

1 ENGROSSED HOUSE
2 BILL NO. 1948

By: Jordan of the House

3 and

4 Standridge of the Senate

5
6 [public roads, highways and rights-of-way -
7 authorizing certain placement of temporary pipes
8 and supporting equipment - Department of
9 Transportation acquired rights-of-way - effective
10 date]
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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1450 of Title 69, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Any person or entity lawfully operating and in the course of
18 doing business in this state may use the public roads and highways,
19 including the right-of-way and all easements pertaining thereto, as
20 authorized in this section.

21 B. The use of the public roads and highways by any business or
22 entity may be used for the purpose of placing temporary pipe and
23 supporting equipment for the transportation and disposal of waste
24 water used in the process of oil production.

1 C. All temporary pipe and supporting equipment shall be erected,
2 placed, adjusted or laid and maintained only after obtaining the
3 consent pursuant to the rules promulgated by the Department of
4 Transportation as to the state highway system, and the boards of
5 county commissioners of the various counties as to roads and
6 highways under their jurisdiction, and/or the private property
7 owners.

8 D. Provided further, that the boards of county commissioners may
9 grant to any person or entity the right to lay pipes and conduits
10 under the surface of any road or highway under their jurisdiction,
11 subject to such rules, regulations and conditions as shall be
12 prescribed by the board of county commissioners.

13 E. The use of the public roads and highways by any person or
14 company pursuant to the provisions of this section shall be deemed
15 to be temporary when such use is not anticipated to exist and does
16 not exist for longer than one (1) year from the date permission for
17 such use is granted.

18 F. All temporary pipe shall be erected, placed, adjusted, laid,
19 constructed and maintained so as not to inconvenience or endanger
20 the public in the use of its roads and highways.

21 G. When the use of the public roads and highways by any person
22 or entity as authorized by this section is deemed to be temporary, a
23 grant of permission by the Department of Transportation or a board
24 of county commissioners shall not require consent of, or

1 compensation to, the abutted landowner; provided, that such use
2 serves the safety and interest of the public by reducing or
3 eliminating another burden on the public road or highway.

4 H. Any person or entity utilizing the public roads and highways
5 pursuant to this section shall completely repair or replace any
6 damage, injury or other change to public roads or highways or
7 rights-of-way of this state or any county or municipality that would
8 inconvenience or endanger the public and is caused by the erection,
9 placement, adjustment, laying, construction and maintenance of the
10 temporary pipe pursuant to this section. Further, when the
11 temporary pipe is removed it shall be the responsibility of the
12 placing business or entity to repair any damage made by the
13 erection, placement, adjustment, laying, construction and
14 maintenance of the temporary pipe and to replace any structure so as
15 to leave the property as found prior to the use of the temporary
16 pipe.

17 I. The failure of such person or entity to construct or maintain
18 temporary pipe in full compliance with the rules promulgated by the
19 Department of Transportation or the board of county commissioners
20 shall forfeit the right of the public citizen to use the public
21 roads or highways for such use, and the private citizen may
22 thereupon be ousted from the use of the public road or highway.

23 J. Nothing in this section shall be construed to limit any
24 rights otherwise granted by law.

1 SECTION 2. AMENDATORY 69 O.S. 2011, Section 1208, is
2 amended to read as follows:

3 Section 1208. ~~(a)~~ A. The rights-of-way acquired by the
4 Department shall be held inviolate for state highway and
5 departmental purposes, and no physical or functional encroachments
6 or uses shall be permitted within such rights-of-way.

7 ~~(b)~~ B. It shall be unlawful for any person to construct,
8 maintain or operate any gasoline pump, driveway canopy, building,
9 sign, fence, post, or any thing or structure on or overhanging any
10 right-of-way, or upon or overhanging any street occupied by a
11 designated state or federal highway, and the construction or
12 maintaining of any such thing or structure on or overhanging any
13 federal or state highway shall constitute a public nuisance, which
14 may be summarily abated by the Commission or its officers, agents,
15 servants and employees in the manner provided in this article.

16 ~~(c)~~ C. This section shall not apply to the lawful use of such
17 rights-of-way for the erection and operation of facilities of a
18 public utility, or to any person or entity authorized to use such
19 rights-of-way pursuant to Section 1 of this act.

20 SECTION 3. This act shall become effective November 1, 2017.
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1 Passed the House of Representatives the 21st day of March, 2017.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2017.

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8 Presiding Officer of the Senate