

By: Senator(s) Lee (35th)

To: County Affairs

SENATE BILL NO. 2704

1 AN ACT TO BRING FORWARD SECTIONS 63-3-511 AND 65-9-1,
2 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF AMENDING TO CLARIFY
3 THE AUTHORITY OF A BOARD OF SUPERVISORS TO INCREASE THE SPEED
4 LIMIT ON STATE AID ROADS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 63-3-511, Mississippi Code of 1972, is
7 brought forward as follows:

8 63-3-511. Whenever local authorities, including boards of
9 supervisors, within their respective jurisdictions, determine upon
10 the basis of an engineering and traffic investigation that the
11 speed permitted under this article on any street, or any county
12 road or any portion thereof, or at any intersection is greater
13 than is reasonable or safe under conditions found to exist upon
14 such street, or any county road or any portion thereof, or at such
15 intersection, such local authorities shall determine and declare,
16 by ordinance, a reasonable and safe speed limit, which shall be
17 effective when appropriate signs giving notice thereof are erected
18 on such street, or any county road or any portion thereof, or at
19 such intersection, or upon the approaches thereto. However, no
20 speed limit shall be fixed by any such local authorities at less
21 than fifteen (15) miles per hour.

22 The Commissioner of Corrections is authorized to establish by
23 regulation reasonable and safe speed limits upon the roads of the
24 correctional facilities under his jurisdiction which shall be
25 effective when appropriate signs giving notice thereof are
26 erected. Speed limits may be based upon road or traffic
27 conditions or upon security considerations.

28 Provided, however, that whenever the State Highway Commission
29 shall, pursuant to Section 63-3-503, lower the maximum speed limit
30 in response to federal laws, regulations or guidelines for
31 purposes of energy conservation, local authorities, including
32 boards of supervisors, shall immediately lower maximum speed
33 limits on local highways, not to exceed a maximum speed of
34 fifty-five (55) miles per hour.

35 **SECTION 2.** Section 65-9-1, Mississippi Code of 1972, is
36 brought forward as follows:

37 65-9-1. The board of supervisors of each county, now having
38 full jurisdiction over all roads, ferries and bridges in its
39 respective county not maintained as state highways, is hereby
40 fully authorized and empowered to construct and maintain the same
41 (including designated state highways not yet taken over by the
42 highway department); and all such roads under the jurisdiction of
43 the several boards of supervisors are hereby designated, defined
44 and declared to be either (a) "feeder" or "local farm roads" or
45 (b) "state aid roads."

46 State aid roads are hereby defined as that group or class of
47 roads composing the main collector and distributor routes feeding
48 into local trade areas or into the state highway network, which
49 are not designated as state highways by the Legislature, and
50 particularly those essential to the conservation and development
51 of natural resources, of economic and social value, and
52 encouraging desirable land utilization, having in addition the
53 following characteristics, to wit: roads (including bridges and
54 ferries) which

55 (a) Connect communities within the individual counties
56 and with those of adjoining counties and/or which also connect
57 with the state highway system to form a complete network of
58 secondary or collector routes.

59 (b) Carry heavy volumes of traffic serving most of the
60 following interests of the counties, to wit:

- 61 (1) Agricultural
- 62 (2) Business
- 63 (3) Educational
- 64 (4) Industrial

65 The State Aid Engineer shall see that the criteria imposed
66 herein are explicitly followed in the designation and in the
67 construction of the state aid roads in each county. The State Aid
68 Engineer shall promulgate regulations pursuant to the
69 Administrative Procedures Act to require the development of a
70 network of intercounty roads and to provide for a review process
71 within the state aid division for the designation of said state
72 aid roads. Such regulations shall also establish standards for
73 state aid route designation. The State Aid Engineer is hereby
74 authorized and directed to withhold funds from such counties until
75 the state aid roads therein are designated and constructed
76 according to the characteristics set forth herein.

77 All other roads under the jurisdiction of the several boards
78 of supervisors are hereby declared to be "local farm roads" and
79 not affected in anywise by this chapter.

80 State aid roads in the several counties shall be eligible for
81 state aid in the manner and under the terms and conditions
82 hereinafter set out. Local system roads (as defined in Section
83 65-18-3) in the several counties shall be eligible for state aid
84 in the manner and under the terms and conditions set out in the
85 Local System Road Program established in Sections 65-18-1 through
86 65-18-17. State aid, by way of funds to be expended on state aid
87 roads and local system roads (as defined in Section 65-18-3),
88 shall consist of any sum or sums provided by the Legislature to
89 supplement funds furnished by the several counties for the purpose
90 of constructing, improving, widening, straightening, surfacing or
91 reconstructing roads on the state aid system or for the purpose of
92 the construction, reconstruction and paving of roads on the Local

93 System Road Program, and shall be available to the several
94 counties in such proportion as may be fixed and determined by law.

95 **SECTION 3.** This act shall take effect and be in force from
96 and after July 1, 2005.