

# SB0935



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0935

Introduced 1/24/2013, by Sen. John J. Cullerton

### SYNOPSIS AS INTRODUCED:

605 ILCS 10/9

from Ch. 121, par. 100-9

Amends the Toll Highway Act. Makes a technical change in a Section concerning powers of the Toll Highway Authority.

LRB098 05173 MLW 35204 b

A BILL FOR

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 9 as follows:

6 (605 ILCS 10/9) (from Ch. 121, par. 100-9)

7 Sec. 9. The Authority shall have the power:

8 (a) To prepare, or cause to be prepared detailed plans,  
9 specifications and ~~and~~ estimates, from time to time, for  
10 the construction, relocation, repair, maintenance and  
11 operation of toll highways within and through the State of  
12 Illinois.

13 (b) To acquire, hold and use real and personal  
14 property, including rights, rights-of-way, franchises,  
15 easements and other interests in land as it may desire, or  
16 as may be necessary or convenient for its authorized  
17 purposes by purchase, gift, grant or otherwise, and to take  
18 title thereto; to acquire in the manner that may now or  
19 hereafter be provided for by the law of eminent domain of  
20 this State, any real or personal property (including road  
21 building materials and public lands, parks, playgrounds,  
22 reservations, highways or parkways, or parts thereof, or  
23 rights therein, of any person, railroad, public service,

1 public utility, or municipality or political subdivision)  
2 necessary or convenient for its authorized purpose. Such  
3 acquisition of real property, whether by purchase, gift,  
4 condemnation or otherwise, wherever necessary or  
5 convenient in the discretion of the Authority, may include  
6 the extension of existing rights and easements of access,  
7 use and crossing held by any person or persons, interests  
8 in land abutting on existing highways, and remnants or  
9 remainder property; and such acquisitions of real property  
10 may be free and clear of, and without any rights or  
11 easements of access, use and crossing in favor of any  
12 person or persons including interest in any land adjacent  
13 or contiguous to the land so acquired, provided however,  
14 that nothing herein contained shall be construed to  
15 authorize the taking or damaging of any private property  
16 for such purposes by the Authority, without just  
17 compensation.

18 (c) To accept conveyance of fee simple title to, or any  
19 lesser interest in, land, rights or property conveyed by  
20 the Department of Transportation under Section 4-508.1 of  
21 the Illinois Highway Code.

22 (c-1) To establish presently the approximate locations  
23 and widths of rights of way for future additions to the  
24 toll highway system to inform the public and prevent costly  
25 and conflicting development of the land involved.

26 The Authority shall hold a public hearing whenever

1 approximate locations and widths of rights of way for  
2 future toll highway additions are to be established. The  
3 hearing shall be held in or near the county or counties in  
4 which the land to be used is located and notice of the  
5 hearing shall be published in a newspaper or newspapers of  
6 general circulation in the county or counties involved. Any  
7 interested person or his or her representative may be  
8 heard. The Authority shall evaluate the testimony given at  
9 the hearing.

10 The Authority shall make a survey and prepare a map  
11 showing the location and approximate widths of the rights  
12 of way needed for future additions to the toll highway  
13 system. The map shall show existing highways in the area  
14 involved and the property lines and owners of record of all  
15 land that will be needed for the future additions and all  
16 other pertinent information. Approval of the map with any  
17 changes resulting from the hearing shall be indicated in  
18 the record of the hearing and a notice of the approval and  
19 a copy of the map shall be filed in the office of the  
20 recorder for all counties in which the land needed for  
21 future additions is located.

22 Public notice of the approval and filing shall be given  
23 in newspapers of general circulation in all counties in  
24 which the land is located and shall be served by registered  
25 mail within 60 days thereafter on all owners of record of  
26 the land needed for future additions.

1           The Authority may approve changes in the map from time  
2 to time. The changes shall be filed and notice given in the  
3 manner provided for an original map.

4           After the map is filed and notice thereof given to the  
5 owners of record of the land needed for future additions,  
6 no person shall incur development costs or place  
7 improvements in, upon, or under the land involved nor  
8 rebuild, alter, or add to any existing structure without  
9 first giving 60 days' notice by registered mail to the  
10 Authority. This prohibition shall not apply to any normal  
11 or emergency repairs to existing structures. The Authority  
12 shall have 45 days after receipt of that notice to inform  
13 the owner of the Authority's intention to acquire the land  
14 involved, after which it shall have an additional 120 days  
15 to acquire the land by purchase or to initiate action to  
16 acquire the land through the exercise of the right of  
17 eminent domain. When the right of way is acquired by the  
18 Authority, no damages shall be allowed for any  
19 construction, alteration, or addition in violation of this  
20 subsection (c-1) unless the Authority has failed to acquire  
21 the land by purchase or has abandoned an eminent domain  
22 proceeding initiated in accordance with this subsection  
23 (c-1).

24           Any right of way needed for additions to the toll  
25 highway system may be acquired at any time by the  
26 Authority. The time of determination of the value of the

1 property to be taken under this Section for additions to  
2 the toll highway system shall be the date of the actual  
3 taking, if the property is acquired by purchase, or the  
4 date of the filing of a complaint for condemnation, if the  
5 property is acquired through the exercise of the right of  
6 eminent domain, rather than the date when the map of the  
7 proposed right of way was filed of record.

8 (c-2) Not more than 10 years after a protected corridor  
9 is established under subsection (c-1), and not later than  
10 the expiration of each 10-year period thereafter, the  
11 Authority shall hold a public hearing to discuss the  
12 viability and feasibility of the protected corridor.  
13 Following the hearing and giving due consideration to the  
14 information obtained at the hearing, the Board of Directors  
15 of the Authority shall vote to either continue or abolish  
16 the protected corridor.

17 (d) It is hereby declared, as a matter of legislative  
18 determination, that the fundamental goal of the people of  
19 Illinois is the educational development of all persons to  
20 the limits of their capacities, and this educational  
21 development requires the provision of environmentally and  
22 physically safe facilities.

23 If the building line of a building used primarily for  
24 the purpose of educating elementary or secondary students  
25 lies within 100 feet of any ingress or egress ramp that is  
26 used or that has been used by traffic exiting or entering

1           any toll highway operated by the Toll Highway Authority,  
2           the Toll Highway Authority shall acquire the building,  
3           together with any property owned, leased, or utilized  
4           adjacent to it and pertaining to its educational  
5           operations, from the school district that owns or operates  
6           it, for just compensation. "Just compensation" for  
7           purposes of this subsection (d) means the replacement cost  
8           of the building and adjacent property so that the students  
9           educated in the building have the opportunity to be  
10          educated according to standards prevailing in the State of  
11          Illinois.

12          (Source: P.A. 89-297, eff. 8-11-95; 90-681, eff. 7-31-98.)