ENGROSSED HOUSE
BILL NO. 1950

By: Adair of the House

and

Stipe of the Senate

An Act relating to roads, bridges and ferries; amending 69 O.S. 1991, Sections 661, 662 and 665, which relate to the County Bridge Improvement Act; modifying approval of certain projects; transferring administration of certain programs and funds from the Transportation Commission to the Oklahoma Department of Transportation; adding certain agencies which may award certain contracts; transferring certain division duties to Oklahoma Department of Transportation; providing for notice and a hearing upon request of county under certain circumstances; amending 69 O.S. 1991, Sections 689 and 689.1, which relate to the County Road Improvement Act; modifying agencies which may award certain contracts; deleting certain requirement that projects meet certain design standards; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 661, is amended to read as follows:

Section 661. A. While the legislative intent of the County Bridge Improvement Act is to replace or repair structurally obsolete bridges on the county major collector system, it is recognized that specific conditions may exist in a county justifying the need to repair or replace a bridge on a road section not included in the county major collector system. In such specific instance, the ~~State Transportation Commission~~ Oklahoma Department of Transportation may approve a project not on the county major collector system ~~on the basis of submission by the county of written justification bearing out this extraordinary need~~. Justification for such projects shall include use of the bridge for school bus routes, mail routes, heavy and extensive industrial or agricultural operations, or such other unique purposes as may be acceptable to the ~~State Transportation Commission~~ Department of Transportation. ~~Provided, however~~ However, in all instances projects located on school bus routes shall have priority on funds provided for the implementation of this act. Right-of-way acquisition and utility relocation shall be the responsibility of the county in which the project is located. Monies received by counties pursuant to the County Bridge Improvement Act may be used for right-of-way acquisition and utility relocation.

B. To receive monies pursuant to the County Bridge Improvement Act, a county shall give priority to repairing, replacing, or closing those bridges in the county that are rated less than three (3) tons or ten (10) tons or less for those bridges on school bus routes. Each county shall submit to the Department of Transportation a plan to repair, replace, or close the types of bridges specified in this subsection within the county before January 1 of each year. Bridge replacement or repair projects shall be selected by the individual boards of county commissioners with the concurrence of the Department of Transportation and shall be based on a countywide assessment of bridge repair and replacement

needs. Each request for project funds will be transmitted to the Department of Transportation in the form of an official programming resolution bearing the signatures of a majority of the county commissioners. Where more than one project is programmed in a single county, the board of county commissioners shall designate the priority in which it wishes the projects to be undertaken.

C. These funds shall be apportioned among the various counties by the Transportation Commission on an equitable basis consistent with the identifiable bridge needs on the major collector system in each county.

D. On or before July 1 of each year, the Department of Transportation shall review the County Bridge Program in each county. Said review shall examine the status of all programmed projects, funds carried over from previous fiscal year allocations, and funds anticipated to be available from future allocations. The purpose of said review is to estimate the rate of County Bridge Fund utilization by the various counties and to assess the progress of the County Bridge Program throughout the state. Upon completion of the review, in instances when it is determined by the Department that existing funds cannot be used in a timely manner, the Transportation Commission may approve the reallocation of those funds to other counties in order to ensure that all available funds are efficiently utilized for the construction of bridges on county roads throughout the state. No such reallocation shall be made which would deprive any county of the ability to construct any previously approved project when the Department has determined that a viable effort is being made to pursue the project to completion.

E. Prior to July 1 of each year, the Department of Transportation shall review the County Bridge Program in each county. If the Department of Transportation determines that the county has not complied with the provisions of the County Bridge Improvement Act during the current fiscal year, the county shall not

receive any monies pursuant to the County Bridge Improvement Act during the next fiscal year.

SECTION 2. AMENDATORY 69 O.S. 1991, Section 662, is amended to read as follows:

Section 662. A. The program and funds shall be administered by the ~~State Transportation Commission~~ Oklahoma Department of Transportation under a minimum of policies, guidelines and engineering design standards. Approved projects will be awarded to contractors by the State Transportation Commission or by other federal or state agencies under ~~the~~ their normal competitive bidding procedures, excluding prequalification of bidders~~; provided, however~~. However, force account projects may be awarded to a county by the State Transportation Commission based upon agreed unit prices, if deemed by the State Transportation Commission to be in the best public interest. No project in excess of One Hundred Thousand Dollars ($100,000.00) in cost may be done by the force account method.

B. Funds available for this act shall not be subject to fiscal year limitations and shall be available for encumbrance and expenditure purposes for a period of thirty (30) months from the effective date such funds are appropriated.

C. 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 bridge repaired or replaced under the program. Funds made available under this act shall be withheld from any county which does not provide adequate maintenance.

SECTION 3. AMENDATORY 69 O.S. 1991, Section 665, is amended to read as follows:

Section 665. The ~~division engineer of each field division of the~~ Oklahoma Department of Transportation shall be required to certify to the State Transportation Commission that each county ~~in~~

~~his division~~ has upheld all agreements with, and obligations to, ~~the State of Oklahoma~~ this state. If, due to failure by the county to maintain such obligations and agreements, the ~~division engineer~~ Department of Transportation cannot make ~~said~~ the certification, ~~said~~ the county shall receive no allocation or funding under the County Bridge Improvement Act until such obligations and agreements are fulfilled. However, if requested, a county shall be entitled to notice and a hearing before the Transportation Commission prior to any allocation or funding being withheld by the Department of Transportation.

SECTION 4. AMENDATORY 69 O.S. 1991, Section 689, is amended to read as follows:

Section 689. A. The program and funds shall be administered by the Oklahoma 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 State Transportation Commission or by other federal or state agencies under ~~the~~ their normal competitive bidding procedures~~; provided, however~~. 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 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. AMENDATORY 69 O.S. 1991, Section 689.1, is amended to read as follows:

Section 689.1 Road projects constructed pursuant to the County Road Improvement Act shall meet acceptable design standards for local roads as developed by the Association of County Commissioners of Oklahoma with the concurrence of the Oklahoma Department of Transportation. Where monies available pursuant to the County Road Improvement Act are used to match federal construction funds, road

projects shall meet ~~the American Association of State Highway and Transportation Officials~~ appropriate minimum design standards for local roads and other applicable federal requirements. Counties wishing to construct projects utilizing monies available pursuant to the County Road Improvement Act shall formally adopt the design standards specified in this section as the official construction design standards of that county.

SECTION 6. This act shall become effective November 1, 1995.

Passed the House of Representatives the 28th day of February, 1995.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate