

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2898

By: Inman

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to rights-of-way; amending 69 O.S.
10 2011, Section 1205, which relates to the rights-of-
11 way acquisition policy for the State Highway
12 Commission; allowing certain federal aid funds to be
13 used for removing or relocating certain utility
14 facilities; requiring certain matching funds;
15 updating statutory language; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1205, is
19 amended to read as follows:

20 Section 1205. The policy which the State Highway Commission
21 shall follow in the acquisition of all rights-of-way shall be as
22 follows:

23 ~~(a)~~ 1. For construction on the Interstate Highway System within
24 the limits of municipalities having a population of five thousand
 (5,000) or more, federal aid funds, if available, may be used for

1 the acquisition of rights-of-way, and shall, if available, be used
2 to pay the cost of the removing or relocating of utility facilities
3 located in either privately owned or public rights-of-way, ~~and in~~.
4 In such event the municipality in which such construction is to be
5 performed shall furnish funds to the state necessary to match the
6 federal funds. In addition federal aid funds, if available, may be
7 used to pay for the cost of removing or relocating municipally owned
8 utility facilities. In such event the state shall furnish funds
9 necessary to match the federal funds.

10 ~~(b)~~ 2. For construction on the Interstate Highway System in all
11 locations other than within the limits of municipalities having a
12 population of five thousand (5,000) or over, and where control of
13 access is required, the state shall furnish all rights-of-way and
14 may use federal aid funds, if available, for such purpose, and when
15 federal aid funds are available for such purpose, shall pay the cost
16 of removing or relocating utility facilities located on either
17 privately owned or public rights-of-way.

18 ~~(e)~~ 3. For all construction projects within the limits of
19 municipalities, other than projects on the Interstate Highway
20 System, as described in the Federal Aid Highway Act of 1956, the
21 municipality or county involved and the Department shall equally
22 share the cost of all necessary rights-of-way, clear of all
23 obstructions, including structures of any kind or nature and utility
24 lines, poles, pipelines or other facilities above or below the

1 surface of the ground. If federal aid funds are available for the
2 project, the municipality or county and the Department shall equally
3 share the local portion of the costs for acquiring and clearing the
4 right-of-way, including the cost of removing and relocating utility
5 facilities located on privately owned rights-of-way.

6 ~~(d)~~ 4. In any municipality where the Commission has determined
7 it to be necessary to construct a highway through or within the
8 corporate limits, and further determines that the construction will
9 not benefit the municipality involved, or that the construction will
10 benefit state-owned property or institutions, the Commission may, in
11 its discretion, pay for or participate in the cost of rights-of-way
12 for such project.

13 ~~(e)~~ 5. For all reconstruction or widening projects on existing
14 improved roads of permanent-type surface in rural areas, the
15 Department shall pay fifty percent (50%) of the cost of any
16 additional rights-of-way required to meet right-of-way standard-
17 width requirements, and the remaining fifty percent (50%) shall be
18 furnished or paid for by local units of government; ~~provided,~~
19 ~~however, that no.~~ No right-of-way shall be acquired under the terms
20 of this ~~article~~ section, except by due process of law.

21 ~~(g)~~ 6. For new construction on unsurfaced roads where the
22 construction follows a section line or an existing unimproved road,
23 all rights-of-way shall be furnished by local units of government
24 free of cost to the Department; ~~provided, should.~~ Should the new or

1 additional rights-of-way, either contiguous or adjacent to the
2 section line or existing unimproved road, be acquired only on one
3 side of the section line or road, then one-half (1/2) of the cost
4 shall be borne by the state.

5 ~~(h)~~ 7. For all new construction diagonally across country or
6 not following on a section line road or other existing unimproved
7 road, the rights-of-way shall be paid for by the Department.

8 ~~(i)~~ 8. In securing the necessary rights-of-way in rural areas,
9 the state shall pay for all damages to buildings, improvements,
10 fences and all other appurtenances thereto, or their moving and
11 relocating.

12 ~~(j)~~ 9. In any county where a proposed alignment for a highway
13 project on the primary system shall not come within one-half (1/2)
14 mile of the limits of any municipality within the county, or
15 contribute to the highway transportation system or to the economy of
16 the county, the Commission may in its discretion increase the amount
17 of the state's participation in the cost of rights-of-way for such
18 projects.

19 ~~(k)~~ 10. The term "utility facility" as used herein means any
20 publicly, privately, municipally or cooperatively owned facility or
21 system which is used to provide water, power, light, gas, sewer,
22 telegraph, telephone and communications, or like utility service, to
23 the public in the State of Oklahoma, or some portion thereof.

24

1 SECTION 2. This act shall become effective November 1, 2016.

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3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
4 02/25/2016 - DO PASS, As Amended.
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