

1 ENGROSSED SENATE
2 BILL NO. 86

By: David and Pemberton of the
Senate

3 and

4 Faught, Frix and McDugle of
5 the House

6
7 [state highways - right-of-way acquisition - certain
8 economic study completion - ~~effective date~~ -
emergency]

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10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1205, as
13 amended by Section 1, Chapter 319, O.S.L. 2017 (69 O.S. Supp. 2017,
14 Section 1205), is amended to read as follows:

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

17 (a) For construction on the Interstate Highway System within
18 the limits of municipalities having a population of five thousand
19 (5,000) or more, federal aid funds, if available, may be used for
20 the acquisition of rights-of-way, and shall, if available, be used
21 to pay the cost of the removing or relocating of utility facilities
22 located in either privately owned or public rights-of-way. In such
23 event the municipality in which such construction is to be performed
24 shall furnish funds to the state necessary to match the federal

1 funds, unless the utility requiring relocation is owned by another
2 municipality having a population of five thousand (5,000) or more,
3 in which case the municipal utility owner shall furnish the funds.

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

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

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

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

16 (f) For new construction on unsurfaced roads where the
17 construction follows a section line or an existing unimproved road,
18 all rights-of-way shall be furnished by local units of government
19 free of cost to the Department; provided, should the new or
20 additional rights-of-way, either contiguous or adjacent to the
21 section line or existing unimproved road, be acquired only on one
22 side of the section line or road, then one-half of the cost shall be
23 borne by the state.

1 (g) For all new construction diagonally across country or not
2 following on a section line road or other existing unimproved road,
3 the rights-of-way shall be paid for by the Department.

4 (h) In securing the necessary rights-of-way in rural areas, the
5 state shall pay for all damages to buildings, improvements, fences
6 and all other appurtenances thereto, or their moving and relocating.

7 (i) In any county where a proposed alignment for a highway
8 project on the primary system shall not come within one-half (1/2)
9 mile of the limits of any municipality within the county, or
10 contribute to the highway transportation system or to the economy of
11 the county, the Commission may in its discretion increase the amount
12 of the state's participation in the cost of rights-of-way for such
13 projects.

14 (j) For all new construction of state highways that have a
15 primary purpose of bypassing municipalities, the Department shall
16 conduct an economic impact study on the affected municipalities.
17 The study shall be conducted in addition to any study required by
18 state or federal law. Upon completion of the study the impact shall
19 be delivered to the governing bodies of the municipalities. Only
20 upon a written official letter of support formally approved by the
21 municipal governing body from the majority of the affected
22 municipalities, shall the construction project be added to the
23 Department's Eight-Year Construction Work Plan.
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~~(j)~~ (k) The term "utility facility" as used herein means any publicly, privately, municipally or cooperatively owned facility or system which is used to provide water, power, light, gas, sewer, telegraph, telephone and communications, or like utility service, to the public in the State of Oklahoma, or some portion thereof.

~~SECTION 2. This act shall become effective July 1, 2018.~~

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

Passed the Senate the 14th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2018.

Presiding Officer of the House
of Representatives