

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1108

By: Cleveland

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Cooperative Circuit
8 Engineering Districts Board; amending 69 O.S. 2011,
9 Section 302.1, which relates to the Department of
10 Transportation County Advisory Board; modifying
11 authority concerning Board member selection; amending
12 69 O.S. 2011, Section 636.3, as amended by Section
13 576, Chapter 304, O.S.L. 2012 (69 O.S. Supp. 2016,
14 Section 636.3), which relates to county lease and
15 lease payment contracts; modifying authority
16 concerning county funding classification designation
17 development; amending 69 O.S. 2011, Section 655,
18 which relates to county route markers; modifying
19 responsibility for devising certain route numbering
20 scheme; amending 69 O.S. 2011, Section 656, which
21 relates to county bridge and construction projects;
22 modifying authority concerning design standards for
23 certain projects and development of related
24 regulations; amending 69 O.S. 2011, Section 659,
which relates to county bridge standards; modifying
authority concerning approval of certain county
bridge standards; amending 69 O.S. 2011, Section 689,
which relates to local road design standards;
modifying authority concerning the development
certain road design standards; amending 27A O.S.
2011, Section 2-10-804, use of fees for county solid
waste management plans; modifying consulting
authority concerning certain solid waste plans; and
providing an effective date.

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

1 SECTION 1. AMENDATORY 69 O.S. 2011, Section 302.1, is
2 amended to read as follows:

3 Section 302.1 A. There is hereby created the Department of
4 Transportation County Advisory Board. The Board shall be made up of
5 nine (9) county commissioners selected by the ~~Association of County~~
6 ~~Commissioners of Oklahoma~~ Oklahoma Cooperative Circuit Engineering
7 Districts Board. One member shall be elected from each of the eight
8 districts of the ~~Association of County Commissioners of Oklahoma~~
9 Oklahoma Cooperative Circuit Engineering Districts Board and one
10 member shall be selected at large by the other eight members. Each
11 member shall hold office for a two-year term or until the successor
12 of the member takes office. Their term of office shall begin on
13 July 1 of the succeeding fiscal year. It shall be the duty of the
14 Board to act in an advisory capacity to the Director of the
15 Department of Transportation. The Board shall review the County
16 Road and Bridge Programs of the Department. The Board shall meet no
17 less than on a quarterly basis with the Director of the Department
18 of Transportation and the staff of the Director to discuss areas of
19 mutual concern.

20 B. The Board is authorized to develop the following criteria
21 for the County Road Machinery and Equipment Revolving Fund:

- 22 1. Establish estimated purchase prices for equipment and road
23 machinery;

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1 2. Establish amortization schedules for all equipment and road
2 machinery;

3 3. Establish a list of independent appraisers to be used for
4 equipment and road machinery inspections;

5 4. Establish the County Funding Classification Designation
6 priority list;

7 5. Establish the method, manner and expense of marking or
8 identifying all equipment and road machinery;

9 6. Establish a list of items which are to be purchased from the
10 state purchase list;

11 7. Establish a maximum purchase allocation for participating
12 counties and circuit engineering districts; and

13 8. Establish and approve an interest rate which may be charged
14 on all leases or lease-purchase agreements.

15 C. The Board will have the authority to determine the financial
16 obligation of a county when road machinery or equipment is destroyed
17 by an act of God or other unforeseen occurrence.

18 SECTION 2. AMENDATORY 69 O.S. 2011, Section 636.3, as
19 amended by Section 576, Chapter 304, O.S.L. 2012 (69 O.S. Supp.
20 2016, Section 636.3), is amended to read as follows:

21 Section 636.3 A. Counties shall enter into lease or lease-
22 purchase contracts for road machinery and equipment pursuant to the
23 provisions of Sections 636.1 through 636.7 of this title or pursuant
24 to the provisions of Sections 1500 through 1505 of Title 19 of the

1 Oklahoma Statutes and may not otherwise lease road machinery or
2 equipment except in the case of an emergency, when specialized road
3 machinery or equipment for projects of short durations is required
4 for periods not to exceed thirty (30) days.

5 B. A county shall be eligible to enter into a lease or lease-
6 purchase contract with the Department of Transportation for road
7 machinery and equipment on a priority basis determined by the county
8 funding classification designation during any fiscal year for the
9 purchase of road machinery and equipment. The county funding
10 classification designation shall be developed by the Department of
11 Transportation and the ~~Association of County Commissioners of~~
12 ~~Oklahoma~~ Oklahoma Cooperative Circuit Engineering Districts Board
13 and approved by the Oklahoma Department of Transportation County
14 Advisory Board. Upon approval by the Department of Transportation
15 County Advisory Board, the funding classification designation shall
16 be submitted to the Transportation Commission for final approval.
17 The counties receiving the least appropriations per mile of road may
18 receive the highest priority rating. A county may also enter into a
19 full warranty lease contract for road machinery and equipment
20 pursuant to the provisions of subsection F of this section. Nothing
21 in Sections 636.1 through 636.7 of this title shall prohibit a
22 county from purchasing road machinery and equipment if it has
23 adequate funds appropriated during any fiscal year for such purpose.

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1 C. Whenever a county desires to lease or lease-purchase road
2 machinery and equipment with funds from the County Road Machinery
3 and Equipment Revolving Fund, it shall notify the Department of
4 Transportation of its requirements and specifications and shall
5 provide a list of vendors from which bids will be requested for the
6 lease or lease-purchase agreements.

7 D. Upon receiving such notification from a county, the
8 Department shall be authorized to purchase requested road machinery
9 or equipment for lease or lease-purchase to that county or may lease
10 or lease-purchase surplus or used road machinery and equipment to a
11 county provided such road machinery or equipment meets the
12 requirements and specifications of the requesting county.

13 E. If there are no funds available in the County Road Machinery
14 and Equipment Revolving Fund, the Department of Transportation, upon
15 notification that a county desires to lease or lease-purchase road
16 machinery or equipment, shall certify to the county that there are
17 no funds available in the County Road Machinery and Equipment
18 Revolving Fund for such purposes. The county may then request the
19 Purchasing Director of the Office of Management and Enterprise
20 Services to solicit bids or request bids pursuant to the provisions
21 of Section 1500 et seq. of Title 19 of the Oklahoma Statutes to
22 lease or lease-purchase the requested road machinery or equipment.

23 F. When funds are available in the County Road Machinery and
24 Equipment Revolving Fund the Department of Transportation shall,

1 after receiving notification from a county desiring to lease or
2 lease-purchase equipment, authorize the county to request bids
3 pursuant to the provisions of this act and allocate funds equal to
4 the estimated cost of the equipment or machinery requested.
5 However, if the lowest and best bid received by the county exceeds
6 the estimated purchase price of the equipment or machinery, the
7 county shall pay any difference above the estimated purchase price
8 if accepted. The county shall use the bid procedure provided for in
9 Section 1500 et seq. of Title 19 of the Oklahoma Statutes. The
10 county shall forward the lowest and best bid received to the
11 Department of Transportation which shall authorize the lease or
12 lease-purchase of the equipment or machinery.

13 G. A county may enter into a full warranty lease contract for
14 road machinery and equipment if the county has adequate funds
15 appropriated during any fiscal year for such purpose. Whenever a
16 county desires to enter into a full warranty lease contract for road
17 machinery or equipment, the county must notify the State Auditor and
18 Inspector of its intent and must provide the State Auditor and
19 Inspector with its requirements and specifications along with the
20 proper documentation to be advertised for bids. Upon receiving the
21 notification and documentation from a county, the State Auditor and
22 Inspector shall review the documentation and, upon approval, shall
23 forward the documentation and specifications to the State Purchasing
24 Division of the Office of Management and Enterprise Services. The

1 Purchasing Director of the Office of Management and Enterprise
2 Services shall solicit bids to lease the requested road machinery or
3 equipment according to the documentation and specifications of the
4 county as approved by the State Auditor and Inspector. The term of
5 any full warranty lease contract authorized pursuant to this
6 subsection may be for any period up to one (1) year, provided the
7 term shall not extend beyond the end of any fiscal year, with an
8 option to renew such lease subject to the requirement that adequate
9 funds are appropriated during the fiscal year by the county for such
10 purpose. The State Auditor and Inspector shall prescribe the lease
11 forms and other documentation necessary for implementing the
12 provisions of this subsection.

13 H. Except as provided in subsection G of this section, the
14 Department of Transportation shall promulgate such rules and
15 regulations and is authorized to require from the counties such
16 information, forms and reports as are necessary for properly and
17 efficiently administering Sections 636.1 through 636.7 of this
18 title.

19 SECTION 3. AMENDATORY 69 O.S. 2011, Section 655, is
20 amended to read as follows:

21 Section 655. The board of county commissioners in each county
22 may, within one (1) year after the designation of the county primary
23 road system in that county, locate, erect and thereafter maintain
24 markers designating those routes classified as county primary roads.

1 Markers shall bear the cardinal number or other identification
2 assigned the particular route on which the marker is erected and
3 shall indicate the name of the county. The responsibility for
4 devising a practical, systematic county primary route numbering
5 scheme, including the configuration of the identifying device,
6 readily lending itself to functional implementation is vested and
7 imposed jointly on representatives of the ~~Association of County~~
8 ~~Commissioners of Oklahoma~~ Oklahoma Cooperative Circuit Engineering
9 Districts Board and the Department of Transportation. The scheme
10 shall be so devised as to offer intracounty and intercounty road
11 users a convenient means of identifying and using the county primary
12 road system and shall provide for continuous numbering of routes
13 crossing county boundaries. The Department of Transportation is
14 hereby authorized to negotiate with the counties, on a statewide
15 basis, to manufacture and provide the markers on a materials plus
16 cost basis.

17 SECTION 4. AMENDATORY 69 O.S. 2011, Section 656, is
18 amended to read as follows:

19 Section 656. A. The county commissioners in each county shall
20 designate a county primary road system as provided for in Section
21 654 of this title, and upon completion, the board of county
22 commissioners in any county may program bridge or roadway projects
23 located on the county primary road system in accordance with the
24 provisions of this section.

1 B. Any bridge or roadway construction project which materially
2 contributes to improving the adequacy of the county primary road
3 system which meets accepted design standards may be considered
4 eligible.

5 C. Design standards for projects to be constructed under this
6 section shall be developed cooperatively between the ~~Association of~~
7 ~~County Commissioners of Oklahoma~~ Oklahoma Cooperative Circuit
8 Engineering Districts Board and the Department of Transportation,
9 provided however, any such standards so developed must meet the
10 minimum criteria required to assure federal participation in the
11 project if such participation is to be used for such project.

12 D. The Department of Transportation shall be the administering
13 agency, and, in cooperation with the ~~Association of County~~
14 ~~Commissioners of Oklahoma~~ Oklahoma Cooperative Circuit Engineering
15 Districts Board, shall develop and promulgate regulations for the
16 carrying out of the provisions of this section. Provided however,
17 any such administrative procedures so developed shall be subject to
18 the approval of the State Transportation Commission.

19 E. The county shall be responsible for plans, surveys and other
20 necessary engineering to prepare the project for contract letting;
21 however, construction engineering shall be performed by the
22 Department of Transportation.

23 F. The county shall be responsible for the acquisition of all
24 rights-of-way required to construct the project including relocation

1 assistance payments and the costs associated with necessary utility
2 relocations or adjustments. All right-of-way acquisition activities
3 shall be carried out in accordance with applicable state statutes.
4 Assistance in the preparation of deeds and easements, in the actual
5 acquisition of real property, and in the relocation of families and
6 businesses shall be provided by the Department of Transportation
7 upon written request of the county.

8 G. Projects shall be let to contract by the State
9 Transportation Commission through competitive bidding procedures,
10 provided however, force account projects may be awarded to the
11 county by the Transportation Commission based upon agreed unit
12 prices, if deemed in the best public interest.

13 H. Counties constructing projects under provisions of this
14 section shall enter into an agreement with the Department of
15 Transportation that the county will adequately maintain any bridge
16 or road built under this section. Funds provided to support the
17 accomplishment of this section shall be withheld from any county not
18 providing adequate maintenance for projects built under its
19 provisions.

20 I. While the intent of the Legislature is that any funds
21 utilized under this section be directed primarily toward the
22 replacement of inadequate bridges on the county primary road system,
23 emphasizing those portions of that system serving as school bus
24 routes, it is also recognized that other critical road needs may

1 exist in the various counties; therefore, projects in an amount not
2 to exceed One Hundred Thousand Dollars (\$100,000.00) may be approved
3 under this section for these other critical needs in those instances
4 where such approval can be justified by the county. It is further
5 the intent of the Legislature that this be a continuing program so
6 that significant improvement in the overall adequacy of Oklahoma's
7 county road system may be realized.

8 SECTION 5. AMENDATORY 69 O.S. 2011, Section 659, is
9 amended to read as follows:

10 Section 659. The Department of Transportation is hereby
11 authorized to develop a complete set of county bridge standards,
12 including standards for demonstration bridge projects and standards
13 for county bridges with low average daily traffic volumes as defined
14 by the latest published version of the County Roads Design
15 Guidelines Manual. Such standards shall be developed under the
16 direction of the Bridge Division of the Department and prior to
17 implementation shall be approved by the ~~State Association of County~~
18 ~~Commissioners~~ Oklahoma Cooperative Circuit Engineering Districts
19 Board and the Transportation Commission. Such standards shall be
20 furnished without cost to local units of government. Monies
21 received by the county pursuant to the County Bridge and Road
22 Improvement Act, Section 657 et seq. of this title, may be used for
23 purposes of obtaining engineering services. Only registered
24 professional engineers, approved by the Department, experienced in

1 the design and construction of highway and related facilities, shall
2 be used for such services. Counties acquiring engineering services
3 as provided for in this section shall require the engineers
4 providing such services to execute professional service contracts
5 which include a requirement that the engineer shall maintain an
6 adequate policy of professional liability insurance.

7 SECTION 6. AMENDATORY 69 O.S. 2011, Section 689, is
8 amended to read as follows:

9 Section 689. A. The Department of Transportation is hereby
10 directed, in cooperation with the ~~Association of County~~
11 ~~Commissioners of Oklahoma~~ Oklahoma Cooperative Circuit Engineering
12 Districts Board, to cause to be developed appropriate local road
13 design standards for use in constructing projects pursuant to this
14 program. The standards, upon their adoption by the Transportation
15 Commission and by those counties wishing to participate in this
16 program, shall be used for the design and construction of all
17 projects funded pursuant to this program. However, when funds
18 available pursuant to this program are used to match federal funds,
19 projects shall meet appropriate minimum design standards for local
20 roads and other applicable federal requirements. All plans and
21 specifications for federal-aid projects shall be subject to the
22 approval of the Department. To every extent possible, negotiations
23 with the Federal Highway Administration should be undertaken to
24 allow application of the County Road Guidelines Design Manual.

1 B. Plans, surveys, and engineering shall be the responsibility
2 of the county in which the project is located. Only registered
3 professional engineers, approved by the Department of
4 Transportation, experienced in the design and construction of
5 highway and related facilities, shall be used for such services.

6 C. Prior to award of the contract by the Transportation
7 Commission, the county shall be given the option of accepting or
8 rejecting the bid submitted by the successful bidder.

9 SECTION 7. AMENDATORY 27A O.S. 2011, Section 2-10-804,
10 is amended to read as follows:

11 Section 2-10-804. A. The Department of Environmental Quality
12 shall use at least ten percent (10%) of the annual income from the
13 solid waste fees received under Section 2-10-802 of ~~Title 27A of the~~
14 ~~Oklahoma Statutes~~ this title to assist in implementing county solid
15 waste management plans developed under Section 2-10-1001 of ~~Title~~
16 ~~27A of the Oklahoma Statutes~~ this title. The Department shall
17 prioritize its assistance for enforcement, clean-up and prevention
18 of unpermitted disposal sites, and the management of solid waste
19 that is hard to dispose.

20 B. The Department may consult with the ~~Association of County~~
21 ~~Commissioners of Oklahoma~~ Oklahoma Cooperative Circuit Engineering
22 Districts Board and the Oklahoma State University Cooperative
23 Extension Service to assure that boards of county commissioners
24

1 receive adequate administrative and technical support for
2 implementing their county solid waste plans.

3 C. Any county, in formulating and implementing its solid waste
4 management plan, may enter into an interlocal agreement with a
5 municipality and may use funds provided by the Department according
6 to this section for such agreements in furtherance of said solid
7 waste management plans.

8 SECTION 8. This act shall become effective November 1, 2017.

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