STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2198 By: Mass

AS INTRODUCED

An Act relating to roads, bridges and ferries; amending 69 O.S. 1991, Sections 304 and 4002, which relate to the powers and duties of the Oklahoma Transportation Commission and the Oklahoma Department of Transportation; adding requirement that certain highways be constructed, repaired, or maintained prior to construction of new highways; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 1991, Section 304, is amended to read as follows:

Section 304. ~~(a)~~ A. The construction and maintenance of the State Highway System, and all work incidental thereto, shall be under the general supervision and control of the Transportation Commission. The Transportation Commission and the Department of Transportation shall be prohibited from constructing or authorizing the construction of any new highway until all existing highways under the State Highway System which are deemed critically inadequate pursuant to the highway sufficiency rating of the Commission or the Department are constructed, repaired, or

maintained so as to make the highway adequate or tolerable pursuant to such highway sufficiency rating.

~~(b)~~ B. The Commission shall have power to make all final decisions affecting the work provided for herein, and all reasonable rules and regulations it may deem necessary, not inconsistent with this code, for the proper management and conduct of such work, and for carrying out the provisions of this article, in such manner as shall be to the best interest and advantage of the people of this state.

~~(c)~~ C. The Commission shall have power and authority to contract for and purchase, lease or otherwise acquire any tools, machinery, supplies, material or labor needed or to be needed for such work, having the deliveries of such articles made as actually needed, and to pay for engineering, preparation of plans and specifications, costs of advertising, engineering supervision and inspection and all expenses and contingencies in connection with the construction and maintenance of the State Highway System. When quality and prices are equal, preference shall be given materials produced within the State of Oklahoma and highway construction companies domiciled, having and maintaining offices in and being citizen taxpayers of the State of Oklahoma.

~~(d)~~ D. The Commission shall have authority to make all contracts and do all things necessary to cooperate with the United States Government in matters relating to the cooperative construction, improvement and maintenance of the State Highway System, or any road or street of any political or governmental subdivision or any municipal or public corporation of this state, for which federal funds or aid are secured. Such contracts or acts shall be carried out in the manner required by the provisions of the Acts of Congress and rules and regulations made by an agency of the United States in pursuance of such acts.

~~(e)~~ E. Any political or governmental subdivision or any public or municipal corporation of this state shall have the authority to enter into contracts through or with the Commission to enable them to participate in all the benefits to be secured from federal aid funds, or funds made available from the federal government to be used on roads and streets. The Commission may negotiate and enter into contracts with the federal government, or any of its constituted agencies, and take all steps and proceedings necessary in order to secure such benefits for such political or governmental subdivisions or public or municipal corporations.

~~(f)~~ F. The Commission, on behalf of the state, and any political or governmental subdivision or public or municipal corporation of this state shall have the authority to enter into agreements with each other respecting the planning, designating, financing, establishing, constructing, improving, maintaining, using, altering, relocating, regulating or vacating of highways, roads, streets or connecting links.

~~(g)~~ G. The Commission shall have authority to act in an advisory capacity, upon request, to any political or governmental subdivision or public or municipal corporation of this state in matters pertaining to the planning, locating, constructing and maintaining of roads, highways and streets and other related matters. The Commission, in such instances, may provide services and may cooperate with such subdivisions and corporations on such terms as may be mutually agreed upon.

~~(h)~~ H. The Commission may purchase out of the State Highway Construction and Maintenance Fund such commercial vehicles and passenger automobiles as may be necessary for the use of the Department and its employees in the construction and maintenance of the State Highway System and all work incidental thereto, and in carrying out the duties now or hereafter imposed upon the Department by the laws of this state.

~~(i)~~ I. The Commission may enter into written agreements with private citizens to allow such citizens to mow state highway rights-of-way and keep the clippings from such mowing as the sole compensation therefor.

SECTION 2. AMENDATORY 69 O.S. 1991, Section 4002, is amended to read as follows:

Section 4002. A. 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 duly authorized officer or employee, 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~~.~~;

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~~.~~;

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

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~~.~~;

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~~.~~;

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~~.~~;

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~~.~~; and

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.

B. The Transportation Commission and the Department shall be prohibited from constructing or authorizing the construction of any new highway until all existing highways which are deemed critically inadequate pursuant to the highway sufficiency rating of the Commission or the Department are constructed, repaired, or maintained so as to make the highway adequate or tolerable pursuant to such highway sufficiency rating.

SECTION 3. This act shall become effective November 1, 1997.

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