

By: Bowles

To: Transportation

HOUSE BILL NO. 395

1 AN ACT TO AMEND SECTION 65-1-59, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT A CERTAIN SEGMENT OF MISSISSIPPI HIGHWAY 15 IN  
3 CHICKASAW COUNTY THAT HAS BEEN REPLACED BY A MUNICIPAL BYPASS  
4 SHALL CONTINUE TO BE MAINTAINED AS PART OF THE STATE HIGHWAY  
5 SYSTEM UPON ORDINANCES ADOPTED BY THE BOARD OF SUPERVISORS OF THE  
6 COUNTY AND THE MUNICIPALITY THROUGH WHICH SUCH BYPASSED HIGHWAY  
7 RUNS; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 65-1-59, Mississippi Code of 1972, is  
10 amended as follows:

11 65-1-59. (1) It shall be the duty of the Mississippi  
12 Transportation Commission to have the Transportation Department  
13 carry out all contracts and agreements, including federal-aid  
14 projects and agreements under the County Highway Aid Law of 1946,  
15 being Sections 65-11-1 to 65-11-37, heretofore made or entered  
16 into with any county, subject, however, to applicable rules and  
17 regulations of the Federal Highway Administration. It shall be  
18 the duty of the Mississippi Transportation Commission to continue  
19 to have the Transportation Department maintain all state highways  
20 now under maintenance or hereafter taken over for maintenance, the  
21 purpose of this provision being to preserve the status quo of all  
22 state highways insofar as such highways have been taken over and  
23 control and jurisdiction has been assumed by the \* \* \* commission

24 and \* \* \* department; however, except as otherwise provided in  
25 this section, if any highway or link of highway is removed from  
26 the state highway system by legislative act or by relocation or  
27 reconstruction, it shall no longer be maintained by or be under  
28 the jurisdiction of the \* \* \* commission or \* \* \* department, but  
29 shall be returned to the jurisdiction of the board of supervisors  
30 of the county or governing authorities of the municipality through  
31 which such road runs. Except as to segments of highways shorter  
32 than three (3) miles which have been or which are hereafter  
33 replaced through curve straightening or minor realignment,  
34 the \* \* \* commission shall retain and have the \* \* \* department  
35 maintain as state highways all portions of U.S. highways that  
36 either before or after July 1, 1989, have been or are replaced and  
37 constructed as a part of the interstate highway system, or  
38 four-lane primary system, or which are replaced and constructed or  
39 are designated to be replaced and constructed as part of the  
40 four-lane highway system under Section 65-3-97, including portions  
41 of all such highways so replaced, or which under Section 65-3-97  
42 are designated to be replaced, by municipal bypasses; and such  
43 highways and portions thereof shall be continued to be maintained  
44 as a part of the Mississippi state highway system until removed  
45 from such system by legislative act. With respect to any segment  
46 of Mississippi Highway 15 in Chickasaw County that has been  
47 replaced before July 1, 2000, or that is replaced thereafter, by a  
48 municipal bypass, the board of supervisors of the county and the  
49 governing authorities of any municipality in the county through  
50 which such highway runs, by duly adopted ordinance, may refuse to  
51 accept the bypassed segment; and, in such case, such segment of  
52 highway shall continue to be maintained by the Mississippi  
53 Department of Transportation as a part of the state highway system  
54 until removed from such system by legislative act. All \* \* \*

55 highways and portions thereof which, by virtue of the provisions  
56 of this section, are returned \* \* \* to the jurisdiction of  
57 the \* \* \* commission shall be maintained by the \* \* \* department  
58 only to the traffic capacities existing at the time that they are  
59 returned and any subsequent traffic capacity improvements or other  
60 improvements desired by the county or municipality within which  
61 such highway or portion thereof is located shall be performed in  
62 accordance with highway standards approved by the \* \* \* commission  
63 and the expenses for making such improvements shall be paid by the  
64 county or municipality; however, all highways and portions thereof  
65 so improved by the county or municipality shall thereafter be  
66 maintained by the \* \* \* department. Before any highway or portion  
67 thereof is returned to the \* \* \* commission under this section,  
68 the county or municipality having jurisdiction thereof shall  
69 remove or cause to be removed, \* \* \* all right-of-way  
70 encroachments along the entire length of the highway or portion  
71 thereof which are not permitted by \* \* \* commission and \* \* \*  
72 department policies and rules and regulations adopted pursuant to  
73 state and federal law. Any such encroachments may be allowed to  
74 remain only by permits issued by the \* \* \* department in the  
75 manner and subject to the same conditions for the issuance of  
76 permits for similar encroachments on other highways on the state  
77 highway system. If traffic counts indicate that any highway or  
78 portions thereof placed under the jurisdiction of the \* \* \*  
79 commission under the provisions of this section no longer form a  
80 substantial part of the state highway system, the \* \* \* commission  
81 may request the Legislature to remove such highways or portions  
82 thereof from the state highway system and return such roads for  
83 maintenance to the county or municipality in which they are  
84 located, as provided in subsection (2) of this section. The  
85 highways which the \* \* \* department is required to continue to

86 maintain by virtue of the provisions of this section shall be in  
87 addition to the total mileage limitation of eight thousand six  
88 hundred (8,600) miles provided in Section 65-3-3.

89 (2) The \* \* \* Mississippi Transportation Commission shall,  
90 no later than \* \* \* October 1 of each year, \* \* \* furnish the  
91 Transportation Committee of the House of Representatives and the  
92 Highways and Transportation Committee of the Senate a  
93 recommendation for deletion of those highways or sections of  
94 highways which should be removed from the system.

95 SECTION 2. This act shall take effect and be in force from  
96 and after July 1, 2000.