

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1245

BY: Committee

**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.

