An Act

ENROLLED SENATE
BILL NO. 816

By: Newberry of the Senate

and

McNiel of the House

An Act relating to section line highways; amending 69 O.S. 2001, Section 1201, as amended by Section 1, Chapter 73, O.S.L. 2008 (69 O.S. Supp. 2010, Section 1201), which relates to public highways; and expanding prohibition to opening a public highway.

SUBJECT: Opening of public highways

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

SECTION 1. AMENDATORY 69 O.S. 2001, Section 1201, as amended by Section 1, Chapter 73, O.S.L. 2008 (69 O.S. Supp. 2010, Section 1201), is amended to read as follows:

Section 1201. A. All section lines in the state which are opened and maintained by the board of county commissioners or the Department of Transportation for public use are hereby declared public highways. All section lines that are not so opened and maintained for public use may, by resolution of board, on the petition of the owner or all the owners of the abutting land, after public notice and at the expense of petitioner, be designated "reserved section lines" and are in the full and complete control of the owner or owners of the abutting land until such time as the board of county commissioners, by resolution, stating imminent intended use for public highway purposes, and by ninety-day written notice to the owner or owners of the abutting land, revoke said "reserved section lines" status. Provided, however, that no section line may be placed in reserve status unless the full width of such section line is so treated and no fee owner shall be denied the

right of ingress and egress to his land by virtue of this act. Whenever a section line is a boundary line between two counties, action by boards of county commissioners of both counties will be necessary to place a section line in "reserve status."

B. Neither a board of county commissioners nor the Department of Transportation shall open a public highway, take any action to open a public highway, or incur any of the costs necessary to open, construct or maintain a public highway pursuant to subsection A of this section or pursuant to Section 601 et seq. of this title, upon a segment of section line located within a county which is not then already open and in use as a public highway or which is not then in reserve status as provided for in subsection A of this section, and where all of the following three circumstances exist, the Legislature hereby finding that through access by the public would not be possible on the segment of section line even if a public highway were constructed thereon:

1. ~~The~~

a. the land crossed by the segment of section line is located within the original boundaries of a facility previously owned and operated by the United States of America or a department or agency thereof which was subsequently conveyed by the United States of America or said department or agency thereof to a public trust having the State of Oklahoma or one or more units of county or city government as its beneficiary, or

b. the land crossed by the segment of section line is located within the boundaries of property proposed for construction of a new or expanded business facility. The business shall make a minimum capital investment of Ten Million Dollars ($10,000,000.00) in the stated facility and hire twenty-five new employees whose salaries meet or exceed the average county wage where the project is located;

2. Any one or more of the owners of any portion of the land on both sides of the entire section line has failed to request or consent to the opening of a public highway on said segment of section line or any portion thereof; and

3. The segment of section line is blocked at one or both ends thereof by an impassable barrier, such as a river, one or more operating airport runways or taxiways, or security fencing, gates or barricades erected in connection therewith, or by an operating rail line which does not have a section line highway crossing.

C. Nothing in this section shall deny a fee owner their right of ingress or egress to their land.

Passed the Senate the 9th day of March, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2011.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 20th

day of April, 2011,

at 1:18 o'clock P.M.

By: Jessica R Byers

Approved by the Governor of the State of Oklahoma the 26th day of

April, 2011, at 12:27 o'clock P.M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

26th day of April, 2011,

at 1:09 o'clock P.M.

By: Michelle R Day