

**EHB 3019**

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**THE STATE SENATE**  
**Wednesday, April 5, 2006**

**ENGROSSED**

**House Bill No. 3019**

ENGROSSED HOUSE BILL NO. 3019 - By: ARMES, DUNCAN, DENNEY, PLUNK, CASE, HILLIARD, ASKINS, DEUTSCHENDORF and DORMAN of the House and BASS of the Senate.

An Act relating to roads, bridges and ferries; designating a portion of State Highway 49 as the Medicine Park Trail; designating the bridge located on State Highway 33 as the Newt Sexton Memorial Bridge; designating the portion of State Highway 177 as the 95th Division Highway; designating the portion of State Highway 7 as the Historic Platt National Parkway; designating the bridge located on State Highway 1 as the T.A. Olivo Memorial Bridge; designating the bridge located on State Highway 48 as the David Gray Memorial Bridge; directing placement of markers; amending 69 O.S. 2001, Section 1705, as last amended by Section 4, Chapter 474, O.S.L. 2005 (69 O.S Supp. 2005, Section 1705), which relates to turnpikes; authorizing the construction of an on- and off-ramp on a certain turnpike; providing for codification; and providing an effective date.

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 1687 of Title 69, unless there is created a duplication in numbering, reads as follows:

The portion of State Highway 49 between Interstate 44 and the Wichita Mountains Wildlife Refuge shall be designated as the "Medicine Park Trail". The Department of Transportation shall cause suitable permanent markers to be placed upon the portion of highway bearing that designation.

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1688 of Title 69, unless there  
3 is created a duplication in numbering, reads as follows:

4 The bridge across the Cimarron River, north of Coyle, Oklahoma,  
5 which is located on State Highway 33, shall be designated as the  
6 "Newt Sexton Memorial Bridge". The Department of Transportation  
7 shall cause suitable permanent markers be placed upon the bridge  
8 bearing that name.

9 SECTION 3. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1689 of Title 69, unless there  
11 is created a duplication in numbering, reads as follows:

12 State Highway 177, beginning at the northern municipal limits of  
13 Tecumseh and extending to the junction with Interstate Highway 40  
14 shall be designated as the "95th Division Highway". The Department  
15 of Transportation shall cause suitable permanent markers to be  
16 placed on the highway bearing that name.

17 SECTION 4. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1690 of Title 69, unless there  
19 is created a duplication in numbering, reads as follows:

20 The portion of State Highway 7 beginning at the Chickasaw Trail,  
21 near Davis, Oklahoma, and extending east to the intersection at  
22 State Highway 177 shall be designated as the "Historic Platt  
23 National Parkway". The Department of Transportation shall cause

1 suitable permanent markers to be placed upon the section of highway  
2 bearing that name.

3 SECTION 5. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1691 of Title 69, unless there  
5 is created a duplication in numbering, reads as follows:

6 The bridge that crosses the Baker's Branch Creek on State  
7 Highway 1, east of Allen, Oklahoma, shall be designated as the "T.A.  
8 Olivo Memorial Bridge". The Department of Transportation shall  
9 cause suitable permanent markers to be placed upon the bridge  
10 bearing that name.

11 SECTION 6. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1692 of Title 69, unless there  
13 is created a duplication in numbering, reads as follows:

14 The bridge that crosses the Muddy Boggy Creek on State Highway  
15 48, south of Allen, Oklahoma, shall be designated as the "David Gray  
16 Memorial Bridge". The Department of Transportation shall cause  
17 suitable permanent markers to be placed upon the bridge bearing that  
18 name.

19 SECTION 7. AMENDATORY 69 O.S. 2001, Section 1705, as  
20 last amended by Section 4, Chapter 474, O.S.L. 2005 (69 O.S. Supp.  
21 2005, Section 1705), is amended to read as follows:

22 Section 1705. The Oklahoma ~~Transportation~~ Turnpike Authority is  
23 hereby authorized and empowered:

1 (a) To adopt bylaws for the regulation of its affairs and  
2 conduct of its business.

3 (b) To adopt an official seal and alter the same at pleasure.

4 (c) To maintain an office at such place or places within the  
5 state as it may designate.

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

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

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

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

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

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

8           (5)   The Cimarron Turnpike between Tulsa and Interstate Highway  
9 35 north of Perry, including a connection to Stillwater.

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

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

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

1           (9) Add on the Will Rogers Turnpike a northbound automatic  
2 tollgate onto State Highway 28 and a southbound on-ramp from State  
3 Highway 28.

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

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

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

1           (13) A turnpike (The Industrial Parkway) or any part or parts  
2 thereof beginning at a point on the Oklahoma-Kansas state boundary  
3 line between the point where U.S. Highway 66 intersects the boundary  
4 line and the northeast corner of Oklahoma and ending by means of a  
5 connection or connections with Shreveport, Louisiana, and Houston,  
6 Texas, in southeastern Oklahoma and at no point to exceed thirty  
7 (30) miles west of the Missouri or Arkansas border.

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

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

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

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

1           (18) A tollgate on the Turner Turnpike in the vicinity of  
2 Wellston, Oklahoma, from any monies available to the Authority.

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

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

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

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

1           (23) A new turnpike or any parts thereof from the vicinity of  
2 the connection between State Highway 33 and U.S. 69 easterly to the  
3 Arkansas State Line.

4           (24) A four-lane extension of the Muskogee Turnpike from  
5 Interstate Highway 40 west of Webbers Falls to the Poteau vicinity.

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

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

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

20          (28) A new turnpike and bridge or any parts thereof from a  
21 point in the vicinity of the city of Mustang southerly across the  
22 South Canadian River to the H.E. Bailey Turnpike in the vicinity of

1 the city of Tuttle; and then easterly across the South Canadian  
2 River to a point in the vicinity of the city of Norman.

3 (29) A new turnpike or any parts thereof beginning at a point  
4 in the vicinity of the city of Altus and extending in a  
5 northwesterly direction to a point in the vicinity of the city of  
6 Sayre.

7 (30) A new turnpike or any parts thereof beginning at a point  
8 in the vicinity of the city of Enid and extending in a westerly  
9 direction to a point in the vicinity of the city of Woodward.

10 (31) An on- and off-ramp or any parts thereof at Fletcher,  
11 Oklahoma, in the vicinity of the Interstate 44 and State Highway 277  
12 intersection. Any existing on- or off-ramp or any parts thereof in  
13 the vicinity of Fletcher, Oklahoma, shall not be removed and shall  
14 be maintained pursuant to Section 1701 et seq. of this title.

15 (32) A new bridge crossing the Arkansas River in the vicinity  
16 of South Yale Avenue and South Yale Place in Tulsa County. This  
17 project shall commence upon a determination by the Oklahoma  
18 Transportation Authority that such bridge shall be self-sufficient  
19 at some point over a thirty-year time period from the toll charges  
20 associated with the bridge project.

21 (33) An exit ramp or any parts thereof from the eastbound lane  
22 of the Turner Turnpike at 96th Street in Tulsa.

1        (34) An on- and off-ramp or any parts thereof on the Cimarron  
2 Turnpike in the vicinity of the northside of the Glencoe, Oklahoma,  
3 municipal limits.

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

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

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

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

18        (f) To issue turnpike revenue bonds of the Authority, payable  
19 solely from revenues, including the revenues accruing to the trust  
20 fund created by Sections 1701 through 1734 of this title, for the  
21 purpose of paying all or any part of the cost of any one or more  
22 turnpike projects. Provided that any bonds issued for the  
23 construction of the proposed turnpike referred to in subparagraphs

1 (10), (20), (21) and (22) of paragraph (e) of this section shall be  
2 issued as one issue for all four of the proposed turnpikes and shall  
3 be financed, constructed and operated under one bond indenture.

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

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

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

15 (i) To acquire in the name of the Authority by purchase or  
16 otherwise on such terms and conditions and in such manner as it may  
17 deem proper, or by exercise of the right of condemnation in manner  
18 hereinafter provided, such public or private lands, including public  
19 parks, playgrounds, or reservations, or parts thereof or rights  
20 therein, rights-of-way, property, rights, easements, and interests,  
21 as it may deem necessary for carrying out the provisions of Sections  
22 1701 through 1734 of this title; provided, that all public property  
23 damaged in carrying out the powers granted by Sections 1701 through

1 1734 of this title shall be restored or repaired and placed in its  
2 original condition as nearly as practicable.

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

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

21 (l) To receive and accept from any federal agency grants for or  
22 in aid of the construction of any turnpike project, provided, the  
23 acceptance of such grants will not reduce the amount of federal aid

1 for the construction, repair, or maintenance of farm-to-market roads  
2 and other highways and bridges in this state; and to receive and  
3 accept aid or contributions from any source of either money,  
4 property, labor, or other things of value, to be held, used, and  
5 applied only for the purposes for which such grants and  
6 contributions may be made.

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

14 (n) To do all things necessary or convenient to carry out the  
15 powers expressly granted in Sections 1701 through 1734 of this  
16 title. The design standards for all paving shall comply with the  
17 design standards of the American Association of State Highway and  
18 Transportation Officials as modified by the Oklahoma Department of  
19 Transportation. All contracts for construction work on turnpike  
20 projects shall be let to the lowest responsible bidder, or bidders,  
21 after notice by publication in a newspaper published in the county  
22 where the work is to be done in two consecutive weekly issues of the  
23 newspaper. In all cases where more than eight (8) miles of

1 construction is let at the same time, such advertisement shall  
2 provide for bids on sections of the turnpike not to exceed eight (8)  
3 miles. Subject to the following restrictions and limitations, the  
4 Authority shall, when contracting for construction work, divide such  
5 work into paving projects, bridge projects, including underpasses  
6 and overpasses, and earthmoving or miscellaneous projects, according  
7 to the type of work to be done. Each project shall be let under a  
8 separate contract or contracts and no contract or project shall  
9 include more than one of such types of construction work. Each  
10 contract for construction work shall contain a provision that ninety  
11 percent (90%) of all labor employed on the project shall be  
12 residents of Oklahoma. However, contracts for bridges may include  
13 earthwork and structures for the approaches thereto.

14 (o) It shall be unlawful for any member, officer or employee of  
15 the Authority to transact with the Authority, either directly or  
16 indirectly, any business for profit of such member, officer, or  
17 employee; and any person, firm, or corporation knowingly  
18 participating therein shall be equally liable for violation of this  
19 provision.

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

1 Violation of this provision shall constitute a felony punishable  
2 by incarceration in the State Penitentiary for a term not to exceed  
3 five (5) years or a fine of not less than Five Hundred Dollars  
4 (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or  
5 both such imprisonment and fine.

6 (p) In the event of a national emergency, the Authority,  
7 subject to any vested rights or claims, may enter into contracts  
8 with the federal government or any authorized agency thereof to  
9 allow the federal government or agency thereof to use such turnpikes  
10 partly or exclusively during the existence of such emergency,  
11 provided, that the federal government agrees in such contract to  
12 pay, during the term of such contract, an amount sufficient, when  
13 added to any tolls collected, to meet all operating and maintenance  
14 expenses, interest payments, and the minimum sinking fund and  
15 reserve requirements of the trust agreement for the turnpike covered  
16 by the contract.

17 (q) All meetings of the Authority shall be open public  
18 meetings, and all records shall be public records, except when  
19 considering personnel or litigation.

20 SECTION 8. This act shall become effective November 1, 2006.

21 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 4-4-06 - DO  
22 PASS.