

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 711

By: Stanislawski

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5
6 AS INTRODUCED

7 An Act relating to transportation; allowing
8 assumption of certain responsibilities by the
9 Oklahoma Department of Transportation; authorizing
10 administration of certain elements of the National
11 Environmental Policy Act; providing for codification;
12 and declaring an emergency.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 4019 of Title 69, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Oklahoma Department of Transportation is authorized to:

18 1. File an application with the United States Department of
19 Transportation (USDOT) to assume all, or part, of the National
20 Environmental Policy Act and related environmental responsibilities;

21 2. Enter one or more memorandum of understandings with the
22 USDOT as provided in 23 U.S.C. 325 et seq., 23 U.S.C. 326 et seq.,
23 and 23 U.S.C. 327 et seq.;

24 3. Explicitly waive the state's immunity from suit under the
Eleventh Amendment to the Constitution of the United States, but

1 only insofar as such waiver relates to compliance, discharge or
2 enforcement of responsibilities assumed by the Department pursuant
3 to either 23 U.S.C. 325, 23 U.S.C. 326(c) or 23 U.S.C. 327(c). Such
4 waiver will allow, after administrative remedies are exhausted,
5 judicial review by federal courts of the Department's implementation
6 of the provisions of those portions of the National Environmental
7 Policy Act delegated by the USDOT to the Department:

8 a. termination under 23 U.S.C. 326(d) or 23 U.S.C.
9 327(i), or

10 b. term expiration under 23 U.S.C. 325(b)(3), or 23
11 U.S.C. 326(c)(2), unless extended by any authorized
12 renewal periods, except that the waiver shall remain
13 effective for any such responsibility that has been
14 carried out by the state prior to the termination or
15 term expiration as described herein;

16 4. Give such other pledges, assurances, and certifications as
17 may be required by the USDOT to accept duties, authority, or powers
18 under 23 U.S.C. 325, 23 U.S.C. 326, or 23 U.S.C. 327; and

19 5. Accept, receive, and administer grants or other funds or
20 gifts from public and private agencies including the federal
21 government for the purpose of carrying out any of the functions
22 under this chapter.

23 B. In implementing an approved program, the Department is
24 authorized to perform or conduct any of the activities described in

1 memorandums, if any, entered into under 23 U.S.C. 325, 23 U.S.C.
2 326, or 23 U.S.C. 327, and to do all other things necessary to carry
3 out the intent of associated programs in accordance with any
4 existing provisions of law not inconsistent therewith. Any power
5 granted to the Department by any other law may, in addition to the
6 purposes specified therein, be exercised in furtherance of the
7 carrying out of an approved 23 U.S.C. 325, 23 U.S.C. 326, or 23
8 U.S.C. 327 program.

9 C. The Department is authorized to adopt implementing
10 regulations to effectuate the purposes of this section and to
11 administer and enforce its provisions and requirements. For
12 purposes of implementing 23 U.S.C. 325, 23 U.S.C. 326, and 23 U.S.C.
13 327, the Department may adopt as the official standards for this
14 state, any relevant environmental standards promulgated or announced
15 by executive order or enacted by the Congress of the United States
16 necessary to effectuate the purposes of this section. In carrying
17 out the provisions of this section, the Department is authorized to
18 cooperate with the United States or any department thereof.

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

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