

By: Representative Cockerham

To: Transportation

HOUSE BILL NO. 1519

1 AN ACT TO AUTHORIZE ANY TOWN IN THE STATE OF MISSISSIPPI WITH
2 A SHORT-LINE RAILROAD PARTIALLY WITHIN ITS CORPORATE LIMITS TO
3 CARRY-OUT AND IMPLEMENT, BY AND THROUGH ITS GOVERNING BODY, THE
4 ACQUISITION, RESTORATION, CONSTRUCTION, OWNERSHIP, OVERSIGHT,
5 OPERATION AND DISPOSITION OF SUCH SHORT-LINE RAILROAD; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** For the purposes of this act, the following terms
9 shall have the meanings ascribed by this section unless the
10 context clearly indicates otherwise:

11 (a) "Governing body" means the Mayor and Board of
12 Aldermen or Council, as applicable, of a town.

13 (b) "Short-line railroad project" means any combination
14 of the acquisition, restoration, construction, ownership,
15 operation, oversight, maintenance and disposition of a short-line
16 railroad by a town.

17 (c) "Short-line railroad" means a rail line that is no
18 more than fifty (50) total route miles in length, located within
19 and without the State of Mississippi, together with the line's
20 corresponding right-of-way, fixtures, facilities, and related



21 improvements, and that, as an independent operating concern, would
22 qualify under the standards of the U.S. Surface Transportation
23 Board as a Class III rail carrier under 49 CFR 1201(1-1).

24 (d) "Town" means a municipal corporation existing
25 within the State of Mississippi classified as a town pursuant to
26 Section 21-1-1, Mississippi Code of 1972, as of the effective date
27 of this act, with a short-line railroad partially located within
28 its municipal boundaries.

29 **SECTION 2.** (1) A town, acting through its governing body,
30 is authorized to:

31 (a) Undertake a short-line railroad project, and, in
32 conjunction therewith to acquire a short-line railroad, whether
33 such short-line railroad relates to real property within or
34 without the corporate limits of the town or the boundaries of the
35 State of Mississippi, on such terms and conditions and for such
36 considerations deemed by the governing body, in its sole
37 determination that shall be binding on successor boards, to be in
38 the best interest of the public and in accordance with the
39 premises and provisions of this act, and any such acquisition
40 shall be evidenced by a resolution duly adopted and entered on the
41 official minutes of the governing body;

42 (b) Implement and oversee all aspects of such
43 short-line railroad project, including, without limitation,
44 entering into and executing agreements with planning and
45 development districts and private third parties for project



46 management and consulting services associated with any and all
47 aspects of the short-line railroad project, entering into and
48 executing such agreements with third-party contractors for the
49 restoration and construction of the short-line railroad and any
50 improvements thereto, and entering into and executing such
51 agreements with third party contractors for the maintenance of the
52 short-line railroad, in each case as the governing body deems
53 necessary or advisable to carry-out the short-line railroad
54 project, whether such restoration, construction, and maintenance
55 shall occur within or without the corporate limits of the town or
56 the boundaries of the State of Mississippi;

57 (c) Enter into and execute such agreements with
58 third-party operators for the operation of the short-line railroad
59 that is the subject of the short-line railroad project, on such
60 terms and conditions the governing body deems necessary, in the
61 best interest of the public or advisable to carry-out the
62 short-line railroad project, whether such operation shall occur
63 within or without the corporate limits of the town or the
64 boundaries of the State of Mississippi;

65 (d) Engage additional third parties and enter into such
66 agreements reasonably necessary or required for the short-line
67 railroad project, and to acquire, purchase, install, lease,
68 finance, construct, own, hold, equip, control, maintain, use,
69 operate and repair structures and equipment necessary and
70 convenient for the planning, development, use, operation and



71 maintenance of the short-line railroad that is the subject of the
72 short-line railroad project, including, but not limited to,
73 utility installations;

74 (e) Sell, lease, trade, exchange, encumber or otherwise
75 dispose of the short-line railroad that is the subject of the
76 short-line railroad project and structures and equipment related
77 thereto to individuals, firms or corporations, public or private,
78 for all types of utility, industrial, commercial, agricultural or
79 other economic development uses upon such terms and conditions,
80 for such consideration, and with such safeguards as will best
81 promote and protect the public interest, convenience and
82 necessity, and to execute options, rights of first refusal, deeds,
83 leases, contracts, access or use agreements, easements and other
84 legal instruments necessary or convenient therefor;

85 (f) Employ engineers, attorneys, accountants,
86 consultants and such executive and administrative personnel and
87 other employees or independent contractors as shall be reasonably
88 necessary to carry-out the short-line railroad project and the
89 duties and authority authorized by this act, to determine their
90 qualifications and duties, and to establish compensation and other
91 employment benefits as may be advisable to attract and retain
92 proficient personnel;

93 (g) Buy, lease, sell, convey and do all other necessary
94 business transactions for carrying-out the short-line railroad
95 project and to do all acts necessary and convenient to operate and



96 carry-out the duties of such town pursuant to such short-line
97 railroad project;

98 (h) Take all actions and expend any such state,
99 federal, or other funds of the town as necessary to carry-out any
100 action or agreement authorized pursuant to this act for the
101 short-line railroad project;

102 (i) Accept from any public or private agency, or from
103 any individual, grants for or in aid of the short-line railroad
104 project, and to receive and accept contributions from any source
105 of money or property or other things of value to be held, used and
106 applied only for the purposes for which such grants or
107 contributions may be made;

108 (j) Apply for and accept grants and loans from the
109 State of Mississippi or the United States of America or any agency
110 thereof; and, to contract with any agency of the State of
111 Mississippi, or any state adjacent thereto, and the United States
112 of America in furtherance of a short-line railroad project; and

113 (k) Adopt any and all lawful resolutions, orders and/or
114 ordinances; to execute such documents, contracts, leases,
115 certificates and indentures; and to do and perform any and all
116 acts and things necessary and requisite to carry-out the purposes
117 of this act.

118 (2) Any short-line railroad project undertaken by a town
119 pursuant to this act is in all respects for the benefit of the
120 people of such town and the State of Mississippi and is a public



121 purpose, and such town will be performing an essential
122 governmental function in the exercise of the powers conferred upon
123 it by this act, and any property owned or held by such town or
124 under its jurisdiction under the provisions of this act shall be
125 exempt from all taxation in the State of Mississippi.

126 (3) The enumeration of any specific rights and powers
127 contained in this act, where followed by general powers, shall not
128 be construed in a restrictive sense, but rather in as broad and
129 comprehensive a sense as possible to effectuate the purposes of
130 this act. Nothing in this act should be construed to limit,
131 restrict, or otherwise alter the duties, responsibilities, and
132 authority of the governing body as provided under the Mississippi
133 Constitution of 1890 and the laws of the State of Mississippi.

134 (4) This act shall be deemed to be full and complete
135 authority for the exercise of the powers herein granted, but this
136 act shall not be deemed to repeal or to be in derogation of any
137 existing law of this state whereunder projects of the character
138 herein defined may be constructed or financed.

139 **SECTION 3.** This act shall take effect and be in force from
140 and after its passage.

