

ENROLLED HOUSE
BILL NO. 1781

By: Tyler of the House

and

Crutchfield of the Senate

An Act relating to roads, bridges and ferries; amending 69 O.S. 1991, Section 661, as last amended by Section 22, Chapter 284, O.S.L. 1997, 662, as last amended by Section 1, Chapter 110, O.S.L. 2000 and Section 689, as last amended by Section 26, Chapter 284, O.S.L. 1997 (69 O.S. Supp. 2000, Sections 661, 662 and 689), which relate to replacement or reconstruction projects, administration of funds for roads and bridges, and administration of funds and local road designs; deleting authorization of Department of Transportation to reallocate funds under certain circumstances; removing certain review requirement; providing that resolution of reimbursement satisfies certain statutory requirements; deleting requirement for certain agreements and withholding of funds for noncompliance; 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, as last amended by Section 22, Chapter 284, O.S.L. 1997 (69 O.S. Supp. 2000, Section 661), is amended to read as follows:

Section 661. A. While the legislative intent of the County Bridge and Road Improvement Act is to replace or reconstruct structurally obsolete bridges and roads on the county collector system, it is recognized that specific conditions may exist in a county justifying the need to reconstruct or replace a bridge or a road on a road section not included in the county collector system. In such specific instance, the Oklahoma Department of Transportation may approve a project not on the county collector system. Justification for such projects shall include use of the bridge or road for school bus routes, mail routes, heavy and extensive industrial or agricultural operations, or such other unique purposes as may be acceptable to the Department of Transportation. 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 and Road Improvement Act may be used for right-of-way acquisition and utility relocation.

B. When a county receives monies pursuant to the County Bridge and Road Improvement Act, a county shall give priority to

reconstructing, 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 reconstruct, replace, or close the types of bridges specified in this subsection within the county before January 1 of each year. Bridge and road replacement or reconstruction 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 and road reconstruction 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 and road needs on the collector system in each county.

D. On or before July 1 of each year, the Department of Transportation shall review the County Bridge and Road 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 the review is to estimate the rate of County Bridge and Road Fund utilization by the various counties and to assess the progress of the County Bridge and Road 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 and 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 and Road Program in each county. If the Department of Transportation determines that the county has not complied with the provisions of the County Bridge and Road Improvement Act during the current fiscal year, the county shall not receive any monies pursuant to the County Bridge and Road Improvement Act during the next fiscal year.~~

SECTION 2. AMENDATORY 69 O.S. 1991, Section 662, as last amended by Section 1, Chapter 110, O.S.L. 2000 (69 O.S. Supp. 2000, Section 662), is amended to read as follows:

Section 662. A. The program and funds shall be administered by the 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 their normal competitive bidding procedures, excluding prequalification of bidders. Force account road projects may be approved for a county

by the Transportation Commission. No force account county bridge project shall be reimbursed in excess of One Hundred Thousand Dollars (\$100,000.00). No county road project in excess of Two Hundred Thousand Dollars (\$200,000.00), excluding the cost for engineering, right-of-way acquisition, and utility relocation, in cost shall be done by the force account method.

B. Funds available for the County Bridge and Road Improvement 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. In order to receive reimbursement for constructing a force account bridge, a county shall have sufficient funds in the County Bridge and Road Improvement Fund to pay the reimbursement request cost. Upon completion of a force account bridge, the board of county commissioners shall request an inspection of the bridge in accordance with the criteria set forth by the National Bridge Inventory Program.

D. When the force account bridge has been inspected and achieves a load rating of H. twenty (20) tons or greater, the board of county commissioners may submit a request for reimbursement to the Department of Transportation. The county shall receive reimbursement for all costs claimed relating to the construction of the bridge provided the inspection report indicates that the county has met or exceeded the criteria set forth in this section. The resolution for reimbursement submitted by the board of county commissioners shall serve to satisfy the requirements of Section 41.16 of Title 62 of the Oklahoma Statutes. County force account bridges eligible for reimbursement from the County Bridge and Road Improvement Fund shall meet or exceed the following criteria:

1. The bridge has been built according to the current edition of the County Bridge Standards manual or from field notes drawn by a registered professional engineer that provide the basic structural requirements to achieve a load rating of H. twenty (20) tons or greater. Field notes may be handwritten specifications or sketches which have been stamped or signed;

2. The finished bridge shall achieve a twenty-ton or greater rating. The rating criteria shall be determined by the National Bridge Inventory and approved by the Department of Transportation for bridges twenty (20) feet or more in length;

3. The subsurface foundation of the bridge shall meet the minimum guidelines established by using approved engineering methods, details of which shall be kept as shop notes;

4. The finished bridge shall have a minimum roadway width of twenty-four (24) feet; and

5. Materials used in the construction of the bridge shall meet or exceed the specifications for materials as specified in the current edition of the County Bridge Standards or certified in writing by the engineer or supplier.

E. Monies from the County Bridge and Road Improvement Fund may be used to establish minimum standards for guardrail applications on

low-traffic-volume county roads. The board of directors of the association representing the county commissioners of Oklahoma may request the development of guardrail standards for bridges on low-traffic-volume county roads, as defined in the county road standard manual, the cost of which shall be paid from monies from the County Bridge and Road Improvement Fund.

F. Prior to construction of the bridge, a county may request that construction supervision be provided by the Circuit Engineering District of which the county is a member to ensure quality control and quality assurance.

SECTION 3. AMENDATORY 69 O.S. 1991, Section 689, as last amended by Section 26, Chapter 284, O.S.L. 1997 (69 O.S. Supp. 2000, Section 689), is amended to read as follows:

Section 689. A. The program and funds pursuant to the County Bridge and Road Improvement Act 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 their normal competitive bidding procedures. 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. 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.

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 the County Bridge and Road Improvement 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 pursuant to the County Bridge and Road Improvement Act shall be withheld from any county which does not, in the opinion of the Department of Transportation, provide adequate maintenance.~~

SECTION 4. This act shall become effective November 1, 2001.

Passed the House of Representatives the 13th day of March, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the 4th day of April, 2001.

Presiding Officer of the Senate