

An Act

ENROLLED SENATE
BILL NO. 85

By: Fry of the Senate

and

Roberts (Dustin) of the
House

An Act relating to utility relocation in rights-of-way; amending 69 O.S. 2011, Section 1205, which relates to right-of-way acquisition; adding certain exemption for certain fund match; providing for proportional funding responsibility in certain circumstances; providing an effective date; and declaring an emergency.

SUBJECT: Utility relocation in rights-of-way

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

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

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

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

more, in which case the municipal utility owner shall furnish the funds.

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 17th day of May, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____