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3 CHICKASAW COUNTY THAT HAS BEEN REPLACED BY A MUNICIPAL BYPASS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.

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

SECTION 1. Section 65-1-59, Mississippi Code of 1972, is
amended as follows:
65-1-59. (1) It shall be the duty of the Mississippi
Transportation Commission to have the Mississippi Transportation
Department carry out all contracts and agreements, including
federal-aid projects and agreements under the County Highway Aid
Law of 1946, being Sections 65-11-1 through 65-11-37, heretofore
made or entered into with any county, subject, however, to
applicable rules and regulations of the Federal Highway
Administration. It shall be the duty of the Transportation
Commission to continue to have the Mississippi Transportation
Department maintain all state highways now under maintenance or
hereafter taken over for maintenance, the purpose of this
provision being to preserve the status quo of all state highways
insofar as such highways have been taken over and control and
jurisdiction has been assumed by the Mississippi Transportation
Commission and Mississippi Transportation Department; however,
extcept as otherwise provided in this section, if any highway or
link of highway is removed from the state highway system by
legislative act or by relocation or reconstruction, it shall no
longer be maintained by or be under the jurisdiction of the
Mississippi Transportation Commission or Mississippi Transportation Department, but shall be returned to the jurisdiction of the board of supervisors of the county or governing authorities of the municipality through which such road runs. Except as to segments of highways shorter than three (3) miles which have been or which are hereafter replaced through curve straightening or minor realignment, the Transportation Commission shall retain and have the Mississippi Transportation Department maintain as state highways all portions of U.S. highways that either before or after July 1, 1989, have been or are replaced and constructed as a part of the interstate highway system, or four-lane primary system, or which are replaced and constructed or are designated to be replaced and constructed as part of the highway system under Section 65-3-97, including portions of all such highways so replaced, or which under Section 65-3-97 are designated to be replaced, by municipal bypasses; and such highways and portions thereof shall be continued to be maintained as a part of the Mississippi state highway system until removed from such system by legislative act. With respect to any segment of Mississippi Highway 15 in Chickasaw County that has been replaced before July 1, 2002, or that is replaced thereafter, by a municipal bypass, the board of supervisors of the county and the governing authorities of any municipality in the county through which such highway runs, by duly adopted ordinance, may refuse to accept the bypassed segment; and, in such case, such segment of highway shall continue to be maintained by the Mississippi Department of Transportation as a part of the state highway system until removed from such system by legislative act. All *** highways and portions thereof which, by virtue of the provisions of this section, are returned *** to the jurisdiction of the Mississippi Transportation Commission shall be maintained by the Mississippi Transportation Department only to the traffic capacities existing at the time that they are returned and any
subsequent traffic capacity improvements or other improvements desired by the county or municipality within which such highway or portion thereof is located shall be performed in accordance with highway standards approved by the Transportation Commission and the expenses for making such improvements shall be paid by the county or municipality; however, all highways and portions thereof so improved by the county or municipality shall thereafter be maintained by the Mississippi Transportation Department. Before any highway or portion thereof is returned to the Transportation Commission under this section, the county or municipality having jurisdiction thereof shall remove or cause to be removed all right-of-way encroachments along the entire length of the highway or portion thereof which are not permitted by Transportation Commission and Transportation Department policies and rules and regulations adopted pursuant to state and federal law. Any such encroachments may be allowed to remain only by permits issued by the Mississippi Transportation Department in the manner and subject to the same conditions for the issuance of permits for similar encroachments on other highways on the state highway system. If traffic counts indicate that any highway or portions thereof placed under the jurisdiction of the Transportation Commission under the provisions of this section no longer form a substantial part of the state highway system, the Transportation Commission may request the Legislature to remove such highways or portions thereof from the state highway system and return such roads for maintenance to the county or municipality in which they are located, as provided in subsection (2) of this section. The highways which the Transportation Department is required to continue to maintain by virtue of the provisions of this section shall be in addition to the total mileage limitation of eight thousand six hundred (8,600) miles provided in Section 65-3-3.
(2) The Mississippi Transportation Commission shall, no later than *** October 1 each year ***, furnish the Transportation Committee of the House of Representatives and the Highways and Transportation Committee of the Senate a recommendation for deletion of those highways or sections of highways which should be removed from the system.

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