

By: Representative Green

To: Transportation

HOUSE BILL NO. 1442

1 AN ACT TO AMEND SECTION 77-9-253, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A RAILROAD COMPANY SHALL NOT BE UNDER A DUTY TO
3 MAKE AND MAINTAIN NECESSARY AND SUITABLE CROSSINGS FOR CERTAIN
4 PLANTATION ROADS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 77-9-253, Mississippi Code of 1972, is
7 amended as follows:

8 77-9-253. (1) It is the duty of every railroad company to
9 construct and maintain all necessary or proper stock-gaps and
10 cattle-guards where its track passes through enclosed land, and to
11 make and maintain convenient and suitable crossings over its track
12 for necessary plantation roads. However, the duty to make and
13 maintain convenient and suitable crossings for necessary
14 plantation roads shall not apply to property under common
15 ownership that is contiguous to a public road which provides
16 access to a reasonably convenient public railroad crossing. For
17 the purposes of this section, a public railroad crossing is
18 reasonably convenient if it is one (1) mile or less from the
19 plantation road measured along the railroad track.

20 (2) For any failure * * * to comply with subsection (1) of
21 this section, the railroad company shall be liable to pay Two
22 Hundred Fifty Dollars (\$250.00), to be recovered by the person
23 interested.

24 (3) A person owning or having an interest as cropper or
25 tenant in land in an enclosure as described in subsection (1) of
26 this section shall have a right of action under this section
27 whether the land of such person is entered or traversed by said
28 track or not.



29 (4) This section shall apply to all enclosed land, whether
30 said land is or may be situated in a county or district where the
31 stock law is or may be in force or not. The penalty provided for
32 in subsection (2) of this section shall not be cumulative, and
33 only one (1) recovery shall be had for each failure.

34 (5) The provisions of this section shall be enforced by the
35 Mississippi Department of Transportation.

36 (6) The provisions of this section shall not relieve a
37 railroad company from the duty to continue to maintain convenient
38 and suitable crossings over its track for necessary plantation
39 roads if such crossings existed and were in use immediately before
40 July 1, 2002.

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

