

**EHB 2320**

**THE STATE SENATE**  
**Tuesday, April 4, 2000**

**ENGROSSED**

**House Bill No. 2320**

**As Amended**

ENGROSSED HOUSE BILL NO. 2320 - By: TYLER of the House and STIPE of the Senate.

An Act relating to roads, bridges and ferries; amending 69 O.S. 1991, Section 1705, as last amended by Section 414, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (69 O.S. Supp. 1999, Section 1705), which relates to powers and duties of the Oklahoma Transportation Authority; exempting certain paving work from alternative bid requirements; and declaring an emergency.

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

**SECTION 1. AMENDATORY 69 O.S. 1991, Section 1705, as last amended by Section 17 of Enrolled House Bill No. 2711 of the 2nd Session of the 47th Oklahoma Legislature, is amended to read as follows:**

Section 1705. The Oklahoma Transportation 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.

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

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

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

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

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

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

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

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

8           (7) All or any part of an extension of the Muskogee Turnpike,  
9 beginning at a point on Interstate Highway 40 near the present south  
10 terminus of the Muskogee Turnpike, and extending in a southeasterly  
11 direction on an alignment near Stigler, Poteau and Heavener to the  
12 vicinity of the Arkansas State Line to furnish access to Hot  
13 Springs, Texarkana, Shreveport and New Orleans.

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

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

1           (10) A turnpike or any part or parts thereof beginning in the  
2 vicinity of Duncan extending east to the vicinity of the City of  
3 Davis, and extending in a northeasterly direction, by way of the  
4 vicinity of the City of Ada, to a connection in the vicinity of  
5 Henryetta or in the vicinity of the intersection of State Highway 48  
6 and Interstate 40; and a turnpike or any part or parts thereof from  
7 the vicinity of Snyder extending north to the vicinity of Woodward.

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

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

20           (13) A turnpike (The Industrial Parkway) or any part or parts  
21 thereof beginning at a point on the Oklahoma-Kansas state boundary  
22 line between the point where U.S. Highway 66 intersects the boundary  
23 line and the northeast corner of Oklahoma and ending by means of a

1 connection or connections with Shreveport, Louisiana, and Houston,  
2 Texas, in southeastern Oklahoma and at no point to exceed thirty  
3 (30) miles west of the Missouri or Arkansas border.

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

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

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

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

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

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

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

4 (21) All or any part of an Oklahoma City Outer Loop expressway  
5 system beginning in the vicinity of I-35 and the Turner Turnpike and  
6 extending west into Canadian County and then south to I-40; and then  
7 south and east to I-35 in the vicinity of Moore and Norman; and then  
8 extending east and north to I-40 east of Tinker Field; and then  
9 extending north to the Turner Turnpike to complete the Outer Loop.

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

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

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

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

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

8 (27) A full access interchange on the Indian Nation Turnpike  
9 south of Interstate 40, in the vicinity of Henryetta, Oklahoma, and  
10 in the vicinity of the proposed theme park or an industrial facility  
11 which qualifies for the Oklahoma Quality Jobs Program Act, from any  
12 monies available to the Authority.

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

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

22 (30) A new turnpike or any parts thereof beginning at a point  
23 in the vicinity of the city of Altus and extending in a

1 northwesterly direction to a point in the vicinity of the city of  
2 Sayre.

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

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

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

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

17 The Authority is hereby required to construct and install  
18 automatic tollgates on the Will Rogers Turnpike at State Highway No.  
19 28 near Adair.

20 (f) To issue turnpike revenue bonds of the Authority, payable  
21 solely from revenues, including the revenues accruing to the trust  
22 fund created by Sections 1701 through 1734 of this title, for the  
23 purpose of paying all or any part of the cost of any one or more

1 turnpike projects. Provided that any bonds issued for the  
2 construction of the proposed turnpike referred to in subparagraphs  
3 (10), (20), (21) and (22) of paragraph (e) of this section shall be  
4 issued as one issue for all four of the proposed turnpikes and shall  
5 be financed, constructed and operated under one bond indenture.

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

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

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

17 (i) To acquire in the name of the Authority by purchase or  
18 otherwise on such terms and conditions and in such manner as it may  
19 deem proper, or by exercise of the right of condemnation in manner  
20 hereinafter provided, such public or private lands, including public  
21 parks, playgrounds, or reservations, or parts thereof or rights  
22 therein, rights-of-way, property, rights, easements, and interests,  
23 as it may deem necessary for carrying out the provisions of Sections

1 1701 through 1734 of this title; provided, that all public property  
2 damaged in carrying out the powers granted by Sections 1701 through  
3 1734 of this title shall be restored or repaired and placed in its  
4 original condition as nearly as practicable.

5 (j) To designate, except as is provided for herein, the  
6 location, and establish, limit and control such points of ingress to  
7 and egress from each turnpike project as may be necessary or  
8 desirable in the judgment of the Authority to insure the proper  
9 operation and maintenance of such project, and to prohibit entrance  
10 to such project from any point or points not so designated.

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

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

10 (m) To adopt such rules, and to do any and all things necessary  
11 to comply with rules, regulations, or requirements of the Bureau of  
12 Public Roads, Multistate Economic Development Regional Commission,  
13 as defined in Sections 1151 through 1153, inclusive, of Title 74 of  
14 the Oklahoma Statutes, Ozarka Region Commission or any other federal  
15 agency administering any law enacted by the Congress of the United  
16 States to aid or encourage the construction of highways.

17 (n) To do all things necessary or convenient to carry out the  
18 powers expressly granted in Sections 1701 through 1734 of this  
19 title. ~~On all turnpike projects~~ Except as provided in this section,  
20 alternate bids for paving work on all turnpike projects shall be  
21 taken on asphalt concrete and portland cement concrete and the  
22 design standards for such paving shall comply with the design  
23 standards of the American Association of State Highway and

1 Transportation Officials as modified by the Oklahoma Department of  
2 Transportation. However, alternative bids shall not be required for  
3 paving work involving asphalt concrete and portland cement concrete  
4 on the turnpike projects extending the Creek Turnpike, the H.E.  
5 Bailey Turnpike, and the John Kilpatrick Turnpike, as funded by the  
6 Series 1998A and 1998B Second Series Senior Revenue Bonds. All  
7 contracts for construction work on turnpike projects shall be let to  
8 the lowest responsible bidder, or bidders, after notice by  
9 publication in a newspaper published in the county where the work is  
10 to be done in two consecutive weekly issues of the newspaper. In  
11 all cases where more than eight (8) miles of construction is let at  
12 the same time, such advertisement shall provide for bids on sections  
13 of the turnpike not to exceed eight (8) miles. Subject to the  
14 following restrictions and limitations, the Authority shall, when  
15 contracting for construction work, divide such work into paving  
16 projects, bridge projects, including underpasses and overpasses, and  
17 earthmoving or miscellaneous projects, according to the type of work  
18 to be done. Each project shall be let under a separate contract or  
19 contracts and no contract or project shall include more than one of  
20 such types of construction work. Each contract for construction  
21 work shall contain a provision that ninety percent (90%) of all  
22 labor employed on the project shall be residents of Oklahoma.

1 However, contracts for bridges may include earthwork and structures  
2 for the approaches thereto.

3 (o) It shall be unlawful for any member, officer or employee of  
4 the Authority to transact with the Authority, either directly or  
5 indirectly, any business for profit of such member, officer, or  
6 employee; and any person, firm, or corporation knowingly  
7 participating therein shall be equally liable for violation of this  
8 provision.

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

12 Violation of this provision shall constitute a felony punishable  
13 by incarceration in the State Penitentiary for a term not to exceed  
14 five (5) years or a fine of not less than Five Hundred Dollars  
15 (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or  
16 both such imprisonment and fine.

17 (p) In the event of a national emergency, the Authority,  
18 subject to any vested rights or claims, may enter into contracts  
19 with the federal government or any authorized agency thereof to  
20 allow the federal government or agency thereof to use such turnpikes  
21 partly or exclusively during the existence of such emergency,  
22 provided, that the federal government agrees in such contract to  
23 pay, during the term of such contract, an amount sufficient, when

1 added to any tolls collected, to meet all operating and maintenance  
2 expenses, interest payments, and the minimum sinking fund and  
3 reserve requirements of the trust agreement for the turnpike covered  
4 by the contract.

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

8 SECTION 2. It being immediately necessary for the preservation  
9 of the public peace, health and safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

12 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 3-28-00 - DO  
13 PASS, As Amended.