



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1376

Introduced 2/9/2017, by Sen. Karen McConnaughay

SYNOPSIS AS INTRODUCED:

20 ILCS 2705/2705-400
20 ILCS 2705/2705-430

was 20 ILCS 2705/49.25a
was 20 ILCS 2705/49.25g

Amends the Civil Administrative Code of Illinois (Department of Transportation Law). Provides that the Department of Transportation is authorized to exercise those powers necessary for the State to qualify for rail assistance funds pursuant to relevant federal or State legislation (rather than pursuant to provisions of the federal Regional Rail Reorganization Act of 1973, the Railroad Revitalization and Regulatory Reform Act of 1976, or other relevant federal or State legislation). Provides that the Department is authorized to review all impending rail abandonments and provide its recommendations on those abandonments to the federal Surface Transportation Board (rather than to the Interstate Commerce Commission). Removes a requirement for the Department to report results of a review of the effects of all rail freight service assistance to the General Assembly. Effective immediately.

LRB100 06764 AXK 16805 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Sections 2705-400 and 2705-430 as follows:

7 (20 ILCS 2705/2705-400) (was 20 ILCS 2705/49.25a)

8 Sec. 2705-400. Authorization concerning rail assistance
9 funds. The Department is hereby authorized to exercise those
10 powers necessary for the State to qualify for rail assistance
11 funds pursuant to ~~the provisions of the federal Regional Rail~~
12 ~~Reorganization Act of 1973, the Railroad Revitalization and~~
13 ~~Regulatory Reform Act of 1976, or other~~ relevant federal or
14 State legislation, including but not limited to authority to do
15 the following:

16 (1) Establish a State plan for rail transportation and
17 local rail services, including projects funded under Section
18 2705-435.

19 (2) Administer and coordinate the State plan.

20 (3) Provide in the plan for the equitable distribution of
21 federal rail assistance funds among State, local, and regional
22 transportation authorities.

23 (4) Develop or assist the development of local or regional

1 rail plans.

2 (5) Promote, supervise, and support safe, adequate, and
3 efficient rail services in accordance with the provisions and
4 limitations of Public Act 79-834.

5 (6) Employ sufficient trained and qualified personnel for
6 these purposes.

7 (7) Maintain, in accordance with the provisions and
8 limitations of Public Act 79-834, adequate programs of
9 investigation, research, promotion, and development in
10 connection with these purposes and provide for public hearings.

11 (8) Provide satisfactory assurances on behalf of the State
12 that fiscal control and fund accounting procedures will be
13 adopted by the State that may be necessary to ensure proper
14 disbursement of and account for federal funds paid to the State
15 as rail assistance.

16 (9) Comply with the regulations of the Secretary of
17 Transportation of the United States Department of
18 Transportation affecting federal rail assistance funds.

19 (10) Review all impending rail abandonments and provide its
20 recommendations on those abandonments to the federal Surface
21 Transportation Board ~~Interstate Commerce Commission~~.

22 (Source: P.A. 91-239, eff. 1-1-00.)

23 (20 ILCS 2705/2705-430) (was 20 ILCS 2705/49.25g)

24 Sec. 2705-430. Railroad freight service assistance; lines
25 designated for discontinuation of service or subject to

1 abandonment. The Department shall enter into agreements with
2 any railroad as necessary to provide assistance for continuous
3 freight service on lines of railroads within Illinois
4 designated for discontinuation of service by the United States
5 Railway Association Final System Plan and not conveyed to a
6 railroad company other than Consolidated Rail Corporation. The
7 Department may enter into such agreements with any railroad as
8 necessary to provide assistance for continuous rail freight
9 service on lines of railroads within Illinois subject to an
10 abandonment proceeding in the federal Surface Transportation
11 Board ~~Interstate Commerce Commission~~ or classified as
12 potentially subject to abandonment pursuant to Sections 10903
13 through 10905 of Title 49 of the United States Code or upon
14 which a certificate of discontinuance or abandonment has been
15 issued. The Department shall make rail continuation subsidy
16 payments pursuant to the agreements. The agreements shall
17 provide for a minimum level of service at least equivalent to
18 that provided in calendar year 1975. The agreements shall
19 conform to relevant federal law. The Department shall determine
20 that all payments under this Section are eligible for federal
21 share reimbursement.

22 Any nonfederal share of the assistance provided under this
23 Section shall be provided by the Department. The State share
24 may include funds, grants, gifts, or donations from the federal
25 government, any local public body, or any person.

26 Reimbursements shall be deposited in the State fund from

1 which the assistance was paid.

2 The Department shall provide technical assistance to any
3 local public body or rail user to ensure that rail freight
4 services under these agreements are, to the extent possible,
5 adequate to the needs of Illinois citizens.

6 The Department shall review the effects of the rail freight
7 service assistance provided under this Section ~~and shall report~~
8 ~~the results of its review to the General Assembly each year not~~
9 ~~later than March 15, reporting particularly on the service~~
10 ~~provided through the assistance, the utilization of rail~~
11 ~~freight service by shippers, and the cost effectiveness of this~~
12 ~~rail freight service assistance program in relation to the~~
13 ~~economy of this State.~~

14 ~~The requirement for reporting to the General Assembly shall~~
15 ~~be satisfied by filing copies of the report with the Speaker,~~
16 ~~the Minority Leader, and the Clerk of the House of~~
17 ~~Representatives and the President, the Minority Leader, and the~~
18 ~~Secretary of the Senate and the Legislative Research Unit, as~~
19 ~~required by Section 3.1 of the General Assembly Organization~~
20 ~~Act and by filing additional copies with the State Government~~
21 ~~Report Distribution Center for the General Assembly as is~~
22 ~~required under paragraph (t) of Section 7 of the State Library~~
23 ~~Act.~~

24 For the purpose of promoting efficient rail freight
25 service, the Department shall have the power to either grant or
26 loan funds to any railroad or unit of local government in the

1 State to maintain, improve, and construct rail facilities. The
2 Department shall also have the power to grant or loan funds to
3 any rail users located on an abandoned line, unit of local
4 government, or an owner or lessee of an abandoned railroad
5 right-of-way to undertake substitute service projects that
6 reduce the social, economic, and environmental costs
7 associated with the loss of a particular rail freight service
8 in a manner less expensive than continuing that rail freight
9 service. To facilitate the continuation of rail freight
10 services, the Department shall have the power to purchase
11 railroad materials and supplies.

12 (Source: P.A. 91-239, eff. 1-1-00.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.