

THE STATE SENATE
Tuesday, March 31, 2009

Committee Substitute for
ENGROSSED

House Bill No. 1472

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1472 - By:
Sanders, Murphey, Hickman and Walker of the House and Schulz and
Marlatt of the Senate.

An Act relating to roads, bridges and ferries; amending 69
O.S. 2001, Sections 662, as amended by Section 3, Chapter
157, O.S.L. 2006 and 689 (69 O.S. Supp. 2008, Section 662),
which relate to county bridge improvement; modifying
entities allowed to award certain approved projects;
increasing certain account reimbursement limits; providing
an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 69 O.S. 2001, Section 662, as
amended by Section 3, Chapter 157, O.S.L. 2006 (69 O.S. Supp. 2008,
Section 662), is amended to read as follows:

Section 662. A. The program and funds shall be administered by
the Oklahoma Department of Transportation under a minimum of
policies, guidelines and engineering design standards. Approved
projects will be awarded to contractors by the State Transportation
Commission ~~or~~, by other federal or state agencies or by circuit
engineering districts or boards of county commissioners pursuant to
following the minimum guidelines set forth in subsections C, D and F
of this section, under their normal competitive bidding procedures,

1 excluding prequalification of bidders. Force account road projects
2 may be approved for a county by the Transportation Commission. No
3 force account county bridge project shall be reimbursed in excess of
4 ~~Two Hundred Thousand Dollars (\$200,000.00)~~ Four Hundred Thousand
5 Dollars (\$400,000.00). No county road project in excess of ~~Two~~
6 ~~Hundred Thousand Dollars (\$200,000.00)~~ Four Hundred Thousand Dollars
7 (\$400,000.00), excluding the cost for engineering, right-of-way
8 acquisition, and utility relocation, in cost shall be done by the
9 force account method.

10 B. Funds available for the County Bridge and Road Improvement
11 Act shall not be subject to fiscal year limitations and shall be
12 available for encumbrance and expenditure purposes for a period of
13 thirty (30) months from the effective date such funds are
14 appropriated.

15 C. In order to receive reimbursement for constructing a force
16 account bridge, a county shall have sufficient funds in the County
17 Bridge and Road Improvement Fund to pay the reimbursement request
18 cost. Upon completion of a force account bridge, the board of
19 county commissioners shall request an inspection of the bridge in
20 accordance with the criteria set forth by the National Bridge
21 Inventory Program.

22 D. When the force account bridge has been inspected and
23 achieves a load rating of H. twenty (20) tons or greater, the board

1 of county commissioners may submit a request for reimbursement to
2 the Department of Transportation. The county shall receive
3 reimbursement for all costs claimed relating to the construction of
4 the bridge provided the inspection report indicates that the county
5 has met or exceeded the criteria set forth in this section. The
6 resolution for reimbursement submitted by the board of county
7 commissioners shall serve to satisfy the requirements of Section
8 41.16 of Title 62 of the Oklahoma Statutes. County force account
9 bridges eligible for reimbursement from the County Bridge and Road
10 Improvement Fund shall meet or exceed the following criteria:

11 1. The bridge has been built according to the current edition
12 of the County Bridge Standards manual or from field notes drawn by a
13 registered professional engineer that provide the basic structural
14 requirements to achieve a load rating of H. twenty (20) tons or
15 greater. Field notes may be handwritten specifications or sketches
16 which have been stamped or signed;

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

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

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

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

7 E. Monies from the County Bridge and Road Improvement Fund may
8 be used to establish minimum standards for guardrail applications on
9 low-traffic-volume county roads. The board of directors of the
10 association representing the county commissioners of Oklahoma may
11 request the development of guardrail standards for bridges on low-
12 traffic-volume county roads, as defined in the county road standard
13 manual, the cost of which shall be paid from monies from the County
14 Bridge and Road Improvement Fund.

15 F. Prior to construction of the bridge, a county may request
16 that construction supervision be provided by the Circuit Engineering
17 District of which the county is a member to ensure quality control
18 and quality assurance.

19 SECTION 2. AMENDATORY 69 O.S. 2001, Section 689, is
20 amended to read as follows:

21 Section 689. A. The program and funds pursuant to the County
22 Bridge and Road Improvement Act shall be administered by the
23 Oklahoma Department of Transportation under a minimum of policies

1 and guidelines in accordance with appropriate design and
2 construction engineering standards. Approved projects will be
3 awarded to contractors by the State Transportation Commission ~~or~~, by
4 other federal or state agencies or by circuit engineering districts
5 or boards of county commissioners pursuant to following the minimum
6 guidelines set forth in subsections C, D and F of Section 662 of
7 this title, under their normal competitive bidding procedures.
8 However, force account projects may be awarded to a county based
9 upon agreed unit prices, if deemed to be in the best public
10 interest.

11 B. The Department is hereby directed, in cooperation with the
12 Association of County Commissioners of Oklahoma, to cause to be
13 developed appropriate local road design standards for use in
14 constructing projects pursuant to this program. The standards, upon
15 their adoption by the Transportation Commission and by those
16 counties wishing to participate in this program, shall be used for
17 the design and construction of all projects funded pursuant to this
18 program. However, when funds available pursuant to this program are
19 used to match federal funds, projects shall meet appropriate minimum
20 design standards for local roads and other applicable federal
21 requirements. All plans and specifications for federal-aid projects
22 shall be subject to the approval of the Department. To every extent
23 possible, negotiations with the Federal Highway Administration

1 should be undertaken to allow application of the County Road
2 Guidelines Design Manual.

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

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

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

1 SECTION 3. This act shall become effective July 1, 2009.

2 SECTION 4. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-25-09 - DO
7 PASS, As Amended.