

Oklahoma Tourism and Passenger Rail Act

§66-321. Short title.

This act shall be known and may be cited as the "Oklahoma Tourism and Passenger Rail Act".

Added by Laws 1996, c. 255, § 1, eff. July 1, 1996.

§66-322. Purpose.

The purpose of the Oklahoma Tourism and Passenger Rail Act shall be to do all things necessary to restore passenger rail service to the state, to enhance the state's position as a tourist destination site and to improve the quality of life for residents of this state by offering an alternative mode of intrastate and interstate travel.

Added by Laws 1996, c. 255, § 2, eff. July 1, 1996.

§66-323. Definitions.

As used in this act:

1. "Department" means the Department of Transportation;
2. "Railroad rights-of-way", "trackage" or "projects" shall include within their meaning, but shall not be limited to: any roadbed, drains, fences, ties, switches, rails, ballast, signs, signals, lights, equipment, bridges, tools, crossings, underpasses, overpasses, construction and administration buildings and any and all other property, rights, easements and interests whether owned in fee or leased;
3. "Owner" shall include all individuals, copartnerships, associations, corporations, companies, transportation companies, public service corporations, the United States or any agency or instrumentality thereof, common carriers by rail and railroad companies having any title or interest in any real or personal property rights, easements and interest authorized to be acquired, leased or used by this act;
4. "Income" and "funds" and "revenue" shall include such money as may be appropriated, dedicated, granted or donated to the Department to accomplish the purposes of this act together with any funds otherwise dedicated to the Oklahoma Tourism and Passenger Rail Revolving Fund as created by Section 5 of this act;
5. "Intermodal transportation" shall mean the linking of two or more modes of transportation including highway, mass transit, railroad, aviation or waterway transportation of all transportation-related industries in this state; and
6. "Passenger rail service" shall mean interstate or intrastate passenger rail service, including but not limited to

a route linking stations in Oklahoma and Tulsa Counties with other primary points in the national railroad passenger system. Added by Laws 1996, c. 255, § 3, eff. July 1, 1996.

§66-323.1. Repealed by Laws 2013, c. 227, § 19, eff. Nov. 1, 2013.

§66-324. Powers and duties of Department - Conflict of interest - Public meetings and records.

A. The Department of Transportation is hereby authorized and empowered to:

1. Acquire, construct, reconstruct, repair, replace, operate and maintain railroad rights-of-way and trackage projects at such locations and on such passenger routes as it shall determine to be feasible and economically sound;

2. Enter into agreements with the owners of operating railroads for the acquisition and/or use of railroad rights-of-way and trackage on such terms, conditions, rates or rentals as the Department may consider to be in the best interests of the state;

3. Enter directly into agreements with owners of operating passenger railroads to sell, lease, or sell by lease-purchase agreement any state-owned railroad property on such terms, conditions or amounts as the Department may consider to be in the best interests of the state and to promote the purposes of this act;

4. Acquire and hold real or personal property in the exercise of its powers for the performance of its duties as authorized by this act. Surplus property may be disposed of by the Department;

5. Acquire in the name of the Department, by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by exercise of the right of condemnation, such public or private lands and personal property, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, trackage, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of this act;

6. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ passenger rail planning and management consultants, consulting engineers, attorneys, accountants, construction and financial consultants, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; provided, that all such expenses shall be payable solely from funds made available under and pursuant to the

provisions of this act or from revenues; provided, further, no attorney employed by the Department, nor any member of any law firm of which he or she may be connected, shall ever be paid any fee or compensation for any special or extraordinary services;

7. Receive, accept and expend funds from the state, any federal agency, or from private sources, for passenger rail planning and for administration of passenger railroad assistance projects, and for, or in aid of the acquisition, construction, reconstruction, replacement, repair, maintenance and operation of passenger railroad rights-of-way and trackage and for passenger rail service continuation payments to railroad companies for operating losses sustained by reasons of continuing service on a line which may otherwise be abandoned or which may experience a reduced level of service not in the public interest, where such continuation of service is carried out under a written agreement with the Department establishing the terms and conditions for such payments, and to receive and accept funds, aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such funds, aid or contributions may be made;

8. Adopt such rules and to do any and all things necessary to comply with rules, regulations or requirements of the United States Department of Transportation, any successor thereof, the Interstate Commerce Commission or any federal agency administering any law enacted by the Congress of the United States or having funds available for the purpose of the Department that are not inconsistent with or contrary to the prohibitions and restrictions of Oklahoma law or public interest;

9. Expend income and funds from the Oklahoma Tourism and Passenger Rail Revolving Fund created in Section 5 of this act in the exercise of any or all of the foregoing powers; and

10. Do all things necessary or convenient to carry out the powers expressly granted in this act.

B. It shall be unlawful for any member, officer or employee of the Department to transact with the Department, either directly or indirectly, any business for profit of such member, officer or employee; and any person, firm or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift, or consideration to such member, officer or employee.

Violation of this provision shall constitute a felony and, upon conviction, shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand

Dollars (\$5,000.00), or by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or by both such fine and imprisonment.

C. All meetings of the Department shall be open public meetings, and all records shall be public records, except when considering personnel.

Added by Laws 1996, c. 255, § 4, eff. July 1, 1996.

§66-325. Oklahoma Tourism and Passenger Rail Revolving Fund.

There is hereby created in the State Treasurer's office a revolving fund for the Department of Transportation, to be designated the "Oklahoma Tourism and Passenger Rail Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall be composed of all revenues generated pursuant to the federal Intercity Passenger Rail Trust Fund Act of 1995, together with any federal grants, or financial assistance payments or contributions by any state or agency thereof or any authority constituted by the state, private donation or the proceeds from any rail property sale or payments for the use of any rail property and any accumulated interest thereon, or any revenues apportioned thereto pursuant to the provisions of subparagraph b of paragraph 3 of subsection A of Section 500.6 of Title 68 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department of Transportation in furtherance of the provisions of this act.

Added by Laws 1996, c. 255, § 5, eff. July 1, 1996. Amended by Laws 2001, c. 267, § 2, eff. July 1, 2001.

Oklahoma Passenger Rail Funding Part 1

§68-500.6. Apportionment of gasoline and compressed natural gas tax.

A. The tax of sixteen cents (\$0.16) per gallon of gasoline that is levied by paragraph 1 of subsection A of Section 500.4 of this title, the tax upon compressed natural gas levied by paragraph 3 of subsection A of Section 500.4 of this title, the tax upon liquefied natural gas levied by paragraph 4 of subsection A of Section 500.4 of this title and the tax of two and eight one-hundredths cents (\$0.0208) per gallon of gasoline that is levied by subsection C of Section 500.4 of this title, and penalties and interest thereon, collected by the Oklahoma Tax Commission under the levy shall be apportioned and distributed monthly as follows:

3. Sixty-three and seventy-five one-hundredths percent (63.75%) of the levy shall be deposited in the State Treasury to

the credit of the State Transportation Fund to be apportioned as follows:

- b. the second Eight Hundred Fifty Thousand Dollars (\$850,000.00) collected each fiscal year shall be transferred to the Oklahoma Tourism and Passenger Rail Revolving Fund and shall be used by the Department of Transportation:
 - (1) to contract railroad passenger services, including but not limited to a route linking stations in Oklahoma and Tulsa Counties with other primary points in the national railroad passenger system and passenger rail service within the state, and a route beginning at a station in Oklahoma County and extending north to the Kansas state line in Kay County, and
 - (2) to provide necessary facility, signaling, and track improvements for those contracted services,

Oklahoma Tourism and Passenger Rail Funding Part 2

\$68-2352. Purpose of article - Distribution of revenues.

It is hereby declared to be the purpose of Section 2351 et seq. of this title to provide revenue for general governmental functions of state government; and, for that purpose and to that end, it is expressly declared that the revenue derived herefrom and penalties and interest thereon, subject to the apportionment requirements for the Rebuilding Oklahoma Access and Driver Safety Fund, the Oklahoma Tourism and Passenger Rail Revolving Fund and the Public Transit Revolving Fund to be derived from income tax revenue that would otherwise be apportioned to the General Revenue Fund as provided by Section 1521 of Title 69 of the Oklahoma Statutes, subject to the apportionment requirements for the Oklahoma Tax Commission and Office of Management and Enterprise Services Joint Computer Enhancement Fund provided by Section 265 of this title, and subject to the apportionment requirements for the Oklahoma State Capitol Building Repair and Restoration Fund provided by Section 19 of Title 73 of the Oklahoma Statutes, shall be distributed as follows:

Oklahoma Passenger Rail Funding Part 3

\$69-1521. Rebuilding Oklahoma Access and Driver Safety Fund.

B. There shall be apportioned to the funds specified in this subsection from the monies that would otherwise be apportioned to the General Revenue Fund by Section 2352 of Title 68 of the Oklahoma Statutes from the revenues derived pursuant to subsections A, B and E of Section 2355 of Title 68 of the Oklahoma Statutes amounts as follows:

2. For each fiscal year after the apportionments required by paragraph 1 of this subsection have been made:

- a. the next Two Million Dollars (\$2,000,000.00) shall be apportioned to the Oklahoma Tourism and Passenger Rail Revolving Fund created pursuant to Section 325 of Title 66 of the Oklahoma Statutes to be used for capital and operating costs for the "Heartland Flyer" rail project, and...

Regional Transportation Authority

\$68-1370.7. Creation of transportation or regional economic development authorities - Sales tax levy - Dissolution.

A. As used in this section, the following terms shall have the following meanings:

1. "Agency" includes but is not limited to extant transportation operating systems;

2. "Operation" includes but is not limited to leasing services, contracting for services, planning, staffing, operating, financing, construction and maintenance of a transportation or regional economic project regardless of the source of funding;

3. "Regional district" means a specific governing and assessment district created out of any combination of any portions of any cities, towns or counties, either equal to or less than the entirety of the boundaries of such cities, towns or counties;

4. "Transportation project or system" includes but is not limited to transit, commuter and passenger rail service or operations or intermodal facilities, the components of which contribute to a system that incorporates transportation modes of highway, air, rail and waterway together in order to facilitate the movement of commerce; and

5. "User fees" means farebox revenues.

B. Any combination of cities, towns and counties, or their agencies, by resolution of their governing boards, may jointly create a transportation authority or regional economic development authority and a regional district pursuant to the provisions of Section 176 of Title 60 of the Oklahoma Statutes for the purpose of planning, financing, construction, maintenance and operation of transportation or regional economic development projects located within the boundaries of such regional district. An authority created pursuant to the provisions of this subsection shall have the powers granted pursuant to the provisions of Section 176 of Title 60 of the Oklahoma Statutes in addition to the powers granted pursuant to the provisions of this section except that no transportation or regional economic development authority created pursuant to the provisions of this subsection shall have any power or authority to exercise or to attempt to exercise any powers of eminent domain. The combination of cities, towns and counties, or their agencies, creating the authority shall be designated the beneficiary of the authority. The boundaries of the authority shall be coterminous with the boundaries of the regional district. The authority shall be governed by a board of directors appointed by the governing boards of the cities, towns or counties creating such authority, and the representative makeup of the board and the number of directors, their duties and terms of service shall be determined by such governing boards creating such authority.

C. Any transportation authority or regional economic development authority created pursuant to the provisions of subsection B of this section may levy a sales tax of not to exceed two percent (2%) upon the gross proceeds or gross receipts derived from all sales or services in the regional district comprising the authority upon which a consumer's sales tax is levied by this state. Before a sales tax may be levied by the authority, the imposition of the tax shall first be approved by a majority of votes cast by the registered voters within the boundaries of the regional district comprising the authority voting thereon at a special election jointly called by the governing boards of the cities, towns and counties comprising the authority. Provided, if a majority of the votes cast by registered voters of an authority voting fail to approve such a tax, the governing boards of such cities, towns and counties shall not jointly call another special election for such purpose for at least six (6) months. Any sales tax approved by the registered voters of an authority shall be applicable only when the point of sale is within the boundaries or limits of the authority and provided no other sales tax is

being levied pursuant to this section in the same regional district during the same time period.

D. All items that are exempt from the state sales tax shall be exempt from any sales tax levied pursuant to the provisions of this section.

E. Any sales tax which may be levied pursuant to the provisions of this section shall be designated for the purposes of planning, financing, construction, maintenance and operation of transportation or regional economic development projects within the boundaries of the authority. The authority shall identify the purpose of the sales tax when it is presented to the voters pursuant to the provisions of this section. The proceeds of any sales tax levied by an authority shall be used only for the purposes for which the sales tax was designated.

F. The authority shall identify the specific duration of the tax when it is presented to the voters pursuant to the provisions of this section and shall include specific language in the ballot title disclosing the duration of the tax. A levy by a transportation authority or a regional economic development authority shall have a maximum duration of thirty (30) years if the proceeds from the tax are pledged to the repayment of indebtedness, a maximum duration of twenty (20) years if the proceeds from the tax are to be used for expenditures other than the repayment of indebtedness, or for as long as such authority is in operation.

G. An authority created pursuant to the provisions of subsection B of this section may utilize the provisions of the Local Development Act as it relates to the financing of such transportation or regional economic development projects.

H. A transportation or regional economic development authority created pursuant to this section shall exist for the duration of the operation and no longer than one (1) year after cessation of the operation.

I. Providing that at cessation of operations the proceeds of any tax levied by an authority pursuant to this section are pledged for the purpose of retiring indebtedness incurred for the specific purpose for which the tax is imposed, the tax shall not be repealed until such time as the indebtedness is retired. In no event shall the life of the tax be extended beyond the duration approved by the voters of the authority.

J. If the revenue collected from any taxes levied by the authority exceeds the amount necessary for payment of any and all expenses incurred by the authority in the planning, financing, construction, maintenance and operation of transportation or regional economic development projects, the excess funds shall be apportioned to the general funds of the cities, towns and counties comprising the authority in

proportion to the population of each city, town and county within the regional district.

K. A transportation authority created pursuant to the provisions of subsection B of this section may provide for the financing of a transportation system utilizing any revenue measures available pursuant to subsections B through J of this section in combination with revenue derived from user fees. Added by Laws 1995, c. 332, § 1, eff. Nov. 1, 1995. Amended by Laws 2003, c. 336, § 2, emerg. eff. May 29, 2003; Laws 2006, c. 308, § 1, eff. Nov. 1, 2006; Laws 2010, c. 117, § 1, eff. Nov. 1, 2010; Laws 2011, c. 359, § 1, eff. Nov. 1, 2011; Laws 2014, c. 379, § 1, eff. Nov. 1, 2014.

O.S. 66 - Railroads

http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os66.rtf

O.S. 68 - Revenue and Taxation

http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os68.rtf

O.S. 69 - Roads Bridges and Ferries

http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os69.rtf

Interstate Midwest Regional Passenger Rail Compact

§66-326. Short title and application. Oklahoma Statutes - Title 66. Railroads Page 45

This act shall be known and may be cited as the “Interstate Midwest Regional Passenger Rail Compact”. The Interstate Midwest Regional Passenger Rail Compact is hereby enacted into law and entered into by this state as a party with any other state or states legally joining therein in substantially this form. Added by Laws 1999, c. 70, § 1, emerg. eff. April 7, 1999.

§66-327. Purpose of compact.

PURPOSE The purpose of this compact is to facilitate and promote the improvement and development of regional passenger rail service in the Midwest. A Commission is hereby created to achieve this purpose and to carry out the duties specified in this compact. Added by Laws 1999, c. 70, § 2, emerg. eff. April 7, 1999.

§66-328. Powers and duties of Commission.

POWERS AND DUTIES OF THE COMMISSION A. The duties of the Commission are to: 1. Secure the funding and authorization necessary to make passenger rail improvements a reality for the region; 2. Examine and facilitate ways that states can form partnerships to implement improved passenger rail service in the region; 3. Create and facilitate a long-term, interstate plan for highspeed rail passenger service implementation; and 4. Serve as a liaison with Amtrak, the Federal Railroad Administration, the High-Speed Ground Transportation Association, and other regions and entities to ensure that the Midwest is adequately represented and integrated into national plans for passenger rail development. B. In addition to its exercise of these duties, the Commission may: 1. Provide the multistate leadership necessary to implement the Interstate Midwest Regional Passenger Rail Compact; 2. Work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service needs; and 3. Educate other state officials and the public on the advantages of passenger rail services as an integral part of an intermodal transportation system in the region. Added by Laws 1999, c. 70, § 3, emerg. eff. April 7, 1999.

§66-329. Membership and compensation.

MEMBERSHIP AND COMPENSATION The manner of appointment of Commission members, terms of office, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each party state pursuant to Oklahoma Statutes - Title 66. Railroads Page 46 its laws, but each member shall be a resident of the state of appointment. Commission members shall serve without compensation, but the actual and necessary expenses incurred by a Commission member in the performance of duties shall be met by the state which the member represents, according to its laws. Added by Laws 1999, c. 70, § 4, emerg. eff. April 7, 1999.

§66-330. Election of officers.

OFFICERS The Commission shall annually elect from among its members a chair, and a vice-chair who shall not be a resident of the state represented by the chair, and a secretary-treasurer. Added by Laws 1999, c. 70, § 5, emerg. eff. April 7, 1999.

§66-331. Powers and duties of officers.

POWERS AND DUTIES OF OFFICERS The chair of the Commission shall, if present, preside at meetings of the Commission, serve as a principal spokesperson for the Commission, and perform other duties assigned by the Commission. The vice-chair shall perform the duties of the chair if the chair is absent or unable to perform required duties. The secretary-treasurer shall create and maintain a record of Commission meetings and shall receive and be responsible for money paid to the Commission and shall disburse money as authorized by the Commission according to law. Added by Laws 1999, c. 70, § 6, emerg. eff. April 7, 1999.

§66-332. Meetings and administration.

MEETINGS AND COMMISSION ADMINISTRATION The Commission shall meet at the call of the chair, or at the call of a majority of its members, upon fourteen (14) days' notice, but at least three (3) times in each calendar year. Added by Laws 1999, c. 70, § 7, emerg. eff. April 7, 1999.

§66-333. Finance and budgeting.

FINANCE The Commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials, and services from the federal government, from any party state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation. The Commission, out of the funds available to it, shall pay all expenses incurred by the Commission in executing the duties imposed upon it by this compact. The Commission shall not go into debt. The Commission shall submit to the officer designated by the laws of each party state, periodically as required by the laws of each party state, a budget of its actual past and estimated future expenditures. Added by Laws 1999, c. 70, § 8, emerg. eff. April 7, 1999. Oklahoma Statutes - Title 66. Railroads Page 47

§66-334. Effective dates and entry of other states.

ENACTMENT AND EFFECTIVE DATE This compact shall be open for membership for this state as a party with any other state or states legally joining therein. It shall become effective immediately after the passage of an act by any party states incorporating the provisions of this compact into the laws of such states. The compact shall become effective with respect to any eligible state when such state has enacted the compact into law. Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one (1) year after the effective date of such statute. Added by Laws 1999, c. 70, § 9, emerg. eff. April 7, 1999. Oklahoma Statutes - Title 66. Railroads Page 4