

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 1480

By: Wilkerson and Coates of  
the Senate

and

Plunk of the House

( roads, bridges and ferries - designating highways -  
suitable markers - codification -  
emergency )

AUTHORS: Add the following House Coauthors: Nance and Turner

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

“( roads, bridges and ferries - designating highways -  
suitable markers - codification -  
emergency )

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1659 of Title 69, unless there  
is created a duplication in numbering, reads as follows:

State Highway 75, extending north for five (5) miles from the  
South Canadian River Bridge at Calvin, Oklahoma, shall be designated  
as the "John C. Blaylock Memorial Highway". The Department of  
Transportation shall cause suitable permanent markers to be placed  
on the highway bearing his name.

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1660 of Title 69, unless there  
is created a duplication in numbering, reads as follows:

State Highway 99 Interchange extending five (5) miles north from Ada, Oklahoma, shall be designated as the "Dr. Robert E. Cowling Memorial Highway". The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing his name.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1661 of Title 69, unless there is created a duplication in numbering, reads as follows:

State Highway 77, from where it intersects with State Highway 11 in Kay County, north to Newkirk, Oklahoma, shall be designated as the "Sid Cookerly Highway". The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing his name.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1662 of Title 69, unless there is created a duplication in numbering, reads as follows:

State Highway 99 from the intersection of State Highway 66 near Stroud, Oklahoma, south to the Sac and Fox Tribal Company shall be designated as the "Troy Leathers Highway". The Department of Transportation shall cause suitable permanent markings to be placed upon the highway bearing said name.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1663 of Title 69, unless there is created a duplication in numbering, reads as follows:

The bridge across Bird Creek, north of Skiatook, Oklahoma, which is located on State Highway 11, shall be designated as the "Perrier Bridge". The Department of Transportation shall cause suitable permanent markings to be placed upon the bridge bearing said name.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1664 of Title 69, unless there is created a duplication in numbering, reads as follows:

State Highway 75 between Trudgeon Road to Junction 266 in Henryetta, Oklahoma, shall be designated as the "W. R. "Dick" Stubbs Memorial Highway". The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing his name.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1665 of Title 69, unless there is created a duplication in numbering, reads as follows:

State Highway 270 between Krebs and Hartshome, Oklahoma, shall be designated as the "William Ross Stewart Memorial Highway". The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing his name.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1666 of Title 69, unless there is created a duplication in numbering, reads as follows:

State Highway 270 between Southeast 29th Street and State Highway 62 in Harrah, Oklahoma, shall be designated as the "Billy Fairl Morgan Memorial Highway". The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing his name.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1667 of Title 69, unless there is created a duplication in numbering, reads as follows:

State Highway 2 in Vinita, Oklahoma, in Craig County shall be designated as the "Vernon Glen Morgan Memorial Highway". The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing his name.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1668 of Title 69, unless there is created a duplication in numbering, reads as follows:

State Highway 7, from where it intersects with State Highway 99, west through Reagan, Oklahoma, to the intersection of State Highway

1, shall be designated the "Lieutenant Commander Clarence O. "Smokey" Tolbert Memorial Highway". The Department of Transportation shall cause suitable permanent markers upon the highway bearing his name, including within the Reagan community.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1669 of Title 69, unless there is created a duplication in numbering, reads as follows:

The bridge across Baker's Ranch Creek, approximately one and one-half (1 1/2) miles northeast of Allen, Oklahoma, which is located on State Highway 1, shall be designated the "T. A. Olivo Bridge". The Department of Transportation shall cause suitable permanent markers to be placed upon the bridge bearing that name.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1670 of Title 69, unless there is created a duplication in numbering, reads as follows:

State Highway 20 from the junction of State Highway 10 and U.S. Highway 59 east of Jay, Oklahoma, up to the Missouri state line, shall be designated the "Randy Littlefield Memorial Highway". The Department of Transportation shall cause suitable permanent markers be placed upon the highway bearing that name.

SECTION 13. AMENDATORY 69 O.S. 2001, Section 646, is amended to read as follows:

Section 646. A. The board of county commissioners may open, establish, reserve or condemn roads on section lines and may vacate, alter, widen, change or lay out other new roads according to the following procedure:

1. A proposal for action to vacate, alter, widen, change or locate a road shall be upon a petition to the board of county commissioners signed by at least twelve freeholders residing in the vicinity of the road affected or by resolution of the board of county commissioners;

2. The petition shall state the proposed action and clearly show on a map of the area the location and terminals of the road. If the petition is in proper form, the board of county commissioners shall promptly investigate the proposal to determine if the petition has merit;

3. The board of county commissioners may conclude, upon investigation, that action concerning the road is unnecessary and impractical and deny the petition. Should the board determine that the petition has merit, the board shall set the date of the hearing and provide notice as prescribed by this section;

4. At such time it is determined that the petition has merit, the board of county commissioners shall set a hearing date. The county clerk shall then notify those landowners whose property is immediately affected by the road, in such a way that the road may cross their property, abut to their property, or in some manner provide ingress or egress to their property. The notice shall be given by first-class mail at least twenty-one (21) days prior to the hearing date;

5. Legal notice to the public ~~for twenty (20) days~~ shall be given by advertisement in a newspaper of general circulation in the county ~~shall be given~~ setting forth the facts and the date when the hearing will be held and the petition acted upon. ~~If the newspaper is published weekly, the~~ The notice shall be published in once per week for three (3) consecutive issues weeks at least twenty-one (21) days prior to the hearing date. A record of all such proceedings shall be made by the county clerk;

B. In a petition proposing that a road be altered, widened, changed or located where the owners of the land to be taken agree in writing to the proposed location or changes by providing an easement to the county for such purpose, or donate the land required, the board of county commissioners shall then cause to be prepared a cost estimate for the proposed project. The cost estimate shall include

the cost to survey the road or the proposed changes. If the estimated cost is reasonable and the road or the proposed changes serve the general public by providing a better route or by eliminating a hazard making the route safer, the board of county commissioners may order and establish the road as a county highway, or order the proposed changes to be made and make the appropriate record thereof. However, no work shall be performed until a survey is completed and easements secured. If the board determines that the expense cannot be justified in whole or in part, the board may order that the petitioners must bear the responsibility to adequately fund the proposed action in whole or in part. If easements are not granted freely, the easements shall be obtained in the manner provided by law and shall be considered in the cost estimate of the proposed action.

C. In a petition proposing that a road be vacated, the board of county commissioners shall, upon receiving the petition, attest that according to their records the road in question is within their jurisdiction and is considered to be open for use by the general public, through grant or ownership, by easement or dedication, by adverse possession, or by open and notorious use, regardless of the frequency of maintenance or lack thereof. In considering the proposal to vacate the road, the board shall hear testimony provided by the petitioners and others who may testify at the hearing as to whether the road should be vacated. Upon a decision by the board to vacate the road, the board shall issue an order to void any easement pertaining to the road, if such easement exists, and require that the road be closed in such a manner as to prevent the use of the road by the general public. The decision of the board to vacate or not to vacate the road shall be final. Except as provided in Section 649 of this title, no road in use by the general public shall be closed, obstructed or vacated in any manner except as provided by this section. Every person who shall close, obstruct or

attempt to vacate a road in a manner other than the manner set forth in this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). In addition, such person shall be liable for the cost incurred by the county to remove, repair or otherwise return the road to open travel by the public. Nothing in this section shall prohibit the temporary closing of any road by law enforcement or emergency personnel in the performance of their official duty, public utilities with regard to routine maintenance and construction, or other such entities as authorized by the board of county commissioners.

D. Wherever in those counties the amount of Indian lands or those exempt from taxation by reason of the operation of any federal law is thirty percent (30%) or more of the total area of the county, then the board of county commissioners may, upon its own initiative, and if the public interests demand it, move to secure roads over, adjacent to, or for the benefit of all such exempted lands as set forth in this subsection. The board shall call upon the Director of the Oklahoma Department of Transportation as a disinterested party to undertake and make such surveys, plans and estimates and obtain all other essential data and records as are required to make a full and complete statement and report upon the interest involved, and to make such recommendations as in the premises may seem proper. When so prepared, the Department of Transportation shall then advance the matter to the Department of the Interior of the United States, or to any other federal department concerned, through its proper local representative, if there be one, with the request that the matter be considered and disposed of as speedily as possible. If the project be so approved and authorized, then the work may proceed under the special supervision and direct administration of the Department of Transportation and subject to such special regulations as the circumstances seem to require.

SECTION 14. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 6th day of April, 2004.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2004.

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Presiding Officer of the Senate