

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 351

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to state highways; amending 69 O.S.
8 2011, Section 1205, as amended by Section 1, Chapter
9 319, O.S.L. 2017 (69 O.S. Supp. 2018, Section 1205),
10 which relates to rights-of-way acquisition; requiring
11 written approval from municipalities before certain
12 highway projects proceed; requiring certain economic
13 study completion before certain highway projects
14 proceed if certain conditions are not met; and
15 providing a provisional 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. 2018,
19 Section 1205), is amended to read as follows:

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

22 (a) For construction on the Interstate Highway System within
23 the limits of municipalities having a population of five thousand
24 (5,000) or more, federal aid funds, if available, may be used for
the acquisition of rights-of-way, and shall, if available, be used
to pay the cost of the removing or relocating of utility facilities

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

7 (b) For construction on the Interstate Highway System in all
8 locations other than within the limits of municipalities having a
9 population of five thousand (5,000) or over, and where control of
10 access is required, the state shall furnish all rights-of-way and
11 may use federal aid funds, if available, for such purpose, and when
12 federal aid funds are available for such purpose, shall pay the cost
13 of removing or relocating utility facilities located on either
14 privately owned or public rights-of-way.

15 (c) For all construction projects within the limits of
16 municipalities, other than projects on the Interstate Highway
17 System, as described in the Federal Aid Highway Act of 1956, the
18 municipality or county involved and the Department shall equally
19 share the cost of all necessary rights-of-way, clear of all
20 obstructions, including structures of any kind or nature and utility
21 lines, poles, pipelines or other facilities above or below the
22 surface of the ground. If federal aid funds are available for the
23 project, the municipality or county and the Department shall equally
24 share the local portion of the costs for acquiring and clearing the

1 right-of-way, including the cost of removing and relocating utility
2 facilities located on privately owned rights-of-way.

3 (d) In any municipality where the Commission has determined it
4 to be necessary to construct a highway through or within the
5 corporate limits, and further determines that the construction will
6 not benefit the municipality involved, or that the construction will
7 benefit state-owned property or institutions, the Commission may, in
8 its discretion, pay for or participate in the cost of rights-of-way
9 for such project.

10 (e) For all reconstruction or widening projects on existing
11 improved roads of permanent-type surface in rural areas, the
12 Department shall pay fifty percent (50%) of the cost of any
13 additional rights-of-way required to meet right-of-way standard-
14 width requirements, and the remaining fifty percent (50%) shall be
15 furnished or paid for by local units of government; provided,
16 however, that no right-of-way shall be acquired under the terms of
17 this article, except by due process of law.

18 (f) For new construction on unsurfaced roads where the
19 construction follows a section line or an existing unimproved road,
20 all rights-of-way shall be furnished by local units of government
21 free of cost to the Department; provided, should the new or
22 additional rights-of-way, either contiguous or adjacent to the
23 section line or existing unimproved road, be acquired only on one
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1 side of the section line or road, then one-half of the cost shall be
2 borne by the state.

3 (g) For all new construction diagonally across country or not
4 following on a section line road or other existing unimproved road,
5 the rights-of-way shall be paid for by the Department.

6 (h) In securing the necessary rights-of-way in rural areas, the
7 state shall pay for all damages to buildings, improvements, fences
8 and all other appurtenances thereto, or their moving and relocating.

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

16 (j) For all new construction of state highways that have a
17 primary purpose of bypassing municipalities, the Department shall
18 provide notice to the affected municipalities. Within ninety (90)
19 days, a written official letter of support formally approved by the
20 municipal governing body from the majority of the affected
21 municipalities shall be required before the construction project can
22 be added to the Department's Eight-Year Construction Work Plan.

23 (k) If written notice is not received within ninety (90) days,
24 the Department shall conduct an economic impact study on the

1 affected municipalities. The study shall be conducted in addition
2 to any study required by state or federal law. Upon completion of
3 the study the impact shall be delivered to the governing bodies of
4 the municipalities. Only upon a written official letter of support
5 formally approved by the municipal governing body from the majority
6 of the affected municipalities, shall the construction project be
7 added to the Department's Eight-Year Construction Work Plan.

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

13 SECTION 2. This act shall become effective in accordance with
14 the provisions of Section 58 of Article V of the Oklahoma
15 Constitution.

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