

By: Senator(s) Jolly

To: Highways and
Transportation;
Appropriations

SENATE BILL NO. 2813

1 AN ACT TO AMEND SECTION 65-1-59, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ANY HIGHWAY OR LINK OF HIGHWAY THAT IS REMOVED FROM
3 THE STATE HIGHWAY SYSTEM BY LEGISLATIVE ACT OR BY RELOCATION OR
4 RECONSTRUCTION AND RETURNED TO THE JURISDICTION OF THE BOARD OF
5 SUPERVISORS OF THE COUNTY OR GOVERNING AUTHORITIES OF THE
6 MUNICIPALITY THROUGH WHICH SUCH ROAD RUNS, SHALL BE RETURNED IN A
7 CONDITION THAT MEETS OFFICE OF STATE AID ROAD CONSTRUCTION
8 STANDARDS; AND FOR RELATED PURPOSES.

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

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

12 65-1-59. (1) It shall be the duty of the Mississippi
13 Transportation Commission to have the Mississippi Transportation
14 Department carry out all contracts and agreements, including
15 federal-aid projects and agreements under the County Highway Aid
16 Law of 1946, being Sections 65-11-1 through 65-11-37, heretofore
17 made or entered into with any county, subject, however, to
18 applicable rules and regulations of the Federal Highway
19 Administration. It shall be the duty of the Transportation
20 Commission to continue to have the Mississippi Transportation
21 Department maintain all state highways now under maintenance or



22 hereafter taken over for maintenance, the purpose of this
23 provision being to preserve the status quo of all state highways
24 insofar as such highways have been taken over and control and
25 jurisdiction has been assumed by the Mississippi Transportation
26 Commission and Mississippi Transportation Department; however,
27 except as otherwise provided in this section, if any highway or
28 link of highway is removed from the state highway system by
29 legislative act or by relocation or reconstruction, it shall no
30 longer be maintained by or be under the jurisdiction of the
31 Mississippi Transportation Commission or Mississippi
32 Transportation Department, but shall be returned to the
33 jurisdiction of the board of supervisors of the county or
34 governing authorities of the municipality through which such road
35 runs. Any highway or link of highway that is returned to the
36 jurisdiction of the board of supervisors of a county or governing
37 authorities of a municipality shall be returned in a condition
38 that meets Office of State Aid Road Construction standards.
39 Except as to segments of highways shorter than three (3) miles
40 which have been or which are hereafter replaced through curve
41 straightening or minor realignment, the Transportation Commission
42 shall retain and have the Mississippi Transportation Department
43 maintain as state highways all portions of U.S. highways that
44 either before or after July 1, 1989, have been or are replaced and
45 constructed as a part of the interstate highway system, or
46 four-lane primary system, or which are replaced and constructed or



47 are designated to be replaced and constructed as part of the
48 highway system under Section 65-3-97, including portions of all
49 such highways so replaced, or which under Section 65-3-97 are
50 designated to be replaced, by municipal bypasses; and such
51 highways and portions thereof shall be continued to be maintained
52 as a part of the Mississippi state highway system until removed
53 from such system by legislative act. All such highways and
54 portions thereof which, by virtue of the provisions of this
55 section, are returned on or after July 1, 1989, to the
56 jurisdiction of the Mississippi Transportation Commission shall be
57 maintained by the Mississippi Transportation Department only to
58 the traffic capacities existing at the time that they are returned
59 and any subsequent traffic capacity improvements or other
60 improvements desired by the county or municipality within which
61 such highway or portion thereof is located shall be performed in
62 accordance with highway standards approved by the Transportation
63 Commission and the expenses for making such improvements shall be
64 paid by the county or municipality; however, all highways and
65 portions thereof so improved by the county or municipality shall
66 thereafter be maintained by the Mississippi Transportation
67 Department. Before any highway or portion thereof is returned to
68 the Transportation Commission under this section, the county or
69 municipality having jurisdiction thereof shall remove or cause to
70 be removed by July 1, 1991, all right-of-way encroachments along
71 the entire length of the highway or portion thereof which are not



72 permitted by Transportation Commission and Transportation
73 Department policies and rules and regulations adopted pursuant to
74 state and federal law. Any such encroachments may be allowed to
75 remain only by permits issued by the Mississippi Transportation
76 Department in the manner and subject to the same conditions for
77 the issuance of permits for similar encroachments on other
78 highways on the state highway system. If traffic counts indicate
79 that any highway or portions thereof placed under the jurisdiction
80 of the Transportation Commission under the provisions of this
81 section no longer form a substantial part of the state highway
82 system, the Transportation Commission may request the Legislature
83 to remove such highways or portions thereof from the state highway
84 system and return said roads for maintenance to the county or
85 municipality in which they are located, as provided in subsection
86 (2) of this section. The highways which the Transportation
87 Department is required to continue to maintain by virtue of the
88 provisions of this section shall be in addition to the total
89 mileage limitation of eight thousand six hundred (8,600) miles
90 provided in Section 65-3-3.

91 (2) The Mississippi Transportation Commission shall, no
92 later than October 1, 1981, and October 1 each year thereafter,
93 furnish the Transportation Committee of the House of
94 Representatives and the Highways and Transportation Committee of
95 the Senate a recommendation for deletion of those highways or
96 sections of highways which should be removed from the system.



97 **SECTION 2.** This act shall take effect and be in force from
98 and after July 1, 2019.

