

1 ENGROSSED HOUSE
2 BILL NO. 3578

By: Martinez of the House

3 and

4 Paxton of the Senate
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8 [public roads, highways and rights-of-way -
9 authorizing certain placement of temporary pipes
10 and supporting equipment - Department of
11 Transportation acquired rights-of-way - effective
12 date]
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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

23 B. The use of the public roads and highways by any business or
24 entity may be used for the purpose of placing temporary pipe and

1 supporting equipment for the transportation and disposal of waste
2 water used in the process of oil production.

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

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

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

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

23 G. When the use of the public roads and highways by any person
24 or entity as authorized by this section is deemed to be temporary, a

1 grant of permission by the Department of Transportation or a board
2 of county commissioners shall not require consent of, or
3 compensation to, the abutted landowner; provided, that such use
4 serves the safety and interest of the public by reducing or
5 eliminating another burden on the public road or highway.

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

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

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

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

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

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

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

22 SECTION 3. This act shall become effective November 1, 2018.
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1 Passed the House of Representatives the 14th day of March, 2018.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2018.

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8 Presiding Officer of the Senate