funding may be combined to fund any project covered by the program. This includes Multi-Modal Transportation Improvement Program funds, which may be used in conjunction with Strategic Multi-Modal Investments Fund monies. Under no circumstances shall Strategic Multi-Modal Investments Fund monies be used to reimburse any amount that has been expended on the project prior to the award of such monies to the recipient.

(7) The department shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2024.

