

By: Representatives McBride, Bailey, Bell, To: Transportation; Ways and  
 Buck (5th), Chism, Clark, DuVall, Ellis, Means  
 Espy, Gadd, Gardner, Gibbs, Harrison, Hines,  
 Holland, Howell, Nicholson, Norquist, Nowell,  
 Perkins, Puckett, Rogers (14th), Smith  
 (27th), Smith (39th), Stevens, Sullivan, Thomas, Ward, Whittington,  
 Woods

HOUSE BILL NO. 1713  
 (As Sent to Governor)

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION  
 2 BONDS IN THE AMOUNT OF \$16,000,000.00 TO PROVIDE FUNDS FOR RAIL  
 3 PROJECTS AUTHORIZED UNDER THE ACT; TO PROVIDE FUNDS FOR THE  
 4 CONSTRUCTION, REHABILITATION, MAINTENANCE AND IMPROVEMENT OF THE  
 5 STATE'S PASSENGER RAIL INFRASTRUCTURE THAT ARE COMPATIBLE WITH  
 6 OPPORTUNITIES FOR THE STATE TO OBTAIN FEDERAL FUNDING ASSISTANCE  
 7 THAT MAY BE AVAILABLE FOR INTERCITY AND HIGH-SPEED PASSENGER RAIL  
 8 SERVICE; TO PROVIDE ADDITIONAL FUNDS FOR THE RAILROAD  
 9 REVITALIZATION FUND; TO PROVIDE ADDITIONAL FUNDS FOR THE RAILROAD  
 10 REVITALIZATION FUND TO BE CREDITED TO THE MISSISSIPPI  
 11 HIGHWAY-RAILROAD GRADE CROSSING SAFETY ACCOUNT; TO PROVIDE THAT  
 12 THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH  
 13 THE MISSISSIPPI DEVELOPMENT AUTHORITY AND THE SOUTHERN HIGH-SPEED  
 14 RAIL COMMISSION, SHALL PROMOTE PASSENGER RAIL TRAVEL AND SERVICE  
 15 IN THE STATE; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF  
 16 TRANSPORTATION SHALL DEVELOP THE STATE RAIL PLAN AND TO DESCRIBE  
 17 THE PLAN AND REQUIRE THAT IT CONTAIN BOTH FREIGHT AND PASSENGER  
 18 RAIL SERVICE COMPONENTS; TO DIRECT THE EXECUTIVE DIRECTOR OF THE  
 19 MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO FILE AN APPLICATION  
 20 WITH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESTABLISH THE  
 21 MULTI-MODAL TRANSPORTATION IMPROVEMENT FUND AS A SEPARATE FUND AS  
 22 MANDATED BY LAW; TO AMEND SECTIONS 57-43-1, 57-43-15 AND 57-45-1,  
 23 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS  
 24 ACT; AND FOR RELATED PURPOSES.

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

26 **SECTION 1.** The Legislature finds and determines that:

27 (a) There exists in the State of Mississippi a  
 28 continuing need to construct, improve and invest in rail or  
 29 railroad infrastructure within the state. A strong rail  
 30 infrastructure promotes economic development and employment  
 31 opportunities and promotes the public good and general welfare of  
 32 the state.

33 (b) The public purpose of the provisions of this act is  
 34 to develop a coordinated program related to rail infrastructure  
 35 for freight and passenger rail travel within the State of  
 36 Mississippi, including, but not limited to, the construction of



37 such additional rail lines or tracks as may be necessary or  
38 advisable, the maintenance and improvement of the existing rail  
39 infrastructure, and the prudent use of state funds to take  
40 advantage of any opportunities for federal funding assistance that  
41 may be available.

42 (c) The issuance of bonds and the borrowing of money  
43 for the specific purposes set forth in this act serve the public  
44 interest and are vital to the public safety and welfare of the  
45 people of Mississippi, and to the economic development of the  
46 state.

47 **SECTION 2.** (1) As used in this section, the following words  
48 shall have the meanings ascribed herein unless the context clearly  
49 requires otherwise:

50 (a) "Accreted value" of any bond means, as of any date  
51 of computation, an amount equal to the sum of (i) the stated  
52 initial value of such bond, plus (ii) the interest accrued thereon  
53 from the issue date to the date of computation at the rate,  
54 compounded semiannually, that is necessary to produce the  
55 approximate yield to maturity shown for bonds of the same  
56 maturity.

57 (b) "State" means the State of Mississippi.

58 (c) "Commission" means the State Bond Commission.

59 (2) (a) A special fund, to be designated as the "2009  
60 Capital Assistance Stimulus for Rail Projects Fund," is created  
61 within the State Treasury. The fund shall be maintained by the  
62 State Treasurer as a separate and special fund, separate and apart  
63 from the General Fund of the state. Unexpended amounts remaining  
64 in the fund at the end of a fiscal year shall not lapse into the  
65 State General Fund, and any interest earned or investment earnings  
66 on amounts in the fund shall be deposited into such fund. Monies  
67 deposited into the fund shall be disbursed, in the discretion of  
68 the Department of Finance and Administration, to pay the costs  
69 associated with specific projects authorized under Section 3 of



70 this act that are related to the construction, rehabilitation,  
71 maintenance and improvement of the state's passenger rail  
72 infrastructure, and that are compatible with opportunities for the  
73 state to obtain federal funding assistance that may be available  
74 for intercity passenger rail service and high-speed rail corridor  
75 service or other high-speed rail service. Not more than Three  
76 Million Five Hundred Thousand Dollars (\$3,500,000.00) of the bonds  
77 authorized under this section shall be allocated for the purpose  
78 of projects authorized under this paragraph.

79 The Department of Finance and Administration is expressly  
80 authorized and empowered to receive and expend any local, federal  
81 or other source funds in connection with the expenditure of funds  
82 under this section.

83 (b) Amounts deposited into the special fund shall be  
84 disbursed to pay the costs of the projects described in paragraph  
85 (a) of this subsection. Promptly after the commission has  
86 certified, by resolution duly adopted, that the projects described  
87 in paragraph (a) of this subsection shall have been completed,  
88 abandoned, or cannot be completed in a timely fashion, any amounts  
89 remaining in such special fund shall be applied to pay debt  
90 service on the bonds issued under this section, in accordance with  
91 the proceedings authorizing the issuance of such bonds and as  
92 directed by the commission.

93 (3) (a) The commission, at one time, or from time to time,  
94 may declare by resolution the necessity for issuance of general  
95 obligation bonds of the State of Mississippi in an amount not to  
96 exceed Sixteen Million Dollars (\$16,000,000.00), in the aggregate,  
97 to provide funds for all costs incurred or to be incurred for the  
98 purposes described in subsection (2) of this section and to  
99 provide funds for the State Railroad Revitalization Fund created  
100 in Section 57-43-1, Mississippi Code of 1972. Upon the adoption  
101 of a resolution by the Mississippi Transportation Commission,  
102 declaring the necessity for the issuance of any part or all of the



103 general obligation bonds authorized by this subsection, the  
104 Mississippi Transportation Commission shall deliver a certified  
105 copy of its resolution or resolutions to the commission. Upon  
106 receipt of such resolution, the commission, in its discretion, may  
107 act as the issuing agent, prescribe the form of the bonds,  
108 determine the appropriate method for sale of the bonds, advertise  
109 for and accept bids or negotiate the sale of the bonds, issue and  
110 sell the bonds so authorized to be sold and do any and all other  
111 things necessary and advisable in connection with the issuance and  
112 sale of such bonds. The total amount of bonds issued under this  
113 section shall not exceed Sixteen Million Dollars (\$16,000,000.00).  
114 No bonds shall be issued under this section after July 1, 2013.

115 (b) The proceeds of the bonds issued under this section  
116 shall be allocated, and as applicable, deposited into the  
117 following designated special funds or accounts, in the following  
118 amounts:

119 (i) For the purpose of those projects described in  
120 subsection (2) (a) of this section, not more than the amount of  
121 Three Million Five Hundred Thousand Dollars (\$3,500,000.00) shall  
122 be deposited into the 2009 Capital Assistance Stimulus for Rail  
123 Projects Fund.

124 (ii) For the purpose of providing assistance to  
125 railroads for the rehabilitation or improvement of existing  
126 freight and passenger rail lines, for the construction,  
127 improvement or rehabilitation of freight and passenger railroad  
128 facilities, and for increasing the funds allocated to  
129 highway-railroad grade crossing safety, not more than the amount  
130 of Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00)  
131 shall be deposited into the State Railroad Revitalization Fund  
132 created in Section 57-43-1, Mississippi Code of 1972, with One  
133 Million Dollars (\$1,000,000.00) of that total amount being  
134 deposited to the credit of the Mississippi Highway-Railroad Grade



135 Crossing Safety Account created in Section 57-43-15, Mississippi  
136 Code of 1972.

137 (c) Any investment earnings on amounts deposited into  
138 the special fund created in subsection (2) of this section shall  
139 be used to pay debt service on bonds issued under this section, in  
140 accordance with the proceedings authorizing issuance of such  
141 bonds.

142 (4) The principal of and interest on the bonds authorized  
143 under this section shall be payable in the manner provided in this  
144 subsection. Such bonds shall bear such date or dates, be in such  
145 denomination or denominations, bear interest at such rate or rates  
146 (not to exceed the limits set forth in Section 75-17-101,  
147 Mississippi Code of 1972), be payable at such place or places  
148 within or without the State of Mississippi, shall mature  
149 absolutely at such time or times not to exceed twenty-five (25)  
150 years from date of issue, be redeemable before maturity at such  
151 time or times and upon such terms, with or without premium, shall  
152 bear such registration privileges, and shall be substantially in  
153 such form, all as shall be determined by resolution of the  
154 commission.

155 (5) The bonds authorized by this section shall be signed by  
156 the chairman of the commission, or by his facsimile signature, and  
157 the official seal of the commission shall be affixed thereto,  
158 attested by the secretary of the commission. The interest  
159 coupons, if any, to be attached to such bonds may be executed by  
160 the facsimile signatures of such officers. Whenever any such  
161 bonds shall have been signed by the officials designated to sign  
162 the bonds who were in office at the time of such signing but who  
163 may have ceased to be such officers before the sale and delivery  
164 of such bonds, or who may not have been in office on the date such  
165 bonds may bear, the signatures of such officers upon such bonds  
166 and coupons shall nevertheless be valid and sufficient for all  
167 purposes and have the same effect as if the person so officially



168 signing such bonds had remained in office until their delivery to  
169 the purchaser, or had been in office on the date such bonds may  
170 bear. However, notwithstanding anything herein to the contrary,  
171 such bonds may be issued as provided in the Registered Bond Act of  
172 the State of Mississippi.

173 (6) All bonds and interest coupons issued under the  
174 provisions of this section have all the qualities and incidents of  
175 negotiable instruments under the provisions of the Uniform  
176 Commercial Code, and in exercising the powers granted by this  
177 section, the commission shall not be required to and need not  
178 comply with the provisions of the Uniform Commercial Code.

179 (7) The commission shall act as the issuing agent for the  
180 bonds authorized under this section, prescribe the form of the  
181 bonds, determine the appropriate method for sale of the bonds,  
182 advertise for and accept bids or negotiate the sale of the bonds,  
183 issue and sell the bonds so authorized to be sold, pay all fees  
184 and costs incurred in such issuance and sale, and do any and all  
185 other things necessary and advisable in connection with the  
186 issuance and sale of such bonds. The commission is authorized and  
187 empowered to pay the costs that are incident to the sale, issuance  
188 and delivery of the bonds authorized under this section from the  
189 proceeds derived from the sale of such bonds. The commission may  
190 sell such bonds on sealed bids at public sale or may negotiate the  
191 sale of the bonds, and for such price as it may determine to be  
192 for the best interest of the State of Mississippi, but no such  
193 sale shall be made at a price less than par plus accrued interest  
194 to the date of delivery of the bonds to the purchaser. All  
195 interest accruing on such bonds so issued shall be payable  
196 semiannually or annually.

197 If the bonds are to be sold on sealed bids at public sale,  
198 notice of the sale of any such bonds shall be published at least  
199 one time, not less than ten (10) days before the date of sale, and  
200 shall be so published in one or more newspapers published or



201 having a general circulation in the City of Jackson, Mississippi,  
202 selected by the commission.

203         The commission, when issuing any bonds under the authority of  
204 this section, may provide that bonds, at the option of the State  
205 of Mississippi, may be called in for payment and redemption at the  
206 call price named therein and accrued interest on such date or  
207 dates named therein.

208         (8) The bonds issued under the provisions of this section  
209 shall be payable from the bond sinking fund account created in  
210 Section 5(5) of this act and are general obligations of the State  
211 of Mississippi, and for the payment thereof the full faith and  
212 credit of the State of Mississippi is irrevocably pledged. If the  
213 funds available in the bond sinking fund account in the 2009  
214 Capital Assistance Stimulus for Rail Projects Fund and any funds  
215 appropriated by the Legislature are insufficient to pay the  
216 principal of and the interest on such bonds as they become due,  
217 then the deficiency shall be paid by the State Treasurer from any  
218 funds in the State Treasury not otherwise appropriated. All such  
219 bonds shall contain recitals on their faces substantially covering  
220 the provisions of this subsection.

221         (9) Upon the issuance and sale of bonds under the provisions  
222 of this section, the commission shall transfer the proceeds of any  
223 such sale or sales to the special fund created in subsection (2)  
224 of this section and to the Railroad Revitalization Fund created in  
225 Section 57-43-1, Mississippi Code of 1972, in the amounts  
226 specified in subsection (3)(b). The proceeds of such bonds shall  
227 be disbursed solely upon the order of the Department of Finance  
228 and Administration under such restrictions, if any, as may be  
229 contained in the resolution providing for the issuance of the  
230 bonds.

231         (10) The bonds authorized under this section may be issued  
232 without any other proceedings or the happening of any other  
233 conditions or things other than those proceedings, conditions and



234 things which are specified or required by this section. Any  
235 resolution providing for the issuance of bonds under the  
236 provisions of this section shall become effective immediately upon  
237 its adoption by the commission, and any such resolution may be  
238 adopted at any regular or special meeting of the commission by a  
239 majority of its members.

240 (11) The bonds authorized under the authority of this  
241 section may be validated in the Chancery Court of the First  
242 Judicial District of Hinds County, Mississippi, in the manner and  
243 with the force and effect provided by Chapter 13, Title 31,  
244 Mississippi Code of 1972, for the validation of county, municipal,  
245 school district and other bonds. The notice to taxpayers required  
246 by such statutes shall be published in a newspaper published or  
247 having a general circulation in the City of Jackson, Mississippi.

248 (12) Any holder of bonds issued under the provisions of this  
249 section or of any of the interest coupons pertaining thereto may,  
250 either at law or in equity, by suit, action, mandamus or other  
251 proceeding, protect and enforce any and all rights granted under  
252 this section, or under such resolution, and may enforce and compel  
253 performance of all duties required by this section to be  
254 performed, in order to provide for the payment of bonds and  
255 interest thereon.

256 (13) All bonds issued under the provisions of this section  
257 shall be legal investments for trustees and other fiduciaries, and  
258 for savings banks, trust companies and insurance companies  
259 organized under the laws of the State of Mississippi, and such  
260 bonds shall be legal securities which may be deposited with and  
261 shall be received by all public officers and bodies of this state  
262 and all municipalities and political subdivisions for the purpose  
263 of securing the deposit of public funds.

264 (14) Bonds issued under the provisions of this section and  
265 income therefrom shall be exempt from all taxation in the State of  
266 Mississippi.



267 (15) The proceeds of the bonds issued under this section  
268 shall be used solely for the purposes herein provided, including  
269 the costs incident to the issuance and sale of such bonds.

270 (16) The State Treasurer is authorized, without further  
271 process of law, to certify to the Department of Finance and  
272 Administration the necessity for warrants, and the Department of  
273 Finance and Administration is authorized and directed to issue  
274 such warrants, in such amounts as may be necessary to pay when due  
275 the principal of, premium, if any, and interest on, or the  
276 accreted value of, all bonds issued under this section; and the  
277 State Treasurer shall forward the necessary amount to the  
278 designated place or places of payment of such bonds in ample time  
279 to discharge such bonds, or the interest thereon, on the due dates  
280 thereof.

281 (17) This section shall be deemed to be full and complete  
282 authority for the exercise of the powers herein granted, but this  
283 section shall not be deemed to repeal or to be in derogation of  
284 any existing law of this state.

285 **SECTION 3.** Working in consultation with the Southern  
286 High-Speed Rail Commission created in Section 57-45-1 and the  
287 Mississippi Development Authority, the Mississippi Department of  
288 Transportation shall promote passenger rail travel and service in  
289 the state and make recommendations for specific projects related  
290 to the construction, rehabilitation, maintenance, and improvement  
291 of the state's passenger rail infrastructure, which shall include,  
292 but are not limited to, the following aspects:

293 (a) Insuring compatibility for a project or projects  
294 with opportunities for the state to obtain federal funding  
295 assistance that may be available for high-speed passenger rail  
296 service, which includes, but is not limited to, intercity  
297 passenger rail service that is capable of reaching speeds of one  
298 hundred ten (110) miles per hour; and



299 (b) Considering projects that create a series of  
300 corridor route rail segments with passenger service areas that are  
301 smaller than long-distance passenger trains and seek to connect  
302 major city pairs, in order to provide improved service at peak  
303 travel times and a higher frequency of trains.

304 **SECTION 4.** The Executive Director of the Mississippi  
305 Department of Transportation is directed to file an application  
306 with the Department of Finance and Administration to establish the  
307 "Multi-Modal Transportation Improvement Fund" as created in  
308 Section 65-1-703. The executive director shall perform all acts  
309 necessary to establish the fund as a separate fund within the  
310 Statewide Automated Accounting System (SAAS) and the State  
311 Treasury before July 1, 2009.

312 **SECTION 5.** Section 57-43-1, Mississippi Code of 1972, is  
313 amended as follows:

314 57-43-1. (1) There is \* \* \* established in the State  
315 Treasury a revolving fund to be designated as the "Railroad  
316 Revitalization Fund." Monies (including interest earnings) in  
317 this fund shall be expended either separately or in combination  
318 with any available federal funds for railroad research, railroad  
319 planning and railroad administration costs incurred by the  
320 Mississippi Department of Transportation directly attributable to  
321 railroad revitalization projects; assistance to railroads for the  
322 rehabilitation or improvement of rail lines; and construction,  
323 improvement or rehabilitation of railroad facilities \* \* \*.

324 (2) The Mississippi Department of Transportation, in  
325 consultation with the Mississippi Development Authority, the  
326 Southern High-Speed Rail Commission as created in Section 57-45-1  
327 and the railroads operating in the State of Mississippi, shall  
328 develop the State Rail Plan, which shall be a comprehensive plan  
329 that coordinates all aspects of the rail infrastructure within the  
330 state and includes distinct freight and passenger components, and  
331 is described as follows:



332           (a) The passenger component of the State Rail Plan  
333 means that part of the plan developed by the Mississippi  
334 Department of Transportation, in consultation with the Mississippi  
335 Development Authority and the Southern High-Speed Rail Commission  
336 and with the railroads operating in the state and in concert with  
337 the freight component of the State Rail Plan, that promotes  
338 passenger rail travel within the state in a manner that is  
339 compatible with opportunities for the state to obtain federal  
340 funding assistance that may be available for intercity passenger  
341 rail service and/or high-speed rail corridor service, and that  
342 contains provisions that include, but are not limited to, the  
343 following:

344           (i) Articulating the ongoing comprehensive vision  
345 and objectives associated with promoting passenger rail travel  
346 within the state;

347           (ii) Identifying all viable routes for passenger  
348 rail service;

349           (iii) Enhancing the existing passenger rail  
350 segments within the state and constructing additional segments;  
351 and

352           (iv) Providing recommendations to the providers of  
353 passenger rail service within the state for complying with federal  
354 requirements necessary for the state to qualify for any available  
355 federal funding.

356           (b) The freight component of the State Rail Plan means  
357 the plan developed by the Mississippi Department of  
358 Transportation, in consultation with the Mississippi Development  
359 Authority and the railroads operating in the state and in concert  
360 with the passenger component of the State Rail Plan, that promotes  
361 freight rail service within the state, including, but not limited  
362 to, service to and from water ports in the state and the  
363 articulation of the ongoing comprehensive vision and objectives  
364 associated with promoting freight rail service within the state.



365       (3) During fiscal years 2009 and 2010, a total cumulative  
366 sum not to exceed Two Hundred Fifty Thousand Dollars (\$250,000.00)  
367 of the "Railroad Revitalization Fund" shall be used specifically  
368 for the purpose of initially developing the State Rail Plan, as  
369 described in subsection (2) of this section. After the initial  
370 development of the State Rail Plan, the plan shall be updated  
371 periodically, not less than every five (5) years.

372       (4) Except as may be otherwise provided in Section 2 of this  
373 act, funds appropriated or otherwise provided by the Legislature  
374 for rail line assistance as described in subsections (1) through  
375 (3) of this section shall be deposited in the Railroad  
376 Revitalization Fund. Any monies received by the Mississippi  
377 Department of Transportation by agreements, grants, gifts or other  
378 means from individuals, companies or other business entities,  
379 municipalities, counties, local railroad authorities or regional  
380 railroad authorities or other governmental agencies for the  
381 purposes set forth in this chapter, except federal grants made  
382 under Section 5 of the Department of Transportation Act, as  
383 amended (49 USCS 1654), shall be credited to the Railroad  
384 Revitalization Fund. Any interest received from investment of  
385 monies in the fund shall be credited to the fund and shall not be  
386 deposited into the State General Fund. Use of this fund for the  
387 required periodic updates to the State Rail Plan and for railroad  
388 research, planning and administration costs incurred by the  
389 Mississippi Department of Transportation that are directly  
390 attributable to railroad revitalization projects shall be paid  
391 from any available funds of the Mississippi Department of  
392 Transportation, including those derived from collections from the  
393 locomotive fuel tax for the previous year.

394       **SECTION 6.** Section 57-43-15, Mississippi Code of 1972, is  
395 amended as follows:

396       57-43-15. (1) There is established within the Railroad  
397 Revitalization Fund a new account to be entitled the Mississippi



398 Highway-Railroad Grade Crossing Safety Account. The account shall  
399 be administered by the Mississippi Department of Transportation  
400 and shall consist of:

401 (a) Such monies as are transferred to it on July 1,  
402 2001, from the Mississippi Grade Crossing Closure Account; \* \* \*

403 (b) Thirty-five percent (35%) of collections from the  
404 locomotive fuel tax imposed under Section 27-59-307 for the  
405 previous year; and

406 (c) Monies transferred to it from the Railroad  
407 Revitalization Fund, pursuant to the provisions of Section 2 of  
408 this act.

409 Unexpended amounts remaining in the account at the end of a  
410 fiscal year shall not lapse into the State General Fund; and any  
411 interest earned on amounts in the account shall be deposited to  
412 the credit of the account.

413 (2) The Mississippi \* \* \* Transportation Commission, after  
414 consulting with the railroads operating in Mississippi, shall  
415 promulgate rules to ensure equitable allocation of the funds  
416 described in subsection (1) of this section to projects throughout  
417 the state, and shall consider the proportionate number of main  
418 line track miles of each railroad and the number of public  
419 roadway/railroad grade crossings on each railroad's main line.  
420 Expenditure of monies from the Mississippi Highway-Railroad Grade  
421 Crossing Safety Account shall be limited to the following  
422 purposes:

423 (a) Financial aid for closure of public  
424 roadway/railroad grade crossings;

425 (b) Realignment of construction costs of roadways being  
426 rerouted to facilitate a closure of a public roadway/railroad  
427 grade crossing;

428 (c) Monies to match federal or other funds for a grade  
429 separation eliminating an at-grade crossing of a public roadway  
430 and railroad;



431 (d) Installation, maintenance or upgrade of  
432 highway-railroad grade crossing signals, at the discretion of the  
433 Mississippi Transportation Commission, based upon the Federal  
434 Railroad Administration ranking of all Mississippi  
435 highway-railroad grade crossings. Not less than ten percent (10%)  
436 of the monies necessary to defray the costs of such installations  
437 must be federal funds;

438 (e) Separation of grades of highway/railroad crossings;

439 (f) Improvement of any grade crossing including the  
440 necessary roadway approaches thereto of any railroad across a  
441 public road highway;

442 (g) Construction, reconstruction, repair or replacement  
443 of the grade crossing surface structure; and

444 (h) Installation of an automatic advance warning signal  
445 alerting a motorist that a grade crossing is ahead.

446 (3) The Mississippi Department of Transportation shall  
447 consider all requests from the state's diagnostic review of public  
448 roadway/railroad grade crossings and from individual railroads for  
449 expenditure of funds for the purposes described in subsection (2)  
450 of this section, and shall establish uniform criteria and  
451 guidelines relating to such crossings and the expenditure of  
452 funds.

453 **SECTION 7.** Section 57-45-1, Mississippi Code of 1972, is  
454 amended as follows:

455 57-45-1. (a) The Governor, on behalf of this state, is  
456 hereby authorized to execute a compact in substantially the  
457 following form with the States of Louisiana and Alabama; and the  
458 Legislature hereby signifies in advance its approval and  
459 ratification of such compact, which compact is as follows:

460 **MISSISSIPPI-LOUISIANA-ALABAMA RAPID RAIL TRANSIT COMPACT**

461 **ARTICLE I**

462 The purpose of this compact is to study the feasibility of  
463 rapid rail transit service between Mississippi and the States



464 of \* \* \* Louisiana and Alabama and to establish a joint interstate  
465 commission to assist in this effort.

466 **ARTICLE II**

467 This compact shall become effective immediately as to the  
468 states ratifying it whenever the States of Louisiana, Mississippi  
469 and Alabama have ratified it, and Congress has given consent  
470 thereto. Any state not mentioned in this article which is  
471 contiguous with any member state may become a party to this  
472 compact, subject to approval by the Legislature of each of the  
473 member states.

474 **ARTICLE III**

475 The states which are parties to this compact (hereinafter  
476 referred to as "party states") do hereby establish and create a  
477 joint agency which shall be known as the Mississippi-Louisiana  
478 Rapid Rail Transit Commission (hereinafter referred to as the  
479 "commission"). The membership of such commission shall consist  
480 of: the Governor of each party state, one (1) representative each  
481 from the Mississippi Energy and Transportation Board, or its  
482 successor, and the Office of Aviation and Public Transportation of  
483 the Louisiana Department of Transportation and Development, or its  
484 successor, five (5) other citizens of each party state, to be  
485 appointed by the Governor thereof. The appointive members of the  
486 commission shall serve for terms of four (4) years each.  
487 Vacancies on the commission shall be filled by appointment by the  
488 Governor for the unexpired portion of the term. The members of  
489 the commission shall not be compensated for service on the  
490 commission, but each of the appointed members shall be entitled to  
491 actual and reasonable expenses incurred in attending meetings, or  
492 incurred otherwise in the performance of his duties as a member of  
493 the commission. The members of the commission shall hold regular  
494 quarterly meetings and such special meetings as its business may  
495 require. They shall choose annually a chairman and vice chairman  
496 from among their members, and the chairmanship shall rotate each



497 year among the party states in order of their acceptance of this  
498 compact. The commission shall adopt rules and regulations for the  
499 transaction of its business and a record shall be kept of all its  
500 business. It shall be the duty of the commission to study the  
501 feasibility of providing interstate rapid rail transit service  
502 between the party states. Toward this end, the commission shall  
503 have power to hold hearings; to conduct studies and surveys of all  
504 problems, benefits and other matters associated with such service,  
505 and to make reports thereon; to acquire, by gift, grant or  
506 otherwise, from local, state, federal or private sources such  
507 money or property as may be provided for the proper performance of  
508 their function, and to hold and dispose of same; to cooperate with  
509 other public or private groups, whether local, state, regional or  
510 national, having an interest in such service; to formulate and  
511 execute plans and policies for emphasizing the purpose of this  
512 compact before the Congress of the United States and other  
513 appropriate officers and agencies of the United States; and to  
514 exercise such other powers as may be appropriate to enable it to  
515 accomplish its functions and duties and to carry out the purposes  
516 of this compact.

#### 517 **ARTICLE IV**

518 Each party state agrees that its Legislature may, in its  
519 discretion, from time to time make available and pay over to the  
520 commission funds for the establishment and operation of the  
521 commission. The contribution of each party state shall be in  
522 equal amounts, if possible, but nothing in this article shall be  
523 construed as binding the Legislature of either state to make an  
524 appropriation of a set amount of funds at any particular time.

#### 525 **ARTICLE V**

526 Nothing in this compact shall be construed so as to conflict  
527 with any existing statute, or to limit the powers of any party  
528 state, or to repeal or prevent legislation, or to affect any



529 existing or future cooperative arrangement or relationship between  
530 any federal agency and a party state.

531 **ARTICLE VI**

532 (1) This compact shall continue in force and remain  
533 binding upon each party state until the Legislature or Governor of  
534 each or either state takes action to withdraw therefrom. However,  
535 any such withdrawal shall not become effective until six (6)  
536 months after the date of the action taken by the Legislature or  
537 Governor. Notice of such action shall be given to the other party  
538 state or states by the Secretary of State of the party state which  
539 takes such action.

540 (2) There is hereby granted to the Governor, to the  
541 members of the commission for Louisiana, and to the compact  
542 administrator all the powers provided for in the compact and in  
543 this section. All officers of the State of Mississippi are hereby  
544 authorized and directed to do all things falling within their  
545 respective jurisdictions which are necessary or incidental to  
546 carrying out the purpose of the compact.

547 (b) Pursuant to Article II of this compact, the Legislature  
548 of the State of Mississippi hereby assents to the State of Alabama  
549 becoming a party to such compact, subject to ratification by the  
550 State of Alabama of the terms and provisions thereof.

551 (c) Pursuant to Article III of this compact, in the exercise  
552 of such other powers as may be appropriate to enable the  
553 commission to accomplish its functions and duties and to carry out  
554 the purposes of this compact, the name of the commission shall be  
555 changed to the Southern High-Speed Rail Commission, subject to  
556 ratification by the States of Alabama and Louisiana.

557 **SECTION 8.** No elected or appointed official shall derive any  
558 pecuniary benefit, directly or indirectly, as a result of his  
559 duties under this act. Any elected or appointed official, any  
560 member of the immediate family or any partner or associate of the  
561 elected or appointed official, shall not derive any income from



562 the issuance of any bonds or the disposition of any property under  
563 this act, contrary to the provisions of Section 109, Mississippi  
564 Constitution of 1890, or Article 3, Chapter 4, Title 25,  
565 Mississippi Code of 1972. The provisions of this section shall  
566 not apply to any person performing clerical or administrative  
567 functions, which are other than legal services provided by an  
568 attorney, that are associated with the issuance of any bonds under  
569 this act, such as the printing of bonds or other materials. Any  
570 person convicted of a violation of this subsection shall be  
571 punished by imprisonment for not less than one (1) year and not  
572 more than five (5) years and a fine of not less than Two Thousand  
573 Five Hundred Dollars (\$2,500.00) and not more than Ten Thousand  
574 Dollars (\$10,000.00).

575       **SECTION 9.** This act shall take effect and be in force from  
576 and after July 1, 2009.

