

By: Senator(s) Dearing

To: Highways and  
Transportation

SENATE BILL NO. 2403

1 AN ACT TO CREATE NEW SECTION 65-1-176, MISSISSIPPI CODE OF  
2 1972, TO AUTHORIZE THE MISSISSIPPI TRANSPORTATION COMMISSION TO  
3 ACQUIRE, OWN AND OPERATE RAILROADS; TO AUTHORIZE THE COMMISSION TO  
4 UTILIZE EMINENT DOMAIN, INCLUDING THE RIGHT OF IMMEDIATE  
5 POSSESSION FOR SUCH PURPOSES; TO AMEND SECTION 11-27-81,  
6 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** The following provision shall be codified as  
10 Section 65-1-176, Mississippi Code of 1972:

11 **65-1-176.** The Mississippi Transportation Commission shall  
12 have the power to acquire, construct, own, hold, control, use,  
13 extend, relocate, operate, maintain, repair, equip and lease  
14 railroads and any machinery, equipment or other facilities  
15 required and incidental to the ownership and operation of  
16 railroads. For such purposes the Mississippi Transportation  
17 Commission shall have the power to acquire rights-of-way, land,  
18 easements, property and interests in property by gift, purchase,  
19 condemnation or otherwise. In exercising the condemnation under  
20 this section, the commission shall condemn property in the manner  
21 provided by law including, but not limited to, the power to  
22 exercise the right of immediate possession under Sections 11-27-81  
23 through 11-27-89.

24 **SECTION 2.** Section 11-27-81, Mississippi Code of 1972, is  
25 amended as follows:

26 11-27-81. The right of immediate possession pursuant to  
27 Sections 11-27-81 through 11-27-89, Mississippi Code of 1972, may  
28 be exercised only:



29 (a) By the Mississippi Transportation Commission for  
30 the acquisition of highway rights-of-way only;

31 (b) By any county or municipality for the purpose of  
32 acquiring rights-of-way to connect existing roads and streets to  
33 highways constructed or to be constructed by the State Highway  
34 Commission;

35 (c) By any county or municipality for the purpose of  
36 acquiring rights-of-way for widening existing roads and streets of  
37 such county or municipality; provided, however, that said  
38 rights-of-way shall not displace a property owner from his  
39 dwelling or place of business;

40 (d) By the boards of supervisors of any county of this  
41 state for the acquisition of highway or road rights-of-way in  
42 connection with a state-aid project designated and approved in  
43 accordance with Sections 65-9-1 through 65-9-31, Mississippi Code  
44 of 1972;

45 (e) By the Mississippi Wayport Authority for the  
46 purposes of acquiring land and easements for the Southeastern  
47 United States Wayport Project as authorized by Sections 61-4-1  
48 through 61-4-13, Mississippi Code of 1972;

49 (f) By any county or municipality for the purpose of  
50 acquiring rights-of-way for water, sewer, drainage and other  
51 public utility purposes; provided, however, that such acquisition  
52 shall not displace a property owner from his dwelling or place of  
53 business;

54 (g) By any county authorized to exercise the power of  
55 eminent domain under Section 19-7-41 for the purpose of acquiring  
56 land for construction of a federal correctional facility or other  
57 federal penal institution;

58 (h) By the Mississippi Major Economic Impact Authority  
59 for the purpose of acquiring land, property and rights-of-way for  
60 a project as defined in Section 57-75-5(f)(iv)1 or any facility  
61 related to the project as provided in Section 57-75-11(e)(ii);



62           (i) By the boards of supervisors of any county of this  
63 state for the purpose of constructing dams or low-water control  
64 structures on lakes or bodies of water under the provisions of  
65 Section 19-5-92; \* \* \*

66           (j) By the board of supervisors of any county of this  
67 state for the purpose of acquiring land, property and/or  
68 rights-of-way for any project the board of supervisors, by a duly  
69 adopted resolution, determines to be related to a project as  
70 defined in Section 57-75-5(f)(iv). The board of supervisors of a  
71 county may not exercise the right to immediate possession under  
72 this item (j) after July 1, 2003; or

73           (k) By the Mississippi Transportation Commission for  
74 the acquisition of rights-of-way, land, easement, property and  
75 other interests in property for railroad purposes as provided for  
76 in Section 1 of Senate Bill No. 2403, 2003 Regular Session.

77           **SECTION 3.** This act shall take effect and be in force from  
78 and after its passage.

