

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1990

By: Sullivan of the House

and

Newberry of the Senate

8 An Act relating to transportation; enacting the
9 Oklahoma Inter-Modal Transportations Act; allowing
10 establishment of public trusts by certain entities;
11 requiring certain statutory provisions be followed;
12 providing for appointment of trustees; providing
eligibility requirements; providing for chair;
providing for meetings; defining quorum; providing
powers of trustees; providing for codification; and
providing an effective date.

13 AUTHOR: Add the following Senate Coauthor: Sparks

14 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

15 "[transportation - definition - turnpike location -
16 effective date -]

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

19 SECTION 1. AMENDATORY 68 O.S. 2001, Section 1370.7, as
20 last amended by Section 1, Chapter 117, O.S.L. 2010 (68 O.S. Supp.
21 2010, Section 1370.7), is amended to read as follows:

22 Section 1370.7 A. As used in this section, the following terms
23 shall have the following meanings:
24

1 1. "Agency" includes but is not limited to extant
2 transportation operating systems;

3 2. "Operation" includes but is not limited to leasing services,
4 contracting for services, planning, financing, construction and
5 maintenance of a transportation or regional economic project
6 regardless of the source of funding;

7 3. "Transportation project or system" includes but is not
8 limited to transit, commuter and passenger rail service or
9 operations or intermodal facilities, the components of which
10 contribute to a system that incorporates transportation modes of
11 highway, air, rail and waterway together in order to facilitate the
12 movement of commerce; and

13 4. "User fees" means farebox revenues.

14 B. Any combination of cities, towns and counties, or their
15 agencies, by resolution of their governing boards, may jointly
16 create a transportation authority or regional economic development
17 authority pursuant to the provisions of Section 176 of Title 60 of
18 the Oklahoma Statutes for the purpose of planning, financing,
19 construction, maintenance and operation of transportation or
20 regional economic development projects located within the boundaries
21 of such cities, towns or counties. An authority created pursuant to
22 the provisions of this subsection shall have the powers granted
23 pursuant to the provisions of Section 176 of Title 60 of the
24 Oklahoma Statutes in addition to the powers granted pursuant to the

1 provisions of this section except that no transportation or regional
2 economic development authority created pursuant to the provisions of
3 this subsection shall have any power or authority to exercise or to
4 attempt to exercise any powers of eminent domain. The combination
5 of cities, towns and counties, or their agencies, creating the
6 authority shall be designated the beneficiary of the authority. The
7 boundaries of the authority shall be coterminous with the boundaries
8 of the cities, towns or counties creating the authority.

9 C. Any transportation authority or regional economic
10 development authority created pursuant to the provisions of
11 subsection B of this section may levy a sales tax of not to exceed
12 two percent (2%) upon the gross proceeds or gross receipts derived
13 from all sales or services in the cities, towns and counties
14 comprising the authority upon which a consumer's sales tax is levied
15 by this state. Before a sales tax may be levied by the authority,
16 the imposition of the tax shall first be approved by a majority of
17 votes cast by the registered voters within the boundaries of each of
18 the cities, towns and counties comprising the authority voting
19 thereon at a special election jointly called by the governing boards
20 of the cities, towns and counties comprising the authority.
21 Provided, if a majority of the votes cast by registered voters of an
22 authority voting fail to approve such a tax, the governing boards of
23 such cities, towns and counties shall not jointly call another
24 special election for such purpose for at least six (6) months. Any

1 sales tax approved by the registered voters of an authority shall be
2 applicable only when the point of sale is within the boundaries or
3 limits of the authority.

4 D. All items that are exempt from the state sales tax shall be
5 exempt from any sales tax levied pursuant to the provisions of this
6 section.

7 E. Any sales tax which may be levied pursuant to the provisions
8 of this section shall be designated for the purposes of planning,
9 financing, construction, maintenance and operation of transportation
10 or regional economic development projects within the boundaries of
11 the authority. The authority shall identify the purpose of the
12 sales tax when it is presented to the voters pursuant to the
13 provisions of this section. The proceeds of any sales tax levied by
14 an authority shall be used only for the purposes for which the sales
15 tax was designated.

16 F. The authority shall identify the specific duration of the
17 tax when it is presented to the voters pursuant to the provisions of
18 this section and shall include specific language in the ballot title
19 disclosing the duration of the tax. A levy by a transportation
20 authority or a regional economic development authority shall have a
21 maximum duration of thirty (30) years if the proceeds from the tax
22 are pledged to the repayment of indebtedness and a maximum duration
23 of twenty (20) years if the proceeds from the tax are to be used for
24 expenditures other than the repayment of indebtedness.

1 G. An authority created pursuant to the provisions of
2 subsection B of this section may utilize the provisions of the Local
3 Development Act as it relates to the financing of such
4 transportation or regional economic development projects.

5 H. A transportation or regional economic development authority
6 created pursuant to this section shall exist for the duration of the
7 operation and no longer than one (1) year after cessation of the
8 operation.

9 I. Providing that at cessation of operations the proceeds of
10 any tax levied by an authority pursuant to this section are pledged
11 for the purpose of retiring indebtedness incurred for the specific
12 purpose for which the tax is imposed, the tax shall not be repealed
13 until such time as the indebtedness is retired. In no event shall
14 the life of the tax be extended beyond the duration approved by the
15 voters of the authority.

16 J. If the revenue collected from any taxes levied by the
17 authority exceeds the amount necessary for payment of any and all
18 expenses incurred by the authority in the planning, financing,
19 construction, maintenance and operation of transportation or
20 regional economic development projects, the excess funds shall be
21 apportioned to the general funds of the cities, towns and counties
22 comprising the authority in proportion to the population of each
23 city, town and county.

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1 K. A transportation authority created pursuant to the
2 provisions of subsection B of this section may provide for the
3 financing of a transportation system utilizing any revenue measures
4 available pursuant to subsections B through J of this section in
5 combination with revenue derived from user fees.

6 SECTION 2. AMENDATORY 69 O.S. 2001, Section 1705, as
7 last amended by Section 1, Chapter 137, O.S.L. 2010 (69 O.S. Supp.
8 2010, Section 1705), is amended to read as follows:

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

11 (a) To adopt bylaws for the regulation of its affairs and
12 conduct of its business.

13 (b) To adopt an official seal and alter the same at pleasure.

14 (c) To maintain an office at such place or places within the
15 state as it may designate.

16 (d) To sue and be sued in contract, reverse condemnation,
17 equity, mandamus and similar actions in its own name, plead and be
18 impleaded; provided, that any and all actions at law or in equity
19 against the Authority shall be brought in the county in which the
20 principal office of the Authority shall be located, or in the county
21 of the residence of the plaintiff, or the county where the cause of
22 action arose. All privileges granted to the Authority and duties
23 enjoined upon the Authority by the provisions of Sections 1701

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1 through 1734 of this title may be enforced in a court of competent
2 jurisdiction in an action in mandamus.

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

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

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

13 (3) The Northeastern (Will Rogers) Turnpike between Tulsa and
14 Joplin, Missouri.

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

18 (5) The Cimarron Turnpike between Tulsa and Interstate Highway
19 35 north of Perry, including a connection to Stillwater.

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

22 (7) All or any part of an extension of the Muskogee Turnpike,
23 beginning at a point on Interstate Highway 40 near the present south
24 terminus of the Muskogee Turnpike, and extending in a southeasterly

1 direction on an alignment near Stigler, Poteau and Heavener to the
2 vicinity of the Arkansas State Line to furnish access to Hot
3 Springs, Texarkana, Shreveport and New Orleans.

4 (8) A tollgate on the Turner Turnpike in the vicinity of
5 Luther, Oklahoma, and in the vicinity of the intersection of State
6 Highway 33 and Turner Turnpike in Creek County, Oklahoma, or in the
7 vicinity of the intersection of State Highway 33 and Turner Turnpike
8 or U.S. Highway 66 in Creek County, Oklahoma, from any monies
9 available to the Authority.

10 (9) Add on the Will Rogers Turnpike a northbound automatic
11 tollgate onto State Highway 28 and a southbound on-ramp from State
12 Highway 28.

13 (10) A turnpike or any part or parts thereof beginning in the
14 vicinity of Duncan extending east to the vicinity of the City of
15 Davis, and extending in a northeasterly direction, by way of the
16 vicinity of the City of Ada, to a connection in the vicinity of
17 Henryetta or in the vicinity of the intersection of State Highway 48
18 and Interstate 40; and a turnpike or any part or parts thereof from
19 the vicinity of Snyder extending north to the vicinity of Woodward.

20 (11) A turnpike or any part or parts thereof beginning at a
21 point in the vicinity of Ponca City, or at a point on the Kansas-
22 Oklahoma state boundary line east of the Arkansas River and west of
23 the point where Oklahoma State Highway No. 18 intersects ~~said~~ the
24 state boundary line, and extending in a southeasterly direction to a

1 connection with the Tulsa Urban Expressway System in the general
2 area of the Port of Catoosa.

3 (12) All or any part of an Oklahoma City toll expressway system
4 connecting the residential, industrial and State Capitol Complex in
5 the north part of Oklahoma City with the residential, industrial and
6 Will Rogers World Airport Complex in the south and southwest parts
7 of Oklahoma City.

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

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

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

21 (16) A tollgate on the Will Rogers Turnpike near the
22 intersection of State Highway 137 and the Will Rogers Turnpike,
23 located south of Quapaw.

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1 (17) A tollgate on the Muskogee Turnpike in the vicinity of
2 Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the
3 vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in
4 the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey
5 Turnpike at Elgin, Oklahoma, from any monies available to the
6 Authority.

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

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

12 (20) All or any part of an Oklahoma City Outer Loop expressway
13 system beginning in the vicinity of I-35 and the Turner Turnpike and
14 extending west into Canadian County and then south to I-40; and then
15 south and east to I-35 in the vicinity of Moore and Norman; and then
16 extending east and north to I-40 east of Tinker Field; and then
17 extending north to the Turner Turnpike to complete the Outer Loop.

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

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

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

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

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

14 (26) A full access interchange on the Indian Nation Turnpike
15 south of Interstate 40, in the vicinity of Henryetta, Oklahoma, and
16 in the vicinity of the proposed theme park, museum or an industrial
17 facility which qualifies for the Oklahoma Quality Jobs Program Act,
18 from any monies available to the Authority.

19 (27) A new turnpike beginning at a point directly west of the
20 Arkansas line and four-laning Highway 70 from that point to the
21 farthest western reach of Highway 70 creating a southern route
22 through Oklahoma.

23 (28) A new turnpike and bridge or any parts thereof from a
24 point in the vicinity of the city of Mustang southerly across the

1 South Canadian River to the H.E. Bailey Turnpike in the vicinity of
2 the city of Tuttle; and then easterly across the South Canadian
3 River to a point in the vicinity of the city of Norman.

4 (29) A new turnpike or any parts thereof beginning at a point
5 in the vicinity of the city of Altus and extending in a
6 northwesterly direction to a point in the vicinity of the city of
7 Sayre.

8 (30) A new turnpike or any parts thereof beginning at a point
9 in the vicinity of the city of Enid and extending in a westerly
10 direction to a point in the vicinity of the city of Woodward.

11 (31) An on- and off-ramp or any parts thereof at Fletcher,
12 Oklahoma, in the vicinity of the Interstate 44 and State Highway 277
13 intersection. Any existing on- or off-ramp or any parts thereof in
14 the vicinity of Fletcher, Oklahoma, shall not be removed and shall
15 be maintained pursuant to Section 1701 et seq. of this title.

16 (32) A new bridge crossing the Arkansas River in the vicinity
17 ~~of between South Yale Avenue and South Yale Place Memorial Drive in~~
18 ~~Tulsa County. This project shall commence upon a determination by~~
19 ~~the Oklahoma Transportation Authority that such bridge shall be~~
20 ~~self-sufficient at some point over a thirty-year time period from~~
21 ~~the toll charges associated with the bridge project.~~

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

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

4 (35) A new turnpike or any parts thereof beginning at
5 Interstate 44 at or near its intersection with 49th West Avenue,
6 past State Highway 64/412, turning northeasterly, crossing 41st West
7 Avenue, and continuing eastward to the L.L. Tisdale Expressway in
8 Tulsa, Oklahoma.

9 All access roads, interchanges, or lead roads connecting such
10 turnpikes with existing highways must be built by funds furnished by
11 the Authority.

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

16 The Authority is hereby authorized to enter into contracts or
17 agreements with agencies and instrumentalities of other states or
18 the national government for construction, maintenance and operation
19 of interstate turnpikes or highways.

20 The Authority is hereby required to construct and install
21 automatic tollgates on the Will Rogers Turnpike at State Highway No.
22 28 near Adair.

23 (f) To issue turnpike revenue bonds of the Authority, payable
24 solely from revenues, including the revenues accruing to the trust

1 fund created by Sections 1701 through 1734 of this title, for the
2 purpose of paying all or any part of the cost of any one or more
3 turnpike projects. Provided that any bonds issued for the
4 construction of the proposed turnpike referred to in subparagraphs
5 (10), (20), (21) and (22) of paragraph (e) of this section shall be
6 issued as one issue for all four of the proposed turnpikes and shall
7 be financed, constructed and operated under one bond indenture.

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

10 Any common carrier having authority at the time of opening any
11 turnpike project to operate upon a highway approximately paralleling
12 the turnpike project shall be granted without further showing
13 authority to operate over the turnpike project to all municipalities
14 which such carrier is serving at the time the turnpike project is
15 opened to traffic. But nothing herein shall be construed as
16 granting any new operation rights to any common carriers.

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

19 (i) To acquire in the name of the Authority by purchase or
20 otherwise on such terms and conditions and in such manner as it may
21 deem proper, or by exercise of the right of condemnation in manner
22 hereinafter provided, such public or private lands, including public
23 parks, playgrounds, or reservations, or parts thereof or rights
24 therein, rights-of-way, property, rights, easements, and interests,

1 as it may deem necessary for carrying out the provisions of Sections
2 1701 through 1734 of this title; provided, that all public property
3 damaged in carrying out the powers granted by Sections 1701 through
4 1734 of this title shall be restored or repaired and placed in its
5 original condition as nearly as practicable.

6 (j) To designate, except as is provided for herein, the
7 location, and establish, limit and control such points of ingress to
8 and egress from each turnpike project as may be necessary or
9 desirable in the judgment of the Authority to insure the proper
10 operation and maintenance of such project, and to prohibit entrance
11 to such project from any point or points not so designated.

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

1 (l) To receive and accept from any federal agency grants for or
2 in aid of the construction of any turnpike project, provided, the
3 acceptance of such grants will not reduce the amount of federal aid
4 for the construction, repair, or maintenance of farm-to-market roads
5 and other highways and bridges in this state; and to receive and
6 accept aid or contributions from any source of either money,
7 property, labor, or other things of value, to be held, used, and
8 applied only for the purposes for which such grants and
9 contributions may be made.

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

17 (n) To do all things necessary or convenient to carry out the
18 powers expressly granted in Sections 1701 through 1734 of this
19 title. The design standards for all paving shall comply with the
20 design standards of the American Association of State Highway and
21 Transportation Officials as modified by the Oklahoma Department of
22 Transportation. All contracts for construction work on turnpike
23 projects shall be let to the lowest responsible bidder, or bidders,
24 after notice by publication in a newspaper published in the county

1 where the work is to be done in two consecutive weekly issues of the
2 newspaper. In all cases where more than eight (8) miles of
3 construction is let at the same time and is not an advertisement for
4 a surface-treatment-only project, such advertisement shall provide
5 for bids on sections of the turnpike not to exceed eight (8) miles.
6 If the project advertised is a surface-treatment-only project of
7 more than twenty (20) miles of road, the advertisement shall provide
8 for bids on sections of the road no longer than twenty (20) miles,
9 as well as bids on the project as a whole. Subject to the following
10 restrictions and limitations, the Authority shall, when contracting
11 for construction work, divide such work into paving projects, bridge
12 projects, including underpasses and overpasses, and earthmoving or
13 miscellaneous projects, according to the type of work to be done.
14 Each project shall be let under a separate contract or contracts and
15 no contract or project shall include more than one of such types of
16 construction work. Each contract for construction work shall
17 contain a provision that ninety percent (90%) of all labor employed
18 on the project shall be residents of Oklahoma. However, contracts
19 for bridges may include earthwork and structures for the approaches
20 thereto.

21 (o) It shall be unlawful for any member, officer or employee of
22 the Authority to transact with the Authority, either directly or
23 indirectly, any business for profit of such member, officer, or
24 employee; and any person, firm, or corporation knowingly

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 punishable
7 by incarceration in the State Penitentiary for a term not to exceed
8 five (5) years or a fine of not less than Five Hundred Dollars
9 (\$500.00) and not more than Five Thousand Dollars (\$5,000.00), or
10 both such imprisonment and fine.

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

22 (q) All meetings of the Authority shall be open public
23 meetings, and all records shall be public records, except when
24 considering personnel or litigation.

