

By: Representative Jennings

To: Transportation

HOUSE BILL NO. 1436

1 AN ACT TO AMEND SECTION 65-1-59, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE TRANSPORTATION COMMISSION SHALL RETAIN AND HAVE
3 THE DEPARTMENT OF TRANSPORTATION MAINTAIN AS A STATE HIGHWAY A
4 CERTAIN PORTION OF OLD MISSISSIPPI HIGHWAY 304 IN DESOTO COUNTY
5 THAT HAS BEEN REPLACED BY THE TRANSPORTATION DEPARTMENT; AND FOR
6 RELATED PURPOSES.

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

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

10 65-1-59. (1) It shall be the duty of the * * *
11 Transportation Commission to have the * * * Transportation
12 Department carry out all contracts and agreements, including
13 federal-aid projects and agreements under the County Highway Aid
14 Law of 1946, being Sections 65-11-1 through 65-11-37, heretofore
15 made or entered into with any county, subject, however, to
16 applicable rules and regulations of the Federal Highway
17 Administration. It shall be the duty of the Transportation
18 Commission to continue to have the * * * Transportation Department
19 maintain all state highways now under maintenance or hereafter
20 taken over for maintenance, the purpose of this provision being to
21 preserve the status quo of all state highways insofar as such
22 highways have been taken over and control and jurisdiction has
23 been assumed by the * * * Transportation Commission and * * *
24 Transportation Department; however, except as otherwise provided
25 in 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 * * * Transportation Commission or * * *
29 Transportation Department, but shall be returned to the



30 jurisdiction of the board of supervisors of the county or
31 governing authorities of the municipality through which such road
32 runs. Except as to segments of highways shorter than three (3)
33 miles which have been or which are hereafter replaced through
34 curve straightening or minor realignment, the Transportation
35 Commission shall retain and have the * * * Transportation
36 Department maintain as state highways all portions of U.S.
37 highways that either before or after July 1, 1989, have been or
38 are replaced and constructed as a part of the interstate highway
39 system, or four-lane primary system, or which are replaced and
40 constructed or are designated to be replaced and constructed as
41 part of the highway system under Section 65-3-97, including
42 portions of all such highways so replaced, or which under Section
43 65-3-97 are designated to be replaced, by municipal bypasses; and
44 such highways and portions thereof shall be continued to be
45 maintained as a part of the Mississippi state highway system until
46 removed from such system by legislative act. All such highways and
47 portions thereof which, by virtue of the provisions of this
48 section, are returned on or after July 1, 1989, to the
49 jurisdiction of the * * * Transportation Commission shall be
50 maintained by the * * * Transportation Department only to the
51 traffic capacities existing at the time that they are returned and
52 any subsequent traffic capacity improvements or other improvements
53 desired by the county or municipality within which such highway or
54 portion thereof is located shall be performed in accordance with
55 highway standards approved by the Transportation Commission and
56 the expenses for making such improvements shall be paid by the
57 county or municipality; however, all highways and portions thereof
58 so improved by the county or municipality shall thereafter be
59 maintained by the * * * Transportation Department. Before any
60 highway or portion thereof is returned to the Transportation
61 Commission under this section, the county or municipality having
62 jurisdiction thereof shall remove or cause to be removed by July



63 1, 1991, all right-of-way encroachments along the entire length of
64 the highway or portion thereof which are not permitted by
65 Transportation Commission and Transportation Department policies
66 and rules and regulations adopted pursuant to state and federal
67 law. Any such encroachments may be allowed to remain only by
68 permits issued by the * * * Transportation Department in the
69 manner and subject to the same conditions for the issuance of
70 permits for similar encroachments on other highways on the state
71 highway system. If traffic counts indicate that any highway or
72 portions thereof placed under the jurisdiction of the
73 Transportation Commission under the provisions of this section no
74 longer form a substantial part of the state highway system, the
75 Transportation Commission may request the Legislature to remove
76 such highways or portions thereof from the state highway system
77 and return said roads for maintenance to the county or
78 municipality in which they are located, as provided in subsection
79 (2) of this section. The highways which the Transportation
80 Department is required to continue to maintain by virtue of the
81 provisions of this section shall be in addition to the total
82 mileage limitation of eight thousand six hundred (8,600) miles
83 provided in Section 65-3-3.

84 (2) The * * * Transportation Commission shall, no later than
85 October 1, 1981, and October 1 each year thereafter, furnish the
86 Transportation Committee of the House of Representatives and the
87 Highways and Transportation Committee of the Senate a
88 recommendation for deletion of those highways or sections of
89 highways which should be removed from the system.

90 (3) Notwithstanding any other provisions of this section to
91 the contrary, the Transportation Commission shall retain and have
92 the Department of Transportation maintain as a state highway that
93 portion of Old Mississippi Highway 304 in DeSoto County, beginning
94 at or near U.S. Highway 61 and extending easterly to or near I-55,
95 that has been replaced by the Transportation Department.



96 SECTION 2. This act shall take effect and be in force from
97 and after July 1, 2003.

