

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 85

By: Fry of the Senate

3 and

4 Roberts (Dustin) of the
5 House

6
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 AMENDMENT NO. 1. Replace the title, enacting clause and entire bill
14 and insert

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

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

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

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

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

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

23 (c) For all construction projects within the limits of
24 municipalities, other than projects on the Interstate Highway

1 System, as described in the Federal Aid Highway Act of 1956, the
2 municipality or county involved and the Department shall equally
3 share the cost of all necessary rights-of-way, clear of all
4 obstructions, including structures of any kind or nature and utility
5 lines, poles, pipelines or other facilities above or below the
6 surface of the ground. If federal aid funds are available for the
7 project, the municipality or county and the Department shall equally
8 share the local portion of the costs for acquiring and clearing the
9 right-of-way, including the cost of removing and relocating utility
10 facilities located on privately owned rights-of-way.

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

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

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

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

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

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

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

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

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

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

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

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Presiding Officer of the House of
Representatives

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18 Passed the Senate the ____ day of _____, 2017.

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Presiding Officer of the Senate

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2 BILL NO. 85

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4 Roberts (Dustin) of the
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7 way; amending 69 O.S. 2011, Section 1205, which
8 relates to right-of-way acquisition; adding certain
9 exemption for certain fund match; providing an
effective date; and declaring an emergency.

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

11 SECTION 4. AMENDATORY 69 O.S. 2011, Section 1205, is
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19 to pay the cost of the removing or relocating of utility facilities
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2 more, in which case the utility owner shall furnish the funds.

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

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

23 (d) In any municipality where the Commission has determined it
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1 corporate limits, and further determines that the construction will
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3 benefit state-owned property or institutions, the Commission may, in
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6 (e) For all reconstruction or widening projects on existing
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9 additional rights-of-way required to meet right-of-way standard-
10 width requirements, and the remaining fifty percent (50%) shall be
11 furnished or paid for by local units of government; provided,
12 however, that no right-of-way shall be acquired under the terms of
13 this article, except by due process of law.

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19 additional rights-of-way, either contiguous or adjacent to the
20 section line or existing unimproved road, be acquired only on one
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22 borne by the state.

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18 telegraph, telephone and communications, or like utility service, to
19 the public in the State of Oklahoma, or some portion thereof.

20 SECTION 5. This act shall become effective July 1, 2017.

21 SECTION 6. It being immediately necessary for the preservation
22 of the public peace, health or safety, an emergency is hereby
23 declared to exist, by reason whereof this act shall take effect and
24 be in full force from and after its passage and approval.

1 Passed the Senate the 14th day of March, 2017.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

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8 _____
9 Presiding Officer of the House
10 of Representatives