

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1754

6 By: Worthen

7 COMMITTEE SUBSTITUTE

8 An Act relating to roads, bridges and ferries;
9 amending 69 O.S. 2001, Section 1403, as amended by
10 Section 3, Chapter 137, O.S.L. 2004 (69 O.S. Supp.
11 2006, Section 1403), which relates to public
12 utilities on state highways; adding certain
13 notification requirement; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 69 O.S. 2001, Section 1403, as
17 amended by Section 3, Chapter 137, O.S.L. 2004 (69 O.S. Supp. 2006,
18 Section 1403), is amended to read as follows:

19 Section 1403. A. The location and removal of all telephone,
20 telegraph, electric light and power transmission lines, poles, wires
21 and conduits, water, sewers and all pipelines erected, constructed
22 or in place upon, across or under any state highway shall be under
23 the control and supervision of the Department of Transportation; and
24 the location and removal of any facility placed under rights granted
hereunder on county highways shall be under the jurisdiction of the

1 particular board of county commissioners involved insofar as same
2 affects the public travel or interferes with the construction and
3 maintenance of such highway.

4 B. Prior to conducting the design survey for a proposed
5 improvement, construction, or reconstruction of a highway, the
6 authority having jurisdiction over the highway shall notify any
7 person, firm, or corporation overseeing the operating or maintaining
8 of any facility within the proposed project boundaries. Upon
9 receipt of notice or from a date specified in the notice, the
10 person, firm, or corporation shall have ten (10) days to locate and
11 mark the facilities.

12 C. Whenever the authority having jurisdiction over a particular
13 highway plans an improvement or construction or reconstruction of
14 the highway, and before the work is started, it shall serve a
15 written notice upon the person, firm or corporation owning or
16 maintaining any such facility, which notice shall contain a plan or
17 chart indicating the places on the right-of-way where the facilities
18 may be maintained. The notice shall state the time when the work of
19 improving the highway is proposed to commence, and a reasonable time
20 shall be allowed to the owner of the facility to remove and relocate
21 its property. The effect of any change ordered by the public
22 authority shall not be to exclude the facilities from the
23 right-of-way of highways.

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1 ~~C.~~ D. The removal and relocation of all the facilities located
2 within the public right-of-way prior to the planned improvement,
3 construction or reconstruction shall be made at the cost and expense
4 of the owners, unless otherwise provided by law or order of the
5 Department of Transportation, and in the event of the failure of
6 such owners to remove the same at the time set out in the notice,
7 they may be removed by the public authority and the cost of the
8 removal collected from the owners, and the authority shall not be
9 liable in any way to any person for the locating or relocating of
10 the facilities at the places prescribed. Any corporation or
11 association, or the officers or agents of such corporation or
12 association, or any other person who shall erect or maintain any
13 such lines, poles, wires, conduits, pipelines, equipment or other
14 facilities within the right-of-way of such highways in a manner not
15 in complete accordance with the orders of the respective public
16 authority shall be deemed guilty of a misdemeanor.

17 ~~D.~~ E. The Department of Transportation may promulgate such
18 rules as it may deem necessary for the planting of trees and
19 shrubbery and parking along such state highways.

20 ~~E.~~ F. Rural water districts, nonprofit water corporations, and
21 municipal public water systems in municipalities with a population
22 of ten thousand (10,000) or less, according to the latest Federal
23 Decennial Census, or their beneficial trusts shall be exempt from
24 the payment of the costs and expenses for the removal and relocation

1 of water and sewer pipelines and all such facilities constructed or
2 in place in the public right-of-way when the removal and relocation
3 of such facilities is necessary for the improvement, construction or
4 reconstruction of any road or highway which is part of the state
5 highway system or turnpike project as defined in subsection A of
6 Section 501 and Section 1705 of this title. Any costs and expenses,
7 including any unpaid on July 1, 1990, shall be paid by the public
8 authority having jurisdiction over the particular road or highway.

9 SECTION 2. This act shall become effective November 1, 2007.

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