

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1435

By: Jett

AS INTRODUCED

An Act relating to turnpikes; amending 69 O.S. 2021, Section 1705, which relates to the Oklahoma Turnpike Authority; clarifying legislative intent; clarifying certain powers of the Oklahoma Turnpike Authority; prohibiting turnpike projects, routes, and extensions under certain circumstances; requiring certain election be held in certain areas; allowing authorization under certain approval; providing time that certain approval exists for construction purposes; stating how certain elections shall be conducted relating to certain projects; requiring proof of certain ownership of real property; providing for codification; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

23 (3) The Northeastern (Will Rogers) Turnpike between Tulsa and  
24 Joplin, Missouri.

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  
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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  
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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 It is hereby declared to be the intent of the Legislature that  
18 the Legislature, through duly enacted legislation, and not the  
19 Authority, shall have the sole discretion to authorize and determine  
20 the location and overall route of a toll turnpike in this state.  
21 The language set forth in any turnpike route authorization in this  
22 section, or elsewhere in this act, is to be construed according to  
23 its plain meaning as mandatory, and not discretionary, for the  
24 Authority. All directional and other limitations and descriptions

1 contained in any toll turnpike location or route authorization are  
2 hereby declared to be mandatory limits on the Authority's turnpike  
3 project powers, and not discretionary guidelines for the Authority.  
4 The Authority shall abide by the plain and ordinary language of such  
5 limits, and the Authority shall not have the discretion or power to  
6 build turnpikes in places, directions, or locations other than those  
7 expressly and specifically authorized herein. Any rule of  
8 construction contained in this act or elsewhere shall not be  
9 employed in variance or conflict with the intent of the Legislature  
10 as expressed herein.

11 All access roads, interchanges, or lead roads connecting such  
12 turnpikes with existing highways must be built by funds furnished by  
13 the Authority.

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

18 The Authority is hereby authorized to enter into contracts or  
19 agreements with agencies and instrumentalities of other states or  
20 the national government for construction, maintenance and operation  
21 of interstate turnpikes or highways.

22 The Authority is hereby required to construct and install  
23 automatic tollgates on the Will Rogers Turnpike at State Highway No.  
24 28 near Adair.

1 (f) To issue turnpike revenue bonds of the Authority, payable  
2 solely from revenues, including the revenues accruing to the trust  
3 fund created by Sections 1701 through 1734 of this title, for the  
4 purpose of paying all or any part of the cost of any one or more  
5 turnpike projects. Provided that any bonds issued for the  
6 construction of the proposed turnpike referred to in subparagraphs  
7 (10), (20), (21) and (22) of paragraph (e) of this section shall be  
8 issued as one issue for all four of the proposed turnpikes and shall  
9 be financed, constructed and operated under one bond indenture.

10 (g) To fix and revise from time to time tolls for the use of  
11 any turnpike projects.

12 Any common carrier having authority at the time of opening any  
13 turnpike project to operate upon a highway approximately paralleling  
14 the turnpike project shall be granted without further showing  
15 authority to operate over the turnpike project to all municipalities  
16 which such carrier is serving at the time the turnpike project is  
17 opened to traffic. But nothing herein shall be construed as  
18 granting any new operation rights to any common carriers.

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

21 (i) To acquire in the name of the Authority by purchase or  
22 otherwise on such terms and conditions and in such manner as it may  
23 deem proper, or by exercise of the right of condemnation in manner  
24 hereinafter provided, such public or private lands, including public

1 parks, playgrounds, or reservations, or parts thereof or rights  
2 therein, rights-of-way, property, rights, easements, and interests,  
3 as it may deem necessary for carrying out the provisions of Sections  
4 1701 through 1734 of this title; provided, that all public property  
5 damaged in carrying out the powers granted by Sections 1701 through  
6 1734 of this title shall be restored or repaired and placed in its  
7 original condition as nearly as practicable.

8 (j) To designate, except as is provided for herein, the  
9 location, and establish, limit and control such points of ingress to  
10 and egress from each turnpike project as may be necessary or  
11 desirable in the judgment of the Authority to insure the proper  
12 operation and maintenance of such project, and to prohibit entrance  
13 to such project from any point or points not so designated.

14 Provided further, this subsection is not to be construed as an  
15 independent or additional source of authority for the Authority to  
16 construct a toll turnpike at any location or route other than those  
17 expressly and specifically authorized by the Legislature in  
18 subsection (e) above.

19 (k) To make and enter into all contracts and agreements  
20 necessary or incidental to the performance of its duties and the  
21 execution of its powers, and to employ consulting engineers,  
22 attorneys, accountants, construction and financial experts,  
23 superintendents, managers, and such other employees and agents as  
24 may be necessary in its judgment, and to fix their compensation;

1 provided, that all such expenses shall be payable solely from the  
2 proceeds of turnpike revenue bonds issued under the provisions of  
3 Sections 1701 through 1734 of this title or from revenues; provided,  
4 further, no attorney employed by the Authority, nor any member of  
5 any law firm of which the attorney may be connected, shall ever be  
6 paid any fee or compensation for any special or extraordinary  
7 services.

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

17 (m) To adopt such rules, and to do any and all things necessary  
18 to comply with rules, regulations, or requirements of the Bureau of  
19 Public Roads, Multistate Economic Development Regional Commission,  
20 as defined in Sections 1151 through 1153, inclusive, of Title 74 of  
21 the Oklahoma Statutes, Ozarka Region Commission or any other federal  
22 agency administering any law enacted by the Congress of the United  
23 States to aid or encourage the construction of highways.

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

1 contain a provision that ninety percent (90%) of all labor employed  
2 on the project shall be residents of Oklahoma. However, contracts  
3 for bridges may include earthwork and structures for the approaches  
4 thereto.

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

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

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

19 (p) In the event of a national emergency, the Authority,  
20 subject to any vested rights or claims, may enter into contracts  
21 with the federal government or any authorized agency thereof to  
22 allow the federal government or agency thereof to use such turnpikes  
23 partly or exclusively during the existence of such emergency,  
24 provided, that the federal government agrees in such contract to

1 pay, during the term of such contract, an amount sufficient, when  
2 added to any tolls collected, to meet all operating and maintenance  
3 expenses, interest payments, and the minimum sinking fund and  
4 reserve requirements of the trust agreement for the turnpike covered  
5 by the contract.

6 (q) All meetings of the Authority shall be open public  
7 meetings, and all records shall be public records, except when  
8 considering personnel or litigation.

9 SECTION 2. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1705.7 of Title 69, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. No turnpike project or route, nor any extension of an  
13 existing turnpike, shall be authorized unless the Legislature shall  
14 receive prior to such authorization, results of a special election  
15 from among property owners whose land is situated within a one-mile  
16 radius of the proposed turnpike route. Such special election shall  
17 be called by the Legislature in accordance with Section 12-116 of  
18 Title 26 of the Oklahoma Statutes.

19 B. The question at the special election shall be whether a  
20 majority of such affected landowners are in favor of or against the  
21 proposed turnpike route. Such special election is to be organized  
22 and conducted by the county election board in each county where the  
23 property of each landowner affected is located. Authorization shall  
24 be allowed only if the majority of landowners along the proposed

1 turnpike route vote in the affirmative. If more than four (4) years  
2 elapse from the time that a vote takes place prior to a project's or  
3 a route's legislative authorization, the prior vote shall be  
4 presumptively considered to have lapsed and a new special election  
5 in line with the above criteria must be held prior to any  
6 legislative authorization for the construction of any such turnpike  
7 or turnpike extension.

8 C. For the purposes of counting votes in such special election,  
9 in instances where fee simple title of an affected parcel of land is  
10 held in co-tenancy or in joint tenancy, any one of the owners may  
11 vote, but, in order for such vote to be given effect, it shall be  
12 necessary for the representative or representatives of such  
13 landowner to present to the county election board proxies or other  
14 reliable form of proof as shall be developed by the State Election  
15 Board and made available through all county election boards for use  
16 by all prospectively eligible voters.

17 D. Acceptable proofs shall include recorded deeds and other  
18 instruments of conveyance, recorded memoranda of trusts, final  
19 probate and divorce decrees, affidavits of surviving joint tenants,  
20 and affidavits of heirship. Where fee simple title is held by a  
21 married couple, either one of the two persons comprising such  
22 married couple shall be empowered to exercise the right to vote  
23 relative to the affected parcel of land. Any conveyance recorded in  
24 the land records subsequent to the first official publication of

1 notice of such vote that would have the effect of severing ownership  
2 so as to create two or more separate tracts from a theretofore  
3 single parcel of land and which further preserve ownership of such  
4 new parcels in the same person or affiliate of such same person  
5 shall not increase the number of votes which may be exercised by any  
6 such landowner.

7 SECTION 3. This act shall become effective November 1, 2024.

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