

1 employee to be transferred; permitting certain
2 classified employees to retain certain status and
3 salary; requiring certain benefits to be retained by
4 employees; requiring transfers be coordinated with
5 Office of Management and Enterprise Services;
6 authorizing the Oklahoma Railways Commission to rent,
7 lease, or own property; permitting the Oklahoma
8 Railways Commission to accept certain gifts;
9 providing for funding and payment of transfer costs;
10 abolishing certain division; requiring the Director
11 of the Office of Management and Enterprise Services
12 to coordinate transfer of assets and obligations;
13 requiring the Director of the Office of Management
14 and Enterprise Services to coordinate transfer of
15 property and records; providing governing body;
16 providing requirements for eligibility of Commission
17 members; providing member selection procedure;
18 providing for selection of Director; authorizing
19 Commission to conduct certain activities; restricting
20 evidentiary use of certain information; requiring
21 certain cooperation; directing certain reporting;
22 creating the Oklahoma Railways Commission Revolving
23 Fund; funding fund; providing for expenditures;
24 restricting expenditures to certain purpose;
authorizing the Oklahoma Railways Commission and the
Corporation Commission to enter into certain
agreement for transfer of personnel; requiring
written consent of employee to be transferred;
permitting certain classified employees to retain
certain status and salary; requiring certain benefits
to be retained by employees; requiring transfers be
coordinated with Office of Personnel Management;
granting and delegating certain powers, and
regulatory and rulemaking authority to the Oklahoma
Railways Commission related to highway crossings and
signage; identifying certain signage standard;
determining financial responsibility for certain
construction and maintenance projects; providing
authority to enforce certain railway fencing
requirements; granting regulatory and rulemaking
authority regarding certain safety standards for
certain railroad employee; amending 17 O.S. 2011,
Section 116.1, which relates to the Corporation
Commission; changing definition so that the term
Commission as used in certain statutes refers to the
Oklahoma Railways Commission; providing for

1 codification; providing for recodification; providing
2 effective dates; and declaring an emergency.

3
4
5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 400 of Title 66, unless there is
8 created a duplication in numbering, reads as follows:

9 A. There is hereby created the Oklahoma Railways Commission.
10 The Oklahoma Railways Commission shall consist of seven (7) members
11 who shall be appointed by the Governor and who shall continue in
12 office, as designated by the Governor at the time of appointment,
13 through the last day of the second, third, fourth, fifth, sixth and
14 seventh calendar years, respectively, following the passage of this
15 act, with the initial seventh member remaining in office until the
16 end of the calendar year 2019. The successors of the members
17 initially appointed shall be appointed for terms of six (6) years in
18 the same manner as the members originally appointed under this act,
19 except that any person appointed to fill a vacancy shall be
20 appointed only for the remainder of such term. Each member shall
21 serve until the appointment and qualification of a successor. One
22 member shall be appointed from each Congressional District and any
23 remaining members shall be appointed from the state at large.
24 However, when Congressional Districts are redrawn each member

1 appointed prior to July 1 of the year in which such modification
2 becomes effective shall complete the current term of office, and
3 appointments made after July 1 of the year in which such
4 modification becomes effective shall be based on the redrawn
5 districts. Appointments made after July 1 of the year in which such
6 modification becomes effective shall be from any redrawn districts
7 which are not represented by a board member until such time as each
8 of the modified Congressional Districts are represented by a board
9 member. No appointments may be made after July 1 of the year in
10 which such modification becomes effective if such appointment would
11 result in more than two members serving from the same modified
12 district. To qualify for appointment to the Commission, an
13 appointee shall have the following minimum qualifications:

- 14 1. A citizen and bona fide resident of the state; and
- 15 2. Three (3) years' experience in railway activities including
16 but not limited to freight rail, passenger rail or light rail.

17 Members of the Commission shall receive no salary but shall be
18 entitled to be reimbursed for necessary travel expenses pursuant to
19 the State Travel Reimbursement Act. The members of the Commission
20 may be removed by the Governor for inefficiency, neglect of duty, or
21 malfeasance in office in the manner provided by law for the removal
22 of officers not subject to impeachment.

23 B. 1. A Director of Railways shall be appointed by the
24 Commission, who shall serve at the pleasure of the Commission. The

1 Director shall be appointed with due regard to such person's
2 fitness, by education and knowledge of and recent practical
3 experience in railways, for the efficient dispatch of the powers and
4 duties duly vested in and imposed upon the Director. The Director
5 shall devote full time to the duties of the office and shall not be
6 actively engaged or employed in any other business, vocation, or
7 employment, nor shall the Director have any pecuniary interest in or
8 any stock in or bonds of any civil railway enterprise. The Director
9 shall be reimbursed for all traveling and other expenses incurred in
10 the discharge of the official duties of the Director, subject to
11 general statutory limitations on such expenses as contained in the
12 State Travel Reimbursement Act.

13 2. The Director shall be the executive officer of the
14 Commission and under its supervision shall administer the provisions
15 of this act and rules, regulations, and orders established hereunder
16 and all other laws of the state relative to railways. The Director
17 shall attend all meetings of the Commission, but shall have no vote.
18 The Director shall be in charge of the offices of the Commission and
19 responsible to the Commission for the preparation of reports and the
20 collection and dissemination of data and other public information
21 relating to railways. The Director is hereby empowered to execute
22 all contracts entered into by the Commission.

23 3. The Commission may, by written order filed in its office,
24 delegate to the Director any of the powers or duties vested in or

1 imposed upon it by this act. Such delegated powers and duties may
2 be exercised by the Director in the name of the Commission.

3 4. The Director shall appoint, subject to the approval of the
4 Commission, such experts, field and office assistants, clerks, and
5 other employees as may be required and authorized for the proper
6 discharge of the functions of the Commission.

7 C. The Commission shall, within thirty (30) days after its
8 appointment, organize, adopt a seal, and make such rules and
9 regulations for its administration, not inconsistent herewith, nor
10 inconsistent with, or contrary to, any act of the Congress of the
11 United States or regulations promulgated or standards established
12 pursuant thereto, as it may deem expedient and from time to time
13 amend such rules and regulations. At such organizational meeting it
14 shall elect from among its members a chair, a vice chair, and a
15 secretary, to serve for one (1) year, and annually thereafter shall
16 elect such officers, all to serve until their successors are
17 appointed and qualified. The Commission shall schedule meetings at
18 a convenient time and place as they become necessary. Four members
19 shall constitute a quorum, and no action shall be taken by less than
20 a majority of the Commission. Special meetings may be called as
21 provided by the rules and regulations of the Commission. Regular
22 meetings shall be held at the established offices of the Commission,
23 but whenever the convenience of the public or of the parties may be
24 promoted, or delay or expense may be prevented, the Commission may

1 hold meetings, hearings, or proceedings at any other place
2 designated by it. The Commission shall report in writing to the
3 Governor, the Speaker of the Oklahoma House of Representatives and
4 the President Pro Tempore of the Oklahoma State Senate on or about
5 January 31 of each year. The report shall contain a summary of the
6 proceedings of the Commission during the preceding fiscal year, a
7 detailed and itemized statement of all revenue and of all
8 expenditures made by or on behalf of the Commission, such other
9 information as it may deem necessary or useful, and any additional
10 information which may be requested by the Governor, the Speaker of
11 the Oklahoma House of Representatives or the President Pro Tempore
12 of the Oklahoma State Senate.

13 D. Suitable office space shall be provided by the Office of
14 Management and Enterprise Services for the Commission in the City of
15 Oklahoma City, and the Commission may incur the necessary expense
16 for office rent, furniture, stationery, printing, incidental
17 expenses, and other necessary expenses needed for the administration
18 of this act.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 401 of Title 66, unless there is
21 created a duplication in numbering, reads as follows:

22 A. Beginning January 1, 2015, the Rails Program Division shall
23 cease to be part of or a division of the Department of
24 Transportation and shall be deemed to be a separate and distinct

1 agency, to be known as the Oklahoma Railways Commission. The Rails
2 Program Division and the Director of the Rails Program Division
3 shall continue to exercise their statutory powers, duties, and
4 responsibilities until January 1, 2015, at which time all records,
5 property, equipment, assets, monies, matters pending, and funds of
6 the Division shall be transferred to the Oklahoma Railways
7 Commission.

8 B. The exercise of the powers granted to the Oklahoma Railways
9 Commission will be in all respects recognized as an essential
10 government function for the benefit of the people of this state, to
11 increase commerce, transportation and prosperity for the people of
12 this state.

13 C. The number of full-time-equivalent employees for the
14 Oklahoma Railways Commission shall not be less than five, nor more
15 than the number of employees currently allowed by law for the Rails
16 Program Division of the Department of Transportation and who
17 transfer to the Oklahoma Railways Commission pursuant to this
18 section. Except as provided in Section 6 of this act, in no event
19 shall the total full-time-equivalent employees of the Rails Program
20 Division transferring to the Oklahoma Railways Commission or
21 electing to remain with the Department of Transportation exceed
22 fourteen full-time-equivalent positions.

23 D. No full-time-equivalent employee positions for the Oklahoma
24 Railways Commission shall be under the Merit System of Personnel

1 Administration and shall be considered unclassified service. All
2 employees shall serve at the pleasure of the Director of the
3 Oklahoma Railways Commission.

4 E. The Oklahoma Railways Commission and the Department of
5 Transportation may enter into an agreement for the transfer of
6 personnel from the Department of Transportation to the Oklahoma
7 Railways Commission. No employee shall be transferred to the
8 Oklahoma Railways Commission except on the freely given written
9 consent of the employee. All classified employees under the Merit
10 System of Personnel Administration who are not transferred to the
11 Oklahoma Railways Commission shall retain the status in the class to
12 which the position occupied by the employee on January 1, 2015, is
13 allocated by the Office of Management and Enterprise Services. The
14 salary of the employee shall not be reduced as a result of the
15 position allocation. No employees who are transferred to the
16 Oklahoma Railways Commission shall be required to accept a lesser
17 grade or salary than presently received. All employees shall retain
18 leave, sick and annual time earned, and any retirement and longevity
19 benefits which have accrued during their tenure with the Department
20 of Transportation. The transfer of personnel between the state
21 agencies shall be coordinated with the Office of Management and
22 Enterprise Services.

23 F. The Oklahoma Railways Commission shall be authorized to
24 rent, lease, or own the appropriate office space and property in

1 order to conduct its business. The Oklahoma Railways Commission is
2 authorized to accept gifts, bequests, devises, contributions, and
3 grants, public or private, including federal funds or funds from any
4 other source for use in furthering the purpose of the Oklahoma
5 Railways Commission.

6 G. Funding for the Oklahoma Railways Commission shall be
7 provided for in the appropriation process of the Legislature,
8 revenue from lease operations, and those funds earmarked to the
9 Oklahoma Railroad Maintenance Revolving Fund, in addition to any
10 other funding provided by law. The expenses incurred by the
11 Oklahoma Railways Commission as a result of the transfer required by
12 this section shall be paid by the Oklahoma Railways Commission.

13 H. The division within the Department of Transportation known
14 as the Rails Program Division shall be abolished by the Department
15 of Transportation upon completion of the transfer.

16 I. The Director of the Office of Management and Enterprise
17 Services is directed to coordinate the transfer of assets, funds,
18 allotments, purchase orders, liabilities, outstanding financial
19 obligations or encumbrances provided for in this section. The
20 Office of Management and Enterprise Services shall coordinate the
21 transfer of property and records provided for in this section.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 402 of Title 66, unless there is
24 created a duplication in numbering, reads as follows:

1 A. The Oklahoma Railways Commission and its Director acting
2 under its authority is empowered and directed to encourage, foster,
3 and assist in the development of rail transportation in this state
4 and to encourage the establishment of railways and public rail
5 transportation facilities. It shall cooperate with and assist the
6 federal government, the municipalities of this state, and other
7 persons in the development of rail transportation, and shall seek to
8 coordinate the rail activities of these bodies and persons.

9 Municipalities are authorized to cooperate with the Commission in
10 the development of railways and rail facilities in this state.

11 B. The Commission may, insofar as is reasonably possible, make
12 available its engineering and other technical services to any
13 municipality or person desiring them in connection with the
14 planning, acquisition, construction, improvement, maintenance or
15 operation of rail systems.

16 C. The Commission is authorized on behalf of and in the name of
17 the state, out of appropriations and other monies made available for
18 such purposes, to plan, zone, establish, construct, enlarge,
19 improve, maintain, equip, operate, regulate, protect and police
20 railroad and rail facilities, either within or without the state,
21 including the construction, installation, equipping, maintenance and
22 operation of such railways, buildings and other facilities for the
23 servicing of railroad equipment or for the comfort and accommodation
24 of rail passenger travelers. However, the regulatory authority

1 shall not extend to any person employed by, nor to any rail facility
2 or railroad under the exclusive possession, operation, or control
3 of, a person holding a certificate of public convenience and
4 necessity issued by any agency of the United States to operate as a
5 common carrier by rail of persons or property in interstate
6 commerce. For such purposes, the Commission may, by purchase, gift,
7 devise or lease, acquire property, real or personal, or any interest
8 therein including easements in railway hazards or land outside the
9 boundaries of a rail facility or rail site, as are necessary to
10 permit safe and efficient operation of the state railroads or to
11 permit the removal, elimination, obstruction-marking or obstruction
12 hazards, or to prevent the establishment of rail facility hazards.
13 In like manner, the Commission may acquire existing railroads, rail
14 facilities and related equipment. However, the Commission shall not
15 acquire or take over any railroad, or rail facility owned or
16 controlled by a municipality of this or any other state without the
17 consent of the municipality or state.

18 D. The Commission may not, by sale, lease, or otherwise,
19 dispose of the property, railroad, rail facility, or portion thereof
20 or interest therein that would encumber or prevent future
21 development or expansion of rail operations. The disposal of
22 inoperable, obsolete, or other equipment necessary for the efficient
23 operation of the Commission, by sale, lease, or otherwise, shall be
24 in accordance with the laws of this state governing the disposition

1 of other property of the state, except that, in the case of
2 disposals to any municipality or state government or the United
3 States for railroad purposes incident thereto, the sale, lease, or
4 other disposal may be effected in the manner and upon the terms the
5 Commission may deem in the best interest of the state.

6 E. All railroads owned by the state shall be within the primary
7 jurisdiction of the Oklahoma Railways Commission for purposes of
8 design, development, and operation; provided, that railways owned
9 and operated by the state shall be exempt from these provisions
10 during time of a national emergency; and provided further, that any
11 railroad owned by the state may be leased by the Commission to a
12 public or private agency, as it may deem fit.

13 F. The Commission may exercise any powers granted by this
14 section jointly with any municipalities or with the United States.

15 G. In operating railroads or rail facilities owned or
16 controlled by the state, the Commission may enter into contracts,
17 leases, and other arrangements for a term not exceeding twenty-five
18 (25) years with any persons granting the privilege of using or
19 improving any facility or portion thereof or space therein for
20 commercial purposes; conferring the privilege of supplying goods,
21 commodities, things, services, or facilities at the rail facility;
22 or making available services to be furnished by the Commission or
23 its agents at the railway facilities.

24

1 H. In each such case the Commission may establish the terms and
2 conditions and fix the charges, rentals, or fees for the privileges
3 or services, which shall be reasonable and uniform for the same
4 class of privileges or services and shall be established with due
5 regard to the property and improvements used and the expenses of
6 operation to the state; provided, that in no case shall the public
7 be deprived of its rightful, equal, and uniform use of the
8 railroads, rail facilities or portion or facility thereof.

9 I. The Commission may by contract, lease, or other arrangement,
10 upon a consideration fixed by it, grant to any qualified person for
11 a term not to exceed twenty-five (25) years the privilege of
12 operating, as agent of the state or otherwise, any rail facility
13 owned or controlled by the state; provided, that no person shall be
14 granted any authority to operate the rail facility other than as a
15 public facility or to enter into any contracts, leases, or other
16 arrangements in connection with the operation of the rail facility
17 which the Commission might not have undertaken under any subsection
18 of this section.

19 J. To enforce the payment of any charges for repairs to, or
20 improvements, storage, or care of, any personal property made or
21 furnished by the Commission or its agents in connection with the
22 operation of a railway facility owned or operated by the state, the
23 state shall have liens on the property, which shall be enforceable
24 by the Commission as provided by law.

1 K. In accepting federal monies under this section, the
2 Commission shall have the same authority to enter into contracts on
3 behalf of the state as is granted to the Commission under any
4 subsection of this section with respect to federal monies accepted
5 on behalf of municipalities. All monies received by the Commission
6 pursuant to this section shall be deposited in the Oklahoma Railways
7 Commission Revolving Fund created pursuant to Section 5 of this act.

8 L. The Commission shall grant no exclusive right for the use of
9 any railroad or railway facility under its jurisdiction. This shall
10 not be construed to prevent the making of contracts, leases, and
11 other arrangements pursuant to any subsection of this section.

12 M. The Commission may enter into any contracts necessary to the
13 execution of the powers granted it by this act. All contracts made
14 by the Commission, either as the agent of the state or as the agent
15 of any municipality, shall be made pursuant to the laws of the state
16 governing the making of like contracts. When the planning,
17 acquisition, construction, improvement, maintenance or operation of
18 any railroad or railway facility is financed wholly or partially
19 with federal monies, the Commission as agent of the state or of any
20 municipality may let contracts in the manner prescribed by the
21 federal authorities acting under the laws of the United States and
22 any rules or regulations made hereunder.

23 N. The Commission, the Director, or any officer or employee of
24 the Commission designated by it shall have the power to hold

1 investigations, inquiries, and hearings concerning matters covered
2 by the provisions of this act and the rules, regulations, and orders
3 of the Commission. Hearings shall be open to the public and shall
4 be held upon the call or notice the Commission deems advisable.
5 Each member of the Commission, the Director, and every officer or
6 employee of the Commission designated by it to hold any inquiry,
7 investigation, or hearing shall have the power to administer oaths
8 and affirmations, certify to all official acts, issue subpoenas, and
9 order the attendance and testimony of witnesses and the production
10 of papers, books, and documents. In case of the failure of any
11 person to comply with any subpoena or order issued under the
12 authority of this subsection, or on the refusal of any witness to
13 testify to any matters regarding which the person may be lawfully
14 interrogated, it shall be the duty of the district court of any
15 county or of the judge thereof, on application of the Commission or
16 its authorized representative, to compel obedience by proceedings
17 for contempt, as in the case of disobedience of the requirements of
18 a subpoena issued from a district court or a refusal to testify
19 therein.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 403 of Title 66, unless there is
22 created a duplication in numbering, reads as follows:

23 A. In order to facilitate both the making of public safety
24 investigations by the Oklahoma Railways Commission and the promotion

1 of rail usage, public interest requires that the reports of
2 investigations or hearings, or any part thereof, shall not be
3 admitted in evidence or used for any purpose in any suit, action, or
4 proceeding growing out of any matter referred to in the
5 investigation, hearing, or report thereof, except in case of any
6 suit, action, or proceeding, civil or criminal, instituted by or on
7 behalf of the Commission or in the name of the state under the
8 provisions of this act or other laws of the state relating to
9 railroads; nor shall any member of the Commission, or the Director,
10 or any officer or employee of the Commission be required to testify
11 to any facts ascertained in, or information gained by reason of, the
12 official capacity of the person, or be required to testify as an
13 expert witness in any suit, action, or proceeding involving any
14 railroads and rail facilities. Subject to the foregoing provisions,
15 the Commission may in its discretion make available to appropriate
16 federal, state and municipal agencies information and material
17 developed in the course of its investigations and hearings.

18 B. The Commission is authorized to confer with or to hold joint
19 hearings with any agency of the United States in connection with any
20 matter arising under this act or relating to the sound development
21 of rail transportation.

22 C. The Commission is authorized to avail itself of the
23 cooperation, services, records and facilities of the agencies of the
24 United States as fully as may be practicable in the administration

1 and enforcement of this act. The Commission shall furnish to the
2 agencies of the United States its cooperation, services, records and
3 facilities, insofar as may be practicable.

4 D. The Commission shall report to the appropriate agency of the
5 United States all rail accidents in this state of which it is
6 informed and shall, insofar as is practicable, preserve, protect,
7 and prevent the removal of the component parts of any train,
8 railroad, rail facility or parts thereof involved in an accident
9 being investigated by it until the federal agency institutes an
10 investigation.

11 E. The Commission may organize and administer programs in
12 cooperation with universities, colleges and schools for the general
13 public. The Commission may also plan and act jointly in cooperative
14 research or high technology programs. As part of these programs,
15 the Commission may create and issue rail transportation films, audio
16 visual programs, electronic media and publications.

17 SECTION 5. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 404 of Title 66, unless there is
19 created a duplication in numbering, reads as follows:

20 A. There is hereby created in the State Treasury a revolving
21 fund for the Oklahoma Railways Commission to be designated the
22 "Oklahoma Railways Commission Revolving Fund". The fund shall be a
23 continuing fund, not subject to fiscal year limitations, and shall
24 consist of all monies received by the Oklahoma Railways Commission

1 Revolving Fund from appropriations from the Legislature, revenue
2 from lease operations, funds from the Railroad Maintenance Revolving
3 Fund, and any other funding provided by law. All monies accruing to
4 the credit of the Oklahoma Railways Commission Revolving Fund are
5 hereby appropriated and may be budgeted and expended by the Oklahoma
6 Railways Commission for the purpose of encouraging, fostering, and
7 assisting in the development of rail transportation in this state.
8 Expenditures from the Oklahoma Railways Commission Revolving Fund
9 shall be made upon warrants issued by the State Treasurer against
10 claims filed as prescribed by law with the Director of the Office of
11 Management and Enterprise Services for approval and payment.

12 B. The Oklahoma Railways Commission is authorized to expend
13 funds from the Oklahoma Railways Commission Revolving Fund at
14 locations approved by the Commission for the purposes of installing
15 signal lights, gate arms, or other active warning devices where any
16 public road, street, or highway crosses a railroad right-of-way;
17 however, nothing in this act shall negate, change, or otherwise
18 modify any existing statutory or common law duty of a railroad
19 company.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 405 of Title 66, unless there is
22 created a duplication in numbering, reads as follows:

23 The Oklahoma Railways Commission and the Corporation Commission
24 may enter into an agreement for the transfer of personnel from the

1 Corporation Commission to the Oklahoma Railways Commission, to
2 continue such duties transferred from the Corporation Commission to
3 the Oklahoma Railways Commission under Sections 7 and 8 of this act.
4 Any employee transferred to the Oklahoma Railways Commission under
5 this subsection or determined by the Oklahoma Railways Commission to
6 be necessary to perform duties assigned or transferred to the
7 Oklahoma Railways Commission by Sections 7 and 8 of this act, shall
8 not be counted against the full-time-equivalent employee limitation
9 provided in Section 2 of this act. No employee shall be transferred
10 to the Oklahoma Railways Commission except on the freely given
11 written consent of the employee. All classified employees under the
12 Merit System of Personnel Administration who are not transferred to
13 the Oklahoma Railways Commission shall retain the status in the
14 class to which the position occupied by the employee on January 1,
15 2015, is allocated by the Office of Personnel Management. The
16 salary of the employee shall not be reduced as a result of the
17 position allocation. All employees who are transferred to the
18 Oklahoma Railways Commission shall not be required to accept a
19 lesser grade or salary than presently received. All employees shall
20 retain leave, sick and annual time earned, and any retirement and
21 longevity benefits which have accrued during their tenure with the
22 Corporation Commission. The transfer of personnel between the state
23 agencies shall be coordinated with the Office of Personnel
24 Management.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 406 of Title 66, unless there is
3 created a duplication in numbering, reads as follows:

4 A. The Oklahoma Railways Commission is given regulatory
5 authority over all public highway crossings, where same cross steam
6 or electric railroads or railways within the State of Oklahoma. The
7 Oklahoma Railways Commission shall promulgate rules and regulations
8 for the design, installation, construction, maintenance, inspection
9 and testing of warning signal devices at highway and railroad
10 crossings in the State of Oklahoma.

11 B. The Oklahoma Railways Commission is hereby delegated the
12 regulatory authority to prescribe rules and regulations governing
13 the design, construction and location of such suitable signs
14 hereafter erected which shall conform to one of the then current
15 standards of the Association of American Railroads for highway
16 crossings crossbuck signs.

17 C. The expense of construction and the maintenance of public
18 highway grade crossings shall be borne by the railroad or railway
19 company involved. For overgrade or undergrade public highway
20 crossings over or under steam or electric railroads or railways, the
21 assignment of cost and maintenance shall be left to the discretion
22 of the Oklahoma Railways Commission; but in no event shall the city,
23 town or municipality be assessed with more than fifty percent (50%)
24 of the actual costs of such overgrade or undergrade crossings.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 D. The Oklahoma Railways Commission shall have regulatory
2 authority:

3 1. To determine and prescribe the particular location of
4 highway crossings for steam or electric railways, and the protection
5 required;

6 2. To order the removal of all obstructions as to view of such
7 crossings;

8 3. To alter or abolish any such crossings; and

9 4. To require, where practicable, a separation of grade at any
10 such crossing, heretofore or hereafter established.

11 E. The Oklahoma Railways Commission shall have the authority,
12 after having made proper investigations, to designate those grade
13 crossings which are extra hazardous. At all such crossings so
14 designated, the Commission shall have the authority to require the
15 installation of appropriate protective devices. All such
16 installations are to be performed by the railroad. The Commission
17 shall have the authority to determine the number, type, and location
18 of such signs, signals, gates or other protective devices, which,
19 however, shall conform as near as may be with generally recognized
20 national standards, and said Commission shall have authority to
21 prescribe the division of the cost of the installation of such
22 signs, signals, gates or other protective devices between the public
23 utility and the state or its political subdivisions; provided,
24 however, that the cost to the utility shall be not less than ten

1 percent (10%) or more than twenty-five percent (25%) of the total
2 costs. The railroads shall be responsible for all subsequent
3 maintenance and cost thereof. Provided, however, that the results
4 of investigation or investigations, findings, determinations, or
5 orders of the Oklahoma Railways Commission shall not be admissible
6 in any civil action.

7 F. Where application is made to the Oklahoma Railways
8 Commission for fence or repairs to fence along a railroad or railway
9 right-of-way by a landowner whose property adjoins said right-of-
10 way, the Oklahoma Railways Commission is hereby vested with
11 authority to enforce the installation of such fence or its repairs.

12 G. The Oklahoma Railways Commission is hereby authorized to
13 promulgate and enforce reasonable rules and regulations relating to
14 safety, sanitation and adequate shelter as affecting the welfare and
15 health of railroad trainmen, enginemen, yardmen, signal men,
16 maintenance of way employees, highway crossing watchmen, and
17 clerical employees of railroads.

18 SECTION 8. AMENDATORY 17 O.S. 2011, Section 116.1, is
19 amended to read as follows:

20 Section 116.1 As used in this act, unless the context requires
21 otherwise:

22 ~~(1)~~ 1. "Commission" means the Oklahoma ~~Corporation~~ Railways
23 ~~Commission~~;

24

1 ~~(2)~~ 2. "Common carrier by rail" means a railroad company
2 operating any part of its system within this state~~;~~;

3 ~~(3)~~ 3. "Motor vehicle" means any vehicle which is self-
4 propelled~~;~~;

5 ~~(4)~~ 4. "Owner" means any person having the lawful use or
6 control of a motor vehicle as holder of the legal title of the motor
7 vehicle or under contract or lease or otherwise~~;~~;

8 ~~(5)~~ 5. "Place of employment" means that location where one or
9 more workers are actually performing the labor incident to their
10 employment~~;~~; and

11 ~~(6)~~ 6. "Worker" means an individual employed for any period in
12 any work for which he is compensated, whether full- or part-time.

13 SECTION 9. RECODIFICATION 17 O.S. 2011, Sections 116.1,
14 as amended by Section 8 of this act, 116.2, 116.3, 116.4, 116.5,
15 116.6, 116.7 and 116.8 shall be recodified as Sections 407, 408,
16 409, 410, 411, 412, 413 and 414, respectively, of Title 66 of the
17 Oklahoma Statutes, unless there is created a duplication in
18 numbering.

19 SECTION 10. Section 1 of this act shall become effective July
20 1, 2014.

21 SECTION 11. Sections 2, 3, 4, 5, 6, 7, 8 and 9 of this act
22 shall become effective January 1, 2015.

23 SECTION 12. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/25/2014 -
5 DO PASS, As Coauthored.

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