

ENGROSSED HOUSE
BILL NO. 1397

By: Adair, Rhodes, Smith
(Bill) and Mitchell of
the House

and

Stipe and Rozell of the
Senate

An Act relating to roads, bridges and ferries;
amending 69 O.S. 1991, Section 660, which relates
to bridge replacement or repair projects; providing
for the Oklahoma Department of Transportation to
approve utilization of certain estimated
apportionment for certain projects; providing for
accumulation of certain surplus and repayment of
certain funds; amending Section 5, Chapter 80,
O.S.L. 1992, as amended by Section 1, Chapter 68,
O.S.L. 1994 (69 O.S. Supp. 1994, Section 671.1),
which relates to the County Primary Road
Maintenance Act; providing for certain roads to be
eligible for certain funding; providing certain
limitations; amending 69 O.S. 1991, Section 687, as
last amended by Section 2, Chapter 303, O.S.L. 1993
(69 O.S. Supp. 1994, Section 687), which relates to
aid to counties for road improvement; modifying
number of months for accumulated surplus of certain
funds; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 660, is amended to read as follows:

Section 660. A. The 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~~ County Bridge Improvement 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. 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.

D. The Department of Transportation may approve the utilization of up to ninety percent (90%) of the estimated four-year apportionment to the county for county projects. However, no additional projects may be approved for the county until the county has accumulated a surplus of three (3) months of apportionments and repaid all funds advanced from the State Highway Construction and Maintenance Fund.

SECTION 2. AMENDATORY Section 5, Chapter 80, O.S.L. 1992, as amended by Section 1, Chapter 68, O.S.L. 1994 (69 O.S. Supp. 1994, Section 671.1), is amended to read as follows:

Section 671.1 A. The purpose of the County Primary Road Maintenance Act, ~~Section 670 et seq. of this title,~~ is to provide for the systematic maintenance of the County Primary Road System in Oklahoma, which ~~from and after the effective date of this act~~ July 1, 1992, shall only consist of county roads which are functionally classified as county collector routes as determined by the Department of Transportation in cooperation with the various boards of county commissioners and approved by the Federal Highway Administration.

B. Revisions to the functional classification of the County Primary Road System shall be made effective on July 1 of each even-numbered year and the classification of the County Primary Road System established on that date shall be in effect for the proceeding twenty-four (24) months.

C. Roads which have a certified traffic count which is equal to or greater than the traffic count on a collector road shall be eligible for funding through the provisions of the County Primary Road Maintenance Act. For purposes of this act, roads eligible for funding will be relative to the collector system as it exists on January 1, 1995.

SECTION 3. AMENDATORY 69 O.S. 1991, Section 687, as last amended by Section 2, Chapter 303, O.S.L. 1993 (69 O.S. Supp. 1994, 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)~~ three (3) 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~~ The 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 title~~ the County Road Improvement 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.

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 687.1 of this title.

C. Thirty percent (30%) of the funds appropriated to or otherwise accruing to the County Road Improvement Revolving Fund may 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 Department of Transportation. Upon receipt of such resolution, the Tax Commission shall apportion the funds to the county to be placed in a restricted road maintenance fund of the county. The 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 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 4. This act shall become effective November 1, 1995.

Passed the House of Representatives the 27th day of February, 1995.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate