

3 **Senate Bill No. 1390**  
4 **As Amended**

5 SENATE BILL NO. 1390 - By: LEFTWICH of the Senate and CASE of the  
6 House.

7 [ roads, bridges and ferries - repair of county bridges -  
8 increasing amount allowed -  
9 emergency ]

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

11 SECTION 1. AMENDATORY 69 O.S. 2001, Section 660, is  
12 amended to read as follows:

13 Section 660. A. The Local Government Division of the  
14 Department of Transportation shall immediately establish a program  
15 to aid counties in replacing or reconstructing bridges and roads.  
16 The bridges and roads to be replaced or reconstructed shall be those  
17 that are structurally inadequate, functionally obsolete or have been  
18 destroyed or rendered unusable.

19 B. Funds made available for the purposes of the County Bridge  
20 and Road Improvement Act may be used to pay the cost of county  
21 bridge inspections, classifications, and evaluations, and county  
22 road inspections, classifications, and evaluations for federal and  
23 state purposes and to match federal or state funds, provided the  
24 applicable federal or state funds are available.

1 C. Except as otherwise specified in this act, the county  
2 collector system, including any future revisions thereto, shall  
3 constitute the system of roads wherein the bridges and roads are  
4 located that are eligible for project funding under this act.  
5 Official maps showing the county collector system in each county  
6 shall be maintained on file by the Department of Transportation and  
7 shall be furnished each county at no cost.

8 D. The Department of Transportation may approve the utilization  
9 of up to ninety percent (90%) of the estimated four-year  
10 apportionment to the county for county projects. However, no  
11 additional projects may be approved for the county until the county  
12 has accumulated a surplus of three (3) months of apportionments and  
13 repaid all funds advanced from the State Highway Construction and  
14 Maintenance Fund.

15 E. When a county bridge sustains damage, whether caused by a  
16 natural or artificial event, and consequently requires immediate  
17 repair, the board of county commissioners may by resolution direct  
18 the transfer, by the Department of Transportation, of any  
19 unencumbered monies in that county's account in the County Road and  
20 Bridge Improvement Fund, to that county's highway fund, for the sole  
21 purpose of repairing or reconstructing said bridge.

1 SECTION 2. AMENDATORY 69 O.S. 2001, Section 661, as  
2 amended by Section 2, Chapter 419, O.S.L. 2004 (69 O.S. Supp. 2005,  
3 Section 661), is amended to read as follows:

4 Section 661. A. While the legislative intent of the County  
5 Bridge and Road Improvement Act is to replace or reconstruct  
6 structurally obsolete bridges and roads on the county collector  
7 system, it is recognized that specific conditions may exist in a  
8 county justifying the need to reconstruct or replace a bridge or a  
9 road on a road section not included in the county collector system.  
10 In such specific instance, the Oklahoma Department of Transportation  
11 may approve a project not on the county collector system.  
12 Justification for such projects shall include use of the bridge or  
13 road for school bus routes, mail routes, heavy and extensive  
14 industrial or agricultural operations, or such other unique purposes  
15 as may be acceptable to the Department of Transportation. However,  
16 in all instances projects located on school bus routes shall have  
17 priority on funds provided for the implementation of this act.  
18 Right-of-way acquisition and utility relocation shall be the  
19 responsibility of the county in which the project is located.  
20 Monies received by counties pursuant to the County Bridge and Road  
21 Improvement Act may be used for right-of-way acquisition and utility  
22 relocation.

1           B. When a county receives monies pursuant to the County Bridge  
2 and Road Improvement Act, a county shall give priority to  
3 reconstructing, replacing, or closing those bridges in the county  
4 that are rated less than three (3) tons or fifteen (15) tons or less  
5 for those bridges on school bus routes. ~~Each county shall submit to~~  
6 ~~the Department of Transportation a plan to reconstruct, replace, or~~  
7 ~~close the types of bridges specified in this subsection within the~~  
8 ~~county before January 1 of each year.~~ Bridge and road replacement  
9 or reconstruction projects shall be selected by the individual  
10 boards of county commissioners with the concurrence of the  
11 Department of Transportation and shall be based on a countywide  
12 assessment of bridge and road reconstruction and replacement needs.  
13 Each request for project funds will be transmitted to the Department  
14 of Transportation in the form of an official programming resolution  
15 bearing the signatures of a majority of the county commissioners.  
16 Where more than one project is programmed in a single county, the  
17 board of county commissioners shall designate the priority in which  
18 it wishes the projects to be undertaken.

19           C. These funds shall be apportioned among the various counties  
20 by the Transportation Commission on an equitable basis consistent  
21 with the identifiable bridge and road needs on the collector system  
22 in each county.

1 D. On or before July 1 of each year, the Department of  
2 Transportation shall review the County Bridge and Road Program in  
3 each county. Said review shall examine the status of all programmed  
4 projects, funds carried over from previous fiscal year allocations,  
5 and funds anticipated to be available from future allocations. The  
6 purpose of the review is to estimate the rate of County Bridge and  
7 Road Fund utilization by the various counties and to assess the  
8 progress of the County Bridge and Road Program throughout the state.

9 SECTION 3. AMENDATORY 69 O.S. 2001, Section 662, is  
10 amended to read as follows:

11 Section 662. A. The program and funds shall be administered by  
12 the Oklahoma Department of Transportation under a minimum of  
13 policies, guidelines and engineering design standards. Approved  
14 projects will be awarded to contractors by the State Transportation  
15 Commission or by other federal or state agencies under their normal  
16 competitive bidding procedures, excluding prequalification of  
17 bidders. Force account road projects may be approved for a county  
18 by the Transportation Commission. No force account county bridge  
19 project shall be reimbursed in excess of ~~One Hundred Thousand~~  
20 ~~Dollars (\$100,000.00)~~ Two Hundred Thousand Dollars (\$200,000.00).  
21 No county road project in excess of Two Hundred Thousand Dollars  
22 (\$200,000.00), excluding the cost for engineering, right-of-way

1 acquisition, and utility relocation, in cost shall be done by the  
2 force account method.

3 B. Funds available for the County Bridge and Road Improvement  
4 Act shall not be subject to fiscal year limitations and shall be  
5 available for encumbrance and expenditure purposes for a period of  
6 thirty (30) months from the effective date such funds are  
7 appropriated.

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

15 D. When the force account bridge has been inspected and  
16 achieves a load rating of H. twenty (20) tons or greater, the board  
17 of county commissioners may submit a request for reimbursement to  
18 the Department of Transportation. The county shall receive  
19 reimbursement for all costs claimed relating to the construction of  
20 the bridge provided the inspection report indicates that the county  
21 has met or exceeded the criteria set forth in this section. The  
22 resolution for reimbursement submitted by the board of county  
23 commissioners shall serve to satisfy the requirements of Section

1 41.16 of Title 62 of the Oklahoma Statutes. County force account  
2 bridges eligible for reimbursement from the County Bridge and Road  
3 Improvement Fund shall meet or exceed the following criteria:

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

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

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

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

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

1 E. Monies from the County Bridge and Road Improvement Fund may  
2 be used to establish minimum standards for guardrail applications on  
3 low-traffic-volume county roads. The board of directors of the  
4 association representing the county commissioners of Oklahoma may  
5 request the development of guardrail standards for bridges on low-  
6 traffic-volume county roads, as defined in the county road standard  
7 manual, the cost of which shall be paid from monies from the County  
8 Bridge and Road Improvement Fund.

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

13 SECTION 4. AMENDATORY 69 O.S. 2001, Section 902, is  
14 amended to read as follows:

15 Section 902. A. At the intersection of a county road and a  
16 state highway, the county shall maintain the county road to the  
17 point where it intersects with the travel lanes of the highway or  
18 the improved shoulder. The Department of Transportation shall  
19 maintain the existing signage at the intersections to include  
20 replacement or relocation of stop signs and vegetation control  
21 within three (3) feet of the stop sign whether or not the sign is  
22 within the county right-of-way. The Department shall also maintain  
23 drainage structures that are within the state's right-of-way, that

1 lie under county roads at the intersections of county roads and  
2 state highways. The Department may place and maintain new or  
3 additional signs at any such intersection at the discretion of the  
4 Department. The county shall maintain any advance warning sign and  
5 sight line vegetation control to the intersection. The county may  
6 obtain from the Department, at no cost to the county, replacement  
7 advance warning signs.

8 B. The Department of Transportation shall maintain the  
9 structure of bridges and overpasses where a county road crosses over  
10 or under a state highway. The repair and maintenance of the county  
11 road shall be the responsibility of the county.

12 SECTION 5. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-15-06 - DO  
17 PASS, As Amended and Coauthored.