

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1506

By: Burrage

4
5
6 AS INTRODUCED

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

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

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

16 Section 1201. A. All section lines in the state which are
17 opened and maintained by the board of county commissioners or the
18 Department of ~~Public Highways~~ Transportation for public use are
19 hereby declared public highways. All section lines that are not so
20 opened and maintained for public use may, by resolution of board, on
21 the petition of the owner or all the owners of the abutting land,
22 after public notice and at the expense of petitioner, be designated
23 "reserved section lines" and are in the full and complete control of
24 the owner or owners of the abutting land until such time as the
board of county commissioners, by resolution, stating imminent

1 intended use for public highway purposes, and by ninety-day written
2 notice to the owner or owners of the abutting land, revoke said
3 "reserved section lines" status. Provided, however, that no section
4 line may be placed in reserve status unless the full width of such
5 section line is so treated and no fee owner shall be denied the
6 right of ingress and egress to his land by virtue of this act.
7 Whenever a section line is a boundary line between two counties,
8 action by boards of county commissioners of both counties will be
9 necessary to place a section line in "reserve status."

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

22 1. The land crossed by the segment of section line is located
23 within the original boundaries of a facility previously owned and
24 operated by the United States of America or a department or agency

1 thereof which was subsequently conveyed by the United States of
2 America or said department or agency thereof to a public trust
3 having the State of Oklahoma or one or more units of county or city
4 government as its beneficiary;

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

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

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

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

20
21 51-2-2266 MJM 1/22/2008 9:09:20 PM

22
23
24