

1 **SENATE FLOOR VERSION**

2 April 4, 2023

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2241

6 By: Dobrinski and Patzkowsky of
7 the House

8 and

9 Murdock of the Senate

10 [roads, bridges and ferries - municipally owned
11 utilities - costs and expenses for removal and
12 relocation - effective date]

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

14 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1403, is
15 amended to read as follows:

16 Section 1403. A. The location and removal of all telephone,
17 telegraph, electric light and power transmission lines, poles, wires
18 and conduits, water, sewers and all pipelines erected, constructed
19 or in place upon, across or under any state highway shall be under
20 the control and supervision of the Department of Transportation; and
21 the location and removal of any facility placed under rights granted
22 hereunder on county highways shall be under the jurisdiction of the
23 particular board of county commissioners involved insofar as same
24 affects the public travel or interferes with the construction and
maintenance of such highway.

1 B. Prior to conducting the design survey for a proposed
2 improvement, construction, or reconstruction of a highway, the
3 authority having jurisdiction over the highway shall notify any
4 person, firm, or corporation overseeing the operating or maintaining
5 of any facility within the proposed project boundaries. Upon
6 receipt of notice or from a date specified in the notice, the
7 person, firm, or corporation shall have ten (10) days to locate and
8 mark the facilities.

9 C. Whenever the authority having jurisdiction over a particular
10 highway plans an improvement or construction or reconstruction of
11 the highway, and before the work is started, it shall serve a
12 written notice upon the person, firm or corporation owning or
13 maintaining any such facility, which notice shall contain a plan or
14 chart indicating the places on the right-of-way where the facilities
15 may be maintained. The notice shall state the time when the work of
16 improving the highway is proposed to commence, and a reasonable time
17 shall be allowed to the owner of the facility to remove and relocate
18 its property. The effect of any change ordered by the public
19 authority shall not be to exclude the facilities from the right-of-
20 way of highways.

21 D. The removal and relocation of all the facilities located
22 within the public right-of-way prior to the planned improvement,
23 construction or reconstruction shall be made at the cost and expense
24 of the owners, unless otherwise provided by law or order of the

1 Department of Transportation, and in the event of the failure of
2 such owners to remove the same at the time set out in the notice,
3 they may be removed by the public authority and the cost of the
4 removal collected from the owners, and the authority shall not be
5 liable in any way to any person for the locating or relocating of
6 the facilities at the places prescribed. Any corporation or
7 association, or the officers or agents of such corporation or
8 association, or any other person who shall erect or maintain any
9 such lines, poles, wires, conduits, pipelines, equipment or other
10 facilities within the right-of-way of such highways in a manner not
11 in complete accordance with the orders of the respective public
12 authority shall be deemed guilty of a misdemeanor.

13 E. The Department of Transportation may promulgate such rules
14 as it may deem necessary for the planting of trees and shrubbery and
15 parking along such state highways.

16 F. Rural water districts, nonprofit water corporations, and
17 ~~municipal public water systems in~~ all municipally owned utilities
18 servicing municipalities with a population of ten thousand (10,000) or
19 less, according to the latest Federal Decennial Census, or their
20 beneficial trusts shall be exempt from the payment of the costs and
21 expenses for the removal and relocation of ~~water and sewer pipelines~~
22 ~~and all such facilities~~ municipally owned utilities constructed or
23 in place in the public right-of-way when the removal and relocation
24 of such facilities is necessary for the improvement, construction or

1 reconstruction of any road or highway which is part of the state
2 highway system or turnpike project as defined in subsection A of
3 Section 501 and Section 1705 of this title. Any costs and expenses,
4 including any unpaid on July 1, 1990, shall be paid by the public
5 authority having jurisdiction over the particular road or highway.

6 SECTION 2. This act shall become effective November 1, 2023.

7 COMMITTEE REPORT BY: COMMITTEE ON AERONAUTICS AND TRANSPORTATION
8 April 4, 2023 - DO PASS AS AMENDED
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