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

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

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

77-9-253. (1) It is the duty of every railroad company to construct and maintain all necessary or proper stock-gaps and cattle-guards where its track passes through enclosed land, and to make and maintain convenient and suitable crossings over its track for necessary plantation roads; however, with respect to crossings proposed from and after July 1, 2002, the duty to make and maintain convenient and suitable crossings for necessary ownership which is contiguous to a public road that provides access to a reasonably convenient public railroad crossing. A public railroad crossing shall be deemed reasonably convenient if it is one (1) mile or less, measured along the railroad track, from the plantation road.

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

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

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