



1           3. To enter directly into agreements with owners of operating  
2 railroads or persons intending to operate as common carriers by rail  
3 to sell, lease, or sell by lease-purchase agreement any state-owned  
4 railroad property on such terms, conditions or amounts as the  
5 Department may consider to be in the best interests of the state and  
6 to promote the purposes of the Railroad Revitalization Act;

7           4. To acquire and hold real or personal property in the  
8 exercise of its powers for the performance of its duties as  
9 authorized by this act. Surplus property may be disposed of by the  
10 Department;

11           5. To 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 personalty, 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 the  
18 Railroad Revitalization Act;

19           6. To make and enter into all contracts and agreements  
20 necessary or incidental to the performance of its duties and the  
21 execution of its powers under the Railroad Revitalization Act, and  
22 to employ rail planning and management consultants, consulting  
23 engineers, attorneys, accountants, construction and financial  
24 consultants, superintendents, managers, and such other employees and

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

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

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

9 9. To expend, not to exceed twenty percent (20%) of the funds  
10 available in the Railroad Maintenance Revolving Fund during any one  
11 (1) year, at locations approved by the Oklahoma Corporation  
12 Commission, such Oklahoma Railroad Maintenance Revolving Fund monies  
13 as may be budgeted by the Department of Transportation for the  
14 purposes of installing signal lights, gate arms, or other active  
15 warning devices where any public road, street, or highway crosses a  
16 railroad right-of-way; provided, however, nothing in this act shall  
17 negate, change, or otherwise modify any existing statutory or common  
18 law duty of a railroad company;

19 10. To expend income and funds from the Oklahoma Railroad  
20 Maintenance Revolving Fund in the exercise of any or all of the  
21 foregoing powers;

22 11. To do all things necessary or convenient to carry out the  
23 powers expressly granted in this act.  
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1 B. It shall be unlawful for any member, officer or employee of  
2 the Department to transact with the Department, either directly or  
3 indirectly, any business for profit of such member, officer or  
4 employee; and any person, firm or corporation knowingly  
5 participating therein shall be equally liable for violation of this  
6 provision.

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

10 Violation of this provision shall constitute a felony and upon  
11 conviction shall be punishable by incarceration in the State  
12 Penitentiary for a term not to exceed five (5) years or by a fine of  
13 not less than Five Hundred Dollars (\$500.00) and not more than Five  
14 Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

15 C. All meetings of the Department shall be open public  
16 meetings, and all records shall be public records, except when  
17 considering personnel.

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

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23 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 04-05-2011 -  
24 DO PASS.