

By: Representative Reynolds

To: Transportation

HOUSE BILL NO. 1191

1 AN ACT TO CREATE A COUNTY FEEDER ROAD PROGRAM TO BE
 2 ADMINISTERED BY THE STATE AID ENGINEER; TO CREATE A SPECIAL FUND
 3 IN THE STATE TREASURY IN WHICH SHALL BE DEPOSITED MONIES
 4 APPROPRIATED BY THE LEGISLATURE TO ASSIST COUNTIES IN THE
 5 CONSTRUCTION, RECONSTRUCTION AND PAVING OF COUNTY ROADS NOT ON THE
 6 STATE AID ROAD SYSTEM AND BRIDGES NOT INCLUDED ON THE LOCAL BRIDGE
 7 PROGRAM; TO ESTABLISH A FORMULA FOR ALLOCATING AND DISTRIBUTING
 8 MONIES IN THE SPECIAL FUND TO COUNTIES; TO ESTABLISH CRITERIA THAT
 9 COUNTIES MUST MEET IN ORDER TO BE ELIGIBLE TO PARTICIPATE IN THE
 10 PROGRAM; AND FOR RELATED PURPOSES.

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

12 SECTION 1. This act shall be known and may be cited as the
 13 "County Feeder Road Program."

14 SECTION 2. For the purposes of this act, the term "feeder
 15 road" means a road that is included on the county road system as
 16 designated under Section 65-7-4 that (a) is functionally
 17 classified as a local rural road in accordance with policies on
 18 geometric design of highways and streets adopted and published by
 19 the American Association of State Highway and Transportation
 20 Officials; (b) provides access to the state aid system, the
 21 federal aid system or the designated state highway system; and (c)
 22 has an average daily traffic count of four hundred (400) vehicles
 23 or less. The term "feeder road" includes all drainage related
 24 structures except bridges that are included on the National Bridge
 25 Inspection Inventory maintained by the Office of State Aid Road
 26 Construction. The term "feeder road" does not include a road or
 27 highway on the designated state highway system.

28 SECTION 3. (1) There is established a County Feeder Road
 29 Program which shall be administered by the State Aid Engineer for

30 the purpose of assisting the counties of this state in the
31 construction, reconstruction and paving of feeder roads.

32 (2) Routes on which projects are performed under this act
33 are not eligible for inclusion on the state aid system except in
34 accordance with the provisions of Section 65-9-1 et seq.

35 SECTION 4. The County Feeder Road Program shall be
36 administered by the State Aid Engineer. In administering the
37 program, the State Aid Engineer shall have the following powers
38 and duties:

39 (a) To supervise the use of all funds made available
40 for the purposes of this act for use on feeder roads in the State
41 of Mississippi;

42 (b) To allocate to each county that county's share of
43 all monies made available under the provisions of this act but
44 only when the county has complied with the provisions of this act
45 and only when the county is eligible for the allocation of monies
46 under the County Feeder Road Program;

47 (c) To keep and compile records of all expenditures on
48 feeder roads to which money is disbursed under the provisions of
49 this act, which records must be kept separate and apart from other
50 state aid records;

51 (d) To approve the construction of feeder roads,
52 including roadbeds, grades and drainage, before authorizing the
53 release of funds under this act;

54 (e) To establish such rules and regulations as the
55 State Aid Engineer determines as necessary to implement the
56 provisions of the County Feeder Road Program; and

57 (f) To report to the Legislature, no later than January
58 1 of each year, how monies in the County Feeder Road Fund created
59 under Section 5 of this act were spent in each county, what
60 projects were approved and constructed, the number of miles
61 constructed or improved and the cost per mile for such
62 construction and improvement.

63 SECTION 5. (1) There is created in the State Treasury a
64 special fund to be known and designated as the "County Feeder Road
65 Fund." The fund shall be administered by the State Aid Engineer
66 and shall consist of the monies deposited therein as provided
67 under subsection (2) of this section, and such other monies as the
68 Legislature designates for deposit therein. Monies in the fund
69 may be expended by the Office of State Aid Road Construction, upon
70 appropriation by the Legislature, only for the purpose of
71 constructing, reconstructing and paving, feeder roads as defined
72 in Section 4 of this act. Unexpended amounts remaining in the
73 special fund at the end of a fiscal year shall not lapse into the
74 State General Fund, and any interest earned on amounts in the
75 special fund shall be deposited to the credit of the special fund.
76 The Office of State Aid Road Construction shall be entitled to
77 reimbursement from monies in the fund, upon requisitions therefor
78 by the State Aid Engineer, for the actual expenses incurred by the
79 office in administering the provisions of this act.

80 (2) During the 2001 regular legislative session and the
81 regular legislative session held in each year thereafter, the
82 Legislature shall appropriate Ten Million Dollars (\$10,000,000.00)
83 from the State General Fund for deposit into the County Feeder
84 Road Fund created under subsection (1) of this section.

85 (3) Monies in the County Feeder Road Fund shall be allocated
86 and become available for distribution to counties in accordance
87 with the formula prescribed in Section 6 of this act beginning
88 January 1, 2002, on a project-by-project basis. Monies in the
89 County Feeder Road Fund may not be used or expended for any
90 purpose except as authorized under this act.

91 SECTION 6. From the monies on deposit and credited to the
92 County Feeder Road Fund created in Section 5 of this act, each
93 county shall be allocated a percentage of such monies as they
94 become available, as follows:

95 (a) One-half (1/2) to be allocated equally among all of
96 the counties; and

97 (b) One-half (1/2) to be allocated based upon the
98 proportion that the total number of feeder road miles in the
99 county bears to the total number of feeder road miles in all
100 counties of the state.

101 SECTION 7. The State Aid Engineer shall allocate monies
102 under the provisions of this act to each county that has met the
103 requirements of this act and shall establish specific designs and
104 standards to be followed by such counties in the construction,
105 reconstruction and paving of feeder roads. The specific designs
106 and standards shall be based upon policies on geometric design of
107 local rural roads, highways and streets adopted and published by
108 the American Association of State Highway and Transportation
109 Officials.

110 SECTION 8. (1) In order for a county to be eligible for the
111 expenditure of monies under the County Feeder Road Program, a
112 county must meet the following conditions:

113 (a) The county has employed a county engineer, together
114 with such other technical assistance as is necessary to carry out
115 the duties of this act, the same as provided under the provisions
116 of Section 65-9-15, for its state aid road system and, through its
117 official minutes, has authorized the county engineer to perform
118 the necessary engineering services connected with the County
119 Feeder Road Program. The county engineer shall prepare the
120 necessary plans and designs for all construction projects,
121 including state aid projects and projects provided under this act.
122 He also shall provide engineering supervision for the construction
123 of such projects and shall approve all estimate payments made on
124 the projects. Engineering cost for any project performed under
125 the County Feeder Road Program may be paid from any funds
126 allocated to a county under the program; however, the maximum fee
127 paid to an engineer from the County Feeder Road Fund shall not

128 exceed twelve percent (12%) of the final construction cost. No
129 such cost shall be reimbursed to the county before the letting of
130 the project; and

131 (b) The county has presented a plan for the
132 construction, reconstruction and paving of a feeder road which
133 plan has been made and approved by the county engineer of the
134 county, showing the specific road or project to be improved,
135 stating the condition of the existing roadbed, drainage and
136 bridges and outlining the type of construction or reconstruction
137 to be made and the designs and specifications therefor including
138 the paving of the road and the sources of revenue to be used and
139 the sources and types of material to be used thereon. The plan
140 shall be presented to the State Aid Engineer for the initial
141 approval of the beginning of a project to receive monies.

142 (2) After the initial approval of the plan and plans as
143 specified in subsection (1)(b) of this section has been made by
144 the State Aid Engineer, the county may proceed to construct or
145 reconstruct the road in accordance with the plan, and upon doing
146 so shall be eligible to receive all funds made available to the
147 county to be used exclusively for the paving of the road. The
148 project may be done either by contract or by using county
149 equipment and employees. It shall be according to the original
150 plan or any amendments thereto which have been approved by the
151 State Aid Engineer. The board may use county equipment and
152 employees if the construction can be accomplished at a more
153 reasonable cost than can be achieved by contract.

154 SECTION 9. All rights-of-way and adjustments for utilities
155 necessary for County Feeder Road Program projects must be acquired
156 or performed by the boards of supervisors in the manner provided
157 by law for the acquisition of rights-of-way, including gift,
158 purchase, deed, dedication, and eminent domain; however, no part
159 of the cost of such rights-of-way may be paid from feeder road
160 program funds.

161 SECTION 10. Contracts for the construction of county feeder
162 road projects must be advertised and let by the board of
163 supervisors of the county in the manner required by law. Before
164 advertising for bids, plans and specifications covering the
165 proposed work shall be prepared by the county engineer and filed
166 in the chancery clerk's office of the county. Copies of the plans
167 and specifications shall be subject to inspection during regular
168 office hours and shall be made available to all prospective
169 bidders upon such terms and conditions as may be required by the
170 board and its county engineer.

171 SECTION 11. Whenever any county fails to expend or obligate
172 by contract any of the monies allocated to it under the provisions
173 of this act, within three (3) years after the allocation is made,
174 then such county shall forfeit and no longer be entitled to any
175 part of the monies in the County Feeder Road Fund previously
176 allocated to it; and the balance of such monies previously
177 allocated to it shall be reallocated pro rata between all other
178 eligible counties in accordance with the formula established in
179 Section 6 of this act.

180 SECTION 12. The boards of supervisors shall properly
181 maintain all roads constructed under the County Feeder Road
182 Program in their respective counties. The board and its county
183 engineer shall make annual maintenance inspections of completed
184 projects to determine if essential maintenance is being carried on
185 and the board shall record on its official minutes the
186 determinations made from such maintenance inspections.

187 SECTION 13. This act shall take effect and be in force from
188 and after July 1, 2001.