

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3588

By: McCall

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8                                   COMMITTEE SUBSTITUTE

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

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

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

20                   Section 1205. The policy which the Transportation 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. In such  
4 event the municipality in which such construction is to be performed  
5 shall furnish funds to the state necessary to match the federal  
6 funds, unless the utility requiring relocation is owned by another  
7 municipality having a population of five thousand (5,000) or more,  
8 in which case the municipal utility owner shall furnish the funds-;

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

20 ~~(c)~~ 3. For ~~all~~ construction projects and maintenance on the  
21 Interstate Highway System, U.S. highways, urban freeways, frontage  
22 roads, local roads, public roads and interchange-collector-  
23 distributor roads which are a part of the state highway system in  
24 all locations within the limits of municipalities having a

1 ~~population of five thousand (5,000) or more, other than projects on~~  
2 ~~the Interstate Highway System, as described in the Federal Aid~~  
3 ~~Highway Act of 1956,~~ the municipality or county involved and the  
4 Department of Transportation shall equally share the cost of all  
5 necessary rights-of-way, clear of all obstructions, including  
6 structures of any kind or nature and utility lines, poles, pipelines  
7 or other facilities above or below the surface of the ground. If  
8 federal aid funds are available for the project, the municipality or  
9 county and the Department shall equally share the local portion of  
10 the costs for acquiring and clearing the right-of-way, including the  
11 cost of removing and relocating utility facilities located on  
12 privately owned rights-of-way-;

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

20 ~~(e)~~ 5. For all reconstruction or widening projects on existing  
21 improved roads of permanent-type surface in rural areas, the  
22 Department shall pay ~~fifty percent (50%) of~~ the cost of any  
23 additional rights-of-way required to meet right-of-way standard-  
24 width requirements, ~~and the remaining fifty percent (50%) shall be~~

1 ~~furnished or paid for by local units of government; provided,~~  
2 however, that no right-of-way shall be acquired under the terms of  
3 this article, except by due process of law-;

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

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

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

22 ~~(h)~~ 9. In securing the necessary rights-of-way in rural areas,  
23 the state shall pay for all damages to buildings, improvements,  
24

1 fences and all other appurtenances thereto, or their moving and  
2 relocating-;

3 ~~(i)~~ 10. In any county where a proposed alignment for a highway  
4 project on the primary system shall not come within one-half (1/2)  
5 mile of the limits of any municipality within the county, or  
6 contribute to the highway transportation system or to the economy of  
7 the county, the Commission may in its discretion increase the amount  
8 of the state's participation in the cost of rights-of-way for such  
9 projects-; and

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

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

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17 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/28/2018 -  
18 DO PASS, As Amended.

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