

THE HOUSE OF REPRESENTATIVES  
Monday, April 12, 2010

ENGROSSED

Senate Bill No. 1764

ENGROSSED SENATE BILL NO. 1764 - By: BINGMAN, JOLLEY AND LAMB of the Senate and BENGE AND LAMONS of the House.

An Act relating to turnpikes; amending 69 O.S. 2001, Section 1705, as last amended by Section 1, Chapter 145, O.S.L. 2008 (69 O.S. Supp. 2009, Section 1705), which relates to authority of the Oklahoma Turnpike Authority; authorizing certain new turnpike in Tulsa; and declaring an emergency.

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

- 1           SECTION 1.   AMENDATORY   69 O.S. 2001, Section 1705, as last amended by  
2 Section 1, Chapter 145, O.S.L. 2008 (69 O.S. Supp. 2009, Section 1705), is amended to  
3 read as follows:
- 4           Section 1705. The Oklahoma Turnpike Authority is hereby authorized and  
5 empowered:
- 6           (a) To adopt bylaws for the regulation of its affairs and conduct of its business.  
7           (b) To adopt an official seal and alter the same at pleasure.  
8           (c) To maintain an office at such place or places within the state as it may  
9 designate.  
10          (d) To sue and be sued in contract, reverse condemnation, equity, mandamus and  
11 similar actions in its own name, plead and be impleaded; provided, that any and all

1 actions at law or in equity against the Authority shall be brought in the county in which  
2 the principal office of the Authority shall be located, or in the county of the residence of  
3 the plaintiff, or the county where the cause of action arose. All privileges granted to the  
4 Authority and duties enjoined upon the Authority by the provisions of Sections 1701  
5 through 1734 of this title may be enforced in a court of competent jurisdiction in an  
6 action in mandamus.

7 (e) To construct, maintain, repair and operate turnpike projects and highways, with  
8 their access and connecting roads, at such locations and on such routes as it shall  
9 determine to be feasible and economically sound; provided, that until specifically  
10 authorized by the Legislature, the Authority shall be authorized to construct and operate  
11 toll turnpikes only at the following locations:

12 (1) The Turner Turnpike between Oklahoma City and Tulsa.

13 (2) The Southwestern (H.E. Bailey) Turnpike between Oklahoma City and Wichita  
14 Falls, Texas.

15 (3) The Northeastern (Will Rogers) Turnpike between Tulsa and Joplin, Missouri.

16 (4) The Eastern (Indian Nation) Turnpike between Tulsa and Paris, Texas,  
17 including all or any part thereof between McAlester and the Red River south of Hugo.

18 (5) The Cimarron Turnpike between Tulsa and Interstate Highway 35 north of  
19 Perry, including a connection to Stillwater.

20 (6) The Muskogee Turnpike between Broken Arrow and Interstate Highway 40  
21 west of Webbers Falls.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 (7) All or any part of an extension of the Muskogee Turnpike, beginning at a point  
2 on Interstate Highway 40 near the present south terminus of the Muskogee Turnpike,  
3 and extending in a southeasterly direction on an alignment near Stigler, Poteau and  
4 Heavener to the vicinity of the Arkansas State Line to furnish access to Hot Springs,  
5 Texarkana, Shreveport and New Orleans.

6 (8) A tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and in  
7 the vicinity of the intersection of State Highway 33 and Turner Turnpike in Creek  
8 County, Oklahoma, or in the vicinity of the intersection of State Highway 33 and Turner  
9 Turnpike or U.S. Highway 66 in Creek County, Oklahoma, from any monies available to  
10 the Authority.

11 (9) Add on the Will Rogers Turnpike a northbound automatic tollgate onto State  
12 Highway 28 and a southbound on-ramp from State Highway 28.

13 (10) A turnpike or any part or parts thereof beginning in the vicinity of Duncan  
14 extending east to the vicinity of the City of Davis, and extending in a northeasterly  
15 direction, by way of the vicinity of the City of Ada, to a connection in the vicinity of  
16 Henryetta or in the vicinity of the intersection of State Highway 48 and Interstate 40;  
17 and a turnpike or any part or parts thereof from the vicinity of Snyder extending north to  
18 the vicinity of Woodward.

19 (11) A turnpike or any part or parts thereof beginning at a point in the vicinity of  
20 Ponca City, or at a point on the Kansas-Oklahoma state boundary line east of the  
21 Arkansas River and west of the point where Oklahoma State Highway No. 18 intersects

1 said state boundary line, and extending in a southeasterly direction to a connection with  
2 the Tulsa Urban Expressway System in the general area of the Port of Catoosa.

3 (12) All or any part of an Oklahoma City toll expressway system connecting the  
4 residential, industrial and State Capitol Complex in the north part of Oklahoma City  
5 with the residential, industrial and Will Rogers World Airport Complex in the south and  
6 southwest parts of Oklahoma City.

7 (13) A turnpike (The Industrial Parkway) or any part or parts thereof beginning at  
8 a point on the Oklahoma-Kansas state boundary line between the point where U.S.  
9 Highway 66 intersects the boundary line and the northeast corner of Oklahoma and  
10 ending by means of a connection or connections with Shreveport, Louisiana, and  
11 Houston, Texas, in southeastern Oklahoma and at no point to exceed thirty (30) miles  
12 west of the Missouri or Arkansas border.

13 (14) A turnpike or any part or parts thereof beginning in the vicinity of Velma or  
14 County Line to a point intersecting with Interstate 35 in the area south of Davis.

15 (15) A turnpike or any part or parts thereof beginning in the vicinity of Watonga  
16 and extending south and/or east to the vicinity of north and/or west Oklahoma City.

17 (16) A tollgate on the Will Rogers Turnpike near the intersection of State Highway  
18 137 and the Will Rogers Turnpike, located south of Quapaw.

19 (17) A tollgate on the Muskogee Turnpike in the vicinity of Porter, Oklahoma, a  
20 tollgate on the Will Rogers Turnpike in the vicinity of Adair, Oklahoma, a tollgate on the  
21 Turner Turnpike in the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey  
22 Turnpike at Elgin, Oklahoma, from any monies available to the Authority.

1 (18) A tollgate on the Turner Turnpike in the vicinity of Wellston, Oklahoma, from  
2 any monies available to the Authority.

3 (19) A tollgate on the Muskogee Turnpike in the vicinity of Brushy Mountain,  
4 Oklahoma, and in the vicinity of Elm Grove, Oklahoma, from any monies available to the  
5 Authority.

6 (20) All or any part of an Oklahoma City Outer Loop expressway system beginning  
7 in the vicinity of I-35 and the Turner Turnpike and extending west into Canadian  
8 County and then south to I-40; and then south and east to I-35 in the vicinity of Moore  
9 and Norman; and then extending east and north to I-40 east of Tinker Field; and then  
10 extending north to the Turner Turnpike to complete the Outer Loop.

11 (21) All or any part of the Tulsa south bypass expressway system beginning in the  
12 vicinity of the Turner Turnpike near Sapulpa and extending south and east to U.S. 75 in  
13 the vicinity of 96th Street to 121st Street; and then east across the Arkansas River to a  
14 connection with the Mingo Valley Expressway; and then south and/or east to a point on  
15 the Tulsa-Wagoner County Line near 131st street south in the city of Broken Arrow.

16 (22) A new turnpike or any part thereof from near the west gate of the Will Rogers  
17 Turnpike south to the west end of south Tulsa Turnpike at the Tulsa-Wagoner County  
18 Line.

19 (23) A new turnpike or any parts thereof from the vicinity of the connection  
20 between State Highway 33 and U.S. 69 easterly to the Arkansas State Line.

21 (24) A four-lane extension of the Muskogee Turnpike from Interstate Highway 40  
22 west of Webbers Falls to the Poteau vicinity.

1 (25) A new turnpike or any part or parts thereof beginning at a point in the vicinity  
2 of northwest Tulsa, and extending in a northwesterly direction, by means of a connection  
3 or connections with the cities of Pawhuska and Newkirk, to a point intersecting in the  
4 vicinity of US Highway No. 77 and the Kansas State Line.

5 (26) A full access interchange on the Indian Nation Turnpike south of Interstate 40,  
6 in the vicinity of Henryetta, Oklahoma, and in the vicinity of the proposed theme park,  
7 museum or an industrial facility which qualifies for the Oklahoma Quality Jobs Program  
8 Act, from any monies available to the Authority.

9 (27) A new turnpike beginning at a point directly west of the Arkansas line and  
10 four-laning Highway 70 from that point to the farthest western reach of Highway 70  
11 creating a southern route through Oklahoma.

12 (28) A new turnpike and bridge or any parts thereof from a point in the vicinity of  
13 the city of Mustang southerly across the South Canadian River to the H.E. Bailey  
14 Turnpike in the vicinity of the city of Tuttle; and then easterly across the South  
15 Canadian River to a point in the vicinity of the city of Norman.

16 (29) A new turnpike or any parts thereof beginning at a point in the vicinity of the  
17 city of Altus and extending in a northwesterly direction to a point in the vicinity of the  
18 city of Sayre.

19 (30) A new turnpike or any parts thereof beginning at a point in the vicinity of the  
20 city of Enid and extending in a westerly direction to a point in the vicinity of the city of  
21 Woodward.

1 (31) An on- and off-ramp or any parts thereof at Fletcher, Oklahoma, in the vicinity  
2 of the Interstate 44 and State Highway 277 intersection. Any existing on- or off-ramp or  
3 any parts thereof in the vicinity of Fletcher, Oklahoma, shall not be removed and shall be  
4 maintained pursuant to Section 1701 et seq. of this title.

5 (32) A new bridge crossing the Arkansas River in the vicinity of South Yale Avenue  
6 and South Yale Place in Tulsa County. This project shall commence upon a  
7 determination by the Oklahoma Transportation Authority that such bridge shall be self-  
8 sufficient at some point over a thirty-year time period from the toll charges associated  
9 with the bridge project.

10 (33) An exit ramp or any parts thereof from the eastbound lane of the Turner  
11 Turnpike at 96th Street in Tulsa.

12 (34) An on- and off-ramp or any parts thereof on the Cimarron Turnpike in the  
13 vicinity of the northside of the Glencoe, Oklahoma, municipal limits.

14 (35) A new turnpike or any parts thereof beginning at Interstate 44 at or near its  
15 intersection 49th West Avenue, extending north of State Highway 64/412, turning north  
16 easterly, crossing 41st West Avenue, continuing eastward to the L.L. Tisdale Expressway  
17 in Tulsa, Oklahoma.

18 All access roads, interchanges, or lead roads connecting such turnpikes with  
19 existing highways must be built by funds furnished by the Authority.

20 The minimum and maximum wages for the construction of the roads, highways and  
21 projects provided for in Sections 1701 through 1734 of this title shall be in accordance

1 with the schedules of wages used or adopted by the Commission in construction of state  
2 highways.

3 The Authority is hereby authorized to enter into contracts or agreements with  
4 agencies and instrumentalities of other states or the national government for  
5 construction, maintenance and operation of interstate turnpikes or highways.

6 The Authority is hereby required to construct and install automatic tollgates on the  
7 Will Rogers Turnpike at State Highway No. 28 near Adair.

8 (f) To issue turnpike revenue bonds of the Authority, payable solely from revenues,  
9 including the revenues accruing to the trust fund created by Sections 1701 through 1734  
10 of this title, for the purpose of paying all or any part of the cost of any one or more  
11 turnpike projects. Provided that any bonds issued for the construction of the proposed  
12 turnpike referred to in subparagraphs (10), (20), (21) and (22) of paragraph (e) of this  
13 section shall be issued as one issue for all four of the proposed turnpikes and shall be  
14 financed, constructed and operated under one bond indenture.

15 (g) To fix and revise from time to time tolls for the use of any turnpike projects.

16 Any common carrier having authority at the time of opening any turnpike project to  
17 operate upon a highway approximately paralleling the turnpike project shall be granted  
18 without further showing authority to operate over the turnpike project to all  
19 municipalities which such carrier is serving at the time the turnpike project is opened to  
20 traffic. But nothing herein shall be construed as granting any new operation rights to  
21 any common carriers.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 (h) To acquire, hold, and dispose of real and personal property in the exercise of its  
2 powers and the performance of its duties.

3 (i) To acquire in the name of the Authority by purchase or otherwise on such terms  
4 and conditions and in such manner as it may deem proper, or by exercise of the right of  
5 condemnation in manner hereinafter provided, such public or private lands, including  
6 public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-  
7 way, property, rights, easements, and interests, as it may deem necessary for carrying  
8 out the provisions of Sections 1701 through 1734 of this title; provided, that all public  
9 property damaged in carrying out the powers granted by Sections 1701 through 1734 of  
10 this title shall be restored or repaired and placed in its original condition as nearly as  
11 practicable.

12 (j) To designate, except as is provided for herein, the location, and establish, limit  
13 and control such points of ingress to and egress from each turnpike project as may be  
14 necessary or desirable in the judgment of the Authority to insure the proper operation  
15 and maintenance of such project, and to prohibit entrance to such project from any point  
16 or points not so designated.

17 (k) To make and enter into all contracts and agreements necessary or incidental to  
18 the performance of its duties and the execution of its powers, and to employ consulting  
19 engineers, attorneys, accountants, construction and financial experts, superintendents,  
20 managers, and such other employees and agents as may be necessary in its judgment,  
21 and to fix their compensation; provided, that all such expenses shall be payable solely  
22 from the proceeds of turnpike revenue bonds issued under the provisions of Sections 1701

1 through 1734 of this title or from revenues; provided, further, no attorney employed by  
2 the Authority, nor any member of any law firm of which the attorney may be connected,  
3 shall ever be paid any fee or compensation for any special or extraordinary services.

4 (l) To receive and accept from any federal agency grants for or in aid of the  
5 construction of any turnpike project, provided, the acceptance of such grants will not  
6 reduce the amount of federal aid for the construction, repair, or maintenance of farm-to-  
7 market roads and other highways and bridges in this state; and to receive and accept aid  
8 or contributions from any source of either money, property, labor, or other things of  
9 value, to be held, used, and applied only for the purposes for which such grants and  
10 contributions may be made.

11 (m) To adopt such rules, and to do any and all things necessary to comply with  
12 rules, regulations, or requirements of the Bureau of Public Roads, Multistate Economic  
13 Development Regional Commission, as defined in Sections 1151 through 1153, inclusive,  
14 of Title 74 of the Oklahoma Statutes, Ozarka Region Commission or any other federal  
15 agency administering any law enacted by the Congress of the United States to aid or  
16 encourage the construction of highways.

17 (n) To do all things necessary or convenient to carry out the powers expressly  
18 granted in Sections 1701 through 1734 of this title. The design standards for all paving  
19 shall comply with the design standards of the American Association of State Highway  
20 and Transportation Officials as modified by the Oklahoma Department of  
21 Transportation. All contracts for construction work on turnpike projects shall be let to  
22 the lowest responsible bidder, or bidders, after notice by publication in a newspaper

1 published in the county where the work is to be done in two consecutive weekly issues of  
2 the newspaper. In all cases where more than eight (8) miles of construction is let at the  
3 same time and is not an advertisement for a surface-treatment-only project, such  
4 advertisement shall provide for bids on sections of the turnpike not to exceed eight (8)  
5 miles. If the project advertised is a surface-treatment-only project of more than twenty  
6 (20) miles of road, the advertisement shall provide for bids on sections of the road no  
7 longer than twenty (20) miles, as well as bids on the project as a whole. Subject to the  
8 following restrictions and limitations, the Authority shall, when contracting for  
9 construction work, divide such work into paving projects, bridge projects, including  
10 underpasses and overpasses, and earthmoving or miscellaneous projects, according to the  
11 type of work to be done. Each project shall be let under a separate contract or contracts  
12 and no contract or project shall include more than one of such types of construction work.  
13 Each contract for construction work shall contain a provision that ninety percent (90%) of  
14 all labor employed on the project shall be residents of Oklahoma. However, contracts for  
15 bridges may include earthwork and structures for the approaches thereto.

16 (o) It shall be unlawful for any member, officer or employee of the Authority to  
17 transact with the Authority, either directly or indirectly, any business for profit of such  
18 member, officer, or employee; and any person, firm, or corporation knowingly  
19 participating therein shall be equally liable for violation of this provision.

20 The term "business for profit" shall include, but not be limited to, the acceptance or  
21 payment of any fee, commission, gift, or consideration to such member, officer, or  
22 employee.

1 Violation of this provision shall constitute a felony punishable by incarceration in  
2 the State Penitentiary for a term not to exceed five (5) years or a fine of not less than  
3 Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or  
4 both such imprisonment and fine.

5 (p) In the event of a national emergency, the Authority, subject to any vested rights  
6 or claims, may enter into contracts with the federal government or any authorized  
7 agency thereof to allow the federal government or agency thereof to use such turnpikes  
8 partly or exclusively during the existence of such emergency, provided, that the federal  
9 government agrees in such contract to pay, during the term of such contract, an amount  
10 sufficient, when added to any tolls collected, to meet all operating and maintenance  
11 expenses, interest payments, and the minimum sinking fund and reserve requirements  
12 of the trust agreement for the turnpike covered by the contract.

13 (q) All meetings of the Authority shall be open public meetings, and all records  
14 shall be public records, except when considering personnel or litigation.

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

18 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 04-08-10 -  
19 DO PASS, As Coauthored.