

Rule No.: 941 - 7501 - 09001

Agency: Mississippi Department of Transportation

Agency Effective Date: May 15, 2005

Agency Issued Date: March 8, 2005

Secretary of State Authority Date: May 15, 2005

Supercedes Rule:

Division: MAINTENANCE

Rule Title: Rules, Regulations and Ordinances Governing Use of State Highways of Mississippi

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**The person to be contacted regarding the proposed rule is:** Facility and Records Management Director

**Name of person originating the proposed rule:** John Vance

**Name of supervisor or person who approved the proposed rule:** Melinda McGrath

**Purpose:**

To regulate the use of State highways in order that they be preserved for public benefit as intended by law and to carry out the Mississippi Transportation Commission's agreements with the Federal Government regarding maintenance and preservation of completed highways.

**Summary:**

This rule sets forth the requirements necessary to regulate the use of State highways in order that they be preserved for public benefit as intended by law and to carry out the Mississippi Transportation Commission's agreements with the Federal Government regarding maintenance and preservation of completed highways.

**The full text of the proposed rule is:**

**All cites herein refer to the most current version of the cited document.**

The following rules, regulations and ordinances are hereby adopted by the Mississippi Transportation Commission by virtue of the powers vested with the Commission by Section 65-1-8, et seq., Mississippi Code, 1972, Annotated.

**DEFINITIONS**

**ARTERIAL HIGHWAY:** A general term denoting a highway primarily for through traffic, usually on a continuous route.

**AUXILIARY LANE:** The portion of the roadway adjoining the traveled way for parking, speed-change, or other purposes supplementary to through traffic movement.

**BELT HIGHWAY:** An arterial highway for carrying traffic partially or entirely around an urban area or portion thereof.

**COMMISSION:** The term "Commission" when used in the following rules, regulations and ordinances refers to the Mississippi Transportation Commission which is composed of three members duly elected or appointed by the Governor, and qualified under the provisions of Section 65-1-3, et seq., Mississippi Code, 1972, Annotated.

**CONTROL OF ACCESS:** The condition where the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially

controlled by public authority. Full control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. Partial control of access means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

**DIVIDED HIGHWAY:** A highway with separate roadways for traffic traveling in opposite directions.

**DRIVEWAY:** A roadway of limited width used for ingress and egress between the roadway of a State Highway or frontage road or street, and property abutting the highway.

**EXPRESSWAY:** A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

**FREEWAY:** A divided arterial highway for through traffic with full control of access.

**FRONTAGE ROAD:** A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

**HIGHWAY, STREET OR ROAD:** A general term denoting a public way, under the jurisdiction of the Commission for purposes of vehicular travel, including the entire areas within the right of way.

**HOUSE TRAILER, MOBILE HOME OR MANUFACTURED HOME:** Every trailer or semi-trailer designed for use as a home, office or living quarters.

**LOCAL STREET OR LOCAL ROAD:** A street or road primarily for access to residence, business, or other abutting property.

**MAJOR STREET OR MAJOR HIGHWAY:** An arterial highway with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

**MEDIAN LANE:** A speed-change lane within the median to accommodate left-turning vehicles.

**MEDIAN:** The portion of a divided highway separating the traveled ways for traffic in opposite directions.

**MISSISSIPPI DEPARTMENT OF TRANSPORTATION,** hereinafter "Department", is the Mississippi Transportation Commission acting directly or through its duly authorized officers and/or agents.

**MOTOR VEHICLE:** Every vehicle which is self-propelled.

**OUTER SEPARATION:** The portion of an arterial highway between the traveled ways of a roadway for through traffic and a frontage street or road.

**PARKING LANE:** An auxiliary lane primarily for the parking of vehicles.

**PARKWAY:** An arterial highway for non-commercial traffic, with full or partial control of access, and usually located within a part of a ribbon of park like developments.

**PEDESTRIAN:** Any person afoot.

**PUBLIC ROAD OR PUBLIC STREET:** This term refers to a road or street open to the public for the purpose of travel but not under the jurisdiction of the Department for construction, reconstruction or maintenance.

**ROADSIDE:** A general term denoting the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.

**ROADWAY:** The portion of a highway, including shoulders, for vehicular use. A divided highway has two or more roadways.

**SEMI-TRAILER:** Every vehicle without motive power designated for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**SHOULDER:** The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

**SPEED-CHANGE LANE:** An auxiliary lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes.

**THROUGH STREET OR THROUGH HIGHWAY:** Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either stop sign or a yield sign, when such signs are erected as provided in this Section 65-1-10, et seq., Mississippi Code, 1972 Annotated.

**TRAFFIC LANE:** The portion of the traveled way for the movement of a single line of vehicles.

**TRAILER:** Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**TRAVELED WAY:** The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

**VEHICLE:** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

### **RULES, REGULATIONS AND ORDINANCES**

1. No person, persons, firm, association, or corporation shall have, construct, reconstruct, erect, build or have constructed, reconstructed, erected, or built any obstruction, building, improvement, fence, garage, filling station, barn, restaurant, or other structure on any part of any state highway right of way or alter any part of the right of way of any state highway or the drainage thereat without permission from the Department.
2. No person, persons, company or corporation shall have, construct, or have constructed a pipe line, telephone line, telegraph line, electric power line, street light or lighting device of any nature whether for public or private use on, over or under any part of a state highway right of way before the following requirements have been complied with:
  - (a) The Department's standard application must be signed by the applicant.
  - (b) After the application has been properly signed and filed with the Department, plans of the proposed construction must be submitted for approval by the District Engineer, State Maintenance Engineer or the Chief Engineer, as applicable.

- (c) When the plans have been approved, a copy of the approved plan will be mailed the applicant as his authority to proceed with the construction. A minimum of a twenty four (24) hours written notice must be given in advance of the time actual work is begun.
3. No person, persons, firm, association or corporation shall have, construct, reconstruct, erect, build, place, or have constructed, reconstructed, erected, built or placed any portable, temporary or permanent billboard, advertising sign, advertising displays or junked vehicle bearing advertising matter or vehicles parked for the primary purpose of displaying advertising signs, upon the highways and rights of way thereof of this state which are under the jurisdiction of the Commission.
  4. No person, persons, firm, association or corporation shall have, construct, reconstruct, erect, build, place or have constructed, reconstructed, erected, built or placed any temporary or permanent billboard, advertising sign or advertising display which is supported off the State Highway but extends from said support into and overhanging the right of way of any state highway.
  5. No person, persons, firm, association, or corporation shall have, place or have placed any vehicle, machinery, equipment or commercial wares, for sale or resale, upon the highways or right of way thereof of the State which are under the jurisdiction of the Commission.
  6. Private or public roads or driveways will not be permitted to intersect with any portion of a state highway unless permission is secured in accordance with Section 2 above, and the construction is done in strict accordance with the plans approved by the Department.
  7. No house-trailer shall be parked and no tent or other temporary residence erected on any portion of a state highway right of way.
  8. Plowing in or using any part of a state highway right of way as a turn row or diverting water into the road ditches in such a manner as to interfere with the drainage of or to cause damage to a state highway is prohibited.
  9. No person, firm, corporation or association shall cut any trees, shrubs, or other vegetation or shall use chemicals to kill such growing on state highway right of way unless permission is first secured.
  10. No motor vehicle shall be driven into or across the median of any state highway, except at authorized median openings or at emergency crossovers to be used by official and emergency vehicles only.
  11. No vehicles shall be stopped or parked on the right of way of a controlled access facility; nor shall vehicles be stopped or parked on the lanes and adjacent shoulders or interchange connections between controlled access facilities and crossroads or cross streets; nor shall vehicles be stopped or parked on the right of way of any other state highway; provided, however, that this shall not apply in cases of emergencies caused by mechanical failure, accident, disability of the driver or as otherwise approved by the Commission.
  12. The use of any fully controlled access facility by pedestrians, bicycles, hitchhikers, ridden or herded animals and animal drawn vehicles is prohibited. The use of any such fully controlled access facility by motor bicycles, non-motorized vehicles or any other vehicle unable to comply with the posted minimum speed limit is also prohibited. It shall be

unlawful for any person to fish from any bridge, culvert or other structure on a state highway.

13. No person, firm, corporation or association, shall remove, construct, rearrange or alter any curb, median, bridge, culvert or other appurtenance on any state highway unless permission is secured in accordance with Section 2 above.

14. It shall be unlawful for any person to throw or deposit or cause to be deposited on any state highway right of way any dead animal, dirt, garbage, or rubbish as defined below:

Dead Animals is defined as all dead animals or parts thereof, (including condemned meats) and not intended to be used as food.

Dirt is defined to include loose earth, ashes, manure from stables, corrals and pens, offal from butcher shops and slaughter houses, and all foul and filthy substances.

Garbage is defined to include solid or semi-solid kitchen refuse subject to decay, and market waste of animal and vegetable matter which has been or was intended to be used as food for man or animal.

Rubbish is defined as old tin and iron cans and containers, old automobiles, trucks or other vehicles, trucks or other vehicles, old wood and paper boxes, old metals, wire, rope, cordage, bottles, bags, bagging, rubber and rubber tires, paper and all used or cast-off articles or material, including old plaster, brick, cement, glass and all old building materials.

15. No part of any state highway right of way shall be used by any person, firm or corporation for the purpose of servicing automobiles, trucks, tractors or other motor-driven vehicles with fuel, oil, grease, air for tires, water for batteries, water for radiators, wiping of windshields and other parts of such vehicle, changing of tires for doing repair work thereon, or rendering any other such services as are usually rendered at service stations nor shall any portion of any state highway right of way be used for any other commercial purpose and all persons, firms and corporations are hereby prohibited from rendering any of the services enumerated to any such vehicle while the same is parked or standing on any part of any state highway right of way, or using any part of any such state highway right of way for any commercial purposes, and all persons, firms and corporations are hereby prohibited from parking or placing, or causing to be parked or placed any such vehicle on any part of any state highway right of way for the purpose of receiving any of the services hereinabove enumerated; provided, however, that this shall not apply in cases of emergency where any such vehicle has run out of fuel, oil grease, or water, or suffered by other accident or casualty so as to make it necessary that such service be rendered on such state highway in order for said vehicle to reach a garage or service station.

16. No person, firm or corporation shall remove, change, damage or otherwise interfere with any signs, markers, posts, curbs, gutter or other structures or things, including any sign, marker, curb, post or other structure or thing placed therein for the purpose of confining traffic and use of said highway to that portion thereof set apart for that purpose, which have been placed on or in any state highway right of way by the Commission or its agents.

17. No person shall operate a vehicle at excessive speeds while passing highway maintenance crews, survey crews or construction crews which are engaged in maintenance survey or construction crews which are engaged in maintenance survey or construction work upon the state highways and roadways thereof. When approaching said crews all drivers of motor vehicles shall slow to a reasonable and prudent speed in

accordance with existing conditions at the work site. All drivers of vehicles shall obey the flagmen and signs directing traffic at each such work site.

18. No roadside park, safety rest area, or welcome center shall be used for commercial ventures except for providing specific information to the traveling public on motorists services, places of interest, or other such information as approved by the Mississippi Development Authority, Division of Tourism, and/or the Mississippi Department of Transportation in accordance with 23 CFR 752.
19. No person shall operate a vehicle at a speed in excess of those authorized by the Commission and posted through construction and maintenance work zones.

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

1. Section 65-1-3, Mississippi Code 1972 Annotated.
  2. Section 65-1-8, Mississippi Code 1972 Annotated.
  3. Section 65-1-10, Mississippi Code 1972 Annotated.
  4. Mississippi Development Authority, Division of Tourism.
  5. 23 CFR 752.
- For Mississippi Code see [www.state.ms.us](http://www.state.ms.us)
  - For Federal Government U.S. Code see [www.gpoaccess.gov](http://www.gpoaccess.gov) or [www.dot.gov](http://www.dot.gov)