

By: Senator(s) Johnson (19th), Williamson

To: Highways and Transportation

SENATE BILL NO. 2828

1 AN ACT TO AMEND SECTION 65-3-97, MISSISSIPPI CODE OF 1972, TO
2 ADD A SEGMENT OF MISSISSIPPI HIGHWAY 16 BETWEEN CARTHAGE AND
3 PHILADELPHIA TO PHASE 4 OF THE 1987 FOUR LANE-HIGHWAY PROGRAM; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 65-3-97, Mississippi Code of 1972, is
7 amended as follows:

8 65-3-97. (1) In addition to and including all other
9 highways designated as a part of the state highway system, there
10 is hereby designated as a part thereof a four-lane highway system
11 to connect various areas of the state with interstate and primary
12 highways. The Mississippi Department of Transportation shall
13 construct and reconstruct four-lane highways, that is, not less
14 than two (2) lanes for traffic flowing in each direction, along
15 the routes designated in this section.

16 (2) In the construction and reconstruction of the four-lane
17 highway system designated in this section, the Mississippi
18 Department of Transportation may utilize the roadway of any
19 existing highway under its jurisdiction and control and shall do
20 so when such utilization is feasible, provided that such highways
21 which are utilized shall be constructed to current standards for
22 such roadways. When it is not feasible to utilize existing
23 designated highways, the Transportation Department shall relocate
24 such highways and construct entirely new facilities whether in
25 urban or rural areas.

26 (3) Construction of the four-lane highway system designated
27 in this subsection shall commence, proceed and be performed by the
28 Mississippi Department of Transportation strictly in accordance



29 with the following set of priorities established for the letting
30 of contracts on and along various segments thereof:

31 (a) Of the following group of highway segments not less
32 than fifteen percent (15%) of all contracts necessary to be let
33 for completion of all segments within the group shall be let by
34 June 30, 1988, not less than thirty percent (30%) of such
35 contracts shall be let by June 30, 1989, not less than fifty
36 percent (50%) of such contracts shall be let by June 30, 1990, not
37 less than seventy percent (70%) of such contracts shall be let by
38 June 30, 1991, not less than ninety percent (90%) of such
39 contracts shall be let by June 30, 1992, and one hundred percent
40 (100%) of such contracts shall be let by June 30, 1993:

41 (i) Highway segments along or near U.S. 45
42 beginning at the Clarke/Lauderdale county line and extending
43 northerly to I-59; then beginning at Macon and extending northerly
44 to Brooksville; then beginning at Columbus Air Force Base and
45 extending northerly to Aberdeen; then beginning at U.S. 278 and
46 extending northerly to Shannon; then beginning at Saltillo and
47 extending northerly to Corinth.

48 (ii) Highway segments along or near U.S. 45A
49 beginning at U.S. 82 and extending northerly to West Point; then
50 beginning four (4) miles south of Okolona and extending northerly
51 to Shannon.

52 (iii) A highway segment along or near U.S. 49W
53 beginning at U.S. 49 and extending westerly through Yazoo City to
54 the Yazoo River.

55 (iv) A highway segment along or near U.S. 49W
56 beginning at Inverness and extending northerly to Indianola.

57 (v) A highway segment along or near U.S. 61
58 beginning at Port Gibson and extending northerly to the four-lane
59 south of Vicksburg.

60 (vi) Highway segments along or near U.S. 72
61 beginning at or near Mt. Pleasant and extending southeasterly to



62 Mississippi 5; then beginning at Walnut and extending
63 southeasterly to Corinth; then beginning at Strickland and
64 extending southeasterly to Burnsville.

65 (vii) Highway segments along or near U.S. 78
66 beginning at Holly Springs and extending southeasterly to the New
67 Albany bypass; then beginning at Mississippi 25 and extending
68 southeasterly to Tremont.

69 (viii) Highway segments along or near U.S. 82
70 beginning at I-55 and extending easterly to Kilmichael; then
71 beginning at Eupora and extending easterly to Mathiston; then
72 beginning at Mississippi 12 and extending easterly to the Alabama
73 state line.

74 (ix) A highway segment along or near U.S. 84
75 beginning at I-59 and extending easterly to the Jones/Wayne county
76 line.

77 (x) Highway segments along or near U.S. 98
78 beginning at Columbia and extending easterly to the Marion/Lamar
79 county line; then beginning at U.S. 49 and extending southeasterly
80 to the Alabama state line.

81 (b) Of the following group of highway segments not less
82 than five percent (5%) of all contracts necessary to be let for
83 completion of all segments within the group shall be let by June
84 30, 1991, not less than ten percent (10%) of such contracts shall
85 be let by June 30, 1992, not less than twenty-five percent (25%)
86 of such contracts shall be let by June 30, 1993, not less than
87 forty percent (40%) of such contracts shall be let by June 30,
88 1994, not less than fifty-five percent (55%) of such contracts
89 shall be let by June 30, 1995, not less than seventy percent (70%)
90 of such contracts shall be let by June 30, 1996, not less than
91 eighty-five percent (85%) of such contracts shall be let by June
92 30, 1997, and one hundred percent (100%) of such contracts shall
93 be let by June 30, 1998:



94 (i) Highway segments along or near Mississippi 25
95 beginning at Mississippi 471 and extending northeasterly to
96 Mississippi 43; then beginning at the Winston/Oktibbeha county
97 line and extending northeasterly to Starkville.

98 (ii) A highway segment along or near Mississippi
99 63 beginning at the Jackson/George county line and extending
100 northerly to Lucedale.

101 (iii) A highway segment along or near Mississippi
102 302 beginning at I-55 in Southaven and extending easterly to U.S.
103 72 at or near Mt. Pleasant.

104 (iv) Highway segments along or near U.S. 45
105 beginning at the Alabama state line and extending northerly to the
106 Clarke/Lauderdale county line; then beginning at Lauderdale and
107 extending northerly to Macon; then beginning at Aberdeen and
108 extending northerly to U.S. 278.

109 (v) A highway segment along or near U.S. 45A
110 beginning at West Point and extending northerly to four (4) miles
111 south of Okolona.

112 (vi) A highway segment beginning at Brooksville
113 along or near U.S. 45 or U.S. 45A and extending northerly to U.S.
114 82, such segment having been designated by the Transportation
115 Commission pursuant to the provisions of paragraph (1)(c) of this
116 section.

117 (vii) A highway segment along or near U.S. 49W
118 beginning at the Yazoo River and extending northerly to Inverness.

119 (viii) Highway segments along or near U.S. 61
120 beginning at the Louisiana state line and extending northerly to
121 the Wilkinson/Adams county line; then beginning at Washington and
122 extending northerly to Port Gibson; then beginning at Merigold and
123 extending northerly to Shelby; then beginning at the north end of
124 the Clarksdale bypass and extending northerly to the Tennessee
125 state line.



126 (ix) A highway segment along or near U.S. 72
127 beginning at Mississippi 5 and extending southeasterly to Walnut.

128 (x) A highway segment along or near U.S. 78
129 beginning at Tremont and extending southeasterly to the Alabama
130 state line.

131 (xi) Highway segments along or near U.S. 82
132 beginning at the Montgomery/Webster county line and extending
133 easterly to Eupora; then beginning at Mathiston and extending
134 easterly to Starkville.

135 (xii) Highway segments along or near U.S. 84
136 beginning at Leesdale and extending easterly to Roxie; then
137 beginning at Auburn Road and extending easterly to I-55; then
138 beginning at the east end of the Brookhaven bypass and extending
139 easterly to Prentiss; then beginning at the Jones/Covington county
140 line and extending easterly to Horse Creek; then beginning at the
141 Jones/Wayne county line and extending easterly to Waynesboro.

142 (xiii) Highway segments along or near U.S. 98
143 beginning at the Pike/Walthall county line and extending easterly
144 to Columbia; then beginning at the Marion/Lamar county line and
145 extending easterly to the four-lane west of Hattiesburg.

146 (c) Of the following group of highway segments not less
147 than ten percent (10%) of all contracts necessary to be let for
148 completion of all segments within the group shall be let by June
149 30, 1996, not less than twenty percent (20%) of such contracts
150 shall be let by June 30, 1997, not less than forty percent (40%)
151 of such contracts shall be let by June 30, 1998, and one hundred
152 percent (100%) of such contracts shall be let by June 30, 1999:

153 (i) A highway segment along or near Mississippi 25
154 beginning at Mississippi 43 and extending northeasterly to the
155 Winston/Oktibbeha county line.

156 (ii) A highway segment along or near Mississippi
157 63 beginning at Lucedale and extending northerly to U.S. 45 at
158 State Line.



159 (iii) A highway segment along or near U.S. 61
160 beginning at Shelby and extending northerly to U.S. 49.

161 (iv) A highway segment along or near U.S. 82
162 beginning at Kilmichael and extending easterly to the
163 Montgomery/Webster county line.

164 (v) Highway segments along or near U.S. 84
165 beginning at Eddiceton and extending easterly to Auburn Road; then
166 beginning at Prentiss and extending easterly to Collins; then
167 beginning at Waynesboro and extending easterly to the Alabama
168 state line.

169 (d) (i) Of the following group of highway segments not
170 less than five percent (5%) of all contracts necessary to be let
171 for completion of all segments within the group shall be let by
172 June 30, 2002, not less than fifteen percent (15%) of such
173 contracts shall be let by June 30, 2003, not less than twenty-five
174 percent (25%) of such contracts shall be let by June 30, 2004, not
175 less than thirty-five percent (35%) of such contracts shall be let
176 by June 30, 2005, not less than forty-five percent (45%) of such
177 contracts shall be let by June 30, 2006, not less than sixty
178 percent (60%) of such contracts shall be let by June 30, 2007, not
179 less than seventy percent (70%) of such contracts shall be let by
180 June 30, 2008, not less than eighty percent (80%) of such
181 contracts shall be let by June 30, 2009, not less than ninety
182 percent (90%) of such contracts shall be let by June 30, 2010, and
183 one hundred percent (100%) of such contracts shall be let by June
184 30, 2011:

185 A. A highway segment along or near
186 Mississippi 6 beginning at the Clarksdale bypass and extending
187 easterly to Batesville.

188 B. A highway segment along or near
189 Mississippi 12 beginning at I-55 and extending easterly to
190 Kosciusko.



191 C. A highway segment along or near
192 Mississippi 15 beginning at I-10 and extending northerly to
193 Mississippi 26; then beginning at U.S. Highway 98 and extending
194 northerly to the Mississippi/Tennessee state line.

195 D. A highway segment consisting of two (2)
196 lanes of construction and two (2) lanes of right-of-way
197 acquisition along or near Mississippi 15 beginning at Mississippi
198 26 and extending northerly to U.S. Highway 98.

199 E. A highway segment along or near
200 Mississippi 19 beginning at Collinsville and extending
201 northwesterly to Kosciusko.

202 F. Highway segments along or near Mississippi
203 25 beginning at Aberdeen and extending northerly to Fulton; then
204 beginning at the Alabama state line and extending northerly to
205 U.S. Highway 72.

206 G. A highway segment along or near U.S.
207 Highway 61 beginning at Redwood and extending northerly to Leland.

208 H. A highway segment along or near U.S.
209 Highway 98 beginning at Meadville and extending southeasterly to
210 Summit.

211 I. A highway segment along or near
212 Mississippi Highway 24/48 beginning at Woodville and extending
213 easterly to McComb.

214 J. A highway segment along or near
215 Mississippi 35 beginning at the Mississippi/Louisiana state line
216 and extending northerly to or near Foxworth.

217 K. A highway segment along or near
218 Mississippi 27 beginning at I-20 and extending southeasterly to
219 I-55.

220 L. A highway segment along or near
221 Mississippi 57 beginning at I-10 and extending northerly ten (10)
222 miles to just north of the community of Van Cleave.



223 M. A highway segment along or near
224 Mississippi 16 beginning at Carthage and extending easterly to
225 Philadelphia.

226 (ii) Contracts for the construction and/or
227 reconstruction of highway segments designated within this group
228 shall be let by the Transportation Commission strictly in
229 accordance with the volume capacity of the highway segment. If
230 the volume capacity of a highway segment is less than the volume
231 capacity threshold at which the Transportation Department
232 recommends the construction of a four-lane highway, then the
233 Transportation Department shall make other improvements and
234 highway modifications to such highway segment as needed, such as
235 straightening and realignment of the existing roadway, the
236 addition of passing lanes and the widening of existing lanes, and
237 may acquire any necessary right-of-way for such purposes and for
238 the purpose of future construction of four-lane highways along
239 such segments.

240 (4) The construction priorities established in this section
241 shall not be construed as prohibiting the completion of highway
242 segments which, on July 1, 1987, are included in the current
243 three-year plan under Section 65-1-141, and for which, on July 1,
244 1987, grade and drainage has been completed or contracts for grade
245 and drainage have been let.

246 (5) Contracts may be let and construction may commence and
247 be performed concurrently on any of the highway segments
248 designated in subsection (3) of this section, notwithstanding the
249 priorities established for the letting of contracts on the various
250 segments designated therein, provided that funds are available
251 and, provided that, at all times, the percentages of all contracts
252 required to be let on the segments designated in paragraphs
253 (3) (a), (3) (b), (3) (c) and (3) (d), respectively, are, in fact, let
254 no later than the dates established therein.



255 (6) (a) All highway construction and reconstruction
256 authorized under this section shall be performed by contract let
257 on competitive bid in the manner provided by statute; however,
258 highway segments shall be constructed in lengths of not less than
259 ten (10) miles.

260 (b) It is the intent of the Legislature that not less
261 than ten percent (10%) of the amounts authorized to be expended
262 for construction and reconstruction of the four-lane highway
263 segments designated in this section shall be expended with small
264 business concerns owned and controlled by socially and
265 economically disadvantaged individuals. The term "socially and
266 economically disadvantaged individuals" shall have the meaning
267 ascribed to such term under Section 8(d) of the Small Business Act
268 (15 USCS, Section 637(d)) and relevant subcontracting regulations
269 promulgated pursuant thereto; except that women shall be presumed
270 to be socially and economically disadvantaged individuals for the
271 purposes of this paragraph (b).

272 (7) (a) Notwithstanding the provisions of subsection (6) (a)
273 of this section, the Mississippi Transportation Commission may
274 construct highway segments of less than ten (10) miles in length
275 if:

276 (i) The segment as described in subsection (3) of
277 this section is less than ten (10) miles in length;

278 (ii) The segment will connect two (2) existing
279 four-lane highways;

280 (iii) The segment will connect an existing
281 four-lane highway with an incorporated municipality;

282 (iv) The segment will connect an existing
283 four-lane highway with a river, the state boundary or any other
284 natural or man-made barrier;

285 (v) For a particular project, the costs of
286 constructing a single segment of at least ten (10) miles in length



287 would greatly exceed the aggregate costs of constructing two (2)
288 or more segments; or

289 (vi) The segment is in an urban area and involves
290 the completion of bypasses or other construction which will
291 facilitate and accommodate major traffic movement.

292 (b) In any case in which the Transportation Commission
293 authorizes the construction of a highway segment of less than ten
294 (10) miles in length, the commission shall set forth and record in
295 its official minutes explanation and justification therefor based
296 upon one or more of the conditions prescribed in paragraph (7) (a)
297 of this section.

298 (8) To assist in defraying the costs and expenses for
299 construction, reconstruction and relocation of the four-lane
300 highway system described in this section, the following revenues
301 shall be paid out of such funds made available to the
302 Transportation Commission and the Transportation Department:

303 (a) From matched federal funds or other federal funds,
304 Thirty-two Million Dollars (\$32,000,000.00) for fiscal year 1988,
305 Twenty-five Million Dollars (\$25,000,000.00) for fiscal year 1989,
306 Thirty Million Dollars (\$30,000,000.00) for fiscal year 1990 and
307 fifty percent (50%) of such federal funds for fiscal year 1991 and
308 each fiscal year thereafter; and

309 (b) Five Million Dollars (\$5,000,000.00) from matched
310 federal bridge replacement funds for fiscal year 1988 and each
311 fiscal year thereafter when the segments proposed for construction
312 contain bridges that are eligible for replacement under the
313 Federal Aid Bridge Replacement Program.

314 (9) The Transportation Department shall submit a report to
315 the Legislature by January 10 of each calendar year setting forth
316 the current status of the construction program set forth in this
317 section to include, but not be limited to, the following
318 information:



- 319 (a) Specific segments on which engineering is being
320 performed or has been completed;
- 321 (b) Specific segments for which right-of-way has been
322 acquired or is being acquired;
- 323 (c) Specific segments for which construction contracts
324 have been let;
- 325 (d) Specific segments on which construction is in
326 progress;
- 327 (e) Specific segments on which construction has been
328 completed;
- 329 (f) Projections for completion of the next step on each
330 segment;
- 331 (g) Revenue derived for such construction program from
332 each revenue source contained in Chapter 322, Laws, 1987, and in
333 Chapter 557, Laws, 1994;
- 334 (h) For each fiscal year beginning in 1994, a detailed
335 cash flow projection by source of program activities and an
336 estimate of when the program will encounter a funding shortage due
337 to costs exceeding original projections;
- 338 (i) A schedule of all complete and open-to-traffic
339 highway segments and the related total cost of each segment;
- 340 (j) A schedule of all highway segments on which all
341 contracts necessary for completion of the segments were not let as
342 of the date required by law;
- 343 (k) A complete recap of all program receipts by source,
344 and of all disbursements for the prior fiscal year and cumulative
345 totals since the inception of the program as compared to
346 projections; and
- 347 (l) A statement from the Department of Transportation
348 regarding the status of the funding of the program based on agency
349 cost experience and projections for the future.



350 The report shall be deemed submitted when ten (10) copies are
351 submitted to the Clerk of the House of Representatives and ten
352 (10) copies are submitted to the Secretary of the Senate.

353 **SECTION 2.** This act shall take effect and be in force from
354 and after July 1, 2002.

