

By: Representative Green

To: Transportation

HOUSE BILL NO. 1442
(As Sent to Governor)

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; TO PROVIDE FOR ENFORCEMENT OF THE DUTIES OF
5 RAILROAD COMPANIES RELATING TO PLANTATION ROAD CROSSINGS BY A
6 COURT OF COMPETENT JURISDICTION; AND FOR RELATED PURPOSES.

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

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

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

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

26 (3) A person owning or having an interest as cropper or
27 tenant in land in an enclosure as described in subsection (1) of
28 this section shall have a right of action under this section



29 whether the land of such person is entered or traversed by said
30 track or not.

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

36 (5) The provisions of this section may be enforced by a
37 court of competent jurisdiction.

38 (6) The provisions of this section shall not relieve a
39 railroad company from the duty to continue to maintain convenient
40 and suitable crossings over its track for necessary plantation
41 roads and all necessary or proper stock gaps and cattle guards, if
42 such crossings, stock gaps and cattle guards existed and were in
43 use before July 1, 2002.

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

