

An Act

ENROLLED SENATE
BILL NO. 418

By: Loveless, Branam,
Stanislowski, Paddock and
Shumate of the Senate

and

Schwartz, Ritze, Derby,
Cockroft and Matthews of
the House

An Act relating to transportation structure markers; designating the Bill Swisher Memorial Highway; requiring certain markers; designating the Specialist Dylan Johnson Memorial Bridge; requiring certain markers; designating the SGT First Class David Clinton Fisher Memorial Highway; requiring certain markers; designating the Private First Class John Bennie Laskey Memorial Bridge; requiring certain markers; designating the Wayne Crusoe Memorial Highway; requiring certain markers; designating the Wayman Tisdale Memorial Highway; requiring certain markers; designating the Sergeant Bret Isenhower Memorial Highway; requiring certain markers; designating the Pikey's Crossing Memorial Highway; requiring certain markers; designating the Petty Officer Tony Randolph Memorial Highway; requiring certain markers; designating the Specialist Howard Lee Jones Memorial Bridge; requiring certain markers; designating the OHP Captain Pete Norwood Memorial Highway; requiring certain markers; providing requirements for the naming of certain transportation structures; amending 69 O.S. 2011, Section 1275, which relates to outdoor advertising; modifying certain compliance requirements for outdoor signs; providing for codification; and providing an effective date.

SUBJECT: Designating memorial highways and bridges

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.159 of Title 69, unless there is created a duplication in numbering, reads as follows:

The section of Interstate 40 beginning at Morgan Road and extending east to the Oklahoma County line shall be designated as the "Bill Swisher Memorial Highway". The Department of Transportation shall cause suitable permanent markers bearing that name to be placed on the highway.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.160 of Title 69, unless there is created a duplication in numbering, reads as follows:

The bridge over Polecat Creek on U.S. Highway 75 within the municipal limits of Jenks shall be designated as the "Specialist Dylan Johnson Memorial Bridge". The Department of Transportation shall cause suitable permanent markers bearing that name to be placed on the bridge.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.161 of Title 69, unless there is created a duplication in numbering, reads as follows:

The portion of State Highway 16 from the intersection of State Highway 18 and West 221st Street extending to the intersection of State Highway 16 and South 401st West Avenue in Creek County shall be designated as the "SGT First Class David Clinton Fisher Memorial Highway". The Department of Transportation shall cause suitable permanent markers bearing that name to be placed upon the highway.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.162 of Title 69, unless there is created a duplication in numbering, reads as follows:

The southernmost bridge on State Highway 66 crossing Sand Creek north of Bristow shall be designated as the "Private First Class John Bennie Laskey Memorial Bridge". The Department of Transportation shall cause suitable permanent markers bearing that name to be placed upon the bridge.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.163 of Title 69, unless there is created a duplication in numbering, reads as follows:

The section of U.S. Highway 70 beginning at the municipal limits of Garvin and extending southeast to the municipal limits of Idabel shall be designated as the "Wayne Crusoe Memorial Highway". The Department of Transportation shall cause suitable permanent markers bearing that name to be placed on the highway.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.164 of Title 69, unless there is created a duplication in numbering, reads as follows:

The section of State Highway 11 beginning at the Gilcrease Expressway and extending north to the municipal limits of Tulsa shall be designated as the "Wayman Tisdale Memorial Highway". The Department of Transportation shall cause suitable permanent markers bearing that name to be placed on the highway.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.165 of Title 69, unless there is created a duplication in numbering, reads as follows:

The section of State Highway 59 beginning at US 177 and extending east to the municipal limits of St. Louis shall be designated as the "Sergeant Bret Isenhower Memorial Highway". The Department of Transportation shall cause suitable permanent markers bearing that name to be placed on the highway.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.166 of Title 69, unless there is created a duplication in numbering, reads as follows:

The section of State Highway 4 beginning at State Highway 37 and extending north to the South Canadian River shall be designated as the "Pikey's Crossing Memorial Highway". The Department of Transportation shall cause suitable permanent markers bearing that name to be placed on the highway.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.167 of Title 69, unless there is created a duplication in numbering, reads as follows:

The section of US Highway 75 beginning just east of Dewey Bartlett Road and extending east one mile within the Henryetta municipal limits shall be designated as "Petty Officer Tony Randolph Memorial Highway". The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing that name.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.168 of Title 69, unless there is created a duplication in numbering, reads as follows:

The bridge over Clear Boggy Creek on State Highway 48 south of the municipal limits of Tupelo shall be designated as the "Specialist Howard Lee Jones Memorial Bridge". The Department of Transportation shall cause suitable permanent markers bearing that name to be placed on the bridge.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1698.169 of Title 69, unless there is created a duplication in numbering, reads as follows:

The section of US Highway 62 between the municipal limits of Anadarko and the municipal limits of Verden shall be designated as the "OHP Captain Pete Norwood Memorial Highway". The Department of Transportation shall cause suitable permanent markers to be placed on the highway bearing that name.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1600.1 of Title 69, unless there is created a duplication in numbering, reads as follows:

Highways, bridges, and other facilities which are part of the state highway system may be considered for dedication in honor of individuals deserving of commendation for their active involvement in the project or for outstanding service to the nation, this state, or their community. Persons proposed to be so honored shall have been deceased not less than three (3) years prior to consideration. The provisions of this section shall not apply to the naming of highways and bridges on the state highway system designed to honor members of the United States Armed Forces, members of law enforcement or firefighters fallen in the performance of their duties. Proposals for the dedication of state highway facilities should specifically state the accomplishments upon which the proposal is based.

SECTION 13. AMENDATORY 69 O.S. 2011, Section 1275, is amended to read as follows:

Section 1275. After April 15, 1968, signs which are to be erected in a business area shall comply with the following standards:

~~(a)~~ 1. General. Signs shall not be erected or maintained which:

~~(1)~~ ~~Imitate~~

a. imitate or resemble any official traffic sign, signal or device, ~~or~~

~~(2)~~ ~~Are~~

b. are erected or maintained upon trees or painted or drawn upon rocks or other natural features; ~~i~~

~~(b)~~ 2. Size.

~~(1)~~

a. Signs shall not be erected which exceed one thousand two hundred (1,200) square feet in area, per facing, including border and trim, nor shall signs be erected which exceed twenty-five (25) feet in height nor sixty

(60) feet in length, excluding apron, supports and other structural members.

~~(2)~~

- b. The maximum size limitations shall apply to each sign facing. Two signs not exceeding six hundred (600) square feet each may be erected in a facing, side by side or "doubledecker". Back-to-back and/or V-type signs will be permitted, and shall be treated as one structure with one thousand two hundred (1,200) square feet permitted for each, if the sign structures or facings are physically contiguous, or connected by the same structure or cross bracing, or located not more than fifteen (15) feet apart at their nearest point nor more than thirty (30) feet apart at their widest point in the case of back-to-back or V-type signs. However, nothing in this section shall be construed to allow tri-faced signs;

~~(e)~~ 3. Spacing.

~~(1)~~

- a. Signs shall conform to all applicable building codes and ordinances of the municipality, county or state, whichever has jurisdiction as set forth in Section 1272 of this title, except as provided for in subparagraph d of this paragraph.

~~(2)~~

- b. Signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.

~~(3)~~

- c. Signs visible from a nonfreeway primary highway shall not be erected within the limits of an incorporated

municipality less than one hundred (100) feet on the opposite side of the highway and three hundred (300) feet on the same side of the highway, and outside the limits of an incorporated municipality less than three hundred (300) feet, from another such sign, other than signs described in subsections (a), (b) and (c) of Section 1274 of this title, unless separated by a building or other obstruction in such a manner that only one display located within the minimum spacing distances set forth herein is visible from the highway at any one time; provided, however, that this shall not prevent the erection of double-faced, back-to-back, or V-type signs with a maximum of two signs per facing, as permitted by ~~subsection (b)~~ paragraph 2 of this section. Signs visible and intended to be read from interstate and freeway primary facilities shall not be erected less than one thousand (1,000) feet from another such sign on the same side of such facilities, other than signs described in subsections (a), (b) and (c) of Section 1274 of this title. Outside incorporated municipalities, signs visible and intended to be read from interstate and freeway primary facilities shall not be erected adjacent to or within five hundred (500) feet of an interchange, intersection at grade, or rest area, on the same side of such facilities such distance to be measured along the interstate highway or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way. Signs may not be located within five hundred (500) feet of any of the following which are adjacent to any interstate or federal-aid primary highway: public parks; public forests; playgrounds; or cemeteries. Provided, however, the Transportation Commission shall promulgate rules pursuant to the Administrative Procedures Act governing the measurement methodology to be prospectively utilized by the Department when determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries. Provided further, any measurement methodology heretofore utilized by the Department,

including but not limited to the straight-line method, shall be accepted by the Department without prejudice. Provided further, the Department shall be prohibited from altering a permit classification or revoking any outdoor advertising license, which was properly obtained at the time of issuance, based upon a change of internal agency policy, agency interpretation of law or promulgation of rules. Provided further, a sign location that was permitted in compliance with the spacing requirements of this section in effect prior to the effective date of this act, but which does not comply with the spacing requirements of this section as amended after the effective date of this act, shall maintain its current legal status; provided it complies with all other permitting requirements as set forth by the Transportation Commission.

~~(4)~~

d. For the purpose of providing a method and opportunity to minimize the cost of acquiring legally erected outdoor advertising signs ~~to be taken when the state purchases land under eminent domain~~, the Director of the Department of Transportation shall have the option to approve the issuance of permits for outdoor advertising signs visible from a roadway subject to the regulatory control of the Department of Transportation which are to be erected less than one thousand (1,000) feet from another such sign. Permits issued pursuant to this option shall be only for the purpose of providing a relocation site for a sign being taken by the state. Provided, when the Department issues a permit pursuant to this subsection to accommodate the relocation of a structure:

~~a.~~

(1) if the structure to be removed is visible from a roadway subject to the regulatory control of the Department inside an incorporated area, the relocation site shall be inside the same incorporated area and shall be visible from a

roadway subject to the regulatory control of the Department, and

b.

- (2) if there are not suitable relocation sites meeting the provisions of ~~subparagraph a~~ division 1 of this ~~paragraph~~ subparagraph and the structure to be removed is visible from a roadway subject to the regulatory control of the Department, notwithstanding the provisions of ~~subparagraph a~~ division 1 of this ~~paragraph~~ subparagraph, the Department may issue a permit for a relocation site outside of the incorporated area, provided the relocation site is either in a contiguous county thereto or the same Transportation Commission District, which shall be visible from a roadway subject to the regulatory control of the Department.

Provided further, the square footage of display face on the relocated sign shall not exceed the square footage of display face of the taken sign. The relocated sign shall maintain the same legal status as existed prior to ~~such location~~ relocation; provided it complies with all other permitting requirements set forth by the Transportation Commission and no other permits shall be required. The Transportation Commission shall have the authority to promulgate rules necessary to implement the use of the permit option provided for in this subsection and to request the cooperation of municipalities where local permits are required.

(5)

- e. Notwithstanding any other provision of law, the Department of Transportation shall, after determining the need to acquire property upon which outdoor advertising structures are located, have the authority to negotiate directly with the owner of the outdoor advertising structure the terms for maintaining such

structures in their current position or for the relocation of such structures. Such negotiations may begin prior to the Department's initiation of formal condemnation proceedings and shall be completed prior to a jury award in a condemnation proceeding. The Department of Transportation retains its right to require the removal of the sign structure improvement effective as of the payment by the Department in the amount awarded by the court-appointed commissioners pursuant to applicable law. Nothing in this section shall be construed to prevent the owner of the land from pursuing a claim of interest in any lease existing between the landowner and the outdoor advertising structure owner, or to prevent the outdoor advertising structure owner from pursuing a claim for fair market value of the owner's interest if negotiations with the Department for a lease or structure relocation arrangement are not successful;

~~(d)~~ 4. Lighting.

~~(1)~~

a. Signs shall not be erected which contain, include, or are illuminated by any flashing, intermittent, revolving or moving light, except on-premise signs and those giving public service information such as, but not limited to, time, date, temperature, weather or news. Steadily burning lights in configuration of letters or pictures are not prohibited.

~~(2)~~

b. Signs shall not be erected or maintained which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

~~(3)~~

c. Signs shall not be erected or maintained which shall be so illuminated that they obscure any official traffic sign, device, or signal, or imitate or may be confused with any such official traffic sign, device or signal.

~~(4)~~

d. Provided, however, nothing in this section shall be construed to prohibit the erection or maintenance of signs which include the steady illumination of sign faces, panels or slats that rotate to different messages in a fixed position, commonly known as tri-vision faces or multiple message signs; provided, the rotation of one sign face to another is no more frequent than every eight (8) seconds and the actual rotation process is accomplished in four (4) seconds or less; and

~~(e)~~ 5. Vegetation Management.

~~(1)~~

a. For the purpose of minimizing costs to the Department for the removal, cutting, or trimming of trees or vegetation on a public right-of-way to make visible or ensure future visibility of the facing of a permitted outdoor advertising sign, the Department is authorized to establish a process for an outdoor advertising permit holder to conduct vegetation management activities within a specific area surrounding the permit holders' outdoor advertising device.

~~(2)~~

b. The Department shall promulgate rules prescribing the scope of such vegetation management activities and any requirements it deems necessary to monitor such activities.

SECTION 14. This act shall become effective November 1, 2013.

Passed the Senate the 22nd day of May, 2013.

C.B. Johnson
Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2013.

Mike Lee
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of May, 20 13, at 10:18 o'clock P M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 29th

day of May, 20 13, at 4:05 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 29th

day of May, 20 13, at 5:25 o'clock P. M.

By: Chris Foreman