

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3588

By: McCall

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to roads and bridges; amending 69
10 O.S. 2011, Section 1205, as amended by Section 1,
11 Chapter 319, O.S.L. 2017 (69 O.S. Supp. 2017, Section
12 1205), which relates to acquisitions of rights-of-
13 way; modifying obligations related to cost for
14 various construction and maintenance projects; and
15 providing an effective date.

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

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

20 Section 1205. The policy which the Transportation Commission
21 shall follow in the acquisition of all rights-of-way shall be as
22 follows:

23 ~~(a)~~ 1. For construction on the Interstate Highway System within
24 the limits of municipalities having a population of five thousand
 (5,000) or more, federal aid funds, if available, may be used for

1 the acquisition of rights-of-way, and shall, if available, be used
2 to pay the cost of the removing or relocating of utility facilities
3 located in either privately owned or public rights-of-way. In such
4 event the municipality in which such construction is to be performed
5 shall furnish funds to the state necessary to match the federal
6 funds, unless the utility requiring relocation is owned by another
7 municipality having a population of five thousand (5,000) or more,
8 in which case the municipal utility owner shall furnish the funds-;

9 ~~(b)~~ 2. For construction and maintenance on the Interstate
10 Highway System, U.S. highways, urban freeways, frontage roads, local
11 roads, public roads and interchange-collector-distributor roads
12 which are a part of the state highway system in all locations other
13 than within the limits of municipalities having a population of five
14 thousand (5,000) or ~~over~~ more, and where control of access is
15 required, the state shall furnish all rights-of-way and may use
16 federal aid funds, if available, for such purpose, and when federal
17 aid funds are available for such purpose, shall pay the cost of
18 removing or relocating utility facilities located on either
19 privately owned or public rights-of-way-;

20 ~~(c)~~ 3. For all construction projects and maintenance on the
21 Interstate Highway System, U.S. highways, urban freeways, frontage
22 roads, local roads, public roads and interchange-collector-
23 distributor roads which are a part of the state highway system in
24 all locations within the limits of municipalities having a

1 ~~population of five thousand (5,000) or more, other than projects on~~
2 ~~the Interstate Highway System, as described in the Federal Aid~~
3 ~~Highway Act of 1956,~~ the municipality or county involved and the
4 Department of Transportation shall equally share the cost of all
5 necessary rights-of-way, clear of all obstructions, including
6 structures of any kind or nature and utility lines, poles, pipelines
7 or other facilities above or below the surface of the ground. If
8 federal aid funds are available for the project, the municipality or
9 county and the Department shall equally share the local portion of
10 the costs for acquiring and clearing the right-of-way, including the
11 cost of removing and relocating utility facilities located on
12 privately owned rights-of-way-;

13 ~~(d)~~ 4. In any municipality where the Commission has determined
14 it to be necessary to construct a highway through or within the
15 corporate limits, and further determines that the construction will
16 not benefit the municipality involved, or that the construction will
17 benefit state-owned property or institutions, the Commission may, in
18 its discretion, pay for or participate in the cost of rights-of-way
19 for such project-;

20 ~~(e)~~ 5. For all reconstruction or widening projects on existing
21 improved roads of permanent-type surface in rural areas, the
22 Department shall pay ~~fifty percent (50%) of~~ the cost of any
23 additional rights-of-way required to meet right-of-way standard-
24 width requirements, ~~and the remaining fifty percent (50%) shall be~~

1 ~~furnished or paid for by local units of government; provided,~~
2 however, that no right-of-way shall be acquired under the terms of
3 this article, except by due process of law-;

4 ~~(f)~~ 6. For new construction on unsurfaced roads except within
5 the limits of municipalities having a population of five thousand
6 (5,000) or more, where the construction follows a section line or an
7 existing unimproved road, all rights-of-way shall be furnished by
8 ~~local units of government free of cost to the Department; provided,~~
9 ~~should the new or additional rights-of-way, either contiguous or~~
10 ~~adjacent to the section line or existing unimproved road, be~~
11 ~~acquired only on one side of the section line or road, then one-half~~
12 ~~of the cost shall be borne by the state.~~

13 ~~(g)~~ 7. For new construction on unsurfaced roads within the
14 limits of municipalities having a population of five thousand
15 (5,000) or more, where the construction follows a section line or an
16 existing unimproved road, the municipality or county involved and
17 the Department shall equally share the costs of all necessary
18 rights-of-way;

19 8. For all new construction diagonally across country or not
20 following on a section line road or other existing unimproved road,
21 the rights-of-way shall be paid for by the Department-;

22 ~~(h)~~ 9. In securing the necessary rights-of-way in rural areas,
23 the state shall pay for all damages to buildings, improvements,
24

1 fences and all other appurtenances thereto, or their moving and
2 relocating-;

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

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

15 SECTION 2. This act shall become effective November 1, 2018.

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17 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/28/2018 -
18 DO PASS, As Amended.