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## **January OTA Board Meeting Wrap-Up**

### **OTA Board seeks judicial review of HB 2263**

The Oklahoma Turnpike Authority Board gave unanimous approval Tuesday after an executive session to authorize the agency's leadership to seek judicial review of whether House Bill 2263 is constitutional.

The law took effect Nov. 1 after gaining legislative approval in May 2023. HB 2263 allocates the majority of the six Board member appointments to the legislative branch. Appointments are now divided with two going to the Senate President Pro Tempore, two going to the Speaker of the House and two remaining with the Governor. Prior to this law, all six Board positions were gubernatorial appointments.

"That means the Legislature now has both oversight of the laws it passes as well as that of an executive branch agency charged with executing those laws. The Board has been advised by its attorneys that this violates the separation of powers doctrine and is therefore unconstitutional based on the legal test established by a 2002 Oklahoma Supreme Court case," OTA Board Chairman John Jones said prior to the vote directing the executive director to seek clarity through the courts on the matter.

Jones said it's critical for the Board to have constitutional clarity to ensure that all Board actions are undertaken with proper legal authorization and are not subject to legal challenge – legitimate or otherwise. Ultimately, these types of challenges could impact OTA's bond ratings and potentially increase costs for financing improvements to the turnpike system.

"The OTA cannot perform its essential functions for the State of Oklahoma without risk of facing a future challenge and the real possibility that its statutory mission to construct, operate and maintain turnpike projects, including the advancement of ACCESS Oklahoma, will be further delayed," Jones said.

The lawsuit was filed Tuesday afternoon in Oklahoma County District Court and may be found [online](#).

"HB 2263 casts a shadow of doubt on the OTA Board's ability to conduct business without legal challenge and contradicts prior court rulings about the separation of powers. OTA has a long history of following the law but where the laws conflict you must seek clarity. That's what we are doing today with this action," Secretary of Transportation Tim Gatz said. "This is not meant to be an adversarial action toward the Legislature but simply an effort to gain constitutional clarity."

### **Board updates bylaws**

The Board also unanimously approved updates to OTA's bylaws that modernize language as well as update monetary authorization limits that are in line with those used by the Oklahoma Department of Transportation.

The director's approval level for certain business items and contracts increased from \$250,000 to \$750,000, which will help managers continue to process contracts and payments in a timely manner.

Similarly, division manager level approvals increased from \$25,000 to \$100,000 to assist in maintaining timely processing of contracts. The bylaws were last updated in 2011. To read the approved bylaws, find them online in the [agenda](#).

### **OTA receives national pavement award for Gilcrease Expressway**

The American Concrete Pavement Association recently recognized the Oklahoma Turnpike Authority and Duit Construction with a Gold Award in the Divided Highways category for the Gilcrease Expressway project in Tulsa. The \$340 million SH-344/Gilcrease Expressway has been open for just more than a year after decades in the making to create a new Arkansas River crossing as part of an outer loop in Tulsa. Brent Burwell, executive director of the Oklahoma/Arkansas chapter of the ACPA, presented the award Tuesday to the OTA Board.

"It's very rewarding to see the culmination of this end up in a project recognized by among its peers as a quality pavement project," Burwell said.

He noted the project featured 3.5 million cubic yards of earth moved, 336,000 square yards of concrete pavement and 22 bridges constructed. Today, the Gilcrease serves primarily as a commuter route in west Tulsa and averages more than 21,000 transactions per day.

**TO WATCH the full meeting, see the video at [https://youtu.be/Kj9Cz\\_bsWZs](https://youtu.be/Kj9Cz_bsWZs)**



The American Concrete Pavement Association recently recognized the Oklahoma Turnpike Authority and Duit Construction with a Gold Award in the Divided Highways concrete pavement category with a Gold Award for the SH-344/Gilcrease Expressway project in Tulsa. Pictured are, front row from left, OTA Chief Engineer T.J. Dill, Duit Construction Senior Vice President Mike Lipps and ACPA Oklahoma/Arkansas Chapter Executive Director Brent Burwell were joined by Secretary of Transportation Tim Gatz, the OTA Board and General Counsel Eric Lair in the back row.