

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1369

By: Murdock

4
5 AS INTRODUCED

6 An Act relating to public utilities; amending 69 O.S.
7 2021, Section 1403, as amended by Section 1, Chapter
8 234, O.S.L. 2023 (69 O.S. Supp. 2023, Section 1403),
9 which relates to public utilities on state highways;
clarifying statutory references; exempting certain
entities from payment of certain costs; and providing
an effective date.

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1403, as
13 amended by Section 1, Chapter 234, O.S.L. 2023 (69 O.S. Supp. 2023,
14 Section 1403), is amended to read as follows:

15 A. The location and removal of all telephone, telegraph,
16 electric light and power transmission lines, poles, wires and
17 conduits, water, sewers and all pipelines erected, constructed or in
18 place upon, across or under any state highway shall be under the
19 control and supervision of the Department of Transportation; and the
20 location and removal of any facility placed under rights granted
21 hereunder on county highways shall be under the jurisdiction of the
22 particular board of county commissioners involved insofar as same
23 affects the public travel or interferes with the construction and
24 maintenance of such highway.

1 B. Prior to conducting the design survey for a proposed
2 improvement, construction, or reconstruction of a highway, the
3 authority having jurisdiction over the highway shall notify any
4 person, firm, or corporation overseeing the operating or maintaining
5 of any facility within the proposed project boundaries. Upon
6 receipt of notice or from a date specified in the notice, the
7 person, firm, or corporation shall have ten (10) days to locate and
8 mark the facilities.

9 C. Whenever the authority having jurisdiction over a particular
10 highway plans an improvement or construction or reconstruction of
11 the highway, and before the work is started, it shall serve a
12 written notice upon the person, firm or corporation owning or
13 maintaining any such facility, which notice shall contain a plan or
14 chart indicating the places on the right-of-way where the facilities
15 may be maintained. The notice shall state the time when the work of
16 improving the highway is proposed to commence, and a reasonable time
17 shall be allowed to the owner of the facility to remove and relocate
18 its property. The effect of any change ordered by the public
19 authority shall not be to exclude the facilities from the right-of-
20 way of highways.

21 D. The removal and relocation of all the facilities located
22 within the public right-of-way prior to the planned improvement,
23 construction or reconstruction shall be made at the cost and expense
24 of the owners, unless otherwise provided by law or order of the

1 Department of Transportation, and in the event of the failure of
2 such owners to remove the same at the time set out in the notice,
3 they may be removed by the public authority and the cost of the
4 removal collected from the owners, and the authority shall not be
5 liable in any way to any person for the locating or relocating of
6 the facilities at the places prescribed. Any corporation or
7 association, or the officers or agents of such corporation or
8 association, or any other person who shall erect or maintain any
9 such lines, poles, wires, conduits, pipelines, equipment or other
10 facilities within the right-of-way of such highways in a manner not
11 in complete accordance with the orders of the respective public
12 authority shall be deemed guilty of a misdemeanor.

13 E. The Department of Transportation may promulgate such rules
14 as it may deem necessary for the planting of trees and shrubbery and
15 parking along such state highways.

16 F. Rural water districts, nonprofit water corporations, and all
17 municipally owned utilities serving municipalities with a population
18 of ten thousand (10,000) or less, according to the latest Federal
19 Decennial Census, or their beneficial trusts shall be exempt from
20 the payment of the costs and expenses for the removal and relocation
21 of municipally owned utilities constructed or in place in the public
22 right-of-way when the removal and relocation of such facilities is
23 necessary for the improvement, construction or reconstruction of any
24 road or highway which is part of the state highway system as

1 described in Section 501 of this title or turnpike project as
2 defined in subsection A of Section 501 and authorized pursuant to
3 Section 1705 of this title. Any costs and expenses, including any
4 unpaid on July 1, 1990, shall be paid by the public authority having
5 jurisdiction over the particular road or highway.

6 G. Rural water districts, nonprofit water corporations, and all
7 municipally owned utilities serving municipalities with a population
8 of more than ten thousand (10,000) but less than fifty thousand
9 (50,000) according to the latest Federal Decennial Census, or their
10 beneficial trusts, shall pay fifty percent (50%) of the costs and
11 expenses for the removal and relocation of municipally owned
12 utilities constructed or in place in the public right-of-way when
13 the removal and relocation of such facilities is necessary for the
14 improvement, construction, or reconstruction of any road or highway
15 which is part of the state highway system as described in Section
16 501 of this title or turnpike project authorized pursuant to Section
17 1705 of this title. Such districts, corporations, and utilities
18 shall be exempt from the payment of the remaining fifty percent
19 (50%) of the costs and expenses, which shall be paid by the public
20 authority having jurisdiction over the particular road or highway.

21 SECTION 2. This act shall become effective November 1, 2024.

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