

By: Representatives Creekmore IV, Reynolds,  
Massengill, Steverson

To: Transportation

HOUSE BILL NO. 824

1 AN ACT TO AMEND SECTION 65-1-8, MISSISSIPPI CODE OF 1972, TO  
2 INCLUDE PUBLICLY OWNED GAS AND WATER DISTRICTS LOCATED IN LIMITED  
3 POPULATION COUNTIES OF WITH A POPULATION 30,000 OR LESS IN THE  
4 LIST OF ENTITIES WHICH THE MISSISSIPPI DEPARTMENT OF  
5 TRANSPORTATION IS AUTHORIZED TO ASSIST WITH CERTAIN REMOVAL AND  
6 RELOCATION PROJECTS; AND FOR RELATED PURPOSES.

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

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

10 65-1-8. (1) The Mississippi Transportation Commission shall  
11 have the following general powers, duties and responsibilities:

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

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

16 (c) To make recommendations to the Legislature  
17 regarding alterations or modifications in any existing  
18 transportation policies;



19           (d) To study means of encouraging travel and  
20 transportation of goods by the combination of motor vehicle and  
21 other modes of transportation;

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

25           (f) To receive and provide for the expenditure of any  
26 funds made available to it by the Legislature, the federal  
27 government or any other source.

28           (2) In addition to the general powers, duties and  
29 responsibilities listed in subsection (1) of this section, the  
30 Mississippi Transportation Commission shall have the following  
31 specific powers:

32           (a) To make rules and regulations whereby the  
33 Transportation Department shall change or relocate any and all  
34 highways herein or hereafter fixed as constituting a part of the  
35 state highway system, as may be deemed necessary or economical in  
36 the construction or maintenance thereof; to acquire by gift,  
37 purchase, condemnation or otherwise, land or other property  
38 whatsoever that may be necessary for a state highway system as  
39 herein provided, with full consideration to be given to the  
40 stimulation of local public and private investment when acquiring  
41 such property in the vicinity of Mississippi towns, cities and  
42 population centers;



43           (b) To enforce by mandamus, or other proper legal  
44 remedies, all legal rights or rights of action of the Mississippi  
45 Transportation Commission with other public bodies, corporations  
46 or persons;

47           (c) To make and publish rules, regulations and  
48 ordinances for the control of and the policing of the traffic on  
49 the state highways, and to prevent their abuse by any or all  
50 persons, natural or artificial, by trucks, tractors, trailers or  
51 any other heavy or destructive vehicles or machines, or by any  
52 other means whatsoever, by establishing weights of loads or of  
53 vehicles, types of tires, width of tire surfaces, length and width  
54 of vehicles, with reasonable variations to meet approximate  
55 weather conditions, and all other proper police and protective  
56 regulations, and to provide ample means for the enforcement of  
57 same. The violation of any of the rules, regulations or  
58 ordinances so prescribed by the commission shall constitute a  
59 misdemeanor. No rule, regulation or ordinance shall be made that  
60 conflicts with any statute now in force or which may hereafter be  
61 enacted, or with any ordinance of municipalities. A monthly  
62 publication giving general information to the boards of  
63 supervisors, employees and the public may be issued under such  
64 rules and regulations as the commission may determine;

65           (d) To give suitable numbers to highways and to change  
66 the number of any highway that shall become a part of the state  
67 highway system. However, nothing herein shall authorize the



68 number of any highway to be changed so as to conflict with any  
69 designation thereof as a U.S. numbered highway. Where, by a  
70 specific act of the Legislature, the commission has been directed  
71 to give a certain number to a highway, the commission shall not  
72 have the authority to change such number;

73 (e) (i) To make proper and reasonable rules,  
74 regulations, and ordinances for the placing, erection, removal or  
75 relocation of telephone, telegraph or other poles, signboards,  
76 fences, gas, water, sewerage, oil or other pipelines, and other  
77 obstructions that may, in the opinion of the commission,  
78 contribute to the hazards upon any of the state highways, or in  
79 any way interfere with the ordinary travel upon such highways, or  
80 the construction, reconstruction or maintenance thereof, and to  
81 make reasonable rules and regulations for the proper control  
82 thereof. Any violation of such rules or regulations or  
83 noncompliance with such ordinances shall constitute a misdemeanor;

84 (ii) Except as otherwise provided for in this  
85 paragraph, whenever the order of the commission shall require the  
86 removal of, or other changes in the location of, telephone,  
87 telegraph or other poles, signboards, gas, water, sewerage, oil or  
88 other pipelines \* \* \*, or other similar obstructions on the  
89 right-of-way or such other places where removal is required by  
90 law, the owners thereof shall at their own expense move or change  
91 the same to conform to the order of the commission. Any violation



92 of such rules or regulations or noncompliance with such orders  
93 shall constitute a misdemeanor;

94 (iii) Rural water districts, rural water systems,  
95 nonprofit water associations and municipal public water systems in  
96 municipalities with a population of ten thousand (10,000) or less,  
97 according to the latest federal decennial census, shall not be  
98 required to bear the cost and expense of removal and relocation of  
99 water and sewer lines and facilities constructed or in place in  
100 the rights-of-way of state highways. The cost and expense of such  
101 removal and relocation, including any unpaid prior to July 1,  
102 2002, shall be paid by the Department of Transportation;

103 (iv) Municipal public sewer systems and municipal  
104 gas systems owned by municipalities with a population of ten  
105 thousand (10,000) or less, according to the latest federal  
106 decennial census, shall not be required to bear the cost and  
107 expense of removal and relocation of lines and facilities  
108 constructed or in place in the rights-of-way of state highways.  
109 The cost and expense of such removal and relocation, including any  
110 unpaid prior to July 1, 2003, shall be paid by the Department of  
111 Transportation; and

112 (v) Publicly owned gas districts, public water  
113 districts in limited population counties with a population of  
114 thirty thousand (30,000) or less, according to the latest federal  
115 decennial census, shall not be required to bear the cost and  
116 expense of removal and relocation of gas or water and sewer lines



117 and facilities constructed or in place in the rights of way of  
118 state highways. The cost and expense of such removal and  
119 relocation, including any unpaid prior to July 1, 2023, shall be  
120 paid by the Department of Transportation;

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

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



141           (h) To make proper and reasonable rules and regulations  
142 for the removal from the public rights-of-way of any form of  
143 obstruction, to cooperate in improving their appearance, and to  
144 prescribe minimum clearance heights for seed conveyors, pipes,  
145 passageways or other structure of private or other ownership above  
146 the highways;

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

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

155           (k) To establish and have enforced set-back  
156 regulations;

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

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



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

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

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





190 (p) Unless otherwise prohibited by law, to make such  
191 contracts and execute such instruments containing such reasonable  
192 and necessary appropriate terms, provisions and conditions as in  
193 its absolute discretion it may deem necessary, proper or  
194 advisable, for the purpose of obtaining or securing financial  
195 assistance, grants or loans from the United States of America or  
196 any department or agency thereof, including contracts with several  
197 counties of the state pertaining to the expenditure of such funds;

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

206 (r) To cooperate, in its discretion, with the  
207 Mississippi Forestry Commission and the School of Forestry,  
208 Mississippi State University, in a forestry management program,  
209 including planting, thinning, cutting and selling, upon the  
210 right-of-way of any highway, constructed, acquired or maintained  
211 by the Transportation Department, and to sell and dispose of any  
212 and all growing timber standing, lying or being on any  
213 right-of-way acquired by the commission for highway purposes in  
214 the future; such sale or sales to be made in accordance with the



215 sale of personal property which has become unnecessary for public  
216 use as provided for in Section 65-1-123, Mississippi Code of 1972;

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

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

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



240 of 1972. The commission is authorized to enter into any  
241 agreements with the Department of Corrections, the State Parole  
242 Board, any criminal court of this state, and any other proper  
243 official regarding the working, guarding, safekeeping, clothing  
244 and subsistence of such persons performing work for the  
245 Transportation Department. Such persons shall not be deemed  
246 agents, employees or involuntary servants of the Transportation  
247 Department while performing such work or while going to and from  
248 work or other specified areas;

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

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

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



264 (y) The Mississippi Transportation Commission may  
265 delegate the authority to enter into a supplemental agreement to a  
266 contract previously approved by the commission if the supplemental  
267 agreement involves an additional expenditure not to exceed One  
268 Hundred Thousand Dollars (\$100,000.00);

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

275 (ii) Such an agreement may permit the cost of a  
276 highway construction project to be advanced to the commission by a  
277 county, municipality, county transportation commission, business,  
278 corporation, partnership, association, individual or other legal  
279 entity, and repaid to such entity by the commission when highway  
280 construction funds become available; provided, however, that  
281 repayment of funds advanced to the Mississippi Transportation  
282 Commission shall be made no sooner than the commission's  
283 identified projected revenue schedule for funding of that  
284 particular construction project, and no other scheduled highway  
285 construction project established by statute or by the commission  
286 may be delayed by an advanced funding project authorized under  
287 this paragraph (z). Repayments to a public or private entity that  
288 advances funds to the Mississippi Transportation Commission under



289 this paragraph (z) may not include interest or other fees or  
290 charges, and the total amount repaid shall not exceed the total  
291 amount of funds advanced to the commission by the entity; however,  
292 the inclusion of public entities in this provision does not  
293 invalidate any existing agreements authorized under this paragraph  
294 (z) before April 19, 2022. The commission shall retain the  
295 ability to service, refinance or restructure any indebtedness  
296 incurred through any such existing agreements.

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

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

308 (aa) The Mississippi Transportation Commission, in its  
309 discretion, may purchase employment practices liability insurance,  
310 and may purchase an excess policy to cover catastrophic losses  
311 incurred under the commission's self-insured workers' compensation  
312 program authorized under Section 71-3-5. Such policies shall be  
313 written by the agent or agents of a company or companies



314 authorized to do business in the State of Mississippi. The  
315 deductibles shall be in an amount deemed reasonable and prudent by  
316 the commission, and the premiums thereon shall be paid from the  
317 State Highway Fund. Purchase of insurance under this paragraph  
318 shall not serve as an actual or implied waiver of sovereign  
319 immunity or of any protection afforded the commission under the  
320 Mississippi Tort Claims Act;

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

325 (cc) To lease antenna space on communication towers  
326 which it owns;

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

334 (ee) To contract with any county, if the county chooses  
335 to enter such contract, to perform any maintenance on the state  
336 highways and interstate highways in that county and any  
337 rights-of-way to such highways.



338           **SECTION 2.** This act shall take effect and be in force from  
339 and after July 1, 2023.

