

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 85

By: Fry of the Senate

and

7                                   Roberts (Dustin) of the  
8                                   House

9  
10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to utility relocation in rights-of-  
12                   way; amending 69 O.S. 2011, Section 1205, which  
13                   relates to right-of-way acquisition; adding certain  
14                   exemption for certain fund match; providing for  
15                   proportional funding responsibility in certain  
16                   circumstances; providing an effective date; and  
17                   declaring an emergency.

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

19                   SECTION 1.           AMENDATORY           69 O.S. 2011, Section 1205, is  
20                   amended to read as follows:

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

23                   (a) For construction on the Interstate Highway System within  
24                   the limits of municipalities having a population of five thousand  
                 (5,000) or more, federal aid funds, if available, may be used for

1 the acquisition of rights-of-way, and shall, if available, be used  
2 to pay the cost of the removing or relocating of utility facilities  
3 located in either privately owned or public rights-of-way, ~~and in~~.  
4 In such event the municipality in which such construction is to be  
5 performed shall furnish funds to the state necessary to match the  
6 federal funds, unless the utility requiring relocation is owned by  
7 another municipality having a population of five thousand (5,000) or  
8 more, in which case the utility owner shall furnish the funds;  
9 provided, in the event utility facilities requiring relocation have  
10 multiple municipal owners, each owner shall be responsible for the  
11 proportionate funding associated with their ownership.

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

20 (c) For all construction projects within the limits of  
21 municipalities, other than projects on the Interstate Highway  
22 System, as described in the Federal Aid Highway Act of 1956, the  
23 municipality or county involved and the Department shall equally  
24 share the cost of all necessary rights-of-way, clear of all

1 obstructions, including structures of any kind or nature and utility  
2 lines, poles, pipelines or other facilities above or below the  
3 surface of the ground. If federal aid funds are available for the  
4 project, the municipality or county and the Department shall equally  
5 share the local portion of the costs for acquiring and clearing the  
6 right-of-way, including the cost of removing and relocating utility  
7 facilities located on privately owned rights-of-way.

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

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

23 (f) ~~Repealed by Laws 1971, c. 355, § 8. See note below.~~

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1       ~~(g)~~ For new construction on unsurfaced roads where the  
2 construction follows a section line or an existing unimproved road,  
3 all rights-of-way shall be furnished by local units of government  
4 free of cost to the Department; provided, should the new or  
5 additional rights-of-way, either contiguous or adjacent to the  
6 section line or existing unimproved road, be acquired only on one  
7 side of the section line or road, then one-half of the cost shall be  
8 borne by the state.

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

12       ~~(i)~~ (h) In securing the necessary rights-of-way in rural areas,  
13 the state shall pay for all damages to buildings, improvements,  
14 fences and all other appurtenances thereto, or their moving and  
15 relocating.

16       ~~(j)~~ (i) In any county where a proposed alignment for a highway  
17 project on the primary system shall not come within one-half (1/2)  
18 mile of the limits of any municipality within the county, or  
19 contribute to the highway transportation system or to the economy of  
20 the county, the Commission may in its discretion increase the amount  
21 of the state's participation in the cost of rights-of-way for such  
22 projects.

23       ~~(k)~~ (j) The term "utility facility" as used herein means any  
24 publicly, privately, municipally or cooperatively owned facility or

1 system which is used to provide water, power, light, gas, sewer,  
2 telegraph, telephone and communications, or like utility service, to  
3 the public in the State of Oklahoma, or some portion thereof.

4 SECTION 2. This act shall become effective July 1, 2017.

5 SECTION 3. It being immediately necessary for the preservation  
6 of the public peace, health or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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10 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 04/11/2017 -  
11 DO PASS, As Amended.

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