

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1827

By: Pfeiffer of the House and Fields of the Senate

Title: Environment and natural resources; state environmental agencies; requiring program for beneficial use of foundry sand; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Fields	_____
Marlatt	_____
Thompson	_____
Pederson	_____
Fry	_____
Floyd	_____
Bass	_____

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1827

By: Pfeiffer of the House

and

Fields of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public roads, highways and rights-of-way; authorizing certain use of roads, highways, rights-of-way and easements; authorizing certain placement of temporary pipes and supporting equipment; requiring certain consents prior to such placement; authorizing rules, regulations and conditions prescribed by boards of county commissioners to apply to the placement of pipes and conduits in their jurisdictions; authorizing boards of county commissioners to grant right to lay certain infrastructure in certain locations; deeming certain use of public roads and highways temporary; placing certain requirements on certain temporary pipe; providing abutting landowner consent unnecessary in certain instances; requiring certain repair and replacement under certain conditions; providing for forfeiture of right under certain condition; providing for certain legal construction; amending 69 O.S. 2011, Section 1208, which relates to Department of Transportation acquired rights-of-way; providing exception for certain use; providing for codification; and providing an effective date.

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

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

4 A. Any person or entity lawfully operating and in the course of
5 doing business in this state may use the public roads and highways,
6 including the right-of-way and all easements pertaining thereto, as
7 authorized in this section.

8 B. Public roads and highways may be used by any business or
9 entity for the purpose of placing temporary pipe and supporting
10 equipment for the transportation and disposal of water used in the
11 process of oil or natural gas production.

12 C. All temporary pipe and supporting equipment shall be erected,
13 placed, adjusted or laid and maintained only after obtaining the
14 consent pursuant to the rules promulgated by the Department of
15 Transportation as to the state highway system, and the boards of
16 county commissioners of the various counties as to roads and
17 highways under their jurisdiction.

18 D. The boards of county commissioners may grant to any person or
19 entity the right to lay pipes and conduits under the surface of any
20 road or highway under their jurisdiction, subject to such rules,
21 regulations and conditions as shall be prescribed by the board of
22 county commissioners. Rules, regulations and conditions prescribed
23 by the board of county commissioners may include reasonable permit
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1 fees, reasonable bonds or both such fees and bonds to ensure
2 compliance with the requirements of this section.

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

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

11 G. Notwithstanding anything herein to the contrary, when the use
12 of the public roads and highways by any person or entity as
13 authorized by this section is deemed to be temporary, a grant of
14 permission by the Department of Transportation or a board of county
15 commissioners shall not require consent of, or compensation to, the
16 abutted landowner; provided, that such use serves the safety and
17 interest of the public by reducing or eliminating another burden on
18 the public road or highway.

19 H. Any person or entity utilizing the public roads and highways
20 pursuant to this section shall completely repair or replace any
21 damage, injury or other change to public roads or highways or
22 rights-of-way of this state or to any county or municipality that
23 would unreasonably inconvenience or endanger the public and is
24 caused by the erection, placement, adjustment, laying, construction

1 and maintenance of the temporary pipe pursuant to this section.
2 Further, when the temporary pipe is removed it shall be the
3 responsibility of the placing business or entity to repair any
4 damage made by the erection, placement, adjustment, laying,
5 construction and maintenance of the temporary pipe and to restore
6 any structure so as to leave the property in substantially the same
7 condition or better as found prior to the use of the temporary pipe.

8 I. The failure of such person or entity to construct or maintain
9 temporary pipe in substantial compliance with the rules promulgated
10 by the Department of Transportation or the board of county
11 commissioners shall forfeit the right of the entity to use the
12 public roads or highways for such use, and the person may thereupon
13 be ousted from the use of the public road or highway.

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

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

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

22 ~~(b)~~ B. It shall be unlawful for any person to construct,
23 maintain or operate any gasoline pump, driveway canopy, building,
24 sign, fence, post, or any thing or structure on or overhanging any

1 right-of-way, or upon or overhanging any street occupied by a
2 designated state or federal highway, and the construction or
3 maintaining of any such thing or structure on or overhanging any
4 federal or state highway shall constitute a public nuisance, which
5 may be summarily abated by the Transportation Commission or its
6 officers, agents, servants and employees in the manner provided in
7 this article.

8 ~~(e)~~ C. This section shall not apply to the lawful use of such
9 rights-of-way for the erection and operation of facilities of a
10 public utility, or to any person or entity authorized to use such
11 rights-of-way pursuant to Section 1 of this act.

12 SECTION 3. This act shall become effective November 1, 2017.

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14 56-1-7895 JBH 05/11/17
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