

By: Senator(s) Tollison

To: Highways and
Transportation

SENATE BILL NO. 2287

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
12 shall 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 Administration. The
24 expenditure of all federal * * * funds shall be through and under
25 the Mississippi Department of Transportation, subject to and in
26 accordance with all rules and regulations and applicable laws of
27 the federal government.

28 (c) Not less than fifty percent (50%) of the funds
29 appropriated to Mississippi under the Surface Transportation



30 Program authorization of Public Law 105-178 (the Transportation
31 Equity Act for the Twenty-first Century, hereinafter called
32 TEA-21), shall be allocated for sub-state distribution in any area
33 of the state and fifty percent (50%) of the amount allocated to
34 areas with a population of less than five thousand (5,000) shall
35 be allocated to the eighty-two (82) counties of the state and
36 administered by the 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 abridge replacement funds and
46 other special grants made available for expenditure of county
47 roads, shall be expended as follows:

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

52 (b) Federal aid off-system 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 off-system highway
58 funds 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, federal "safer
70 off-system" funds, and all other available federal road funds
71 allocated to the counties in accordance with the percentages set
72 out in Section 65-9-3. He shall likewise maintain an accurate
73 account of all state aid funds apportioned to the counties in
74 accordance with the percentages and provisions set out in Section
75 27-65-75.

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

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

