

1 **SENATE FLOOR VERSION**

2 February 19, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 871

5 By: Bergstrom

6 An Act relating to roads and bridges; amending 69
7 O.S. 2011, Section 601, which relates to county
8 highways; allowing boards of county commissioners to
9 enter into certain agreements to construct or
10 maintain certain roads; and providing an effective
11 date.

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

13 SECTION 1. AMENDATORY 69 O.S. 2011, Section 601, is
14 amended to read as follows:

15 Section 601. A. The county highway system shall be composed of
16 all public roads within any county, less any part of any road or
17 roads which may be designated as a state highway by the State
18 Transportation Commission. It shall be the duty of the board of
19 county commissioners in each county to construct and maintain as
20 county highways those roads which best serve the most people of the
21 county. For this purpose the board of county commissioners is
22 authorized to use any funds which are in the county highway fund,
23 subject to statutory restrictions on the use of any of such funds,
24 together with any money or item of value derived from any agreement
entered into between the county and the Transportation Commission,

1 the federal government, this state, any other county or political
2 subdivision of this state or other governmental entity, or any
3 citizen or group of citizens who have made donations for that
4 purpose. The boards of county commissioners of the various counties
5 shall have exclusive jurisdiction over the designation, construction
6 and maintenance and repair of all of the county highways and bridges
7 therein. All interlocal cooperation agreements made pursuant to
8 this section between counties and those political subdivisions or
9 citizens of a county shall be submitted to the district attorney of
10 each of the counties subject to the agreement for approval. All
11 other interlocal cooperation agreements shall be submitted and
12 approved in accordance with Sections 1001 through 1008 of Title 74
13 of the Oklahoma Statutes.

14 B. The boards of county commissioners are hereby authorized to
15 establish road improvement districts as provided by law for existing
16 roads in the unincorporated areas of counties. The boards of county
17 commissioners may also have improvements made on existing roads in
18 unincorporated areas of counties on a force account basis.

19 C. The boards of county commissioners of the various counties
20 shall have authority and discretion to enter into an agreement with
21 private citizens within its respective county to construct and/or
22 maintain a **public** road, such as a road within a subdivision, as long
23 as at least three-fourth (3/4) of the citizens affected by the road
24 **participate in the agreement and** donate the funds necessary for

1 materials and/or labor to perform such work to the county prior to
2 the roadwork commencing. This statute shall not be construed to
3 give any county the authority to perform work on any citizen's
4 private driveway or roadway that only serves that homeowner or his
5 or her family members. The county must enter into an interlocal
6 agreement with the citizens pursuant to subsection A of this
7 section.

8 SECTION 2. This act shall become effective November 1, 2019.

9 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
10 February 19, 2019 - DO PASS AS AMENDED

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