

ENGROSSED SENATE
BILL NO. 698

BY: WEEDN and WILKERSON of the
SENATE

and

POPE of the HOUSE

[PUBLIC UTILITIES ON PUBLIC HIGHWAYS AND ROADS -
AMENDING 69 O.S., SECTION 1403 - LOCATION AND
REMOVAL OF CERTAIN UTILITIES -

EMERGENCY]

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 1403, is
amended to read as follows:

Section 1403. (a) The location and removal of all telephone,
telegraph, electric light and power transmission lines, poles, wires
and conduits, water, sewers and all pipelines erected, constructed
or in place upon, across or under any state highway shall be under
the control and supervision of the Commission; and the location and
removal of any facility placed under rights granted hereunder on
county highways shall be under the jurisdiction of the particular
board of county commissioners involved insofar as same affects the
public travel or interferes with the construction and maintenance of
such highway.

(b) Whenever the authority having jurisdiction over a particular
highway plans an improvement or construction or reconstruction
thereof, and before such work is started, it shall serve a written
notice upon the person, firm or corporation owning or maintaining

any such facility, which notice shall contain a plan or chart indicating the places on the right-of-way where such facilities may be maintained. The notice shall state the time when the work of improving such highway is proposed to commence, and a reasonable time shall be allowed to the owner of the facility to remove and relocate its property; provided, however, that the effect of any change ordered by the public authority shall not be to exclude the facilities from the right-of-way of highways.

(c) The removal and relocation of all such facilities shall be made at the cost and expense of the owners thereof, unless otherwise provided by law or order of the Commission, and in the event of the failure of such owners to remove the same at the time set out in the notice, they may be removed by such public authority and the cost thereof collected from such owners, and such authority shall not be liable in any way to any person for the locating or relocating of such facilities at the places prescribed. Any corporation or association, or the officers or agents of such corporation or association, or any other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines, equipment or other facilities within the right-of-way of such highways in a manner not in complete accordance with the orders of the respective public authority shall be deemed guilty of a misdemeanor.

(d) The Department may promulgate such rules and regulations as it may deem necessary for the planting of trees and shrubbery and parking along such state highways.

(e) Rural water districts, rural gas districts, nonprofit water corporations, and municipal public water sewer and gas utility systems in municipalities with a population of ten thousand (10,000) or less, according to the latest Federal Decennial Census, or their beneficial trusts shall be exempt from the payment of the costs and expenses for the removal and relocation of gas, water and sewer pipelines and all such facilities constructed or in place in the

public right-of-way when the removal and relocation of such facilities is necessary for the improvement, construction or reconstruction of any road or highway which is part of the state highway system or turnpike project as defined in Sections 501 (a) and 1705 of this title. Such costs and expenses, including any unpaid on the effective date of this act, shall be paid by the public authority having jurisdiction over the particular road or highway.

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 26th day of February, 1992.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1992.

Speaker of the House of Representatives