

CHAPTER 35. MAINTENANCE AND CONTROL OF STATE HIGHWAY SYSTEM

SUBCHAPTER 1. MAINTENANCE

730:35-1-11. Department maintenance within municipalities

(a) **Discretionary funding.** The Commission shall, except as provided by law, exercise sole discretion in the expenditure of State Transportation funds for work involving Department personnel, equipment or material on roads, streets or other locations in municipalities. Such cases may include but are not strictly limited to the following:

- (1) Maintenance, construction or other improvement of designated portions of the state highway system.
- (2) Right-of-way or other properties owned or under jurisdiction of the Department.
- (3) Maintenance, construction or other improvement of the principal access roads or streets providing connections from the designated state highway system to state institutions, as provided in 730:35-1-6.
- (4) Construction or improvement of industrial access, airport access, lake access, or state park roads, when such facilities are part of an approved industrial access, lake access, or state park road program.

(b) **Routine maintenance.** The following shall govern routine maintenance on the state highway system including frontage roads, local roads, public roads and interchange-collector-distributor roads thereto, within the corporate limits of cities and towns.

(1) The Department shall maintain, or pay the cost of maintaining, any municipal streets where such streets are a continuation of the State or Federal highway system as follows:

(A) The Department shall maintain the area of the roadway pavement and pavement structure between the gutter lines excluding curbs and sidewalks, and, if no curb exists, only that portion of the roadway pavement and pavement structure between the outer edge of the shoulder lines, excluding any underground utilities and appurtenances. The Department shall not perform maintenance on or pay the cost of accident or spill clean-up, sweeping, mowing the right-of-way, drainage systems, and facilities including inlets, curbs, sidewalks, and driveways, ~~electronic traffic control devices or highway system lights~~. In areas where cities or towns have annexed additional rural lands into the corporate limits, the Department may choose to continue turf management prior to the development of such lands.

(B) The Department shall maintain or pay for the cost of installation, repair and maintenance of signs and lane markings.

(C) The Department may participate in or pay the cost of lighting and electronic traffic control devices. The maintenance of such equipment shall be the responsibility of the cities and towns, unless otherwise specified by formal written agreement.

(D) The Department may maintain, or participate in the cost of constructing or improving any safety appurtenances.

(E) The cities and towns shall maintain that portion of the rights-of-way beyond the gutter or shoulder lines, including storm sewers and inlets as well as all other underground facilities.

(F) The cities and towns shall maintain any public roads as defined in 730:35-1-2 within their corporate limits.

(2) Maintenance of the designated Interstate Routes which are a part of the National Highway System, urban freeways with fully controlled access, together with all frontage roads, local roads, public roads and interchange-collector-distributor roads thereto, within the limits of the cities and towns which are a part of the state highway system shall be as follows:

(A) The Department shall maintain the highway, interchange ramps, interchange-collector-distributor roads, and that portion of the frontage roads or local roads between the nearest edge of the first crossroad or street and the ramp from the mainline connecting to the frontage road or local road. This maintenance shall include all signs, pavement markings, and other traffic control devices, ~~except for traffic signals and lighting~~.

(B) Cities and towns shall maintain only that area of the right-of-way occupied by a frontage road or local road between the control of access line and the right-of-way line, and that portion of frontage roads or local roads that is not considered a part of an interchange ramp.

(C) The Department shall maintain all interchange and cross-over bridge structures, exclusive of the surface and/or deck as provided in 730:35-1-5.

(D) The cities and towns shall maintain all streets connecting to the highway or Department maintained frontage road, including all signs, pavement markings and traffic control devices along the cross streets, except as noted in 730:35-1-11(b)(2)(A).

(E) Cities and towns shall maintain any Public Roads as defined in 730:35-1-2 within their corporate limits.

(c) **Maintenance agreements.** In all cases, the Department will obtain written maintenance agreements from the governing bodies of such cities and towns. These maintenance agreements shall incorporate the foregoing provisions and such other provisions to which the parties agree delineating maintenance responsibilities. Where written agreements concerning maintenance responsibilities within cities and towns have heretofore been obtained, they are hereby approved if reasonably conforming to the provisions of this section. The provisions of this subchapter are supplemental to such maintenance agreements and shall be used to carry into effect the overall policy of the Commission. Where maintenance agreements cannot be obtained, the provisions of this subchapter and State law shall govern in determining maintenance responsibilities.

- (1) The Department will not participate in the improvement or maintenance of campus streets or parking areas at the various state college and university campuses.
- (2) Any other uses of funds, personnel or equipment under the jurisdiction of the Commission in municipalities, except in instances of legislative mandate, shall be considered contrary to established policies of the Commission.
- (3) The Department shall control, by means of a permit system, driveway entrances and exits on the state highway system, but may delegate this responsibility to a city or town. Before permanent authority is delegated, the city or town involved must enact an ordinance adopting the policy of the Commission on driveway regulations for Oklahoma highways.
- (4) The Department shall control, by means of a permit system, the installation of landscaping within the rights-of-way on the state highway system. Modification of right-of-way on controlled access facilities is considered to be a landscape improvement and will be considered for approval in accordance with the Commission policy on fencing for controlled access highways.