

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2491

By: Jett

AS INTRODUCED

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 1208, which relates to rights-of-way; permitting the rental of certain rights-of-way; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 2001, Section 1208, is amended to read as follows:

Section 1208. (a) The rights-of-way acquired by the Department shall be held inviolate for state highway and departmental purposes, and no physical or functional encroachments or uses shall be permitted within such rights-of-way without permission of the Department.

(b) It shall be unlawful for any person to construct, maintain or operate any gasoline pump, driveway canopy, building, sign, fence, post, or any thing or structure on or overhanging any right-of-way, or upon or overhanging any street occupied by a designated state or federal highway, and the construction or maintaining of any such thing or structure on or overhanging any federal or state highway shall constitute a public nuisance, which may be summarily abated by the Commission or its officers, agents, servants and employees in the manner provided in this article.

(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.

(d) The Department may rent, at a fair market rate, the use of rights-of-way to wireless telecommunication companies for the purpose of establishing telecommunication towers and equipment. Proceeds from the rentals of rights-of-way under this section shall be allocated to the Department.

SECTION 2. This act shall become effective November 1, 2006.

50-2-8120          JR          01/13/06