

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1340

By: Begley

AS INTRODUCED

An Act relating to roads, bridges and ferries;  
amending 69 O.S. 1991, Section 4002, which relates  
to the Department of Transportation; prohibiting  
modification of certain transportation plan;  
providing exceptions; and providing an effective  
date.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 4002, is  
amended to read as follows:

Section 4002. There is hereby created in the Executive Branch  
of Government the Department of Transportation and the  
Transportation Commission. The Department shall function under the  
direct control and supervision of the Commission as a part of the  
executive branch of state government in carrying out the  
transportation policies, plans and programs of this state. In  
accord with appropriations made by the Legislature and grants of  
funds from federal, state, regional, local or private agencies, the  
Department shall, acting by or through the Director or ~~his~~ a duly  
authorized officer or employee of the Director, have the power and  
it shall be its duty:

1. To coordinate and develop for the State of Oklahoma a comprehensive transportation plan to meet present and future needs for adequate, safe and efficient transportation facilities at reasonable cost to the people-; i

2. To coordinate the development and operation of such transportation facilities in the state including, but not limited to, highways, public transportation, railroad, marine and waterways and aeronautics-; i

3. To develop, periodically revise and maintain a comprehensive state master plan for transportation facilities-; i

4. To develop measurable objectives and goals designed to carry out the master plan for transportation and report progress in achievement of objectives and goals to the Governor and Legislature as part of the annual budget submission-; i

5. To make such studies and analyses of transportation problems as may be requested by the Governor or Legislature relative to any aspect of transportation in the state. However, the transportation plan developed to meet present and future needs for the next five-year period shall not be modified unless funding for a project in the five-year transportation plan is unavailable or unless an emergency transportation need exists;

6. To exercise and perform such functions, powers and duties as may be from time to time conferred or imposed by law, including all the functions, powers and duties assigned and transferred to the Department of Transportation by this act-; i

7. To apply for, accept and receive and be the administrator for and in behalf of the state agencies, boards and commissions of all federal or other monies now or hereafter available for purposes of transportation or which would further the intent and specific purposes of this act. This paragraph shall not apply to the Oklahoma Corporation Commission insofar as federal funds for transportation regulatory purposes are concerned. Provided further,

nothing in this act shall be construed to limit the authority of any town, city, county, regional authority, port authority or airport authority to apply for, accept, receive and be the administrator of all federal funds or other monies now or hereafter available to such subdivisions of government for the purpose of transportation or any other local matter. The provisions of this act shall not apply to funds available for projects for providing transportation services to meet special needs of elderly and handicapped persons under Section 16 (b), (2) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C.A., Section 1612 (b), (2)), or to programs administered by the Department of Institutions, Social and Rehabilitative Services for transportation services to elderly and handicapped persons-;

8. To cooperate with local governments in the planning and development of transportation-related activities, and encourage state and federally funded plans and programs at the local level consistent with the goals and objectives of the state master plan for transportation-;

9. To evaluate and encourage the development and use of public transportation in Oklahoma where such use will contribute to a reduction in traffic congestion, public convenience, air quality, or energy conservation. To administer financial assistance programs for public transportation services, facilities and equipment, using state and/or federal funds for administrative activities, and to pass through to public, private enterprise and/or private nonprofit entities those federal, local and/or private funds intended for the purpose of meeting public transportation capital and operating needs, excluding those federal, local and/or private funds intended for the purpose of meeting the capital and operating needs of fixed route, regularly scheduled public transportation services operating within cities of greater than three hundred thousand (300,000) population according to the latest Federal Decennial Census. To

ensure, through positive actions, that private enterprise providers of public transportation are involved in all levels of public transportation planning efforts, in both metropolitan and nonmetropolitan areas, and are given the opportunity to provide public transportation services, by contract or other means which provide a reasonable return, wherever such services are now or will be provided utilizing federal, state or local public funds.

Exceptions to this requirement that private enterprise provide such services may be made only where:

- a. a county does not have an existing private enterprise public transportation operator which could provide such services,
- b. the existing private enterprise public transportation operator declines to provide such service, or
- c. the organization seeking to secure or provide such services by means other than private enterprise operators, such as operating the system themselves, provides to the Department, or any other party upon request, budgetary documentation that the alternative means are more appropriate and less expensive on a passenger-mile basis.

Provided, however, that there shall be exempted from the above requirement all fixed route regularly scheduled public transportation services, operating in cities of greater than three hundred thousand (300,000) population, according to the latest federal decennial census; and

Provided further, this act shall not alter any powers of counties, cities and towns to initiate, designate, or construct any project or other object of expenditure now or hereafter funded by federal transportation or state gasoline and motor fuel tax funds allocated to those counties, cities and towns.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5217

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