

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2125

By: Swope

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7 AS INTRODUCED

8 An Act relating to turnpikes; amending 69 O.S. 2021,
9 Sections 1705 and 1711, which relate to the Oklahoma
10 Turnpike Authority powers and duties and tolls;
11 requiring legislative approval for Oklahoma Turnpike
12 Authority to modify turnpike tolls; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1705, is
16 amended to read as follows:

17 Section 1705. The Oklahoma Turnpike Authority is hereby
18 authorized and empowered:

19 (a) To adopt bylaws for the regulation of its affairs and
20 conduct of its business.

21 (b) To adopt an official seal and alter the same at pleasure.

22 (c) To maintain an office at such place or places within the
23 state as it may designate.
24

1 (d) To sue and be sued in contract, reverse condemnation,
2 equity, mandamus and similar actions in its own name, plead and be
3 impleaded; provided, that any and all actions at law or in equity
4 against the Authority shall be brought in the county in which the
5 principal office of the Authority shall be located, or in the county
6 of the residence of the plaintiff, or the county where the cause of
7 action arose. All privileges granted to the Authority and duties
8 enjoined upon the Authority by the provisions of Sections 1701
9 through 1734 of this title may be enforced in a court of competent
10 jurisdiction in an action in mandamus.

11 (e) To construct, maintain, repair and operate turnpike
12 projects and highways, with their access and connecting roads, at
13 such locations and on such routes as it shall determine to be
14 feasible and economically sound; provided, that until specifically
15 authorized by the Legislature, the Authority shall be authorized to
16 construct and operate toll turnpikes only at the following
17 locations:

18 (1) The Turner Turnpike between Oklahoma City and Tulsa.

19 (2) The Southwestern (H.E. Bailey) Turnpike between Oklahoma
20 City and Wichita Falls, Texas.

21 (3) The Northeastern (Will Rogers) Turnpike between Tulsa and
22 Joplin, Missouri.

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1 (4) The Eastern (Indian Nation) Turnpike between Tulsa and
2 Paris, Texas, including all or any part thereof between McAlester
3 and the Red River south of Hugo.

4 (5) The Cimarron Turnpike between Tulsa and Interstate Highway
5 35 north of Perry, including a connection to Stillwater.

6 (6) The Muskogee Turnpike between Broken Arrow and Interstate
7 Highway 40 west of Webbers Falls.

8 (7) All or any part of an extension of the Muskogee Turnpike,
9 beginning at a point on Interstate Highway 40 near the present south
10 terminus of the Muskogee Turnpike, and extending in a southeasterly
11 direction on an alignment near Stigler, Poteau and Heavener to the
12 vicinity of the Arkansas State Line to furnish access to Hot
13 Springs, Texarkana, Shreveport and New Orleans.

14 (8) A tollgate on the Turner Turnpike in the vicinity of
15 Luther, Oklahoma, and in the vicinity of the intersection of State
16 Highway 33 and Turner Turnpike in Creek County, Oklahoma, or in the
17 vicinity of the intersection of State Highway 33 and Turner Turnpike
18 or U.S. Highway 66 in Creek County, Oklahoma, from any monies
19 available to the Authority.

20 (9) Add on the Will Rogers Turnpike a northbound automatic
21 tollgate onto State Highway 28 and a southbound on-ramp from State
22 Highway 28.

23 (10) A turnpike or any part or parts thereof beginning in the
24 vicinity of Duncan extending east to the vicinity of the City of

1 Davis, and extending in a northeasterly direction, by way of the
2 vicinity of the City of Ada, to a connection in the vicinity of
3 Henryetta or in the vicinity of the intersection of State Highway 48
4 and Interstate 40; and a turnpike or any part or parts thereof from
5 the vicinity of Snyder extending north to the vicinity of Woodward.

6 (11) A turnpike or any part or parts thereof beginning at a
7 point in the vicinity of Ponca City, or at a point on the Kansas-
8 Oklahoma state boundary line east of the Arkansas River and west of
9 the point where Oklahoma State Highway No. 18 intersects said state
10 boundary line, and extending in a southeasterly direction to a
11 connection with the Tulsa Urban Expressway System in the general
12 area of the Port of Catoosa.

13 (12) All or any part of an Oklahoma City toll expressway system
14 connecting the residential, industrial and State Capitol Complex in
15 the north part of Oklahoma City with the residential, industrial and
16 Will Rogers World Airport Complex in the south and southwest parts
17 of Oklahoma City.

18 (13) A turnpike (The Industrial Parkway) or any part or parts
19 thereof beginning at a point on the Oklahoma-Kansas state boundary
20 line between the point where U.S. Highway 66 intersects the boundary
21 line and the northeast corner of Oklahoma and ending by means of a
22 connection or connections with Shreveport, Louisiana, and Houston,
23 Texas, in southeastern Oklahoma and at no point to exceed thirty
24 (30) miles west of the Missouri or Arkansas border.

1 (14) A turnpike or any part or parts thereof beginning in the
2 vicinity of Velma or County Line to a point intersecting with
3 Interstate 35 in the area south of Davis.

4 (15) A turnpike or any part or parts thereof beginning in the
5 vicinity of Watonga and extending south and/or east to the vicinity
6 of north and/or west Oklahoma City.

7 (16) A tollgate on the Will Rogers Turnpike near the
8 intersection of State Highway 137 and the Will Rogers Turnpike,
9 located south of Quapaw.

10 (17) A tollgate on the Muskogee Turnpike in the vicinity of
11 Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the
12 vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in
13 the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey
14 Turnpike at Elgin, Oklahoma, from any monies available to the
15 Authority.

16 (18) A tollgate on the Turner Turnpike in the vicinity of
17 Wellston, Oklahoma, from any monies available to the Authority.

18 (19) A tollgate on the Muskogee Turnpike in the vicinity of
19 Brushy Mountain, Oklahoma, and in the vicinity of Elm Grove,
20 Oklahoma, from any monies available to the Authority.

21 (20) All or any part of an Oklahoma City Outer Loop expressway
22 system beginning in the vicinity of I-35 and the Turner Turnpike and
23 extending west into Canadian County and then south to I-40; and then
24 south and east to I-35 in the vicinity of Moore and Norman; and then

1 extending east and north to I-40 east of Tinker Field; and then
2 extending north to the Turner Turnpike to complete the Outer Loop.

3 (21) All or any part of the Tulsa south bypass expressway
4 system beginning in the vicinity of the Turner Turnpike near Sapulpa
5 and extending south and east to U.S. 75 in the vicinity of 96th
6 Street to 121st Street; and then east across the Arkansas River to a
7 connection with the Mingo Valley Expressway; and then south and/or
8 east to a point on the Tulsa-Wagoner County Line near 131st street
9 south in the city of Broken Arrow.

10 (22) A new turnpike or any part thereof from near the west gate
11 of the Will Rogers Turnpike south to the west end of south Tulsa
12 Turnpike at the Tulsa-Wagoner County Line.

13 (23) A new turnpike or any parts thereof from the vicinity of
14 the connection between State Highway 33 and U.S. 69 easterly to the
15 Arkansas State Line.

16 (24) A four-lane extension of the Muskogee Turnpike from
17 Interstate Highway 40 west of Webbers Falls to the Poteau vicinity.

18 (25) A new turnpike or any part or parts thereof beginning at a
19 point in the vicinity of northwest Tulsa, and extending in a
20 northwesterly direction, by means of a connection or connections
21 with the cities of Pawhuska and Newkirk, to a point intersecting in
22 the vicinity of US Highway No. 77 and the Kansas State Line.

23 (26) A full access interchange on the Indian Nation Turnpike
24 south of Interstate 40, in the vicinity of Henryetta, Oklahoma, and

1 in the vicinity of the proposed theme park, museum or an industrial
2 facility which qualifies for the Oklahoma Quality Jobs Program Act,
3 from any monies available to the Authority.

4 (27) A new turnpike beginning at a point directly west of the
5 Arkansas line and four-laning Highway 70 from that point to the
6 farthest western reach of Highway 70 creating a southern route
7 through Oklahoma.

8 (28) A new turnpike and bridge or any parts thereof from a
9 point in the vicinity of the city of Mustang southerly across the
10 South Canadian River to the H.E. Bailey Turnpike in the vicinity of
11 the city of Tuttle; and then easterly across the South Canadian
12 River to a point in the vicinity of the city of Norman.

13 (29) A new turnpike or any parts thereof beginning at a point
14 in the vicinity of the city of Altus and extending in a
15 northwesterly direction to a point in the vicinity of the city of
16 Sayre.

17 (30) A new turnpike or any parts thereof beginning at a point
18 in the vicinity of the city of Enid and extending in a westerly
19 direction to a point in the vicinity of the city of Woodward.

20 (31) An on- and off-ramp or any parts thereof at Fletcher,
21 Oklahoma, in the vicinity of the Interstate 44 and State Highway 277
22 intersection. Any existing on- or off-ramp or any parts thereof in
23 the vicinity of Fletcher, Oklahoma, shall not be removed and shall
24 be maintained pursuant to Section 1701 et seq. of this title.

1 (32) A new bridge crossing the Arkansas River between South
2 Delaware Avenue and Memorial Drive in Tulsa County. This project
3 shall commence upon a determination by the Oklahoma Transportation
4 Authority that such bridge shall be self-sufficient at some point
5 over a thirty-year time period from the toll charges associated with
6 the bridge project.

7 (33) An exit ramp or any parts thereof from the eastbound lane
8 of the Turner Turnpike at 96th Street in Tulsa.

9 (34) An on- and off-ramp or any parts thereof on the Cimarron
10 Turnpike in the vicinity of the northside of the Glencoe, Oklahoma,
11 municipal limits.

12 (35) A new turnpike or any parts thereof beginning at
13 Interstate 44 at or near its intersection with 49th West Avenue,
14 past State Highway 64/412, turning northeasterly, crossing 41st West
15 Avenue, and continuing eastward to the L.L. Tisdale Expressway in
16 Tulsa, Oklahoma.

17 All access roads, interchanges, or lead roads connecting such
18 turnpikes with existing highways must be built by funds furnished by
19 the Authority.

20 The minimum and maximum wages for the construction of the roads,
21 highways and projects provided for in Sections 1701 through 1734 of
22 this title shall be in accordance with the schedules of wages used
23 or adopted by the Commission in construction of state highways.

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1 The Authority is hereby authorized to enter into contracts or
2 agreements with agencies and instrumentalities of other states or
3 the national government for construction, maintenance and operation
4 of interstate turnpikes or highways.

5 The Authority is hereby required to construct and install
6 automatic tollgates on the Will Rogers Turnpike at State Highway No.
7 28 near Adair.

8 (f) To issue turnpike revenue bonds of the Authority, payable
9 solely from revenues, including the revenues accruing to the trust
10 fund created by Sections 1701 through 1734 of this title, for the
11 purpose of paying all or any part of the cost of any one or more
12 turnpike projects. Provided that any bonds issued for the
13 construction of the proposed turnpike referred to in subparagraphs
14 (10), (20), (21) and (22) of paragraph (e) of this section shall be
15 issued as one issue for all four of the proposed turnpikes and shall
16 be financed, constructed and operated under one bond indenture.

17 (g) To fix and revise from time to time tolls for the use of
18 any turnpike projects, with legislative approval.

19 Any common carrier having authority at the time of opening any
20 turnpike project to operate upon a highway approximately paralleling
21 the turnpike project shall be granted without further showing
22 authority to operate over the turnpike project to all municipalities
23 which such carrier is serving at the time the turnpike project is
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1 opened to traffic. But nothing herein shall be construed as
2 granting any new operation rights to any common carriers.

3 (h) To acquire, hold, and dispose of real and personal property
4 in the exercise of its powers and the performance of its duties.

5 (i) To acquire in the name of the Authority by purchase or
6 otherwise on such terms and conditions and in such manner as it may
7 deem proper, or by exercise of the right of condemnation in manner
8 hereinafter provided, such public or private lands, including public
9 parks, playgrounds, or reservations, or parts thereof or rights
10 therein, rights-of-way, property, rights, easements, and interests,
11 as it may deem necessary for carrying out the provisions of Sections
12 1701 through 1734 of this title; provided, that all public property
13 damaged in carrying out the powers granted by Sections 1701 through
14 1734 of this title shall be restored or repaired and placed in its
15 original condition as nearly as practicable.

16 (j) To designate, except as is provided for herein, the
17 location, and establish, limit and control such points of ingress to
18 and egress from each turnpike project as may be necessary or
19 desirable in the judgment of the Authority to ~~insure~~ ensure the
20 proper operation and maintenance of such project, and to prohibit
21 entrance to such project from any point or points not so designated.

22 (k) To make and enter into all contracts and agreements
23 necessary or incidental to the performance of its duties and the
24 execution of its powers, and to employ consulting engineers,

1 attorneys, accountants, construction and financial experts,
2 superintendents, managers, and such other employees and agents as
3 may be necessary in its judgment, and to fix their compensation;
4 provided, that all such expenses shall be payable solely from the
5 proceeds of turnpike revenue bonds issued under the provisions of
6 Sections 1701 through 1734 of this title or from revenues; provided,
7 further, no attorney employed by the Authority, nor any member of
8 any law firm of which the attorney may be connected, shall ever be
9 paid any fee or compensation for any special or extraordinary
10 services.

11 (l) To receive and accept from any federal agency grants for or
12 in aid of the construction of any turnpike project, provided, the
13 acceptance of such grants will not reduce the amount of federal aid
14 for the construction, repair, or maintenance of farm-to-market roads
15 and other highways and bridges in this state; and to receive and
16 accept aid or contributions from any source of either money,
17 property, labor, or other things of value, to be held, used, and
18 applied only for the purposes for which such grants and
19 contributions may be made.

20 (m) To adopt such rules, and to do any and all things necessary
21 to comply with rules, regulations, or requirements of the Bureau of
22 Public Roads, Multistate Economic Development Regional Commission,
23 as defined in Sections 1151 through 1153, inclusive, of Title 74 of
24 the Oklahoma Statutes, Ozarka Region Commission or any other federal

1 agency administering any law enacted by the Congress of the United
2 States to aid or encourage the construction of highways.

3 (n) To do all things necessary or convenient to carry out the
4 powers expressly granted in Sections 1701 through 1734 of this
5 title. The design standards for all paving shall comply with the
6 design standards of the American Association of State Highway and
7 Transportation Officials as modified by the Oklahoma Department of
8 Transportation. All contracts for construction work on turnpike
9 projects shall be let to the lowest responsible bidder, or bidders,
10 after notice by publication in a newspaper published in the county
11 where the work is to be done in two (2) consecutive weekly issues of
12 the newspaper. In all cases where more than eight (8) miles of
13 construction is let at the same time and is not an advertisement for
14 a surface-treatment-only project, such advertisement shall provide
15 for bids on sections of the turnpike not to exceed eight (8) miles.
16 If the project advertised is a surface-treatment-only project of
17 more than twenty (20) miles of road, the advertisement shall provide
18 for bids on sections of the road no longer than twenty (20) miles,
19 as well as bids on the project as a whole. Subject to the following
20 restrictions and limitations, the Authority shall, when contracting
21 for construction work, divide such work into paving projects, bridge
22 projects, including underpasses and overpasses, and earthmoving or
23 miscellaneous projects, according to the type of work to be done.
24 Each project shall be let under a separate contract or contracts and

1 no contract or project shall include more than one of such types of
2 construction work. Each contract for construction work shall
3 contain a provision that ninety percent (90%) of all labor employed
4 on the project shall be residents of Oklahoma. However, contracts
5 for bridges may include earthwork and structures for the approaches
6 thereto.

7 (o) It shall be unlawful for any member, officer or employee of
8 the Authority to transact with the Authority, either directly or
9 indirectly, any business for profit of such member, officer, or
10 employee; and any person, firm, or corporation knowingly
11 participating therein shall be equally liable for violation of this
12 provision.

13 The term "business for profit" shall include, but not be limited
14 to, the acceptance or payment of any fee, commission, gift, or
15 consideration to such member, officer, or employee.

16 Violation of this provision shall constitute a felony punishable
17 by ~~incarceration~~ imprisonment in the ~~State Penitentiary~~ custody of
18 the Oklahoma Department of Corrections for a term not to exceed five
19 (5) years or a fine of not less than Five Hundred Dollars (\$500.00)
20 and not more than Five Thousand Dollars (\$5,000.00), or both such
21 imprisonment and fine.

22 (p) In the event of a national emergency, the Authority,
23 subject to any vested rights or claims, may enter into contracts
24 with the federal government or any authorized agency thereof to

1 allow the federal government or agency thereof to use such turnpikes
2 partly or exclusively during the existence of such emergency,
3 provided, that the federal government agrees in such contract to
4 pay, during the term of such contract, an amount sufficient, when
5 added to any tolls collected, to meet all operating and maintenance
6 expenses, interest payments, and the minimum sinking fund and
7 reserve requirements of the trust agreement for the turnpike covered
8 by the contract.

9 (q) All meetings of the Authority shall be open public
10 meetings, and all records shall be public records, except when
11 considering personnel or litigation.

12 SECTION 2. AMENDATORY 69 O.S. 2021, Section 1711, is
13 amended to read as follows:

14 Section 1711. The Authority, with the approval of the
15 Legislature and subject to the provisions hereof, is hereby
16 authorized to fix, revise, charge and collect tolls for the use of
17 each turnpike project and the different parts or sections thereof,
18 except for use by law enforcement officers responsible for enforcing
19 the traffic laws and the general laws of the state and federal
20 governments on turnpikes, who shall be entitled to free use of every
21 such project in the performance of official duties connected with
22 such turnpike project, and to contract with any person, partnership,
23 association or corporation desiring the use of any part thereof,
24 including the right-of-way adjoining the paved portion, for placing

1 thereon telephone, telegraph, electric light or power lines, gas
2 stations, garages, stores, hotels, restaurants and advertising
3 signs, or for any other purpose except for tracks for railroad or
4 railway use, and to fix the terms, conditions, rents and rates of
5 charges for such use. Such tolls, subject to the other restrictions
6 hereof, shall be so fixed and adjusted in respect of the aggregate
7 of tolls from the turnpike project or projects in connection with
8 which the bonds of any issue shall have been issued as to provide a
9 fund sufficient with other revenues, if any, to pay (a) the cost of
10 maintaining, repairing, and operating such turnpike project or
11 projects, and (b) the principal of and the interest of such bonds as
12 the same shall become due and payable, and to create reserves for
13 such purposes. The tolls and all other revenues derived from the
14 turnpike project or projects in connection with which the bonds of
15 any issue shall have been issued, except such part thereof as may be
16 necessary to pay such cost of maintenance, repair, and operation and
17 to provide such reserves therefor as may be provided for in the
18 resolution authorizing the issuance of such bonds or in the trust
19 agreement securing the same shall be set aside at such regular
20 intervals as may be provided in such resolution or such trust
21 agreement in a sinking fund which is hereby pledged to, and charged
22 with, the payment of (a) the interest upon such bonds as such
23 interest shall fall due, (b) the principal of such bonds as the same
24 shall fall due, (c) the necessary charges of paying agents for

1 paying principal and interest, and (d) the redemption price or the
2 purchase price of bonds retired by call or purchase as therein
3 provided, which are a charge against such fund. The use and
4 disposition of monies to the credit of such sinking fund shall be
5 subject to the provisions of the resolution authorizing the issuance
6 of such bonds or of such trust agreement. Except as may otherwise
7 be provided in such resolution or such trust agreement, such sinking
8 fund shall be a fund for all such bonds without distinction or
9 priority of one over another. The monies in the sinking fund, less
10 such reserve as may be provided in such resolution or trust
11 agreement, if not used within a reasonable time for the purchase of
12 bonds for cancellation as ~~above~~ herein provided, shall be applied to
13 the redemption of bonds at the redemption price then applicable.
14 Any person who leases, rents, or acquires control of any gas
15 station, garage, store, hotel, or restaurant must have been a
16 resident of, or been doing business in, Oklahoma for the past five
17 (5) years. Notwithstanding anything else herein contained to the
18 contrary, the Oklahoma Corporation Commission ~~of the State of~~
19 ~~Oklahoma~~ shall exercise the jurisdiction now or hereafter vested in
20 it to regulate and control the operation of motor carriers of
21 passengers and freight, using or desiring to use any turnpike
22 project, in the manner and to the extent that it regulates or
23 controls such carriers using the highways of the state. The
24 Authority shall not discriminate against any group or class or

1 individual member thereof in fixing the amount of toll, rents, or
2 charge for the use of the turnpike project.

3 SECTION 3. This act shall become effective November 1, 2023.

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