

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1390

By: Leftwich

AS INTRODUCED

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 660, which relates to bridge and road replacement or reconstruction; authorizing transfer of certain unencumbered monies to certain fund for repairing or reconstructing certain damaged bridges; amending 69 O.S. 2001, Section 661, as amended by Section 2, Chapter 419, O.S.L. 2004 (69 O.S. Supp. 2005, Section 661), which relates to county roads and bridges; removing requirement for counties to submit certain annual bridge plans; amending 69 O.S. 2001, Section 662; which relates to county road and bridge projects; modifying amount of certain force account project reimbursement; and amending 69 O.S. 2001, Section 902, which relates to county road and state highway maintenance; requiring Department of Transportation to maintain certain drainage structures; and declaring an emergency.

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

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

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

B. Funds made available for the purposes of the County Bridge and Road Improvement Act may be used to pay the cost of county bridge inspections, classifications, and evaluations, and county road inspections, classifications, and evaluations for federal and

state purposes and to match federal or state funds, provided the applicable federal or state funds are available.

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

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

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

SECTION 2. AMENDATORY 69 O.S. 2001, Section 661, as amended by Section 2, Chapter 419, O.S.L. 2004 (69 O.S. Supp. 2005, 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 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 3. AMENDATORY 69 O.S. 2001, Section 662, is amended to read as follows:

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

B. Funds available for the County Bridge and Road Improvement Act shall not be subject to fiscal year limitations and shall be available for encumbrance and expenditure purposes for a period of

thirty (30) months from the effective date such funds are appropriated.

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

D. When the force account bridge has been inspected and achieves a load rating of H. twenty (20) tons or greater, 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 the construction of the bridge provided the inspection report indicates that the county has met or exceeded the criteria set forth in this section. 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. County force account bridges eligible for reimbursement from the County Bridge and Road Improvement Fund shall meet or exceed the following criteria:

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. 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.

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