

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2289

By: Bastin

AS INTRODUCED

An Act relating to roads, bridges and ferries;  
amending 69 O.S. 1991, Sections 1703 and 1705, as  
last amended by Section 3, Chapter 303, O.S.L. 1993  
(69 O.S. Supp. 1995, Section 1705), which relate to  
the Oklahoma Turnpike Authority; prohibiting  
Oklahoma Turnpike Authority from constructing any  
new or additional turnpikes; providing for  
turnpikes to be operated without tolls upon payment  
of certain revenue bonds; providing for  
Transportation Commission to have authority over  
certain turnpikes; abolishing the Oklahoma Turnpike  
Authority upon payment of revenue bonds;  
transferring duties and responsibilities of the  
Oklahoma Turnpike Authority to the Transportation  
Commission; providing for replacement of signs,  
equipment, vehicles and other property; deleting  
authorization to construct certain turnpikes;  
repealing 69 O.S. 1991, Section 1705.5 and Section  
1, Chapter 372, O.S.L. 1992 (69 O.S. Supp. 1995,  
Section 1705.6), which relate to tollgates and  
interchanges; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 1703, is amended to read as follows:

Section 1703. ~~(a)~~ A. There is hereby created a body corporate and politic to be known as the "Oklahoma Turnpike Authority" and by that name the Authority may sue and be sued, and plead and be impleaded. The Authority is hereby constituted an instrumentality of the state, and the exercise by the Authority of the powers conferred by this act in the construction, operation, and maintenance of turnpike projects shall be deemed and held to be an essential governmental function of the state with all the attributes thereof. Provided, however, the Turnpike Authority is authorized to carry and shall carry liability insurance to the same extent and in the same manner as the State Highway Commission, and in addition thereto it shall be subject to the workers' compensation laws of the state the same as a private construction project.

~~(b)~~ B. The Oklahoma Turnpike Authority shall consist of the Governor, who shall be a member ex officio, and six (6) members to be appointed by the Governor, by and with the consent of the Senate. The appointive members shall be residents of the state, and shall have been qualified electors therein for a period of at least one (1) year next preceding their appointment. One appointive member shall be appointed from each of six (6) districts of the state, such districts to include the area as follows:

District 1. Oklahoma, Canadian, Cleveland, McClain and Garvin Counties.

District 2. Washington, Nowata, Craig, Ottawa, Rogers, Mayes, Delaware, Wagoner, Cherokee, Adair, Okmulgee, Osage, Muskogee, Sequoyah, McIntosh and Haskell Counties.

District 3. Coal, Logan, Payne, Lincoln, Creek, Okfuskee, Pottawatomie, Seminole, Hughes and Ponotoc Counties.

District 4. Kay, Pawnee, Garfield, Noble, Tulsa, Woods, Woodward, Major, Alfalfa and Grant Counties.

District 5. Cimarron, Grady, Texas, Beaver, Harper, Ellis, Roger Mills, Dewey, Custer, Caddo, Washita, Beckham, Harmon, Stephens, Jefferson, Greer, Kiowa, Jackson, Tillman, Comanche, Cotton, Kingfisher and Blaine Counties.

District 6. Carter, Love, Murray, Johnston, Marshall, Atoka, Bryan, Pittsburg, Latimer, LeFlore, Pushmataha, Choctaw and McCurtain Counties.

The members of the Authority appointed shall continue in office for terms expiring as follows: District 1, July 1, 1968; District 2, July 1, 1971; District 3, July 1, 1972; District 4, July 1, 1973; District 5, July 1, 1974; District 6, July 1, 1975. Provided, that appointive members serving on the Oklahoma Turnpike Authority created by 69 O.S.1961, Section 653, when this act becomes effective shall continue to serve as members of the Oklahoma Turnpike Authority created by this section, for the terms for which they were appointed, unless sooner removed by the Governor. The successor of each appointive member shall be appointed for a term of eight (8) years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term, and a member of the Authority shall be eligible for reappointment. Each appointed member of the Authority before entering upon ~~his~~ the duties shall take an oath as provided by Section 1 of Article XV of the Constitution of the State of Oklahoma. Any appointive member of the Authority may be removed by the Governor at any time with or without cause.

~~(e)~~ C. The Authority shall elect one of the appointed members as chairman and another as vice chairman, and shall also elect a Secretary and Treasurer. A majority of the members of the Authority shall constitute a quorum and the vote of a majority of the members shall be necessary for any action taken by the Authority. No

vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

~~(d)~~ D. Before the issuance of any turnpike revenue bonds under the provisions of this act, each appointed member of the Authority shall execute a surety bond in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) and the secretary and treasurer shall execute a surety bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00), each such surety bond to be conditioned upon the faithful performance of the duties of ~~his~~ the office, to be executed by a surety company authorized to transact business in the State of Oklahoma as surety and to be approved by the Governor and filed in the office of the Secretary of State.

~~(e)~~ E. The members of the Authority shall not be entitled to compensation for their services, but each member shall be reimbursed for ~~his~~ the actual expenses necessarily incurred in the performance of ~~his~~ the duties of the office. All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which monies shall have been provided under the authority of this act.

~~(f)~~ F. The Authority created by this act shall be the legal successor to the Oklahoma Turnpike Authority created by 69 O.S.1961, Section 653, and shall assume all powers, duties, obligations and responsibilities of said Authority, and is empowered to take charge immediately.

G. 1. Beginning November 1, 1996, the Oklahoma Turnpike Authority shall be prohibited from beginning construction of any new turnpike or turnpike project or issuing any new revenue bonds for construction or maintenance despite any authority granted pursuant to Section 1705 of this title. Any revenue bonds issued by the

Authority pursuant to law before November 1, 1996, for the construction of any turnpike or turnpike project shall continue to be paid in accordance with law. When the bonds for any turnpike or turnpike project are paid in full, any tolls on such turnpike or turnpike project shall no longer be collected and the responsibility for the turnpike or turnpike project shall be transferred to the Transportation Commission.

2. Once all bonds issued by the Authority are paid in full, the Authority shall be abolished and all powers, duties and responsibilities exercised by the Authority pursuant to law shall be transferred to the Transportation Commission. Any statutory references to the Oklahoma Turnpike Authority shall mean the Transportation Commission. All records, employees, property, matters pending, and all funds of the Oklahoma Turnpike Authority shall be transferred to the Transportation Commission. Any change of agency names on signs, equipment, vehicles, or other property shall be accomplished as the signs, equipment, vehicles or other property are replaced in inventory or as required through normal wear and tear. An accurate and current inventory of all such properties shall be maintained by the Department of Transportation.

SECTION 2. AMENDATORY 69 O.S. 1991, Section 1705, as last amended by Section 3, Chapter 303, O.S.L. 1993 (69 O.S. Supp. 1995, Section 1705), is amended to read as follows:

Section 1705. ~~The~~ Except as provided in subsection G of Section 1703 of this title, the Authority is hereby authorized and empowered:

- (a) To adopt bylaws for the regulation of its affairs and conduct of its business.
- (b) To adopt an official seal and alter the same at pleasure.
- (c) To maintain an office at such place or places within the state as it may designate.

(d) To sue and be sued in contract, reverse condemnation, equity, mandamus and similar actions in its own name, plead and be impleaded; provided, that any and all actions at law or in equity against the Authority shall be brought in the county in which the principal office of the Authority shall be located, or in the county of the residence of the plaintiff, or the county where the cause of action arose. All privileges granted to the Authority and duties enjoined upon the Authority by the provisions of Sections 1701 through 1734 of this title may be enforced in a court of competent jurisdiction in an action in mandamus.

(e) To construct, maintain, repair and operate turnpike projects and highways, with their access and connecting roads, at such locations and on such routes as it shall determine to be feasible and economically sound; provided, that until specifically authorized by the Legislature, the Authority shall be authorized to construct and operate toll turnpikes only at the following locations:

(1) The Turner Turnpike between Oklahoma City and Tulsa.

(2) The Southwestern (H.E. Bailey) Turnpike between Oklahoma City and Wichita Falls, Texas.

(3) The Northeastern (Will Rogers) Turnpike between Tulsa and Joplin, Missouri.

(4) The Eastern (Indian Nation) Turnpike between Tulsa and Paris, Texas, including all or any part thereof between McAlester and the Red River south of Hugo.

(5) The Cimarron Turnpike between Tulsa and Interstate Highway 35 north of Perry, including a connection to Stillwater.

(6) The Muskogee Turnpike between Broken Arrow and Interstate Highway 40 west of Webbers Falls.

(7) ~~All or any part of an extension of the Muskogee Turnpike, beginning at a point on Interstate Highway 40 near the present south terminus of the Muskogee Turnpike, and extending in a southeasterly~~

~~direction on an alignment near Stigler, Poteau and Heavener to the vicinity of the Arkansas State Line to furnish access to Hot Springs, Texarkana, Shreveport and New Orleans.~~

~~(8) A tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and in the vicinity of the intersection of State Highway 33 and Turner Turnpike in Creek County, Oklahoma, or in the vicinity of the intersection of State Highway 33 and Turner Turnpike or U.S. Highway 66 in Creek County, Oklahoma, from any monies available to the Turnpike Authority.~~

~~(9) (8) Add on the Will Rogers Turnpike a northbound automatic tollgate onto State Highway 28 and a southbound on-ramp from State Highway 28.~~

~~(10) A turnpike or any part or parts thereof (9) The Chickasaw Turnpike beginning in the vicinity of Duncan extending east to the vicinity of the City of Davis, and extending in a northeasterly direction, by way of to the vicinity of the City of Ada, to a connection in the vicinity of Henryetta or in the vicinity of the intersection of State Highway 48 and Interstate 40; and a turnpike or any part or parts thereof from the vicinity of Snyder extending north to the vicinity of Woodward Roff.~~

~~(11) A turnpike or any part or parts thereof beginning at a point in the vicinity of Ponca City, or at a point on the Kansas-Oklahoma state boundary line east of the Arkansas River and west of the point where Oklahoma State Highway No. 18 intersects said state boundary line, and extending in a southeasterly direction to a connection with the Tulsa Urban Expressway System in the general area of the Port of Catoosa.~~

~~(12) All or any part of an Oklahoma City toll expressway system connecting the residential, industrial and State Capitol Complex in the north part of Oklahoma City with the residential, industrial and Will Rogers World Airport Complex in the south and southwest parts of Oklahoma City.~~

~~(13) A turnpike (The Industrial Parkway) or any part or parts thereof beginning at a point on the Oklahoma-Kansas state boundary line between the point where U.S. Highway 66 intersects said boundary line and the northeast corner of Oklahoma and ending by means of a connection or connections with Shreveport, Louisiana, and Houston, Texas, in southeastern Oklahoma and at no point to exceed thirty (30) miles west of the Missouri or Arkansas border.~~

~~(14) A turnpike or any part or parts thereof beginning in the vicinity of Velma or County Line to a point intersecting with Interstate 35 in the area south of Davis.~~

~~(15) A turnpike or any part or parts thereof beginning in the vicinity of Watonga and extending south and/or east to the vicinity of north and/or west Oklahoma City.~~

~~(16) A new turnpike or parts thereof from the Kansas State Line south to McAlester, in the vicinity of U.S. Highway 69.~~

~~(17) A tollgate on the Will Rogers Turnpike near the intersection of State Highway 137 and the Will Rogers Turnpike, located south of Quapaw.~~

~~(18) A tollgate on the Muskogee Turnpike in the vicinity of Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey Turnpike at Elgin, Oklahoma, from any monies available to the Turnpike Authority.~~

~~(19)~~ (10) A tollgate on the Turner Turnpike in the vicinity of Wellston, Oklahoma, from any monies available to the Turnpike Authority.

~~(20) A tollgate on the Muskogee Turnpike in the vicinity of Brushy Mountain, Oklahoma, and in the vicinity of Elm Grove, Oklahoma, from any monies available to the Turnpike Authority.~~

~~(21) All or any part of an Oklahoma City Outer Loop expressway system~~ (11) The Kilpatrick Turnpike beginning in the vicinity of I-

35 and the Turner Turnpike and extending west ~~into Canadian County~~ and then south to I-40; and then south and east to I-35 in the vicinity of Moore and Norman; and then extending east and north to I-40 east of Tinker Field; and then extending north to the Turner Turnpike to complete the Outer Loop in the vicinity of Memorial Road to the vicinity of Portland Avenue.

~~(22) All or any part of the Tulsa south bypass expressway system (12) The Creek Turnpike beginning in the vicinity of the Turner Turnpike near Sapulpa and extending south and east to U.S. 75 in the vicinity of 96th Street to 121st Street; and then extending east across the Arkansas River to a connection with the Mingo Valley Expressway; and then south and/or east to a point on the Tulsa-Wagoner County Line near 131st street south in the city of Broken Arrow in the vicinity of 91st street.~~

~~(23) A new turnpike or any part thereof from near the west gate of the Will Rogers Turnpike south to the west end of south Tulsa Turnpike at the Tulsa-Wagoner County Line.~~

~~(24) A new turnpike or any parts thereof from the vicinity of the connection between State Highway 33 and U.S. 69 easterly to the Arkansas State Line.~~

~~(25) A four-lane extension of the Muskogee Turnpike from Interstate Highway 40 west of Webbers Falls to the Poteau vicinity.~~

~~(26) A new turnpike or any part or parts thereof beginning at a point in the vicinity of northwest Tulsa, and extending in a northwesterly direction, by means of a connection or connections with the cities of Pawhuska and Newkirk, to a point intersecting in the vicinity of US Highway No. 77 and the Kansas State Line.~~

~~(27) A full access interchange on the Indian Nation Turnpike south of Interstate 40, in the vicinity of Henryetta, Oklahoma, and in the vicinity of the proposed theme park, from any monies available to the Turnpike Authority.~~

~~(28) A new turnpike beginning at a point directly west of the Arkansas line and four-laning Highway 70 from that point to the farthest western reach of Highway 70 creating a southern route through Oklahoma.~~

~~(29) A new turnpike and bridge or any parts thereof from a point in the vicinity of the city of Mustang southerly across the South Canadian River to the H.E. Bailey Turnpike in the vicinity of the city of Tuttle; and then easterly across the South Canadian River to a point in the vicinity of the city of Norman.~~

~~(30) A new turnpike or any parts thereof beginning at a point in the vicinity of the city of Altus and extending in a northwesterly direction to a point in the vicinity of the city of Sayre.~~

~~(31) A new turnpike or any parts thereof beginning at a point in the vicinity of the city of Enid and extending in a westerly direction to a point in the vicinity of the city of Woodward.~~

All access roads, interchanges, or lead roads connecting such turnpikes with existing highways must be built by funds furnished by the Authority.

The minimum and maximum wages for the construction of the roads, highways and projects provided for in Sections 1701 through 1734 of this title shall be in accordance with the schedules of wages used or adopted by the Commission in construction of state highways.

The Authority is hereby authorized to enter into contracts or agreements with agencies and instrumentalities of other states or the national government for construction, maintenance and operation of interstate turnpikes or highways.

The Authority is hereby required to construct and install automatic tollgates on the Will Rogers Turnpike at State Highway No. 28 near Adair.

(f) To issue turnpike revenue bonds of the Authority, payable solely from revenues, including the revenues accruing to the trust

fund created by Sections 1701 through 1734 of this title, for the purpose of paying all or any part of the cost of any one or more turnpike projects. Provided that any bonds issued for the construction of the proposed turnpike referred to in subparagraphs ~~(10)~~ (9), ~~(20)~~, ~~(21)~~ (11) and ~~(22)~~ (12) of paragraph (e) of this section shall be issued as one issue for all four of the proposed turnpikes and shall be financed, constructed and operated under one bond indenture.

(g) To fix and revise from time to time tolls for the use of any turnpike projects.

Any common carrier having authority at the time of opening any turnpike project to operate upon a highway approximately paralleling the turnpike project shall be granted without further showing authority to operate over the turnpike project to all municipalities which such carrier is serving at the time the turnpike project is opened to traffic. But nothing herein shall be construed as granting any new operation rights to any common carriers.

(h) To acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties.

(i) To acquire in the name of the Authority by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by exercise of the right of condemnation in manner hereinafter provided, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of Sections 1701 through 1734 of this title; provided, that all public property damaged in carrying out the powers granted by Sections 1701 through 1734 of this title shall be restored or repaired and placed in its original condition as nearly as practicable.

(j) To designate, except as is provided for herein, the location, and establish, limit and control such points of ingress to

and egress from each turnpike project as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated.

(k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; provided, that all such expenses shall be payable solely from the proceeds of turnpike revenue bonds issued under the provisions of Sections 1701 through 1734 of this title or from revenues; provided, further, no attorney employed by the Authority, nor any member of any law firm of which he may be connected, shall ever be paid any fee or compensation for any special or extraordinary services.

(l) To receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, provided, the acceptance of such grants will not reduce the amount of federal aid for the construction, repair, or maintenance of farm-to-market roads and other highways and bridges in this state; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.

(m) To adopt such rules and regulations, and to do any and all things necessary to comply with rules, regulations, or requirements of the Bureau of Public Roads, Multistate Economic Development Regional Commission, as defined in Sections 1151 through 1153, inclusive, of Title 74 of the Oklahoma Statutes, Ozarka Region Commission or any other federal agency administering any law enacted

by the Congress of the United States to aid or encourage the construction of highways.

(n) To do all things necessary or convenient to carry out the powers expressly granted in Sections 1701 through 1734 of this title. On all turnpike projects alternate bids for paving work shall be taken on asphalt concrete and portland cement concrete and the design standards for such paving shall comply with the design standards of the American Association of State Highway and Transportation Officials as modified by the Oklahoma Department of Transportation. All contracts for construction work on turnpike projects shall be let to the lowest responsible bidder, or bidders, after notice by publication in a newspaper published in the county where the work is to be done in two consecutive weekly issues of the newspaper. In all cases where more than eight (8) miles of construction is let at the same time, such advertisement shall provide for bids on sections of the turnpike not to exceed eight (8) miles. Subject to the following restrictions and limitations: The Authority shall, when contracting for construction work, divide such work into paving projects, bridge projects, including underpasses and overpasses, and earthmoving or miscellaneous projects, according to the type of work to be done and each project shall be let under a separate contract or contracts and no contract or project shall include more than one of such types of construction work. Each contract for construction work shall contain a provision that ninety percent (90%) of all labor employed on the project shall be residents of Oklahoma. Provided, however, that no tie bids shall be accepted, and provided, further, that contracts for bridges may include earthwork and structures for the approaches thereto, and provided, further, that any one bridge or tunnel and the approaches thereto may be included in one contract.

(o) It shall be unlawful for any member, officer or employee of the Authority to transact with the Authority, either directly or

indirectly, any business for profit of such member, officer, or employee; and any person, firm, or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift, or consideration to such member, officer, or employee.

Violation of this provision shall constitute a felony and shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment.

(p) In the event of a national emergency, the Authority, subject to any vested rights or claims, may enter into contracts with the federal government or any authorized agency thereof to allow the federal government or agency thereof to use such turnpikes partly or exclusively during the existence of such emergency, provided, that the federal government agrees in such contract to pay, during the term of such contract, an amount sufficient, when added to any tolls collected, to meet all operating and maintenance expenses, interest payments, and the minimum sinking fund and reserve requirements of the trust agreement for the turnpike covered by the contract.

(q) All meetings of the Authority shall be open public meetings, and all records shall be public records, except when considering personnel or litigation.

(r) In accordance with subsection G of Section 1703 of this title, when all revenue bonds issued by the Oklahoma Turnpike Authority are paid in full, the Authority shall be abolished and all responsibilities and functions shall be transferred to the Transportation Commission.

SECTION 3. REPEALER 69 O.S. 1991, Section 1705.5 and Section 1, Chapter 372, O.S.L. 1992 (69 O.S. Supp. 1995, Section 1705.6), is hereby repealed.

SECTION 4. This act shall become effective November 1, 1996.

45-2-8465

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