

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 HOUSE BILL 1956

 By: McNeil

7 AS INTRODUCED

8 An Act relating to roads, bridges, and ferries;
9 amending 69 O.S. 2001, Section 1201, as amended by
10 Section 1, Chapter 73, O.S.L. 2008 (69 O.S. Supp.
11 2010, Section 1201), which relates to public
 highways; expanding prohibition to opening a public
 highway; providing an effective date; and declaring
 an emergency.

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

15 SECTION 1. AMENDATORY 69 O.S. 2001, Section 1201, as
16 amended by Section 1, Chapter 73, O.S.L. 2008 (69 O.S. Supp. 2010,
17 Section 1201), is amended to read as follows:

18 Section 1201. A. All section lines in the state which are
19 opened and maintained by the board of county commissioners or the
20 Department of Transportation for public use are hereby declared
21 public highways. All section lines that are not so opened and
22 maintained for public use may, by resolution of board, on the
23 petition of the owner or all the owners of the abutting land, after

1 public notice and at the expense of petitioner, be designated
2 "reserved section lines" and are in the full and complete control of
3 the owner or owners of the abutting land until such time as the
4 board of county commissioners, by resolution, stating imminent
5 intended use for public highway purposes, and by ninety-day written
6 notice to the owner or owners of the abutting land, revoke said
7 "reserved section lines" status. Provided, however, that no section
8 line may be placed in reserve status unless the full width of such
9 section line is so treated and no fee owner shall be denied the
10 right of ingress and egress to his land by virtue of this act.
11 Whenever a section line is a boundary line between two counties,
12 action by boards of county commissioners of both counties will be
13 necessary to place a section line in "reserve status."

14 B. Neither a board of county commissioners nor the Department
15 of Transportation shall open a public highway, take any action to
16 open a public highway, or incur any of the costs necessary to open,
17 construct or maintain a public highway pursuant to subsection A of
18 this section or pursuant to Section 601 et seq. of this title, upon
19 a segment of section line located within a county which is not then
20 already open and in use as a public highway or which is not then in
21 reserve status as provided for in subsection A of this section, and
22 where all of the following three circumstances exist, the
23 Legislature hereby finding that through access by the public would

1 not be possible on the segment of section line even if a public
2 highway were constructed thereon:

3 1. ~~The~~

4 a. the land crossed by the segment of section line is
5 located within the original boundaries of a facility
6 previously owned and operated by the United States of
7 America or a department or agency thereof which was
8 subsequently conveyed by the United States of America
9 or said department or agency thereof to a public trust
10 having the State of Oklahoma or one or more units of
11 county or city government as its beneficiary, or

12 b. the land crossed by the segment of section line is
13 located within the boundaries of property proposed for
14 construction of a new or expanded business facility.
15 The business shall make a minimum capital investment
16 of Ten Million Dollars (\$10,000,000.00) in the stated
17 facility and hire twenty-five new employees whose
18 salaries meet or exceed the average county wage where
19 the project is located;

20 2. Any one or more of the owners of any portion of the land on
21 both sides of the entire section line has failed to request or
22 consent to the opening of a public highway on said segment of
23 section line or any portion thereof; and

1 3. The segment of section line is blocked at one or both ends
2 thereof by an impassable barrier, such as a river, one or more
3 operating airport runways or taxiways, or security fencing, gates or
4 barricades erected in connection therewith, or by an operating rail
5 line which does not have a section line highway crossing.

6 C. Nothing in this section shall deny a fee owner their right
7 of ingress or egress to their land.

8 SECTION 2. This act shall become effective July 1, 2011.

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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14 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02-22-2011 -
15 DO PASS.

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