

OKLAHOMA TURNPIKE AUTHORITY

Administrative Rules Report | Executive Order 2020-03

Comprehensive Review of Administrative Rules as of August 1, 2020

Report Submitted by: Alan Freeman

Title: Assistant Executive Director, Finance and Administration

Email: afreeman@pikepass.com

Phone: 405-425-3620

Method Used to Conduct Review: Reviewed existing rules with OTA General Counsel and OTA Assistant Executive Directors. As further background and context for why 11 of the 12 OTA Administrative rules/ code are identified as unnecessary, the OTA has express legislative authorization to adopt bylaws for the regulation of its affairs and conduct of its business (69 O.S. §1705(a) as well as to develop and operate its electronic toll collection system (PIKEPASS and PLATEPAY). Additionally, the Oklahoma Electronic Toll Collection Act (47 OS §§11-1401 et seq.) creates the framework for OTA’s toll collection regulations as well as the due process procedures for a patron/ customer to contest a toll/ toll violation. Accordingly, the OTA does not engage the promulgation of “rules” or issue “orders” under the Oklahoma Administrative Procedures Act.

TOTAL NUMBER OF UNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATED REGULATIONS: 11

Title 731 Oklahoma Turnpike Authority

Chapter 1-Administrative Operations

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
731:1-1-1	Purpose	5-25-00					X		Not necessary to include a statement of “purpose” to comply with the Oklahoma Administrative Procedures Act (“OAPA”). The OTA does not require OAPA to facilitate operations and administration.
731:1-1-2	General description of the Oklahoma Transportation Authority	5-25-00			X	69 OS §1701-1704	X		Duplicates descriptions in OTA’s enabling Act. Outdated in reference to number of turnpikes and miles.
731:1-1-3	Public records	5-25-00			X	51 OS §24A.1 et seq	X		Except for expressly identified exceptions, OTA must already comply with the Oklahoma Open Records Act. Outdated reference to titles and functions/ OTA division descriptions.

731:1-1-4	Filing and disposition of petitions for declaratory rulings	5-25-00					X		The OTA does not promulgate rules/ issue orders under the OAPA. Thus, there is no need for a process for a petitioner to seek a declaratory ruling as to the applicability of such rule/ order.
731:1-1-5	Request for promulgation, amendment or repeal of rules	5-25-00					X		Because the OTA does not create “rules” under the OAPA in connection with its operations, there is no need for a process for a person to seek that OTA promulgate, amend or repeal a rule.
731:1-1-6	Forms and where available	5-25-00					X		Not necessary to state in an administrative rule that OTA uses a variety of forms that change from time to time, and that OTA attempts to make them widely available.
731:1-1-7	Practices and procedures	5-25-00					X		The OTA does not engage in rulemaking/ issue orders or otherwise conduct hearings under the OAPA.

Chapter 10-Prequalification to Bid, Suspension and Debarment of Contractors, Affiliates and Others

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
731:10-1-1	Purpose	5-25-00			X	61 OS §§101 et seq.	X		Not necessary to adopt a rule “for the purpose” of compliance with the Oklahoma Public Competitive Bidding Act (“OPBA”). Repeats provisions of OPBA.
731:10-1-2	Prequalification	5-25-00			X	61 OS §118	X		OPBA 61 O.S. §118 provides that OTA and ODOT may establish a system for prequalifying prospective bidders on construction and maintenance contracts. OTA relies on ODOT’s prequalification.
731:10-1-3	Non-resident contractors	5-25-00			X	18 OS §1130	X		To conduct business in Oklahoma, foreign corporations are already required to file with the Oklahoma Secretary of State the information required by this section.
731:10-1-4	Proposals; right to suspend or debar from bidding	5-25-00					X		Outdated in reference to fee for proposal blanks and process. Also, unnecessary in practice as proposal process established in Standard Specifications for Turnpike Construction.
731:10-1-5	Debarments and suspensions	5-25-00						X	There is no process for debarment/ suspension of a contractor in either the Oklahoma Statutes or the Standard Specifications for Turnpike Construction.

END OF REPORT