

By: Senator(s) Dearing

To: Highways and
Transportation

SENATE BILL NO. 2324

1 AN ACT TO AMEND SECTION 77-9-253, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE DUTY OF RAILROAD COMPANIES TO MAKE AND
3 MAINTAIN CONVENIENT AND SUITABLE CROSSINGS FOR NECESSARY
4 PLANTATION ROADS SHALL NOT APPLY TO CERTAIN PROPERTY UNDER COMMON
5 OWNERSHIP WHICH ACCESS TO A REASONABLY CONVENIENT PUBLIC RAILROAD
6 CROSSING; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 77-9-253, Mississippi Code of 1972, is
9 amended as follows:

10 77-9-253. (1) It is the duty of every railroad company to
11 construct and maintain all necessary or proper stock-gaps and
12 cattle-guards where its track passes through enclosed land, and to
13 make and maintain convenient and suitable crossings over its track
14 for necessary plantation roads; however, with respect to crossings
15 proposed from and after July 1, 2002, the duty to make and
16 maintain convenient and suitable crossings for necessary
17 plantation roads shall not apply to property under common
18 ownership which is contiguous to a public road that provides
19 access to a reasonably convenient public railroad crossing. A
20 public railroad crossing shall be deemed reasonably convenient if
21 it is one (1) mile or less, measured along the railroad track,
22 from the plantation road.

23 (2) For any failure to comply with subsection (1) of this
24 section, the railroad company shall be liable to pay Two Hundred
25 Fifty Dollars (\$250.00), to be recovered by the person interested.
26 A person owning or having an interest as cropper or tenant in land
27 in said enclosure shall have a right of action under this section
28 whether the land of such person is entered or traversed by said
29 track or not. This section shall apply to all enclosed land,



30 whether said land is or may be situated in a county or district
31 where the stock law is or may be in force or not. Such penalty
32 shall not be cumulative, and only one (1) recovery shall be had
33 for each failure.

34 (3) The provisions of this section shall be enforced by the
35 Mississippi Department of Transportation.

36 **SECTION 2.** This act shall take effect and be in force from
37 and after July 1, 2002.

