

By: Representative Williamson

To: Transportation;  
Appropriations

HOUSE BILL NO. 1025

1 AN ACT TO PROVIDE THAT TRANSPORTATION FUNDS DESIGNATED FOR  
2 USE IN THIS STATE UNDER THE CONTROL OF THE MISSISSIPPI  
3 TRANSPORTATION COMMISSION SHALL BE ALLOCATED UPON ANALYSIS AND  
4 APPLICATION OF CERTAIN FACTORS; TO AMEND SECTION 65-1-8,  
5 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** To the extent it does not conflict with any state  
8 or federal law, any transportation funds designated for use in  
9 this state under the control of the Mississippi Transportation  
10 Commission shall be allocated upon analysis and application of the  
11 following factors:

- 12 (a) Fatalities, weighted at fifty percent (50%);
- 13 (b) Accidents, weighted at twenty-five percent (25%);
- 14 (c) Traffic congestion, weighted at twelve and one-half  
15 percent (12.5%); and
- 16 (d) New business development, weighted at twelve and  
17 one-half percent (12.5%).

18 **SECTION 2.** Section 65-1-8, Mississippi Code of 1972, is  
19 amended as follows:



20           65-1-8. (1) The Mississippi Transportation Commission shall  
21 have the following general powers, duties and responsibilities:

22           (a) To coordinate and develop a comprehensive, balanced  
23 transportation policy for the State of Mississippi;

24           (b) To promote the coordinated and efficient use of all  
25 available and future modes of transportation;

26           (c) To make recommendations to the Legislature  
27 regarding alterations or modifications in any existing  
28 transportation policies;

29           (d) To study means of encouraging travel and  
30 transportation of goods by the combination of motor vehicle and  
31 other modes of transportation;

32           (e) To take such actions as are necessary and proper to  
33 discharge its duties pursuant to the provisions of Chapter 496,  
34 Laws of 1992, and any other provision of law;

35           (f) To receive and provide for the expenditure of any  
36 funds made available to it by the Legislature, the federal  
37 government or any other source, which funds shall be spent in  
38 accordance with Section 1 of this act.

39           (2) In addition to the general powers, duties and  
40 responsibilities listed in subsection (1) of this section, the  
41 Mississippi Transportation Commission shall have the following  
42 specific powers:

43           (a) To make rules and regulations whereby the  
44 Transportation Department shall change or relocate any and all



45 highways herein or hereafter fixed as constituting a part of the  
46 state highway system, as may be deemed necessary or economical in  
47 the construction or maintenance thereof; to acquire by gift,  
48 purchase, condemnation or otherwise, land or other property  
49 whatsoever that may be necessary for a state highway system as  
50 herein provided, with full consideration to be given to the  
51 stimulation of local public and private investment when acquiring  
52 such property in the vicinity of Mississippi towns, cities and  
53 population centers;

54 (b) To enforce by mandamus, or other proper legal  
55 remedies, all legal rights or rights of action of the Mississippi  
56 Transportation Commission with other public bodies, corporations  
57 or persons;

58 (c) To make and publish rules, regulations and  
59 ordinances for the control of and the policing of the traffic on  
60 the state highways, and to prevent their abuse by any or all  
61 persons, natural or artificial, by trucks, tractors, trailers or  
62 any other heavy or destructive vehicles or machines, or by any  
63 other means whatsoever, by establishing weights of loads or of  
64 vehicles, types of tires, width of tire surfaces, length and width  
65 of vehicles, with reasonable variations to meet approximate  
66 weather conditions, and all other proper police and protective  
67 regulations, and to provide ample means for the enforcement of  
68 same. The violation of any of the rules, regulations or  
69 ordinances so prescribed by the commission shall constitute a



70 misdemeanor. No rule, regulation or ordinance shall be made that  
71 conflicts with any statute now in force or which may hereafter be  
72 enacted, or with any ordinance of municipalities. A monthly  
73 publication giving general information to the boards of  
74 supervisors, employees and the public may be issued under such  
75 rules and regulations as the commission may determine;

76 (d) To give suitable numbers to highways and to change  
77 the number of any highway that shall become a part of the state  
78 highway system. However, nothing herein shall authorize the  
79 number of any highway to be changed so as to conflict with any  
80 designation thereof as a U.S. numbered highway. Where, by a  
81 specific act of the Legislature, the commission has been directed  
82 to give a certain number to a highway, the commission shall not  
83 have the authority to change such number;

84 (e) (i) To make proper and reasonable rules,  
85 regulations, and ordinances for the placing, erection, removal or  
86 relocation of telephone, telegraph or other poles, signboards,  
87 fences, gas, water, sewerage, oil or other pipelines, and other  
88 obstructions that may, in the opinion of the commission,  
89 contribute to the hazards upon any of the state highways, or in  
90 any way interfere with the ordinary travel upon such highways, or  
91 the construction, reconstruction or maintenance thereof, and to  
92 make reasonable rules and regulations for the proper control  
93 thereof. Any violation of such rules or regulations or  
94 noncompliance with such ordinances shall constitute a misdemeanor;



95                   (ii) Except as otherwise provided for in this  
96 paragraph, whenever the order of the commission shall require the  
97 removal of, or other changes in the location of telephone,  
98 telegraph or other poles, signboards, gas, water, sewerage, oil or  
99 other pipelines; or other similar obstructions on the right-of-way  
100 or such other places where removal is required by law, the owners  
101 thereof shall at their own expense move or change the same to  
102 conform to the order of the commission. Any violation of such  
103 rules or regulations or noncompliance with such orders shall  
104 constitute a misdemeanor;

105                   (iii) Rural water districts, rural water systems,  
106 nonprofit water associations and municipal public water systems in  
107 municipalities with a population of ten thousand (10,000) or less,  
108 according to the latest federal decennial census, shall not be  
109 required to bear the cost and expense of removal and relocation of  
110 water and sewer lines and facilities constructed or in place in  
111 the rights-of-way of state highways. The cost and expense of such  
112 removal and relocation, including any unpaid prior to July 1,  
113 2002, shall be paid by the Department of Transportation;

114                   (iv) Municipal public sewer systems and municipal  
115 gas systems owned by municipalities with a population of ten  
116 thousand (10,000) or less, according to the latest federal  
117 decennial census, shall not be required to bear the cost and  
118 expense of removal and relocation of lines and facilities  
119 constructed or in place in the rights-of-way of state highways.



120 The cost and expense of such removal and relocation, including any  
121 unpaid prior to July 1, 2003, shall be paid by the Department of  
122 Transportation;

123           (f) To regulate and abandon grade crossings on any road  
124 fixed as a part of the state highway system, and whenever the  
125 commission, in order to avoid a grade crossing with the railroad,  
126 locates or constructs said road on one side of the railroad, the  
127 commission shall have the power to abandon and close such grade  
128 crossing, and whenever an underpass or overhead bridge is  
129 substituted for a grade crossing, the commission shall have power  
130 to abandon such grade crossing and any other crossing adjacent  
131 thereto. Included in the powers herein granted shall be the power  
132 to require the railroad at grade crossings, where any road of the  
133 state highway system crosses the same, to place signal posts with  
134 lights or other warning devices at such crossings at the expense  
135 of the railroad, and to regulate and abandon underpass or overhead  
136 bridges and, where abandoned because of the construction of a new  
137 underpass or overhead bridge, to close such old underpass or  
138 overhead bridge, or, in its discretion, to return the same to the  
139 jurisdiction of the county board of supervisors;

140           (g) To make proper and reasonable rules and regulations  
141 to control the cutting or opening of the road surfaces for  
142 subsurface installations;

143           (h) To make proper and reasonable rules and regulations  
144 for the removal from the public rights-of-way of any form of



145 obstruction, to cooperate in improving their appearance, and to  
146 prescribe minimum clearance heights for seed conveyors, pipes,  
147 passageways or other structure of private or other ownership above  
148 the highways;

149 (i) To establish, and have the Transportation  
150 Department maintain and operate, and to cooperate with the state  
151 educational institutions in establishing, enlarging, maintaining  
152 and operating a laboratory or laboratories for testing materials  
153 and for other proper highway purposes;

154 (j) To provide, under the direction and with the  
155 approval of the Department of Finance and Administration, suitable  
156 offices, shops and barns in the City of Jackson;

157 (k) To establish and have enforced set-back  
158 regulations;

159 (l) To cooperate with proper state authorities in  
160 producing limerock for highway purposes and to purchase same at  
161 cost;

162 (m) To provide for the purchase of necessary equipment  
163 and vehicles and to provide for the repair and housing of same, to  
164 acquire by gift, purchase, condemnation or otherwise, land or  
165 lands and buildings in fee simple, and to authorize the  
166 Transportation Department to construct, lease or otherwise provide  
167 necessary and proper permanent district offices for the  
168 construction and maintenance divisions of the department, and for  
169 the repair and housing of the equipment and vehicles of the



170 department; however, in each Supreme Court district only two (2)  
171 permanent district offices shall be set up, but a permanent status  
172 shall not be given to any such offices until so provided by act of  
173 the Legislature and in the meantime, all shops of the department  
174 shall be retained at their present location. As many local or  
175 subdistrict offices, shops or barns may be provided as is  
176 essential and proper to economical maintenance of the state  
177 highway system;

178 (n) To cooperate with the Department of Archives and  
179 History in having placed and maintained suitable historical  
180 markers, including those which have been approved and purchased by  
181 the State Historical Commission, along state highways, and to have  
182 constructed and maintained roadside driveways for convenience and  
183 safety in viewing them when necessary;

184 (o) To cooperate, in its discretion, with the  
185 Mississippi Department of Wildlife, Fisheries and Parks in  
186 planning and constructing roadside parks upon the right-of-way of  
187 state highways, whether constructed, under construction, or  
188 planned; said parks to utilize where practical barrow pits used in  
189 construction of state highways for use as fishing ponds. Said  
190 parks shall be named for abundant flora and fauna existing in the  
191 area or for the first flora or fauna found on the site;

192 (p) Unless otherwise prohibited by law, to make such  
193 contracts and execute such instruments containing such reasonable  
194 and necessary appropriate terms, provisions and conditions as in





195 its absolute discretion it may deem necessary, proper or  
196 advisable, for the purpose of obtaining or securing financial  
197 assistance, grants or loans from the United States of America or  
198 any department or agency thereof, including contracts with several  
199 counties of the state pertaining to the expenditure of such funds;

200 (q) To cooperate with the Federal Highway  
201 Administration in the matter of location, construction and  
202 maintenance of the Great River Road, to expend such funds paid to  
203 the commission by the Federal Highway Administration or other  
204 federal agency, and to authorize the Transportation Department to  
205 erect suitable signs marking this highway, the cost of such signs  
206 to be paid from state highway funds other than earmarked  
207 construction funds;

208 (r) To cooperate, in its discretion, with the  
209 Mississippi Forestry Commission and the School of Forestry,  
210 Mississippi State University, in a forestry management program,  
211 including planting, thinning, cutting and selling, upon the  
212 right-of-way of any highway, constructed, acquired or maintained  
213 by the Transportation Department, and to sell and dispose of any  
214 and all growing timber standing, lying or being on any  
215 right-of-way acquired by the commission for highway purposes in  
216 the future; such sale or sales to be made in accordance with the  
217 sale of personal property which has become unnecessary for public  
218 use as provided for in Section 65-1-123, Mississippi Code of 1972;



219 (s) To expend funds in cooperation with the Division of  
220 Plant Industry, Mississippi Department of Agriculture and  
221 Commerce, the United States government or any department or agency  
222 thereof, or with any department or agency of this state, to  
223 control, suppress or eradicate serious insect pests, rodents,  
224 plant parasites and plant diseases on the state highway  
225 rights-of-way;

226 (t) To provide for the placement, erection and  
227 maintenance of motorist services business signs and supports  
228 within state highway rights-of-way in accordance with current  
229 state and federal laws and regulations governing the placement of  
230 traffic control devices on state highways, and to establish and  
231 collect reasonable fees from the businesses having information on  
232 such signs;

233 (u) To request and to accept the use of persons  
234 convicted of an offense, whether a felony or a misdemeanor, for  
235 work on any road construction, repair or other project of the  
236 Transportation Department. The commission is also authorized to  
237 request and to accept the use of persons who have not been  
238 convicted of an offense but who are required to fulfill certain  
239 court-imposed conditions pursuant to Section 41-29-150(d)(1) or  
240 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention  
241 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code  
242 of 1972. The commission is authorized to enter into any  
243 agreements with the Department of Corrections, the State Parole



244 Board, any criminal court of this state, and any other proper  
245 official regarding the working, guarding, safekeeping, clothing  
246 and subsistence of such persons performing work for the  
247 Transportation Department. Such persons shall not be deemed  
248 agents, employees or involuntary servants of the Transportation  
249 Department while performing such work or while going to and from  
250 work or other specified areas;

251 (v) To provide for the administration of the railroad  
252 revitalization program pursuant to Section 57-43-1 et seq.;

253 (w) The Mississippi Transportation Commission is  
254 further authorized, in its discretion, to expend funds for the  
255 purchase of service pins for employees of the Mississippi  
256 Transportation Department;

257 (x) To cooperate with the \* \* \* Department of Revenue  
258 by providing for weight enforcement field personnel to collect and  
259 assess taxes, fees and penalties and to perform all duties as  
260 required pursuant to Section 27-55-501 et seq., Sections 27-19-1  
261 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,  
262 Mississippi Code of 1972, with regard to vehicles subject to the  
263 jurisdiction of the Office of Weight Enforcement. All collections  
264 and assessments shall be transferred daily to the \* \* \* Department  
265 of Revenue;

266 (y) The Mississippi Transportation Commission may  
267 delegate the authority to enter into a supplemental agreement to a  
268 contract previously approved by the commission if the supplemental



269 agreement involves an additional expenditure not to exceed One  
270 Hundred Thousand Dollars (\$100,000.00);

271 (z) (i) The Mississippi Transportation Commission, in  
272 its discretion, may enter into agreements with any county,  
273 municipality, county transportation commission, business,  
274 corporation, partnership, association, individual or other legal  
275 entity, for the purpose of accelerating the completion date of  
276 scheduled highway construction projects.

277 (ii) Such an agreement may permit the cost of a  
278 highway construction project to be advanced to the commission by a  
279 county, municipality, county transportation commission, business,  
280 corporation, partnership, association, individual or other legal  
281 entity, and repaid to such entity by the commission when highway  
282 construction funds become available; provided, however, that  
283 repayment of funds advanced to the Mississippi Transportation  
284 Commission shall be made no sooner than the commission's  
285 identified projected revenue schedule for funding of that  
286 particular construction project, and no other scheduled highway  
287 construction project established by statute or by the commission  
288 may be delayed by an advanced funding project authorized under  
289 this paragraph (z). Repayments to a private entity that advances  
290 funds to the Mississippi Transportation Commission under this  
291 paragraph (z) may not include interest or other fees or charges,  
292 and the total amount repaid shall not exceed the total amount of  
293 funds advanced to the commission by the entity.



294 (iii) In considering whether to enter into such an  
295 agreement, the commission shall consider the availability of  
296 financial resources, the effect of such agreement on other ongoing  
297 highway construction, the urgency of the public's need for swift  
298 completion of the project and any other relevant factors.

299 (iv) Such an agreement shall be executed only upon  
300 a finding by the commission, spread upon its minutes, that the  
301 acceleration of the scheduled project is both feasible and  
302 beneficial. The commission shall also spread upon its minutes its  
303 findings with regard to the factors required to be considered  
304 pursuant to subparagraph (iii) of this paragraph (z);

305 (aa) The Mississippi Transportation Commission, in its  
306 discretion, may purchase employment practices liability insurance,  
307 and may purchase an excess policy to cover catastrophic losses  
308 incurred under the commission's self-insured workers' compensation  
309 program authorized under Section 71-3-5. Such policies shall be  
310 written by the agent or agents of a company or companies  
311 authorized to do business in the State of Mississippi. The  
312 deductibles shall be in an amount deemed reasonable and prudent by  
313 the commission, and the premiums thereon shall be paid from the  
314 State Highway Fund. Purchase of insurance under this paragraph  
315 shall not serve as an actual or implied waiver of sovereign  
316 immunity or of any protection afforded the commission under the  
317 Mississippi Tort Claims Act;



318           (bb) The Mississippi Transportation Commission is  
319 further authorized, in its discretion, to expend funds for the  
320 purchase of promotional materials for safety purposes, highway  
321 beautification purposes and recruitment purposes;

322           (cc) To lease antenna space on communication towers  
323 which it owns;

324           (dd) To receive funds from the Southeastern Association  
325 of Transportation Officials and from other nonstate sources and  
326 expend those funds for educational scholarships in transportation  
327 related fields of study. The commission may adopt rules or  
328 regulations as necessary for the implementation of the program. A  
329 strict accounting shall be made of all funds deposited with the  
330 commission and all funds dispersed.

331           **SECTION 3.** This act shall take effect and be in force from  
332 and after July 1, 2022.

