

1 **SENATE FLOOR VERSION**

2 April 6, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2898

6 By: Inman of the House

7 and

8 Fry of the Senate

9 **[ rights-of-way - acquisition policy for the State  
10 Highway Commission - federal aid funds - effective  
11 date ]**

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

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

15 Section 1205. The policy which the State Highway Commission  
16 shall follow in the acquisition of all rights-of-way shall be as  
17 follows:

18 ~~(a)~~ 1. For construction on the Interstate Highway System within  
19 the limits of municipalities having a population of five thousand  
20 (5,000) or more, federal aid funds, if available, may be used for  
21 the acquisition of rights-of-way, and shall, if available, be used  
22 to pay the cost of the removing or relocating of utility facilities  
23 located in either privately owned or public rights-of-way, ~~and in.~~  
24 In such event the municipality in which such construction is to be

1 performed shall furnish funds to the state necessary to match the  
2 federal funds. In addition federal aid funds, if available, may be  
3 used to pay for the cost of removing or relocating municipally owned  
4 utility facilities. In such event the state shall furnish funds  
5 necessary to match the federal funds.

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

14 ~~(e)~~ 3. For all construction projects within the limits of  
15 municipalities, other than projects on the Interstate Highway  
16 System, as described in the Federal Aid Highway Act of 1956, the  
17 municipality or county involved and the Department shall equally  
18 share the cost of all necessary rights-of-way, clear of all  
19 obstructions, including structures of any kind or nature and utility  
20 lines, poles, pipelines or other facilities above or below the  
21 surface of the ground. If federal aid funds are available for the  
22 project, the municipality or county and the Department shall equally  
23 share the local portion of the costs for acquiring and clearing the

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1 right-of-way, including the cost of removing and relocating utility  
2 facilities located on privately owned rights-of-way.

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

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

18 ~~(g)~~ 6. For new construction on unsurfaced roads where the  
19 construction follows a section line or an existing unimproved road,  
20 all rights-of-way shall be furnished by local units of government  
21 free of cost to the Department; ~~provided, should.~~ Should the new or  
22 additional rights-of-way, either contiguous or adjacent to the  
23 section line or existing unimproved road, be acquired only on one  
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1 side of the section line or road, then one-half (1/2) of the cost  
2 shall be borne by the state.

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

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
24 April 6, 2016 - DO PASS AS AMENDED