

Sub-part 7501 - Maintenance

Chapter 05002 Return of Relocated Highways to Local Jurisdiction

Purpose

- 100 To establish a policy for giving proper notice to counties and municipalities of the return of relocated sections of highways to their respective jurisdiction.
- 101 This rule sets forth the procedure for the return of relocated sections of highways to counties and municipalities for their respective jurisdiction as provided for in Sections 65-1-59 and 65-1-75, Mississippi Code 1972 Annotated.
- 102 Section 65-1-59 of the Mississippi Code says “if any highway or link of highway is removed from the state highway system by legislative act or by relocation or reconstruction, it shall no longer be maintained by or be under the jurisdiction of the State Highway Commission or State Highway Department, but shall be returned to the jurisdiction of the board of supervisors of the county or governing authorities of the municipality through which such road runs”.
1. Except:
 - a. US routes three (3) miles or greater cannot be returned to the local jurisdiction without legislation; or
 - b. US routes less than three (3) miles used as an interstate, 4-lane primary, and the 4-lane program under MS Code 65-3-97 and not on a municipal by-pass or inside a municipality, can be returned to the local jurisdiction.
 2. To further explain Section 65-1-59:
 - a. All highways except US highways can be returned to the local jurisdiction (county or city).
 - b. A segment of a US route, on a municipal by-pass, that is in the county even if it is less than three (3) miles, cannot be returned to the county because it is considered on a municipal by-pass.
 - c. A US route inside a municipality cannot be returned to the municipality.
 - d. Regardless of the length of a NON US route in a municipality or on a municipal by-pass, it can be returned to either the municipality or the county.
- 103 Upon completion of a project, the District Engineer will prepared sketch, map or any other pertinent information on the section and notifies the State Maintenance Engineer accordingly.
- 104 The State Maintenance Engineer will then prepare the return notification for the Director’s signature.
- 105 The approved return notification will then be sent to the local jurisdiction by certified mail.
- 106 The State Maintenance Engineer will distribute the return notification to:

1. Appropriate Transportation Commissioner
2. State Traffic Engineer
3. State Planning Engineer
4. Bridge Engineer
5. Director-Office of Enforcement
6. Appropriate District Engineer
7. Commissioner of Public Safety
8. State Aid Bridge Engineer
9. Chief of Right of Way

REFERENCES (All references herein to other materials are as to the most current version of that particular document.)

200 Sections 65-1-59 and 65-1-75, MCA Annotated.

201 For Mississippi Code see www.state.ms.us