

Adding states

Notebook: SRC

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On Monday, November 24, 2014 5:37 PM, Charles Ozier <cto47@att.net> wrote:

On Thursday, November 20, 2014 5:39 PM, Charles Ozier <cto47@att.net> wrote:

Knox,

You asked me to provide an answer to the following question: What is the legal process to follow for extending an invitation for membership in the Southern Rail Commission to another state?

To answer your question I reviewed the Mississippi statute authorizing the creation of the the Mississippi-Louisiana Rapid Rail Transit Commission, Alabama being added shortly thereafter, (Miss.Code Ann. Section 57-45-1) and SRC's current by-laws (as amended June 14,2013). The Mississippi statute is entitled "Mississippi-Louisiana-Alabama Rapid Rail Transit Compact" and provides in part in Article II: "... Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the Legislature of each of the member states." I am assuming that the Alabama and Louisiana statutes contain the same language as Mississippi's; however, this needs to be verified by the Alabama and Louisiana commissioners.

SRC's by-laws provide under Article VI, Section 1 that "The membership of the Commission shall consist of the Governor of each party State, one representative each from the Mississippi Department of Transportation, or its designee, the Alabama Department of Transportation, or its designee, and the Louisiana Department of Transportation and Development, or its designee, and five other citizens of each party State to be appointed by the Governor thereof." However, there is no provision in the by-laws for extending an invitation for membership to another state; therefore, the by-laws could be amended pursuant to Article XIII to so provide.

In order for the SRC to extend an invitation for membership to another state the following requirements would have to be met: (1) The state would have to be contiguous with Mississippi, Alabama or Louisiana; (2) The Mississippi, Alabama and Louisiana legislatures would have to pass legislation approving the membership of the state in accordance with the original state statutes; and (3) SRC's by-laws would likely need to be amended to establish a

procedure for extending an invitation to a state in accordance with the state statutes. Likewise, the by-laws would have to be amended to include a new state's commissioners in the rotation of officers as provided under Article VI.

I hope this sufficiently answers your question. If not, or if you have further questions concerning this matter, please let me know.

Charlie Ozier

Laws & Legal Resources.

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2018 Mississippi Code

Title 57 - Planning, Research and Development

Chapter 45 - Mississippi-Louisiana-Alabama Rapid Rail Transit Compact

§ 57-45-1. Mississippi-Louisiana-Alabama Rapid Rail Transit Compact.

Universal Citation: MS Code § 57-45-1 (2018)

(a) The Governor, on behalf of this state, is hereby authorized to execute a compact in substantially the following form with the States of Louisiana and Alabama; and the Legislature hereby signifies in advance its approval and ratification of such compact, which compact is as follows:

MISSISSIPPI-LOUISIANA-ALABAMA RAPID RAIL TRANSIT COMPACT

ARTICLE I

The purpose of this compact is to study the feasibility of rapid rail transit service between Mississippi and the States of Louisiana and Alabama and to establish a joint interstate commission to assist in this effort.

ARTICLE II

This compact shall become effective immediately as to the states ratifying it whenever the States of Louisiana, Mississippi and Alabama have ratified it, and Congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the Legislature of each of the member states.

ARTICLE III

The states which are parties to this compact (hereinafter referred to as “party states”) do hereby establish and create a joint agency which shall be known as the Mississippi-Louisiana Rapid Rail Transit Commission (hereinafter referred to as the “commission”). The membership of such commission shall consist of: the Governor of each party state, one (1) representative each from the Mississippi Energy and Transportation Board, or its successor, and the Office of Aviation and Public Transportation of the Louisiana Department of Transportation and Development, or its successor, five (5) other citizens of each party state, to be appointed by the Governor thereof. The appointive members of the commission shall serve for terms of four (4) years each. Vacancies on the commission shall be filled by appointment by the Governor for the unexpired portion of the term. The members of the commission shall not be compensated for service on the commission, but each of the appointed members shall be entitled to actual and reasonable expenses incurred in attending meetings, or incurred otherwise in the performance of his duties as a member of the commission. The members of the commission shall hold regular quarterly meetings and such special meetings as its business may require. They shall choose annually a chairman and vice chairman from among their members, and the chairmanship shall rotate each year among the party states in order of their acceptance of this compact. The commission shall adopt rules and regulations for the transaction of its business and a record shall be kept of all its business. It shall be the duty of the commission to study the feasibility of providing interstate rapid rail transit service between the party states. Toward this end, the commission shall have power to hold hearings; to conduct studies and surveys of all problems, benefits and other matters associated with such service, and to make reports thereon; to acquire, by gift, grant or otherwise, from local, state, federal or private sources such money or property as may be provided for the proper performance of their function, and to hold and dispose of same; to cooperate with other public or private groups, whether local, state, regional or national, having an interest in such service; to formulate and execute plans and policies for emphasizing the purpose of this compact before the Congress of the United States and other appropriate officers and agencies of the United States; and to

exercise such other powers as may be appropriate to enable it to accomplish its functions and duties and to carry out the purposes of this compact.

ARTICLE IV

Each party state agrees that its Legislature may, in its discretion, from time to time make available and pay over to the commission funds for the establishment and operation of the commission. The contribution of each party state shall be in equal amounts, if possible, but nothing in this article shall be construed as binding the Legislature of either state to make an appropriation of a set amount of funds at any particular time.

ARTICLE V

Nothing in this compact shall be construed so as to conflict with any existing statute, or to limit the powers of any party state, or to repeal or prevent legislation, or to affect any existing or future cooperative arrangement or relationship between any federal agency and a party state.

ARTICLE VI

(1) This compact shall continue in force and remain binding upon each party state until the Legislature or Governor of each or either state takes action to withdraw therefrom. However, any such withdrawal shall not become effective until six (6) months after the date of the action taken by the Legislature or Governor. Notice of such action shall be given to the other party state or states by the Secretary of State of the party state which takes such action.

(2) There is hereby granted to the Governor, to the members of the commission for Louisiana, and to the compact administrator all the powers provided for in the compact and in this section. All officers of the State of Mississippi are hereby authorized and directed to do all things falling within their respective jurisdictions which are necessary or incidental to carrying out the purpose of the compact.

(b) Pursuant to Article II of this compact, the Legislature of the State of Mississippi hereby assents to the State of Alabama becoming a party to such compact, subject to ratification by the State of Alabama of the terms and provisions thereof.

(c) Pursuant to Article III of this compact, in the exercise of such other powers as may be appropriate to enable the commission to accomplish its functions and duties and

to carry out the purposes of this compact, the name of the commission shall be changed to the Southern High-Speed Rail Commission, subject to ratification by the States of Alabama and Louisiana.

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