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To: Highways and  
 Transportation

SENATE BILL NO. 2179  
 (As Sent to Governor)

1 AN ACT TO DESIGNATE A CERTAIN SECTION OF MISSISSIPPI HIGHWAY  
 2 19 IN LAUDERDALE AND NEWTON COUNTIES AS "VETERANS HIGHWAY"; TO  
 3 DESIGNATE A CERTAIN MISSISSIPPI HIGHWAY 15 IN NEWTON COUNTY AS  
 4 "WWII VETERANS HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI  
 5 HIGHWAY 617 IN JACKSON COUNTY AS THE "JERRY ST. PE' HIGHWAY"; TO  
 6 DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 42 IN FORREST COUNTY AS  
 7 THE "EVELYN GANDY PARKWAY"; TO PROVIDE THAT EACH SEGMENT OF THE  
 8 PROPOSED REGIONAL THOROUGHFARE ENCIRCLING THE CITY OF HATTIESBURG  
 9 SHALL, AS COMPLETED, BE DESIGNATED AS THE "EVELYN GANDY PARKWAY";  
 10 TO PROVIDE THAT NO HIGHWAY, ROAD, STREET OR BRIDGE ON THE  
 11 DESIGNATED STATE HIGHWAY SYSTEM SHALL BE NAMED AFTER A PERSON  
 12 ELECTED TO PUBLIC OFFICE DURING SUCH PERSON'S TERM OF OFFICE OR  
 13 FOR A PERIOD OF TEN YEARS AFTER SUCH PERSON NO LONGER SERVED IN  
 14 ANY SUCH OFFICE; TO PROHIBIT THE LEGISLATURE FROM NAMING ANY  
 15 HIGHWAY, ROAD, STREET OR BRIDGE AFTER ANY PERSON UNLESS EACH  
 16 GOVERNING BODY OF EACH COUNTY AND MUNICIPALITY WHERE THE HIGHWAY,  
 17 ROAD, STREET OR BRIDGE IS LOCATED ADOPTS A RESOLUTION REQUESTING  
 18 THE ENACTMENT OF SUCH LEGISLATION; TO AMEND SECTION 65-1-8,  
 19 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
 20 PURPOSES.

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

22 **SECTION 1.** (1) That portion of Mississippi Highway 19 in  
 23 Lauderdale and Newton Counties, beginning at the Alabama state  
 24 line and extending northwesterly to the Neshoba county line, shall  
 25 be known as "Veterans Highway."

26 (2) The Mississippi Department of Transportation shall erect  
 27 and maintain appropriate signs along and approaching the segment  
 28 of highway described in subsection (1) of this section.

29 **SECTION 2.** (1) That portion of Mississippi Highway 15 in  
 30 Newton County shall be known as "WWII Veterans Highway."

31 (2) The Mississippi Department of Transportation shall erect  
 32 and maintain appropriate signs along and approaching the segment  
 33 of highway described in subsection (1) of this section.

34 **SECTION 3.** (1) Mississippi Highway 617 in Jackson County is  
 35 designated and shall be known as the "Jerry St. Pe' Highway."



36 (2) The Mississippi Department of Transportation shall erect  
37 and maintain appropriate signs along and approaching the segment  
38 of highway described in subsection (1) of this section.

39 **SECTION 4.** (1) That relocated segment of Mississippi  
40 Highway 42 in Forrest County beginning at its intersection with  
41 Interstate 59 and extending easterly to its intersection with  
42 Macedonia-Sunrise Road is designated and shall be known as the  
43 "Evelyn Gandy Parkway."

44 (2) The Mississippi Department of Transportation shall erect  
45 and maintain appropriate signs along and approaching the segment  
46 of highway described in subsection (1) of this section.

47 (3) Each segment of the Regional Thoroughfare proposed by  
48 the Hattiesburg-Petal-Forrest-Lamar Planning Organization, as  
49 described by a map on file with the Office of Public Services of  
50 the City of Hattiesburg, shall, as completed, be designated and  
51 known as the "Evelyn Gandy Parkway."

52 (4) The Mississippi Department of Transportation shall erect  
53 and maintain appropriate signs along and approaching the segments  
54 of highway described in subsection (1) of this section that are  
55 under its jurisdiction.

56 **SECTION 5.** (1) No highway, road, street or bridge on the  
57 designated state highway system may be named after any person  
58 elected by the people to any public office in this state during  
59 the term of such person's office or for a period of ten (10) years  
60 after such person no longer served in any such office.

61 (2) No legislation shall be enacted by the Legislature  
62 naming any highway, road, street or bridge on the designated state  
63 highway system after any person unless the governing body of each  
64 county and municipality where the highway, road, street or bridge  
65 is located duly adopts a resolution requesting the Legislature to  
66 enact such legislation and files a certified copy of such  
67 resolution with the Chairman of the Senate or House committee to  
68 which such legislation is referred.



69           **SECTION 6.** Section 65-1-8, Mississippi Code of 1972, as  
70 amended by Section 1 of Senate Bill No. 2183, 2002 Regular  
71 Session, is amended as follows:

72           65-1-8. (1) The Mississippi Transportation Commission shall  
73 have the following general powers, duties and responsibilities:

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

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

78                   (c) To make recommendations to the Legislature  
79 regarding alterations or modifications in any existing  
80 transportation policies;

81                   (d) To study means of encouraging travel and  
82 transportation of goods by the combination of motor vehicle and  
83 other modes of transportation;

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

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

90           (2) In addition to the general powers, duties and  
91 responsibilities listed in subsection (1) of this section, the  
92 Mississippi Transportation Commission shall have the following  
93 specific powers:

94                   (a) To make rules and regulations whereby the  
95 Transportation Department shall change or relocate any and all  
96 highways herein or hereafter fixed as constituting a part of the  
97 state highway system, as may be deemed necessary or economical in  
98 the construction or maintenance thereof; to acquire by gift,  
99 purchase, condemnation or otherwise, land or other property  
100 whatsoever that may be necessary for a state highway system as  
101 herein provided, with full consideration to be given to the



102 stimulation of local public and private investment when acquiring  
103 such property in the vicinity of Mississippi towns, cities and  
104 population centers;

105 (b) To enforce by mandamus, or other proper legal  
106 remedies, all legal rights or rights of action of the Mississippi  
107 Transportation Commission with other public bodies, corporations  
108 or persons;

109 (c) To make and publish rules, regulations and  
110 ordinances for the control of and the policing of the traffic on  
111 the state highways, and to prevent their abuse by any or all  
112 persons, natural or artificial, by trucks, tractors, trailers or  
113 any other heavy or destructive vehicles or machines, or by any  
114 other means whatsoever, by establishing weights of loads or of  
115 vehicles, types of tires, width of tire surfaces, length and width  
116 of vehicles, with reasonable variations to meet approximate  
117 weather conditions, and all other proper police and protective  
118 regulations, and to provide ample means for the enforcement of  
119 same. The violation of any of the rules, regulations or  
120 ordinances so prescribed by the commission shall constitute a  
121 misdemeanor. No rule, regulation or ordinance shall be made that  
122 conflicts with any statute now in force or which may hereafter be  
123 enacted, or with any ordinance of municipalities. A monthly  
124 publication giving general information to the boards of  
125 supervisors, employees and the public may be issued under such  
126 rules and regulations as the commission may determine;

127 (d) To give suitable numbers to highways and to change  
128 the number of any highway that shall become a part of the state  
129 highway system. However, nothing herein shall authorize the  
130 number of any highway to be changed so as to conflict with any  
131 designation thereof as a U.S. numbered highway. Where, by a  
132 specific act of the Legislature, the commission has been directed  
133 to give a certain number to a highway, the commission shall not  
134 have the authority to change such number;



135           (e) (i) To make proper and reasonable rules,  
136 regulations, and ordinances for the placing, erection, removal or  
137 relocation of telephone, telegraph or other poles, signboards,  
138 fences, gas, water, sewerage, oil or other pipelines, and other  
139 obstructions that may, in the opinion of the commission,  
140 contribute to the hazards upon any of the state highways, or in  
141 any way interfere with the ordinary travel upon such highways, or  
142 the construction, reconstruction or maintenance thereof, and to  
143 make reasonable rules and regulations for the proper control  
144 thereof. Any violation of such rules or regulations or  
145 noncompliance with such ordinances shall constitute a misdemeanor;

146           (ii) Except as otherwise provided for in this  
147 paragraph, whenever the order of the commission shall require the  
148 removal of, or other changes in the location of telephone,  
149 telegraph or other poles, signboards, gas, water, sewerage, oil or  
150 other pipelines; or other similar obstructions on the right-of-way  
151 or such other places where removal is required by law, the owners  
152 thereof shall at their own expense move or change the same to  
153 conform to the order of the commission. Any violation of such  
154 rules or regulations or noncompliance with such orders shall  
155 constitute a misdemeanor;

156           (iii) Rural water districts, rural water systems,  
157 nonprofit water associations and municipal public water systems in  
158 municipalities with a population of ten thousand (10,000) or less,  
159 according to the latest federal decennial census, shall not be  
160 required to bear the cost and expense of removal and relocation of  
161 water and sewer lines and facilities constructed or in place in  
162 the rights-of-way of state highways. The cost and expense of such  
163 removal and relocation, including any unpaid prior to July 1,  
164 2002, shall be paid by the Department of Transportation;

165           (f) To regulate and abandon grade crossings on any road  
166 fixed as a part of the state highway system, and whenever the  
167 commission, in order to avoid a grade crossing with the railroad,



168 locates or constructs said road on one side of the railroad, the  
169 commission shall have the power to abandon and close such grade  
170 crossing, and whenever an underpass or overhead bridge is  
171 substituted for a grade crossing, the commission shall have power  
172 to abandon such grade crossing and any other crossing adjacent  
173 thereto. Included in the powers herein granted shall be the power  
174 to require the railroad at grade crossings, where any road of the  
175 state highway system crosses the same, to place signal posts with  
176 lights or other warning devices at such crossings at the expense  
177 of the railroad, and to regulate and abandon underpass or overhead  
178 bridges and, where abandoned because of the construction of a new  
179 underpass or overhead bridge, to close such old underpass or  
180 overhead bridge, or, in its discretion, to return the same to the  
181 jurisdiction of the county board of supervisors;

182 (g) To make proper and reasonable rules and regulations  
183 to control the cutting or opening of the road surfaces for  
184 subsurface installations;

185 (h) To make proper and reasonable rules and regulations  
186 for the removal from the public rights-of-way of any form of  
187 obstruction, to cooperate in improving their appearance, and to  
188 prescribe minimum clearance heights for seed conveyors, pipes,  
189 passageways or other structure of private or other ownership above  
190 the highways;

191 (i) To establish, and have the Transportation  
192 Department maintain and operate, and to cooperate with the state  
193 educational institutions in establishing, enlarging, maintaining  
194 and operating a laboratory or laboratories for testing materials  
195 and for other proper highway purposes;

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

199 (k) To establish and have enforced set-back  
200 regulations;



201           (1) To cooperate with proper state authorities in  
202 producing limerock for highway purposes and to purchase same at  
203 cost;

204           (m) To provide for the purchase of necessary equipment  
205 and vehicles and to provide for the repair and housing of same, to  
206 acquire by gift, purchase, condemnation or otherwise, land or  
207 lands and buildings in fee simple, and to authorize the  
208 Transportation Department to construct, lease or otherwise provide  
209 necessary and proper permanent district offices for the  
210 construction and maintenance divisions of the department, and for  
211 the repair and housing of the equipment and vehicles of the  
212 department; however, in each Supreme Court district only two (2)  
213 permanent district offices shall be set up, but a permanent status  
214 shall not be given to any such offices until so provided by act of  
215 the Legislature and in the meantime, all shops of the department  
216 shall be retained at their present location. As many local or  
217 subdistrict offices, shops or barns may be provided as is  
218 essential and proper to economical maintenance of the state  
219 highway system;

220           (n) To cooperate with the Department of Archives and  
221 History in having placed and maintained suitable historical  
222 markers, including those which have been approved and purchased by  
223 the State Historical Commission, along state highways, and to have  
224 constructed and maintained roadside driveways for convenience and  
225 safety in viewing them when necessary \* \* \*;

226           (o) To cooperate, in its discretion, with the  
227 Mississippi Department of Wildlife, Fisheries and Parks in  
228 planning and constructing roadside parks upon the right-of-way of  
229 state highways, whether constructed, under construction, or  
230 planned; said parks to utilize where practical barrow pits used in  
231 construction of state highways for use as fishing ponds. Said  
232 parks shall be named for abundant flora and fauna existing in the  
233 area or for the first flora or fauna found on the site;



234           (p) Unless otherwise prohibited by law, to make such  
235 contracts and execute such instruments containing such reasonable  
236 and necessary appropriate terms, provisions and conditions as in  
237 its absolute discretion it may deem necessary, proper or  
238 advisable, for the purpose of obtaining or securing financial  
239 assistance, grants or loans from the United States of America or  
240 any department or agency thereof, including contracts with several  
241 counties of the state pertaining to the expenditure of such funds;

242           (q) To cooperate with the Federal Highway  
243 Administration in the matter of location, construction and  
244 maintenance of the Great River Road, to expend such funds paid to  
245 the commission by the Federal Highway Administration or other  
246 federal agency, and to authorize the Transportation Department to  
247 erect suitable signs marking this highway, the cost of such signs  
248 to be paid from state highway funds other than earmarked  
249 construction funds;

250           (r) To cooperate, in its discretion, with the  
251 Mississippi Forestry Commission and the School of Forestry,  
252 Mississippi State University, in a forestry management program,  
253 including planting, thinning, cutting and selling, upon the  
254 right-of-way of any highway, constructed, acquired or maintained  
255 by the Transportation Department, and to sell and dispose of any  
256 and all growing timber standing, lying or being on any  
257 right-of-way acquired by the commission for highway purposes in  
258 the future; such sale or sales to be made in accordance with the  
259 sale of personal property which has become unnecessary for public  
260 use as provided for in Section 65-1-123, Mississippi Code of 1972;

261           (s) To expend funds in cooperation with the Division of  
262 Plant Industry, Mississippi Department of Agriculture and  
263 Commerce, the United States government or any department or agency  
264 thereof, or with any department or agency of this state, to  
265 control, suppress or eradicate serious insect pests, rodents,





266 plant parasites and plant diseases on the state highway  
267 rights-of-way;

268 (t) To provide for the placement, erection and  
269 maintenance of motorist services business signs and supports  
270 within state highway rights-of-way in accordance with current  
271 state and federal laws and regulations governing the placement of  
272 traffic control devices on state highways, and to establish and  
273 collect reasonable fees from the businesses having information on  
274 such signs;

275 (u) To request and to accept the use of persons  
276 convicted of an offense, whether a felony or a misdemeanor, for  
277 work on any road construction, repair or other project of the  
278 Transportation Department. The commission is also authorized to  
279 request and to accept the use of persons who have not been  
280 convicted of an offense but who are required to fulfill certain  
281 court-imposed conditions pursuant to Section 41-29-150(d)(1) or  
282 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention  
283 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code  
284 of 1972. The commission is authorized to enter into any  
285 agreements with the Department of Corrections, the State Parole  
286 Board, any criminal court of this state, and any other proper  
287 official regarding the working, guarding, safekeeping, clothing  
288 and subsistence of such persons performing work for the  
289 Transportation Department. Such persons shall not be deemed  
290 agents, employees or involuntary servants of the Transportation  
291 Department while performing such work or while going to and from  
292 work or other specified areas;

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

295 (w) The Mississippi Transportation Commission is  
296 further authorized, in its discretion, to expend funds for the  
297 purchase of service pins for employees of the Mississippi  
298 Transportation Department;



299           (x) To cooperate with the State Tax Commission by  
300 providing for weight enforcement field personnel to collect and  
301 assess taxes, fees and penalties and to perform all duties as  
302 required pursuant to Section 27-55-501 et seq., Sections 27-19-1  
303 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,  
304 Mississippi Code of 1972, with regard to vehicles subject to the  
305 jurisdiction of the Office of Weight Enforcement. All collections  
306 and assessments shall be transferred daily to the State Tax  
307 Commission;

308           (y) The Mississippi Transportation Commission may  
309 delegate the authority to enter into a supplemental agreement to a  
310 contract previously approved by the commission if the supplemental  
311 agreement involves an additional expenditure not to exceed One  
312 Hundred Thousand Dollars (\$100,000.00);

313           (z) (i) The Mississippi Transportation Commission, in  
314 its discretion, may enter into agreements with any county,  
315 municipality, county transportation commission, business,  
316 corporation, partnership, association, individual or other legal  
317 entity, for the purpose of accelerating the completion date of  
318 scheduled highway construction projects.

319           (ii) Such an agreement may permit the cost of a  
320 highway construction project to be advanced to the commission by a  
321 county, municipality, county transportation commission, business,  
322 corporation, partnership, association, individual or other legal  
323 entity, and repaid to such entity by the commission when highway  
324 construction funds become available; provided, however, that  
325 repayment of funds advanced to the Mississippi Transportation  
326 Commission shall be made no sooner than the commission's  
327 identified projected revenue schedule for funding of that  
328 particular construction project, and no other scheduled highway  
329 construction project established by statute or by the commission  
330 may be delayed by an advanced funding project authorized under  
331 this paragraph (z). Repayments to an entity that advances funds



332 to the Mississippi Transportation Commission under this paragraph  
333 (z) may not include interest or other fees or charges, and the  
334 total amount repaid shall not exceed the total amount of funds  
335 advanced to the commission by the entity.

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

341 (iv) Such an agreement shall be executed only upon  
342 a finding by the commission, spread upon its minutes, that the  
343 acceleration of the scheduled project is both feasible and  
344 beneficial. The commission shall also spread upon its minutes its  
345 findings with regard to the factors required to be considered  
346 pursuant to item (iii) of this paragraph (z).

347 **SECTION 7.** This act shall take effect and be in force from  
348 and after July 1, 2002.

