

By: Representative Bowles

To: Transportation

HOUSE BILL NO. 412

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4 AN ACT TO AMEND SECTION 65-1-59, MISSISSIPPI CODE OF 1972, TO  
5 PROVIDE THAT A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 15 IN  
6 CHICKASAW COUNTY THAT HAS BEEN REPLACED BY A MUNICIPAL BYPASS  
7 SHALL CONTINUE TO BE MAINTAINED AS PART OF THE STATE HIGHWAY  
8 SYSTEM UPON ORDINANCES ADOPTED BY THE BOARD OF SUPERVISORS OF THE  
9 COUNTY AND THE MUNICIPALITY THROUGH WHICH SUCH BYPASSED HIGHWAY  
10 RUNS; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 65-1-59, Mississippi Code of 1972, is  
13 amended as follows:

14 65-1-59. (1) It shall be the duty of the Mississippi  
15 Transportation Commission to have the Transportation Department  
16 carry out all contracts and agreements, including federal-aid  
17 projects and agreements under the County Highway Aid Law of 1946,  
18 being Sections 65-11-1 to 65-11-37, heretofore made or entered  
19 into with any county, subject, however, to applicable rules and  
20 regulations of the Federal Highway Administration. It shall be  
21 the duty of the Mississippi Transportation Commission to continue  
22 to have the Transportation Department maintain all state highways  
23 now under maintenance or hereafter taken over for maintenance, the  
24 purpose of this provision being to preserve the status quo of all  
25 state highways insofar as such highways have been taken over and  
26 control and jurisdiction has been assumed by the \* \* \* commission  
27 and \* \* \* department; however, except as otherwise provided in  
28 this section, if any highway or link of highway is removed from  
29 the state highway system by legislative act or by relocation or  
30 reconstruction, it shall no longer be maintained by or be under

31 the jurisdiction of the \* \* \* commission or \* \* \* department, but  
32 shall be returned to the jurisdiction of the board of supervisors  
33 of the county or governing authorities of the municipality through  
34 which such road runs. Except as to segments of highways shorter  
35 than three (3) miles which have been or which are hereafter  
36 replaced through curve straightening or minor realignment,  
37 the \* \* \* commission shall retain and have the \* \* \* department  
38 maintain as state highways all portions of U.S. highways that  
39 either before or after July 1, 1989, have been or are replaced and  
40 constructed as a part of the interstate highway system, or  
41 four-lane primary system, or which are replaced and constructed or  
42 are designated to be replaced and constructed as part of the  
43 four-lane highway system under Section 65-3-97, including portions  
44 of all such highways so replaced, or which under Section 65-3-97  
45 are designated to be replaced, by municipal bypasses; and such  
46 highways and portions thereof shall be continued to be maintained  
47 as a part of the Mississippi state highway system until removed  
48 from such system by legislative act. With respect to any segment  
49 of Mississippi Highway 15 in Chickasaw County that has been  
50 replaced before July 1, 1999, or that is replaced thereafter, by a  
51 municipal bypass, the board of supervisors of the county and the  
52 governing authorities of any municipality in the county through  
53 which such highway runs, by duly adopted ordinance, may refuse to  
54 accept the bypassed segment; and, in such case, such segment of  
55 highway shall continue to be maintained by the Mississippi  
56 Department of Transportation as a part of the state highway system  
57 until removed from such system by legislative act. All \* \* \*  
58 highways and portions thereof which, by virtue of the provisions  
59 of this section, are returned \* \* \* to the jurisdiction of  
60 the \* \* \* commission shall be maintained by the \* \* \* department  
61 only to the traffic capacities existing at the time that they are  
62 returned and any subsequent traffic capacity improvements or other  
63 improvements desired by the county or municipality within which  
64 such highway or portion thereof is located shall be performed in  
65 accordance with highway standards approved by the \* \* \* commission  
66 and the expenses for making such improvements shall be paid by the  
67 county or municipality; however, all highways and portions thereof

68 so improved by the county or municipality shall thereafter be  
69 maintained by the \* \* \* department. Before any highway or portion  
70 thereof is returned to the \* \* \* commission under this section,  
71 the county or municipality having jurisdiction thereof shall  
72 remove or cause to be removed, \* \* \* all right-of-way  
73 encroachments along the entire length of the highway or portion  
74 thereof which are not permitted by \* \* \* commission and \* \* \*  
75 department policies and rules and regulations adopted pursuant to  
76 state and federal law. Any such encroachments may be allowed to  
77 remain only by permits issued by the \* \* \* department in the  
78 manner and subject to the same conditions for the issuance of  
79 permits for similar encroachments on other highways on the state  
80 highway system. If traffic counts indicate that any highway or  
81 portions thereof placed under the jurisdiction of the \* \* \*  
82 commission under the provisions of this section no longer form a  
83 substantial part of the state highway system, the \* \* \* commission  
84 may request the Legislature to remove such highways or portions  
85 thereof from the state highway system and return such roads for  
86 maintenance to the county or municipality in which they are  
87 located, as provided in subsection (2) of this section. The  
88 highways which the \* \* \* department is required to continue to  
89 maintain by virtue of the provisions of this section shall be in  
90 addition to the total mileage limitation of eight thousand six  
91 hundred (8,600) miles provided in Section 65-3-3.

92 (2) The \* \* \* Mississippi Transportation Commission shall,  
93 no later than \* \* \* October 1 of each year, \* \* \* furnish the  
94 Transportation Committee of the House of Representatives and the  
95 Highways and Transportation Committee of the Senate a  
96 recommendation for deletion of those highways or sections of  
97 highways which should be removed from the system.

98 SECTION 2. This act shall take effect and be in force from  
99 and after July 1, 1999.