

1 **SENATE FLOOR VERSION**

2 February 27, 2018

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 86

By: David and Pemberton of the  
Senate

6 and

7 Faught of the House

8  
9 An Act relating to state highways; amending 69 O.S.  
10 2011, Section 1205, as amended by Section 1, Chapter  
11 319, O.S.L. 2017 (69 O.S. Supp. 2017, Section 1205),  
12 which relates to right-of-way acquisition; requiring  
certain economic study completion before certain  
highway projects proceed; providing an effective  
date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1205, as  
17 amended by Section 1, Chapter 319, O.S.L. 2017 (69 O.S. Supp. 2017,  
18 Section 1205), is amended to read as follows:

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

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

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

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

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

1 share the local portion of the costs for acquiring and clearing the  
2 right-of-way, including the cost of removing and relocating utility  
3 facilities located on privately owned rights-of-way.

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

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

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

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 conduct an economic impact study on the affected municipalities.  
19 The study shall be conducted in addition to any study required by  
20 state or federal law. Upon completion of the study the impact shall  
21 be delivered to the governing bodies of the municipalities. Only  
22 upon a written official letter of support formally approved by the  
23 municipal governing body from the majority of the affected

24

1 municipalities, shall the construction project be added to the  
2 Department's Eight-Year Construction Work Plan.

3 ~~(j)~~ (k) The term "utility facility" as used herein means any  
4 publicly, privately, municipally or cooperatively owned facility or  
5 system which is used to provide water, power, light, gas, sewer,  
6 telegraph, telephone and communications, or like utility service, to  
7 the public in the State of Oklahoma, or some portion thereof.

8 SECTION 2. This act shall become effective July 1, 2018.

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

13 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION  
14 February 27, 2018 - DO PASS AS AMENDED  
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