

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2898

By: Inman

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5
6 AS INTRODUCED

7 An Act relating to rights-of-way; amending 69 O.S.
8 2011, Section 1205, which relates to the rights-of-
9 way acquisition policy for the State Highway
10 Commission; changing funding responsibilities for the
relocation or removal of certain utility facilities
to the utility owner; updating statutory language;
and providing an effective date.

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

14 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1205, is
15 amended to read as follows:

16 Section 1205. The policy which the State Highway Commission
17 shall follow in the acquisition of all rights-of-way shall be as
18 follows:

19 ~~(a)~~ 1. For construction on the Interstate Highway System within
20 the limits of municipalities having a population of five thousand
21 (5,000) or more, federal aid funds, if available, may be used for
22 the acquisition of rights-of-way, and shall, if available, be used
23 to pay the cost of the removing or relocating of utility facilities
24 located in either privately owned or public rights-of-way, ~~and in.~~

1 In such event the municipality in which such construction is to be
2 performed utility owner shall furnish funds to the state necessary
3 to match the federal funds portion used for the removal or
4 relocation of utility facilities where such construction is to be
5 performed.

6 ~~(b)~~ 2. For construction on the Interstate Highway System in all
7 locations other than within the limits of municipalities having a
8 population of five thousand (5,000) or over, and where control of
9 access is required, the state shall furnish all rights-of-way and
10 may use federal aid funds, if available, for such purpose, and when
11 federal aid funds are available for such purpose, shall pay the cost
12 of removing or relocating utility facilities located on either
13 privately owned or public rights-of-way.

14 ~~(e)~~ 3. For all construction projects within the limits of
15 municipalities, other than projects on the Interstate Highway
16 System, as described in the Federal Aid Highway Act of 1956, the
17 municipality or county involved and the Department shall equally
18 share the cost of all necessary rights-of-way, clear of all
19 obstructions, including structures of any kind or nature and utility
20 lines, poles, pipelines or other facilities above or below the
21 surface of the ground. If federal aid funds are available for the
22 project, the municipality or county and the Department shall equally
23 share the local portion of the costs for acquiring and clearing the
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1 right-of-way, including the cost of removing and relocating utility
2 facilities located on privately owned rights-of-way.

3 ~~(d)~~ 4. In any municipality where the Commission has determined
4 it to be necessary to construct a highway through or within the
5 corporate limits, and further determines that the construction will
6 not benefit the municipality involved, or that the construction will
7 benefit state-owned property or institutions, the Commission may, in
8 its discretion, pay for or participate in the cost of rights-of-way
9 for such project.

10 ~~(e)~~ 5. For all reconstruction or widening projects on existing
11 improved roads of permanent-type surface in rural areas, the
12 Department shall pay fifty percent (50%) of the cost of any
13 additional rights-of-way required to meet right-of-way standard-
14 width requirements, and the remaining fifty percent (50%) shall be
15 furnished or paid for by local units of government; ~~provided,~~
16 ~~however, that no.~~ No right-of-way shall be acquired under the terms
17 of this ~~article~~ section, except by due process of law.

18 ~~(f)~~ 6. On all projects wherein federal aid funds may be used
19 for right-of-way or construction, the Department may pay moving
20 costs, dislocation allowances or relocation expenses and replacement
21 housing expenses incidental to the transfer of property, as is
22 provided by the Federal Highway Act of 1968.

23 ~~(g)~~ 7. For new construction on unsurfaced roads where the
24 construction follows a section line or an existing unimproved road,

1 all rights-of-way shall be furnished by local units of government
2 free of cost to the Department; ~~provided, should.~~ Should the new or
3 additional rights-of-way, either contiguous or adjacent to the
4 section line or existing unimproved road, be acquired only on one
5 side of the section line or road, then one-half of the cost shall be
6 borne by the state.

7 ~~(h)~~ 8. For all new construction diagonally across country or
8 not following on a section line road or other existing unimproved
9 road, the rights-of-way shall be paid for by the Department.

10 ~~(i)~~ 9. In securing the necessary rights-of-way in rural areas,
11 the state shall pay for all damages to buildings, improvements,
12 fences and all other appurtenances thereto, or their moving and
13 relocating.

14 ~~(j)~~ 10. In any county where a proposed alignment for a highway
15 project on the primary system shall not come within one-half (1/2)
16 mile of the limits of any municipality within the county, or
17 contribute to the highway transportation system or to the economy of
18 the county, the Commission may in its discretion increase the amount
19 of the state's participation in the cost of rights-of-way for such
20 projects.

21 ~~(k)~~ 11. The term "utility facility" as used herein means any
22 publicly, privately, municipally or cooperatively owned facility or
23 system which is used to provide water, power, light, gas, sewer,
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1 telegraph, telephone and communications, or like utility service, to
2 the public in the State of Oklahoma, or some portion thereof.

3 SECTION 2. This act shall become effective November 1, 2016.

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