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THE STATE SENATE
Monday, February 15, 2010

Senate Bill No. 1764
As Amended

SENATE BILL NO. 1764 - By: Bingman of the Senate and Benge 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:

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 1705. The Oklahoma Turnpike Authority is hereby authorized and empowered:

- (a) To adopt bylaws for the regulation of its affairs and conduct of its business.
- (b) To adopt an official seal and alter the same at pleasure.
- (c) To maintain an office at such place or places within the state as it may designate.
- (d) To sue and be sued in contract, reverse condemnation, equity, mandamus and similar actions in its own name, plead and be impleaded; provided, that any and all actions at law or in equity against the Authority shall be brought in the county in which the

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

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

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

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

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

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

22 (5) The Cimarron Turnpike between Tulsa and Interstate Highway
23 35 north of Perry, including a connection to Stillwater.

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

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

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

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

18 (10) A turnpike or any part or parts thereof beginning in the
19 vicinity of Duncan extending east to the vicinity of the City of
20 Davis, and extending in a northeasterly direction, by way of the
21 vicinity of the City of Ada, to a connection in the vicinity of
22 Henryetta or in the vicinity of the intersection of State Highway 48

1 and Interstate 40; and a turnpike or any part or parts thereof from
2 the vicinity of Snyder extending north to the vicinity of Woodward.

3 (11) A turnpike or any part or parts thereof beginning at a
4 point in the vicinity of Ponca City, or at a point on the Kansas-
5 Oklahoma state boundary line east of the Arkansas River and west of
6 the point where Oklahoma State Highway No. 18 intersects said state
7 boundary line, and extending in a southeasterly direction to a
8 connection with the Tulsa Urban Expressway System in the general
9 area of the Port of Catoosa.

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

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

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

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

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

10 (17) A tollgate on the Muskogee Turnpike in the vicinity of
11 Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the
12 vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in
13 the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey
14 Turnpike at Elgin, Oklahoma, from any monies available to the
15 Authority.

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

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

21 (20) All or any part of an Oklahoma City Outer Loop expressway
22 system beginning in the vicinity of I-35 and the Turner Turnpike and
23 extending west into Canadian County and then south to I-40; and then

1 south and east to I-35 in the vicinity of Moore and Norman; and then
2 extending east and north to I-40 east of Tinker Field; and then
3 extending north to the Turner Turnpike to complete the Outer Loop.

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

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

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

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

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

1 intersection. Any existing on- or off-ramp or any parts thereof in
2 the vicinity of Fletcher, Oklahoma, shall not be removed and shall
3 be maintained pursuant to Section 1701 et seq. of this title.

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

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

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

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

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

1 The minimum and maximum wages for the construction of the roads,
2 highways and projects provided for in Sections 1701 through 1734 of
3 this title shall be in accordance with the schedules of wages used
4 or adopted by the Commission in construction of state highways.

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

9 The Authority is hereby required to construct and install
10 automatic tollgates on the Will Rogers Turnpike at State Highway No.
11 28 near Adair.

12 (f) To issue turnpike revenue bonds of the Authority, payable
13 solely from revenues, including the revenues accruing to the trust
14 fund created by Sections 1701 through 1734 of this title, for the
15 purpose of paying all or any part of the cost of any one or more
16 turnpike projects. Provided that any bonds issued for the
17 construction of the proposed turnpike referred to in subparagraphs
18 (10), (20), (21) and (22) of paragraph (e) of this section shall be
19 issued as one issue for all four of the proposed turnpikes and shall
20 be financed, constructed and operated under one bond indenture.

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

1 Any common carrier having authority at the time of opening any
2 turnpike project to operate upon a highway approximately paralleling
3 the turnpike project shall be granted without further showing
4 authority to operate over the turnpike project to all municipalities
5 which such carrier is serving at the time the turnpike project is
6 opened to traffic. But nothing herein shall be construed as
7 granting any new operation rights to any common carriers.

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

10 (i) To acquire in the name of the Authority by purchase or
11 otherwise on such terms and conditions and in such manner as it may
12 deem proper, or by exercise of the right of condemnation in manner
13 hereinafter provided, such public or private lands, including public
14 parks, playgrounds, or reservations, or parts thereof or rights
15 therein, rights-of-way, property, rights, easements, and interests,
16 as it may deem necessary for carrying out the provisions of Sections
17 1701 through 1734 of this title; provided, that all public property
18 damaged in carrying out the powers granted by Sections 1701 through
19 1734 of this title shall be restored or repaired and placed in its
20 original condition as nearly as practicable.

21 (j) To designate, except as is provided for herein, the
22 location, and establish, limit and control such points of ingress to
23 and egress from each turnpike project as may be necessary or

1 desirable in the judgment of the Authority to insure the proper
2 operation and maintenance of such project, and to prohibit entrance
3 to such project from any point or points not so designated.

4 (k) To make and enter into all contracts and agreements
5 necessary or incidental to the performance of its duties and the
6 execution of its powers, and to employ consulting engineers,
7 attorneys, accountants, construction and financial experts,
8 superintendents, managers, and such other employees and agents as
9 may be necessary in its judgment, and to fix their compensation;
10 provided, that all such expenses shall be payable solely from the
11 proceeds of turnpike revenue bonds issued under the provisions of
12 Sections 1701 through 1734 of this title or from revenues; provided,
13 further, no attorney employed by the Authority, nor any member of
14 any law firm of which the attorney may be connected, shall ever be
15 paid any fee or compensation for any special or extraordinary
16 services.

17 (l) To receive and accept from any federal agency grants for or
18 in aid of the construction of any turnpike project, provided, the
19 acceptance of such grants will not reduce the amount of federal aid
20 for the construction, repair, or maintenance of farm-to-market roads
21 and other highways and bridges in this state; and to receive and
22 accept aid or contributions from any source of either money,
23 property, labor, or other things of value, to be held, used, and

1 applied only for the purposes for which such grants and
2 contributions may be made.

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

10 (n) To do all things necessary or convenient to carry out the
11 powers expressly granted in Sections 1701 through 1734 of this
12 title. The design standards for all paving shall comply with the
13 design standards of the American Association of State Highway and
14 Transportation Officials as modified by the Oklahoma Department of
15 Transportation. All contracts for construction work on turnpike
16 projects shall be let to the lowest responsible bidder, or bidders,
17 after notice by publication in a newspaper published in the county
18 where the work is to be done in two consecutive weekly issues of the
19 newspaper. In all cases where more than eight (8) miles of
20 construction is let at the same time and is not an advertisement for
21 a surface-treatment-only project, such advertisement shall provide
22 for bids on sections of the turnpike not to exceed eight (8) miles.
23 If the project advertised is a surface-treatment-only project of

1 more than twenty (20) miles of road, the advertisement shall provide
2 for bids on sections of the road no longer than twenty (20) miles,
3 as well as bids on the project as a whole. Subject to the following
4 restrictions and limitations, the Authority shall, when contracting
5 for construction work, divide such work into paving projects, bridge
6 projects, including underpasses and overpasses, and earthmoving or
7 miscellaneous projects, according to the type of work to be done.
8 Each project shall be let under a separate contract or contracts and
9 no contract or project shall include more than one of such types of
10 construction work. Each contract for construction work shall
11 contain a provision that ninety percent (90%) of all labor employed
12 on the project shall be residents of Oklahoma. However, contracts
13 for bridges may include earthwork and structures for the approaches
14 thereto.

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

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

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

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

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 2-9-10 - DO
2 PASS, As Amended and Coauthored.