

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2262

By: Sterling

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6 AS INTRODUCED

7 An Act relating to turnpikes; amending 69 O.S. 2021,
8 Section 1705, which relates to authority, powers, and
9 duties of the Oklahoma Turnpike Authority; modifying
certain powers and duties of the Oklahoma Turnpike
Authority; and providing an effective date.

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

14 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1705, is
15 amended to read as follows:

16 Section 1705. The Oklahoma Turnpike Authority is hereby
17 authorized and empowered:

18 (a) To adopt bylaws for the regulation of its affairs and
19 conduct of its business.

20 (b) To adopt an official seal and alter the same at pleasure.

21 (c) To maintain an office at such place or places within the
22 state as it may designate.

23 (d) To sue and be sued in contract, reverse condemnation,
24 equity, mandamus and similar actions in its own name, plead and be

1 impleaded; provided, that any and all actions at law or in equity
2 against the Authority shall be brought in the county in which the
3 principal office of the Authority shall be located, or in the county
4 of the residence of the plaintiff, or the county where the cause of
5 action arose. All privileges granted to the Authority and duties
6 enjoined upon the Authority by the provisions of Sections 1701
7 through 1734 of this title may be enforced in a court of competent
8 jurisdiction in an action in mandamus.

9 (e) To construct, maintain, repair and operate turnpike
10 projects ~~and highways~~, with their access and connecting roads, at
11 such locations and on such routes as ~~it shall determine~~ determined
12 to be feasible and economically sound by studies conducted as
13 specified in Sections 1701 through 1734 of this title; provided,
14 that until specifically authorized by the Legislature, the Authority
15 shall be authorized to construct and operate toll turnpikes only at
16 the following locations:

17 (1) The Turner Turnpike between Oklahoma City and Tulsa.

18 (2) The Southwestern (H.E. Bailey) Turnpike between Oklahoma
19 City and Wichita Falls, Texas.

20 (3) The Northeastern (Will Rogers) Turnpike between Tulsa and
21 Joplin, Missouri.

22 (4) The Eastern (Indian Nation) Turnpike between Tulsa and
23 Paris, Texas, including all or any part thereof between McAlester
24 and the Red River south of Hugo.

1 (5) The Cimarron Turnpike between Tulsa and Interstate Highway
2 35 north of Perry, including a connection to Stillwater.

3 (6) The Muskogee Turnpike between Broken Arrow and Interstate
4 Highway 40 west of Webbers Falls.

5 (7) All or any part of an extension of the Muskogee Turnpike,
6 beginning at a point on Interstate Highway 40 near the present south
7 terminus of the Muskogee Turnpike, and extending in a southeasterly
8 direction on an alignment near Stigler, Poteau and Heavener to the
9 vicinity of the Arkansas State Line to furnish access to Hot
10 Springs, Texarkana, Shreveport and New Orleans.

11 (8) A tollgate on the Turner Turnpike in the vicinity of
12 Luther, Oklahoma, and in the vicinity of the intersection of State
13 Highway 33 and Turner Turnpike in Creek County, Oklahoma, or in the
14 vicinity of the intersection of State Highway 33 and Turner Turnpike
15 or U.S. Highway 66 in Creek County, Oklahoma, from any monies
16 available to the Authority.

17 (9) Add on the Will Rogers Turnpike a northbound automatic
18 tollgate onto State Highway 28 and a southbound on-ramp from State
19 Highway 28.

20 ~~(10) A turnpike or any part or parts thereof beginning in the~~
21 ~~vicinity of Duncan extending east to the vicinity of the City of~~
22 ~~Davis, and extending in a northeasterly direction, by way of the~~
23 ~~vicinity of the City of Ada, to a connection in the vicinity of~~
24 ~~Henryetta or in the vicinity of the intersection of State Highway 48~~

1 ~~and Interstate 40; and a turnpike or any part or parts thereof from~~
2 ~~the vicinity of Snyder extending north to the vicinity of Woodward.~~

3 ~~(11) A turnpike or any part or parts thereof beginning at a~~
4 ~~point in the vicinity of Ponca City, or at a point on the Kansas-~~
5 ~~Oklahoma state boundary line east of the Arkansas River and west of~~
6 ~~the point where Oklahoma State Highway No. 18 intersects said state~~
7 ~~boundary line, and extending in a southeasterly direction to a~~
8 ~~connection with the Tulsa Urban Expressway System in the general~~
9 ~~area of the Port of Catoosa.~~

10 ~~(12) All or any part of an Oklahoma City toll expressway system~~
11 ~~connecting the residential, industrial and State Capitol Complex in~~
12 ~~the north part of Oklahoma City with the residential, industrial and~~
13 ~~Will Rogers World Airport Complex in the south and southwest parts~~
14 ~~of Oklahoma City.~~

15 ~~(13) A turnpike (The Industrial Parkway) or any part or parts~~
16 ~~thereof beginning at a point on the Oklahoma-Kansas state boundary~~
17 ~~line between the point where U.S. Highway 66 intersects the boundary~~
18 ~~line and the northeast corner of Oklahoma and ending by means of a~~
19 ~~connection or connections with Shreveport, Louisiana, and Houston,~~
20 ~~Texas, in southeastern Oklahoma and at no point to exceed thirty~~
21 ~~(30) miles west of the Missouri or Arkansas border.~~

22 ~~(14) A turnpike or any part or parts thereof beginning in the~~
23 ~~vicinity of Velma or County Line to a point intersecting with~~
24 ~~Interstate 35 in the area south of Davis.~~

1 ~~(15) A turnpike or any part or parts thereof beginning in the~~
2 ~~vicinity of Watonga and extending south and/or east to the vicinity~~
3 ~~of north and/or west Oklahoma City.~~

4 ~~(16)~~ (10) A tollgate on the Will Rogers Turnpike near the
5 intersection of State Highway 137 and the Will Rogers Turnpike,
6 located south of Quapaw.

7 ~~(17)~~ (11) A tollgate on the Muskogee Turnpike in the vicinity
8 of Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the
9 vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in
10 the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey
11 Turnpike at Elgin, Oklahoma, from any monies available to the
12 Authority.

13 ~~(18)~~ (12) A tollgate on the Turner Turnpike in the vicinity of
14 Wellston, Oklahoma, from any monies available to the Authority.

15 ~~(19)~~ (13) A tollgate on the Muskogee Turnpike in the vicinity
16 of Brushy Mountain, Oklahoma, and in the vicinity of Elm Grove,
17 Oklahoma, from any monies available to the Authority.

18 ~~(20) All or any part of an Oklahoma City Outer Loop expressway~~
19 ~~system beginning in the vicinity of I-35 and the Turner Turnpike and~~
20 ~~extending west into Canadian County and then south to I-40; and then~~
21 ~~south and east to I-35 in the vicinity of Moore and Norman; and then~~
22 ~~extending east and north to I-40 east of Tinker Field; and then~~
23 ~~extending north to the Turner Turnpike to complete the Outer Loop.~~

1 ~~(21) All or any part of the Tulsa south bypass expressway~~
2 ~~system beginning in the vicinity of the Turner Turnpike near Sapulpa~~
3 ~~and extending south and east to U.S. 75 in the vicinity of 96th~~
4 ~~Street to 121st Street; and then east across the Arkansas River to a~~
5 ~~connection with the Mingo Valley Expressway; and then south and/or~~
6 ~~east to a point on the Tulsa-Wagoner County Line near 131st street~~
7 ~~south in the city of Broken Arrow.~~

8 ~~(22) A new turnpike or any part thereof from near the west gate~~
9 ~~of the Will Rogers Turnpike south to the west end of south Tulsa~~
10 ~~Turnpike at the Tulsa-Wagoner County Line.~~

11 ~~(23) A new turnpike or any parts thereof from the vicinity of~~
12 ~~the connection between State Highway 33 and U.S. 69 easterly to the~~
13 ~~Arkansas State Line.~~

14 ~~(24)~~ (14) A four-lane extension of the Muskogee Turnpike from
15 Interstate Highway 40 west of Webbers Falls to the Poteau vicinity.

16 ~~(25) A new turnpike or any part or parts thereof beginning at a~~
17 ~~point in the vicinity of northwest Tulsa, and extending in a~~
18 ~~northwesterly direction, by means of a connection or connections~~
19 ~~with the cities of Pawhuska and Newkirk, to a point intersecting in~~
20 ~~the vicinity of US Highway No. 77 and the Kansas State Line.~~

21 ~~(26) A full access interchange on the Indian Nation Turnpike~~
22 ~~south of Interstate 40, in the vicinity of Henryetta, Oklahoma, and~~
23 ~~in the vicinity of the proposed theme park, museum or an industrial~~
24

1 ~~facility which qualifies for the Oklahoma Quality Jobs Program Act,~~
2 ~~from any monies available to the Authority.~~

3 ~~(27) A new turnpike beginning at a point directly west of the~~
4 ~~Arkansas line and four laning Highway 70 from that point to the~~
5 ~~farthest western reach of Highway 70 creating a southern route~~
6 ~~through Oklahoma.~~

7 ~~(28) A new turnpike and bridge or any parts thereof from a~~
8 ~~point in the vicinity of the city of Mustang southerly across the~~
9 ~~South Canadian River to the H.E. Bailey Turnpike in the vicinity of~~
10 ~~the city of Tuttle; and then easterly across the South Canadian~~
11 ~~River to a point in the vicinity of the city of Norman.~~

12 ~~(29) A new turnpike or any parts thereof beginning at a point~~
13 ~~in the vicinity of the city of Altus and extending in a~~
14 ~~northwesterly direction to a point in the vicinity of the city of~~
15 ~~Sayre.~~

16 ~~(30) A new turnpike or any parts thereof beginning at a point~~
17 ~~in the vicinity of the city of Enid and extending in a westerly~~
18 ~~direction to a point in the vicinity of the city of Woodward.~~

19 ~~(31)~~ (15) An on- and off-ramp or any parts thereof at Fletcher,
20 Oklahoma, in the vicinity of the Interstate 44 and State Highway 277
21 intersection. Any existing on- or off-ramp or any parts thereof in
22 the vicinity of Fletcher, Oklahoma, shall not be removed and shall
23 be maintained pursuant to Section 1701 et seq. of this title.

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1 ~~(32) A new bridge crossing the Arkansas River between South~~
2 ~~Delaware Avenue and Memorial Drive in Tulsa County. This project~~
3 ~~shall commence upon a determination by the Oklahoma Transportation~~
4 ~~Authority that such bridge shall be self-sufficient at some point~~
5 ~~over a thirty-year time period from the toll charges associated with~~
6 ~~the bridge project.~~

7 ~~(33)~~ (16) An exit ramp or any parts thereof from the eastbound
8 lane of the Turner Turnpike at 96th Street in Tulsa.

9 ~~(34)~~ (17) An on- and off-ramp or any parts thereof on the
10 Cimarron Turnpike in the vicinity of the northside of the Glencoe,
11 Oklahoma, municipal limits.

12 ~~(35) A new turnpike or any parts thereof beginning at~~
13 ~~Interstate 44 at or near its intersection with 49th West Avenue,~~
14 ~~past State Highway 64/412, turning northeasterly, crossing 41st West~~
15 ~~Avenue, and continuing eastward to the L.L. Tisdale Expressway in~~
16 ~~Tulsa, Oklahoma.~~

17 All access roads, interchanges, or lead roads connecting such
18 turnpikes with existing highways must be built by funds furnished by
19 the Authority.

20 The minimum and maximum wages for the construction of the roads,
21 highways and projects provided for in Sections 1701 through 1734 of
22 this title shall be in accordance with the schedules of wages used
23 or adopted by the Commission in construction of state highways.

1 The Authority is hereby authorized to enter into contracts or
2 agreements with agencies and instrumentalities of other states or
3 the national government for construction, maintenance and operation
4 of interstate turnpikes or highways.

5 The Authority is hereby required to construct and install
6 automatic tollgates on the Will Rogers Turnpike at State Highway No.
7 28 near Adair.

8 Legislative authorization for the construction of any turnpike
9 project authorized prior to November 1, 2023, shall expire unless
10 the Authority has commenced actual physical construction of such
11 turnpike project in earnest within five (5) years of November 1,
12 2023. Legislative authorization for the construction of any
13 turnpike project authorized on or after November 1, 2023, shall
14 expire unless the Authority has commenced actual physical
15 construction of such turnpike project in earnest within five (5)
16 years after the effective date of such authorization. In any case
17 where the Authority has commenced construction prior to the
18 expiration of the authorization, construction shall diligently
19 continue in due and regular course to the completion of the turnpike
20 project. Nothing in this paragraph shall be deemed to preclude or
21 prohibit the Legislature from reauthorizing an expired turnpike
22 project authorization.

23 (f) To issue turnpike revenue bonds of the Authority, payable
24 solely from revenues, including the revenues accruing to the trust

1 fund created by Sections 1701 through 1734 of this title, for the
2 purpose of paying all or any part of the cost of any one or more
3 turnpike projects. Provided that any bonds issued for the
4 construction of the proposed turnpike referred to in subparagraphs
5 (10), (20), (21) and (22) of paragraph (e) of this section shall be
6 issued as one issue for all four of the proposed turnpikes and shall
7 be financed, constructed and operated under one bond indenture.

8 (g) To fix and revise from time to time tolls for the use of
9 any turnpike projects.

10 Any common carrier having authority at the time of opening any
11 turnpike project to operate upon a highway approximately paralleling
12 the turnpike project shall be granted without further showing
13 authority to operate over the turnpike project to all municipalities
14 which such carrier is serving at the time the turnpike project is
15 opened to traffic. But nothing herein shall be construed as
16 granting any new operation rights to any common carriers.

17 (h) To acquire, hold, and dispose of real and personal property
18 in the exercise of its powers and the performance of its duties.

19 (i) To acquire in the name of the Authority by purchase or
20 otherwise on such terms and conditions and in such manner as it may
21 deem proper, or by exercise of the right of condemnation in manner
22 hereinafter provided, such public or private lands, including public
23 parks, playgrounds, or reservations, or parts thereof or rights
24 therein, rights-of-way, property, rights, easements, and interests,

1 as it may deem necessary for carrying out the provisions of Sections
2 1701 through 1734 of this title; provided, that all public property
3 damaged in carrying out the powers granted by Sections 1701 through
4 1734 of this title shall be restored or repaired and placed in its
5 original condition as nearly as practicable.

6 (j) To designate, except as is provided for herein, the
7 location, and establish, limit and control such points of ingress to
8 and egress from each turnpike project as may be necessary or
9 desirable in the judgment of the Authority to ~~insure~~ ensure the
10 proper operation and maintenance of such project, and to prohibit
11 entrance to such project from any point or points not so designated.

12 (k) To make and enter into all contracts and agreements
13 necessary or incidental to the performance of its duties and the
14 execution of its powers, and to employ consulting engineers,
15 attorneys, accountants, construction and financial experts,
16 superintendents, managers, and such other employees and agents as
17 may be necessary in its judgment, and to fix their compensation;
18 provided, that all such expenses shall be payable solely from the
19 proceeds of turnpike revenue bonds issued under the provisions of
20 Sections 1701 through 1734 of this title or from revenues; provided,
21 further, no attorney employed by the Authority, nor any member of
22 any law firm of which the attorney may be connected, shall ever be
23 paid any fee or compensation for any special or extraordinary
24 services.

1 (l) To receive and accept from any federal agency grants for or
2 in aid of the construction of any turnpike project, provided, the
3 acceptance of such grants will not reduce the amount of federal aid
4 for the construction, repair, or maintenance of farm-to-market roads
5 and other highways and bridges in this state; and to receive and
6 accept aid or contributions from any source of either money,
7 property, labor, or other things of value, to be held, used, and
8 applied only for the purposes for which such grants and
9 contributions may be made.

10 (m) To adopt such rules, and to do any and all things necessary
11 to comply with rules, regulations, or requirements of the Bureau of
12 Public Roads, Multistate Economic Development Regional Commission,
13 as defined in Sections 1151 through 1153, inclusive, of Title 74 of
14 the Oklahoma Statutes, Ozarka Region Commission or any other federal
15 agency administering any law enacted by the Congress of the United
16 States to aid or encourage the construction of highways.

17 (n) To do all things necessary or convenient to carry out the
18 powers expressly granted in Sections 1701 through 1734 of this
19 title. The design standards for all paving shall comply with the
20 design standards of the American Association of State Highway and
21 Transportation Officials as modified by the Oklahoma Department of
22 Transportation. All contracts for construction work on turnpike
23 projects shall be let to the lowest responsible bidder, or bidders,
24 after notice by publication in a newspaper published in the county

1 where the work is to be done in two consecutive weekly issues of the
2 newspaper. In all cases where more than eight (8) miles of
3 construction is let at the same time and is not an advertisement for
4 a surface-treatment-only project, such advertisement shall provide
5 for bids on sections of the turnpike not to exceed eight (8) miles.
6 If the project advertised is a surface-treatment-only project of
7 more than twenty (20) miles of road, the advertisement shall provide
8 for bids on sections of the road no longer than twenty (20) miles,
9 as well as bids on the project as a whole. Subject to the following
10 restrictions and limitations, the Authority shall, when contracting
11 for construction work, divide such work into paving projects, bridge
12 projects, including underpasses and overpasses, and earthmoving or
13 miscellaneous projects, according to the type of work to be done.
14 Each project shall be let under a separate contract or contracts and
15 no contract or project shall include more than one of such types of
16 construction work. Each contract for construction work shall
17 contain a provision that ninety percent (90%) of all labor employed
18 on the project shall be residents of Oklahoma. However, contracts
19 for bridges may include earthwork and structures for the approaches
20 thereto.

21 (o) It shall be unlawful for any member, officer or employee of
22 the Authority to transact with the Authority, either directly or
23 indirectly, any business for profit of such member, officer, or
24 employee; and any person, firm, or corporation knowingly

1 participating therein shall be equally liable for violation of this
2 provision.

3 The term "business for profit" shall include, but not be limited
4 to, the acceptance or payment of any fee, commission, gift, or
5 consideration to such member, officer, or employee.

6 Violation of this provision shall constitute a felony punishable
7 by incarceration in the ~~State Penitentiary~~ custody of the Department
8 of Corrections for a term not to exceed five (5) years or a fine of
9 not less than Five Hundred Dollars (\$500.00) and not more than Five
10 Thousand Dollars (\$5,000.00), or both such imprisonment and fine.

11 (p) In the event of a national emergency, the Authority,
12 subject to any vested rights or claims, may enter into contracts
13 with the federal government or any authorized agency thereof to
14 allow the federal government or agency thereof to use such turnpikes
15 partly or exclusively during the existence of such emergency,
16 provided, that the federal government agrees in such contract to
17 pay, during the term of such contract, an amount sufficient, when
18 added to any tolls collected, to meet all operating and maintenance
19 expenses, interest payments, and the minimum sinking fund and
20 reserve requirements of the trust agreement for the turnpike covered
21 by the contract.

22 (q) All meetings of the Authority shall be open public
23 meetings, and all records shall be public records, except when
24 considering personnel or litigation.

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

59-1-5696 JBH 01/17/23