

1 STATE OF OKLAHOMA

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

3 SENATE BILL 816

By: Newberry

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5  
6 AS INTRODUCED

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

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

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

17 Section 1201. A. All section lines in the state which are  
18 opened and maintained by the board of county commissioners or the  
19 Department of Transportation for public use are hereby declared  
20 public highways. All section lines that are not so opened and  
21 maintained for public use may, by resolution of board, on the  
22 petition of the owner or all the owners of the abutting land, after  
23 public notice and at the expense of petitioner, be designated  
24 "reserved section lines" and are in the full and complete control of  
the owner or owners of the abutting land until such time as the

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

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

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

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

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

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

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

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

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

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