

By: Representative Bowles

To: Transportation

HOUSE BILL NO. 384

1 AN ACT TO AMEND SECTION 65-1-59, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 15 IN
3 CHICKASAW COUNTY THAT HAS BEEN REPLACED BY A MUNICIPAL BYPASS
4 SHALL CONTINUE TO BE MAINTAINED AS PART OF THE STATE HIGHWAY
5 SYSTEM UPON ORDINANCES ADOPTED BY THE BOARD OF SUPERVISORS OF THE
6 COUNTY AND THE MUNICIPALITY THROUGH WHICH SUCH BYPASSED HIGHWAY
7 RUNS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 65-1-59, Mississippi Code of 1972, is
10 amended as follows:

11 65-1-59. (1) It shall be the duty of the Mississippi
12 Transportation Commission to have the Mississippi Transportation
13 Department carry out all contracts and agreements, including
14 federal-aid projects and agreements under the County Highway Aid
15 Law of 1946, being Sections 65-11-1 through 65-11-37, heretofore
16 made or entered into with any county, subject, however, to
17 applicable rules and regulations of the Federal Highway
18 Administration. It shall be the duty of the Transportation
19 Commission to continue to have the Mississippi Transportation
20 Department maintain all state highways now under maintenance or
21 hereafter taken over for maintenance, the purpose of this
22 provision being to preserve the status quo of all state highways
23 insofar as such highways have been taken over and control and
24 jurisdiction has been assumed by the Mississippi Transportation
25 Commission and Mississippi Transportation Department; however,
26 except as otherwise provided in this section, if any highway or
27 link of highway is removed from the state highway system by
28 legislative act or by relocation or reconstruction, it shall no
29 longer be maintained by or be under the jurisdiction of the



30 Mississippi Transportation Commission or Mississippi
31 Transportation Department, but shall be returned to the
32 jurisdiction of the board of supervisors of the county or
33 governing authorities of the municipality through which such road
34 runs. Except as to segments of highways shorter than three (3)
35 miles which have been or which are hereafter replaced through
36 curve straightening or minor realignment, the Transportation
37 Commission shall retain and have the Mississippi Transportation
38 Department maintain as state highways all portions of U.S.
39 highways that either before or after July 1, 1989, have been or
40 are replaced and constructed as a part of the interstate highway
41 system, or four-lane primary system, or which are replaced and
42 constructed or are designated to be replaced and constructed as
43 part of the highway system under Section 65-3-97, including
44 portions of all such highways so replaced, or which under Section
45 65-3-97 are designated to be replaced, by municipal bypasses; and
46 such highways and portions thereof shall be continued to be
47 maintained as a part of the Mississippi state highway system until
48 removed from such system by legislative act. With respect to any
49 segment of Mississippi Highway 15 in Chickasaw County that has
50 been replaced before July 1, 2002, or that is replaced thereafter,
51 by a municipal bypass, the board of supervisors of the county and
52 the governing authorities of any municipality in the county
53 through which such highway runs, by duly adopted ordinance, may
54 refuse to accept the bypassed segment; and, in such case, such
55 segment of highway shall continue to be maintained by the
56 Mississippi Department of Transportation as a part of the state
57 highway system until removed from such system by legislative act.
58 All * * * highways and portions thereof which, by virtue of the
59 provisions of this section, are returned * * * to the jurisdiction
60 of the Mississippi Transportation Commission shall be maintained
61 by the Mississippi Transportation Department only to the traffic
62 capacities existing at the time that they are returned and any



63 subsequent traffic capacity improvements or other improvements
64 desired by the county or municipality within which such highway or
65 portion thereof is located shall be performed in accordance with
66 highway standards approved by the Transportation Commission and
67 the expenses for making such improvements shall be paid by the
68 county or municipality; however, all highways and portions thereof
69 so improved by the county or municipality shall thereafter be
70 maintained by the Mississippi Transportation Department. Before
71 any highway or portion thereof is returned to the Transportation
72 Commission under this section, the county or municipality having
73 jurisdiction thereof shall remove or cause to be removed * * *,
74 all right-of-way encroachments along the entire length of the
75 highway or portion thereof which are not permitted by
76 Transportation Commission and Transportation Department policies
77 and rules and regulations adopted pursuant to state and federal
78 law. Any such encroachments may be allowed to remain only by
79 permits issued by the Mississippi Transportation Department in the
80 manner and subject to the same conditions for the issuance of
81 permits for similar encroachments on other highways on the state
82 highway system. If traffic counts indicate that any highway or
83 portions thereof placed under the jurisdiction of the
84 Transportation Commission under the provisions of this section no
85 longer form a substantial part of the state highway system, the
86 Transportation Commission may request the Legislature to remove
87 such highways or portions thereof from the state highway system
88 and return such roads for maintenance to the county or
89 municipality in which they are located, as provided in subsection
90 (2) of this section. The highways which the Transportation
91 Department is required to continue to maintain by virtue of the
92 provisions of this section shall be in addition to the total
93 mileage limitation of eight thousand six hundred (8,600) miles
94 provided in Section 65-3-3.



95 (2) The Mississippi Transportation Commission shall, no
96 later than * * * October 1 each year * * *, furnish the
97 Transportation Committee of the House of Representatives and the
98 Highways and Transportation Committee of the Senate a
99 recommendation for deletion of those highways or sections of
100 highways which should be removed from the system.

101 **SECTION 2.** This act shall take effect and be in force from
102 and after July 1, 2003.

