An Act

ENROLLED HOUSE
BILL NO. 2241

By: Dobrinski and Patzkowsky of the House

and

Murdock of the Senate

An Act relating to roads, bridges and ferries; amending 69 O.S. 2021, Section 1403, which relates to public utilities on state highways; exempting municipally owned utilities from certain costs and expenses for removal and relocation; and providing an effective date.

SUBJECT: Roads, bridges and ferries

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

SECTION 1. AMENDATORY 69 O.S. 2021, Section 1403, is amended to read as follows:

Section 1403. A. The location and removal of all telephone, telegraph, electric light and power transmission lines, poles, wires and conduits, water, sewers and all pipelines erected, constructed or in place upon, across or under any state highway shall be under the control and supervision of the Department of Transportation; and the location and removal of any facility placed under rights granted hereunder on county highways shall be under the jurisdiction of the particular board of county commissioners involved insofar as same affects the public travel or interferes with the construction and maintenance of such highway.

B. Prior to conducting the design survey for a proposed improvement, construction, or reconstruction of a highway, the authority having jurisdiction over the highway shall notify any

person, firm, or corporation overseeing the operating or maintaining of any facility within the proposed project boundaries. Upon receipt of notice or from a date specified in the notice, the person, firm, or corporation shall have ten (10) days to locate and mark the facilities.

C. Whenever the authority having jurisdiction over a particular highway plans an improvement or construction or reconstruction of the highway, and before the work is started, it shall serve a written notice upon the person, firm or corporation owning or maintaining any such facility, which notice shall contain a plan or chart indicating the places on the right-of-way where the facilities may be maintained. The notice shall state the time when the work of improving the highway is proposed to commence, and a reasonable time shall be allowed to the owner of the facility to remove and relocate its property. The effect of any change ordered by the public authority shall not be to exclude the facilities from the right-of-way of highways.

D. The removal and relocation of all the facilities located within the public right-of-way prior to the planned improvement, construction or reconstruction shall be made at the cost and expense of the owners, unless otherwise provided by law or order of the Department of Transportation, and in the event of the failure of such owners to remove the same at the time set out in the notice, they may be removed by the public authority and the cost of the removal collected from the owners, and the authority shall not be liable in any way to any person for the locating or relocating of the facilities at the places prescribed. Any corporation or association, or the officers or agents of such corporation or association, or any other person who shall erect or maintain any such lines, poles, wires, conduits, pipelines, equipment or other facilities within the right-of-way of such highways in a manner not in complete accordance with the orders of the respective public authority shall be deemed guilty of a misdemeanor.

E. The Department of Transportation may promulgate such rules as it may deem necessary for the planting of trees and shrubbery and parking along such state highways.

F. Rural water districts, nonprofit water corporations, and ~~municipal public water systems in~~ all municipally owned utilities serving municipalities with a population of ten thousand (10,000) or less, according to the latest Federal Decennial Census, or their beneficial trusts shall be exempt from the payment of the costs and

expenses for the removal and relocation of ~~water and sewer pipelines and all such facilities~~ municipally owned utilities constructed or in place in the public right-of-way when the removal and relocation of such facilities is necessary for the improvement, construction or reconstruction of any road or highway which is part of the state highway system or turnpike project as defined in subsection A of Section 501 and Section 1705 of this title. Any costs and expenses, including any unpaid on July 1, 1990, shall be paid by the public authority having jurisdiction over the particular road or highway.

SECTION 2. This act shall become effective November 1, 2023.

Passed the House of Representatives the 9th day of May, 2023.

Presiding Officer of the House of Representatives

Passed the Senate the 25th day of April, 2023.

Brent Howard

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 10th day of May, 2023, at 2:49 o'clock p. M.

By: [signature]

Approved by the Governor of the State of Oklahoma this 11th day of May, 2023, at 3:47 o'clock p. M.

[signature]

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 11th day of May, 2023, at 5:30 o'clock P. M.

By: [signature]