

1 STATE OF OKLAHOMA

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

3 SENATE BILL 49

By: Bingman

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6 AS INTRODUCED

7 An Act relating to roads, bridges and ferries;
8 amending 69 O.S. 2001, Section 1403, as last amended
9 by Section 1, Chapter 63, O.S.L. 2007 (69 O.S. Supp.
10 2008, Section 1403), which relates to relocation of
public utilities on highways; modifying certain time
period for locating and marking facilities; and
declaring an emergency.

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

14 SECTION 1. AMENDATORY 69 O.S. 2001, Section 1403, as
15 last amended by Section 1, Chapter 63, O.S.L. 2007 (69 O.S. Supp.
16 2008, Section 1403), is amended to read as follows:

17 Section 1403. A. The location and removal of all telephone,
18 telegraph, electric light and power transmission lines, poles, wires
19 and conduits, water, sewers and all pipelines erected, constructed
20 or in place upon, across or under any state highway shall be under
21 the control and supervision of the Department of Transportation; and
22 the location and removal of any facility placed under rights granted
23 hereunder on county highways shall be under the jurisdiction of the
24 particular board of county commissioners involved insofar as same

1 affects the public travel or interferes with the construction and
2 maintenance of such highway.

3 B. Prior to conducting the design survey for a proposed
4 improvement, construction, or reconstruction of a highway, the
5 authority having jurisdiction over the highway shall notify any
6 person, firm, or corporation overseeing the operating or maintaining
7 of any facility within the proposed project boundaries. Upon
8 receipt of notice or from a date specified in the notice, the
9 person, firm, or corporation shall have ~~ten (10)~~ fifteen (15) days
10 to locate and mark the facilities.

11 C. Whenever the authority having jurisdiction over a particular
12 highway plans an improvement or construction or reconstruction of
13 the highway, and before the work is started, it shall serve a
14 written notice upon the person, firm or corporation owning or
15 maintaining any such facility, which notice shall contain a plan or
16 chart indicating the places on the right-of-way where the facilities
17 may be maintained. The notice shall state the time when the work of
18 improving the highway is proposed to commence, and a reasonable time
19 shall be allowed to the owner of the facility to remove and relocate
20 its property. The effect of any change ordered by the public
21 authority shall not be to exclude the facilities from the right-of-
22 way of highways.

23 D. The removal and relocation of all the facilities located
24 within the public right-of-way prior to the planned improvement,

1 construction or reconstruction shall be made at the cost and expense
2 of the owners, unless otherwise provided by law or order of the
3 Department of Transportation, and in the event of the failure of
4 such owners to remove the same at the time set out in the notice,
5 they may be removed by the public authority and the cost of the
6 removal collected from the owners, and the authority shall not be
7 liable in any way to any person for the locating or relocating of
8 the facilities at the places prescribed. Any corporation or
9 association, or the officers or agents of such corporation or
10 association, or any other person who shall erect or maintain any
11 such lines, poles, wires, conduits, pipelines, equipment or other
12 facilities within the right-of-way of such highways in a manner not
13 in complete accordance with the orders of the respective public
14 authority shall be deemed guilty of a misdemeanor.

15 E. The Department of Transportation may promulgate such rules
16 as it may deem necessary for the planting of trees and shrubbery and
17 parking along such state highways.

18 F. Rural water districts, nonprofit water corporations, and
19 municipal public water systems in municipalities with a population
20 of ten thousand (10,000) or less, according to the latest Federal
21 Decennial Census, or their beneficial trusts shall be exempt from
22 the payment of the costs and expenses for the removal and relocation
23 of water and sewer pipelines and all such facilities constructed or
24 in place in the public right-of-way when the removal and relocation

1 of such facilities is necessary for the improvement, construction or
2 reconstruction of any road or highway which is part of the state
3 highway system or turnpike project as defined in subsection A of
4 Section 501 and Section 1705 of this title. Any costs and expenses,
5 including any unpaid on July 1, 1990, shall be paid by the public
6 authority having jurisdiction over the particular road or highway.

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

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12 52-1-402 MJM 3/6/2009 4:53:00 AM

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