

SB 1506

Senate Bill No. 1506  
As Amended

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

[ roads, bridges and ferries - public highways - emergency ]

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

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

Section 1201. A. All section lines in the state which are opened and maintained by the board of county commissioners or the Department of ~~Public Highways~~ Transportation for public use are hereby declared public highways. All section lines that are not so opened and maintained for public use may, by resolution of board, on the petition of the owner or all the owners of the abutting land, after public notice and at the expense of petitioner, be designated "reserved section lines" and are in the full and complete control of the owner or owners of the abutting land until such time as the board of county commissioners, by resolution, stating imminent intended use for public highway purposes, and by ninety-day written notice to the owner or owners of the abutting land, revoke said "reserved section lines" status. Provided, however, that no section

1 line may be placed in reserve status unless the full width of such  
2 section line is so treated and no fee owner shall be denied the  
3 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,  
5 action by boards of county commissioners of both counties will be  
6 necessary to place a section line in "reserve status."

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

19 1. The land crossed by the segment of section line is located  
20 within the original boundaries of a facility previously owned and  
21 operated by the United States of America or a department or agency  
22 thereof which was subsequently conveyed by the United States of  
23 America or said department or agency thereof to a public trust

1 having the State of Oklahoma or one or more units of county or city  
2 government as its beneficiary;

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 2-19-08 - DO  
19 PASS, As Amended and Coauthored.