

1 AN ACT in relation to highways.

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

4 Section 5. The Toll Highway Act is amended by changing  
5 Sections 10, 11, 14.1, 18, 23, 24, and 27.1 and adding  
6 Sections 8.1, 16.2, and 20.2 as follows:

7 (605 ILCS 10/8.1 new)

8 Sec. 8.1. Inspector General.

9 (a) The Governor, with the advice and consent of the  
10 Senate, shall on January 1, 2004 appoint an Inspector General  
11 who shall have the authority to conduct investigations into  
12 allegations or incidents of waste, fraud, and financial  
13 mismanagement in Authority operations involving an Authority  
14 employee or contractor. The Inspector General shall make  
15 recommendations to the Authority regarding his or her  
16 investigations. The Inspector General shall be appointed for  
17 a term of 4 years. The Governor shall determine the  
18 compensation to be received by the Inspector General. The  
19 Inspector General shall be independent of the operations of  
20 the Authority and perform other duties as requested by the  
21 Authority.

22 (b) The Inspector General shall have access to all  
23 information and personnel necessary to perform the duties of  
24 the office. If the Inspector General determines that a  
25 possible criminal act has been committed or that special  
26 expertise is required in the investigation, he or she shall  
27 immediately notify the State Police. All investigations  
28 conducted by the Inspector General shall be conducted in a  
29 manner that ensures the preservation of evidence for use in  
30 criminal prosecutions.

31 (c) At all times, the Inspector General shall be granted

1 access to any building or facility that is owned, operated,  
2 or leased by the Authority.

3 (d) The Inspector General shall have the power to  
4 subpoena witnesses and compel the production of books and  
5 papers pertinent to an investigation authorized by this  
6 Section. A person is guilty of a Class A misdemeanor if he or  
7 she:

8 (1) fails to appear in response to a subpoena;

9 (2) fails to answer any question;

10 (3) fails to produce any books or papers pertinent  
11 to an investigation under this Section; or

12 (4) knowingly gives false testimony during an  
13 investigation under this Section.

14 (e) The Inspector General shall provide to the  
15 Authority, the Governor, and the General Assembly a summary  
16 of reports and investigations made under this Section for the  
17 previous fiscal year no later than January 1 of each year.  
18 The summaries shall detail the final disposition of the  
19 Inspector General's recommendations. The summaries may not  
20 contain any confidential or identifying information  
21 concerning the subjects of the reports and investigations.  
22 The summaries shall also include detailed, recommended  
23 administrative actions and matters for consideration by the  
24 General Assembly.

25 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

26 Sec. 10. Authority powers. The Authority shall have  
27 power:

28 (a) To pass resolutions, make by-laws, rules and  
29 regulations for the management, regulation and control of its  
30 affairs, and to fix tolls, and to make, enact and enforce all  
31 needful rules and regulations in connection with the  
32 construction, operation, management, care, regulation or  
33 protection of its property or any toll highways, constructed

1 or reconstructed hereunder. After the effective date of this  
2 amendatory Act of the 93rd General Assembly and through June  
3 30, 2004, the Authority shall not charge or collect tolls at  
4 a rate higher than the tolls in effect on March 21, 2002.

5 (a-5) To fix, assess, and collect civil fines for a  
6 vehicle's operation on a toll highway without the required  
7 toll having been paid. The Authority may establish by rule a  
8 system of civil administrative adjudication to adjudicate  
9 only alleged instances of a vehicle's operation on a toll  
10 highway without the required toll having been paid, as  
11 detected by the Authority's video surveillance system. Rules  
12 establishing a system of civil administrative adjudication  
13 must provide for written notice of the alleged violation and  
14 an opportunity to be heard on the question of the violation  
15 and must provide for the establishment of a toll-free  
16 telephone number to receive inquiries concerning alleged  
17 violations. Only civil fines may be imposed by  
18 administrative adjudication. A fine may be imposed under  
19 this paragraph only if a violation is established by a  
20 preponderance of the evidence. Judicial review of all final  
21 orders of the Authority under this paragraph shall be  
22 conducted in accordance with the Administrative Review Law.

23 (b) To prescribe rules and regulations applicable to  
24 traffic on highways under the jurisdiction of the Authority,  
25 concerning:

26 (1) Types of vehicles permitted to use such  
27 highways or parts thereof, and classification of such  
28 vehicles;

29 (2) Designation of the lanes of traffic to be used  
30 by the different types of vehicles permitted upon said  
31 highways;

32 (3) Stopping, standing, and parking of vehicles;

33 (4) Control of traffic by means of police officers  
34 or traffic control signals;

1           (5) Control or prohibition of processions, convoys,  
2 and assemblages of vehicles and persons;

3           (6) Movement of traffic in one direction only on  
4 designated portions of said highways;

5           (7) Control of the access, entrance, and exit of  
6 vehicles and persons to and from said highways; and

7           (8) Preparation, location and installation of all  
8 traffic signs; and to prescribe further rules and  
9 regulations applicable to such traffic, concerning  
10 matters not provided for either in the foregoing  
11 enumeration or in the Illinois Vehicle Code. Notice of  
12 such rules and regulations shall be posted conspicuously  
13 and displayed at appropriate points and at reasonable  
14 intervals along said highways, by clearly legible markers  
15 or signs, to provide notice of the existence of such  
16 rules and regulations to persons traveling on said  
17 highways. At each toll station, the Authority shall make  
18 available, free of charge, pamphlets containing all of  
19 such rules and regulations.

20           (c) The Authority, in fixing the rate for tolls for the  
21 privilege of using the said toll highways, is authorized and  
22 directed, in fixing such rates, to base the same upon annual  
23 estimates to be made, recorded and filed with the Authority.  
24 Said estimates shall include the following: The estimated  
25 total amount of the use of the toll highways; the estimated  
26 amount of the revenue to be derived therefrom, which said  
27 revenue, when added to all other receipts and income, will be  
28 sufficient to pay the expense of maintaining and operating  
29 said toll highways, including the administrative expenses of  
30 the Authority, and to discharge all obligations of the  
31 Authority as they become due and payable.

32           (d) To accept from any municipality or political  
33 subdivision any lands, easements or rights in land needed for  
34 the operation, construction, relocation or maintenance of any

1 toll highways, with or without payment therefor, and in its  
2 discretion to reimburse any such municipality or political  
3 subdivision out of its funds for any cost or expense incurred  
4 in the acquisition of land, easements or rights in land, in  
5 connection with the construction and relocation of the said  
6 toll highways, widening, extending roads, streets or avenues  
7 in connection therewith, or for the construction of any roads  
8 or streets forming extension to and connections with or  
9 between any toll highways, or for the cost or expense of  
10 widening, grading, surfacing or improving any existing  
11 streets or roads or the construction of any streets and roads  
12 forming extensions of or connections with any toll highways  
13 constructed, relocated, operated, maintained or regulated  
14 hereunder by the Authority. Where property owned by a  
15 municipality or political subdivision is necessary to the  
16 construction of an approved toll highway, if the Authority  
17 cannot reach an agreement with such municipality or political  
18 subdivision and if the use to which the property is being put  
19 in the hands of the municipality or political subdivision is  
20 not essential to the existence or the administration of such  
21 municipality or political subdivision, the Authority may  
22 acquire the property by condemnation.

23 (Source: P.A. 89-120, eff. 7-7-95.)

24 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

25 Sec. 11. The Authority shall have power:

26 (a) To enter upon lands, waters and premises in the  
27 State for the purpose of making surveys, soundings, drillings  
28 and examinations as may be necessary, expedient or convenient  
29 for the purposes of this Act, and such entry shall not be  
30 deemed to be a trespass, nor shall an entry for such purpose  
31 be deemed an entry under any condemnation proceedings which  
32 may be then pending; provided, however, that the Authority  
33 shall make reimbursement for any actual damage resulting to

1 such lands, waters and premises as the result of such  
2 activities.

3 (b) To construct, maintain and operate stations for the  
4 collection of tolls or charges upon and along any toll  
5 highways.

6 (c) To provide for the collection of tolls and charges  
7 for the privilege of using the said toll highways. Before it  
8 adopts an increase in the rates for toll, the Authority shall  
9 hold a public hearing at which any person may appear, express  
10 opinions, suggestions, or objections, or direct inquiries  
11 relating to the proposed increase. Any person may submit a  
12 written statement to the Authority at the hearing, whether  
13 appearing in person or not. The hearing shall be held in the  
14 county in which the proposed increase of the rates is to take  
15 place.

16 The Authority shall give notice of the hearing by  
17 advertisement on 3 successive days at least 15 days prior to  
18 the date of the hearing in a daily newspaper of general  
19 circulation within the county within which the hearing is  
20 held. The notice shall state the date, time, and place of  
21 the hearing, shall contain a description of the proposed  
22 increase, and shall specify how interested persons may obtain  
23 copies of any reports, resolutions, or certificates  
24 describing the basis on which the proposed change,  
25 alteration, or modification was calculated.

26 The Authority may not hold more than one hearing on the  
27 same day in connection with a proposed increase in the rates  
28 for toll under this subsection. The Authority must schedule a  
29 minimum of 4 hours for each hearing. At least 3 directors of  
30 the Authority must be present at each hearing, and each  
31 director must be present for the entire duration of the  
32 hearing.

33 After consideration of any statements filed or oral  
34 opinions, suggestions, objections, or inquiries made at the

1 hearing, the Authority may proceed to adopt the proposed  
2 increase of the rates for toll. No change or alteration in  
3 or modification of the rates for toll shall be effective  
4 unless at least 30 days prior to the effective date of such  
5 rates notice thereof shall be given to the public by  
6 publication in a newspaper of general circulation, and such  
7 notice, or notices, thereof shall be posted and publicly  
8 displayed at each and every toll station upon or along said  
9 toll highways.

10 (d) To construct, at the Authority's discretion, grade  
11 separations at intersections with any railroads, waterways,  
12 street railways, streets, thoroughfares, public roads or  
13 highways intersected by the said toll highways, and to change  
14 and adjust the lines and grades thereof so as to accommodate  
15 the same to the design of such grade separation and to  
16 construct interchange improvements. The Authority is  
17 authorized to provide such grade separations or interchange  
18 improvements at its own cost or to enter into contracts or  
19 agreements with reference to division of cost therefor with  
20 any municipality or political subdivision of the State of  
21 Illinois, or with the Federal Government, or any agency  
22 thereof, or with any corporation, individual, firm, person or  
23 association. Where such structures have been built by the  
24 Authority and a local highway agency did not enter into an  
25 agreement to the contrary, the Authority shall maintain the  
26 entire structure, including the road surface, at the  
27 Authority's expense.

28 (e) To contract with and grant concessions to or lease  
29 or license to any person, partnership, firm, association or  
30 corporation so desiring the use of any part of any toll  
31 highways, excluding the paved portion thereof, but including  
32 the right of way adjoining, under, or over said paved portion  
33 for the placing of telephone, telegraph, electric, power  
34 lines and other utilities, and for the placing of pipe lines,

1 and to enter into operating agreements with or to contract  
2 with and grant concessions to or to lease to any person,  
3 partnership, firm, association or corporation so desiring the  
4 use of any part of the toll highways, excluding the paved  
5 portion thereof, but including the right of way adjoining, or  
6 over said paved portion for motor fuel service stations and  
7 facilities, garages, stores and restaurants, or for any other  
8 lawful purpose, and to fix the terms, conditions, rents,  
9 rates and charges for such use.

10 The Authority shall also have power to establish  
11 reasonable regulations for the installation, construction,  
12 maintenance, repair, renewal, relocation and removal of  
13 pipes, mains, conduits, cables, wires, towers, poles and  
14 other equipment and appliances (herein called public  
15 utilities) of any public utility as defined in the Public  
16 Utilities Act along, over or under any toll road project.  
17 Whenever the Authority shall determine that it is necessary  
18 that any such public utility facilities which now are located  
19 in, on, along, over or under any project or projects be  
20 relocated or removed entirely from any such project or  
21 projects, the public utility owning or operating such  
22 facilities shall relocate or remove the same in accordance  
23 with the order of the Authority. All costs and expenses of  
24 such relocation or removal, including the cost of installing  
25 such facilities in a new location or locations, and the cost  
26 of any land or lands, or interest in land, or any other  
27 rights required to accomplish such relocation or removal  
28 shall be ascertained and paid by the Authority as a part of  
29 the cost of any such project or projects, and further, there  
30 shall be no rent, fee or other charge of any kind imposed  
31 upon the public utility owning or operating any facilities  
32 ordered relocated on the properties of the said Authority and  
33 the said Authority shall grant to the said public utility  
34 owning or operating said facilities and its successors and



1 assigns the right to operate the same in the new location or  
2 locations for as long a period and upon the same terms and  
3 conditions as it had the right to maintain and operate such  
4 facilities in their former location or locations.

5 (Source: P.A. 90-681, eff. 7-31-98.)

6 (605 ILCS 10/14.1) (from Ch. 121, par. 100-14.1)

7 Sec. 14.1. The Authority shall, prior to the issuance of  
8 any bonds under this Act, except refunding bonds, prepare and  
9 submit to the Governor for his approval preliminary plans  
10 showing the proposed location of the route or routes of the  
11 particular toll highway for which the bonds are to be issued,  
12 which plans shall designate the approximate point of the  
13 commencement and the termination of said route or routes and  
14 shall also designate the municipalities to be afforded  
15 reasonable connections therewith, and to be served thereby.  
16 The Authority shall at the same time submit to the Governor  
17 for his approval preliminary estimates of the cost of the  
18 construction of the toll highway, shown on said preliminary  
19 plans. If the Governor shall approve the preliminary plans  
20 and the estimate of the cost thereof, the Authority may  
21 thereupon proceed with the issuance of bonds as hereinafter  
22 provided. Prior to the issuance of bonds for or the  
23 commencement of construction of any new toll highway segment,  
24 however, the issuance of bonds for or the commencement of  
25 construction of that particular segment toll-highway shall be  
26 approved by law as provided in Section 23 ~~authorized-by-joint~~  
27 ~~resolution-of-the-General-Assembly.~~

28 (Source: P.A. 86-1164.)

29 (605 ILCS 10/16.2 new)

30 Sec. 16.2. Financial benefit prohibited.

31 (a) A director, employee, or agent of the Authority may  
32 not receive a direct or indirect financial benefit from a

1 contract let by the Authority during his or her term of  
2 service with the Authority and for a period of one year  
3 following the termination of his or her term of service as a  
4 director of the Authority or as an employee or agent of the  
5 Authority.

6 (b) A member of the immediate family or household of a  
7 director, employee, or agent of the Authority may not receive  
8 a direct or indirect financial benefit from a contract let by  
9 the Authority during the immediate family or household  
10 member's term of service with the Authority and for a period  
11 of one year following the termination of the immediate family  
12 or household member's term of service as a director of the  
13 Authority or as an employee or agent of the Authority.

14 (c) A director, employee, or agent of the Authority may  
15 not use material non-public information for direct or  
16 indirect personal financial gain nor may he or she disclose  
17 that information to any other person for that person's direct  
18 or indirect personal financial gain when that information was  
19 obtained as a result of his or her directorship, employment,  
20 or agency with the Authority.

21 (d) A member of the immediate family or household of a  
22 director, employee, or agent of the Authority may not use  
23 material non-public information for direct or indirect  
24 personal financial gain nor may he or she disclose that  
25 information to any other person for that person's direct or  
26 indirect personal financial gain when that information was  
27 obtained as a result of his or her immediate family or  
28 household member's directorship, employment, or agency with  
29 the Authority.

30 (e) For purposes of this Section, "immediate family or  
31 household member" means the spouse, child, parent, brother,  
32 sister, grandparent, or grandchild whether of the  
33 whole-blood, half-blood, or adoption, or a person who shares  
34 a common dwelling with a director of the Authority or with an

1 employee or agent of the Authority.

2 (605 ILCS 10/18) (from Ch. 121, par. 100-18)

3 Sec. 18. The sums of money appropriated by the General  
4 Assembly (other than sums appropriated from the Illinois  
5 State Toll Highway Authority Fund) for the payment of  
6 ordinary and contingent expenses of the Authority or the  
7 payment of compensation of the members of the Authority  
8 expended as a part of the cost of a toll highway financed by  
9 revenue bonds issued and sold by the Authority under this Act  
10 shall be repaid to the State Treasury out of the proceeds of  
11 the sale of such bonds, for deposit in the fund from which  
12 such sums were appropriated. Any such sums remaining unpaid  
13 because expended for preliminary investigation of toll  
14 highway routes not constructed shall be repaid by the  
15 Authority out of the proceeds of the sale of any of such  
16 bonds issued to finance additional toll highways or  
17 extensions of existing toll highways. If no such new bonds  
18 are issued, and the money appropriated by the General  
19 Assembly has not otherwise been repaid in full, then the  
20 Authority shall, after payment of all existing bonds and  
21 interest thereon, continue to collect tolls for the privilege  
22 of using the toll highways constructed pursuant to the  
23 authority of "An Act in relation to the construction,  
24 operation, regulation and maintenance of a system of toll  
25 highways and to create The Illinois State Toll Highway  
26 Commission, and to define its powers and duties and to repeal  
27 an Act therein named", approved July 13, 1953, as amended,  
28 until such time as the tolls collected are sufficient to  
29 repay any such unpaid money. The tolls so collected shall be  
30 paid by the Authority to the State treasury for deposit in  
31 the fund from which such sums were appropriated.

32 (Source: Laws 1968, p. 199.)

(605 ILCS 10/20.2 new)

Sec. 20.2. Comprehensive Strategic Financial Plan.

(a) The Authority must submit to the General Assembly, not later than March 31, 2004, a 20-year comprehensive strategic financial plan. The plan must include detailed information regarding the Authority's income, expenditures, debt, capital needs, and the cost of any planned toll highway extensions. The Authority must provide detailed and specific information regarding how it will fund its debt, unfunded capital needs, and the planned toll highway extensions. This information must include the possibility of obtaining federal funds, both loans and grants, under the Transportation Infrastructure Innovation Act or other federal programs.

(b) Before submitting the plan under subsection (a), the Authority must hold at least 2 public hearings at which any person may appear, express opinions, suggestions, or objections, or direct inquiries relating to the proposed plan. The Authority may not hold more than one hearing on the same day in connection with the proposed plan. The Authority must schedule a minimum of 4 hours for each hearing. At least 3 directors of the Authority must be present at each hearing, and each director must be present for the entire duration of the hearing.

(605 ILCS 10/23) (from Ch. 121, par. 100-23)

Sec. 23. The Authority shall file with the Governor, the Clerk of the House of Representatives, the Secretary of the Senate, and the Illinois Economic and Fiscal Commission, on or prior to March 15th of each year, a written statement and report covering its activities for the preceding calendar year. The Authority shall present, to the committees of the House of Representatives designated by the Speaker of the House and to the committees of the Senate designated by the President of the Senate, an annual report outlining its

1 planned revenues and expenditures, including any plan to  
2 institute a general increase in toll rates. The Authority  
3 shall prepare an annual capital plan which identifies capital  
4 projects by location and details the project costs in correct  
5 dollar amounts. The Authority may issue bonds to implement  
6 its capital plan only in amounts and for purposes that have  
7 been approved by law. The Authority shall also prepare and  
8 file a ten-year capital plan that includes a listing of all  
9 capital improvement projects contemplated during the ensuing  
10 ten-year period. The first ten-year capital plan shall be  
11 filed in 1991 and thereafter on the anniversary of each  
12 ten-year period.

13 It shall also be the duty of the Auditor General of the  
14 State of Illinois, annually to audit or cause to be audited  
15 the books and records of the Authority and to file a  
16 certified copy of the report of such audit with the Governor  
17 and with the Legislative Audit Commission, which audit  
18 reports, when so filed, shall be open to the public for  
19 inspection.

20 (Source: P.A. 91-256, eff. 1-1-00.)

21 (605 ILCS 10/24) (from Ch. 121, par. 100-24)

22 Sec. 24. Except as otherwise provided in any bond  
23 resolution, the proceeds derived from the sale of bonds, and  
24 all receipts and income derived from tolls, licenses, gifts,  
25 donations, concessions, fees, rentals, and all other revenues  
26 from whatever source derived, shall, within 3 three days  
27 after receipt thereof, be paid to the Treasurer of the State  
28 of Illinois, and held by him as a special fund known as the  
29 Illinois State Toll Highway Authority Fund, except that the  
30 Authority may retain portions of the Illinois State Toll  
31 Highway Authority Fund as a locally maintained construction  
32 fund revolving account and as a revenue fund revolving  
33 account, where authorized by a bond resolution, and as

1 locally maintained change funds, where necessary for the  
2 operations of the Authority. The State Treasurer shall be ex  
3 officio custodian of such special fund, which fund shall be  
4 held, invested and disbursed for the purposes provided herein  
5 upon the order of the Authority and in accordance with  
6 provisions and covenants of any bond resolution authorizing  
7 the issuance of bonds which have not been paid or deemed  
8 paid. The interest accruing on said special fund shall be  
9 computed and added to the principal thereof every six months.  
10 In addition to the special audits prescribed by this Act, the  
11 said fund shall also be subject to audit in the same manner  
12 as is now, or may hereinafter be, provided for the audit of  
13 State funds and accounts. The said special fund shall be  
14 protected by a corporate surety bond, executed by the  
15 Treasurer, with a surety authorized to do business under the  
16 laws of the State of Illinois. The amount of said bond shall  
17 be fixed by resolution of the Authority, approved by the  
18 Governor, and may be increased or diminished at any time. The  
19 premiums on said bond shall be payable from the funds of the  
20 Authority. The bond shall be subject to the approval of the  
21 Governor and Attorney General of the State of Illinois, and,  
22 when so approved, shall be filed in the office of the  
23 Secretary of State. This Act shall constitute an irrevocable  
24 and continuing appropriation from the special fund for  
25 amounts to pay principal, interest, and other bond expenses  
26 and obligations as provided in this Act. All other expenses  
27 of the Authority, including the ordinary and contingent  
28 expenses for the Authority's annual operations, are subject  
29 to annual appropriation by the General Assembly from the  
30 special fund (or from other funds as provided in Section 18)  
31 for each fiscal year. Said special fund shall--be--considered  
32 always--appropriated--for--the--purposes--of--disbursements--as  
33 provided--in--this--Act--and shall be paid out and disbursed  
34 only as provided herein, and shall not, at any time be

1 appropriated or diverted to any other use or purpose. For  
2 all outstanding bonds issued by the Authority before the  
3 effective date of this amendatory Act of the 93rd General  
4 Assembly, the State guarantees the timely payment of any  
5 principal or interest that is not paid by the Authority when  
6 due, with recourse to the Court of Claims. The Authority  
7 shall, with respect to all revenue bonds outstanding as of  
8 the effective date of this amendatory Act of the 93rd General  
9 Assembly, maintain in a debt service fund an amount equal to  
10 140% of the amount needed to pay annual debt service pursuant  
11 to the bonds.

12 (Source: P.A. 83-1258.)

13 (605 ILCS 10/27.1) (from Ch. 121, par. 100-27.1)

14 Sec. 27.1. Any person who shall use any spurious or  
15 counterfeit tickets, coupons or tokens in payment of any toll  
16 required to be paid by the Authority under the provisions of  
17 this Act, or who shall attempt to use the highway without  
18 payment of the tolls prescribed by the Authority, shall be  
19 deemed guilty of a petty offense and shall be fined not less  
20 than \$20 \$5 nor more than \$250 \$100 for each such offense.  
21 Each day any toll highway is used by any person in violation  
22 of this Act shall constitute a separate offense.

23 (Source: P.A. 77-2239.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.

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