



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6293

Introduced 2/11/2010, by Rep. Raymond Poe

SYNOPSIS AS INTRODUCED:

New Act
735 ILCS 30/15-5-45
735 ILCS 30/25-5-30 new

Creates the Springfield-Sangamon County Rail Consolidation Authority Act. Provides for the creation of the Springfield-Sangamon County Rail Consolidation Authority for the purpose of consolidating rail traffic in Sangamon County. Provides that the Authority shall be governed by a board of directors. Provides that the board shall consist of 4 members. Sets forth the membership, terms, and powers of the board. Authorizes the board to acquire property by eminent domain. Amends the Eminent Domain Act to authorize eminent domain powers under the Act. Provides that quick-take proceeding may be used by the Authority for the acquisition of property located within Sangamon County for the purpose of consolidating rail traffic. Effective immediately.

LRB096 20910 RLJ 36713 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 1. Short title. This Act may be cited as the
5 Springfield-Sangamon County Rail Consolidation Authority Act.

6 Section 5. Springfield-Sangamon County Rail Consolidation
7 Authority. There is hereby created an authority known as the
8 Springfield-Sangamon County Rail Consolidation Authority,
9 which shall be an Illinois political subdivision, municipal
10 corporation, and unit of local government.

11 Section 10. Appointment of Board of Directors.

12 (a) The Board of Directors shall have 4 directors. The
13 directors shall be appointed as follows:

14 (1) 2 directors shall be appointed by the Mayor of the
15 City of Springfield, with the advice and consent of the
16 Springfield City Council; and

17 (2) 2 directors shall be appointed by the Chairperson
18 of the Sangamon County Board, with the advice and consent
19 of the Sangamon County Board.

20 (b) The appointing officers shall make their initial
21 appointments within 60 days after the effective date of this
22 Act. The failure of an appointing authority to make an

1 appointment shall not affect the establishment of the Authority
2 or the exercise of its powers.

3 Section 15. Terms, vacancies, and removal.

4 (a) Directors shall serve for a 4-year term. Directors
5 shall hold office until their respective successors have been
6 appointed and qualified. Directors may be reappointed and may
7 serve consecutive terms.

8 (b) A vacancy in office shall occur upon a director's
9 resignation, death, or disqualification under the laws of this
10 State or any other state or under the laws of the United States
11 or upon removal by the appointing official, as provided in
12 subsection (c) of this Section. In the event of a vacancy, the
13 appointing officer who appointed the director whose position is
14 vacant shall make an appointment to fill the vacancy for the
15 remainder of the unexpired term in the same manner as provided
16 for the appointment of directors.

17 (c) Any director may be removed from office by the official
18 or successor who appointed that director for incompetence,
19 neglect of duty, or malfeasance in office.

20 Section 20. Meetings; quorum.

21 (a) As soon as practical after the effective date of this
22 Act, the Board shall organize for the transaction of business.
23 The Board may organize and conduct business when a majority of
24 the members have been appointed. The Board shall prescribe the

1 time and place for meetings, the place of the principal office
2 of the Authority (which shall be in Sangamon County), the
3 manner in which special meetings may be called, the notice that
4 must be given to directors of any meeting of the Board, and the
5 notice that must be given to the public of meetings of the
6 Board. The Board shall promulgate the by-laws of the Authority.
7 A majority of the total number of directors holding office at
8 any time shall constitute a quorum for the transaction of
9 business.

10 (b) All substantive action of the Board shall be by
11 resolution. The concurrence of a majority of the total number
12 of directors then holding office shall be necessary for the
13 adoption of any resolution. No action may be taken by the board
14 until at least a majority of the directors have been appointed
15 and qualified.

16 Section 25. Compensation. Directors shall not receive
17 compensation, but shall be reimbursed for their reasonable and
18 actual expenses incurred in serving the Authority.

19 Section 30. Chairperson; officers. The Chairperson shall
20 preside at the meetings of the Board and shall be entitled to
21 vote on all matters. The Board shall select a Vice-Chairperson
22 (who shall preside in the Chairperson's absence), and may
23 provide for other officers of the Authority as deemed to be
24 necessary. Except as otherwise provided in this Section,

1 officers of the Authority may, but need not, be directors.

2 Section 35. Expenses. Expenses of the Authority shall be
3 shared and paid on an equal basis by the City of Springfield
4 and Sangamon County.

5 Section 40. Powers.

6 (a) The Authority shall have the power to sue and be sued.

7 (b) The Authority may take and acquire possession by
8 eminent domain of property or interests that the Authority
9 reasonably deems necessary or appropriate to consolidate rail
10 traffic in Sangamon County, including high speed rail traffic,
11 rail freight traffic, and other rail passenger traffic. The
12 power of eminent domain shall be exercised by the Authority
13 only as authorized by resolution of the Authority, and shall
14 extend to all types of interests in property, both real and
15 personal, including, without limitation, easements for access
16 or open space purposes and rights of concurrent usage of
17 existing or planned facilities. The powers given to the
18 Authority under this Section include the power to condemn or
19 otherwise acquire, and to convey, substitute property when the
20 Authority reasonably determines that monetary compensation
21 will not be sufficient or practical just compensation for
22 property acquired by the Authority in connection with the
23 consolidation of rail traffic in Sangamon County. The
24 acquisition of substitute property is declared to be for public

1 use. The Authority shall exercise the power of eminent domain
2 granted in this Section with respect to property located within
3 the State of Illinois in the manner provided for the exercise
4 of the right of eminent domain under the Code of Civil
5 Procedure and the Eminent Domain Act. The power to condemn may
6 include condemnation by quick-take to the extent and within the
7 limits authorized under Article 20 of the Eminent Domain Act.

8 Section 45. Limitation on actions. The Local Governmental
9 and Governmental Employees Tort Immunity Act shall apply to the
10 Authority and all its directors, officers, and employees.

11 Section 50. The Eminent Domain Act is amended by changing
12 Section 15-5-45 and by adding Section 25-5-30 as follows:

13 (735 ILCS 30/15-5-45)

14 Sec. 15-5-45. Eminent domain powers in new Acts. The
15 following provisions of law may include express grants of the
16 power to acquire property by condemnation or eminent domain:

17 Massac-Metropolis Port District Act; Massac-Metropolis Port
18 District; for general purposes.

19 Springfield-Sangamon County Rail Consolidation Authority Act;
20 Springfield-Sangamon County Rail Consolidation Authority; for
21 rail traffic consolidation purposes.

1 (Source: P.A. 96-838, eff. 12-16-09.)

2 (735 ILCS 30/25-5-30 new)

3 Sec. 25-5-30. Quick-take; Springfield-Sangamon County Rail
4 Consolidation Authority. Quick-take proceedings under Article
5 20 may be jointly used by the Springfield-Sangamon County Rail
6 Consolidation Authority for the acquisition of real property in
7 Sangamon County for the consolidation of rail freight traffic
8 that the Authority deems necessary or appropriate to expand the
9 rail corridor adjacent to 10th Street where the Norfolk
10 Southern Railroad Company currently operates freight trains,
11 to expand the rail corridor adjacent to 15th Street where the
12 Illinois & Midland Railroad currently operates its freight
13 trains, to acquire the right-of-way appropriate to connect the
14 foregoing rail corridors to the existing Union Pacific Railroad
15 Company tracks and carry the projected increased Union Pacific
16 Railroad Company freight traffic and high speed rail trains
17 over the new connections and in the expanded corridors
18 described above, or to enable the Union Pacific Railroad
19 Company tracks to cross or pass over the Norfolk Southern
20 Railroad Company tracks or vice versa.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.