

By: Representative Malone

To: Transportation

HOUSE BILL NO. 1132

1 AN ACT TO AMEND SECTIONS 65-1-65 AND 65-9-25, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE THE REMOVAL OF TREES, BUSHES AND  
3 VEGETATION HAVING A TRUNK DIAMETER OF FOUR (4) INCHES OR GREATER  
4 LOCATED WITHIN THE RIGHT-OF-WAY OF STATE HIGHWAYS AND STATE AID  
5 ROADS; AND FOR RELATED PURPOSES.

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

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

9 65-1-65. It shall be the duty of the Mississippi  
10 Transportation Commission to have the Mississippi Transportation  
11 Department maintain all highways which have been or which may be  
12 hereafter taken over by the Mississippi Transportation Department  
13 for maintenance in such a way as to afford convenient,  
14 comfortable, and economic use thereof by the public at all times.  
15 To this end it shall be the duty of the director, subject to the  
16 rules, regulations and orders of the commission as spread on its  
17 minutes, to organize an adequate and continuous patrol for the  
18 maintenance, repair, and inspection of all of the state-maintained  
19 state highway system, so that said highways may be kept under  
20 proper maintenance and repair at all times.

21 As a part of its regular and continuous highway maintenance  
22 duties, the department shall remove or contract for the removal of  
23 all trees, bushes and vegetation having a trunk diameter of four  
24 (4) inches or greater located within the right-of-way of any  
25 highway or roadway under its jurisdiction.

26 **SECTION 2.** Section 65-9-25, Mississippi Code of 1972, is  
27 amended as follows:

28           65-9-25. It shall be the duty of the several boards of  
29 supervisors to properly maintain all state aid roads in their  
30 respective counties after construction of any such roads with  
31 state aid monies. As a part of its regular and continuous state  
32 aid road maintenance duties, the board of supervisors shall remove  
33 or contract for the removal of all trees, bushes and vegetation  
34 having a trunk diameter of four (4) inches or greater located  
35 within the right-of-way of any state aid road within the county.  
36 It shall be the duty of the State Aid Engineer and his assistants  
37 to make annual maintenance inspections of completed projects, and  
38 such other periodic maintenance inspections as the State Aid  
39 Engineer shall deem necessary. If essential maintenance is not  
40 properly and regularly carried on, in the opinion of the State Aid  
41 Engineer, then notice thereof shall be given in writing to the  
42 board in default, and if such maintenance is not done and  
43 continued within sixty (60) days from date of such notice, then,  
44 and in such event, the State Aid Engineer may proceed to have done  
45 the necessary maintenance and repair work on such road and charge  
46 the same to any funds in the State Aid Road Fund in the State  
47 Treasury allocated to such county. If such failure to maintain  
48 continues, then such county shall be no longer eligible for state  
49 aid until proper maintenance is resumed by it, and notice of such  
50 withdrawal of state aid shall be duly given the State Auditor and  
51 State Treasurer; however, such ineligibility shall not affect  
52 payment from the State Aid Road Fund of progress or final  
53 estimates on contracts awarded prior to notice of such  
54 ineligibility, nor shall said ineligibility in any way affect the  
55 payment of principal and interest on state aid road bonds issued  
56 by any such county.

57           State aid roads which have been hard surfaced through the use  
58 of state aid funds or federal aid funds shall be eligible for  
59 state aid funds to provide one or more seal courses, as required.  
60 State aid roads in which the grading and drainage structures were

61 constructed under state aid projects and which have been  
62 subsequently hard surfaced by the county through the use of county  
63 funds under the supervision of the county engineer shall likewise  
64 be eligible for state aid funds to provide one or more seal  
65 courses as required, provided that the hard surfacing and  
66 underlying base were constructed in accordance with the then  
67 prevailing state aid standards and specifications. The county  
68 shall furnish the State Aid Engineer with sufficient engineering  
69 data, including borings and tests, if necessary, to substantiate  
70 the required thickness and quality of the base and surfacing. The  
71 correction of base defects and pavement breaks may be made part of  
72 the plans and contract documents for each sealing project.

73 State aid roads which were constructed in accordance with the  
74 then prevailing state aid standards and specifications shall be  
75 eligible for state aid funds for maintenance, repair and  
76 reconstruction, subject to the prior written approval of such work  
77 by the State Aid Engineer and subject to the work being completed  
78 in accordance with the prior written approval.

79 **SECTION 3.** This act shall take effect and be in force from  
80 and after July 1, 2004.