

By: Representative Green

To: Transportation

HOUSE BILL NO. 1436

1 AN ACT TO AMEND SECTION 65-9-29, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE ALLOCATION AND MATCHING OF FEDERAL AID HIGHWAY
3 FUNDS ALLOCATED TO MISSISSIPPI UNDER THE TRANSPORTATION EQUITY ACT
4 FOR THE TWENTY-FIRST CENTURY (TEA-21); TO AMEND SECTION 65-9-30,
5 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 65-9-29, Mississippi Code of 1972, is
9 amended as follows:

10 65-9-29. (1) Federal aid highway funds allocated to
11 Mississippi * * * to be expended on the federal aid routes shall
12 be expended as follows:

13 (a) * * * Federal aid * * * funds allocated to
14 Mississippi and to be expended on the federal aid routes shall be
15 divided between the Mississippi Department of Transportation and
16 the several counties, so that fifty percent (50%) will be matched
17 by the Mississippi Department of Transportation and expended on
18 the federal aid routes on the state highway system, and fifty
19 percent (50%) matched by the counties with state aid or local
20 funds and expended on the federal aid routes in the several
21 counties.

22 (b) Such division will be made upon allocation by the
23 Division Administrator of the Federal Highway
24 Administration * * *. The expenditure of all federal * * * funds
25 shall be through and under the Mississippi Department of
26 Transportation, subject to and in accordance with all rules and
27 regulations and applicable laws of the federal government.

28 (c) Not less than fifty percent (50%) of the funds
29 appropriated to Mississippi allocated for substate distribution in



30 any area of the state under the Surface Transportation Program
31 authorization of Public Law 105-178 (the Transportation Equity Act
32 for the Twenty-first Century, hereinafter called TEA-21) and fifty
33 percent (50%) of the amount allocated to areas with a population
34 of less than five thousand (5,000) shall be allocated to the
35 eighty-two (82) counties of the state and administered by the
36 Office of State Aid Road Construction.

37 (d) Not less than thirty percent (30%) of the bridge
38 replacement funds allocated to Mississippi under TEA-21 shall be
39 allocated to the eighty-two (82) counties of the state to replace
40 deficient bridges in accordance with all rules and regulations of
41 the Federal Highway Administration and administered by the Office
42 of State Aid Road Construction.

43 * * *

44 (2) Federal aid * * * highway funds allocated to
45 Mississippi, * * * including federal bridge replacement funds and
46 other special grants made available for expenditure of county
47 roads, shall be expended as follows:

48 (a) Federal aid * * * highway funds expended on state
49 aid roads shall be matched with available state aid funds and/or
50 other available local funds, or as otherwise provided in Section
51 65-1-70, Mississippi Code of 1972.

52 (b) Federal aid * * * highway funds available for
53 expenditure on roads not on the state aid system and not eligible
54 for inclusion on the state aid system shall be matched with
55 available local funds, or as otherwise provided in Section 65-9-17
56 or Section 65-1-70, Mississippi Code of 1972.

57 (c) The expenditure of all federal * * * highway funds
58 on county roads shall be programmed by the State Highway
59 Commission, subject to and in accordance with applicable federal
60 law, rules and regulations, and limited to such county projects as
61 recommended by the State Aid Engineer. The State Aid Engineer is
62 authorized to assign state aid personnel to administer off-system



63 construction projects and other special federal aid program
64 requirements in the same manner and under the same provisions and
65 conditions as other projects authorized under this chapter.

66 **SECTION 2.** Section 65-9-30, Mississippi Code of 1972, is
67 amended as follows:

68 65-9-30. (1) The State Aid Engineer shall maintain an
69 accurate record of all federal aid highway funds * * * and all
70 other available federal road funds allocated to the
71 counties * * *. He shall likewise maintain an accurate account of
72 all state aid funds apportioned to the counties in accordance with
73 the percentages and provisions set out in Section 27-65-75.

74 (2) The State Aid Engineer is hereby authorized to utilize
75 state aid funds, and federal aid highway funds allocated to the
76 counties as provided for in accordance with Section 65-9-29 * * *
77 and/or any other available federal road funds allocated to
78 Mississippi and to be expended on county roads, and allocated to
79 the counties as provided for in accordance with Section 65-9-29,
80 in such amounts as he deems necessary for an orderly and effective
81 programming of all funds available to the counties, including an
82 interchange of one (1) type of funds for another type of funds
83 when necessary; provided, however, that each county shall receive,
84 not less than annually, its pro rata share of the combined funds
85 so allocated; and further provided that the authority of the
86 county boards of supervisors to otherwise adopt construction
87 programs is in no way circumvented.

88 **SECTION 3.** This act shall take effect and be in force from
89 and after July 1, 2002.

