To: Transportation

MISSISSIPPI LEGISLATURE
ReguLAR SESSIoN 2002
By: Representative Bowles
To: Transportation

House bill No. 538

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MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 15 IN CHICKASAW COUNTY THAT HAS BEEN REPLACED BY A MUNICIPAL BYPASS SHALL CONTINUE TO BE MAINTAINED AS PART OF THE STATE HIGHWAY SYSTEM UPON ORDINANCES ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY AND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

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

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

65-1-59. (1) It shall be the duty of the Mississippi Transportation Commission to have the Transportation Department carry out all contracts and agreements, including federal-aid projects and agreements under the County Highway Aid Law of 1946, being Sections 65-11-1 to 65-11-37, heretofore made or entered into with any county, subject, however, to applicable rules and regulations of the Federal Highway Administration. It shall be the duty of the Mississippi Transportation Commission to continue to have the Transportation Department maintain all state highways now under maintenance or hereafter taken over for maintenance, the purpose of this provision being to preserve the status quo of all state highways insofar as such highways have been taken over and control and jurisdiction has been assumed by the • • • commission and • • • department; however, except as otherwise provided in this section, if any highway or link of highway is removed from the state highway system by legislative act or by relocation or reconstruction, it shall no longer be maintained by or be under the jurisdiction of the • • • commission or • • • department, but shall be returned to the jurisdiction of the board of supervisors.
of the county or governing authorities of the municipality through
which such road runs. Except as to segments of highways shorter
than three (3) miles which have been or which are hereafter
replaced through curve straightening or minor realignment,
the * * * commission shall retain and have the * * * department
maintain as state highways all portions of U.S. highways that
either before or after July 1, 1989, have been or are replaced and
constructed as a part of the interstate highway system, or
four-lane primary system, or which are replaced and constructed or
are designated to be replaced and constructed as part of the
four-lane highway system under Section 65-3-97, including portions
of all such highways so replaced, or which under Section 65-3-97
are designated to be replaced, by municipal bypasses; and such
highways and portions thereof shall be continued to be maintained
as a part of the Mississippi state highway system until removed
from such system by legislative act. With respect to any segment
of Mississippi Highway 15 in Chickasaw County that has been
replaced before July 1, 2002, or that is replaced thereafter, by a
municipal bypass, the board of supervisors of the county and the
governing authorities of any municipality in the county through
which such highway runs, by duly adopted ordinance, may refuse to
accept the bypassed segment; and, in such case, such segment of
highway shall continue to be maintained by the Mississippi
Department of Transportation as a part of the state highway system
until removed from such system by legislative act. All * * *
highways and portions thereof which, by virtue of the provisions
of this section, are returned * * * to the jurisdiction of
the * * * commission shall be maintained by the * * * department
only to the traffic capacities existing at the time that they are
returned and any subsequent traffic capacity improvements or other
improvements desired by the county or municipality within which
such highway or portion thereof is located shall be performed in
accordance with highway standards approved by the * * * commission
and the expenses for making such improvements shall be paid by the
county or municipality; however, all highways and portions thereof
so improved by the county or municipality shall thereafter be
maintained by the ** department. Before any highway or portion
thereof is returned to the ** commission under this section,
the county or municipality having jurisdiction thereof shall
remove or cause to be removed all right-of-way
encroachments along the entire length of the highway or portion
thereof which are not permitted by ** commission and **
department policies and rules and regulations adopted pursuant to
state and federal law. Any such encroachments may be allowed to
remain only by permits issued by the ** department in the
manner and subject to the same conditions for the issuance of
permits for similar encroachments on other highways on the state
highway system. If traffic counts indicate that any highway or
portions thereof placed under the jurisdiction of the **
commission under the provisions of this section no longer form a
substantial part of the state highway system, the ** commission
may request the Legislature to remove such highways or portions
thereof from the state highway system and return such roads for
maintenance to the county or municipality in which they are
located, as provided in subsection (2) of this section. The
highways which the ** department is required to continue to
maintain by virtue of the provisions of this section shall be in
addition to the total mileage limitation of eight thousand six
hundred (8,600) miles provided in Section 65-3-3.

(2) The ** Mississippi Transportation Commission shall,
no later than ** October 1 of each year furnish the
Transportation Committee of the House of Representatives and the
Highways and Transportation Committee of the Senate a
recommendation for deletion of those highways or sections of
highways which should be removed from the system.
SECTION 2. This act shall take effect and be in force from
and after July 1, 2002.