

MDOT Legislative Notes

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THE BIMONTHLY INFORMATION SOURCE FOR EMPLOYEES OF THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION



Larry L. "Butch" Brown
Executive Director

I've often heard "no news is good news." While that might have been a comforting phrase in days gone by, it is no longer an appropriate statement for today. We live in a world where instant

access to accurate information is expected.

As executive director for the Mississippi Department of Transportation (MDOT), I too need accurate, timely information on which to base decisions for the day-to-day running of this massive agency. Likewise, you—the employees of MDOT—benefit from being aware of MDOT policies, programs and goals.

That is why I have asked the MDOT staff to produce this twice-monthly newsletter—*MDOT Legislative Notes*—until the three-month legislative session adjourns. Hopefully it will supply employees statewide with important information concerning legislation being supported by the Mississippi Transportation Commission (MTC) and MDOT, or legislation that has a bearing on our agency's policies and procedures.

However, this newsletter isn't intended to be just a one-way street. I hope you will view it as a means by which to provide me with feedback as we attempt to formulate plans and policies for this agency. Your knowledge of and experience in dealing with MDOT issues is valuable. We are all in the business of working to make the services provided by MDOT the top of the line and together we will. Listed on the back page of this newsletter are ways in which you can contact me (i.e. phone, email, etc.). In this way effective communication can take place.

I look forward to working with the Mississippi Legislature this year and including you in the process. Together we can provide lawmakers with the accurate, timely and professionally sound information they need to make sound decisions concerning transportation in our state.

Inside This Issue

- From the Executive Director
- MDOT's Legislative Agenda
- MDOT Governmental Affairs Team
- Did You Know?
- MDOT's Mission

MDOT's Legislative Agenda

For the 2002 Legislative Session, the MTC and MDOT are supporting several new proposals that will enhance our mission of meeting Mississippi's transportation needs. The agency's 2002 Legislative agenda is outlined below. Additional information concerning MDOT's proposed legislation is available by calling (601) 359-7017.

Vision 21

Probably the most important piece of legislation the MTC and MDOT are supporting this year is **Vision 21**: MDOT's needs-based, "pay as you go" construction program, which, if enacted, will address Mississippi highway needs into the 21st Century. This program combines the Gaming Roads Program, Phase IV of the 1987 Four-Lane Highway Program, and other highway needs based on statewide, detailed analyses of Mississippi's existing interstate and major highway network. If passed it will provide for construction of four-lane highways or the upgrading of existing highways in those areas with the greatest traffic capacity needs. (A map

(continued on page 2)

of this proposed program is available on MDOT's web site, www.goMDOT.com or by calling the Public Affairs Division at (601) 359-7017.)

Flexibility Bill (Former Senate Bill 2436)

This action will allow MDOT to replace dollar for dollar state revenue with federal revenue. In doing this, MDOT will be able to better utilize its funds. MDOT is asking for the authority to allocate state revenue that is currently dedicated to the 1987 Four-Lane Highway Program to other areas and use federal money on the '87 Program. The benefit is, with flexibility in spending, MDOT will be more able to effectively utilize its flow of funds and match federal dollars. Unlike state funds, federal revenue may only be spent in a few restrictive categories, where state dollars may be spent on those areas with the greatest needs.

Reorganization of MDOT

If passed, this legislation will exempt the agency from the rules and regulations of the State Personnel Board for one year. The purpose is to address several critical needs such as pay range alignment, staffing needs, and classification of agency positions.

Extend Repealer on Gaming Roads

Program (Former Senate Bill 2627)

The purpose of this legislation is to extend the current funding mechanism for the Gaming Roads Program until the year 2022. This will allow the State Bond Commission to issue 20-year bonds for the balance of the authorized Gaming Roads Program.

Equipment Purchase and Replacement Fund

MDOT's annual equipment appropriation along with funds received from buy-backs, insurance settlements and equipment auctions would be deposited in a revolving fund. MDOT will be given budgetary authority to purchase and replace equipment more efficiently.

Clarification of County Road Signage Responsibility

The current statute requires that the Transportation Commission oversee all signs on state highways and county roads. This is an old statute (1938) which should be replaced to reflect that the Mississippi Transportation Commission has the authority to select a uniform statewide signing scheme (i.e., the Manual on Uniform Traffic Control Devices) and that responsibility for maintenance of the signs should be with the entity (county) charged with maintaining each segment of road.

Eminent Domain - Bench Trials

(Former Senate Bill 2429)

Currently, the State's proof in an eminent domain case must be submitted to a jury even in those cases where there is no defendant or dispute. The jury is directed that it must return a verdict in an amount consistent with the proof presented. This requires judges to impanel juries. If this legislation passes, judges can hear evidence and return a verdict fixing the compensation due the landowners without the cost and time loss of assembling a jury.

Eminent Domain - Tax Reassessment

(Former Senate Bill 2820)

This legislation will allow tax collectors and assessors to immediately remove state-acquired property from the tax rolls. It will prevent landowners from being required to pay taxes on property acquired by quick take or to prevent a tax sale on the remaining property for the taxes owed.

Removal of Program Categories

(Former Senate Bill 2434)

Unlike most other state agencies, MDOT's appropriated funds are governed within 49 separate categories. This legislation amends the current law by deleting the sentence that requires the Legislature to allocate MDOT's appropriated funds into separate program budget areas.

Contractors' Tax (Former Senate Bill 2435)

Currently, highway contractors are taxed for the work they perform on our roads but MDOT only receives the revenues from that tax if the work is performed as part of the 1987 Four-Lane Highway Program. If this legislation is passed, all of the revenue generated by the highway contractor's tax would go to MDOT rather than the general fund.

Truck Fines (Former Senate Bill 2421)

This legislation will give MDOT monies from all fines collected by counties as a result of citations written by MDOT officers for overweight/oversize truck violations.

Short Term Borrowing Authority

(Former Senate Bill 225?)

This proposed legislation would authorize the Mississippi Transportation Commission to borrow funds (up to \$50,000,000) as needed to alleviate any potential cash flow shortages that might arise due to unusual circumstances such as irregular weather patterns or rapidly deteriorating economic conditions.

Fiber Optic Lines on Controlled

Access Highways (Former Senate Bill 2416)

Allows companies to install fiber optic lines on controlled access highways for a specified cost per mile. Revenue generated would be earmarked for maintenance on the state highway system.

Railroad Revitalization Act

(Former Senate Bill 3167)

Legislation to develop a program that will encourage and assist railroads in revitalizing existing facilities.

Toll Roads Legislation

(Former Senate Bill 2958)

This is legislation that will allow for the construction and maintenance of sections of highways or bridges in Mississippi as toll facilities.

Mississippi Transportation Commission

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Wayne Brown, *Southern District,*

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Did You Know?

The Mississippi Legislature has the opportunity to enact measures that can save lives but, without such enactment, the agency is facing an annual loss of up to \$25 million in federal money.

Under the Transportation Equity Act for the 21st Century (TEA-21), Congress first made provisions for awarding incentive grants to states that enacted tougher legislation to increase safety. The legislation included incentives based on increased seat belt usage, which usually increases as a result of a primary seat belt law, and establishment of 0.08 as the

(continued on page 4)

legal blood alcohol concentration (BAC) limit for drunk driving offenses. Unfortunately the “window of opportunity” is closing and beginning Oct. 1, 2003, the incentives will be replaced with penalties for those states that fail to enact these potentially lifesaving measures.

MDOT has already lost \$7.2 million (or 3 percent) of federal funds as a result of Mississippi not having an Open Container Law in fiscal years 2001 and 2002.

Unfortunately, this agency will continue to lose 3 percent until Mississippi has an Open Container Law that is in compliance.

It is important for you to know that the penalties for not having both an Open Container Law and a 0.08 BAC “per se” law will continue to grow. A total of 11 percent of MDOT’s federal funds (or approximately \$25 million per year) could be withheld or diverted to another agency by the year 2007 and every year after.

This is \$25 million per year that would pay for approximately 15 miles of newly constructed two-lane highway, eight miles of new four-lane highway, or five miles of an interstate-type freeway. Or it could be used to maintain approximately 227 miles of two-lane highway (estimated at \$110,000 per mile).

Members of our Governmental Legislative Team will be seeking advice regarding these and other legislative proposals. Please know from the outset that your cooperation and input will be greatly appreciated. Thanks.

MDOT’s Mission

The Mississippi Department of Transportation is responsible for providing a safe intermodal transportation network that is planned, designed, constructed, and maintained in an effective, cost-efficient and environmentally sensitive manner.



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