

1 **SENATE FLOOR VERSION**

2 April 3, 2017

3 ENGROSSED HOUSE  
4 BILL NO. 1108

By: Cleveland of the House

and

5 Sharp of the Senate  
6  
7

8 An Act relating to the Oklahoma Cooperative Circuit  
9 Engineering Districts Board; amending 69 O.S. 2011,  
10 Section 302.1, which relates to the Department of  
11 Transportation County Advisory Board; modifying  
12 authority concerning Board member selection; amending  
13 69 O.S. 2011, Section 636.3, as amended by Section  
14 576, Chapter 304, O.S.L. 2012 (69 O.S. Supp. 2016,  
15 Section 636.3), which relates to county lease and  
16 lease payment contracts; modifying authority  
17 concerning county funding classification designation  
18 development; amending 69 O.S. 2011, Section 655,  
19 which relates to county route markers; modifying  
20 responsibility for devising certain route numbering  
21 scheme; amending 69 O.S. 2011, Section 656, which  
22 relates to county bridge and construction projects;  
23 modifying authority concerning design standards for  
24 certain projects and development of related  
regulations; amending 69 O.S. 2011, Section 659,  
which relates to county bridge standards; modifying  
authority concerning approval of certain county  
bridge standards; amending 69 O.S. 2011, Section 689,  
which relates to local road design standards;  
modifying authority concerning the development of  
certain road design standards; amending 27A O.S.  
2011, Section 2-10-804, which relates to use of fees  
for county solid waste management plans; modifying  
consulting authority concerning certain solid waste  
plans; and providing an effective date.

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

SECTION 1. AMENDATORY 69 O.S. 2011, Section 302.1, is amended to read as follows:

Section 302.1. A. There is hereby created the Department of Transportation County Advisory Board. The Board shall be made up of nine (9) county commissioners selected by the ~~Association of County Commissioners of Oklahoma~~ Cooperative Circuit Engineering Districts Board. One member shall be elected from each of the eight districts of the ~~Association of County Commissioners of Oklahoma~~ Cooperative Circuit Engineering Districts Board and one member shall be selected at large by the other eight members. Each member shall hold office for a two-year term or until the successor of the member takes office. Their term of office shall begin on July 1 of the succeeding fiscal year. It shall be the duty of the Board to act in an advisory capacity to the Director of the Department of Transportation. The Board shall review the County Road and Bridge Programs of the Department. The Board shall meet no less than on a quarterly basis with the Director of the Department of Transportation and the staff of the Director to discuss areas of mutual concern.

B. The Board is authorized to develop the following criteria for the County Road Machinery and Equipment Revolving Fund:

1. Establish estimated purchase prices for equipment and road machinery;

1        2. Establish amortization schedules for all equipment and road  
2 machinery;

3        3. Establish a list of independent appraisers to be used for  
4 equipment and road machinery inspections;

5        4. Establish the County Funding Classification Designation  
6 priority list;

7        5. Establish the method, manner and expense of marking or  
8 identifying all equipment and road machinery;

9        6. Establish a list of items which are to be purchased from the  
10 state purchase list;

11       7. Establish a maximum purchase allocation for participating  
12 counties and circuit engineering districts; and

13       8. Establish and approve an interest rate which may be charged  
14 on all leases or lease-purchase agreements.

15       C. The Board will have the authority to determine the financial  
16 obligation of a county when road machinery or equipment is destroyed  
17 by an act of God or other unforeseen occurrence.

18       SECTION 2.        AMENDATORY        69 O.S. 2011, Section 636.3, as  
19 amended by Section 576, Chapter 304, O.S.L. 2012 (69 O.S. Supp.  
20 2016, Section 636.3), is amended to read as follows:

21       Section 636.3. A. Counties shall enter into lease or lease-  
22 purchase contracts for road machinery and equipment pursuant to the  
23 provisions of Sections 636.1 through 636.7 of this title or pursuant  
24 to the provisions of Sections 1500 through 1505 of Title 19 of the

1 Oklahoma Statutes and may not otherwise lease road machinery or  
2 equipment except in the case of an emergency, when specialized road  
3 machinery or equipment for projects of short durations is required  
4 for periods not to exceed thirty (30) days.

5 B. A county shall be eligible to enter into a lease or lease-  
6 purchase contract with the Department of Transportation for road  
7 machinery and equipment on a priority basis determined by the county  
8 funding classification designation during any fiscal year for the  
9 purchase of road machinery and equipment. The county funding  
10 classification designation shall be developed by the Department of  
11 Transportation and the ~~Association of County Commissioners of~~  
12 Oklahoma Cooperative Circuit Engineering Districts Board and  
13 approved by the Oklahoma Department of Transportation County  
14 Advisory Board. Upon approval by the Department of Transportation  
15 County Advisory Board, the funding classification designation shall  
16 be submitted to the Transportation Commission for final approval.  
17 The counties receiving the least appropriations per mile of road may  
18 receive the highest priority rating. A county may also enter into a  
19 full warranty lease contract for road machinery and equipment  
20 pursuant to the provisions of subsection F of this section. Nothing  
21 in Sections 636.1 through 636.7 of this title shall prohibit a  
22 county from purchasing road machinery and equipment if it has  
23 adequate funds appropriated during any fiscal year for such purpose.

1 C. Whenever a county desires to lease or lease-purchase road  
2 machinery and equipment with funds from the County Road Machinery  
3 and Equipment Revolving Fund, it shall notify the Department of  
4 Transportation of its requirements and specifications and shall  
5 provide a list of vendors from which bids will be requested for the  
6 lease or lease-purchase agreements.

7 D. Upon receiving such notification from a county, the  
8 Department shall be authorized to purchase requested road machinery  
9 or equipment for lease or lease-purchase to that county or may lease  
10 or lease-purchase surplus or used road machinery and equipment to a  
11 county provided such road machinery or equipment meets the  
12 requirements and specifications of the requesting county.

13 E. If there are no funds available in the County Road Machinery  
14 and Equipment Revolving Fund, the Department of Transportation, upon  
15 notification that a county desires to lease or lease-purchase road  
16 machinery or equipment, shall certify to the county that there are  
17 no funds available in the County Road Machinery and Equipment  
18 Revolving Fund for such purposes. The county may then request the  
19 Purchasing Director of the Office of Management and Enterprise  
20 Services to solicit bids or request bids pursuant to the provisions  
21 of Section 1500 et seq. of Title 19 of the Oklahoma Statutes to  
22 lease or lease-purchase the requested road machinery or equipment.

23 F. When funds are available in the County Road Machinery and  
24 Equipment Revolving Fund the Department of Transportation shall,

1 after receiving notification from a county desiring to lease or  
2 lease-purchase equipment, authorize the county to request bids  
3 pursuant to the provisions of this act and allocate funds equal to  
4 the estimated cost of the equipment or machinery requested.  
5 However, if the lowest and best bid received by the county exceeds  
6 the estimated purchase price of the equipment or machinery, the  
7 county shall pay any difference above the estimated purchase price  
8 if accepted. The county shall use the bid procedure provided for in  
9 Section 1500 et seq. of Title 19 of the Oklahoma Statutes. The  
10 county shall forward the lowest and best bid received to the  
11 Department of Transportation which shall authorize the lease or  
12 lease-purchase of the equipment or machinery.

13 G. A county may enter into a full warranty lease contract for  
14 road machinery and equipment if the county has adequate funds  
15 appropriated during any fiscal year for such purpose. Whenever a  
16 county desires to enter into a full warranty lease contract for road  
17 machinery or equipment, the county must notify the State Auditor and  
18 Inspector of its intent and must provide the State Auditor and  
19 Inspector with its requirements and specifications along with the  
20 proper documentation to be advertised for bids. Upon receiving the  
21 notification and documentation from a county, the State Auditor and  
22 Inspector shall review the documentation and, upon approval, shall  
23 forward the documentation and specifications to the State Purchasing  
24 Division of the Office of Management and Enterprise Services. The

1 Purchasing Director of the Office of Management and Enterprise  
2 Services shall solicit bids to lease the requested road machinery or  
3 equipment according to the documentation and specifications of the  
4 county as approved by the State Auditor and Inspector. The term of  
5 any full warranty lease contract authorized pursuant to this  
6 subsection may be for any period up to one (1) year, provided the  
7 term shall not extend beyond the end of any fiscal year, with an  
8 option to renew such lease subject to the requirement that adequate  
9 funds are appropriated during the fiscal year by the county for such  
10 purpose. The State Auditor and Inspector shall prescribe the lease  
11 forms and other documentation necessary for implementing the  
12 provisions of this subsection.

13 H. Except as provided in subsection G of this section, the  
14 Department of Transportation shall promulgate such rules and  
15 regulations and is authorized to require from the counties such  
16 information, forms and reports as are necessary for properly and  
17 efficiently administering Sections 636.1 through 636.7 of this  
18 title.

19 SECTION 3. AMENDATORY 69 O.S. 2011, Section 655, is  
20 amended to read as follows:

21 Section 655. The board of county commissioners in each county  
22 may, within one (1) year after the designation of the county primary  
23 road system in that county, locate, erect and thereafter maintain  
24 markers designating those routes classified as county primary roads.

1 Markers shall bear the cardinal number or other identification  
2 assigned the particular route on which the marker is erected and  
3 shall indicate the name of the county. The responsibility for  
4 devising a practical, systematic county primary route numbering  
5 scheme, including the configuration of the identifying device,  
6 readily lending itself to functional implementation is vested and  
7 imposed jointly on representatives of the ~~Association of County~~  
8 ~~Commissioners of Oklahoma~~ Cooperative Circuit Engineering Districts  
9 Board and the Department of Transportation. The scheme shall be so  
10 devised as to offer intracounty and intercounty road users a  
11 convenient means of identifying and using the county primary road  
12 system and shall provide for continuous numbering of routes crossing  
13 county boundaries. The Department of Transportation is hereby  
14 authorized to negotiate with the counties, on a statewide basis, to  
15 manufacture and provide the markers on a materials plus cost basis.

16 SECTION 4. AMENDATORY 69 O.S. 2011, Section 656, is  
17 amended to read as follows:

18 Section 656. A. The county commissioners in each county shall  
19 designate a county primary road system as provided for in Section  
20 654 of this title, and upon completion, the board of county  
21 commissioners in any county may program bridge or roadway projects  
22 located on the county primary road system in accordance with the  
23 provisions of this section.

24



1 B. Any bridge or roadway construction project which materially  
2 contributes to improving the adequacy of the county primary road  
3 system which meets accepted design standards may be considered  
4 eligible.

5 C. Design standards for projects to be constructed under this  
6 section shall be developed cooperatively between the ~~Association of~~  
7 ~~County Commissioners of Oklahoma~~ Cooperative Circuit Engineering  
8 Districts Board and the Department of Transportation~~;~~;

9 provided, however, any such standards so developed must meet the  
10 minimum criteria required to assure federal participation in the  
11 project if such participation is to be used for such project.

12 D. The Department of Transportation shall be the administering  
13 agency, and, in cooperation with the ~~Association of County~~  
14 ~~Commissioners of Oklahoma~~ Cooperative Circuit Engineering Districts  
15 Board, shall develop and promulgate regulations for the carrying out  
16 of the provisions of this section. Provided however, any such  
17 administrative procedures so developed shall be subject to the  
18 approval of the State Transportation Commission.

19 E. The county shall be responsible for plans, surveys and other  
20 necessary engineering to prepare the project for contract letting;  
21 however, construction engineering shall be performed by the  
22 Department of Transportation.

23 F. The county shall be responsible for the acquisition of all  
24 rights-of-way required to construct the project including relocation

1 assistance payments and the costs associated with necessary utility  
2 relocations or adjustments. All right-of-way acquisition activities  
3 shall be carried out in accordance with applicable state statutes.  
4 Assistance in the preparation of deeds and easements, in the actual  
5 acquisition of real property, and in the relocation of families and  
6 businesses shall be provided by the Department of Transportation  
7 upon written request of the county.

8 G. Projects shall be let to contract by the State  
9 Transportation Commission through competitive bidding procedures,  
10 provided however, force account projects may be awarded to the  
11 county by the Transportation Commission based upon agreed unit  
12 prices, if deemed in the best public interest.

13 H. Counties constructing projects under provisions of this  
14 section shall enter into an agreement with the Department of  
15 Transportation that the county will adequately maintain any bridge  
16 or road built under this section. Funds provided to support the  
17 accomplishment of this section shall be withheld from any county not  
18 providing adequate maintenance for projects built under its  
19 provisions.

20 I. While the intent of the Legislature is that any funds  
21 utilized under this section be directed primarily toward the  
22 replacement of inadequate bridges on the county primary road system,  
23 emphasizing those portions of that system serving as school bus  
24 routes, it is also recognized that other critical road needs may

1 exist in the various counties; therefore, projects in an amount not  
2 to exceed One Hundred Thousand Dollars (\$100,000.00) may be approved  
3 under this section for these other critical needs in those instances  
4 where such approval can be justified by the county. It is further  
5 the intent of the Legislature that this be a continuing program so  
6 that significant improvement in the overall adequacy of Oklahoma's  
7 county road system may be realized.

8 SECTION 5. AMENDATORY 69 O.S. 2011, Section 659, is  
9 amended to read as follows:

10 Section 659. The Department of Transportation is hereby  
11 authorized to develop a complete set of county bridge standards,  
12 including standards for demonstration bridge projects and standards  
13 for county bridges with low average daily traffic volumes as defined  
14 by the latest published version of the County Roads Design  
15 Guidelines Manual. Such standards shall be developed under the  
16 direction of the Bridge Division of the Department and prior to  
17 implementation shall be approved by the ~~State Association of County~~  
18 ~~Commissioners~~ Oklahoma Cooperative Circuit Engineering Districts  
19 Board and the Transportation Commission. Such standards shall be  
20 furnished without cost to local units of government. Monies  
21 received by the county pursuant to the County Bridge and Road  
22 Improvement Act, Section 657 et seq. of this title, may be used for  
23 purposes of obtaining engineering services. Only registered  
24 professional engineers, approved by the Department, experienced in

1 the design and construction of highway and related facilities, shall  
2 be used for such services. Counties acquiring engineering services  
3 as provided for in this section shall require the engineers  
4 providing such services to execute professional service contracts  
5 which include a requirement that the engineer shall maintain an  
6 adequate policy of professional liability insurance.

7 SECTION 6. AMENDATORY 69 O.S. 2011, Section 689, is  
8 amended to read as follows:

9 Section 689. A. The Department of Transportation is hereby  
10 directed, in cooperation with the ~~Association of County~~  
11 ~~Commissioners of Oklahoma~~ Cooperative Circuit Engineering Districts  
12 Board, to cause to be developed appropriate local road design  
13 standards for use in constructing projects pursuant to this program.  
14 The standards, upon their adoption by the Transportation Commission  
15 and by those counties wishing to participate in this program, shall  
16 be used for the design and construction of all projects funded  
17 pursuant to this program. However, when funds available pursuant to  
18 this program are used to match federal funds, projects shall meet  
19 appropriate minimum design standards for local roads and other  
20 applicable federal requirements. All plans and specifications for  
21 federal-aid projects shall be subject to the approval of the  
22 Department. To every extent possible, negotiations with the Federal  
23 Highway Administration should be undertaken to allow application of  
24 the County ~~Read~~ Roads Design Guidelines ~~Design~~ Manual.

1 B. Plans, surveys, and engineering shall be the responsibility  
2 of the county in which the project is located. Only registered  
3 professional engineers, approved by the Department of  
4 Transportation, experienced in the design and construction of  
5 highway and related facilities, shall be used for such services.

6 C. Prior to award of the contract by the Transportation  
7 Commission, the county shall be given the option of accepting or  
8 rejecting the bid submitted by the successful bidder.

9 SECTION 7. AMENDATORY 27A O.S. 2011, Section 2-10-804,  
10 is amended to read as follows:

11 Section 2-10-804. A. The Department of Environmental Quality  
12 shall use at least ten percent (10%) of the annual income from the  
13 solid waste fees received under Section 2-10-802 of ~~Title 27A of the~~  
14 ~~Oklahoma Statutes~~ this title to assist in implementing county solid  
15 waste management plans developed under Section 2-10-1001 of ~~Title~~  
16 ~~27A of the Oklahoma Statutes~~ this title. The Department shall  
17 prioritize its assistance for enforcement, clean-up and prevention  
18 of unpermitted disposal sites, and the management of solid waste  
19 that is hard to dispose.

20 B. The Department may consult with the ~~Association of County~~  
21 ~~Commissioners of Oklahoma~~ Cooperative Circuit Engineering Districts  
22 Board and the Oklahoma State University Cooperative Extension  
23 Service to assure that boards of county commissioners receive  
24

1 adequate administrative and technical support for implementing their  
2 county solid waste plans.

3 C. Any county, in formulating and implementing its solid waste  
4 management plan, may enter into an interlocal agreement with a  
5 municipality and may use funds provided by the Department according  
6 to this section for such agreements in furtherance of said solid  
7 waste management plans.

8 SECTION 8. This act shall become effective November 1, 2017.

9 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
10 April 3, 2017 - DO PASS  
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