

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 424

By: Easley

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6 AS INTRODUCED

7 An Act relating to railroads; amending 66 O.S. 2001,
8 Section 324, which relates to the Oklahoma Tourism
9 and Passenger Rail Act; prohibiting Department of
10 Transportation from certain activities without
11 including passenger rail service to Tulsa; and
12 declaring an emergency.

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

14 SECTION 1. AMENDATORY 66 O.S. 2001, Section 324, is
15 amended to read as follows:

16 Section 324. A. The Department of Transportation is hereby
17 authorized and empowered to:

18 1. Acquire, construct, reconstruct, repair, replace, operate
19 and maintain railroad rights-of-way and trackage projects at such
20 locations and on such passenger routes as it shall determine to be
21 feasible and economically sound;

22 2. Enter into agreements with the owners of operating railroads
23 for the acquisition and/or use of railroad rights-of-way and
24 trackage on such terms, conditions, rates or rentals as the
Department may consider to be in the best interests of the state;

1 3. Enter directly into agreements with owners of operating
2 passenger railroads to sell, lease, or sell by lease-purchase
3 agreement any state-owned railroad property on such terms,
4 conditions or amounts as the Department may consider to be in the
5 best interests of the state and to promote the purposes of ~~this act~~
6 the Oklahoma Tourism and Passenger Rail Act;

7 4. Acquire and hold real or personal property in the exercise
8 of its powers for the performance of its duties as authorized by
9 ~~this act~~ the Oklahoma Tourism and Passenger Rail Act. Surplus
10 property may be disposed of by the Department;

11 5. Acquire in the name of the Department, by purchase or
12 otherwise on such terms and conditions and in such manner as it may
13 deem proper, or by exercise of the right of condemnation, such
14 public or private lands and personality, including public parks,
15 playgrounds, or reservations, or parts thereof or rights therein,
16 rights-of-way, trackage, property, rights, easements, and interests,
17 as it may deem necessary for carrying out the provisions of ~~this act~~
18 the Oklahoma Tourism and Passenger Rail Act;

19 6. Make and enter into all contracts and agreements necessary
20 or incidental to the performance of its duties and the execution of
21 its powers under ~~this act~~ the Oklahoma Tourism and Passenger Rail
22 Act, and to employ passenger rail planning and management
23 consultants, consulting engineers, attorneys, accountants,
24 construction and financial consultants, superintendents, managers,

1 and such other employees and agents as may be necessary in its
2 judgment, and to fix their compensation; provided, that all such
3 expenses shall be payable solely from funds made available under and
4 pursuant to the provisions of ~~this act~~ The Oklahoma Tourism and
5 Passenger Rail Act or from revenues; provided, further, no attorney
6 employed by the Department, nor any member of any law firm of which
7 he or she may be connected, shall ever be paid any fee or
8 compensation for any special or extraordinary services;

9 7. Receive, accept and expend funds from the state, any federal
10 agency, or from private sources, for passenger rail planning and for
11 administration of passenger railroad assistance projects, and for,
12 or in aid of the acquisition, construction, reconstruction,
13 replacement, repair, maintenance and operation of passenger railroad
14 rights-of-way and trackage and for passenger rail service
15 continuation payments to railroad companies for operating losses
16 sustained by reasons of continuing service on a line which may
17 otherwise be abandoned or which may experience a reduced level of
18 service not in the public interest, where such continuation of
19 service is carried out under a written agreement with the Department
20 establishing the terms and conditions for such payments, and to
21 receive and accept funds, aid or contributions from any source of
22 either money, property, labor or other things of value, to be held,
23 used and applied only for the purposes for which such funds, aid or
24 contributions may be made;

1 8. Adopt such rules and to do any and all things necessary to
2 comply with rules, regulations or requirements of the United States
3 Department of Transportation, any successor thereof, the Interstate
4 Commerce Commission or any federal agency administering any law
5 enacted by the Congress of the United States or having funds
6 available for the purpose of the Department that are not
7 inconsistent with or contrary to the prohibitions and restrictions
8 of Oklahoma law or public interest;

9 9. Expend income and funds from the Oklahoma Tourism and
10 Passenger Rail Revolving Fund created in Section 5 325 of this ~~act~~
11 title in the exercise of any or all of the foregoing powers; and

12 10. Do all things necessary or convenient to carry out the
13 powers expressly granted in ~~this act~~ the Oklahoma Tourism and
14 Passenger Rail Act. Provided, however, the Department is hereby
15 expressly prohibited from authorizing, directing or otherwise
16 participating in any activity authorized pursuant to this act if
17 such activity does not include or promote the inclusion of passenger
18 rail service to Tulsa for the benefit of the citizens of Northeast
19 Oklahoma.

20 B. It shall be unlawful for any member, officer or employee of
21 the Department to transact with the Department, either directly or
22 indirectly, any business for profit of such member, officer or
23 employee; and any person, firm or corporation knowingly
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1 participating therein shall be equally liable for violation of this
2 provision.

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

6 Violation of this provision shall constitute a felony and, upon
7 conviction, shall be punishable by a fine of not less than Five
8 Hundred Dollars (\$500.00) and not more than Five Thousand Dollars
9 (\$5,000.00), or by imprisonment in the custody of the Department of
10 Corrections for not more than five (5) years, or by both such fine
11 and imprisonment.

12 C. All meetings of the Department shall be open public
13 meetings, and all records shall be public records, except when
14 considering personnel.

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

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