



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1246

Introduced 1/30/2013, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

615 ILCS 90/7.5a new

Amends the Fox Waterway Agency Act. Provides that if dredging and restoration work upon a channel located within the territory of the Agency is paid for with boating fees or other public moneys, the water located within the channel remains public water and that the channel shall remain open and accessible to the general public. Provides that if the dredging and restoration work is entirely paid for with funds other than those generated by boating fees or other public moneys, the owner of the property adjoining the channel shall retain the right to close the channel to the general public, provided that if a property owner closes a channel, he or she shall post signage giving notice that the channel is a private waterway and closed to the general public.

LRB098 06134 MLW 36175 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 Fox Waterway Agency Act is amended by adding  
5 Section 7.5a as follows:

6 (615 ILCS 90/7.5a new)

7 Sec. 7.5a. Public use of channels.

8 (a) If dredging and restoration work upon a channel located  
9 within the territory of the Agency is paid for with boating  
10 fees or other public moneys, the water located within the  
11 channel remains public water. The channel shall remain open and  
12 accessible to the general public.

13 (b) If dredging and restoration work upon a channel located  
14 within the territory of the Agency is entirely paid for with  
15 funds other than those generated by boating fees or other  
16 public moneys, the owner of the property adjoining the channel  
17 shall retain the right to close the channel to the general  
18 public, provided that if a property owner closes a channel to  
19 the public in accordance with this subsection (b), the property  
20 owner shall post signage giving notice that the channel is a  
21 private waterway and closed to the general public.