

**TITLE 730. DEPARTMENT OF TRANSPORTATION
CHAPTER 35. MAINTENANCE AND CONTROL OF STATE HIGHWAY SYSTEM**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Maintenance

730:35-1-4. Maintenance responsibilities [AMENDED]

Subchapter 7. Traffic Control Devices

730:35-7-3. Traffic Control Responsibilities [AMENDED]

Subchapter 13. Freeway Signage Supplement Guide Signs

730:35-13-4. Tourist oriented directional signs (TODS) [AMENDED]

SUMMARY:

The proposed amendments are needed to bring the rules into compliance with existing law regarding directional signs and to remove outdated language that unnecessarily constricts ODOT's authority to perform certain maintenance and traffic control responsibilities allowed by statute.

AUTHORITY:

69 O.S. 2021, §§ 301, 303, 304, 1502; HB 3243 effective Nov. 1, 2022, *repealing* 74 O.S. §§ 2284, 2285; Oklahoma Transportation Commission.

COMMENT PERIOD:

Persons wishing to present their comments or view in writing may do so before 5:00 p.m. on December 31, 2022, to Lisa Erickson Endres, ODOT Assistant General Counsel and Administrative Procedures Rulemaking Liaison, 200 N.E. 21st, Oklahoma City, OK 73105 or at lendres@odot.org.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Lisa Erickson Endres, ODOT Assistant General Counsel and Administrative Procedures Rulemaking Liaison, at (405) 521-2681 or lendres@odot.org no later than 5:00 p.m. on December 31, 2022.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Department of Transportation, Lisa Erickson Endres, Assistant General Counsel, 200 N.E. 21st Street, Oklahoma City, OK 73105 or a request for a copy of the rules can be sent electronically to lendres@odot.org

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2022, at the above address or on the ODOT website beginning on December 15, 2022.

CONTACT PERSON:

Lisa Erickson Endres, (405) 521-2681 or lendres@odot.org

NAME OF AGENCY:

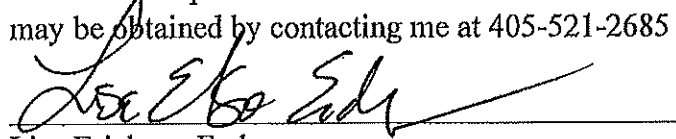
Department of Transportation

TYPE OF DOCUMENT:

Notice of rulemaking intent

LIAISON VERIFICATION:

I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at 405-521-2685

A handwritten signature in cursive script, appearing to read "Lisa Erickson Endres", is written over a horizontal line.

Lisa Erickson Endres,
Assistant General Counsel for ODOT

Dated: November 8, 2022

730:35-1-4. Maintenance responsibilities

(a) The Department shall pay the cost or perform the act of constructing, improving, or maintaining roads, including frontage roads, public roads, local roads, and interchange ramps or any sections thereof, which have been designated by the Transportation Commission as part of the state highway system.

(b) The Department may pay the cost of maintaining all official traffic signs and pavement markings, except for parking space markings, from right-of-way line to right-of-way line.

(c) Within a municipality, the Department shall maintain the roadway pavement and pavement structure ~~only~~. The Department may pay the cost of construction or reconstruction of drainage systems, curbs, sidewalks, and driveways when necessary to construct or reconstruct an existing highway within a municipality. The Department shall not perform maintenance on or pay the cost of accident or spill ~~clean-up~~ clean-up, sweeping, mowing the right-of-way, drainage systems, and facilities including inlets, curbs, sidewalks, and driveways. The Department may also perform maintenance on electronic traffic control devices or highway system lights when the Department determines it is in the best interest for the safety and mobility of the highway.

(d) The Department may participate in the cost of construction or replacement of highway lighting systems and electronic traffic control devices on highways within municipal limits.

(e) At places where ~~city~~ municipal streets or county roads intersect with the state highway system, the Department, when requested, shall furnish a "Stop Ahead" sign to be installed on the county road in advance of the highway intersection. ~~The the city or county~~ municipality shall be responsible for maintaining all advance warning signs and for roadside maintenance activities outside the highway right-of-way line including sight distance clearance on the ~~city~~-municipal street or county road leading to the stop intersection.

730:35-7-3. Traffic control responsibilities

(a) On the state highway system within ~~cities and towns~~ municipalities, the Department shall pay for the erection and maintenance of all traffic control signs, pavement markings, and traffic control devices, except as noted in 730:35-1-11.

(b) Following written approval by the ~~Director~~ Department, time parking restriction signs, parking space limit markings, crosswalks, and stop lines shall be purchased, installed, and maintained in a satisfactory condition by the individual governing body or school district involved. All such devices shall be in conformance with 730:35-7-2(a). This section shall not be construed to prohibit the Department from installing these or other special or supplemental signs or pavement markings ~~where~~ when deemed necessary for proper operation and safety.

(c) The construction and maintenance of all traffic signs and markings on the interstate highway system shall be the responsibility of the Oklahoma Department of Transportation or the Oklahoma Transportation Authority.

(d) When Federal Funds are not available, the ~~Oklahoma Transportation Commission~~ Department shall participate in the cost of construction of warranted traffic control signals in ~~cities, towns, or communities~~ municipalities, without regard to population, ~~on a 50-50 ratio of total cost in such ratio as outlined in either a resolution or MOU between the Department and the municipality where such traffic control signals are installed or erected on the state highway system. The city's or town's share of the Engineer's Estimate, or low bid, shall be on deposit with the Department's Comptroller prior to actual award of the contract.~~

(e) When Federal Funds are utilized, the ~~local government~~ municipality shall participate in the cost based on the funding ratio designated by the Federal-aid program requirements. When it can be shown that the traffic control signal installation can be done more economically and quickly by the ~~city~~ municipal concerned, the ~~Director~~ Department may enter into an agreement with the ~~city~~ municipal to provide the project engineering in accordance with Transportation Department Policies and Standards.

(f) Prior to the installation of traffic control signals, the ~~city or town~~ municipality where the signal is to be installed shall execute an agreement whereby the ~~city or town~~ municipality shall furnish all maintenance and pay all power and electricity costs. The municipality's share of the Engineer's Estimate, or low bid, shall be on deposit with the Department's Comptroller prior to actual award of the contract.

(g) Traffic control devices erected on the state highway system shall become the permanent property of the Oklahoma Department of Transportation, except, ~~where by~~ whereby formal agreement, they become joint property of the ~~city~~ municipality-county, and state, or the sole property of the ~~city~~ municipality-county.

730:35-13-4. Tourist oriented directional signs (TODS)

~~(a) The Oklahoma Tourism Signage Advisory Task Force as created by 74 O.S. § 1891 performs screening and issues recommendations to the Department concerning directional signs for tourism and travel related attractions and enterprises in this state.~~

~~(b) (a) Tourist-oriented directional signs TODS are guide signs with one or more sign panels that display the business identification of and directional information for eligible business, service, and activity facilities.~~

~~(e) (b) The specific criteria for Tourist-Oriented Directional Signs TODS are included in The Oklahoma Tourist Oriented Directional Signs Policy. All signage must be in compliance with the most recent version of MUTCD, "Manual on Uniform Traffic Control Devices", for consistency and uniformity. This program is handled through an application process administered by the Traffic Engineering Division. Requesting facilities are required to pay for approved signs.~~