

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2241

By: Dobrinski

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6 AS INTRODUCED

7 An Act relating to roads, bridges and ferries;  
8 amending 69 O.S. 2021, Section 1403, which relates to  
9 public utilities on state highways; providing a cost  
exemption for relocation of certain natural gas  
systems; and providing an effective date.

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

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

15 Section 1403. A. The location and removal of all telephone,  
16 telegraph, electric light and power transmission lines, poles, wires  
17 and conduits, water, sewers and all pipelines erected, constructed  
18 or in place upon, across or under any state highway shall be under  
19 the control and supervision of the Department of Transportation; and  
20 the location and removal of any facility placed under rights granted  
21 hereunder on county highways shall be under the jurisdiction of the  
22 particular board of county commissioners involved insofar as same  
23 affects the public travel or interferes with the construction and  
24 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 municipalities with a population  
18 of ten thousand (10,000) or less, according to the latest Federal  
19 Decennial Census, or their beneficial trusts and natural gas systems  
20 servicing less than ten thousand (10,000) customers shall be exempt  
21 from the payment of the costs and expenses for the removal and  
22 relocation of natural gas, water and sewer pipelines and all such  
23 facilities constructed or in place in the public right-of-way when  
24 the removal and relocation of such facilities is necessary for the

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

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

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