

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1188

By: West (Rick)

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6 AS INTRODUCED

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

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

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

28 Section 1707. The Oklahoma Turnpike Authority is hereby
29 authorized and empowered to acquire by purchase, or condemnation,
30 land or such interest therein as in its discretion may be necessary
31 for the purpose of establishing, constructing, maintaining and

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

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

1 such compensation, the abutting owner shall be entitled, pursuant to
2 the process set forth below, to have the Authority acquire the
3 abutting property.

4 At the time the Authority commences the process of any right-of-
5 way acquisition for all or a portion of a turnpike project, whether
6 by way of voluntary purchase or condemnation, the Authority shall
7 provide written notice, via certified and first-class mail, of such
8 intended right-of-way acquisition to any and all owners of real
9 property abutting the right-of-way to be acquired for the project.

10 The written notice to abutting property owners shall include a
11 statement that the abutting property owners are entitled to
12 compensation as set forth in this section, or alternatively, that
13 they may request acquisition of their real property abutting the
14 right-of-way acquired for the turnpike project, up to and including
15 one thousand (1,000) feet from the boundary of the right-of-way
16 acquired for the project. The notice shall include a mailing
17 address for abutting owners to submit a written request for
18 compensation, or alternatively, for the acquisition of abutting
19 property. Any abutting property owner requesting compensation, or
20 alternatively, for acquisition of abutting property shall make such
21 request to the Authority in writing, via certified and first-class
22 mail, to the address designated in the Authority's right-of-way
23 acquisition notice, no later than thirty (30) days after the date of

1 receipt of the Authority's notice of the intended right-of-way
2 acquisition.

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

18 Upon receipt of a valid request for acquisition of abutting real
19 property, the Authority shall proceed with the acquisition in the
20 same manner and on the same legal terms and conditions as the
21 Authority would proceed for the acquisition of a right-of-way for
22 the turnpike project.

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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