

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1561

By: Paxton

6 AS INTRODUCED

7 An Act relating to highways and roads; authorizing
8 the use of rights-of-ways in certain circumstances;
9 requiring written consent and compensation in the use
10 of temporary pipelines; establishing timeline for
11 temporary pipelines; establishing procedures for the
placement and removal of temporary pipelines;
specifying procedures for written agreements;
construing provision; providing for codification; and
providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1410 of Title 69, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Any person or entity lawfully operating and in the course of
19 doing business in this state may use rights-of-way only after
20 written consent, pursuant to subsection G of this section, of each
21 individual impacted record landowner is obtained and compensation
22 has been negotiated and paid to the landowner. This subsection
23 shall not apply to any person or entity owning such right-of-way
24 and/or operating within the right-of-way that is not inconsistent

1 with the purpose for which it was acquired. This section shall not
2 apply to any entity or person utilizing an existing easement.

3 B. In the case of temporary pipe, water hoses or lines, such
4 materials may be used only after written record landowner consent is
5 obtained and compensation has been received by the landowner for the
6 transportation and disposal of water used in the process of oil or
7 natural gas production.

8 C. All temporary pipe, water hoses or lines may be erected,
9 placed, adjusted or laid and maintained only after obtaining the
10 consent from the record landowner and compensation has been received
11 by the landowner.

12 D. The use of rights-of-ways by any person or company pursuant
13 to the provisions of this section shall be deemed to be temporary
14 when such use is not anticipated to exist and does not exist for
15 longer than three (3) months from the date permission for such use
16 is granted by the record landowner and compensation is received.

17 E. After written consent by the record landowner is obtained
18 and compensation is received, temporary pipe, water hoses or lines
19 may be erected, placed, adjusted, laid, constructed and maintained
20 so as not to inconvenience the landowner in any way. The temporary
21 pipe, water hoses or lines may not interfere in any way with or any
22 use of the land including, but not limited to livestock and crop
23 production, unless such interference has otherwise been addressed by
24 agreement.

1 F. Pursuant to this section, any person or entity utilizing the
2 rights-of-way after written consent is obtained by the impacted
3 record landowner and compensation is received shall completely
4 repair or replace any damage, injury or other change to public roads
5 or highways or rights-of-way of this state or to any county or
6 municipality. Further, when the temporary pipe, water hoses or
7 lines are removed, it shall be the responsibility of the placing
8 person, business or entity to repair any damage made by the
9 erection, placement, adjustment, laying, construction and
10 maintenance of the temporary pipe and to restore any structure or
11 land so as to leave the property in the same condition or better as
12 found prior to the use of the temporary pipe.

13 G. A person, business or entity that intends to utilize a
14 right-of-way in the manner provided in this section shall be
15 required to contact in writing each record property owner that abuts
16 the right-of-way used for the placement of temporary pipe, water
17 hoses or lines prior to any work conducted in the right-of-way
18 regardless if a county of this state issues any permit granting
19 access. Information to be disclosed shall include, but not be
20 limited to, the person and contact information designated as point
21 of contact on the project, the description and timeline of the work
22 requiring the use of the right-of-way, the duration of time the
23 temporary pipe will be in the right-of-way and the offer of
24 compensation to be paid for the use of the property associated with

1 the record owner. The parties shall have thirty (30) days from the
2 date of receipt of written contact to finalize a written agreement.

3 H. Nothing in this section shall be construed to limit any
4 rights otherwise granted by law.

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

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