

By: Senator(s) Hewes

To: Highways and  
Transportation

## SENATE BILL NO. 3010

1 AN ACT TO AMEND SECTION 65-1-705, MISSISSIPPI CODE OF 1972,  
2 TO ABOLISH THE MULTI-MODAL FUND COMMITTEE AND TO REVISE THE  
3 MEMBERSHIP OF THE PORT MULTI-MODAL FUND COMMITTEE; TO AMEND  
4 SECTION 65-1-707, MISSISSIPPI CODE OF 1972, TO DELETE THE 5%  
5 DISCRETIONARY DISTRIBUTION OF MULTI-MODAL FUNDS BY THE DEPARTMENT  
6 OF TRANSPORTATION; TO DELETE DISCRETIONARY MULTIYEAR COMMITMENT TO  
7 FUNDING; TO AMEND SECTION 65-1-709, MISSISSIPPI CODE OF 1972, TO  
8 REVISE THE MEMBERSHIP OF THE JOINT LEGISLATIVE MULTI-MODAL FUND  
9 OVERSIGHT COMMITTEE; TO REPEAL SECTION 65-1-711, MISSISSIPPI CODE  
10 OF 1972, WHICH PROVIDES FOR THE REPEAL OF THE MULTI-MODAL  
11 TRANSPORTATION IMPROVEMENT PROGRAM; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 65-1-705, Mississippi Code of 1972, is  
14 amended as follows:

15 65-1-705. \* \* \*

16 (1) (a) There is hereby created the Port Multi-Modal Fund  
17 Committee whose membership shall consist of:

18 (i) Six (6) directors of \* \* \* ports, appointed by  
19 the President of the Mississippi Water Resources Association, or  
20 their designees, as follows: three (3) directors of the coastal  
21 ports and three (3) directors of the inland river ports;

22 (ii) The Executive Director of MDA, or his  
23 designee;

24 (iii) The Executive Director of MDOT, or his  
25 designee; and

26 (iv) The Executive Director of the Mississippi  
27 Water Resources Association, or his designee.

28 (b) A majority of the membership of the committee shall  
29 constitute a quorum. MDOT shall call meetings of the committee  
30 and shall call a meeting for the purpose of reviewing and

31 approving applications as required in Section 65-1-707 by not  
32 later than August 1 of each fiscal year.

33 (2) (a) There is hereby created an Airport Multi-Modal Fund  
34 Committee whose membership shall consist of:

35 (i) Five (5) directors of airports appointed by  
36 the President of the Mississippi Airport Association, or their  
37 designees, at least three (3) of whom shall represent airports  
38 with commercial passenger service;

39 (ii) The Executive Director of MDA, or his  
40 designee; and

41 (iii) The Executive Director of MDOT, or his  
42 designee.

43 (b) A majority of the membership of the committee shall  
44 constitute a quorum. MDOT shall call meetings of the committee  
45 and shall call a meeting for the purpose of reviewing and  
46 approving applications as required in Section 65-1-707 by not  
47 later than August 1 of each fiscal year.

48 (3) (a) There is hereby created the Railroad Multi-Modal  
49 Fund Committee whose membership shall consist of:

50 (i) The director of each railroad, or his  
51 designee;

52 (ii) The Executive Director of MDA, or his  
53 designee; and

54 (iii) The Executive Director of MDOT, or his  
55 designee.

56 (b) A majority of the membership of the committee shall  
57 constitute a quorum. MDOT shall call meetings of the committee  
58 and shall call a meeting for the purpose of reviewing and  
59 approving applications as required in Section 65-1-707 by not  
60 later than August 1 of each fiscal year.

61 (4) (a) There is hereby created the Public Transit  
62 Multi-Modal Fund Committee whose membership shall consist of:

63                   (i) Three (3) directors of transit systems, other  
64 than the Coast Transit Authority and the City of Jackson Transit  
65 System serving the greater Jackson urbanized area, appointed by  
66 the President of the Mississippi Public Transit Association, or  
67 their designees;

68                   (ii) The Executive Director of MDA, or his  
69 designee; and

70                   (iii) The Executive Director of MDOT, or his  
71 designee.

72                   (b) A majority of the membership of the committee shall  
73 constitute a quorum. MDOT shall call meetings of the committee  
74 and shall call a meeting for the purpose of reviewing and  
75 approving applications as required in Section 65-1-707 by not  
76 later than August 1 of each fiscal year.

77           **SECTION 2.** Section 65-1-707, Mississippi Code of 1972, is  
78 amended as follows:

79           65-1-707. (1) During each state fiscal year, MDOT shall  
80 distribute \* \* \* the money in the fund among the various modes as  
81 follows:

82                   (a) Thirty-eight percent (38%) shall be distributed to  
83 ports;

84                   (b) Thirty-four percent (34%) shall be distributed to  
85 airports;

86                   (c) Sixteen percent (16%) shall be distributed to  
87 transit systems; and

88                   (d) Twelve percent (12%) shall be distributed to  
89 railroads.

90           \* \* \*

91           (2) In order for a port to receive money allocated under  
92 subsection (1) of this section, the port shall file an application  
93 with MDOT describing how the funds will be used and shall provide  
94 such other information as MDOT may require. Such applications  
95 shall be reviewed by the Port Multi-Modal Fund Committee. The

96 Port Multi-Modal Fund Committee shall decide which applications  
97 shall be approved and the amount of funding for each approved  
98 application based upon such criteria as it shall consider  
99 appropriate; provided, however, that no application shall be  
100 approved or funds distributed pursuant to this article unless the  
101 expenditure of such funds shall be:

102 (a) Directly related to dredging, capital improvements  
103 or the rebuilding or rehabilitation of basic infrastructure and  
104 not for routine maintenance, administrative or operational  
105 expenses;

106 (b) For a project or use directly related to the  
107 operation of the port in its modal role; and

108 (c) For a purpose outside the normal operating budget  
109 of the port.

110 (3) In order for an airport to receive money allocated under  
111 subsection (1) of this section, the airport shall file an  
112 application with MDOT describing how the funds will be used and  
113 shall provide such other information as MDOT may require. Such  
114 applications shall be reviewed by the Airport Multi-Modal Fund  
115 Committee. The Airport Multi-Modal Fund Committee shall decide  
116 which applications shall be approved and the amount of funding for  
117 each approved application based upon such criteria as it shall  
118 consider appropriate; provided, however, that no application shall  
119 be approved or funds distributed pursuant to this article unless  
120 the expenditure of such funds shall be:

121 (a) Directly related to capital improvements or the  
122 rebuilding or rehabilitation of basic infrastructure and not for  
123 routine maintenance, administrative or operational expenses;

124 (b) For a project or use directly related to the  
125 operation of the airport in its modal role; and

126 (c) For a purpose outside the normal operating budget  
127 of the airport.

128       (4) In order for a railroad to receive money allocated under  
129 subsection (1) of this section, the railroad shall file an  
130 application with MDOT describing how the funds will be used and  
131 shall provide such other information as MDOT may require. Such  
132 applications shall be reviewed by the Railroad Multi-Modal Fund  
133 Committee. The Railroad Multi-Modal Fund Committee shall decide  
134 which applications shall be approved and the amount of funding for  
135 each approved application based upon such criteria as it shall  
136 consider appropriate; provided, however, that no application shall  
137 be approved or funds distributed pursuant to this article unless  
138 the expenditure of such funds shall be:

139           (a) Directly related to capital improvements or the  
140 rebuilding or rehabilitation of basic infrastructure and not for  
141 routine maintenance, administrative or operational expenses;

142           (b) For a project or use directly related to the  
143 operation of the railroad in its modal role; and

144           (c) For a purpose outside the normal operating budget  
145 of the railroad.

146       (5) (a) Thirty percent (30%) of the money allocated for  
147 transit systems under subsection (1) of this section shall be  
148 distributed by MDOT to Coast Transit Authority.

149           (b) Thirty percent (30%) of the money allocated for  
150 transit systems under subsection (1) of this section shall be  
151 distributed by MDOT to the City of Jackson Transit System serving  
152 the greater Jackson urbanized area.

153           (c) The remainder of the money allocated for transit  
154 systems under subsection (1) of this section shall be distributed  
155 by MDOT among other transit systems. In order to receive funds  
156 under subsection (1) of this section, any such transit system  
157 shall file an application with MDOT describing how the money will  
158 be used and shall provide such other information as MDOT may  
159 require. Such applications shall be reviewed by the Public  
160 Transit Multi-Modal Fund Committee. The Public Transit

161 Multi-Modal Fund Committee shall decide which applications shall  
162 be approved and the amount of funding for each approved  
163 application based upon such criteria as it shall consider  
164 appropriate.

165       (6) As a condition for the receipt of any funds distributed  
166 under this section, the port, airport, railroad or transit system  
167 shall be required to fund, from public or private sources, not  
168 more than ten percent (10%) of the total cost of the project or  
169 purpose for which the funds are to be spent. The percentage  
170 amount of such matching fund requirement shall be determined by  
171 MDOT. In addition to such other contributions and expenditures as  
172 may be considered acceptable by MDOT, in-kind contributions and  
173 expenditures for the following shall be credited toward the above  
174 matching requirement:

- 175               (a) Pre-construction studies, planning and design;
- 176               (b) Personal property acquisition;
- 177               (c) Real property acquisition, reclamation and related  
178 relocation costs;
- 179               (d) Professional services; and
- 180               (e) Construction.

181       (7) In addition to such other expenditures as may be deemed  
182 appropriate by MDOT or hereunder, money distributed from the fund  
183 may be used to meet federal matching fund requirements and for  
184 pre-construction studies, planning and design; personal property  
185 acquisition; real property acquisition, reclamation and related  
186 relocation costs; professional services; and construction.

187       \* \* \*

188       **SECTION 3.** Section 65-1-709, Mississippi Code of 1972, is  
189 amended as follows:

190       65-1-709. (1) There is hereby created the Joint Legislative  
191 Multi-Modal Fund Committee which shall consist of \* \* \* the  
192 Chairman of the Senate Highways and Transportation Committee, or  
193 his designee; the Chairman of the Senate Ports and Marine

194 Resources Committee, or his designee; \* \* \* the Chairman of the  
195 House Transportation Committee, or his designee; and the Chairman  
196 of the House Ports, Harbors and Airports Committee, or his  
197 designee \* \* \*. Administration of this article shall be subject  
198 to oversight by the Joint Legislative Multi-Modal Fund Committee.

199 (2) MDOT shall annually prepare at its expense a written  
200 report on administration of the fund \* \* \* which shall include,  
201 without limitation, a description of all applications for funding  
202 received under this article, the status of each application, the  
203 criteria used to evaluate such application, and an analysis of the  
204 return and benefits from funding projects under this  
205 article \* \* \*. MDOT shall consult with the committees established  
206 in Section 65-1-705 when preparing such report and provide  
207 sufficient copies of the report at no cost to such committees.  
208 MDOT shall submit such report to the Joint Legislative Multi-Modal  
209 Fund Committee by not later than September 1 of each year.

210 **SECTION 4.** Section 65-1-711, which provides for the repeal  
211 of Sections 65-1-701 through 65-1-709 establishing the Multi-Modal  
212 Transportation Improvement Program, is hereby repealed.

213 **SECTION 5.** This act shall take effect and be in force from  
214 and after July 1, 2004.