

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 418

6 By: Loveless and Branam of the
7 Senate

8 and

9 Schwartz, Ritze, Derby and
10 Cockroft of the House

11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to transportation structure markers;
13 designating the Bill Swisher Memorial Highway;
14 requiring certain markers; designating the Specialist
15 Dylan Johnson Memorial Bridge; requiring certain
16 markers; designating the SGT First Class David
17 Clinton Fisher Memorial Highway; requiring certain
18 markers; designating the Private First Class John
19 Bennie Laskey Memorial Bridge; requiring certain
20 markers; designating the Wayne Crusoe Memorial
21 Highway; requiring certain markers; designating the
22 Wayman Tisdale Memorial Highway; requiring certain
23 markers; designating the Sergeant Bret Isenhower
24 Memorial Highway; requiring certain markers;
designating the Pikey's Crossing Memorial Highway;
requiring certain markers; designating the Petty
Officer Tony Randolph Memorial Highway; requiring
certain markers; designating the Specialist Howard
Lee Jones Memorial Bridge; requiring certain markers;
designating the OHP Captain Pete Norwood Memorial
Highway; requiring certain markers; providing
requirements for the naming of certain transportation
structures; amending 69 O.S. 2011, Section 1275,
which relates to outdoor advertising; modifying
certain compliance requirements for outdoor signs;
providing for codification; and providing an
effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1698.159 of Title 69, unless
4 there is created a duplication in numbering, reads as follows:

5 The section of Interstate 40 beginning at Morgan Road and
6 extending east to the Oklahoma County line shall be designated as
7 the "Bill Swisher Memorial Highway". The Department of
8 Transportation shall cause suitable permanent markers bearing that
9 name to be placed on the highway.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1698.160 of Title 69, unless
12 there is created a duplication in numbering, reads as follows:

13 The bridge over Polecat Creek on U.S. Highway 75 within the
14 municipal limits of Jenks shall be designated as the "Specialist
15 Dylan Johnson Memorial Bridge". The Department of Transportation
16 shall cause suitable permanent markers bearing that name to be
17 placed on the bridge.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1698.161 of Title 69, unless
20 there is created a duplication in numbering, reads as follows:

21 The portion of State Highway 16 from the intersection of State
22 Highway 18 and West 221st Street extending to the intersection of
23 State Highway 16 and South 401st West Avenue in Creek County shall
24 be designated as the "SGT First Class David Clinton Fisher Memorial

1 Highway". The Department of Transportation shall cause suitable
2 permanent markers bearing that name to be placed upon the highway.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1698.162 of Title 69, unless
5 there is created a duplication in numbering, reads as follows:

6 The southernmost bridge on State Highway 66 crossing Sand Creek
7 north of Bristow shall be designated as the "Private First Class
8 John Bennie Laskey Memorial Bridge". The Department of
9 Transportation shall cause suitable permanent markers bearing that
10 name to be placed upon the bridge.

11 SECTION 5. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1698.163 of Title 69, unless
13 there is created a duplication in numbering, reads as follows:

14 The section of U.S. Highway 70 beginning at the municipal limits
15 of Garvin and extending southeast to the municipal limits of Idabel
16 shall be designated as the "Wayne Crusoe Memorial Highway". The
17 Department of Transportation shall cause suitable permanent markers
18 bearing that name to be placed on the highway.

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1698.164 of Title 69, unless
21 there is created a duplication in numbering, reads as follows:

22 The section of State Highway 11 beginning at the Gilcrease
23 Expressway and extending north to the municipal limits of Tulsa
24 shall be designated as the "Wayman Tisdale Memorial Highway". The

1 Department of Transportation shall cause suitable permanent markers
2 bearing that name to be placed on the highway.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1698.165 of Title 69, unless
5 there is created a duplication in numbering, reads as follows:

6 The section of State Highway 59 beginning at US 177 and
7 extending east to the municipal limits of St. Louis shall be
8 designated as the "Sergeant Bret Isenhower Memorial Highway". The
9 Department of Transportation shall cause suitable permanent markers
10 bearing that name to be placed on the highway.

11 SECTION 8. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1698.166 of Title 69, unless
13 there is created a duplication in numbering, reads as follows:

14 The section of State Highway 4 beginning at State Highway 37 and
15 extending north to the South Canadian River shall be designated as
16 the "Pikey's Crossing Memorial Highway". The Department of
17 Transportation shall cause suitable permanent markers bearing that
18 name to be placed on the highway.

19 SECTION 9. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1698.167 of Title 69, unless
21 there is created a duplication in numbering, reads as follows:

22 The section of US Highway 75 beginning just east of Dewey
23 Bartlett Road and extending east one mile within the Henryetta
24 municipal limits shall be designated as "Petty Officer Tony Randolph

1 Memorial Highway". The Department of Transportation shall cause
2 suitable permanent markers to be placed on the highway bearing that
3 name.

4 SECTION 10. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1698.168 of Title 69, unless
6 there is created a duplication in numbering, reads as follows:

7 The bridge over Clear Boggy Creek on State Highway 48 south of
8 the municipal limits of Tupelo shall be designated as the
9 "Specialist Howard Lee Jones Memorial Bridge". The Department of
10 Transportation shall cause suitable permanent markers bearing that
11 name to be placed on the bridge.

12 SECTION 11. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1698.169 of Title 69, unless
14 there is created a duplication in numbering, reads as follows:

15 The section of US Highway 62 between the municipal limits of
16 Anadarko and the municipal limits of Verden shall be designated as
17 the "OHP Captain Pete Norwood Memorial Highway". The Department of
18 Transportation shall cause suitable permanent markers to be placed
19 on the highway bearing that name.

20 SECTION 12. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1600.1 of Title 69, unless there
22 is created a duplication in numbering, reads as follows:

23 Highways, bridges, and other facilities which are part of the
24 state highway system may be considered for dedication in honor of

1 individuals deserving of commendation for their active involvement
2 in the project or for outstanding service to the nation, this state,
3 or their community. Persons proposed to be so honored shall have
4 been deceased not less than three (3) years prior to consideration.
5 The provisions of this section shall not apply to the naming of
6 highways and bridges on the state highway system designed to honor
7 members of the United States Armed Forces, members of law
8 enforcement or firefighters fallen in the performance of their
9 duties. Proposals for the dedication of state highway facilities
10 should specifically state the accomplishments upon which the
11 proposal is based.

12 SECTION 13. AMENDATORY 69 O.S. 2011, Section 1275, is
13 amended to read as follows:

14 Section 1275. After April 15, 1968, signs which are to be
15 erected in a business area shall comply with the following
16 standards:

17 ~~(a)~~ 1. General. Signs shall not be erected or maintained
18 which:

19 ~~(1)~~ ~~Imitate~~

20 a. imitate or resemble any official traffic sign, signal
21 or device~~-, or~~

22 ~~(2)~~ ~~Are~~

23 b. are erected or maintained upon trees or painted or
24 drawn upon rocks or other natural features~~;~~

1 ~~(b)~~ 2. Size.

2 ~~(1)~~

3 a. Signs shall not be erected which exceed one thousand
4 two hundred (1,200) square feet in area, per facing,
5 including border and trim, nor shall signs be erected
6 which exceed twenty-five (25) feet in height nor sixty
7 (60) feet in length, excluding apron, supports and
8 other structural members.

9 ~~(2)~~

10 b. The maximum size limitations shall apply to each sign
11 facing. Two signs not exceeding six hundred (600)
12 square feet each may be erected in a facing, side by
13 side or "doubledecker". Back-to-back and/or V-type
14 signs will be permitted, and shall be treated as one
15 structure with one thousand two hundred (1,200) square
16 feet permitted for each, if the sign structures or
17 facings are physically contiguous, or connected by the
18 same structure or cross bracing, or located not more
19 than fifteen (15) feet apart at their nearest point
20 nor more than thirty (30) feet apart at their widest
21 point in the case of back-to-back or V-type signs.
22 However, nothing in this section shall be construed to
23 allow tri-faced signs;i

24 ~~(c)~~ 3. Spacing.

1 ~~(1)~~

2 a. Signs shall conform to all applicable building codes
3 and ordinances of the municipality, county or state,
4 whichever has jurisdiction as set forth in Section
5 1272 of this title, except as provided for in
6 subparagraph d of this paragraph.

7 ~~(2)~~

8 b. Signs shall not be erected or maintained in such a
9 manner as to obscure or otherwise physically interfere
10 with an official traffic sign, signal or device or to
11 obstruct or physically interfere with the driver's
12 view of approaching, merging or intersecting traffic.

13 ~~(3)~~

14 c. Signs visible from a nonfreeway primary highway shall
15 not be erected within the limits of an incorporated
16 municipality less than one hundred (100) feet on the
17 opposite side of the highway and three hundred (300)
18 feet on the same side of the highway, and outside the
19 limits of an incorporated municipality less than three
20 hundred (300) feet, from another such sign, other than
21 signs described in subsections (a), (b) and (c) of
22 Section 1274 of this title, unless separated by a
23 building or other obstruction in such a manner that
24 only one display located within the minimum spacing

1 distances set forth herein is visible from the highway
2 at any one time; provided, however, that this shall
3 not prevent the erection of double-faced, back-to-
4 back, or V-type signs with a maximum of two signs per
5 facing, as permitted by ~~subsection (b)~~ paragraph 2 of
6 this section. Signs visible and intended to be read
7 from interstate and freeway primary facilities shall
8 not be erected less than one thousand (1,000) feet
9 from another such sign on the same side of such
10 facilities, other than signs described in subsections
11 (a), (b) and (c) of Section 1274 of this title.

12 Outside incorporated municipalities, signs visible and
13 intended to be read from interstate and freeway
14 primary facilities shall not be erected adjacent to or
15 within five hundred (500) feet of an interchange,
16 intersection at grade, or rest area, on the same side
17 of such facilities such distance to be measured along
18 the interstate highway or freeway from the sign to the
19 nearest point of the beginning or ending of pavement
20 widening at the exit from or entrance to the main-
21 traveled way. Signs may not be located within five
22 hundred (500) feet of any of the following which are
23 adjacent to any interstate or federal-aid primary
24 highway: public parks; public forests; playgrounds; or

1 cemeteries. Provided, however, the Transportation
2 Commission shall promulgate rules pursuant to the
3 Administrative Procedures Act governing the
4 measurement methodology to be prospectively utilized
5 by the Department when determining spacing between
6 outdoor advertising signs, displays and devices and
7 public parks, public forests, playgrounds and
8 cemeteries. Provided further, any measurement
9 methodology heretofore utilized by the Department,
10 including but not limited to the straight-line method,
11 shall be accepted by the Department without prejudice.
12 Provided further, the Department shall be prohibited
13 from altering a permit classification or revoking any
14 outdoor advertising license, which was properly
15 obtained at the time of issuance, based upon a change
16 of internal agency policy, agency interpretation of
17 law or promulgation of rules. Provided further, a
18 sign location that was permitted in compliance with
19 the spacing requirements of this section in effect
20 prior to the effective date of this act, but which
21 does not comply with the spacing requirements of this
22 section as amended after the effective date of this
23 act, shall maintain its current legal status; provided
24

1 it complies with all other permitting requirements as
2 set forth by the Transportation Commission.

3 ~~(4)~~

4 d. For the purpose of providing a method and opportunity
5 to minimize the cost of acquiring legally erected
6 outdoor advertising signs ~~to be taken when the state~~
7 ~~purchases land under eminent domain~~, the Director of
8 the Department of Transportation shall have the option
9 to approve the issuance of permits for outdoor
10 advertising signs visible from a roadway subject to
11 the regulatory control of the Department of
12 Transportation which are to be erected less than one
13 thousand (1,000) feet from another such sign. Permits
14 issued pursuant to this option shall be only for the
15 purpose of providing a relocation site for a sign
16 being taken by the state. Provided, when the
17 Department issues a permit pursuant to this subsection
18 to accommodate the relocation of a structure:

19 a.

20 (1) if the structure to be removed is visible from a
21 roadway subject to the regulatory control of the
22 Department inside an incorporated area, the
23 relocation site shall be inside the same
24 incorporated area and shall be visible from a

1 roadway subject to the regulatory control of the
2 Department, and

3 ~~b.~~

4 (2) if there are not suitable relocation sites
5 meeting the provisions of ~~subparagraph a~~ division
6 1 of this ~~paragraph~~ subparagraph and the
7 structure to be removed is visible from a roadway
8 subject to the regulatory control of the
9 Department, notwithstanding the provisions of
10 ~~subparagraph a~~ division 1 of this ~~paragraph~~
11 subparagraph, the Department may issue a permit
12 for a relocation site outside of the incorporated
13 area, provided the relocation site is either in a
14 contiguous county thereto or the same
15 Transportation Commission District, which shall
16 be visible from a roadway subject to the
17 regulatory control of the Department.

18 Provided further, the square footage of display face
19 on the relocated sign shall not exceed the square
20 footage of display face of the taken sign. The
21 relocated sign shall maintain the same legal status as
22 existed prior to ~~such location~~ relocation; provided it
23 complies with all other permitting requirements set
24 forth by the Transportation Commission and no other

1 permits shall be required. The Transportation
2 Commission shall have the authority to promulgate
3 rules necessary to implement the use of the permit
4 option provided for in this subsection and to request
5 the cooperation of municipalities where local permits
6 are required.

7 ~~(5)~~

8 e. Notwithstanding any other provision of law, the
9 Department of Transportation shall, after determining
10 the need to acquire property upon which outdoor
11 advertising structures are located, have the authority
12 to negotiate directly with the owner of the outdoor
13 advertising structure the terms for maintaining such
14 structures in their current position or for the
15 relocation of such structures. Such negotiations may
16 begin prior to the Department's initiation of formal
17 condemnation proceedings and shall be completed prior
18 to a jury award in a condemnation proceeding. The
19 Department of Transportation retains its right to
20 require the removal of the sign structure improvement
21 effective as of the payment by the Department in the
22 amount awarded by the court-appointed commissioners
23 pursuant to applicable law. Nothing in this section
24 shall be construed to prevent the owner of the land

1 from pursuing a claim of interest in any lease
2 existing between the landowner and the outdoor
3 advertising structure owner, or to prevent the outdoor
4 advertising structure owner from pursuing a claim for
5 fair market value of the owner's interest if
6 negotiations with the Department for a lease or
7 structure relocation arrangement are not successful;

8 ~~(d)~~ 4. Lighting.

9 ~~(1)~~

10 a. Signs shall not be erected which contain, include, or
11 are illuminated by any flashing, intermittent,
12 revolving or moving light, except on-premise signs and
13 those giving public service information such as, but
14 not limited to, time, date, temperature, weather or
15 news. Steadily burning lights in configuration of
16 letters or pictures are not prohibited.

17 ~~(2)~~

18 b. Signs shall not be erected or maintained which are not
19 effectively shielded to prevent beams or rays of light
20 from being directed at any portion of the traveled way
21 of any interstate or primary highway and are of such
22 intensity or brilliance as to cause glare or to impair
23 the vision of the driver of any motor vehicle.

24 ~~(3)~~

1 c. Signs shall not be erected or maintained which shall
2 be so illuminated that they obscure any official
3 traffic sign, device, or signal, or imitate or may be
4 confused with any such official traffic sign, device
5 or signal.

6 ~~(4)~~

7 d. Provided, however, nothing in this section shall be
8 construed to prohibit the erection or maintenance of
9 signs which include the steady illumination of sign
10 faces, panels or slats that rotate to different
11 messages in a fixed position, commonly known as tri-
12 vision faces or multiple message signs; provided, the
13 rotation of one sign face to another is no more
14 frequent than every eight (8) seconds and the actual
15 rotation process is accomplished in four (4) seconds
16 or less; and

17 ~~(e)~~ 5. Vegetation Management.

18 ~~(1)~~

19 a. For the purpose of minimizing costs to the Department
20 for the removal, cutting, or trimming of trees or
21 vegetation on a public right-of-way to make visible or
22 ensure future visibility of the facing of a permitted
23 outdoor advertising sign, the Department is authorized
24 to establish a process for an outdoor advertising

1 permit holder to conduct vegetation management
2 activities within a specific area surrounding the
3 permit holders' outdoor advertising device.

4 ~~(2)~~

5 b. The Department shall promulgate rules prescribing the
6 scope of such vegetation management activities and any
7 requirements it deems necessary to monitor such
8 activities.

9 SECTION 14. This act shall become effective November 1, 2013.

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