



Rep. Jay Hoffman

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LRB099 15993 EGJ 48997 a

1 AMENDMENT TO SENATE BILL 2241

2 AMENDMENT NO. _____. Amend Senate Bill 2241 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1. LAND MANAGEMENT RIGHT-OF-WAY ACT

5 Section 1-1. Short title. This Act may be cited as the Land
6 Management Right-of-way Act. References in this Article to
7 "this Act" mean this Article.

8 Section 1-5. Railroad right-of-way. Any business entity
9 shall be granted access to build facilities to cross a railroad
10 right-of-way owned by a land management company and not a
11 registered rail carrier for the purpose of conveyance of grain,
12 aggregate, construction materials, and other commodities over,
13 under, or across that right-of-way. A business entity whose
14 facilities cross a right-of-way shall pay the land management
15 company operating the right-of-way a one time standard crossing

1 fee of \$1,500 for each crossing plus the cost associated with
2 modifications to existing insurance contracts of the land
3 management company. The standard crossing fee shall be in lieu
4 of any license, permit, application, or any other fee or
5 charges to reimburse the land management company for the direct
6 expense incurred by the land management company as a result of
7 the crossing. The business entity shall also reimburse the land
8 management company or rail carrier for any actual flagging
9 expenses associated with the crossing in addition to the
10 standard crossing fee.

11 ARTICLE 5. AMENDATORY PROVISIONS

12 Section 5-5. The Crossing of Railroad Right-of-way Act is
13 amended by changing Sections 5 and 15 as follows:

14 (220 ILCS 70/5)

15 Sec. 5. Definitions. As used in this Act, unless the
16 context otherwise requires:

17 "Crossing" means the construction, operation, repair, or
18 maintenance of a facility over, under, or across a railroad
19 right-of-way by a utility when the right-of-way is owned by a
20 land management company and not a registered rail carrier.

21 "Direct expenses" includes, but is not limited to, any or
22 all of the following:

23 (1) The cost of inspecting and monitoring the crossing

1 site.

2 (2) Administrative and engineering costs for review of
3 specifications and for entering a crossing on the
4 railroad's books, maps, and property records and other
5 reasonable administrative and engineering costs incurred
6 as a result of the crossing.

7 (3) Document and preparation fees associated with a
8 crossing, and any engineering specifications related to
9 the crossing.

10 (4) Damages assessed in connection with the rights
11 granted to a utility with respect to a crossing.

12 "Facility" means any cable, conduit, wire, pipe, casing
13 pipe, supporting poles and guys, manhole, or other material or
14 equipment, that is used by a utility to furnish any of the
15 following:

16 (1) Communications, video, or information services.

17 (2) Electricity.

18 (3) Gas by piped system.

19 (4) Sanitary and storm sewer service.

20 (5) Water by piped system.

21 "Land management company" means an entity that is the
22 owner, manager, or agent of a railroad right-of-way and is not
23 a registered rail carrier.

24 "Railroad right-of-way" means one or more of the following:

25 (1) A right-of-way or other interest in real estate
26 that is owned or operated by a land management company and

1 not a registered rail carrier.

2 (2) Any other interest in a former railroad
3 right-of-way that has been acquired or is operated by a
4 land management company or similar entity.

5 "Special circumstances" means either or both of the
6 following:

7 (1) The characteristics of a segment of a railroad
8 right-of-way not found in a typical segment of a railroad
9 right-of-way that enhance the value or increase the damages
10 or the engineering or construction expenses for the land
11 management company associated with a proposed crossing, or
12 to the current or reasonably anticipated use by a land
13 management company of the railroad right-of-way,
14 necessitating additional terms and conditions or
15 compensation associated with a crossing.

16 (2) Variances from the standard specifications
17 requested by the land management company.

18 "Special circumstances" may include, but is not limited to,
19 the railroad right-of-way segment's relationship to other
20 property, location in urban or other developed areas, the
21 existence of unique topography or natural resources, or other
22 characteristics or dangers inherent in the particular crossing
23 or segment of the railroad right-of-way.

24 "Utility" shall include (1) public utilities as defined in
25 Section 3-105 of the Public Utilities Act, (2)
26 telecommunications carriers as defined in Section 13-202 of the

1 Public Utilities Act, (3) electric cooperatives as defined in
2 Section 3.4 of the Electric Supplier Act, (4) telephone or
3 telecommunications cooperatives as defined in Section 13-212
4 of the Public Utilities Act, (5) rural water or waste water
5 systems with 10,000 connections or less, (6) a holder as
6 defined in Section 21-201 of the Public Utilities Act, ~~and~~ (7)
7 municipalities owning or operating utility systems consisting
8 of public utilities as that term is defined in Section 11-117-2
9 of the Illinois Municipal Code, and (8) a cable operator that
10 is issued a cable television franchise by the municipality or
11 county pursuant to Section 11-42-11 of the Illinois Municipal
12 Code or Section 5-1095 of the Counties Code.

13 (Source: P.A. 96-595, eff. 8-18-09.)

14 (220 ILCS 70/15)

15 Sec. 15. Crossing fee. Unless otherwise agreed by the
16 parties and subject to Section 20, a utility that locates its
17 facilities within the railroad right-of-way for a crossing,
18 other than a crossing along the public roads of the State
19 pursuant to the Telephone Line Right of Way Act, shall pay the
20 land management company a one-time standard crossing fee of
21 \$1,500 for each crossing plus the costs associated with
22 modifications to existing insurance contracts of the utility
23 and the land management company. The standard crossing fee
24 shall be in lieu of any license, permit, application, or any
25 other fees or charges to reimburse the land management company

1 for the direct expenses incurred by the land management company
2 as a result of the crossing. The utility shall also reimburse
3 the land management company or rail carrier for any actual
4 flagging expenses associated with a crossing in addition to the
5 standard crossing fee.

6 (Source: P.A. 96-595, eff. 8-18-09.)

7 ARTICLE 99. EFFECTIVE DATE

8 Section 99-99. Effective date. This Act takes effect upon
9 becoming law."