

1 **SENATE FLOOR VERSION**

2 February 21, 2017

3 SENATE BILL NO. 85

By: Fry of the Senate

4 and

5 Roberts (Dustin) of the  
6 House

7  
8 An Act relating to utility relocation in rights-of-  
9 way; amending 69 O.S. 2011, Section 1205, which  
10 relates to right-of-way acquisition; adding certain  
11 exemption for certain fund match; providing an  
12 effective date; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 69 O.S. 2011, Section 1205, is  
15 amended to read as follows:

16 Section 1205. The policy which the Commission shall follow in  
17 the acquisition of all rights-of-way shall be as follows:

18 (a) For construction on the Interstate Highway System within  
19 the limits of municipalities having a population of five thousand  
20 (5,000) or more, federal aid funds, if available, may be used for  
21 the acquisition of rights-of-way, and shall, if available, be used  
22 to pay the cost of the removing or relocating of utility facilities  
23 located in either privately owned or public rights-of-way, ~~and in.~~  
24 In such event the municipality in which such construction is to be  
performed shall furnish funds to the state necessary to match the

1 federal funds, unless the utility requiring relocation is owned by  
2 another municipality having a population of five thousand (5,000) or  
3 more, in which case the utility owner shall furnish the funds.

4 (b) For construction on the Interstate Highway System in all  
5 locations other than within the limits of municipalities having a  
6 population of five thousand (5,000) or over, and where control of  
7 access is required, the state shall furnish all rights-of-way and  
8 may use federal aid funds, if available, for such purpose, and when  
9 federal aid funds are available for such purpose, shall pay the cost  
10 of removing or relocating utility facilities located on either  
11 privately owned or public rights-of-way.

12 (c) For all construction projects within the limits of  
13 municipalities, other than projects on the Interstate Highway  
14 System, as described in the Federal Aid Highway Act of 1956, the  
15 municipality or county involved and the Department shall equally  
16 share the cost of all necessary rights-of-way, clear of all  
17 obstructions, including structures of any kind or nature and utility  
18 lines, poles, pipelines or other facilities above or below the  
19 surface of the ground. If federal aid funds are available for the  
20 project, the municipality or county and the Department shall equally  
21 share the local portion of the costs for acquiring and clearing the  
22 right-of-way, including the cost of removing and relocating utility  
23 facilities located on privately owned rights-of-way.

1 (d) In any municipality where the Commission has determined it  
2 to be necessary to construct a highway through or within the  
3 corporate limits, and further determines that the construction will  
4 not benefit the municipality involved, or that the construction will  
5 benefit state-owned property or institutions, the Commission may, in  
6 its discretion, pay for or participate in the cost of rights-of-way  
7 for such project.

8 (e) For all reconstruction or widening projects on existing  
9 improved roads of permanent-type surface in rural areas, the  
10 Department shall pay fifty percent (50%) of the cost of any  
11 additional rights-of-way required to meet right-of-way standard-  
12 width requirements, and the remaining fifty percent (50%) shall be  
13 furnished or paid for by local units of government; provided,  
14 however, that no right-of-way shall be acquired under the terms of  
15 this article, except by due process of law.

16 ~~(f) Repealed by Laws 1971, c. 355, § 8. See note below.~~

17 ~~(g)~~ For new construction on unsurfaced roads where the  
18 construction follows a section line or an existing unimproved road,  
19 all rights-of-way shall be furnished by local units of government  
20 free of cost to the Department; provided, should the new or  
21 additional rights-of-way, either contiguous or adjacent to the  
22 section line or existing unimproved road, be acquired only on one  
23 side of the section line or road, then one-half of the cost shall be  
24 borne by the state.

1       ~~(h)~~ (g) For all new construction diagonally across country or  
2 not following on a section line road or other existing unimproved  
3 road, the rights-of-way shall be paid for by the Department.

4       ~~(i)~~ (h) In securing the necessary rights-of-way in rural areas,  
5 the state shall pay for all damages to buildings, improvements,  
6 fences and all other appurtenances thereto, or their moving and  
7 relocating.

8       ~~(j)~~ (i) In any county where a proposed alignment for a highway  
9 project on the primary system shall not come within one-half (1/2)  
10 mile of the limits of any municipality within the county, or  
11 contribute to the highway transportation system or to the economy of  
12 the county, the Commission may in its discretion increase the amount  
13 of the state's participation in the cost of rights-of-way for such  
14 projects.

15       ~~(k)~~ (j) The term "utility facility" as used herein means any  
16 publicly, privately, municipally or cooperatively owned facility or  
17 system which is used to provide water, power, light, gas, sewer,  
18 telegraph, telephone and communications, or like utility service, to  
19 the public in the State of Oklahoma, or some portion thereof.

20       SECTION 2. This act shall become effective July 1, 2017.

21       SECTION 3. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION  
4 February 21, 2017 - DO PASS  
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