

THE HOUSE OF REPRESENTATIVES
Tuesday, April 13, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2173

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2173 - By:
BRANAN of the Senate and SHANNON of the House.

An Act relating to roads, bridges and ferries; amending 68 O.S. 2001, Sections 500.6, as last amended by Section 3, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006, 500.7, as amended by Section 4, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 and 707.1 (68 O.S. Supp. 2009, Sections 500.6 and 500.7), which relate to gasoline, diesel and special fuel taxes; deleting references to certain county road and bridge improvement fund; providing for certain monies to be distributed to the various counties for certain purpose; providing formula; providing for certain monies to be distributed to the Statewide Circuit Engineering District Revolving Fund; directing distribution of certain monies; amending 68 O.S. 2001, Section 1004, as last amended by Section 1, Chapter 305, O.S.L. 2009 (68 O.S. Supp. 2009, Section 1004), which relates to apportionment of certain taxes; modifying distribution of certain funds to counties; stating formula; providing for certain monies to be distributed to the Statewide Circuit Engineering District Revolving Fund; requiring boards of county commissioners give notice of certain contracts; requiring Department of Transportation to publish information; amending 69 O.S. 2001, Section 659, which relates to county bridge standards; removing certain authorization for engineering for county bridge projects by the Department of Transportation; amending 69 O.S. 2001, Section 660, as last amended by Section 1, Chapter 281, O.S.L. 2009 (69 O.S. Supp. 2009, Section 660), which relates to bridge and road projects; deleting language relating to Department of Transportation authority over certain county aid program; amending 69 O.S. 2001, Section 661, as last amended by Section 2, Chapter 157, O.S.L. 2006 (69 O.S. Supp. 2009, Section 661), which relates to replacement priorities; modifying regulation of certain priority system for county roads and bridges; amending 69 O.S. 2001, Section 662, as last amended by Section 3, Chapter 231, O.S.L. 2009 (69 O.S. Supp. 2009, Section 662), which relates to administration of

certain program; modifying requirements for certain approval for projects; providing for certain costs to be reimbursed; modifying certain weight limit standards; amending 69 O.S. 2001, Section 665, which relates certification; modifying certification authorities; amending 69 O.S. 2001, Section 689, which relates to local road designs; modifying administration for certain functions; repealing 69 O.S. 2001, Section 658, which relates to the Department of Transportation county road branch; repealing 69 O.S. 2001, Section 664, as amended by Section 9, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 (69 O.S. Supp. 2009, Section 664), which relates to the County Bridge and Road Improvement Fund; providing for codification; providing an effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 68 O.S. 2001, Section 500.6, as last amended by
2 Section 3, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 (68 O.S. Supp. 2009,
3 Section 500.6), is amended to read as follows:

4 Section 500.6 A. The tax of sixteen cents (\$0.16) per gallon of gasoline that is
5 levied by paragraph 1 of subsection A of Section 500.4 of this title, and the tax of two and
6 eight one-hundredths cents (\$0.0208) per gallon of gasoline that is levied by subsection C
7 of Section 500.4 of this title, and penalties and interest thereon, collected by the
8 Oklahoma Tax Commission under the levy shall be apportioned and distributed monthly
9 as follows:

10 1. The first Two Hundred Fifty Thousand Dollars (\$250,000.00) of the levy collected
11 each month shall be deposited in the State Treasury to the credit of the State
12 Transportation Fund;

1 2. One and six hundred twenty-five one-thousandths percent (1.625%) of the levy
2 shall be remitted to the State Treasurer to the credit of the High Priority State Bridge
3 Revolving Fund as created in Section ~~6 506 of this act~~ Title 69 of the Oklahoma Statutes;

4 3. Sixty-three and seventy-five one-hundredths percent (63.75%) of the levy shall be
5 deposited in the State Treasury to the credit of the State Transportation Fund to be
6 apportioned as follows:

7 a. the first Eight Hundred Fifty Thousand Dollars (\$850,000.00) collected
8 each fiscal year shall be transferred to the Public Transit Revolving
9 Fund, created in Section 4031 of Title 69 of the Oklahoma Statutes,
10 and

11 b. the second Eight Hundred Fifty Thousand Dollars (\$850,000.00)
12 collected each fiscal year shall be transferred to the Oklahoma Tourism
13 and Passenger Rail Revolving Fund and shall be used by the
14 Department of Transportation:

- 15 (1) to contract railroad passenger services, including but not limited
16 to a route linking stations in Oklahoma and Tulsa Counties with
17 other primary points in the national railroad passenger system
18 and passenger rail service within the state, and a route
19 beginning at a station in Oklahoma County and extending north
20 to the Kansas state line in Kay County, and
21 (2) to provide necessary facility, signaling, and track improvements
22 for those contracted services,

- 1 c. forty-one and two-tenths percent (41.2%) of the monies apportioned to
2 the State Transportation Fund shall be used for any purpose provided
3 for in Section 1502 of Title 69 of the Oklahoma Statutes,
4 d. nine and eight-tenths percent (9.8%) of the monies apportioned to the
5 State Transportation Fund shall be used to provide funds for the
6 construction and maintenance of farm-to-market roads on the state
7 highway system, and other rural farm-to-market roads and bridges,
8 and
9 e. any remaining amount of the apportionment shall be deposited into
10 the State Transportation Fund;

11 4. Twenty-seven percent (27%) of the levy shall be transmitted by the Tax
12 Commission to the various counties of the state, to be apportioned and used as follows:

- 13 a. sixty-five and three-tenths percent (65.3%) of the monies apportioned
14 under this paragraph shall be used on the following basis:
15 (1) forty percent (40%) of such sum shall be distributed to the
16 various counties in the proportion which the county road
17 mileage of each county bears to the entire state road mileage as
18 certified by the Transportation Commission, and
19 (2) the remaining sixty percent (60%) of such sum shall be
20 distributed to the various counties on the basis which the
21 population and area of each county bears to the total population
22 and area of the state. The population shall be as shown by the

1 last Federal Decennial Census or the most recent annual
2 estimate provided by the U.S. Bureau of the Census,

3 b. twenty-three and one-tenth percent (23.1%) of the monies apportioned
4 under this paragraph shall be distributed to the counties in the
5 following manner:

6 One-third (1/3) on area; one-third (1/3) on rural population, defined as
7 including the population of all municipalities with a population of less
8 than five thousand (5,000) according to the latest Federal Decennial
9 Census; and one-third (1/3) on county road mileage, as last certified by
10 the Department of Transportation, as each county bears to the entire
11 area, rural population and road mileage of the state, and

12 c. eleven and six-tenths percent (11.6%) of the monies apportioned under
13 this paragraph shall be distributed to the various counties of the state
14 based on a formula developed by the Department of Transportation
15 and approved by the Department of Transportation County Advisory
16 Board created pursuant to Section 302.1 of Title 69 of the Oklahoma
17 Statutes. The formula shall be similar to the formula currently used
18 for the distribution of monies in the County Bridge Program funds, but
19 shall also take into consideration the effect of the terrain and traffic
20 volume as related to county road improvement and maintenance costs.
21 ~~Any county may, by resolution of the board of county commissioners,~~
22 ~~direct the Tax Commission to deposit the funds apportioned pursuant~~

1 to this subparagraph directly into the County Bridge and Road
2 Improvement Fund to be used for the purposes set forth in the County
3 Bridge and Road Improvement Act;

4 5. Three and one hundred twenty-five one-thousandths percent (3.125%) of the levy
5 shall be distributed to the various counties of the state based on a formula developed by
6 the Department of Transportation and approved by the Department of Transportation
7 County Advisory Board created pursuant to Section 302.1 of Title 69 of the Oklahoma
8 Statutes. The formula shall be similar to the formula currently used for the distribution
9 of monies in the County Bridge Program funds, but shall also take into consideration the
10 effect of the terrain and traffic volume as related to county road improvement and
11 maintenance costs. ~~Any county may, by resolution approved by a majority of the board of~~
12 ~~county commissioners and filed with the Tax Commission, direct the Tax Commission to~~
13 ~~deposit the funds apportioned pursuant to this paragraph directly into the County Bridge~~
14 ~~and Road Improvement Fund to be used for the purposes set forth in the County Bridge~~
15 ~~and Road Improvement Act;~~

16 6. ~~Two and six hundred twenty-five one-thousandths percent (2.625%)~~ Two and two
17 hundred ninety-seven one-thousandths percent (2.297%) of the levy shall be ~~deposited in~~
18 distributed to the various counties of the state for deposit into the County Bridge and
19 Road Improvement Fund of ~~the State Treasury~~ each county based on a formula
20 developed by the Department of Transportation and approved by the Department of
21 Transportation County Advisory Board created pursuant to Section 302.1 of Title 69 of
22 the Oklahoma Statutes to be used for the purposes set forth in the County Bridge and

1 Road Improvement Act. The formula shall be similar to the formula currently used for
2 the distribution of monies in the County Bridge Program funds, but shall also take into
3 consideration the effect of the terrain and traffic volume as related to county road
4 improvement and maintenance costs; and

5 7. One and eight hundred seventy-five one-thousandths percent (1.875%) of the
6 levy shall be transmitted by the Tax Commission to the treasurers of the various
7 incorporated cities and towns of the state in the percentage which the population, as
8 shown by the last Federal Decennial Census or the most recent annual estimate provided
9 by the U.S. Bureau of the Census, bears to the total population of all the incorporated
10 cities and towns in this state. The funds shall be expended for the construction, repair
11 and maintenance of the streets and alleys of the incorporated cities and towns of this
12 state; and

13 8. Three hundred twenty-eight one-thousandths percent (0.328%) of the levy shall
14 be transmitted by the Tax Commission to the Statewide Circuit Engineering District
15 Revolving Fund as created in Section 687.2 of Title 69 of the Oklahoma Statutes.

16 B. 1. The funds apportioned or transmitted pursuant to subparagraphs a, b, and c
17 of paragraph 4 of subsection A of this section, subsection B of Section 500.7 of this title,
18 subsection B of Section 704 of this title, Section 706 of this title, and paragraph 2 of
19 subsection D of Section 707.3 of this title shall be sent to the respective county treasurers
20 and deposited in the county highway fund to be used by the county commissioners for the
21 purpose of constructing and maintaining county highways and bridges.

1 2. The funds received by any county shall not be diverted to any other county of the
2 state, and shall only be expended under the direction and control of the board of county
3 commissioners in the county to which the funds are appropriated. If any part of the
4 funds is diverted for any other purpose, the county commissioners shall be liable on their
5 bond for double the amount of the money so diverted. This paragraph shall not prohibit
6 counties from entering into cooperative agreements pertaining to the maintenance and
7 construction of roads and bridges.

8 3. Where any county highway has been laid out over a road already constructed in
9 any county by the use of money raised from county bond issues for that purpose, either
10 alone or by the use of federal or state aid, or both, the county commissioners may set
11 aside out of the funds apportioned to that county, as provided in this section, an amount
12 of money equal to the value of any part thereof, of the interest of such county in such
13 highway or bridge, which amount of money shall be considered by the excise board in
14 reducing the levy for the purpose of retiring the bonded indebtedness and interest
15 thereon of the county, and shall be used for investment or deposit in the same manner as
16 provided by law for the disposition of other sinking fund money.

17 4. In all counties where the county excise board may find it necessary, because of
18 insufficient revenue, to maintain county government out of the general fund, after a levy
19 of ten (10) mills has been made for any fiscal year, the county excise board may
20 appropriate out of any such funds apportioned to the county an amount sufficient to pay
21 the salaries of the county commissioners of the county for the fiscal year.

1 5. Counties may use funds deposited in the county highway fund for the purpose of
2 matching federal or state funds, provided such funds are available, as necessary to
3 secure assistance in the construction or improvement of the county road system.

4 C. With regards to the apportionment of the levy as set forth in paragraph 5 of
5 subsection A of this section, paragraph 5 of subsection A of Section 500.7 of this title, and
6 subsection C of Section 707.2 of this title:

7 1. If any county has an accrued balance of funds which were appropriated to or
8 otherwise accrued in a restricted road maintenance fund, such funds shall be deposited
9 directly to the county highway fund of the county;

10 2. If any county has an accrued balance of funds which were appropriated to or
11 otherwise accrued in the County Road Improvement Fund, or the County Bridge
12 Improvement Fund, such funds shall, by resolution approved by a majority of the board
13 of county commissioners and filed with the Department of Transportation, be deposited
14 in the county highway fund of the county ~~or shall be deposited to the County Bridge and~~
15 ~~Road Improvement Fund to be used for the purposes set forth in the County Bridge and~~
16 ~~Road Improvement Act; and~~

17 3. If any county has an accrued balance of funds which were appropriated to or
18 otherwise accrued in the County Bridge and Road Improvement Fund, ninety-nine
19 percent (99%) of such funds shall be remitted to the respective county treasurer for
20 deposit in the appropriate County Bridge and Road Improvement Fund to be used for the
21 purpose set forth in the County Bridge and Road Improvement Act. The remaining one

1 percent (1%) of such funds will be remitted to the Statewide Circuit Engineering District
2 Revolving Fund; and

3 4. If any county has an advanced funding agreement with the Department of
4 Transportation, the Department of Transportation shall notify the Tax Commission as to
5 the amount the county is obligated to pay according to the terms of the advanced funding
6 agreement. The obligated amount shall be transferred each month by the Tax
7 Commission to the Department of Transportation to the credit of the County Bridge and
8 Road Improvement Fund from the funds apportioned to the county pursuant to
9 paragraph 5 of subsection A of this section. A county may elect to increase the monthly
10 amount to be repaid pursuant to the advanced funding agreement from the funds
11 apportioned to the county, but a county shall not be permitted to reduce the amount
12 agreed to pursuant to the advanced funding agreement.

13 D. The tax levied on gasoline pursuant to Section 500.4A of this title, and the
14 penalties and interest thereon, collected by the Tax Commission under the levy shall be
15 apportioned and distributed on a monthly basis to the State Highway Construction and
16 Maintenance Fund for the purposes authorized by Section 1502 of Title 69 of the
17 Oklahoma Statutes.

18 SECTION 2. AMENDATORY 68 O.S. 2001, Section 500.7, as amended by
19 Section 4, Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 (68 O.S. Supp. 2009,
20 Section 500.7), is amended to read as follows:

21 Section 500.7 A. The tax of thirteen cents (\$0.13) per gallon of diesel fuel that is
22 levied by Section 500.4 of this title, and all penalties and interest thereon, collected by

1 the Oklahoma Tax Commission under the levy shall be apportioned and distributed
2 monthly as follows:

3 1. The first Eighty-three Thousand Three Hundred Thirty-three Dollars and thirty-
4 three cents (\$83,333.33) of the levy collected each month shall be deposited in the State
5 Treasury to the credit of the State Transportation Fund;

6 2. One and thirty-nine one-hundredths percent (1.39%) of the levy shall be paid by
7 the Commission to the State Treasurer to the credit of the High Priority State Bridge
8 Revolving Fund as created in Section ~~6 of this act~~ 506 of Title 69 of the Oklahoma
9 Statutes;

10 3. Sixty-four and thirty-four one-hundredths percent (64.34%) of the levy shall be
11 deposited in the State Treasury to the credit of the State Transportation Fund;

12 4. Twenty-six and fifty-eight one-hundredths percent (26.58%) of the levy shall be
13 transmitted by the Commission to various counties of the state, to be apportioned as
14 follows:

15 a. forty-two and one-tenth percent (42.1%) of the monies apportioned
16 under this paragraph shall be transmitted to the various counties in
17 the percentage which the population and area of each county bears to
18 the population and area of the entire state. The population shall be as
19 shown by the last Federal Decennial Census or the most recent annual
20 estimate provided by the U.S. Bureau of the Census,

21 b. fourteen and five-tenths percent (14.5%) of the monies apportioned
22 under this paragraph shall be distributed as follows:

1 Forty percent (40%) of such sum shall be distributed to the various
2 counties in that proportion which the county road mileage of each
3 county bears to the entire state road mileage as certified by the
4 Transportation Commission, and the remaining sixty percent (60%) of
5 such sum shall be distributed to the various counties on the basis
6 which the population and area of each county bears to the total
7 population and area of the state. The population shall be as shown by
8 the last Federal Decennial Census or the most recent annual estimate
9 provided by the U.S. Bureau of the Census,
10 c. twenty-eight and nine-tenths percent (28.9%) of the monies
11 apportioned under this paragraph shall be distributed to the several
12 counties in the following manner: one-third (1/3) on area, one-third
13 (1/3) on rural population (defined as including the population of all
14 municipalities with a population of less than five thousand (5,000)
15 according to the latest Federal Decennial Census), and one-third (1/3)
16 on county road mileage, as last certified by the ~~Oklahoma~~ Department
17 of Transportation, as each county bears to the entire area, rural
18 population and road mileage of the state, and
19 d. fourteen and five-tenths percent (14.5%) of the monies apportioned
20 under this paragraph shall be distributed to the various counties of the
21 state based on a formula developed by the ~~Oklahoma~~ Department of
22 Transportation and approved by the Department of Transportation

1 County Advisory Board created pursuant to Section 302.1 of Title 69 of
2 the Oklahoma Statutes. The formula shall be similar to the formula
3 currently used for the distribution of the County Bridge Program
4 funds, but shall also take into consideration the effect of the terrain
5 and traffic volume as related to the county road improvement and
6 maintenance costs. ~~Any county may, by resolution approved by a~~
7 ~~majority of the board of county commissioners and filed with the~~
8 ~~Oklahoma Tax Commission, direct the Oklahoma Tax Commission to~~
9 ~~deposit the funds so apportioned by this subparagraph directly into the~~
10 ~~County Bridge and Road Improvement Fund to be used for the~~
11 ~~purposes set forth in the County Bridge and Road Improvement Act;~~

12 5. Three and eighty-five one-hundredths percent (3.85%) of the levy shall be
13 distributed based on a formula developed by the ~~Oklahoma~~ Department of
14 Transportation and approved by the Department of Transportation County Advisory
15 Board created pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes. The
16 formula shall be similar to the formula currently used for the distribution of the County
17 Bridge Program funds, but shall also take into consideration the effect of the terrain and
18 traffic volume as related to the county road improvement and maintenance costs. ~~Any~~
19 ~~county may, by resolution approved by a majority of the board of county commissioners~~
20 ~~and filed with the Oklahoma Tax Commission, direct the Oklahoma Tax Commission to~~
21 ~~deposit the funds so apportioned by this paragraph directly into the County Bridge and~~
22 ~~Road Improvement Fund to be used for the purposes set forth in the County Bridge and~~

1 ~~Road Improvement Act.~~ The apportionment of the levy as set forth in this paragraph
2 shall be subject to the provisions of subsection C of Section 500.6 of this title; and

3 6. ~~Three and eighty-four one-hundredths percent (3.84%)~~ Three and thirty-six one-
4 hundredths percent (3.36%) of the levy shall be ~~deposited in~~ distributed to the various
5 counties of the state for deposit into the County Bridge and Road Improvement Fund of
6 ~~the State Treasury~~ each county based on a formula developed by the Department of
7 Transportation and approved by the Department of Transportation County Advisory
8 Board created pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes to be used
9 for the purposes set forth in the County Bridge and Road Improvement Act. The formula
10 shall be similar to the formula currently used for the distribution of monies in the
11 County Bridge Program funds, but shall also take into consideration the effect of the
12 terrain and traffic volume as related to county road improvement and maintenance costs;
13 and

14 7. Forty-eight one-hundredths percent (0.48%) of the levy shall be transmitted by
15 the Tax Commission to the Statewide Circuit Engineering District Revolving Fund as
16 created in Section 687.2 of Title 69 of the Oklahoma Statutes.

17 B. The funds apportioned or transmitted pursuant to the provisions of
18 subparagraphs a, b, and c of paragraph 4 of subsection A of this section shall be used in
19 accordance with and subject to the provisions of subsection B of Section 500.6 of this title.

20 C. The tax levied on diesel fuel pursuant to Section 500.4A of this title, and all
21 penalties and interest thereon, collected by the Commission under the levy shall be
22 apportioned and distributed on a monthly basis to the State Highway Construction and

1 Maintenance Fund for the purposes authorized by Section 1502 of Title 69 of the
2 Oklahoma Statutes.

3 SECTION 3. AMENDATORY 68 O.S. 2001, Section 707.1, is amended to read
4 as follows:

5 Section 707.1 A. In addition to the excise taxes levied by Sections 703 and 705 of
6 this title, there is hereby levied an excise tax of two and one-half cents (\$0.025) upon the
7 use within this state of each and every gallon of special fuel, which shall be reported and
8 collected in the same manner as provided by law for the reporting and collecting of all
9 other tax levies upon the use of special fuel within this state.

10 B. The tax levied by this section shall not apply to special fuel which is exempt
11 from tax under the provisions of Section 708 of this title.

12 C. The excise tax of two and one-half cents (\$0.025) per gallon of special fuel levied
13 in this section, together with any interest and penalties thereon, collected by the Tax
14 Commission shall be apportioned monthly as follows:

15 Two cents (\$0.02) of the two and one-half cents (\$0.025), together with any interest
16 and penalties thereon, shall be apportioned according to the provisions of paragraph 1 of
17 Section 704 of this title.

18 ~~One-half of one cent (\$0.005) of the two and one-half cents (\$0.025), together with~~
19 ~~any interest and penalties thereon, shall be deposited in the County Bridge and Road~~
20 ~~Improvement Fund of the State Treasury to be used for the purposes set forth in the~~
21 ~~County Bridge and Road Improvement Act.~~

1 Eighty-seven and five-tenths of one percent (87.5 of 1%) of the one-half of one cent
2 (\$0.005) of the two and one-half cents (\$0.025), together with any interest and penalties
3 thereon, shall be distributed to the various counties of the state for deposit into the
4 County Bridge and Road Improvement Fund of each county based on a formula
5 developed by the Department of Transportation and approved by the Department of
6 Transportation County Advisory Board created pursuant to Section 302.1 of Title 69 of
7 the Oklahoma Statutes to be used for the purposes set forth in the County Bridge and
8 Road Improvement Act. The formula shall be similar to the formula currently used for
9 the distribution of monies in the County Bridge Program funds, but shall also take into
10 consideration the effect of the terrain and traffic volume as related to county road
11 improvement and maintenance costs. Twelve and five-tenths of one percent (12.5 of 1%)
12 of the one-half of one cent (\$0.005) of the two and one-half cents (\$0.025), together with
13 any interest and penalties thereon, shall be transmitted by the Tax Commission to the
14 Statewide Circuit Engineering District Revolving Fund as created in Section 687.2 of
15 Title 69 of the Oklahoma Statutes.

16 SECTION 4. AMENDATORY 68 O.S. 2001, Section 1004, as last amended by
17 Section 1, Chapter 305, O.S.L. 2009 (68 O.S. Supp. 2009, Section 1004), is amended to
18 read as follows:

19 Section 1004. Beginning July 1, 2002, the gross production tax provided for in
20 Section 1001 of this title is hereby levied and shall be collected and apportioned as
21 follows:

1 1. For all monies collected from the tax levied on asphalt or ores bearing uranium,
2 lead, zinc, jack, gold, silver or copper:

3 a. eighty-five and seventy-two one-hundredths percent (85.72%) shall be
4 paid to the State Treasurer of the state to be placed in the General
5 Revenue Fund of the state and used for the general expense of state
6 government, to be paid out pursuant to direct appropriation by the
7 Legislature,

8 b. seven and fourteen one-hundredths percent (7.14%) of the sum
9 collected from natural gas and/or casinghead gas or asphalt or ores
10 bearing uranium, lead, zinc, jack, gold, silver or copper shall be paid to
11 the various county treasurers to be credited to the County Highway
12 Fund as follows: Each county shall receive a proportionate share of the
13 funds available based upon the proportion of the total value of
14 production from such county in the corresponding month of the
15 preceding year, and

16 c. seven and fourteen one-hundredths percent (7.14%) shall be allocated
17 to each county as provided for in subparagraph b of this paragraph and
18 shall be apportioned, on an average daily attendance per capita
19 distribution basis, as certified by the State Superintendent of Public
20 Instruction to the school districts of the county where such pupils
21 attend school regardless of residence of such pupil, provided the school

1 district makes an ad valorem tax levy of fifteen (15) mills for the
2 current year and maintains twelve (12) years of instruction;

3 2. For all monies collected from the tax levied on natural gas and/or casinghead gas
4 at a tax rate of seven percent (7%) pursuant to the provisions of subsection B of Section
5 1001 of this title:

- 6 a. eighty-five and seventy-two one-hundredths percent (85.72%) shall be
7 paid to the State Treasurer of the state to be placed in the General
8 Revenue Fund of the state and used for the general expense of state
9 government, to be paid out pursuant to direct appropriation by the
10 Legislature,
- 11 b. seven and fourteen one-hundredths percent (7.14%) of the sum
12 collected from natural gas and/or casinghead gas shall be paid to the
13 various county treasurers to be credited to the County Highway Fund
14 as follows: Each county shall receive a proportionate share of the
15 funds available based upon the proportion of the total value of
16 production from such county in the corresponding month of the
17 preceding year, and
- 18 c. seven and fourteen one-hundredths percent (7.14%) shall be allocated
19 to each county as provided for in subparagraph b of this paragraph
20 and shall be apportioned, on an average daily attendance per capita
21 distribution basis, as certified by the State Superintendent of Public
22 Instruction to the school districts of the county where such pupils

1 attend school regardless of residence of such pupil, provided the school
2 district makes an ad valorem tax levy of fifteen (15) mills for the
3 current year and maintains twelve (12) years of instruction;

4 3. For all monies collected from the tax levied on natural gas and/or casinghead gas
5 at a tax rate of four percent (4%) pursuant to the provisions of subsection B of Section
6 1001 of this title:

7 a. seventy-five percent (75%) shall be paid to the State Treasurer of the
8 state to be placed in the General Revenue Fund of the state and used
9 for the general expense of state government, to be paid out pursuant to
10 direct appropriation by the Legislature,

11 b. twelve and one-half percent (12.5%) of the sum collected from natural
12 gas and/or casinghead gas shall be paid to the various county
13 treasurers to be credited to the County Highway Fund as follows:
14 Each county shall receive a proportionate share of the funds available
15 based upon the proportion of the total value of production from such
16 county in the corresponding month of the preceding year, and

17 c. twelve and one-half percent (12.5%) shall be allocated to each county
18 as provided for in subparagraph b of this paragraph and shall be
19 apportioned, on an average daily attendance per capita distribution
20 basis, as certified by the State Superintendent of Public Instruction to
21 the school districts of the county where such pupils attend school
22 regardless of residence of such pupil, provided the school district

1 makes an ad valorem tax levy of fifteen (15) mills for the current year
2 and maintains twelve (12) years of instruction;

3 4. For all monies collected from the tax levied on natural gas and/or casinghead gas
4 at a tax rate of one percent (1%) pursuant to the provisions of subsection B of Section
5 1001 of this title:

- 6 a. fifty percent (50%) of the sum collected from natural gas and/or
7 casinghead gas shall be paid to the various county treasurers to be
8 credited to the County Highway Fund as follows: Each county shall
9 receive a proportionate share of the funds available based upon the
10 proportion of the total value of production from such county in the
11 corresponding month of the preceding year, and
- 12 b. fifty percent (50%) shall be allocated to each county as provided for in
13 subparagraph a of this paragraph and shall be apportioned, on an
14 average daily attendance per capita distribution basis, as certified by
15 the State Superintendent of Public Instruction to the school districts
16 of the county where such pupils attend school regardless of residence
17 of such pupil, provided the school district makes an ad valorem tax
18 levy of fifteen (15) mills for the current year and maintains twelve (12)
19 years of instruction;

20 5. For all monies collected from the tax levied on oil at a tax rate of seven percent
21 (7%) pursuant to the provisions of subsection B of Section 1001 of this title:

- 1 a. twenty-five and seventy-two one-hundredths percent (25.72%) shall be
2 paid to the State Treasurer to be placed in the Common Education
3 Technology Revolving Fund created in Section 41.29c of Title 62 of the
4 Oklahoma Statutes,
- 5 b. twenty-five and seventy-two one-hundredths percent (25.72%) shall be
6 paid to the State Treasurer to be placed in the Higher Education
7 Capital Revolving Fund created in Section 41.29d of Title 62 of the
8 Oklahoma Statutes,
- 9 c. twenty-five and seventy-two one-hundredths percent (25.72%) shall be
10 paid to the State Treasurer to be placed in the Oklahoma Tuition
11 Scholarship Revolving Fund created in Section 41.29e of Title 62 of the
12 Oklahoma Statutes,
- 13 d. ~~four and twenty-eight one-hundredths percent (4.28%)~~ three and seven
14 hundred forty-five one-thousandths percent (3.745%) shall be ~~paid to~~
15 ~~the State Treasurer to be apportioned to~~ distributed to the various
16 counties of the state for deposit into the County Bridge and Road
17 Improvement Fund of the State Treasury each county based on a
18 formula developed by the Department of Transportation and approved
19 by the Department of Transportation County Advisory Board created
20 pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes to be
21 used for the purposes set forth in the County Bridge and Road
22 Improvement Act. The formula shall be similar to the formula

1 currently used for the distribution of monies in the County Bridge
2 Program funds, but shall also take into consideration the effect of the
3 terrain and traffic volume as related to county road improvement and
4 maintenance costs,

5 e. four and twenty-eight one-hundredths percent (4.28%) shall be paid to
6 the State Treasurer to be apportioned to:

7 (1) the following sources and in the following amounts through the
8 fiscal year ending June 30, 2014:

9 (a) thirty-three and one-third percent (33 1/3%) to the
10 Oklahoma Tourism and Recreation Department Capital
11 Expenditure Revolving Fund created pursuant to Section
12 2254.1 of Title 74 of the Oklahoma Statutes,

13 (b) thirty-three and one-third percent (33 1/3%) to the
14 Oklahoma Conservation Commission Infrastructure
15 Revolving Fund created pursuant to Section 3-2-110 of
16 Title 27A of the Oklahoma Statutes, and

17 (c) thirty-three and one-third percent (33 1/3%) to the
18 Community Water Infrastructure Development Revolving
19 Fund created pursuant to Section 1085.7A of Title 82 of
20 the Oklahoma Statutes, and

1 (2) the Oklahoma Water Resources Board Rural Economic Action
2 Plan Water Projects Fund for the fiscal year ending June 30,
3 2014, and for each fiscal year thereafter,

4 f. seven and fourteen one-hundredths percent (7.14%) of the sum
5 collected from oil shall be paid to the various county treasurers, to be
6 credited to the County Highway Fund as follows: Each county shall
7 receive a proportionate share of the funds available based upon the
8 proportion of the total value of production from such county in the
9 corresponding month of the preceding year, ~~and~~

10 g. seven and fourteen one-hundredths percent (7.14%) shall be allocated
11 to each county as provided in subparagraph f of this paragraph and
12 shall be apportioned, on an average daily attendance per capita
13 distribution basis, as certified by the State Superintendent of Public
14 Instruction, to the school districts of the county where such pupils
15 attend school regardless of residence of such pupil, provided the school
16 district makes an ad valorem tax levy of fifteen (15) mills for the
17 current year and maintains twelve (12) years of instruction, and

18 h. five hundred thirty-five one-thousandths percent (0.535%) of the levy
19 shall be transmitted by the Oklahoma Tax Commission to the
20 Statewide Circuit Engineering District Revolving Fund as created in
21 Section 687.2 of Title 69 of the Oklahoma Statutes;

1 6. For all monies collected from the tax levied on oil at a tax rate of four percent
2 (4%) pursuant to the provisions of subsection B of Section 1001 of this title:

3 a. twenty-two and one-half percent (22.5%) shall be paid to the State
4 Treasurer to be placed in the Common Education Technology
5 Revolving Fund created in Section 41.29c of Title 62 of the Oklahoma
6 Statutes,

7 b. twenty-two and one-half percent (22.5%) shall be paid to the State
8 Treasurer to be placed in the Higher Education Capital Revolving
9 Fund created in Section 41.29d of Title 62 of the Oklahoma Statutes,

10 c. twenty-two and one-half percent (22.5%) shall be paid to the State
11 Treasurer to be placed in the Oklahoma Tuition Scholarship Revolving
12 Fund created in Section 41.29e of Title 62 of the Oklahoma Statutes,

13 d. ~~three and seventy-five one-hundredths percent (3.75%)~~ three and
14 twenty-eight one-hundredths percent (3.28%) shall be ~~paid to the State~~
15 Treasurer to be ~~apportioned to~~ distributed to the various counties of
16 the state for deposit into the County Bridge and Road Improvement
17 Fund of ~~the State Treasury~~ each county based on a formula developed
18 by the Department of Transportation and approved by the Department
19 of Transportation County Advisory Board created pursuant to Section
20 302.1 of Title 69 of the Oklahoma Statutes to be used for the purposes
21 set forth in the County Bridge and Road Improvement Act. The
22 formula shall be similar to the formula currently used for the

1 distribution of monies in the County Bridge Program funds, but shall
2 also take into consideration the effect of the terrain and traffic volume
3 as related to county road improvement and maintenance costs,

4 e. three and seventy-five one-hundredths percent (3.75%) shall be paid to
5 the State Treasurer to be apportioned to:

6 (1) the following sources and in the following amounts through the
7 fiscal year ending June 30, 2014:

8 (a) thirty-three and one-third percent (33 1/3%) to the
9 Oklahoma Tourism and Recreation Department Capital
10 Expenditure Revolving Fund created pursuant to Section
11 2254.1 of Title 74 of the Oklahoma Statutes,

12 (b) thirty-three and one-third percent (33 1/3%) to the
13 Oklahoma Conservation Commission Infrastructure
14 Revolving Fund created pursuant to Section 3-2-110 of
15 Title 27A of the Oklahoma Statutes, and

16 (c) thirty-three and one-third percent (33 1/3%) to the
17 Community Water Infrastructure Development Revolving
18 Fund created pursuant to Section 1085.7A of Title 82 of
19 the Oklahoma Statutes, and

20 (2) the Oklahoma Water Resources Board Rural Economic Action
21 Plan Water Projects Fund for the fiscal year ending June 30,
22 2014, and for each fiscal year thereafter,

- 1 f. twelve and one-half percent (12.5%) of the sum collected from oil shall
2 be paid to the various county treasurers, to be credited to the County
3 Highway Fund as follows: Each county shall receive a proportionate
4 share of the funds available based upon the proportion of the total
5 value of production from such county in the corresponding month of
6 the preceding year, ~~and~~
- 7 g. twelve and one-half percent (12.5%) shall be allocated to each county
8 as provided in subparagraph f of this paragraph and shall be
9 apportioned on an average daily attendance per capita distribution
10 basis, as certified by the State Superintendent of Public Instruction, to
11 the school districts of the county where such pupils attend school
12 regardless of residence of such pupil, provided the school district
13 makes an ad valorem tax levy of fifteen (15) mills for the current year
14 and maintains twelve (12) years of instruction, and
- 15 h. forty-seven one-hundredths percent (0.47%) of the levy shall be
16 transmitted by the Tax Commission to the Statewide Circuit
17 Engineering District Revolving Fund as created in Section 687.2 of
18 Title 69 of the Oklahoma Statutes;

19 7. For all monies collected from the tax levied on oil at a tax rate of one percent
20 (1%) pursuant to the provisions of subsection B of Section 1001 of this title:

- 21 a. fifty percent (50%) of the sum collected shall be paid to the various
22 county treasurers, to be credited to the County Highway Fund as

1 follows: Each county shall receive a proportionate share of the funds
2 available based upon the proportion of the total value of production
3 from such county in the corresponding month of the preceding year,
4 and
5 b. fifty percent (50%) shall be allocated to each county as provided for in
6 subparagraph a of this paragraph and shall be apportioned on an
7 average daily attendance per capita distribution basis, as certified by
8 the State Superintendent of Public Instruction, to the school districts
9 of the county where such pupils attend school regardless of residence of
10 such pupil, provided the school district makes an ad valorem tax levy
11 of fifteen (15) mills for the current year and maintains twelve (12)
12 years of instruction.

13 Provided, notwithstanding any other provision of this section, the total amounts
14 deposited to the Common Education Technology Revolving Fund, the Higher Education
15 Capital Revolving Fund, the Oklahoma Tuition Scholarship Revolving Fund, the Rural
16 Economic Action Plan Water Projects Fund, the Oklahoma Tourism and Recreation
17 Department Capital Expenditure Revolving Fund, the Oklahoma Conservation
18 Commission Infrastructure Revolving Fund and the Community Water Infrastructure
19 Development Revolving Fund pursuant to paragraphs 5 and 6 of this section shall not
20 exceed One Hundred Fifty Million Dollars (\$150,000,000.00) in any fiscal year. All sums
21 in excess of One Hundred Fifty Million Dollars (\$150,000,000.00) in any fiscal year which

1 would otherwise be deposited in such funds shall be placed by the State Treasurer in the
2 General Revenue Fund of the state.

3 SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma
4 Statutes as Section 601.6 of Title 69, unless there is created a duplication in numbering,
5 reads as follows:

6 The board of county commissioners in every county in this state must notify the
7 Department of Transportation at least twenty-one (21) days prior to accepting bids on
8 any publicly let road or bridge work projects in the county. The Department shall make
9 this information available to the public on their website.

10 SECTION 6. AMENDATORY 69 O.S. 2001, Section 659, is amended to read as
11 follows:

12 Section 659. The Department of Transportation is hereby authorized to develop a
13 complete set of county bridge standards, including standards for demonstration bridge
14 projects and standards for county bridges with low average daily traffic volumes as
15 defined by the latest published version of the County Roads Design Guidelines Manual.
16 Such standards shall be developed under the direction of the Bridge Division of the
17 Department and prior to implementation shall be approved by the State Association of
18 County Commissioners and the Transportation Commission. Such standards shall be
19 furnished without cost to local units of government. ~~Engineering for projects authorized~~
20 ~~pursuant to the County Bridge and Road Improvement Act may be provided by the~~
21 ~~Department of Transportation at the request of a county. The cost to the Department for~~
22 ~~such engineering shall be charged to the project.~~ Monies received by the county pursuant

1 to the County Bridge and Road Improvement Act, Section 657 et seq. of this title, may be
2 used for purposes of obtaining engineering services. Only registered professional
3 engineers, approved by the Department, experienced in the design and construction of
4 highway and related facilities, shall be used for such services. Counties acquiring
5 engineering services as provided for in this section shall require the engineers providing
6 such services to execute professional service contracts which include a requirement that
7 the engineer shall maintain an adequate policy of professional liability insurance.

8 SECTION 7. AMENDATORY 69 O.S. 2001, Section 660, as last amended by
9 Section 1, Chapter 281, O.S.L. 2009 (69 O.S. Supp. 2009, Section 660), is amended to
10 read as follows:

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

16 ~~B. Funds made available for the purposes of the County Bridge and Road~~
17 ~~Improvement Act may be used to pay the cost of county bridge inspections,~~
18 ~~classifications, and evaluations, and county road inspections, classifications, and~~
19 ~~evaluations for federal and state purposes and to match federal or state funds, provided~~
20 ~~the applicable federal or state funds are available.~~

21 ~~C. Except as otherwise specified in the County Bridge and Road Improvement Act,~~
22 ~~the county collector system, including any future revisions thereto, shall constitute the~~

1 system of roads wherein the bridges and roads are located that are eligible for project
2 funding under the County Bridge and Road Improvement Act. Official maps showing the
3 county collector system in each county shall be maintained on file by the Department of
4 Transportation and shall be furnished each county at no cost.

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

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

16 ~~F. The boards of county commissioners may enter into cooperative agreements with~~
17 ~~the Oklahoma Turnpike Authority for the purpose of replacement, expansion or repair of~~
18 ~~functionally obsolete and structurally deficient bridges which cross over or under~~
19 ~~turnpikes. The expenditures for such projects will be from any federal, state or county~~
20 ~~public funds appropriated and earmarked for such purpose. Counties may apply for the~~
21 ~~expenditure of these earmarked funds for projects that have been requested by the board~~
22 ~~of county commissioners of the county where the bridge is located. Once approved by the~~

1 Oklahoma Cooperative Circuit Engineering Districts Board, the Board will select and
2 prioritize the bridge replacement projects based on criteria which shall include, but not
3 be limited to, high traffic volume and current bridge safety assessments.

4 SECTION 8. AMENDATORY 69 O.S. 2001, Section 661, as last amended by
5 Section 2, Chapter 157, O.S.L. 2006 (69 O.S. Supp. 2009, Section 661), is amended to
6 read as follows:

7 Section 661. A. ~~While the legislative intent of the County Bridge and Road~~
8 ~~Improvement Act is to replace or reconstruct structurally obsolete bridges and roads on~~
9 ~~the county collector system, it is recognized that specific conditions may exist in a county~~
10 ~~justifying the need to reconstruct or replace a bridge or a road on a road section not~~
11 ~~included in the county collector system. In such specific instance, the Oklahoma~~
12 ~~Department of Transportation may approve a project not on the county collector system.~~
13 ~~Justification for such projects shall include use of the bridge or road for school bus routes,~~
14 ~~mail routes, heavy and extensive industrial or agricultural operations, or such other~~
15 ~~unique purposes as may be acceptable to the Department of Transportation. However, in~~
16 ~~all instances projects located on school bus routes shall have priority on funds provided~~
17 ~~for the implementation of this act. Right-of-way acquisition and utility relocation shall~~
18 ~~be the responsibility of the county in which the project is located. Monies received by~~
19 ~~counties pursuant to the County Bridge and Road Improvement Act may be used for~~
20 ~~right-of-way acquisition and utility relocation.~~

21 B. When a county receives monies pursuant to the County Bridge and Road
22 Improvement Act, a county shall give priority to reconstructing, replacing, or closing

1 those bridges in the county that are rated less than three (3) tons or fifteen (15) tons or
2 less for those bridges on school bus routes. Bridge and road replacement or
3 reconstruction projects shall be selected by the individual boards of county
4 commissioners ~~with the concurrence of the Department of Transportation~~ and shall be
5 based on a countywide assessment of bridge and road reconstruction and replacement
6 needs. ~~Each request for project funds will be transmitted to the Department of~~
7 ~~Transportation in the form of an official programming resolution bearing the signatures~~
8 ~~of a majority of the county commissioners. Where more than one project is programmed~~
9 ~~in a single county, the board of county commissioners shall designate the priority in~~
10 ~~which it wishes the projects to be undertaken.~~

11 ~~C. These funds shall be apportioned among the various counties by the~~
12 ~~Transportation Commission on an equitable basis consistent with the identifiable bridge~~
13 ~~and road needs on the collector system in each county.~~

14 ~~D. On or before July 1 of each year, the Department of Transportation shall review~~
15 ~~the County Bridge and Road Program in each county. Said review shall examine the~~
16 ~~status of all programmed projects, funds carried over from previous fiscal year~~
17 ~~allocations, and funds anticipated to be available from future allocations. The purpose of~~
18 ~~the review is to estimate the rate of County Bridge and Road Fund utilization by the~~
19 ~~various counties and to assess the progress of the County Bridge and Road Program~~
20 ~~throughout the state.~~

21 B. Funds accruing to the County Bridge and Road Improvement Revolving Fund
22 shall be apportioned on the basis of a formula developed by the Department of

1 Transportation and approved by the Department of Transportation County Advisory
2 Board created pursuant to Section 302.1 of this title. The formula shall be similar to that
3 previously used for the distribution of County Bridge Improvement Program funds, but
4 shall also take into consideration the effects of terrain and traffic volume as related to
5 county road improvement and maintenance costs.

6 SECTION 9. AMENDATORY 69 O.S. 2001, Section 662, as last amended by
7 Section 3, Chapter 231, O.S.L. 2009 (69 O.S. Supp. 2009, Section 662), is amended to
8 read as follows:

9 Section 662. A. ~~The program and funds shall be administered by the Department~~
10 ~~of Transportation under a minimum of policies, guidelines and engineering design~~
11 ~~standards. Approved projects will~~ A professional engineer registered by the State Board
12 of Licensure for Professional Engineers and Land Surveyors pursuant to Section 475.1 et
13 seq. of Title 59 of the Oklahoma Statutes, shall approve projects that may be awarded to
14 contractors by the boards of county commissioners, Transportation Commission or by
15 other federal or state agencies under their normal competitive bidding procedures,
16 excluding prequalification of bidders. Force account road projects may be approved for a
17 county by the Transportation Commission. No force account county bridge project shall
18 be reimbursed in excess of Four Hundred Thousand Dollars (\$400,000.00). No county
19 road project in excess of Four Hundred Thousand Dollars (\$400,000.00), excluding the
20 cost for engineering, right-of-way acquisition, and utility relocation, in cost shall be done
21 by the force account method. A “county-built” project may be a road or bridge in whole or

1 in part built with its own county forces or entirely let to contract, but all costs associated
2 are reimbursable.

3 B. ~~Funds available for the County Bridge and Road Improvement Act shall not be~~
4 ~~subject to fiscal year limitations and shall be available for encumbrance and expenditure~~
5 ~~purposes for a period of thirty (30) months from the effective date such funds are~~
6 ~~appropriated.~~

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

12 D. When ~~the force account~~ a county-built bridge has been inspected and achieves a
13 load rating of H. ~~twenty (20)~~ twenty-three (23) tons or greater, the board of county
14 commissioners may submit a request for reimbursement to the Department of
15 ~~Transportation~~ be reimbursed. The county shall receive reimbursement for all costs
16 claimed relating to the construction of the bridge provided the inspection report indicates
17 that the county has met or exceeded the criteria set forth in this section. ~~The resolution~~
18 ~~for reimbursement submitted by the board of county commissioners shall serve to satisfy~~
19 ~~the requirements of Section 41.16 of Title 62 of the Oklahoma Statutes. County force~~
20 ~~account~~ built bridges eligible for reimbursement from the County Bridge and Road
21 Improvement Fund shall meet or exceed the following criteria:

1 1. The bridge has been built according to the current edition of the County Bridge
2 Standards manual or from field notes drawn by a registered professional engineer that
3 provide the basic structural requirements to achieve a load rating of H. ~~twenty (20)~~
4 twenty-three (23) tons or greater. Field notes may be handwritten specifications or
5 sketches which have been stamped or signed;

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

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

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

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

18 ~~E. Monies from the County Bridge and Road Improvement Fund may be used to~~
19 ~~establish minimum standards for guardrail applications on low-traffic-volume county~~
20 ~~roads. The board of directors of the association representing the county commissioners of~~
21 ~~Oklahoma may request the development of guardrail standards for bridges on low-traffic-~~

1 ~~volume county roads, as defined in the county road standard manual, the cost of which~~
2 ~~shall be paid from monies from the County Bridge and Road Improvement Fund.~~

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

6 SECTION 10. AMENDATORY 69 O.S. 2001, Section 665, is amended to read
7 as follows:

8 Section 665. A. ~~The Oklahoma Department of Transportation shall be required to~~
9 ~~certify to the State Transportation Commission that each county has upheld all~~
10 ~~agreements with, and obligations to, this state. If, due to failure by the county to~~
11 ~~maintain such obligations and agreements, the Department of Transportation cannot~~
12 ~~make the certification, the county shall receive no allocation or funding under the County~~
13 ~~Bridge and Road Improvement Act until such obligations and agreements are fulfilled.~~
14 However, if requested, a county shall be entitled to notice and a hearing before the
15 Transportation Commission prior to any allocation or funding being withheld by the
16 Department of Transportation.

17 ~~B.~~ All consulting engineering contracts for services referred to in this act ~~shall~~ may
18 be ~~approved~~ reviewed by the Department of Transportation except those contracts
19 entered into pursuant to the provisions of Section 687.1 of this title or by the county or
20 circuit engineer. The Department, county or circuit engineer shall make findings on all
21 contracts ~~approved~~ reviewed that the cost is reasonable and the firm involved is capable
22 of performing the service within a reasonable period of time.

1 C. B. Expenditures which may be allowed pursuant to the provisions of this act
2 shall include the following:

3 1. ~~Matching federal funds for the annual Federal Highway Administration~~
4 ~~allocation to the Oklahoma State University Center for Local Government Technology for~~
5 ~~the Federal Highway Administration Rural Technical Assistance Program, not to exceed~~
6 ~~twenty-five percent (25%) of the amount of funding the state is required to provide, which~~
7 ~~shall not exceed Fifty Thousand Dollars (\$50,000.00) The cost of county bridge~~
8 ~~inspections, classifications, and evaluations, and county road inspections, classifications~~
9 ~~and evaluations for federal and state purposes and to match federal or state funds,~~
10 ~~provided the applicable federal or state funds are available;~~

11 2. Project engineering costs;

12 3. The cost of rights-of-way acquired for projects pursuant to the provisions of this
13 act and the cost of the relocation of utilities from the rights-of-way so acquired;

14 4. The cost of reconstruction or replacement of roadway structures which may be
15 less than twenty (20) feet in length;

16 5. Any cost or expense for administration, program management, engineering,
17 including the development of appropriate local road standards which shall apply only to
18 those roads reconstructed, maintained, or otherwise constructed pursuant to this act, or
19 construction supervision necessarily incurred by the Department of Transportation or
20 Circuit Engineering Districts in fulfilling its duties and responsibilities pursuant to this
21 act;

1 6. Any cost or expense related to a comprehensive plan for signing or inventory of
2 signs on the county road system; ~~and~~

3 7. The expense and related costs of employing an engineer to assist a county or
4 counties in carrying out the daily operations of road and bridge maintenance and
5 construction, including the employment of a circuit engineer; and

6 8. All costs associated with constructing a bituminous surface treatment or gravel
7 roadway.

8 SECTION 11. AMENDATORY 69 O.S. 2001, Section 689, is amended to read
9 as follows:

10 Section 689. A. ~~The program and funds pursuant to the County Bridge and Road~~
11 ~~Improvement Act shall be administered by the Oklahoma Department of Transportation~~
12 ~~under a minimum of policies and guidelines in accordance with appropriate design and~~
13 ~~construction engineering standards. Approved projects will be awarded to contractors by~~
14 ~~the State Transportation Commission or by other federal or state agencies under their~~
15 ~~normal competitive bidding procedures. However, force account projects may be awarded~~
16 ~~to a county based upon agreed unit prices, if deemed to be in the best public interest.~~

17 ~~B.~~ The Department of Transportation is hereby directed, in cooperation with the
18 Association of County Commissioners of Oklahoma, to cause to be developed appropriate
19 local road design standards for use in constructing projects pursuant to this program.
20 The standards, upon their adoption by the Transportation Commission and by those
21 counties wishing to participate in this program, shall be used for the design and
22 construction of all projects funded pursuant to this program. However, when funds

1 available pursuant to this program are used to match federal funds, projects shall meet
2 appropriate minimum design standards for local roads and other applicable federal
3 requirements. All plans and specifications for federal-aid projects shall be subject to the
4 approval of the Department. To every extent possible, negotiations with the Federal
5 Highway Administration should be undertaken to allow application of the County Road
6 Guidelines Design Manual.

7 C. B. Plans, surveys, and engineering shall be the responsibility of the county in
8 which the project is located ~~and may be paid for by the Department of Transportation on~~
9 ~~a contractual basis from program funds accruing to that county.~~ Only registered
10 professional engineers, approved by the Department of Transportation, experienced in
11 the design and construction of highway and related facilities, shall be used for such
12 services. ~~Where funds available pursuant to this program are used to match federal~~
13 ~~funds, the engineer shall be subject to approval by the Department of Transportation.~~
14 ~~On those projects where no federal funds are involved, the Department of Transportation~~
15 ~~shall make every effort to develop simplified procedures designed to expedite the efforts~~
16 ~~of the county to advance the project to contract letting. The Field Division engineer of~~
17 ~~the Department of Transportation or an appropriate designee shall be responsible for~~
18 ~~providing such guidance and assistance as may be requested by the county in the~~
19 ~~development of the project. The Field Division engineer shall be notified in advance by~~
20 ~~the county's engineer of all field "plan-in-hand" inspections involving the project and~~
21 ~~shall be granted access to the project and all related records and documents during all~~
22 ~~phases of the project design and construction. Construction engineering on all projects~~

1 shall be the responsibility of the Department of Transportation. In specific instances
2 where, in the opinion of the Department of Transportation, the public interest would be
3 best served, the county's engineer may be authorized to perform the construction
4 engineering.

5 ~~D. Upon completion of the construction plans, the county's engineer shall submit~~
6 ~~the plans to the Department of Transportation accompanied by detailed estimates of the~~
7 ~~cost of right-of-way, utility relocations and construction of the project and a certification~~
8 ~~that the project was designed in accordance with the applicable adopted design~~
9 ~~standards. The Department of Transportation shall review the plans, specifications, and~~
10 ~~estimates to the extent of assuring their completeness and compliance with the~~
11 ~~appropriate design criteria. Upon acceptance of the plans, specifications, and estimates~~
12 ~~by the Department and at such time all right-of-way necessary to construct the project~~
13 ~~has been acquired by the county and so certified to the Department of Transportation,~~
14 ~~the project will be scheduled for bid opening by the Transportation Commission.~~
15 ~~However, no project shall be scheduled for bid opening unless sufficient program funds~~
16 ~~are available to the account of the county in which the project is located to adequately~~
17 ~~finance the project construction.~~

18 C. Prior to award of the contract by the Transportation Commission, the county
19 shall be given the option of accepting or rejecting the bid submitted by the successful
20 bidder.

21 SECTION 12. REPEALER 69 O.S. 2001, Section 658, is hereby repealed.

1 SECTION 13. REPEALER 69 O.S. 2001, Section 664, as amended by Section 9,
2 Chapter 45, 2nd Extraordinary Session, O.S.L. 2006 (69 O.S. Supp. 2009, Section 664), is
3 hereby repealed.

4 SECTION 14. This act shall become effective July 1, 2010.

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

8 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 04-12-10 -
9 DO PASS, As Amended.