

3/17/15

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Chapter No. 374

15/SS01/R722PS

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SENATE BILL NO. 2566

Originated in Senate

Arj Welton

Secretary

SENATE BILL NO. 2566

AN ACT TO AMEND SECTION 65-37-7, MISSISSIPPI CODE OF 1972, TO ALLOW COUNTIES THAT HAVE REPLACED THEIR STRUCTURALLY DEFICIENT BRIDGES TO USE LOCAL SYSTEM BRIDGE REPLACEMENT AND REHABILITATION PROGRAM FUNDS TO MATCH FEDERAL FUNDS ON THE STATE AID SYSTEM AND TO REVISE THE DISTRIBUTION OF MONIES FORFEITED BY COUNTIES FOR NOT SPENDING THEIR LSBP FUNDS; TO AMEND SECTION 65-9-29, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT FEDERAL FUNDS FOR THE STATE AID SYSTEM BE ALLOCATED IN ACCORDANCE WITH THE STATE AID SYSTEM FORMULA; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 65-37-7, Mississippi Code of 1972, is amended as follows:

65-37-7. (1) In order for a county to be eligible for the expenditure of funds under the provisions of Sections 65-37-1 through 65-37-15, the board of supervisors of the county shall meet the following conditions:

(a) On or before January 1, 1995, and on or before January 1 of each year thereafter, the board of supervisors shall present to the State Aid Engineer on a form to be prepared by the State Aid Engineer, a four-year plan of bridge replacement and rehabilitation for the county. The plan shall identify the

project or projects and shall contain a detailed plan prepared and approved by the engineer for the county. The plan shall specify the condition of the existing bridges included in the project, the drainage requirements, the type of replacement or rehabilitation to be made and the design and specifications therefor. Four-year plans may be modified each year or more often as necessary provided that the modifications are submitted to the State Aid Engineer.

(b) The county shall agree to employ a qualified engineer and such other technical experts as may be necessary to perform all engineering services required for the projects. The engineer shall be required to inspect the construction of the projects and to approve all estimate payments made on the projects.

(c) The county and municipalities shall agree to construct, at their own expense, the base and surface of all approaches providing necessary connections to each bridge project within their respective jurisdictions, including the base and surface for culvert projects whenever fill material is placed as part of the contract.

(d) The county and municipalities shall agree to acquire all rights-of-way and relocate or make adjustments to public utilities for each bridge project within their respective jurisdictions as may be necessary in the manner provided by law for the acquisition of rights-of-way and the uniform policy for

accommodation of utility facilities within the rights-of-way of state aid roads as adopted by the State Aid Engineer under authority of Section 65-9-1 et seq. Rights-of-way may be acquired by gift, purchase, deed, dedication or eminent domain. The only costs that may be paid from funds provided under Sections 65-37-1 through 65-37-15 for right-of-way acquisition shall be the actual cost paid by the county to the landowner for the land acquired as certified to the State Aid Engineer by the attorney for the board of supervisors. The only cost that may be paid from funds provided under Sections 65-37-1 through 65-37-15 for utility adjustments shall be the actual cost paid by the county for utility adjustments pursuant to contract let by the county as certified to the State Aid Engineer by order of the board of supervisors.

(2) A county shall not be eligible for the expenditure of monies allocated to it under Sections 65-37-1 through 65-37-15 and the State Aid Engineer shall not certify the use or expenditure of such monies on any bridge that has a sufficiency rating of greater than fifty (50), as determined by National Bridge Inspection standards, unless the State Aid Engineer certifies that all bridges on the local road system within the county for which funds may be made available under Sections 65-37-1 through 65-37-15 have a sufficiency rating of greater than fifty (50) or that all such bridges in the county with a sufficiency rating of less than fifty (50) are currently under contract for replacement or

rehabilitation. When the State Aid Engineer certifies that all such bridges of a county have a sufficiency rating of greater than fifty (50) or that all such bridges within the county with a sufficiency rating of fifty (50) or less are currently under contract for replacement or rehabilitation, then that county shall be eligible for the expenditure of funds allocated to it under Sections 65-37-1 through 65-37-15 for:

(a) The maintenance and replacement of other drainage related structures in accordance with designs and standards prescribed for such projects by the Office of State Aid Road Construction * * *;

(b) The Local System Road Program established pursuant to Sections 65-18-1 through 65-18-17 * * *; and

(c) The matching of federal funds for expenditure on state aid roads and bridge replacement in accordance with Section 65-9-29.

(3) (a) Except as otherwise provided in paragraph (d) of this subsection (3), when a county has failed to expend the monies allocated to it under the Local System Bridge Replacement and Rehabilitation Program, as described in Sections 65-37-1 through 65-37-15, for an uninterrupted period of two (2) successive fiscal years, the county shall forfeit and no longer be entitled to the outstanding cumulative balance on hand of the monies that were allocated to it under the program before that period of time.

(b) The county is eligible to receive funds allocated to it in fiscal years occurring after that period of time that caused a forfeiture under the provisions of paragraph (a) of this subsection (3), unless it so forfeits monies again under that provision.

(c) Monies forfeited each fiscal year under the provisions of this subsection (3) shall be reallocated annually among only those counties that are determined by the State Aid Engineer to * * * have Local System Bridge Replacement and Rehabilitation Program projects that are ready for construction but are not being undertaken due to lack of funds.

(d) Before a forfeiture of funds may occur under the provisions of paragraph (a) of this subsection (3), the State Aid Engineer shall give written notice to the board of supervisors of the county at least ninety (90) days before the forfeiture, and for good cause shown, he may allow the county an additional twelve (12) months to expend the funds subject to the forfeiture.

SECTION 2. Section 65-9-29, Mississippi Code of 1972, is amended as follows:

65-9-29. (1) Federal aid secondary funds allocated to Mississippi and to be expended on the federal aid secondary system roads shall be expended as follows:

(a) Effective only upon the passage of an act of the Legislature providing state aid funds, federal aid secondary funds allocated to Mississippi and to be expended on the federal aid

secondary system shall be divided between the * * * Mississippi Department of Transportation and the several counties, so that fifty percent (50%) will be matched by the * * * Mississippi Department of Transportation and expended on the federal aid secondary system roads on the state highway system, and fifty percent (50%) matched by the counties with state aid funds and expended on the federal aid secondary roads of the state aid road system.

(b) Such division will be made upon allocation by the Administrator of the Federal Highway Administration after the * * * Department of Transportation provides for the matching of the percent of such allotment as covered by federal act and available for financing in part the * * * Mississippi Department of Transportation's Division of Highway Planning. The expenditure of all federal aid secondary funds shall be through and under the * * * Department of Transportation, subject to and in accordance with all rules and regulations and applicable laws of the federal government.

(c) The amount of funds allocated to each county for use on State Aid System roads * * * shall be apportioned among the counties of this state by the * * * Mississippi Transportation Commission * * * subject to and in accordance with applicable federal law, rules and regulations, and limited to such counties as recommended by the State Aid Engineer. The * * * Mississippi Transportation Commission is authorized to finance from its own

funds the preliminary surveys, engineering and plans for all work involving funds expended on federal aid secondary projects on the state aid road system, and the rights-of-way required for state aid system roads constructed with federal aid secondary funds * * * shall be provided by the county receiving such aid from its funds other than state aid funds. The * * * Mississippi Transportation Commission shall program federal aid secondary funds made available to the counties under this act on such projects and limited to such counties as recommended by the State Aid Engineer.

(2) Federal "safer off-system" funds, and/or any other available federal road funds, except the federal aid secondary funds hereinabove provided for separately, allocated to Mississippi and to be expended on county roads, but not on the designated state highway system, shall be expended as follows:

(a) Federal "safer off-system" funds and/or any such other available federal road funds shall be matched with available state aid funds and expended on such county roads.

(b) The expenditure of such federal "safer off-system" funds and * * * all such other available federal road funds shall be through and under the * * * Mississippi Department of Transportation, subject to, and in accordance with, all rules and regulations and applicable laws of the federal government.

(c) The amount of such federal "safer off-system" funds and/or all such other available federal road funds allocated to

each county for use on such county roads * * * shall be apportioned among the counties of this state by the * * * Mississippi Transportation Commission in accordance with the formula in the manner provided in Section 65-9-3, Mississippi Code of 1972. The * * * Mississippi Transportation Commission will program such federal "safer off-system" funds and * * * all such other available federal road funds made available to the counties on such projects and limited to such counties as recommended by the State Aid Engineer.

(3) Federal aid off-system highway funds allocated to Mississippi, (except federal aid secondary funds and federal "safer off-system" funds provided for separately in subsections (1) and (2) of this section), including federal bridge replacement funds and other special grants made available for expenditure of county roads, shall be expended as follows:

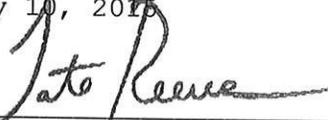
(a) Federal aid off-system highway funds expended on state aid roads shall be matched with available state aid funds and/or other available local funds, or as otherwise provided in Section 65-1-70, Mississippi Code of 1972.

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

(c) The expenditure of all federal off-system highway funds on county roads shall be programmed by the * * * Mississippi Transportation Commission, subject to and in accordance with applicable federal law, rules and regulations, and limited to such county projects as recommended by the State Aid Engineer. The State Aid Engineer is authorized to assign state aid personnel to administer off-system construction projects and other special federal aid program requirements in the same manner and under the same provisions and conditions as other projects authorized under this chapter.

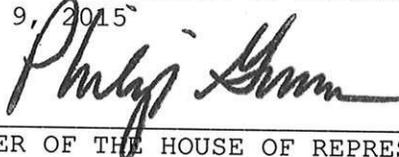
SECTION 3. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE SENATE
February 10, 2015



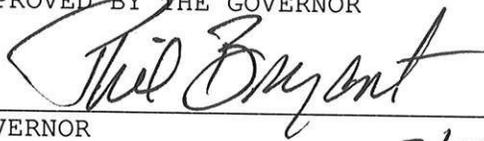
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 9, 2015



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

3/17/15
3:47 pm