

EXECUTIVE ORDER 2024-14

AGENCY LICENSE SUBMISSION

DESCRIPTION & LEGAL AUTHORITY	FEE	SUBMISSION METHODS	ARGUMENTS JUSTIFYING NEED FOR LICENSE
OTA License for Right-of-Way Access Term: Duration of Project Legal Authority: Title 69, Chapter 1, Article 17, Section 1722	No Fees	Email Preferred Conventional Mail	Allows OTA to track public utilities or common carriers Right-Of-Way Access to work inside OTA ROW for a period of time and protects public travel, construction & maintenance of Oklahoma's Turnpikes.

Turnpike: _____
Mile Post: _____
License No: _____

OKLAHOMA TURNPIKE AUTHORITY

LICENSE FOR RIGHT-OF-WAY ACCESS

This License is executed in the original and three copies this _____ day of _____, 20____ by and between the Oklahoma Turnpike Authority (the "Authority") and _____ (the "Licensee") Whereby the Authority grants a limited license to the Licensee for the sole purpose of traversing the Authority's rights-of way.

That the Authority does by these presents, grant to:

Licensee: _____

Mailing Address: _____

Telephone: _____

a license for the sole purpose of traversing the Authority's rights-of way located on the _____ Turnpike. The Licensee shall have the right to enter the Authority's rights-of-way for the sole purpose of accessing the (description of area to be accessed) site immediately adjoining the referenced Turnpike in _____ (city or county), Oklahoma. See Attached – Exhibit "A".

This Agreement will be from the period _____ through _____

Legal Description as followed:

Quarter and Section _____ Township _____ Range _____ County _____

List request for agreement and description of any installation that will be made: (and show on the attached drawing(s) and further described as follows: See Attached Exhibit "A"

Before placing a utility facility on any Authority right-of-way, a license must be obtained, using standard forms furnished by the Authority. All information requested on the form must be supplied. Drawings clearly illustrating work to be performed within the right-of-way and all other utility facilities in the area of this permit should be provided with the license.

This license is granted subject to the following conditions, requirements, and covenants, to-wit:

A) The AASHTO publication "A Policy on the Accommodation of Utilities within the Freeway Rights-of-Way."

B) The OTA Maintenance Superintendent for the above referenced turnpike must be notified when the work is to begin and when it is complete for final inspection. Under no circumstance will any work be done on Authority

right-of-way until a license has been obtained. No work will be done on Authority right-of-way on Saturdays, Sundays, Holidays or after dark unless approved by the OTA Maintenance Superintendent. The OTA Maintenance Superintendent may require a pre-construction conference.

C) One copy of the approved license must be kept at the work site for inspection by the Engineer or his representatives. Licensee is to have an inspector or engineer present at all times during construction to insure that installation is made in accordance with plans and specifications approved by the Authority. No deviation from the approved plans and specifications will be made without the written approval of the Authority.

D) The Licensee must agree to hold the Authority harmless and to fully indemnify the Authority from any cost, expense, damage, claim, or liability from any action, cause, occurrence, or happening relating to the Licensee's use of the License, the traversing by Licensee across the Authority's right-of-way, or any other consequential or related action of the Licensee or Licensee's agents, guests, or invitees to the extent any damage to person or property is caused in whole or in part by the negligent acts of the Licensee. The Licensee also agrees to provide and keep in force during the term of the limited license, General Liability insurance in the amount of \$400,000 covering actions occurring on the Authority's right-of-way. Verification of this insurance must be presented within 30 days from the approval of this Agreement and prior to work being commenced.

E) All work on the Authority right-of-way is to be done in accordance with the current "Standard Specification for Turnpike Construction". The Licensee will take all applicable measures to prevent Storm Water Pollution. At the conclusion of such work, the right-of-way must be cleaned up and left in a presentable condition. It is further understood that any Turnpike property or improvements (i.e. roadway pavement, shoulders, slopes, sod, trees, shrubbery, other plantings, fencing guardrail, traffic control devices, safety markers, drainage ditches, ditch liners, underground drainage pipes or structures, etc.) that are modified, damaged, or removed in any form or fashion will be restored to their original found condition or better, as directed by the OTA Maintenance Superintendent.

F) At times the activities may warrant the use of a flagger to assure safety of the patrons and workers. Flaggers must be clearly visible to approaching traffic for a distance sufficient to permit proper response by motorists to the flagging instructions, and to permit traffic to reduce speed or stop before entering the temporary traffic control zone. Flaggers shall be positioned to maintain maximum color contrast between the flagger's reflective clothing and equipment and the work area background. All flagging operations must comply with the guidelines published in the latest of the MUTCD. The Licensee shall provide all personnel, equipment, and signage necessary for traffic control or safety, as per "The Manual on Uniform Traffic Control Devices", and shall coordinate all work activities with the appropriate Superintendents and /or Oklahoma Highway Patrol (OHP) as needed. The Engineer, OTA Maintenance Superintendent, and/or the OHP are empowered to shut down any contracted operation that is unsafe; OTA will not be liable for the Licensee's expense associated with such a shutdown, nor will be liable for Licensee's expense necessary to come into safety compliance.

G) Access for constructing a utility will be from outside the Authority right-of-way. Free use of through lanes or ramps by company personnel, machinery, or equipment to reach the work site will not be permitted. When construction equipment must be used within the right-of-way, the owner's plan must designate point of entry and departure of equipment. If deviation from access policy is to be requested, the Engineer should be consulted prior to development of a final plan.

H) When notified to do so by the Authority, the Licensee agrees to make all changes in the facilities on Authority right-of-way at the Licensee's own expense.

I) Any Utility that crosses any part of a Turnpike must have a separate License (License for overhead and underground crossing).

J) Any Utility facility requiring a pipe installation must have plans and detail drawings and a material list must use Oklahoma Department of Transportation Roadway Standard (English) pipe installation 1999 Specifications. Pipe (Electric, underground telephone, Sanitary sewer, Water, fiber optics) should be a minimum of 48 inches below

subgrade, but not less than 30 inches below the bottom of the ditches.

K) The Licensee must agree to refrain from disturbing trees, shrubbery, or any part of the landscape without approval of the OTA Maintenance Superintendent. If it becomes necessary to disturb trees or shrubbery, the licensee's intentions must be plainly stated in the application which will include size and kind of trees and shrubs, and disposition during installation.

L) The Licensee must be familiar with the AASHTO Policy referred to above, particularly that portion which prohibits the installation or future maintenance of a utility facility from through traffic lanes or ramps.

M) The Licensee must agree to hold the Authority harmless for any and all damage that the utility facilities might sustain while occupying Authority right-of-way.

N) The Licensee must agree to notify all owners who have facilities in the area encompassed by this license before beginning any work.

This license may be revoked for noncompliance or failure to begin work within a one year period of date of approval.

AGREED AND ACCEPTED THIS _____ DAY OF _____, _____.

Licensee (President, Owner, or Authorized Agent)

Printed Name _____

Date _____

Subscribed and Sworn to before me this _____ day of _____, 20 ____.

Notary Public

My Commission Expires: _____

Oklahoma Turnpike Authority

Title _____

Date _____



Oklahoma Statutes Citationized

Title 69. Roads, Bridges, and Ferries

Chapter 1 - Oklahoma Highway Code of 1968

Article Article 17 - Turnpikes

Section 1722 - Property or Facilities of Public Utilities or Common Carriers - Condemnation of Railroad Property or Right-of-Way

Cite as: O.S. §, __ __

A. The location and removal of all telephone, telegraph, fiber optic, electric light and power transmission lines, poles, cables, wires and conduits, sewers and all pipelines erected, constructed or in place upon, across or under any turnpike shall be under the control and supervision of the Oklahoma Turnpike Authority, insofar as same affects the public travel or interferes with the construction and maintenance of such turnpike. Whenever the Authority plans a turnpike project or improvement or construction or reconstruction thereof, and before such work is started, it shall serve a written notice upon the person, firm, or corporation owning or maintaining any such facility, which notice shall contain a plan or chart indicating the places on the right-of-way where such facilities may be maintained. The notice shall state the time when the work of constructing or improving such turnpike is proposed to commence, and a reasonable time shall be allowed to the owner of the facility to remove and relocate its property; provided, however, that the effect of any change ordered by the Authority shall not be to exclude the facilities from the turnpike right-of-way. The removal and relocation of all such facilities shall be made at the cost and expense of the owners thereof, unless otherwise provided by law or the Authority, and in no event shall such relocation result in a taking of the owner's property rights without just compensation as provided in Section 1708 of this title. The removal and relocation of all such facilities shall be made at the cost and expense of the owners thereof, unless otherwise provided by law or the Authority, and in the event of the failure of such owners to remove the same at the time set out in the notice, the facilities may be removed by the Authority and the cost thereof collected from such owners, and the Authority shall not be liable in any way to any person for the locating or relocating of such facilities at the places prescribed. Any corporation or association, or the officers or agents of such corporation or association, or any other person who shall erect or maintain any such lines, poles, cables, wires and conduits, sewers, pipelines, equipment or other facilities within the right-of-way of any turnpike in a manner not in complete accordance with the requirements of the Authority shall be deemed guilty of a misdemeanor.

B. With respect to any railroad property or right-of-way, any powers of condemnation may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed project nor any part thereof, including any bridges, abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right-of-way, plans and specifications of the proposed project showing compliance with the above-mentioned above or below grade requirements and showing sufficient and safe plans and specifications for such overhead or undergrade structure and appurtenance shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within thirty (30) days to approve the plans and specifications so submitted, the matter shall be submitted to the Corporation Commission whose decision, arrived at after due consideration in accordance with its usual procedure, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the grade. Such overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the Corporation Commission as the case may be. A copy of the plans and specifications approved by the railroad or the Corporation Commission shall be filed as an exhibit with the petition for condemnation.

C. rural water districts, nonprofit water corporations and municipal public water systems in municipalities with a population of ten thousand (10,000) or less, according to the latest Federal Decennial Census, or their beneficial trusts shall be exempt from the payment of the costs and expenses for the removal and relocation of water and sewer pipelines and all such facilities constructed or in place in the public right-of-way when the removal and relocation of such facilities is necessary for the improvement, construction or reconstruction of any turnpike. Such costs and expenses, including any unpaid on the effective date of this act, shall be paid by the public authority having jurisdiction over the particular turnpike.

Historical Data

Laws 1968, HB 501, c. 415, § 1722, emerg. eff. July 1, 1968; Amended by Laws 1997, SB 651, c. 282, § 3, emerg. eff. May 27, 1997 (superseded document available); Amended by Laws 1998, HB 2238, c. 206, § 2, eff. November 1, 1998 (superseded document available).



Oklahoma Statutes
Cite As: 69 O.S. § 1722 (OSCN 1998)

Title 69. Roads, Bridges and Ferries

SUPERSEDED

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Superseded Effective May 27, 1997

Chapter 1

Oklahoma Highway Code of 1968

Article 17. Turnpikes

§1722. Property Or Facilities Of Public Utilities Or Common Carriers - Condemnation Of Railroad Property Or Right-Of-Way.

(a) Nothing herein shall authorize the Authority to take or disturb property of facilities belonging to any public utility or to a common carrier, which property or facilities are required for the proper and convenient operation of such public utility or common carrier, unless provision is made for the restoration, relocation or duplication of such property or facilities elsewhere at the sole cost of the Authority.

(b) With respect to any railroad property or right-of-way, any powers of condemnation may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed project nor any part thereof, including any bridges, abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right-of-way, plans and specifications of the proposed project showing compliance with the above-mentioned above or below grade requirements and showing sufficient and safe plans and specifications for such overhead or undergrade structure and appurtenance shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within thirty (30) days to approve the plans and specifications so submitted, the matter shall be submitted to the Oklahoma Corporation Commission whose decision, arrived at after due consideration in accordance with its usual procedure, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the grade. Such overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the Oklahoma Corporation Commission as the case may be. A copy of the plans and specifications approved by the railroad or the Oklahoma Corporation Commission shall be filed as an exhibit with the petition for condemnation.

Historical Data

Laws 1968, c. 415, § 1722tempmarker



Oklahoma Statutes

Cite As: 69 O.S. § 1722 (OSCN 1998)

Title 69. Roads, Bridges and Ferries

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Superseded Effective November 01, 1998

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Historical Data

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