

By: Senator(s) King, Farris, Harvey, Dearing

To: Highways and Transportation

SENATE BILL NO. 2371

1 AN ACT TO AMEND SECTION 65-1-8, MISSISSIPPI CODE OF 1972, TO
2 ALLOW HIGHWAYS AND BRIDGES TO BE NAMED AFTER FORMER PUBLIC
3 OFFICIALS WHILE THEY ARE LIVING IF THE PUBLIC OFFICIAL HAS BEEN
4 OUT OF OFFICE FOR NOT LESS THAN TEN YEARS; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 65-1-8, Mississippi Code of 1972, is
8 amended as follows:

9 65-1-8. (1) The Mississippi Transportation Commission shall
10 have the following general powers, duties and responsibilities:

11 (a) To coordinate and develop a comprehensive, balanced
12 transportation policy for the State of Mississippi;

13 (b) To promote the coordinated and efficient use of all
14 available and future modes of transportation;

15 (c) To make recommendations to the Legislature
16 regarding alterations or modifications in any existing
17 transportation policies;

18 (d) To study means of encouraging travel and
19 transportation of goods by the combination of motor vehicle and
20 other modes of transportation;

21 (e) To take such actions as are necessary and proper to
22 discharge its duties pursuant to the provisions of Laws, 1992,
23 Chapter 496, and any other provision of law;

24 (f) To receive and provide for the expenditure of any
25 funds made available to it by the Legislature, the federal
26 government, or any other source.

27 (2) In addition to the general powers, duties and
28 responsibilities listed in subsection (1) of this section, the



29 Mississippi Transportation Commission shall have the following
30 specific powers:

31 (a) To make rules and regulations whereby the
32 transportation department shall change or relocate any and all
33 highways herein or hereafter fixed as constituting a part of the
34 state highway system, as may be deemed necessary or economical in
35 the construction or maintenance thereof; to acquire by gift,
36 purchase, condemnation, or otherwise, land or other property
37 whatsoever that may be necessary for a state highway system as
38 herein provided, with full consideration to be given to the
39 stimulation of local public and private investment when acquiring
40 such property in the vicinity of Mississippi towns, cities and
41 population centers;

42 (b) To enforce by mandamus, or other proper legal
43 remedies, all legal rights or rights of action of the Mississippi
44 Transportation Commission with other public bodies, corporations
45 or persons;

46 (c) To make and publish rules, regulations and
47 ordinances for the control of and the policing of the traffic on
48 the state highways, and to prevent their abuse by any or all
49 persons, natural or artificial, by trucks, tractors, trailers or
50 any other heavy or destructive vehicles or machines, or by any
51 other means whatsoever, by establishing weights of loads or of
52 vehicles, types of tires, width of tire surfaces, length and width
53 of vehicles, with reasonable variations to meet approximate
54 weather conditions, and all other proper police and protective
55 regulations, and to provide ample means for the enforcement of
56 same. The violation of any of the rules, regulations or
57 ordinances so prescribed by the commission shall constitute a
58 misdemeanor. No rule, regulation or ordinance shall be made that
59 conflicts with any statute now in force or which may hereafter be
60 enacted, or with any ordinance of municipalities. A monthly
61 publication giving general information to the boards of



62 supervisors, employees and the public may be issued under such
63 rules and regulations as the commission may determine;

64 (d) To give suitable numbers to highways and to change
65 the number of any highway that shall become a part of the state
66 highway system. However, nothing herein shall authorize the
67 number of any highway to be changed so as to conflict with any
68 designation thereof as a U.S. numbered highway. Where, by a
69 specific act of the Legislature, the commission has been directed
70 to give a certain number to a highway, the commission shall not
71 have the authority to change such number;

72 (e) To make proper and reasonable rules, regulations,
73 and ordinances for the placing, erection, removal or relocation of
74 telephone, telegraph or other poles, signboards, fences, gas,
75 water, sewerage, oil or other pipelines, and other obstructions
76 that may, in the opinion of the commission, contribute to the
77 hazards upon any of the state highways, or in any way interfere
78 with the ordinary travel upon such highways, or the construction,
79 reconstruction or maintenance thereof, and to make reasonable
80 rules and regulations for the proper control thereof. Any
81 violation of such rules or regulations or noncompliance with such
82 ordinances shall constitute a misdemeanor.

83 Whenever the order of the commission shall require the
84 removal of, or other changes in the location of telephone,
85 telegraph, or other poles, signboards, gas, water, sewerage, oil
86 or other pipelines; or other similar obstructions on the
87 right-of-way or such other places where removal is required by
88 law, the owners thereof shall at their own expense move or change
89 the same to conform to the order of the commission. Any violation
90 of such rules or regulations or noncompliance with such orders
91 shall constitute a misdemeanor;

92 (f) To regulate and abandon grade crossings on any road
93 fixed as a part of the state highway system, and whenever the
94 commission, in order to avoid a grade crossing with the railroad,



95 locates or constructs said road on one side of the railroad, the
96 commission shall have the power to abandon and close such grade
97 crossing, and whenever an underpass or overhead bridge is
98 substituted for a grade crossing, the commission shall have power
99 to abandon such grade crossing and any other crossing adjacent
100 thereto. Included in the powers herein granted shall be the power
101 to require the railroad at grade crossings, where any road of the
102 state highway system crosses the same, to place signal posts with
103 lights or other warning devices at such crossings at the expense
104 of the railroad, and to regulate and abandon underpass or overhead
105 bridges and, where abandoned because of the construction of a new
106 underpass or overhead bridge, to close such old underpass or
107 overhead bridge, or, in its discretion, to return the same to the
108 jurisdiction of the county board of supervisors;

109 (g) To make proper and reasonable rules and regulations
110 to control the cutting or opening of the road surfaces for
111 subsurface installations;

112 (h) To make proper and reasonable rules and regulations
113 for the removal from the public rights-of-way of any form of
114 obstruction, to cooperate in improving their appearance, and to
115 prescribe minimum clearance heights for seed conveyors, pipes,
116 passageways or other structure of private or other ownership above
117 the highways;

118 (i) To establish, and have the Transportation
119 Department maintain and operate, and to cooperate with the state
120 educational institutions in establishing, enlarging, maintaining
121 and operating a laboratory or laboratories for testing materials
122 and for other proper highway purposes;

123 (j) To provide, under the direction and with the
124 approval of the Department of Finance and Administration, suitable
125 offices, shops and barns in the City of Jackson;

126 (k) To establish and have enforced set-back
127 regulations;



128 (1) To cooperate with proper state authorities in
129 producing limerock for highway purposes and to purchase same at
130 cost;

131 (m) To provide for the purchase of necessary equipment
132 and vehicles and to provide for the repair and housing of same, to
133 acquire by gift, purchase, condemnation or otherwise, land or
134 lands and buildings in fee simple, and to authorize the
135 Transportation Department to construct, lease or otherwise provide
136 necessary and proper permanent district offices for the
137 construction and maintenance divisions of the department, and for
138 the repair and housing of the equipment and vehicles of the
139 department; however, in each Supreme Court district only two (2)
140 permanent district offices shall be set up, but a permanent status
141 shall not be given to any such offices until so provided by act of
142 the Legislature and in the meantime, all shops of the department
143 shall be retained at their present location. As many local or
144 subdistrict offices, shops or barns may be provided as is
145 essential and proper to economical maintenance of the state
146 highway system;

147 (n) To cooperate with the Department of Archives and
148 History in having placed and maintained suitable historical
149 markers, including those which have been approved and purchased by
150 the State Historical Commission, along state highways, and to have
151 constructed and maintained roadside driveways for convenience and
152 safety in viewing them when necessary; however, no highway or
153 bridge shall ever be memorialized to a person while living unless
154 such person is a public official who has been out of public office
155 for not less than ten (10) years;

156 (o) To cooperate, in its discretion, with the
157 Mississippi Department of Wildlife, Fisheries and Parks in
158 planning and constructing roadside parks upon the right-of-way of
159 state highways, whether constructed, under construction, or
160 planned; said parks to utilize where practical barrow pits used in



161 construction of state highways for use as fishing ponds. Said
162 parks shall be named for abundant flora and fauna existing in the
163 area or for the first flora or fauna found on the site;

164 (p) Unless otherwise prohibited by law, to make such
165 contracts and execute such instruments containing such reasonable
166 and necessary appropriate terms, provisions and conditions as in
167 its absolute discretion it may deem necessary, proper or
168 advisable, for the purpose of obtaining or securing financial
169 assistance, grants or loans from the United States of America or
170 any department or agency thereof, including contracts with several
171 counties of the state pertaining to the expenditure of such funds;

172 (q) To cooperate with the Federal Highway
173 Administration in the matter of location, construction and
174 maintenance of the Great River Road, to expend such funds paid to
175 the commission by the Federal Highway Administration or other
176 federal agency, and to authorize the Transportation Department to
177 erect suitable signs marking this highway, the cost of such signs
178 to be paid from state highway funds other than earmarked
179 construction funds;

180 (r) To cooperate, in its discretion, with the
181 Mississippi Forestry Commission and the School of Forestry,
182 Mississippi State University, in a forestry management program,
183 including planting, thinning, cutting and selling, upon the
184 right-of-way of any highway, constructed, acquired or maintained
185 by the Transportation Department, and to sell and dispose of any
186 and all growing timber standing, lying or being on any
187 right-of-way acquired by the commission for highway purposes in
188 the future; such sale or sales to be made in accordance with the
189 sale of personal property which has become unnecessary for public
190 use as provided for in Section 65-1-123, Mississippi Code of 1972;

191 (s) To expend funds in cooperation with the Division of
192 Plant Industry, Mississippi Department of Agriculture and
193 Commerce, the United States government or any department or agency



194 thereof, or with any department or agency of this state, to
195 control, suppress or eradicate serious insect pests, rodents,
196 plant parasites and plant diseases on the state highway
197 rights-of-way;

198 (t) To provide for the placement, erection and
199 maintenance of motorist services business signs and supports
200 within state highway rights-of-way in accordance with current
201 state and federal laws and regulations governing the placement of
202 traffic control devices on state highways, and to establish and
203 collect reasonable fees from the businesses having information on
204 such signs;

205 (u) To request and to accept the use of persons
206 convicted of an offense, whether a felony or a misdemeanor, for
207 work on any road construction, repair or other project of the
208 Transportation Department. The commission is also authorized to
209 request and to accept the use of persons who have not been
210 convicted of an offense but who are required to fulfill certain
211 court-imposed conditions pursuant to Section 41-29-150(d)(1) or
212 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention
213 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code
214 of 1972. The commission is authorized to enter into any
215 agreements with the Department of Corrections, the State Parole
216 Board, any criminal court of this state, and any other proper
217 official regarding the working, guarding, safekeeping, clothing
218 and subsistence of such persons performing work for the
219 Transportation Department. Such persons shall not be deemed
220 agents, employees or involuntary servants of the Transportation
221 Department while performing such work or while going to and from
222 work or other specified areas;

223 (v) To provide for the administration of the railroad
224 revitalization program pursuant to Section 57-43-1 et seq.;

225 (w) The Mississippi Transportation Commission is
226 further authorized, in its discretion, to expend funds for the



227 purchase of service pins for employees of the Mississippi
228 Transportation Department;

229 (x) To cooperate with the State Tax Commission by
230 providing for weight enforcement field personnel to collect and
231 assess taxes, fees and penalties and to perform all duties as
232 required pursuant to Section 27-55-501 et seq., Sections 27-19-1
233 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,
234 Mississippi Code of 1972, with regard to vehicles subject to the
235 jurisdiction of the Office of Weight Enforcement. All collections
236 and assessments shall be transferred daily to the State Tax
237 Commission;

238 (y) The Mississippi Transportation Commission may
239 delegate the authority to enter into a supplemental agreement to a
240 contract previously approved by the commission if the supplemental
241 agreement involves an additional expenditure not to exceed One
242 Hundred Thousand Dollars (\$100,000.00);

243 (z) (i) The Mississippi Transportation Commission, in
244 its discretion, may enter into agreements with any county,
245 municipality, county transportation commission, business,
246 corporation, partnership, association, individual or other legal
247 entity, for the purpose of accelerating the completion date of
248 scheduled highway construction projects.

249 (ii) Such an agreement may permit the cost of a
250 highway construction project to be advanced to the commission by a
251 county, municipality, county transportation commission, business,
252 corporation, partnership, association, individual or other legal
253 entity, and repaid to such entity by the commission when highway
254 construction funds become available; provided, however, that
255 repayment of funds advanced to the Mississippi Transportation
256 Commission shall be made no sooner than the commission's
257 identified projected revenue schedule for funding of that
258 particular construction project, and no other scheduled highway
259 construction project established by statute or by the commission



260 may be delayed by an advanced funding project authorized under
261 this paragraph (z). Repayments to an entity that advances funds
262 to the Mississippi Transportation Commission under this paragraph
263 (z) may not include interest or other fees or charges, and the
264 total amount repaid shall not exceed the total amount of funds
265 advanced to the commission by the entity.

266 (iii) In considering whether to enter into such an
267 agreement, the commission shall consider the availability of
268 financial resources, the effect of such agreement on other ongoing
269 highway construction, the urgency of the public's need for swift
270 completion of the project and any other relevant factors.

271 (iv) Such an agreement shall be executed only upon
272 a finding by the commission, spread upon its minutes, that the
273 acceleration of the scheduled project is both feasible and
274 beneficial. The commission shall also spread upon its minutes its
275 findings with regard to the factors required to be considered
276 pursuant to item (iii) of this paragraph (z).

277 **SECTION 2.** This act shall take effect and be in force from
278 and after its passage.

