

By: Representatives Horne, Clarke

To: Transportation

HOUSE BILL NO. 1038

1 AN ACT TO AMEND SECTION 65-1-51, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE MISSISSIPPI TRANSPORTATION COMMISSION SHALL ADOPT
3 AND ENFORCE SUCH RULES AND REGULATIONS AS IT DEEMS APPROPRIATE FOR
4 THE SAFE OPERATION, ACCESS AND USE OF HIGHWAY REST AREAS AND
5 FACILITIES BY MOTORISTS AND THE TRAVELING PUBLIC, INCLUDING RULES
6 AND REGULATIONS DESIGNATING APPROVED PARKING SPACES AND
7 RESTRICTING THE LENGTH OF TIME THAT VEHICLES MAY MAKE USE OF SUCH
8 PARKING SPACES AND FACILITIES; TO REQUIRE THE TRANSPORTATION
9 DEPARTMENT TO INSTALL APPROPRIATE SIGNS AT SUCH REST AREAS AND
10 FACILITIES TO CLEARLY NOTIFY MOTORISTS AND THE TRAVELING PUBLIC OF
11 SUCH RULES AND REGULATIONS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 65-1-51, Mississippi Code of 1972, is
14 amended as follows:

15 65-1-51. The Mississippi Transportation Commission may
16 acquire by gift, purchase or otherwise, and may have the
17 Mississippi Department of Transportation improve and maintain
18 strips of land necessary for the restoration, preservation and
19 enhancement of scenic beauty adjacent to the state highway
20 rights-of-way. The commission may acquire and have the
21 transportation department develop publicly owned and controlled
22 rest and recreation areas and sanitary and other facilities within
23 or adjacent to the highway right-of-way reasonably necessary to
24 accommodate the traveling public. The commission shall adopt and
25 enforce such rules and regulations as it deems appropriate for the
26 safe operation, access and use of such rest areas and facilities
27 by motorists and the traveling public, including rules and
28 regulations designating approved parking spaces and restricting
29 the length of time that vehicles may make use of such parking
30 spaces and facilities; however, such rules and regulations shall
31 not permit parking spaces or facilities to be used by the same

32 person or vehicle for more than three (3) continuous hours or for
33 overnight camping. The transportation department shall install
34 and maintain appropriate signs at such rest areas and facilities
35 to clearly notify motorists and the traveling public of such rules
36 and regulations.

37 The Mississippi Transportation Commission, in its discretion,
38 may acquire by gift, purchase or otherwise, including the exercise
39 of eminent domain, public or privately owned wetlands and other
40 lands suitable for creation as wetlands for the purpose of
41 mitigating wetland losses and replacing those wetlands purchased
42 and damaged or eliminated by development and use, on a basis not
43 to exceed that required by the Federal Highway Administration as a
44 condition for receiving federal aid funds, provided that some
45 governmental agency or approved organization agrees, without
46 compensation, to accept title to the lands acquired and maintain
47 such lands as wetlands in perpetuity. However, the commission
48 shall replace those coastal wetlands purchased and damaged or
49 eliminated by development and use on the basis required by the
50 "Coastal Wetlands Protection Law" and regulations promulgated
51 thereunder by the Mississippi Commission on Marine Resources.

52 The Mississippi Transportation Commission, in its discretion,
53 may acquire by gift, purchase or otherwise, wetlands credits from
54 an approved organization with a plan establishing a wetland
55 mitigation bank. The commission shall, if possible, acquire
56 credits on wetlands within the State of Mississippi before
57 acquiring credits on wetlands located outside the State of
58 Mississippi.

59 **SECTION 2.** This act shall take effect and be in force from
60 and after July 1, 2007.