

## **Senate Amendments to House Bill No. 1245**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

7           **SECTION 1.** Section 65-1-75, Mississippi Code of 1972, is  
8 amended as follows:

9           65-1-75. (1) The Mississippi Transportation Commission is  
10 authorized and empowered to have the Transportation Department  
11 locate, construct, reconstruct and maintain any designated state  
12 highway under its jurisdiction to, through, across or around any  
13 municipality in the state, regardless of the width of the street  
14 between curbs; and in so locating it is fully empowered to follow  
15 the route of the existing street or to depart therefrom, as in its  
16 discretion it deems advisable, and to obtain and pay for the  
17 necessary rights-of-way, as provided in Section 65-1-47. The  
18 municipality in which such construction is to be undertaken is  
19 likewise authorized to acquire rights-of-way on any such streets  
20 or on any newly located routes, either by purchase, gift or  
21 condemnation. Such rights-of-way may be acquired by either the  
22 municipality or the Transportation Department, subject to the  
23 approval of the commission, and the cost thereof may be borne by

24 either or both as may be mutually agreed upon. In any event such  
25 municipality may be required to save the commission and department  
26 harmless from any claims for damages arising from the construction  
27 of the highway through such municipality, including claims for  
28 rights-of-way, change of grade line, interference with public  
29 structures, and any and all damages so arising. Municipalities  
30 may secure additional improvements by payment of the additional  
31 cost of same. The commission may require such municipality to  
32 cause to be laid all water, sewer, gas or other pipelines or  
33 conduits, together with all necessary house or lot connections or  
34 services, to the curb line of such road or street to be  
35 constructed, and the commission is authorized to refuse to have  
36 the department lay such pipelines or conduits beneath such roads  
37 or streets until the municipality has laid same or entered into an  
38 agreement to reimburse the commission or department for the  
39 expense thereby incurred.

40 (2) All construction of state highways in or through  
41 municipalities, where done at the cost and expense of the state,  
42 whether heretofore or hereafter, shall be maintained in the same  
43 manner and to the same extent as is construction on state highways  
44 outside the limits of municipalities to the end that investment of  
45 the state in such highway so constructed may be preserved and  
46 maintained; and all reasonable rules and regulations with  
47 reference to the preservation and maintenance of such highways  
48 constructed at state expense, whether within or without municipal  
49 limits, may be promulgated by the commission, except that it shall

50 have no power to promulgate police regulations contrary to  
51 existing law. On any municipal streets or parts or sections  
52 thereof taken over for regular maintenance and maintained by the  
53 department as a part of the state highway system, the municipality  
54 shall not be liable for negligence occasioned by the maintenance  
55 or repair of such streets thus apportioned to and of such width as  
56 is maintained by the department. The municipality shall have full  
57 control and responsibility beyond the curb lines of any designated  
58 highway or street, whether heretofore or hereafter so designated,  
59 (except the interstate system) located within its present or  
60 future expanded municipal corporate limits, regardless of the  
61 ownership of the right-of-way, including, but not limited to, the  
62 construction and maintenance of sidewalks, grass mowing and  
63 drainage systems; however, the department may utilize the  
64 right-of-way purchased by the commission without any additional  
65 cost or permission.

66 The municipality shall not allow any encroachments, signs or  
67 billboards to be erected or to remain on state-owned rights-of-way  
68 on any designated highway within its corporate limits without the  
69 consent of the commission. The municipality, at its own expense,  
70 shall provide street illumination and shall clean all streets,  
71 including storm sewer inlets and catch basins. The commission may  
72 enter into an agreement with the municipality or with a private  
73 entity to sweep and clean the designated highways within or  
74 without the corporate limits. The commission may, at state  
75 expense, provide illumination and may clean all interstate

76 highways within the corporate limits of any municipality. The  
77 right of the municipality to grant franchises over, beneath and  
78 upon such streets is specifically retained, but the municipality  
79 shall require every grantee of a franchise to restore, repair and  
80 replace to its original condition any portion of any such street  
81 damaged or injured by it; however, permission to open the surface  
82 of any municipal street maintained by the department must be  
83 obtained from both the commission and the municipality concerned  
84 before any such opening is made. Each municipality shall retain  
85 full police power over its streets, particularly as to regulating  
86 and enforcing traffic and parking restrictions on such streets,  
87 but any traffic control and parking regulations repugnant to state  
88 law shall be null and void. The commission shall have the  
89 department erect, control and maintain all highway route markers  
90 and directional signs on such streets at state expense. The  
91 commission, at state expense, shall have the department install,  
92 operate, maintain, control, and have full jurisdiction over, all  
93 traffic control devices, including, but not limited to, signals,  
94 signs, striping and lane markings on state highway streets in  
95 municipalities having a population of twenty thousand (20,000) or  
96 less according to the current United States census; but  
97 municipalities over twenty thousand (20,000) population according  
98 to such census shall install, operate, maintain and control such  
99 devices at their own expense, subject to approval of the executive  
100 director regarding operations, method of installation and type  
101 only. Municipalities having a population of five thousand (5,000)

102 or more but less than twenty thousand (20,000) according to the  
103 most recent federal census shall only be responsible for  
104 electrical operating costs; and all other costs for the  
105 installation, operation and maintenance of traffic control  
106 devices, including the changing of signal bulbs in traffic signal  
107 lights, shall be the responsibility of the Transportation  
108 Department. The commission may purchase at state expense and  
109 install traffic control devices in municipalities over twenty  
110 thousand (20,000) population and donate them to the municipalities  
111 for operation and maintenance whenever it appears to the  
112 commission that, in the interest of safety or convenience of the  
113 motoring public, any of the devices should be upgraded, replaced  
114 or removed. Any revenue from parking meters on any such streets  
115 shall be controlled by and belong to the municipality.

116 (3) The maintenance of all streets within the limits of any  
117 municipality in this state, regardless of size, which are  
118 presently being regularly maintained, in whole or in part, by the  
119 department at state expense as a part or parts of any designated  
120 state highway shall be continued. Whenever any state highway runs  
121 into or through the corporate limits of any municipality, the  
122 municipal street or the street utilized and marked as a part of  
123 any such state highway may be a part of the state highway system  
124 and may be maintained by the department; however, such route  
125 through any municipality shall be selected by the commission by  
126 orders spread on its minutes describing all such routes, and such  
127 route or routes may be changed, relocated or abandoned by the

128 commission from time to time, all under the provisions, terms and  
129 conditions herein provided, but the commission shall have the  
130 department maintain only one (1) route of any highway through a  
131 municipality. Upon relocation of such state highway or  
132 abandonment thereof, the municipal street formerly used as a state  
133 highway shall thereby return to the jurisdiction of, and  
134 maintenance by, the municipality.

135 (4) Notwithstanding any other provision of this section to  
136 the contrary, beginning on July 1, 2021, the department shall  
137 maintain grass mowing of rights-of-way for any state highways  
138 located within the municipal limits of any municipality in the  
139 state with a population of ten thousand (10,000) or less according  
140 to the latest federal decennial census that desires that the  
141 department perform grass mowing services, provided that it is in  
142 accordance with the department's annual mowing schedule and that  
143 the department shall not be required to maintain grass mowing for  
144 areas that are subject to a beautification permit or agreement.

145 **SECTION 2.** This act shall take effect and be in force from  
146 and after July 1, 2021, and shall stand repealed on June 30, 2021.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 65-1-75, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO MAINTAIN  
3 GRASS MOWING OF RIGHTS-OF-WAY FOR ANY STATE HIGHWAYS LOCATED  
4 WITHIN THE MUNICIPAL LIMITS OF ANY MUNICIPALITY IN THE STATE WITH  
5 A POPULATION OF 10,000 OR LESS; AND FOR RELATED PURPOSES.

SS26\HB1245A.J

Eugene S. Clarke  
Secretary of the Senate