

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)  
CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1557

By: Adair of the House

and

Stipe of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to roads, bridges and ferries; amending 69 O.S. 1991, Section 659, which relates to county bridge standards; authorizing Department of Transportation to develop certain standards; modifying statutory reference; amending 69 O.S. 1991, Section 687, as amended by Section 11, Chapter 80, O.S.L. 1992 (69 O.S. Supp. 1992, Section 687), which relates to aid to counties for road improvement; modifying statutory reference; deleting certain appropriation percentage; modifying filing requirement of certain resolution; requiring Oklahoma Tax Commission to apportion certain funds; amending 69 O.S. 1991, Section 690.1, which relates to transfer of monies from the County Road Improvement Revolving Fund; allowing counties to petition Governor to declare state of emergency and providing procedure therefor; allowing for transfer of certain funds under certain circumstances; limiting amount of funds to be transferred; providing that transferred funds not to be reimbursed; limiting use of apportioned or obligated funds; providing for estimated cost of repairs; and declaring an emergency.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 659, is amended to read as follows:

Section 659. The Department of Transportation is hereby authorized to develop a complete set of county bridge standards, including standards for demonstration bridge projects and standards for county bridges with low average daily traffic volumes as defined by the latest published version of the County Roads Design Guidelines Manual. Such standards shall be developed under the direction of the Bridge Division of the Department and prior to implementation shall be approved by the State Association of County Commissioners and the Transportation Commission. Such

standards shall be furnished without cost to local units of government. Engineering for projects authorized pursuant to the County Bridge Improvement Act may be provided by the Department of Transportation at the request of a county. The cost to the Department for such engineering shall be charged to the project. Monies received by the county pursuant to the County Bridge Improvement Act, Section 657 et seq. of this title, may be used for purposes of obtaining engineering services. Only registered professional engineers, approved by the Department, experienced in the design and construction of highway and related facilities, shall be used for such services. Counties acquiring engineering services as provided for in this section shall require the engineers providing such services to execute professional service contracts which include a requirement that the engineer shall maintain an adequate policy of professional liability insurance.

SECTION 2. AMENDATORY 69 O.S. 1991, Section 687, as amended by Section 11, Chapter 80, O.S.L. 1992 (69 O.S. Supp. 1992, 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 funds may be released or deposited pursuant to subsection C of this section and 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 cost of right-of-way acquired for projects to be constructed under the provisions of Section 685 et seq. of this act title 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.

8. Any cost or expense related to a comprehensive plan for signing the county road system, including Nine-One-One (911) emergency telephone service route markers, traffic-control and other informational signs and the maintenance of such signs as according to policies to be developed jointly by the Department of Transportation and the Association of County Commissioners of Oklahoma.

9. The expense and related costs of employing an engineer to assist a county or counties in carrying out the day-to-day operations of road maintenance and construction, including the employment of a circuit engineer pursuant to the provisions of Section 7 687.1 of this ~~act~~ title.

C. ~~Thirty percent (30%) of the~~ The funds appropriated to or otherwise accruing to the County Road Improvement Revolving Fund may be ~~deposited in the County Primary Road Maintenance Fund to be~~ apportioned to a restricted road maintenance fund of each county pursuant to subsection B of this section. Such funds shall not be released to a county until an official resolution requesting the release of such funds is approved by a majority of the board of county commissioners of the county and filed with the ~~Oklahoma Tax Commission. A copy of the resolution shall be sent to the~~ Department of Transportation. Upon receipt of such resolution, the Tax Commission shall ~~release~~ apportion the funds to the county to be placed in a restricted road maintenance fund of the county. The ~~release~~ apportionment of such funds to a county shall not prevent the county from using those funds for any purpose as provided for in the County Road Improvement Act. Provided, such funds, if ~~released~~ apportioned, shall not be used in estimating a county's four-year apportionment from the funds advanced from the State Highway Construction and Maintenance Fund pursuant to subsection B of this section.

D. Each county in this state shall prioritize projects located in such county to be funded from the County Road Improvement Revolving Fund. 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 3. AMENDATORY 69 O.S. 1991, Section 690.1, is amended to read as follows:

Section 690.1 A. In the event of a natural disaster, the board of county commissioners of each county in this state may transfer any unexpended and unencumbered monies from the County Road Improvement Revolving Fund to the county highway fund of such county, which is the depository for monies which are to be used for constructing and maintaining county or township highways and permanent bridges in such county, for the sole purpose of constructing or repairing any highways or bridges in such county which were damaged or destroyed by any natural disaster.

B. Prior to the transfer of monies from the County Road Improvement Revolving Fund to the county highway fund pursuant to subsection A of this section, the county shall:

1. File an application with the Federal Emergency Management Agency for federal disaster relief funds. All federal monies received from the Federal Emergency Management Agency shall be used by the county to reimburse the County Road Improvement Revolving Fund in an amount equal to the amount of monies transferred from such fund pursuant to the provisions of this section; and

2. Expend all of the unexpended and unencumbered monies in the county highway fund of such county.

C. Any county which fails to qualify for federal disaster relief funds from the Federal Emergency Management Agency for any natural disaster may petition the Governor to declare a state of emergency and allow the transfer of monies from the County Road Improvement Revolving Fund to the county highway fund. The amount of funding any county will be eligible to receive under this subsection shall not exceed the balance accrued from the apportionment of the requesting county. The petition shall be in the form of a resolution by the board of county commissioners of the requesting county and shall specify the current estimated damages as well as any other damages from any previous natural disasters within the last two (2) years for which the county received or failed to receive any federal disaster relief funds or monies from the County Road Improvement Revolving Fund. If the Governor declares a state of emergency and allows the transfer of

the funds, the county shall not be required to reimburse the County Road Improvement Revolving Fund. Nothing in this act shall allow any county to receive any funds that have been apportioned or obligated to another county.

D. Representatives from the requesting county, the Department of Civil Emergency Management and the Oklahoma Department of Transportation shall review the damage and determine the estimated cost to make repairs. The requesting county shall receive funding for only the current estimated damage.

SECTION 4. 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.

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