



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5128

by Rep. Elaine Nekritz - Robert Rita

SYNOPSIS AS INTRODUCED:

605 ILCS 10/11

from Ch. 121, par. 100-11

Amends the Toll Highway Act. Provides that, by no later than January 1, 2009, all motor fuel service stations on the tollway system shall offer the alternative fuel commonly known as E-85 and shall make such fuel as readily accessible to the traveling public as the fuel types currently offered at such stations. Effective immediately.

LRB095 16786 LCT 42823 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 Toll Highway Act is amended by changing
5 Section 11 as follows:

6 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

7 Sec. 11. The Authority shall have power:

8 (a) To enter upon lands, waters and premises in the State
9 for the purpose of making surveys, soundings, drillings and
10 examinations as may be necessary, expedient or convenient for
11 the purposes of this Act, and such entry shall not be deemed to
12 be a trespass, nor shall an entry for such purpose be deemed an
13 entry under any condemnation proceedings which may be then
14 pending; provided, however, that the Authority shall make
15 reimbursement for any actual damage resulting to such lands,
16 waters and premises as the result of such activities.

17 (b) To construct, maintain and operate stations for the
18 collection of tolls or charges upon and along any toll
19 highways.

20 (c) To provide for the collection of tolls and charges for
21 the privilege of using the said toll highways. Before it adopts
22 an increase in the rates for toll, the Authority shall hold a
23 public hearing at which any person may appear, express

1 opinions, suggestions, or objections, or direct inquiries
2 relating to the proposed increase. Any person may submit a
3 written statement to the Authority at the hearing, whether
4 appearing in person or not. The hearing shall be held in the
5 county in which the proposed increase of the rates is to take
6 place. The Authority shall give notice of the hearing by
7 advertisement on 3 successive days at least 15 days prior to
8 the date of the hearing in a daily newspaper of general
9 circulation within the county within which the hearing is held.
10 The notice shall state the date, time, and place of the
11 hearing, shall contain a description of the proposed increase,
12 and shall specify how interested persons may obtain copies of
13 any reports, resolutions, or certificates describing the basis
14 on which the proposed change, alteration, or modification was
15 calculated. After consideration of any statements filed or oral
16 opinions, suggestions, objections, or inquiries made at the
17 hearing, the Authority may proceed to adopt the proposed
18 increase of the rates for toll. No change or alteration in or
19 modification of the rates for toll shall be effective unless at
20 least 30 days prior to the effective date of such rates notice
21 thereof shall be given to the public by publication in a
22 newspaper of general circulation, and such notice, or notices,
23 thereof shall be posted and publicly displayed at each and
24 every toll station upon or along said toll highways.

25 (d) To construct, at the Authority's discretion, grade
26 separations at intersections with any railroads, waterways,

1 street railways, streets, thoroughfares, public roads or
2 highways intersected by the said toll highways, and to change
3 and adjust the lines and grades thereof so as to accommodate
4 the same to the design of such grade separation and to
5 construct interchange improvements. The Authority is
6 authorized to provide such grade separations or interchange
7 improvements at its own cost or to enter into contracts or
8 agreements with reference to division of cost therefor with any
9 municipality or political subdivision of the State of Illinois,
10 or with the Federal Government, or any agency thereof, or with
11 any corporation, individual, firm, person or association.
12 Where such structures have been built by the Authority and a
13 local highway agency did not enter into an agreement to the
14 contrary, the Authority shall maintain the entire structure,
15 including the road surface, at the Authority's expense.

16 (e) To contract with and grant concessions to or lease or
17 license to any person, partnership, firm, association or
18 corporation so desiring the use of any part of any toll
19 highways, excluding the paved portion thereof, but including
20 the right of way adjoining, under, or over said paved portion
21 for the placing of telephone, telegraph, electric, power lines
22 and other utilities, and for the placing of pipe lines, and to
23 enter into operating agreements with or to contract with and
24 grant concessions to or to lease to any person, partnership,
25 firm, association or corporation so desiring the use of any
26 part of the toll highways, excluding the paved portion thereof,

1 but including the right of way adjoining, or over said paved
2 portion for motor fuel service stations and facilities,
3 garages, stores and restaurants, or for any other lawful
4 purpose, and to fix the terms, conditions, rents, rates and
5 charges for such use. By no later than January 1, 2009, all
6 motor fuel service stations on the tollway system shall offer
7 the alternative fuel commonly known as E-85 and shall make such
8 fuel as readily accessible to the traveling public as the fuel
9 types currently offered at such stations.

10 (f) To ~~The Authority shall also have power to~~ establish
11 reasonable regulations for the installation, construction,
12 maintenance, repair, renewal, relocation and removal of pipes,
13 mains, conduits, cables, wires, towers, poles and other
14 equipment and appliances (herein called public utilities) of
15 any public utility as defined in the Public Utilities Act
16 along, over or under any toll road project. Whenever the
17 Authority shall determine that it is necessary that any such
18 public utility facilities which now are located in, on, along,
19 over or under any project or projects be relocated or removed
20 entirely from any such project or projects, the public utility
21 owning or operating such facilities shall relocate or remove
22 the same in accordance with the order of the Authority. All
23 costs and expenses of such relocation or removal, including the
24 cost of installing such facilities in a new location or
25 locations, and the cost of any land or lands, or interest in
26 land, or any other rights required to accomplish such

1 relocation or removal shall be ascertained and paid by the
2 Authority as a part of the cost of any such project or
3 projects, and further, there shall be no rent, fee or other
4 charge of any kind imposed upon the public utility owning or
5 operating any facilities ordered relocated on the properties of
6 the said Authority and the said Authority shall grant to the
7 said public utility owning or operating said facilities and its
8 successors and assigns the right to operate the same in the new
9 location or locations for as long a period and upon the same
10 terms and conditions as it had the right to maintain and
11 operate such facilities in their former location or locations.

12 (f) To enter into an intergovernmental agreement or
13 contract with a unit of local government or other public or
14 private entity for the collection, enforcement, and
15 administration of tolls, fees, revenue, and violations.

16 (Source: P.A. 94-636, eff. 8-22-05.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.