

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 1188

6 By: West (Rick)

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to the Oklahoma Turnpike Authority;
9 amending 69 O.S. 2021, Section 1707, which relates to
10 acquisition of lands; requiring certain compensation
11 for nuisance to property caused by turnpikes; listing
12 certain nuisances; providing for certain
13 notification; requiring notification contain certain
14 details; requiring certain payment for nuisance to
15 property; requiring certain good-faith offer;
16 requiring commencement of certain action; authorizing
17 the award of certain fees; requiring Authority use
18 certain existing process for acquisition of property;
19 and declaring an emergency.

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

21 SECTION 1. AMENDATORY 69 O.S. 2021, Section 1707, is
22 amended to read as follows:

23 Section 1707. The Oklahoma Turnpike Authority is hereby
24 authorized and empowered to acquire by purchase, or condemnation,
land or such interest therein as in its discretion may be necessary
for the purpose of establishing, constructing, maintaining and
operating turnpike projects or relocation thereof, and facilities

1 necessary and incident thereto, or necessary in the restoration of
2 public or private property damaged or destroyed, including borrow
3 areas, detours, channel changes, concession areas, public or private
4 access roads, and deposits of rock, gravel, sand and other road
5 building material for use in turnpike construction and maintenance,
6 upon such terms and at such price as may be considered by it to be
7 reasonable and can be agreed upon between the Authority and the
8 owner thereof, and to take title thereto in the name of the
9 Authority, provided, that such right and title shall be limited to
10 the surface rights only and shall not include oil or other mineral
11 rights. Groundwater rights may be severed from surface rights, upon
12 the written request of the owner of land to be acquired; however, an
13 owner of groundwater rights shall not have a right of access to the
14 Authority's acquired surface rights. No person may construct,
15 maintain or operate any water well, drilling equipment or lines on
16 or under the surface acquired by the Authority without express
17 written approval of the Authority.

18 In addition to compensation for the taking of property, property
19 owners with property abutting turnpike projects shall be entitled to
20 compensation for the nuisance caused to their properties by turnpike
21 projects, whether directly or indirectly. Nuisance to the property
22 shall include noise and light pollution, damage to access, light,
23 view, loss of use and enjoyment of one's property, and any
24 diminution in the fair market value of the property.

1 At the time the Authority commences the process of any right-of-
2 way acquisition for all or a portion of a turnpike project, whether
3 by way of voluntary purchase or condemnation, the Authority shall
4 provide written notice, via certified and first-class mail, of such
5 intended right-of-way acquisition to any and all owners of real
6 property abutting the right-of-way to be acquired for the project.
7 The written notice to abutting property owners shall include a
8 statement that the abutting property owners are entitled to
9 compensation as set forth in this section, and that they may request
10 compensation for nuisance caused to their property by the turnpike
11 project. Compensation for nuisance shall be ten percent (10%) of
12 the value of the property extending eight hundred (800) feet from
13 the boundary of the right-of-way acquired for the project. The
14 notice shall include a mailing address for abutting owners to submit
15 a written request for compensation and for compensation for nuisance
16 to their property caused by the turnpike project. Any abutting
17 property owner requesting compensation and compensation for nuisance
18 shall make such request to the Authority in writing, via certified
19 and first-class mail, to the address designated in the Authority's
20 right-of-way acquisition notice, no later than thirty (30) days
21 after the date of receipt of the Authority's notice of the intended
22 right-of-way acquisition.

23 Upon receipt of a valid request for compensation and nuisance
24 compensation, the Authority shall proceed to make a good-faith offer

1 of total compensation, and further, shall negotiate in good faith
2 with the abutting property owner to reach an agreement for total
3 compensation. If the parties fail to agree upon the amount of such
4 total compensation within one hundred eighty (180) days of the date
5 the property owner requests such total compensation, the Authority
6 shall, within an additional ninety (90) days, commence an action in
7 the district court where the real property is located for a
8 determination and award to the property owner of such total
9 compensation. Either party to the action shall be entitled to a
10 trial by jury. If the award of total compensation in any such
11 action exceeds the Authority's last best offer to the property owner
12 by ten percent (10%) or more, the property owner shall be entitled
13 to reasonable attorney fees, appraisal fees, and expert witness fees
14 incurred in the action.

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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