

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 3588

By: McCall

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5
6 AS INTRODUCED

7 An Act relating to roads and bridges; amending 69
8 O.S. 2011, Section 1205, as amended by Section 1,
9 Chapter 319, O.S.L. 2017 (69 O.S. Supp. 2017, Section
10 1205), which relates to acquisitions of rights-of-
11 way; modifying obligations related to cost for
12 various construction and maintenance projects; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1205, as
16 amended by Section 1, Chapter 319, O.S.L. 2017 (69 O.S. Supp. 2017,
17 Section 1205), is amended to read as follows:

18 Section 1205. The policy which the Commission shall follow in
19 the acquisition of all rights-of-way shall be as follows:

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

1 event the municipality in which such construction is to be performed
2 shall furnish funds to the state necessary to match the federal
3 funds, unless the utility requiring relocation is owned by another
4 municipality having a population of five thousand (5,000) or more,
5 in which case the municipal utility owner shall furnish the funds-;

6 ~~(b)~~ 2. For construction and maintenance on the Interstate
7 Highway System, U.S. highways, urban freeways, frontage roads, local
8 roads, public roads and interchange-collector-distributor roads
9 which are a part of the state highway system in all locations other
10 than within the limits of municipalities having a population of five
11 thousand (5,000) or ~~over~~ more, and where control of access is
12 required, the state shall furnish all rights-of-way and may use
13 federal aid funds, if available, for such purpose, and when federal
14 aid funds are available for such purpose, shall pay the cost of
15 removing or relocating utility facilities located on either
16 privately owned or public rights-of-way-;

17 ~~(c)~~ 3. For ~~all~~ construction projects and maintenance on the
18 Interstate Highway System, U.S. highways, urban freeways, frontage
19 roads, local roads, public roads and interchange-collector-
20 distributor roads which are a part of the state highway system in
21 all locations within the limits of municipalities having a
22 population of five thousand (5,000) or more, other than projects on
23 ~~the Interstate Highway System, as described in the Federal Aid~~
24 ~~Highway Act of 1956,~~ the municipality or county involved and the

1 Department shall equally share the cost of all necessary rights-of-
2 way, clear of all obstructions, including structures of any kind or
3 nature and utility lines, poles, pipelines or other facilities above
4 or below the surface of the ground. If federal aid funds are
5 available for the project, the municipality or county and the
6 Department shall equally share the local portion of the costs for
7 acquiring and clearing the right-of-way, including the cost of
8 removing and relocating utility facilities located on privately
9 owned rights-of-way-;

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

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

1 ~~(f)~~ 6. For new construction on unsurfaced roads except within
2 the limits of municipalities having a population of five thousand
3 (5,000) or more, where the construction follows a section line or an
4 existing unimproved road, all rights-of-way shall be furnished by
5 ~~local units of government free of cost to the Department; provided,~~
6 ~~should the new or additional rights-of-way, either contiguous or~~
7 ~~adjacent to the section line or existing unimproved road, be~~
8 ~~acquired only on one side of the section line or road, then one-half~~
9 ~~of the cost shall be borne by the state.~~

10 ~~(g)~~ 7. For new construction or unsurfaced roads within the
11 limits of municipalities having a population of five thousand
12 (5,000) or more, where the construction follows a section line or an
13 existing unimproved road, the municipality or county involved and
14 the Department shall equally share the costs of all necessary
15 rights-of-way;

16 8. For all new construction diagonally across country or not
17 following on a section line road or other existing unimproved road,
18 the rights-of-way shall be paid for by the Department-;

19 ~~(h)~~ 9. In securing the necessary rights-of-way in rural areas,
20 the state shall pay for all damages to buildings, improvements,
21 fences and all other appurtenances thereto, or their moving and
22 relocating-;

23 ~~(i)~~ 10. In any county where a proposed alignment for a highway
24 project on the primary system shall not come within one-half (1/2)

1 mile of the limits of any municipality within the county, or
2 contribute to the highway transportation system or to the economy of
3 the county, the Commission may in its discretion increase the amount
4 of the state's participation in the cost of rights-of-way for such
5 projects-; and

6 ~~(j)~~ 11. The term "utility facility" as used herein means any
7 publicly, privately, municipally or cooperatively owned facility or
8 system which is used to provide water, power, light, gas, sewer,
9 telegraph, telephone and communications, or like utility service, to
10 the public in the State of Oklahoma, or some portion thereof.

11 SECTION 2. This act shall become effective November 1, 2018.

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