

By: Senator(s) Dearing

To: Highways and
Transportation

SENATE BILL NO. 2324
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 77-9-253, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE DUTY OF RAILROAD COMPANIES TO MAKE AND
3 MAINTAIN CONVENIENT AND SUITABLE CROSSINGS FOR NECESSARY
4 PLANTATION ROADS SHALL NOT APPLY TO CERTAIN PROPERTY UNDER COMMON
5 OWNERSHIP WHICH ACCESS TO A REASONABLY CONVENIENT PUBLIC RAILROAD
6 CROSSING; TO PROVIDE THAT COURTS OF COMPETENT JURISDICTION MAY
7 ENFORCE THE PROVISIONS OF THIS SECTION; AND FOR RELATED PURPOSES.

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

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

11 77-9-253. (1) It is the duty of every railroad company to
12 construct and maintain all necessary or proper stock-gaps and
13 cattle-guards where its track passes through enclosed land, and to
14 make and maintain convenient and suitable crossings over its track
15 for necessary plantation roads; however, with respect to crossings
16 proposed from and after July 1, 2002, the duty to make and
17 maintain convenient and suitable crossings for necessary
18 plantation roads shall not apply to property under common
19 ownership which is contiguous to a public road that provides
20 access to a reasonably convenient public railroad crossing. A
21 public railroad crossing shall be deemed reasonably convenient if
22 it is one (1) mile or less, measured along the railroad track,
23 from the plantation road.

24 (2) For any failure to comply with subsection (1) of this
25 section, the railroad company shall be liable to pay Two Hundred
26 Fifty Dollars (\$250.00), to be recovered by the person interested.
27 A person owning or having an interest as cropper or tenant in land
28 in said enclosure 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. This section shall apply to all enclosed land,
31 whether said land is or may be situated in a county or district
32 where the stock law is or may be in force or not. Such penalty
33 shall not be cumulative, and only one (1) recovery shall be had
34 for each failure.

35 (3) *The provisions of this section may be enforced by a*
36 court of competent jurisdiction.

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

