

By: Senator(s) Hewes

To: Highways and
TransportationCOMMITTEE SUBSTITUTE
FOR
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) Seven (7) directors of * * * ports, appointed
19 by the President of the Mississippi Water Resources Association,
20 or their designees, as follows: three (3) directors of the
21 coastal ports and four (4) 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:

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

(c) For a purpose outside the normal operating budget 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

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

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

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

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

* * *

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

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

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

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

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

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