

ENGROSSED SENATE  
BILL NO. 642

BY: STIPE and LEFTWICH of the  
SENATE

and

BATES of the HOUSE

[ ROADS, BRIDGES AND FERRIES - AMENDING 69 O.S.,  
SECTION 4002 - DEPARTMENT OF TRANSPORTATION -

EMERGENCY ]

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 4002, is  
amended to read as follows:

Section 4002. There is hereby created in the Executive Branch  
of Government the Department of Transportation and the  
Transportation Commission. The Department of Transportation shall  
function under the direct control and supervision of the Commission  
as a part of the executive branch of state government in carrying  
out the transportation policies, plans and programs of this state.  
In accord with appropriations made by the Legislature and grants of  
funds from federal, state, regional, local or private agencies, the  
Department shall, acting by or through the Director or his duly  
authorized officer or employee, have the power and it shall be its  
duty:

1. To coordinate and develop for the State of Oklahoma a  
comprehensive transportation plan to meet present and future needs  
for adequate, safe and efficient transportation facilities at  
reasonable cost to the people.

2. To coordinate the development and operation of such transportation facilities in the state including, but not limited to, highways, public transportation, railroad, marine and waterways and aeronautics.

3. To develop, periodically revise and maintain a comprehensive state master plan for transportation facilities.

4. To develop measurable objectives and goals designed to carry out the master plan for transportation and report progress in achievement of objectives and goals to the Governor and Legislature as part of the annual budget submission.

5. To make such studies and analyses of transportation problems as may be requested by the Governor or Legislature relative to any aspect of transportation in the state.

6. To exercise and perform such functions, powers and duties as may be from time to time conferred or imposed by law, including all the functions, powers and duties assigned and transferred to the Department of Transportation by this act.

7. To apply for, accept and receive and be the administrator for and in behalf of the state agencies, boards and commissions of all federal or other monies now or hereafter available for purposes of transportation or which would further the intent and specific purposes of this act. This paragraph shall not apply to the Oklahoma Corporation Commission insofar as federal funds for transportation regulatory purposes are concerned. Provided further, nothing in this act shall be construed to limit the authority of any town, city, county, regional authority, port authority or airport authority to apply for, accept, receive and be the administrator of all federal funds or other monies now or hereafter available to such subdivisions of government for the purpose of transportation or any other local matter. The provisions of this act shall not apply to funds available for projects for providing transportation services to meet special needs of elderly and handicapped persons under

Section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C.A., Section 1612(b)(2)), or to programs administered by the Department of ~~Institutions, Social and Rehabilitative~~ Human Services for transportation services to elderly and handicapped persons.

8. To cooperate with local governments in the planning and development of transportation-related activities, and encourage state and federally funded plans and programs at the local level consistent with the goals and objectives of the state master plan for transportation.

9. To evaluate and encourage the development and use of public transportation in Oklahoma where such use will contribute to a reduction in traffic congestion, public convenience, air quality, or energy conservation. To administer financial assistance programs for public transportation services, facilities and equipment, using state and/or federal funds for administrative activities, and to pass through to public, private enterprise and/or private nonprofit entities those federal, local and/or private funds intended for the purpose of meeting public transportation capital and operating needs, excluding those federal, local and/or private funds intended for the purpose of meeting the capital and operating needs of fixed route, regularly scheduled public transportation services operating within cities of greater than three hundred thousand (300,000) population according to the latest Federal Decennial Census. To ensure, through positive actions, that private enterprise providers of public transportation are involved in all levels of public transportation planning efforts, in both metropolitan and nonmetropolitan areas, and are given the opportunity to provide public transportation services, by contract or other means which provide a reasonable return, wherever such services are now or will be provided utilizing federal, state or local public funds.

Exceptions to this requirement that private enterprise provide such services may be made only where:

- a. a county does not have an existing private enterprise public transportation operator which could provide such services,
- b. the existing private enterprise public transportation operator declines to provide such service, or
- c. the organization seeking to secure or provide such services by means other than private enterprise operators, such as operating the system themselves, provides to the Department, or any other party upon request, budgetary documentation that the alternative means are more appropriate and less expensive on a passenger-mile basis.

Provided, however, that there shall be exempted from the above requirement all fixed route regularly scheduled public transportation services, operating in cities of greater than three hundred thousand (300,000) population, according to the latest Federal Decennial Census; and

Provided further, this act shall not alter any powers of counties, cities and towns to initiate, designate, or construct any project or other object of expenditure now or hereafter funded by federal transportation or state gasoline and motor fuel tax funds allocated to those counties, cities and towns.

SECTION 2. 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 Senate the 4th day of March, 1992.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of  
\_\_\_\_\_, 1992.

Speaker of the House of  
Representatives