

ENGROSSED HOUSE
BILL NO. 1100

BY: ADAIR, STANLEY, HILLIARD
and LEIST of the HOUSE

and

STIPE of the SENATE

AN ACT RELATING TO ROADS, BRIDGES AND FERRIES;
AMENDING 69 O.S. 1981, SECTIONS 660, AS AMENDED BY
SECTION 3, CHAPTER 352, O.S.L. 1989 AND 664, AS
AMENDED BY SECTION 177, CHAPTER 9, O.S.L. 1983 (69
O.S. SUPP. 1990, SECTIONS 660 AND 664), WHICH
RELATE TO THE COUNTY BRIDGE IMPROVEMENT ACT;
DELETING CERTAIN LIMITATION ON THE EXPENDITURE OF
STATE FUNDS ON BRIDGE IMPROVEMENT OR REPAIR
PROJECTS; AUTHORIZING COUNTY BRIDGE FUNDS TO BE
USED FOR CERTAIN OTHER PROJECTS; AMENDING SECTION
21, CHAPTER 351, O.S.L. 1985, AS LAST AMENDED BY
SECTION 4, CHAPTER 44, O.S.L. 1989, AND SECTION 23,
CHAPTER 351, O.S.L. 1985, AS AMENDED BY SECTION 5,
CHAPTER 44, O.S.L. 1989 (69 O.S. SUPP. 1990,
SECTIONS 687 AND 689), WHICH RELATE TO THE COUNTY
ROAD IMPROVEMENT ACT; MODIFYING PURPOSES FOR WHICH
CERTAIN COUNTY ROAD FUNDS ARE USED; AUTHORIZING THE
DEPARTMENT OF TRANSPORTATION TO ENTER INTO CERTAIN
CONTRACTS TO PROVIDE CERTAIN PROGRAM MANAGEMENT
ASSISTANCE; MODIFYING MINIMUM DESIGN STANDARDS
WHICH MUST BE MET ON CERTAIN PROJECTS; PROVIDING
FOR CERTAIN NEGOTIATION BETWEEN THE DEPARTMENT OF
TRANSPORTATION AND THE FEDERAL HIGHWAY

ADMINISTRATION; MODIFYING DIVISION OF DEPARTMENT
WHICH WOULD PROVIDE CERTAIN ASSISTANCE; PROVIDING
AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 69 O.S. 1981, Section 660, as amended by Section 3, Chapter 352, O.S.L. 1989 (69 O.S. Supp. 1990, Section 660), is amended to read as follows:

Section 660. A. The ~~county road branch~~ Local Government Division of the Department of Transportation shall immediately establish a program to aid counties in replacing or repairing bridges. The bridges to be replaced or repaired shall be those that are structurally inadequate, functionally obsolete or have been destroyed or rendered unusable.

B. Funds made available for the purposes of this act may be used to pay the cost of county bridge inspections, classifications, and evaluations required by federal and state authorities and to match federal funds, provided the applicable federal program funds are available; however, projects utilizing federal funds are to be restricted to those bridge projects of exceptional need where the cost is beyond the normal scope of this program.

C. ~~In no case shall these state funds exceed Two Hundred Thousand Dollars (\$200,000.00) for any individual bridge replacement or repair project.~~

~~D.~~ Except as otherwise specified in this act, the county major collector system, including any future revisions thereto, shall constitute the system of roads wherein the bridges are located that are eligible for project funding under this act. Official maps showing this county major collector system in each county shall be

maintained on file by the Department of Transportation and shall be furnished each county at no cost.

SECTION 2. AMENDATORY 69 O.S. 1981, Section 664, as amended by Section 177, Chapter 9, O.S.L. 1983 (69 O.S. Supp. 1990, Section 664), is amended to read as follows:

Section 664. A. There is hereby created in the State Treasury a special fund to be designated as the "county bridge improvement fund". Said fund shall consist of monies, if any, which have accrued to the State General Revenue Fund at the close of the fiscal years ending June 30, 1980, June 30, 1981 and June 30, 1982, in excess of the amounts required to satisfy all appropriations made from the State General Revenue Fund for the then current fiscal year together with all other statutory obligations. Provided, the amount apportioned to the county bridge improvement fund by the Director of State Finance at the close of each of the above-mentioned fiscal years shall not exceed the sum of Twelve Million Dollars (\$12,000,000.00) for each fiscal year. ~~Revenues~~ Except as provided in subsection B of this section, revenues to this fund shall be expended only pursuant to legislative appropriation for implementation of the County Bridge Improvement Act as set forth in the County Bridge Improvement Act.

B. Funds designated for purposes of the County Bridge Improvement Act may be used for projects authorized under the County Road Improvement Act, when all bridges within a county are at least at a rating of H15, as determined by the Federal Highway Administration.

SECTION 3. AMENDATORY Section 21, Chapter 351, O.S.L. 1985, as last amended by Section 4, Chapter 44, O.S.L. 1989 (69 O.S. Supp. 1990, Section 687), is amended to read as follows:

Section 687. A. The Department of Transportation shall establish a program to aid counties in making improvements on the county road system in each county.

B. Funds appropriated to or otherwise accruing to the County Road Improvement Revolving Fund shall be apportioned on the basis of a formula developed by the Department of Transportation. Such formula shall be similar to that currently used for the distribution of County Bridge Program funds, but also taking into consideration the effect of terrain and traffic volume as related to county road improvement and maintenance costs.

The Department of Transportation may approve the utilization of up to ninety percent (90%) of a county's estimated four-year apportionment from the fund for a project, provided, however, no additional project may be approved or expenditures made for said county until the county has accumulated a surplus of six (6) months apportioned funds and repaid all funds advanced from the State Highway Construction and Maintenance Fund. The Department of Transportation may update the formula factors from time to time as necessary to account for changing conditions. Said funds so apportioned may be used for the following purposes:

1. Construction projects for the improvement of county roads.
2. Matching federal funds for road or bridge construction projects provided the applicable federal program funds are available at the time of project approval.
3. Matching federal funds for the annual Federal Highway Administration allocation to the Center for Local Government Technology at Oklahoma State University for the Federal Highway Administration Rural Technical Assistance Program, up to twenty-five percent (25%) of the amount of funding the state is required to provide, not to exceed Fifty Thousand Dollars (\$50,000.00).
4. Project engineering costs.
5. The ~~actual~~ cost of right-of-way acquired for projects to be constructed under the provisions of this act and the relocation of utilities from the right-of-way so acquired.

6. Any cost or expense for administration, program management, engineering, including the development of appropriate local road standards, or construction supervision necessarily incurred by the Department of Transportation in fulfilling its duties and responsibilities pursuant to the County Road Improvement Act.

7. Projects authorized under the provisions of the County Bridge Improvement Act, including such projects which may be less than twenty (20) feet in length.

C. ~~The Department of Transportation~~ Each county in this state shall prioritize projects located in such county to be funded from the County Road Improvement Revolving Fund. ~~The Department~~ Each county shall consider the following factors in establishing priorities:

1. Project need based on traffic conditions and hazardous conditions.
2. Availability of federal matching funds.
3. Availability of other county funds.
4. County accrued surplus in this fund.

SECTION 4. AMENDATORY Section 23, Chapter 351, O.S.L. 1985, as amended by Section 5, Chapter 44, O.S.L. 1989 (69 O.S. Supp. 1990, Section 689), is amended to read as follows:

Section 689. A. The program and funds shall be administered by the Department of Transportation under a minimum of policies and guidelines in accordance with appropriate design and construction engineering standards. Approved projects will be awarded to contractors by the Transportation Commission under the normal competitive bidding procedures; provided, however, force account projects may be awarded to a county based upon agreed unit prices, if deemed to be in the best public interest.

B. The Department is hereby directed, in cooperation with the Association of County Commissioners of Oklahoma, to cause to be developed appropriate local road design standards for use in

constructing projects pursuant to this program. The standards, upon their adoption by the Transportation Commission and by those counties wishing to participate in this program, shall be used for the design and construction of all projects funded pursuant to this program. Provided, however, when funds available pursuant to this program are used to match federal funds, projects shall meet ~~the American Association of State Highway and Transportation Officials~~ appropriate minimum design standards for local roads and other applicable federal requirements. All plans and specifications for federal-aid projects shall be subject to the approval of the Department. To every extent possible, negotiations with the Federal Highway Administration should be undertaken to allow application of the County Road Guidelines Design Manual developed under the provisions of the County Road Improvement Act.

C. Plans, surveys, and engineering shall be the responsibility of the county in which the project is located and may be paid for by the Department of Transportation on a contractual basis from program funds accruing to that county. Only registered professional engineers, approved by the Department of Transportation, experienced in the design and construction of highway and related facilities, shall be used for such services. Where funds available pursuant to this program are used to match federal funds, the engineer shall be subject to approval by the Department of Transportation. On those projects where no federal funds are involved, the Department of Transportation shall make every effort to develop simplified procedures designed to expedite the efforts of the county to advance the project to contract letting. The Field Division engineer of the Department of Transportation or an appropriate designee shall be responsible for providing such guidance and assistance as may be requested by the county in the development of the project. The Field Division engineer shall be notified in advance by the county's engineer of all field "plan-in-hand" inspections involving the

project and shall be granted access to the project and all related records and documents during all phases of the project design and construction. Construction engineering on all projects shall be the responsibility of the Department of Transportation. In specific instances where, in the opinion of the Department of Transportation, the public interest would be best served, the county's engineer may be authorized to perform the construction engineering.

D. Upon completion of the construction plans, the county's engineer shall submit the plans to the Department of Transportation accompanied by detailed estimates of the cost of right-of-way, utility relocations and construction of the project and a certification that the project was designed in accordance with the applicable adopted design standards. The Department of Transportation shall review the plans, specifications, and estimates to the extent of assuring their completeness and compliance with the appropriate design criteria. Upon acceptance of the plans, specifications, and estimates by the Department and at such time all right-of-way necessary to construct the project has been acquired by the county and so certified to the Department of Transportation, the project will be scheduled for bid opening by the Transportation Commission. However, no project shall be scheduled for bid opening unless sufficient program funds are available to the account of the county in which the project is located to adequately finance the project construction. Prior to award of the contract by the Transportation Commission, the county shall be given the option of accepting or rejecting the bid submitted by the successful bidder.

E. Counties undertaking projects under provisions of this act shall enter into an agreement with the Department of Transportation that the county shall provide adequate maintenance on any project funded under the program.

Funds made available under this act shall be withheld from any county which does not, in the opinion of the Department of Transportation, provide adequate maintenance.

SECTION 5. This act shall become effective July 1, 1991.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 13th day of March, 1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate