

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2274:

Case

AS INTRODUCED

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Sections 661 and 665, which relate to priority of replacement or repair projects and certification of county compliance with agreements and obligations; modifying certain weight rating; adding certain allowed expenditure; providing procedure for reimbursement; amending 69 O.S. 2001, Section 1706, which relates to streets and highways; clarifying maintenance responsibilities of the Oklahoma Transportation Authority; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 2001, 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)~~ fifteen (15) 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.

SECTION 2. AMENDATORY 69 O.S. 2001, Section 665, is amended to read as follows:

Section 665. A. The Oklahoma Department of Transportation shall be required to certify to the State Transportation Commission that each county has upheld all agreements with, and obligations to, this state. If, due to failure by the county to maintain such obligations and agreements, the Department of Transportation cannot make the certification, the county shall receive no allocation or funding under the County Bridge and Road Improvement Act until such obligations and agreements are fulfilled. However, if requested, a county shall be entitled to notice and a hearing before the Transportation Commission prior to any allocation or funding being withheld by the Department of Transportation.

B. All consulting engineering contracts for services referred to in this act shall be approved by the Department of Transportation except those contracts entered into pursuant to the provisions of Section 687.1 of this title. The Department shall make findings on all contracts approved that the cost is reasonable and the firm involved is capable of performing the service within a reasonable period of time.

C. Expenditures which may be allowed pursuant to the provisions of this act shall include the following:

1. Matching federal funds for the annual Federal Highway Administration allocation to the Oklahoma State University Center for Local Government Technology for the Federal Highway Administration Rural Technical Assistance Program, not to exceed twenty-five percent (25%) of the amount of funding the state is required to provide, which shall not exceed Fifty Thousand Dollars (\$50,000.00);

2. Project engineering costs;

3. The cost of rights-of-way acquired for projects pursuant to the provisions of this act and the cost of the relocation of utilities from the rights-of-way so acquired;

4. The cost of reconstruction or replacement of roadway structures which may be less than twenty (20) feet in length;

5. Any cost or expense for administration, program management, engineering, including the development of appropriate local road standards which shall apply only to those roads reconstructed, maintained, or otherwise constructed pursuant to this act, or construction supervision necessarily incurred by the Department of Transportation in fulfilling its duties and responsibilities pursuant to this act;

6. Any cost or expense related to a comprehensive plan for signing or inventory of signs on the county road system; ~~and~~

7. The expense and related costs of employing an engineer to assist a county or counties in carrying out the daily operations of road and bridge maintenance and construction, including the employment of a circuit engineer; and

8. Any cost or expense incurred by a circuit engineering district pursuant to the provisions of Section 687.1 of this title including, but not limited to, costs for administration, program management, engineering, and construction inspection. When a county participates in a circuit engineering district, 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 a circuit engineering district. 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.

SECTION 3. AMENDATORY 69 O.S. 2001, Section 1706, is amended to read as follows:

Section 1706. ~~(a)~~ A. The Oklahoma ~~Turnpike~~ Transportation Authority may and it shall be its duty to construct grade separations at intersections of any turnpike project with state and federal highways, and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The Authority may construct grade separations at intersections of turnpike projects with county highways and city streets and it shall construct grade separations at intersections of any turnpike project with county highways used as mail or school bus routes, or section lines which are well used and are necessary for convenience of people living in these areas. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Authority as a part of the cost of such turnpike project. The Authority shall maintain the structure and surface of bridges and overpasses where a county highway crosses over or under a turnpike.

~~(b)~~ B. If the Authority shall find it necessary to change the location of any portion of any state or county highway or street of a municipality, it shall cause the same to be reconstructed in substantially the same type and in as good condition as the original highway. Provided, however, that all changes and adjustments of the lines and grades of state highways shall be subject to the approval of the Transportation Commission. The cost of such reconstruction and any damage incurred in changing the location of any such highway or street shall be ascertained and paid by the Authority as a part of the cost of such turnpike project.

~~(c)~~ C. In addition to the foregoing powers, the Authority and its authorized agents and employees may enter upon any lands, waters, and premises in the state for the purpose of making surveys, soundings, drillings, and examinations as it may deem necessary or convenient for the purposes of establishing, locating, relocating, constructing, and maintaining turnpikes or relocations thereof and

facilities necessary and incidental thereto. Such entry shall not be deemed a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending; however, notice shall be given to the owner of or person residing on the premises, personally or by registered mail, at least ten (10) days prior to such entry. The Authority shall make reimbursement for any actual damages resulting to such lands, waters, and premises as a result of such activities. In the event of disagreement as to the amount of damage, either the person or the Authority may file a petition with the district court for the appointment of commissioners to appraise the damages and proceed to have the same determined as in condemnation proceedings.

~~(d)~~ D. The State of Oklahoma hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the Authority to be necessary for the construction or operation of any turnpike project; and the State of Oklahoma shall be paid reasonable compensation for the land or property used, such compensation to be determined in the manner now provided by law for condemnation proceedings.

SECTION 4. This act shall become effective November 1, 2004.

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