

By: Representative Bowles

To: Transportation

HOUSE BILL NO. 538

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3 CHICKASAW COUNTY THAT HAS BEEN REPLACED BY A MUNICIPAL BYPASS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

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

9 **SECTION 1.** Section 65-1-59, Mississippi Code of 1972, is
10 amended as follows:

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



30 of the county or governing authorities of the municipality through
31 which such road runs. Except as to segments of highways shorter
32 than three (3) miles which have been or which are hereafter
33 replaced through curve straightening or minor realignment,
34 the * * * commission shall retain and have the * * * department
35 maintain as state highways all portions of U.S. highways that
36 either before or after July 1, 1989, have been or are replaced and
37 constructed as a part of the interstate highway system, or
38 four-lane primary system, or which are replaced and constructed or
39 are designated to be replaced and constructed as part of the
40 four-lane highway system under Section 65-3-97, including portions
41 of all such highways so replaced, or which under Section 65-3-97
42 are designated to be replaced, by municipal bypasses; and such
43 highways and portions thereof shall be continued to be maintained
44 as a part of the Mississippi state highway system until removed
45 from such system by legislative act. With respect to any segment
46 of Mississippi Highway 15 in Chickasaw County that has been
47 replaced before July 1, 2002, or that is replaced thereafter, by a
48 municipal bypass, the board of supervisors of the county and the
49 governing authorities of any municipality in the county through
50 which such highway runs, by duly adopted ordinance, may refuse to
51 accept the bypassed segment; and, in such case, such segment of
52 highway shall continue to be maintained by the Mississippi
53 Department of Transportation as a part of the state highway system
54 until removed from such system by legislative act. All * * *
55 highways and portions thereof which, by virtue of the provisions
56 of this section, are returned * * * to the jurisdiction of
57 the * * * commission shall be maintained by the * * * department
58 only to the traffic capacities existing at the time that they are
59 returned and any subsequent traffic capacity improvements or other
60 improvements desired by the county or municipality within which
61 such highway or portion thereof is located shall be performed in
62 accordance with highway standards approved by the * * * commission



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

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



95 **SECTION 2.** This act shall take effect and be in force from
96 and after July 1, 2002.

