

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1725

By: Moore

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6 AS INTRODUCED

7 An Act relating to railroads; identifying purposes;
8 permitting discontinuance of railroad service;
9 permitting certain recreational uses of railroad
rights-of-way; clarifying that certain uses not be
10 considered abandonment of such rights-of-way;
authorizing certain agreements between certain public
and private entities for certain purposes;
11 authorizing the establishment of certain rules;
identifying agreement administrator; exempting
12 certain entities from certain liability; requiring
removal of certain structures; requiring certain
structures be left in place; prohibiting alteration
13 of grade and route; providing exception; requiring
certain approval of improvements; assigning certain
14 improvements and maintenance costs; specifying what
recreation activities are permitted in certain
15 locations; prohibiting certain activities in certain
locations; permitting railroads authority to allow
16 certain recreation activities in certain locations;
assigning risk and liability when notices have been
17 posted; clarifying right of certain landowners to
purchase certain property; providing for
18 codification; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 350 of Title 66, unless there is
24 created a duplication in numbering, reads as follows:

1 A. To preserve railroad rights-of-way for future rail service,
2 to protect rail transportation corridors and to encourage energy
3 efficient transportation use, railroad operators in the State Of
4 Oklahoma may discontinue service and permit interim recreation use
5 of any established railroad rights-of-way, if such interim use is
6 subject to restoration or reconstruction for railroad purposes, and
7 such interim use shall not be treated, for purposes of any law or
8 rule of law, as an abandonment of the use of such rights-of-way for
9 railroad purposes.

10 B. To maintain continuity of rail transportation corridors, the
11 Oklahoma Department Of Transportation (ODOT), Oklahoma Department Of
12 Tourism And Recreation (ODTR), municipalities, political
13 subdivisions, metropolitan planning organizations (MPO), for-profit
14 and not-for-profit corporations and private landowners may enter
15 into agreements creating the managing entity for the purposes of
16 receiving, constructing, managing and maintaining rights-of-way
17 across jurisdictions for interim recreation use. ODOT Rail Programs
18 Division shall establish rules for interim recreation use and act as
19 administrator of any agreement.

20 C. Railroads and managing entities who make rights-of-way
21 available to the public free of charge for recreation use are not
22 liable for injury or loss to users. Adjacent landowners are not
23 liable for injury or loss to users leaving the rights-of-way and
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1 going upon adjacent land and shall not be required to post no
2 trespassing notices.

3 D. Railroads permitting interim recreation use of rights-of-way
4 shall remove crossing signals, rails, ties and other property
5 required for the operation of a railroad; however bridges, trestles,
6 tunnels, causeways and other improvements required to maintain the
7 continuity of the rights-of-way shall be left in place.

8 E. Entities acquiring rights-of-way for interim recreation use
9 shall not alter grade or route, except as necessary to facilitate
10 recreation use. All recreation use improvements shall be subject to
11 approval by ODOT Rail Programs Division. Cost of improvements and
12 ongoing maintenance shall be the responsibility of the managing
13 entity.

14 F. All costs for interim recreation use improvements and
15 maintenance shall be the responsibility of the managing entity. At
16 such time as a railroad company regains use of rights-of-way for
17 rail operations, the railroad company shall not be liable for the
18 value of improvements made for interim recreation use.

19 G. Permitted recreation uses shall be limited to walking,
20 running, hiking, cycling, skating and equestrian. Motorized
21 vehicles are prohibited except for maintenance by the managing
22 entity, inspection by the railroad company and ODOT and law
23 enforcement. Hunting and fishing on or from rights-of-way is
24 prohibited.

1 H. Railroad companies may permit recreation use along active
2 rights-of-way. Such use will be at the users' own risk and
3 liability, provided the railroad has posted notices and made
4 available educational material warning users of potential danger.

5 I. Nothing in this act shall negate an adjacent landowner's
6 right to purchase abandoned rights-of-way.

7 SECTION 2. This act shall become effective November 1, 2017.

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