

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2756

By: Tyler

AS INTRODUCED

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 1722.1, which relates to turnpike rights-of-way; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 2001, Section 1722.1, is amended to read as follows:

Section 1722.1 A. The rights-of-way acquired by the Oklahoma ~~Turnpike~~ Transportation Authority shall be held inviolate for turnpike and Authority purposes, and no physical or functional encroachments or uses shall be permitted within such rights-of-way.

B. It shall be unlawful for any person to construct, maintain or operate any gasoline pump, oil, gas or water drilling rig, line or structure, tank battery or other equipment or structure used in the collection, processing or transportation of hydrocarbons or other minerals, driveway canopy, building, sign, fence, post, or any thing or structure on or overhanging any right-of-way, or upon or overhanging any turnpike, and the construction or maintaining of any such thing or structure on or overhanging any turnpike shall constitute a public nuisance, which may be summarily abated by the Authority or its trustees, officers, agents, servants and employees in the manner provided in subsection D of this section.

C. This section shall not apply to the lawful use of such rights-of-way for the erection and operation of facilities of a public utility as provided in Section 1722 of Title 69 of the

Oklahoma Statutes nor to the use of such rights-of-way with the express consent of the Authority.

D. The Authority, its trustees, officers, agents, servants and employees shall have authority to physically remove any such gasoline pump, oil, gas or water drilling rig, line or structure, tank battery or other equipment or structure used in the collection, processing or transportation of hydrocarbons or other minerals, driveway canopy, building, sign, fence, post, thing or structure. If the owner of any such gasoline pump, oil, gas or water drilling rig, line or structure, tank battery or other equipment or structure used in the collection, processing or transportation of hydrocarbons or other minerals, driveway canopy, building, sign, fence, post, thing or structure fails to remove the same within a reasonable time after written demand for the removal thereof has been made upon such owner by registered mail or personal service, the Authority, its trustees, its officers, agents, servants and employees may physically tear down and remove such gasoline pump, oil, gas or water drilling rig, line or structure, tank battery or other equipment or structure used in the collection, processing or transportation of hydrocarbons or other minerals, driveway canopy, building, sign, fence, post, thing or structure.

SECTION 2. This act shall become effective November 1, 2002.

48-2-7719 MD 6/12/15