

AN ACT concerning State government.

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

Section 5. The Illinois Enterprise Zone Act is amended by adding Section 9.3 as follows:

(20 ILCS 655/9.3 new)

Sec. 9.3. Railroad right-of-way. Any business entity located in an enterprise zone shall be granted access to build facilities to cross a railroad right-of-way owned by a land management company and not a registered rail carrier for the purpose of conveyance of grain, aggregate, construction materials, and other commodities over, under, or across that right-of-way. A business entity whose facilities cross a right-of-way shall pay the land management company operating the right-of-way a one time standard crossing fee of \$1,500 for each crossing plus the cost associated with modifications to existing insurance contracts of the land management company. The standard crossing fee shall be in lieu of any license, permit, application, or any other fee or charges to reimburse the land management company for the direct expense incurred by the land management company as a result of the crossing. The company shall also reimburse the land management company or rail carrier for any actual flagging expenses associated with

the crossing in addition to the standard crossing fee.

Section 10. The Crossing of Railroad Right-of-way Act is amended by changing Sections 5 and 15 as follows:

(220 ILCS 70/5)

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

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

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

(1) The cost of inspecting and monitoring the crossing site.

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

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

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

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

- (1) Communications, video, or information services.
- (2) Electricity.
- (3) Gas by piped system.
- (4) Sanitary and storm sewer service.
- (5) Water by piped system.

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

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

- (1) A right-of-way or other interest in real estate that is owned or operated by a land management company and not a registered rail carrier.
- (2) Any other interest in a former railroad right-of-way that has been acquired or is operated by a land management company or similar entity.

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

- (1) The characteristics of a segment of a railroad right-of-way not found in a typical segment of a railroad right-of-way that enhance the value or increase the damages or the engineering or construction expenses for the land management company associated with a proposed crossing, or

to the current or reasonably anticipated use by a land management company of the railroad right-of-way, necessitating additional terms and conditions or compensation associated with a crossing.

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

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

"Utility" shall include (1) public utilities as defined in Section 3-105 of the Public Utilities Act, (2) telecommunications carriers as defined in Section 13-202 of the Public Utilities Act, (3) electric cooperatives as defined in Section 3.4 of the Electric Supplier Act, (4) telephone or telecommunications cooperatives as defined in Section 13-212 of the Public Utilities Act, (5) rural water or waste water systems with 10,000 connections or less, (6) a holder as defined in Section 21-201 of the Public Utilities Act, ~~and~~ (7) municipalities owning or operating utility systems consisting of public utilities as that term is defined in Section 11-117-2 of the Illinois Municipal Code, and (8) a cable operator that is issued a cable television franchise by the municipality or county pursuant to Section 11-42-11 of the Illinois Municipal

Code or Section 5-1095 of the Counties Code.

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

(220 ILCS 70/15)

Sec. 15. Crossing fee. Unless otherwise agreed by the parties and subject to Section 20, a utility that locates its facilities within the railroad right-of-way for a crossing, other than a crossing along the public roads of the State pursuant to the Telephone Line Right of Way Act, shall pay the land management company a one-time standard crossing fee of \$1,500 for each crossing plus the costs associated with modifications to existing insurance contracts of the utility and the land management company. The standard crossing fee shall be in lieu of any license, permit, application, or any other fees or charges to reimburse the land management company for the direct expenses incurred by the land management company as a result of the crossing. The utility shall also reimburse the land management company or rail carrier for any actual flagging expenses associated with a crossing in addition to the standard crossing fee.

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

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