

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2173

By: Branan

4  
5  
6 AS INTRODUCED

7 An Act relating to roads, bridges and ferries;  
8 amending 68 O.S. 2001, Sections 500.6, as last  
9 amended by Section 3, Chapter 45, 2nd Extraordinary  
10 Session, O.S.L. 2006, 500.7, as last amended by  
11 Section 4, Chapter 45, 2nd Extraordinary Session,  
12 O.S.L. 2006, and 707.1 (68 O.S. Supp. 2009, Sections  
13 500.6 and 500.7), which relate to gasoline, diesel  
14 and special fuel taxes; deleting references to  
15 certain county road and bridge improvement fund;  
16 providing for certain monies to be distributed to the  
17 various counties for certain purpose; providing  
18 formula; directing distribution of certain monies;  
19 amending 68 O.S. 2001, Section 1004, as last amended  
20 by Section 1, Chapter 305, O.S.L. 2009 (68 O.S. Supp.  
21 2009, Section 1004), which relates to apportionment  
22 of certain taxes; modifying distribution of certain  
23 funds to counties; stating formula; amending 69 O.S.  
24 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

1 for projects; providing for certain costs to be  
2 reimbursed; modifying certain weight limit standards;  
3 amending 69 O.S. 2001, Section 665, which relates  
4 certification; modifying certification authorities;  
5 amending 69 O.S. 2001, Section 689, which relates to  
6 local road designs; modifying administration for  
7 certain functions; repealing 69 O.S. 2001, Section  
8 658, which relates to the Department of  
9 Transportation county road branch; repealing 69 O.S.  
10 2001, Section 664, as last amended by Section 9,  
11 Chapter 45, 2nd Extraordinary Session, O.S.L. 2006  
12 (69 O.S. Supp. 2009, Section 664), which relates to  
13 the County Bridge and Road Improvement Fund;  
14 providing an effective date; and declaring an  
15 emergency.

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

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

21 Section 500.6 A. The tax of sixteen cents (\$0.16) per gallon  
22 of gasoline that is levied by paragraph 1 of subsection A of Section  
23 500.4 of this title, and the tax of two and eight one-hundredths  
24 cents (\$0.0208) per gallon of gasoline that is levied by subsection  
C of Section 500.4 of this title, and penalties and interest  
thereon, collected by the Oklahoma Tax Commission under the levy  
shall be apportioned and distributed monthly as follows:

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

4        2. One and six hundred twenty-five one-thousandths percent  
5 (1.625%) of the levy shall be remitted to the State Treasurer to the  
6 credit of the High Priority State Bridge Revolving Fund as created  
7 in Section 6 of this act;

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

11            a. the first Eight Hundred Fifty Thousand Dollars  
12                (\$850,000.00) collected each fiscal year shall be  
13                transferred to the Public Transit Revolving Fund,  
14                created in Section 4031 of Title 69 of the Oklahoma  
15                Statutes, and

16            b. the second Eight Hundred Fifty Thousand Dollars  
17                (\$850,000.00) collected each fiscal year shall be  
18                transferred to the Oklahoma Tourism and Passenger Rail  
19                Revolving Fund and shall be used by the Department of  
20                Transportation:

21                (1) to contract railroad passenger services,  
22                        including but not limited to a route linking  
23                        stations in Oklahoma and Tulsa Counties with  
24                        other primary points in the national railroad

1 passenger system and passenger rail service  
2 within the state, and a route beginning at a  
3 station in Oklahoma County and extending north to  
4 the Kansas state line in Kay County, and

5 (2) to provide necessary facility, signaling, and  
6 track improvements for those contracted services,

7 c. forty-one and two-tenths percent (41.2%) of the monies  
8 apportioned to the State Transportation Fund shall be  
9 used for any purpose provided for in Section 1502 of  
10 Title 69 of the Oklahoma Statutes,

11 d. nine and eight-tenths percent (9.8%) of the monies  
12 apportioned to the State Transportation Fund shall be  
13 used to provide funds for the construction and  
14 maintenance of farm-to-market roads on the state  
15 highway system, and other rural farm-to-market roads  
16 and bridges, and

17 e. any remaining amount of the apportionment shall be  
18 deposited into the State Transportation Fund;

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

22 a. sixty-five and three-tenths percent (65.3%) of the  
23 monies apportioned under this paragraph shall be used  
24 on the following basis:

1 (1) forty percent (40%) of such sum shall be  
2 distributed to the various counties in the  
3 proportion which the county road mileage of each  
4 county bears to the entire state road mileage as  
5 certified by the Transportation Commission, and  
6 (2) the remaining sixty percent (60%) of such sum  
7 shall be distributed to the various counties on  
8 the basis which the population and area of each  
9 county bears to the total population and area of  
10 the state. The population shall be as shown by  
11 the last Federal Decennial Census or the most  
12 recent annual estimate provided by the U.S.  
13 Bureau of the Census,

14 b. twenty-three and one-tenth percent (23.1%) of the  
15 monies apportioned under this paragraph shall be  
16 distributed to the counties in the following manner:  
17 One-third (1/3) on area; one-third (1/3) on rural  
18 population, defined as including the population of all  
19 municipalities with a population of less than five  
20 thousand (5,000) according to the latest Federal  
21 Decennial Census; and one-third (1/3) on county road  
22 mileage, as last certified by the Department of  
23 Transportation, as each county bears to the entire  
24

1 area, rural population and road mileage of the state,  
2 and

3 c. eleven and six-tenths percent (11.6%) of the monies  
4 apportioned under this paragraph shall be distributed  
5 to the various counties of the state based on a  
6 formula developed by the Department of Transportation  
7 and approved by the Department of Transportation  
8 County Advisory Board created pursuant to Section  
9 302.1 of Title 69 of the Oklahoma Statutes. The  
10 formula shall be similar to the formula currently used  
11 for the distribution of monies in the County Bridge  
12 Program funds, but shall also take into consideration  
13 the effect of the terrain and traffic volume as  
14 related to county road improvement and maintenance  
15 costs. ~~Any county may, by resolution of the board of~~  
16 ~~county commissioners, direct the Tax Commission to~~  
17 ~~deposit the funds apportioned pursuant to this~~  
18 ~~subparagraph directly into the County Bridge and Road~~  
19 ~~Improvement Fund to be used for the purposes set forth~~  
20 ~~in the County Bridge and Road Improvement Act;~~

21 5. Three and one hundred twenty-five one-thousandths percent  
22 (3.125%) of the levy shall be distributed to the various counties of  
23 the state based on a formula developed by the Department of  
24 Transportation and approved by the Department of Transportation

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

12 6. Two and six hundred twenty-five one-thousandths percent  
13 (2.625%) of the levy shall be ~~deposited in~~ distributed to the  
14 various counties of the state for deposit into the County Bridge and  
15 Road Improvement Fund of ~~the State Treasury~~ each county based on a  
16 formula developed by the Department of Transportation and approved  
17 by the Department of Transportation County Advisory Board created  
18 pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes to be  
19 used for the purposes set forth in the County Bridge and Road  
20 Improvement Act. The formula shall be similar to the formula  
21 currently used for the distribution of monies in the County Bridge  
22 Program funds, but shall also take into consideration the effect of  
23 the terrain and traffic volume as related to county road improvement  
24 and maintenance costs; and

1           7. One and eight hundred seventy-five one-thousandths percent  
2 (1.875%) of the levy shall be transmitted by the Tax Commission to  
3 the treasurers of the various incorporated cities and towns of the  
4 state in the percentage which the population, as shown by the last  
5 Federal Decennial Census or the most recent annual estimate provided  
6 by the U.S. Bureau of the Census, bears to the total population of  
7 all the incorporated cities and towns in this state. The funds  
8 shall be expended for the construction, repair and maintenance of  
9 the streets and alleys of the incorporated cities and towns of this  
10 state.

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

19           2. The funds received by any county shall not be diverted to  
20 any other county of the state, and shall only be expended under the  
21 direction and control of the board of county commissioners in the  
22 county to which the funds are appropriated. If any part of the  
23 funds is diverted for any other purpose, the county commissioners  
24 shall be liable on their bond for double the amount of the money so

1 diverted. This paragraph shall not prohibit counties from entering  
2 into cooperative agreements pertaining to the maintenance and  
3 construction of roads and bridges.

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

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

23 5. Counties may use funds deposited in the county highway fund  
24 for the purpose of matching federal or state funds, provided such

1 funds are available, as necessary to secure assistance in the  
2 construction or improvement of the county road system.

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

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

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

20 3. If any county has an accrued balance of funds which were  
21 appropriated to or otherwise accrued in the County Bridge and Road  
22 Improvement Fund, ninety-nine percent (99%) of such funds shall be  
23 remitted to the respective county treasurer for deposit in the  
24 appropriate County Bridge and Road Improvement fund to be used for

1 the purpose set forth in the County Bridge and Road Improvement Act.  
2 The remaining one percent (1%) of such funds will be remitted to the  
3 Circuit Engineering Revolving Fund; and

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

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

23 SECTION 2. AMENDATORY 68 O.S. 2001, Section 500.7, as  
24 last amended by Section 4, Chapter 45, 2nd Extraordinary Session,

1 O.S.L. 2006 (68 O.S. Supp. 2009, Section 500.7), is amended to read  
2 as follows:

3 Section 500.7 A. The tax of thirteen cents (\$0.13) per gallon  
4 of diesel fuel that is levied by Section 500.4 of this title, and  
5 all penalties and interest thereon, collected by the Oklahoma Tax  
6 Commission under the levy shall be apportioned and distributed  
7 monthly as follows:

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

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

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

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

22 a. forty-two and one-tenth percent (42.1%) of the monies  
23 apportioned under this paragraph shall be transmitted  
24 to the various counties in the percentage which the

1 population and area of each county bears to the  
2 population and area of the entire state. The  
3 population shall be as shown by the last Federal  
4 Decennial Census or the most recent annual estimate  
5 provided by the U.S. Bureau of the Census,

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

9 Forty percent (40%) of such sum shall be distributed  
10 to the various counties in that proportion which the  
11 county road mileage of each county bears to the entire  
12 state road mileage as certified by the Transportation  
13 Commission, and the remaining sixty percent (60%) of  
14 such sum shall be distributed to the various counties  
15 on the basis which the population and area of each  
16 county bears to the total population and area of the  
17 state. The population shall be as shown by the last  
18 Federal Decennial Census or the most recent annual  
19 estimate provided by the U.S. Bureau of the Census,

20 c. twenty-eight and nine-tenths percent (28.9%) of the  
21 monies apportioned under this paragraph shall be  
22 distributed to the several counties in the following  
23 manner: one-third (1/3) on area, one-third (1/3) on  
24 rural population (defined as including the population

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

- 8 d. fourteen and five-tenths percent (14.5%) of the monies  
9 apportioned under this paragraph shall be distributed  
10 to the various counties of the state based on a  
11 formula developed by the Oklahoma Department of  
12 Transportation and approved by the Department of  
13 Transportation County Advisory Board created pursuant  
14 to Section 302.1 of Title 69 of the Oklahoma Statutes.  
15 The formula shall be similar to the formula currently  
16 used for the distribution of the County Bridge Program  
17 funds, but shall also take into consideration the  
18 effect of the terrain and traffic volume as related to  
19 the county road improvement and maintenance costs.  
20 ~~Any county may, by resolution approved by a majority~~  
21 ~~of the board of county commissioners and filed with~~  
22 ~~the Oklahoma Tax Commission, direct the Oklahoma Tax~~  
23 ~~Commission to deposit the funds so apportioned by this~~  
24 ~~subparagraph directly into the County Bridge and Road~~

1           ~~Improvement Fund to be used for the purposes set forth~~  
2           ~~in the County Bridge and Road Improvement Act;~~

3           5. Three and eighty-five one-hundredths percent (3.85%) of the  
4 levy shall be distributed based on a formula developed by the  
5 Oklahoma Department of Transportation and approved by the Department  
6 of Transportation County Advisory Board created pursuant to Section  
7 302.1 of Title 69 of the Oklahoma Statutes. The formula shall be  
8 similar to the formula currently used for the distribution of the  
9 County Bridge Program funds, but shall also take into consideration  
10 the effect of the terrain and traffic volume as related to the  
11 county road improvement and maintenance costs. ~~Any county may, by~~  
12 ~~resolution approved by a majority of the board of county~~  
13 ~~commissioners and filed with the Oklahoma Tax Commission, direct the~~  
14 ~~Oklahoma Tax Commission to deposit the funds so apportioned by this~~  
15 ~~paragraph directly into the County Bridge and Road Improvement Fund~~  
16 ~~to be used for the purposes set forth in the County Bridge and Road~~  
17 ~~Improvement Act.~~ The apportionment of the levy as set forth in this  
18 paragraph shall be subject to the provisions of subsection C of  
19 Section 500.6 of this title; and

20           6. Three and eighty-four one-hundredths percent (3.84%) of the  
21 levy shall be ~~deposited in~~ distributed to the various counties of  
22 the state for deposit into the County Bridge and Road Improvement  
23 Fund of the State Treasury each county based on a formula developed  
24 by the Department of Transportation County Advisory Board created

1 pursuant to Section 302.1 of Title 69 of the Oklahoma Statutes to be  
2 used for the purposes set forth in the County Bridge and Road  
3 Improvement Act. The formula shall be similar to the formula  
4 currently used for the distribution of monies in the County Bridge  
5 Program funds, but shall also take into consideration the effect of  
6 the terrain and traffic volume as related to county road improvement  
7 and maintenance costs.

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

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

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

20 Section 707.1 A. In addition to the excise taxes levied by  
21 Sections 703 and 705 of this title, there is hereby levied an excise  
22 tax of two and one-half cents (\$0.025) upon the use within this  
23 state of each and every gallon of special fuel, which shall be  
24 reported and collected in the same manner as provided by law for the

1 reporting and collecting of all other tax levies upon the use of  
2 special fuel within this state.

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

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

10 Two cents (\$0.02) of the two and one-half cents (\$0.025),  
11 together with any interest and penalties thereon, shall be  
12 apportioned according to the provisions of paragraph 1 of Section  
13 704 of this title.

14 One-half of one cent (\$0.005) of the two and one-half cents  
15 (\$0.025), together with any interest and penalties thereon, shall be  
16 ~~deposited in~~ distributed to the various counties of the state for  
17 deposit into the County Bridge and Road Improvement Fund of the  
18 State Treasury each county based on a formula developed by the  
19 Department of Transportation and approved by the Department of  
20 Transportation County Advisory Board created pursuant to Section  
21 302.1 of Title 69 of the Oklahoma Statutes to be used for the  
22 purposes set forth in the County Bridge and Road Improvement Act.  
23 The formula shall be similar to the formula currently used for the  
24 distribution of monies in the County Bridge Program funds, but shall

1 also take into consideration the effect of the terrain and traffic  
2 volume as related to county road improvement and maintenance costs.

3 SECTION 4. AMENDATORY 68 O.S. 2001, Section 1004, as  
4 last amended by Section 1, Chapter 305, O.S.L. 2009 (68 O.S. Supp.  
5 2009, Section 1004), is amended to read as follows:

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

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

11 a. eighty-five and seventy-two one-hundredths percent  
12 (85.72%) shall be paid to the State Treasurer of the  
13 state to be placed in the General Revenue Fund of the  
14 state and used for the general expense of state  
15 government, to be paid out pursuant to direct  
16 appropriation by the Legislature,

17 b. seven and fourteen one-hundredths percent (7.14%) of  
18 the sum collected from natural gas and/or casinghead  
19 gas or asphalt or ores bearing uranium, lead, zinc,  
20 jack, gold, silver or copper shall be paid to the  
21 various county treasurers to be credited to the County  
22 Highway Fund as follows: Each county shall receive a  
23 proportionate share of the funds available based upon  
24 the proportion of the total value of production from

1 such county in the corresponding month of the  
2 preceding year, and

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

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

17 a. eighty-five and seventy-two one-hundredths percent  
18 (85.72%) shall be paid to the State Treasurer of the  
19 state to be placed in the General Revenue Fund of the  
20 state and used for the general expense of state  
21 government, to be paid out pursuant to direct  
22 appropriation by the Legislature,

23 b. seven and fourteen one-hundredths percent (7.14%) of  
24 the sum collected from natural gas and/or casinghead

1 gas shall be paid to the various county treasurers to  
2 be credited to the County Highway Fund as follows:  
3 Each county shall receive a proportionate share of the  
4 funds available based upon the proportion of the total  
5 value of production from such county in the  
6 corresponding month of the preceding year, and

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

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

21 a. seventy-five percent (75%) shall be paid to the State  
22 Treasurer of the state to be placed in the General  
23 Revenue Fund of the state and used for the general  
24

1 expense of state government, to be paid out pursuant  
2 to direct appropriation by the Legislature,

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

11 c. twelve and one-half percent (12.5%) shall be allocated  
12 to each county as provided for in subparagraph b of  
13 this paragraph and shall be apportioned, on an average  
14 daily attendance per capita distribution basis, as  
15 certified by the State Superintendent of Public  
16 Instruction to the school districts of the county  
17 where such pupils attend school regardless of  
18 residence of such pupil, provided the school district  
19 makes an ad valorem tax levy of fifteen (15) mills for  
20 the current year and maintains twelve (12) years of  
21 instruction;

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

1 a. fifty percent (50%) of the sum collected from natural  
2 gas and/or casinghead gas shall be paid to the various  
3 county treasurers to be credited to the County Highway  
4 Fund as follows: Each county shall receive a  
5 proportionate share of the funds available based upon  
6 the proportion of the total value of production from  
7 such county in the corresponding month of the  
8 preceding year, and

9 b. fifty percent (50%) shall be allocated to each county  
10 as provided for in subparagraph a of this paragraph  
11 and shall be apportioned, on an average daily  
12 attendance per capita distribution basis, as certified  
13 by the State Superintendent of Public Instruction to  
14 the school districts of the county where such pupils  
15 attend school regardless of residence of such pupil,  
16 provided the school district makes an ad valorem tax  
17 levy of fifteen (15) mills for the current year and  
18 maintains twelve (12) years of instruction;

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

22 a. twenty-five and seventy-two one-hundredths percent  
23 (25.72%) shall be paid to the State Treasurer to be  
24 placed in the Common Education Technology Revolving

1 Fund created in Section 41.29c of Title 62 of the  
2 Oklahoma Statutes,

3 b. twenty-five and seventy-two one-hundredths percent  
4 (25.72%) shall be paid to the State Treasurer to be  
5 placed in the Higher Education Capital Revolving Fund  
6 created in Section 41.29d of Title 62 of the Oklahoma  
7 Statutes,

8 c. twenty-five and seventy-two one-hundredths percent  
9 (25.72%) shall be paid to the State Treasurer to be  
10 placed in the Oklahoma Tuition Scholarship Revolving  
11 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%)  
14 shall be ~~paid to the State Treasurer to be apportioned~~  
15 to distributed to the various counties of the state  
16 for deposit into the County Bridge and Road  
17 Improvement Fund of the State Treasury each county  
18 based on a formula developed by the Department of  
19 Transportation County Advisory Board created pursuant  
20 to Section 302.1 of Title 69 of the Oklahoma Statutes  
21 to be used for the purposes set forth in the County  
22 Bridge and Road Improvement Act. The formula shall be  
23 similar to the formula currently used for the  
24 distribution of monies in the Country Bridge Program

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

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

7 (1) the following sources and in the following  
8 amounts through the fiscal year ending June 30,  
9 2014:

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

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

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

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

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

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

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

4           a. twenty-two and one-half percent (22.5%) shall be paid  
5 to the State Treasurer to be placed in the Common  
6 Education Technology Revolving Fund created in Section  
7 41.29c of Title 62 of the Oklahoma Statutes,

8           b. twenty-two and one-half percent (22.5%) shall be paid  
9 to the State Treasurer to be placed in the Higher  
10 Education Capital Revolving Fund created in Section  
11 41.29d of Title 62 of the Oklahoma Statutes,

12          c. twenty-two and one-half percent (22.5%) shall be paid  
13 to the State Treasurer to be placed in the Oklahoma  
14 Tuition Scholarship Revolving Fund created in Section  
15 41.29e of Title 62 of the Oklahoma Statutes,

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

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

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

10 (1) the following sources and in the following  
11 amounts through the fiscal year ending June 30,  
12 2014:

13 (a) thirty-three and one-third percent (33 1/3%)  
14 to the Oklahoma Tourism and Recreation  
15 Department Capital Expenditure Revolving  
16 Fund created pursuant to Section 2254.1 of  
17 Title 74 of the Oklahoma Statutes,

18 (b) thirty-three and one-third percent (33 1/3%)  
19 to the Oklahoma Conservation Commission  
20 Infrastructure Revolving Fund created  
21 pursuant to Section 3-2-110 of Title 27A of  
22 the Oklahoma Statutes, and

23 (c) thirty-three and one-third percent (33 1/3%)  
24 to the Community Water Infrastructure

1                   Development Revolving Fund created pursuant  
2                   to Section 1085.7A of Title 82 of the  
3                   Oklahoma Statutes, and

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

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

15                  g. twelve and one-half percent (12.5%) shall be allocated  
16                  to each county as provided in subparagraph f of this  
17                  paragraph and shall be apportioned on an average daily  
18                  attendance per capita distribution basis, as certified  
19                  by the State Superintendent of Public Instruction, to  
20                  the school districts of the county where such pupils  
21                  attend school regardless of residence of such pupil,  
22                  provided the school district makes an ad valorem tax  
23                  levy of fifteen (15) mills for the current year and  
24                  maintains twelve (12) years of instruction; and

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

4 a. fifty percent (50%) of the sum collected shall be paid  
5 to the various county treasurers, to be credited to  
6 the County Highway Fund as follows: Each county shall  
7 receive a proportionate share of the funds available  
8 based upon the proportion of the total value of  
9 production from such county in the corresponding month  
10 of the preceding year, and

11 b. fifty percent (50%) shall be allocated to each county  
12 as provided for in subparagraph a of this paragraph  
13 and shall be apportioned on an average daily  
14 attendance per capita distribution basis, as certified  
15 by the State Superintendent of Public Instruction, to  
16 the school districts of the county where such pupils  
17 attend school regardless of residence of such pupil,  
18 provided the school district makes an ad valorem tax  
19 levy of fifteen (15) mills for the current year and  
20 maintains twelve (12) years of instruction.

21 Provided, notwithstanding any other provision of this section,  
22 the total amounts deposited to the Common Education Technology  
23 Revolving Fund, the Higher Education Capital Revolving Fund, the  
24 Oklahoma Tuition Scholarship Revolving Fund, the Rural Economic

1 Action Plan Water Projects Fund, the Oklahoma Tourism and Recreation  
2 Department Capital Expenditure Revolving Fund, the Oklahoma  
3 Conservation Commission Infrastructure Revolving Fund and the  
4 Community Water Infrastructure Development Revolving Fund pursuant  
5 to paragraphs 5 and 6 of this section shall not exceed One Hundred  
6 Fifty Million Dollars (\$150,000,000.00) in any fiscal year. All  
7 sums in excess of One Hundred Fifty Million Dollars  
8 (\$150,000,000.00) in any fiscal year which would otherwise be  
9 deposited in such funds shall be placed by the State Treasurer in  
10 the General Revenue Fund of the state.

11 SECTION 5. AMENDATORY 69 O.S. 2001, Section 659, is  
12 amended to read as follows:

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

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

13 SECTION 6. AMENDATORY 69 O.S. 2001, Section 660, as last  
14 amended by Section 1, Chapter 281, O.S.L. 2009 (69 O.S. Supp. 2009,  
15 Section 660), is amended to read as follows:

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

22 ~~B. Funds made available for the purposes of the County Bridge~~  
23 ~~and Road Improvement Act may be used to pay the cost of county~~  
24 ~~bridge inspections, classifications, and evaluations, and county~~

1 ~~road inspections, classifications, and evaluations for federal and~~  
2 ~~state purposes and to match federal or state funds, provided the~~  
3 ~~applicable federal or state funds are available.~~

4 ~~C. Except as otherwise specified in the County Bridge and Road~~  
5 ~~Improvement Act, the county collector system, including any future~~  
6 ~~revisions thereto, shall constitute the system of roads wherein the~~  
7 ~~bridges and roads are located that are eligible for project funding~~  
8 ~~under the County Bridge and Road Improvement Act. Official maps~~  
9 ~~showing the county collector system in each county shall be~~  
10 ~~maintained on file by the Department of Transportation and shall be~~  
11 ~~furnished each county at no cost.~~

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

19 ~~E. When a county bridge sustains damage, whether caused by a~~  
20 ~~natural or artificial event, and consequently requires immediate~~  
21 ~~repair, the board of county commissioners may by resolution direct~~  
22 ~~the transfer, by the Department of Transportation, of any~~  
23 ~~unencumbered monies in that county's account in the County Bridge~~  
24

1 ~~and Road Improvement Fund, to that county's highway fund, for the~~  
2 ~~sole purpose of repairing or reconstructing the bridge.~~

3 F. The boards of county commissioners may enter into  
4 cooperative agreements with the Oklahoma Turnpike Authority for the  
5 purpose of replacement, expansion or repair of functionally obsolete  
6 and structurally deficient bridges which cross over or under  
7 turnpikes. The expenditures for such projects will be from any  
8 federal, state or county public funds appropriated and earmarked for  
9 such purpose. Counties may apply for the expenditure of these  
10 earmarked funds for projects that have been requested by the board  
11 of county commissioners of the county where the bridge is located.  
12 Once approved by the Oklahoma Cooperative Circuit Engineering  
13 Districts Board, the Board will select and prioritize the bridge  
14 replacement projects based on criteria which shall include, but not  
15 be limited to, high traffic volume and current bridge safety  
16 assessments.

17 SECTION 7. AMENDATORY 69 O.S. 2001, Section 661, as last  
18 amended by Section 2, Chapter 157, O.S.L. 2006 (69 O.S. Supp. 2009,  
19 Section 661), is amended to read as follows:

20 Section 661. A. ~~While the legislative intent of the County~~  
21 ~~Bridge and Road Improvement Act is to replace or reconstruct~~  
22 ~~structurally obsolete bridges and roads on the county collector~~  
23 ~~system, it is recognized that specific conditions may exist in a~~  
24 ~~county justifying the need to reconstruct or replace a bridge or a~~

1 ~~road on a road section not included in the county collector system.~~  
2 ~~In such specific instance, the Oklahoma Department of Transportation~~  
3 ~~may approve a project not on the county collector system.~~  
4 ~~Justification for such projects shall include use of the bridge or~~  
5 ~~road for school bus routes, mail routes, heavy and extensive~~  
6 ~~industrial or agricultural operations, or such other unique purposes~~  
7 ~~as may be acceptable to the Department of Transportation. However,~~  
8 ~~in all instances projects located on school bus routes shall have~~  
9 ~~priority on funds provided for the implementation of this act.~~  
10 ~~Right of way acquisition and utility relocation shall be the~~  
11 ~~responsibility of the county in which the project is located.~~  
12 ~~Monies received by counties pursuant to the County Bridge and Road~~  
13 ~~Improvement Act may be used for right of way acquisition and utility~~  
14 ~~relocation.~~

15 ~~B.~~ When a county receives monies pursuant to the County Bridge  
16 and Road Improvement Act, a county shall give priority to  
17 reconstructing, replacing, or closing those bridges in the county  
18 that are rated less than three (3) tons or fifteen (15) tons or less  
19 for those bridges on school bus routes. Bridge and road replacement  
20 or reconstruction projects shall be selected by the individual  
21 boards of county commissioners ~~with the concurrence of the~~  
22 ~~Department of Transportation~~ and shall be based on a countywide  
23 assessment of bridge and road reconstruction and replacement needs.  
24 ~~Each request for project funds will be transmitted to the Department~~

1 ~~of Transportation in the form of an official programming resolution~~  
2 ~~bearing the signatures of a majority of the county commissioners.~~  
3 ~~Where more than one project is programmed in a single county, the~~  
4 ~~board of county commissioners shall designate the priority in which~~  
5 ~~it wishes the projects to be undertaken.~~

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

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

18 B. Funds accruing to the County Bridge and Road Improvement  
19 Revolving Fund shall be apportioned on the basis of a formula  
20 developed by the Department of Transportation. The formula shall be  
21 similar to that previously used for the distribution of County  
22 Bridge Improvement Program funds, but shall also take into  
23 consideration the effects of terrain and traffic volume as related  
24 to county road improvement and maintenance costs.

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

4 Section 662. A. ~~The program and funds shall be administered by~~  
5 ~~the Department of Transportation under a minimum of policies,~~  
6 ~~guidelines and engineering design standards. Approved projects will~~  
7 A professional engineer registered by the State Board of  
8 Registration for Professional Engineers and Land Surveyors pursuant  
9 to Section 475.1 et seq. of Title 59 of the Oklahoma Statutes, shall  
10 approve projects that may be awarded to contractors by the Boards of  
11 County Commissioners, Transportation Commission or by other federal  
12 or state agencies under their normal competitive bidding procedures,  
13 excluding prequalification of bidders. Force account road projects  
14 may be approved for a county by the Transportation Commission. No  
15 force account county bridge project shall be reimbursed in excess of  
16 Four Hundred Thousand Dollars (\$400,000.00). No county road project  
17 in excess of Four Hundred Thousand Dollars (\$400,000.00), excluding  
18 the cost for engineering, right of way acquisition, and utility  
19 relocation, in cost shall be done by the force account method. A  
20 "county built" project may be a road or bridge in whole or in part  
21 built with its own county forces or entirely let to contract, but  
22 all costs associated are reimbursable.

23 B. ~~Funds available for the County Bridge and Road Improvement~~  
24 ~~Act shall not be subject to fiscal year limitations and shall be~~

1 ~~available for encumbrance and expenditure purposes for a period of~~  
2 ~~thirty (30) months from the effective date such funds are~~  
3 ~~appropriated.~~

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

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

24

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

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

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

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

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

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

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

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

8 SECTION 9. AMENDATORY 69 O.S. 2001, Section 665, is  
9 amended to read as follows:

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

21 ~~B.~~ All consulting engineering contracts for services referred  
22 to in this act ~~shall~~ may be ~~approved~~ reviewed by the Department of  
23 Transportation except those contracts entered into pursuant to the  
24 provisions of Section 687.1 of this title or county or circuit

1 engineer. The Department, county or circuit engineer shall make  
2 findings on all contracts ~~approved~~ reviewed that the cost is  
3 reasonable and the firm involved is capable of performing the  
4 service within a reasonable period of time.

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

7 1. ~~Matching federal funds for the annual Federal Highway~~  
8 ~~Administration allocation to the Oklahoma State University Center~~  
9 ~~for Local Government Technology for the Federal Highway~~  
10 ~~Administration Rural Technical Assistance Program, not to exceed~~  
11 ~~twenty five percent (25%) of the amount of funding the state is~~  
12 ~~required to provide, which shall not exceed Fifty Thousand Dollars~~  
13 ~~(\$50,000.00) The cost of county bridge inspections, classifications,~~  
14 ~~and evaluations, and county road inspections, classifications and~~  
15 ~~evaluations for federal and state purposes and to match federal or~~  
16 ~~state funds, provided the applicable federal or state funds are~~  
17 ~~available;~~

18 2. Project engineering costs;

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

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

24

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

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

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

14 8. All costs associated with constructing a bituminous surface  
15 treatment or gravel roadway.

16 SECTION 10. AMENDATORY 69 O.S. 2001, Section 689, is  
17 amended to read as follows:

18 ~~Section 689. A. The program and funds pursuant to the County~~  
19 ~~Bridge and Road Improvement Act shall be administered by the~~  
20 ~~Oklahoma Department of Transportation under a minimum of policies~~  
21 ~~and guidelines in accordance with appropriate design and~~  
22 ~~construction engineering standards. Approved projects will be~~  
23 ~~awarded to contractors by the State Transportation Commission or by~~  
24 ~~other federal or state agencies under their normal competitive~~

1 ~~bidding procedures. However, force account projects may be awarded~~  
2 ~~to a county based upon agreed unit prices, if deemed to be in the~~  
3 ~~best public interest.~~

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

19 C. B. Plans, surveys, and engineering shall be the  
20 responsibility of the county in which the project is located ~~and may~~  
21 ~~be paid for by the Department of Transportation on a contractual~~  
22 ~~basis from program funds accruing to that county.~~ Only registered  
23 professional engineers, approved by the Department of  
24 Transportation, experienced in the design and construction of

1 highway and related facilities, shall be used for such services.  
2 ~~Where funds available pursuant to this program are used to match~~  
3 ~~federal funds, the engineer shall be subject to approval by the~~  
4 ~~Department of Transportation. On those projects where no federal~~  
5 ~~funds are involved, the Department of Transportation shall make~~  
6 ~~every effort to develop simplified procedures designed to expedite~~  
7 ~~the efforts of the county to advance the project to contract~~  
8 ~~letting. The Field Division engineer of the Department of~~  
9 ~~Transportation or an appropriate designee shall be responsible for~~  
10 ~~providing such guidance and assistance as may be requested by the~~  
11 ~~county in the development of the project. The Field Division~~  
12 ~~engineer shall be notified in advance by the county's engineer of~~  
13 ~~all field "plan-in-hand" inspections involving the project and shall~~  
14 ~~be granted access to the project and all related records and~~  
15 ~~documents during all phases of the project design and construction.~~  
16 ~~Construction engineering on all projects shall be the responsibility~~  
17 ~~of the Department of Transportation. In specific instances where,~~  
18 ~~in the opinion of the Department of Transportation, the public~~  
19 ~~interest would be best served, the county's engineer may be~~  
20 ~~authorized to perform the construction engineering.~~

21 D. ~~Upon completion of the construction plans, the county's~~  
22 ~~engineer shall submit the plans to the Department of Transportation~~  
23 ~~accompanied by detailed estimates of the cost of right-of-way,~~  
24 ~~utility relocations and construction of the project and a~~

1 ~~certification that the project was designed in accordance with the~~  
2 ~~applicable adopted design standards. The Department of~~  
3 ~~Transportation shall review the plans, specifications, and estimates~~  
4 ~~to the extent of assuring their completeness and compliance with the~~  
5 ~~appropriate design criteria. Upon acceptance of the plans,~~  
6 ~~specifications, and estimates by the Department and at such time all~~  
7 ~~right of way necessary to construct the project has been acquired by~~  
8 ~~the county and so certified to the Department of Transportation, the~~  
9 ~~project will be scheduled for bid opening by the Transportation~~  
10 ~~Commission. However, no project shall be scheduled for bid opening~~  
11 ~~unless sufficient program funds are available to the account of the~~  
12 ~~county in which the project is located to adequately finance the~~  
13 ~~project construction.~~

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

17 SECTION 11. REPEALER 69 O.S. 2001, Section 658, is  
18 hereby repealed.

19 SECTION 12. REPEALER 69 O.S. 2001, Section 664, as last  
20 amended by Section 9, Chapter 45, 2nd Extraordinary Session, O.S.L.  
21 2006 (69 O.S. Supp. 2009, Section 664), is hereby repealed.

22 SECTION 13. This act shall become effective July 1, 2010.

23 SECTION 14. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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