



1 1. To acquire, construct, reconstruct, repair, replace, operate  
2 and maintain railroad rights-of-way and trackage projects at such  
3 locations and on such routes as it shall determine to be feasible  
4 and economically sound;

5 2. To enter into agreements with the owners of operating  
6 railroads for the acquisition and/or use of railroad rights-of-way  
7 and trackage on such terms, conditions, rates or rentals as the  
8 Department may consider to be in the best interests of the state;

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

15 4. Prior to the sale of any railroad asset owned by the State  
16 of Oklahoma or the Department of Transportation, a process of  
17 request for proposal shall be initiated by the Department of  
18 Transportation with consultation by the Office of Management and  
19 Enterprise Services. Upon the issue date of a request for proposal  
20 regarding the sale of any railroad asset owned by the State of  
21 Oklahoma or the Department of Transportation, interested parties  
22 will have no less than ninety (90) days to provide a response.  
23 Following the close of the ninety-day response period, the  
24 Department of Transportation will conduct an evaluation of all

1 submitted proposals, utilizing all available resources, and the  
2 Department of Commerce shall conduct an economic impact and/or  
3 activity study of all proposals. The Secretary of Transportation,  
4 Secretary of Finance, Secretary of Commerce, Secretary of  
5 Agriculture, and Secretary of Energy shall be responsible for  
6 preparing a recommendation to the Transportation Commission, based  
7 on its evaluation of all submitted proposals including the results  
8 of the economic impact and/or activity study, and any  
9 recommendations from the Legislature provided the ~~recommendation~~  
10 ~~meets~~ recommendations meet all other statutory requirements needed  
11 for action by the Commission. The Secretary of Transportation,  
12 Secretary of Finance, Secretary of Commerce, Secretary of  
13 Agriculture, ~~and~~ Secretary of Energy and members of the Legislature  
14 will have up to ninety (90) days, upon the closing date of the  
15 request for proposal, to present ~~its recommendation~~ recommendations  
16 to the Transportation Commission. The Transportation Commission  
17 will be responsible for consulting with the Legislature in  
18 determining if the sale of railroad assets within its jurisdiction  
19 is in the best interests of the State of Oklahoma and for  
20 authorizing the sale of such assets. ~~If a~~ Any determination ~~is~~  
21 ~~rendered~~ by the Transportation Commission that the sale of any  
22 railroad asset within its jurisdiction is appropriate, ~~notification~~  
23 must be approved by Joint Resolution of the Senate and the House of  
24 Representatives. Notification must be made to the Speaker of the

1 House of Representatives and the President Pro Tempore of the Senate  
2 in writing prior to the Commission meeting where final action will  
3 take place. All proceeds from the sale shall be deposited into the  
4 Railroad Maintenance Revolving Fund;

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

9 6. To acquire in the name of the Department, by purchase or  
10 otherwise on such terms and conditions and in such manner as it may  
11 deem proper, or by exercise of the right of condemnation, such  
12 public or private lands and personality, including public parks,  
13 playgrounds, or reservations, or parts thereof or rights therein,  
14 rights-of-way, trackage, property, rights, easements, and interests,  
15 as it may deem necessary for carrying out the provisions of the  
16 Railroad Revitalization Act;

17 7. To make and enter into all contracts and agreements  
18 necessary or incidental to the performance of its duties and the  
19 execution of its powers under the Railroad Revitalization Act, and  
20 to employ rail planning and management consultants, consulting  
21 engineers, attorneys, accountants, construction and financial  
22 consultants, superintendents, managers, and such other employees and  
23 agents as may be necessary in its judgment, and to fix their  
24 compensation; provided, that all such expenses shall be payable

1 solely from funds made available under and pursuant to the  
2 provisions of the Railroad Revitalization Act or from revenues;  
3 provided, further, no attorney employed by the Department, nor any  
4 member of any law firm of which the member may be connected, shall  
5 ever be paid any fee or compensation for any special or  
6 extraordinary services;

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

22 9. To adopt such rules and to do any and all things necessary  
23 to comply with rules, regulations or requirements of the United  
24 States Department of Transportation, any successor thereof, the

1 Surface Transportation Board or any federal agency administering any  
2 law enacted by the Congress of the United States or having funds  
3 available for the purpose of the Department that are not  
4 inconsistent with or contrary to the prohibitions and restrictions  
5 of Oklahoma law or public interest;

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

16 11. To expend income and funds from the Railroad Maintenance  
17 Revolving Fund in the exercise of any or all of the foregoing  
18 powers; and

19 12. To do all things necessary or convenient to carry out the  
20 powers expressly granted in this act.

21 B. It shall be unlawful for any member, officer or employee of  
22 the Department to transact with the Department, either directly or  
23 indirectly, any business for profit of such member, officer or  
24 employee; and any person, firm or corporation knowingly

1 participating therein shall be equally liable for violation of this  
2 provision.

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

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

11 C. All meetings of the Department shall be open public  
12 meetings, and all records shall be public records, except when  
13 considering personnel.

14 SECTION 2. This act shall become effective November 1, 2014.

15  
16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
17 02/27/2014 - DO PASS, As Coauthored.

18  
19  
20  
21  
22  
23  
24