

THE HOUSE OF REPRESENTATIVES  
Thursday, April 3, 2008

ENGROSSED  
Senate Bill No. 1506

ENGROSSED SENATE BILL NO. 1506 - By: BURRAGE AND SWEEDEN of the Senate and JONES AND SHERRER of the House.

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 1201, which relates to public highways; prohibiting opening of public highways on certain section lines; providing certain circumstances; providing for property owners ingress and egress; and declaring an emergency.

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

1       SECTION 1.   AMENDATORY   69 O.S. 2001, Section 1201, is amended to read

2 as follows:

3       Section 1201. A. All section lines in the state which are opened and maintained by

4 the board of county commissioners or the Department of ~~Public Highways~~ Transportation

5 for public use are hereby declared public highways. All section lines that are not so

6 opened and maintained for public use may, by resolution of board, on the petition of the

7 owner or all the owners of the abutting land, after public notice and at the expense of

8 petitioner, be designated "reserved section lines" and are in the full and complete control

9 of the owner or owners of the abutting land until such time as the board of county

10 commissioners, by resolution, stating imminent intended use for public highway

11 purposes, and by ninety-day written notice to the owner or owners of the abutting land,

1 revoke said "reserved section lines" status. Provided, however, that no section line may  
2 be placed in reserve status unless the full width of such section line is so treated and no  
3 fee owner shall be denied the right of ingress and egress to his land by virtue of this act.  
4 Whenever a section line is a boundary line between two counties, action by boards of  
5 county commissioners of both counties will be necessary to place a section line in "reserve  
6 status."

7 B. Neither a board of county commissioners nor the Department of Transportation  
8 shall open a public highway, take any action to open a public highway, or incur any of the  
9 costs necessary to open, construct or maintain a public highway pursuant to subsection A  
10 of this section or pursuant to Section 601 et seq. of this title, upon a segment of section  
11 line located within a county which is not then already open and in use as a public  
12 highway or which is not then in reserve status as provided for in subsection A of this  
13 section, and where all of the following three circumstances exist, the Legislature hereby  
14 finding that through access by the public would not be possible on the segment of section  
15 line even if a public highway were constructed thereon:

16 1. The land crossed by the segment of section line is located within the original  
17 boundaries of a facility previously owned and operated by the United States of America  
18 or a department or agency thereof which was subsequently conveyed by the United  
19 States of America or said department or agency thereof to a public trust having the State  
20 of Oklahoma or one or more units of county or city government as its beneficiary;

1           2. Any one or more of the owners of any portion of the land on both sides of the  
2 entire section line has failed to request or consent to the opening of a public highway on  
3 said segment of section line or any portion thereof; and

4           3. The segment of section line is blocked at one or both ends thereof by an  
5 impassable barrier, such as one or more operating airport runways or taxiways, or  
6 security fencing, gates or barricades erected in connection therewith, or by an operating  
7 rail line which does not have a section line highway crossing.

8           C. Nothing in this section shall deny a fee owner their right of ingress or egress to  
9 their land.

10           SECTION 2. It being immediately necessary for the preservation of the public  
11 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
12 this act shall take effect and be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND  
14 TRANSPORTATION, dated 04-02-08 - DO PASS.