

AN ACT concerning highways.

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

Section 5. The Illinois Highway Code is amended by adding Section 9-119.6 as follows:

(605 ILCS 5/9-119.6 new)

Sec. 9-119.6. Switchgrass production permit.

(a) The Department may issue a switchgrass production permit authorizing the planting and harvesting of switchgrass on a specified right-of-way in this State. An owner or owner's designee has priority until March 1 of each year to receive a permit for the portion of right-of-way that is adjacent to the owner's land and for which no permit is in effect. After March 1 of each year, a permit may be issued to an applicant that is not the owner of the land adjacent to the right-of-way for a maximum distance of 5 miles. A permit issued under this subsection may be valid for a period of 5 years, and the Department must include the timeframe that the permit is valid on every permit issued under this subsection. Commencement of harvesting activity notice instructions must be included on every permit under this subsection in accordance with paragraph (1) of subsection (c) of this Section. The non-refundable application fee for every permit under this subsection is \$200,

and all fees collected by the Department shall be deposited into the Road Fund.

(b) An applicant for a permit in subsection (a) must:

(1) sign a release acknowledging that the applicant (i) assumes all risk for the quality of the switchgrass produced under the permit, (ii) assumes all liability for accidents or injury that results from the activities permitted by the Department, (iii) is liable for any damage to the right-of-way described in paragraphs (3) and (4) of subsection (c), and (iv) understands that the State or any instrumentality thereof assumes no risk or liability for the activities permitted by the Department;

(2) demonstrate proof that a liability insurance policy in the amount of not less than \$1,000,000 is in force to cover any accident, damage, or loss that may occur to persons or property as a result of the activities permitted by the Department; and

(3) pay a non-refundable application fee of \$200.

(c) The usage of a permit in subsection (a) is subject to the following limitations:

(1) The permittee must give the Department 48 hours notice prior to commencing any activities permitted by the Department;

(2) The permittee must carry a copy of the permit at all times while performing the activities permitted by the Department;

(3) The permittee may use the permit only when soil in the right-of-way is dry enough to prevent rutting or other similar type of damage to the right-of-way; and

(4) The permittee may not alter, damage, or remove any right-of-way markers, land monuments, fences, signs, trees, shrubbery or similar landscape vegetation, or other highway features or structures.

(d) The Department may immediately terminate a permit in subsection (a) issued to a permittee for failure to comply with the use limitations of subsection (c).

(e) The Department or the permittee may cancel the permit at any time upon 3 days written notice.

(f) The Department may promulgate rules for the administration of this Section.