

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section
5 5-1096 as follows:

6 (55 ILCS 5/5-1096) (from Ch. 34, par. 5-1096)

7 Sec. 5-1096. Community antenna television systems;
8 interference with and payment for access.

9 (a) In any instance in which a county has granted a
10 franchise to any community antenna television company to
11 construct, operate or maintain a cable television system within
12 a designated franchise area, no property owner, condominium
13 association, managing agent, lessee or other person in
14 possession or control of any residential building located
15 within such designated franchise area shall forbid or prevent
16 any occupant, tenant or lessee of any such building from
17 receiving cable television service from such franchisee, nor
18 demand or accept payment from any such occupant, tenant or
19 lessee in any form as a condition of permitting the
20 installation of cable television facilities or the maintenance
21 of cable television service in any such building or any portion
22 thereof occupied or leased by such occupant, tenant or lessee,
23 nor shall any such property owner, condominium association,

1 managing agent, lessee or other person discriminate in rental
2 charges or otherwise against any occupant, tenant or lessee
3 receiving cable service; provided, however, that the owner of
4 such building may require, in exchange and as compensation for
5 permitting the installation of cable television facilities
6 within and upon such building, the payment of just compensation
7 to be paid by the cable television franchisee which provides
8 such cable television service, said sum to be determined in
9 accordance with the provisions of subparagraphs (c) and (d)
10 hereof, and provided further that the cable television
11 franchisee installing such cable television facilities shall
12 agree to indemnify the owner of such building for any damage
13 caused by the installation, operation or removal of such cable
14 television facilities and service.

15 No community antenna television company shall install
16 cable television facilities within a residential building
17 pursuant to this subparagraph (a) unless an occupant, tenant or
18 lessee of such residential building requests the delivery of
19 cable television services.

20 (b) In any instance in which a county has granted a
21 franchise to any community antenna television company to
22 construct, operate or maintain a cable television system within
23 a designated franchise area, no property owner, condominium
24 association, managing agent, lessee or other person in
25 possession and control of any improved or unimproved real
26 estate located within such designated franchise area shall

1 forbid or prevent such cable television franchisee from
2 entering upon such real estate for the purpose of and in
3 connection with the construction or installation of such cable
4 television system and cable television facilities, nor shall
5 any such property owner, condominium association, managing
6 agent, lessee or other person in possession or control of such
7 real estate forbid or prevent such cable television franchisee
8 from constructing or installing upon, beneath or over such real
9 estate, including any buildings or other structures located
10 thereon, hardware, cable, equipment, materials or other cable
11 television facilities utilized by such cable franchisee in the
12 construction and installation of such cable television system;
13 provided, however, that the owner of any such real estate may
14 require, in exchange and as compensation for permitting the
15 construction or installation of cable television facilities
16 upon, beneath or over such real estate, the payment of just
17 compensation by the cable television franchisee which provides
18 such cable television service, said sum to be determined in
19 accordance with the provisions of subparagraphs (c) and (d)
20 hereof, and provided further that the cable television
21 franchisee constructing or installing such cable television
22 facilities shall agree to indemnify the owner of such real
23 estate for any damage caused by the installation, operation or
24 removal of such cable television facilities and service.

25 (c) In any instance in which the owner of a residential
26 building or the owner of improved or unimproved real estate

1 intends to require the payment of just compensation in excess
2 of \$1 in exchange for permitting the installation of cable
3 television facilities in and upon such building, or upon,
4 beneath or over such real estate, the owner shall serve written
5 notice thereof upon the cable television franchisee. Any such
6 notice shall be served within 20 days of the date on which such
7 owner is notified of the cable television franchisee's
8 intention to construct or install cable television facilities
9 in and upon such building, or upon, beneath or over such real
10 estate. Unless timely notice as herein provided is given by the
11 owner to the cable television franchisee, it will be
12 conclusively presumed that the owner of any such building or
13 real estate does not claim or intend to require a payment of
14 more than \$1 in exchange and as just compensation for
15 permitting the installation of cable television facilities
16 within and upon such building, or upon, beneath or over such
17 real estate. In any instance in which a cable television
18 franchisee intends to install cable television facilities as
19 herein provided, written notice of such intention shall be sent
20 by the cable television franchisee to the property owner or to
21 such person, association or managing agent as shall have been
22 appointed or otherwise designated to manage or operate the
23 property. Such notice shall include the address of the
24 property, the name of the cable television franchisee, and
25 information as to the time within which the owner may give
26 notice, demand payment as just compensation and initiate legal

1 proceedings as provided in this subparagraph (c) and
2 subparagraph (d). In any instance in which a community antenna
3 television company intends to install cable television
4 facilities within a residential building containing 12 or more
5 residential units or upon, beneath, or over real estate that is
6 used as a site for 12 or more manufactured housing units, 12 or
7 more mobile homes, or a combination of 12 or more manufactured
8 housing units and mobile homes, the written notice shall
9 further provide that the property owner may require that the
10 community antenna television company submit to the owner
11 written plans identifying the manner in which cable television
12 facilities are to be installed, including the proposed location
13 of coaxial cable. Approval of those plans by the property owner
14 shall not be unreasonably withheld and the owners' consent to
15 and approval of those plans shall be presumed unless, within 30
16 days after receipt thereof, or in the case of a condominium
17 association, 90 days after receipt thereof, the property owner
18 identifies in writing the specific manner in which those plans
19 deviate from generally accepted construction or safety
20 standards, and unless the property owner contemporaneously
21 submits an alternative construction plan providing for the
22 installation of cable television facilities in an economically
23 feasible manner. The community antenna television company may
24 proceed with the plans originally submitted if an alternative
25 plan is not submitted by the property owner within 30 days, or
26 in the case of a condominium association, 90 days, or if an

1 alternative plan submitted by the property owner fails to
2 comply with generally accepted construction and safety
3 standards or does not provide for the installation of cable
4 television facilities in an economically feasible manner. For
5 purposes of this subsection, "mobile home" and "manufactured
6 housing unit" have the same meaning as in the Illinois
7 Manufactured Housing and Mobile Home Safety Act.

8 (d) Any owner of a residential building described in
9 subparagraph (a), and any owner of improved or unimproved real
10 estate described in subparagraph (b), who shall have given
11 timely written notice to the cable television franchisee as
12 provided in subparagraph (c), may assert a claim for just
13 compensation in excess of \$1 for permitting the installation of
14 cable television facilities within and upon such building, or
15 upon, beneath or over such real estate. Within 30 days after
16 notice has been given in accordance with subparagraph (c), the
17 owner shall advise the cable television franchisee in writing
18 of the amount claimed as just compensation. If within 60 days
19 after the receipt of the owner's claim, the cable television
20 franchisee has not agreed to pay the amount claimed or some
21 other amount acceptable to the owner, the owner may bring suit
22 to enforce such claim for just compensation in any court of
23 competent jurisdiction and, upon timely demand, may require
24 that the amount of just compensation be determined by a jury.
25 Any such action shall be commenced within 6 months of the
26 notice given by the cable television franchisee pursuant to

1 subparagraph (c) hereof. In any action brought to determine
2 such amount, the owner may submit evidence of a decrease in the
3 fair market value of the property occasioned by the
4 installation or location of the cable on the property, that the
5 owner has a specific alternative use for the space occupied by
6 cable television facilities, the loss of which will result in a
7 monetary loss to the owner, or that installation of cable
8 television facilities within and upon such building or upon,
9 beneath or over such real estate otherwise substantially
10 interferes with the use and occupancy of such building to an
11 extent which causes a decrease in the fair market value of such
12 building or real estate.

13 (e) Neither the giving of a notice by the owner under
14 subparagraph (c), nor the assertion of a specific claim, nor
15 the initiation of legal action to enforce such claim, as
16 provided under subparagraph (d), shall delay or impair the
17 right of the cable television franchisee to construct or
18 install cable television facilities and maintain cable
19 television services within or upon any building described in
20 subparagraph (a) or upon, beneath or over real estate described
21 in subparagraph (b).

22 (f) Notwithstanding the foregoing, no community antenna
23 television company shall enter upon any real estate or rights
24 of way in the possession or control of any public utility,
25 railroad or owner or operator of an oil, petroleum product,
26 chemical or gas pipeline to install or remove cable television

1 facilities or to provide underground maintenance or repair
2 services with respect thereto, prior to delivery to the public
3 utility, railroad or pipeline owner or operator of written
4 notice of intent to enter, install, maintain, or remove. For
5 the purposes of this subsection (f), and only in the case of
6 real estate or rights-of-way in possession of or in control of
7 a railroad, the right to enter upon includes the installation,
8 construction, operation, repair, maintenance, or removal of
9 wire, cable, fiber, conduit, or related facilities that are at,
10 above, or below grade and that cross the real estate or
11 rights-of-way in a manner that runs generally perpendicular to
12 the railroad tracks or railroad right-of-way. For the purposes
13 of this subsection (f), and only in the case of real estate or
14 rights-of-way in possession of or in the control of a railroad,
15 the right to enter upon does not apply to wire, cable, fiber,
16 conduit, or related facilities that run along, within, and
17 generally parallel to, but do not cross, the railroad tracks or
18 railroad right-of-way. No entry shall be made until at least 30
19 ~~15 business~~ days after receipt of such written notice. Such
20 written notice, which shall be delivered to the registered
21 agent of such public utility, railroad or pipeline owner or
22 operator shall include the following information:

23 (i) The date of the proposed installation,
24 maintenance, repair, or removal and projected length of
25 time required to complete such installation, maintenance,
26 repair or removal;

1 (ii) The manner and method of, and the detailed design
2 and construction plans that conform to the applicable
3 published and publicly available American Railway
4 Engineering and Maintenance-of-Way Association standards
5 and the published and publicly available standards for the
6 appropriate railroad for, such installation, maintenance,
7 repair, or removal;

8 (iii) The location of the proposed entry and path of
9 cable television facilities proposed to be placed,
10 repaired, maintained or removed upon the real estate or
11 right of way; ~~and~~

12 (iv) The written agreement of the community antenna
13 television company to indemnify and hold harmless such
14 public utility, railroad or pipeline owner or operator from
15 the costs of any damages directly or indirectly caused by
16 the installation, maintenance, repair, operation, or
17 removal of cable television facilities. Upon request of the
18 public utility, railroad, or owner or operator of an oil,
19 petroleum product, chemical or gas pipeline, the community
20 antenna television company shall provide proof that it has
21 purchased and will maintain a policy or policies of
22 insurance in amounts sufficient to provide coverage for
23 personal injury and property damage losses caused by or
24 resulting from the installation, maintenance, repair, or
25 removal of cable television facilities. The written
26 agreement shall provide that the community antenna

1 television company shall maintain such policies of
2 insurance in full force and effect as long as cable
3 television facilities remain on the real estate or right of
4 way; ~~and~~.

5 (v) A statement, based upon information available to
6 the community antenna television company, confirming that
7 the proposed installation, maintenance, repair, or removal
8 does not create a dangerous condition or threaten public or
9 employee safety and will not adversely impact railroad
10 operations or disrupt vital transportation services.

11 For purposes of this subsection (f), "community antenna
12 television company" includes, in the case of real estate or
13 rights-of-way in possession of or in control of a railroad, a
14 holder, cable operator, or broadband service provider, as those
15 terms are defined in Section 21-201 of the Public Utilities
16 Act.

17 Within 30 ~~15~~ business days of receipt of the written prior
18 notice of entry the public utility, railroad or pipeline owner
19 or operator shall investigate and determine whether or not the
20 proposed entry and installation or repair, maintenance, or
21 removal would create a dangerous condition threatening the
22 safety of the public or the safety of its employees or
23 threatening to cause an interruption of the furnishing of vital
24 transportation, utility or pipeline services and upon so
25 finding shall so notify the community antenna television
26 company of such decision in writing. Initial determination of

1 the existence of such a dangerous condition or interruption of
2 services shall be made by the public utility, railroad or
3 pipeline owner or operator whose real estate or right of way is
4 involved. In the event that the community antenna television
5 company disagrees with such determination, a determination of
6 whether such entry and installation, maintenance, repair, or
7 removal would create such a dangerous condition or interrupt
8 services shall, upon the application of the community antenna
9 television company, be made by the Illinois Commerce Commission
10 Transportation Division in accordance with the Commission's
11 Rail Safety Program ~~a court of competent jurisdiction upon the~~
12 ~~application of such community antenna television company.~~ An
13 initial written determination of a public utility, railroad, or
14 pipeline owner or operator timely made and transmitted to the
15 community antenna television company, in the absence of a
16 determination by a court of competent jurisdiction or an
17 Illinois Commerce Commission Transportation Division finding
18 to the contrary, bars the entry of the community antenna
19 television company upon the real estate or right of way for any
20 purpose.

21 Any public utility, railroad or pipeline owner or operator
22 may assert a written claim against any community antenna
23 television company for just compensation within 30 days after
24 written notice has been given in accordance with this
25 subparagraph (f). If, within 60 days after the receipt of such
26 claim for compensation, the community antenna television

1 company has not agreed to the amount claimed or some other
2 amount acceptable to the public utility, railroad or pipeline
3 owner or operator, the public utility, railroad or pipeline
4 owner or operator may bring suit to enforce such claim for just
5 compensation in any court of competent jurisdiction and, upon
6 timely demand, may require that the amount of just compensation
7 be determined by a jury. Any such action shall be commenced
8 within 6 months of the notice provided for in this subparagraph
9 (f). In any action brought to determine such just compensation,
10 the public utility, railroad or pipeline owner or operator may
11 submit such evidence as may be relevant to the issue of just
12 compensation. Neither the assertion of a claim for compensation
13 nor the initiation of legal action to enforce such claim shall
14 delay or impair the right of the community antenna television
15 company to construct or install cable television facilities
16 upon any real estate or rights of way of any public utility,
17 railroad or pipeline owner or operator.

18 To the extent that the public utility, railroad, or owner
19 or operator of an oil, petroleum product, chemical or gas
20 pipeline deems it appropriate to supervise, monitor or
21 otherwise assist the community antenna television company in
22 connection with the installation, maintenance, repair, or
23 removal of cable television facilities upon such real estate or
24 rights of way, the community antenna television company shall
25 reimburse the public utility, railroad or owner or operator of
26 an oil, petroleum product, chemical or gas pipeline for costs

1 reasonable and actually incurred in connection therewith.

2 The provisions of this subparagraph (f) shall not be
3 applicable to any easements, rights of way or ways for public
4 service facilities in which public utilities, other than
5 railroads, have any interest pursuant to "an Act to revise the
6 law in relation to plats" approved March 21, 1874, and all
7 ordinances enacted pursuant thereto. Such easements, rights of
8 way and ways for public service facilities are hereby declared
9 to be apportionable and upon written request by a community
10 antenna television company, public utilities shall make such
11 easements, rights of way and ways for public service facilities
12 available for the construction, maintenance, repair or removal
13 of cable television facilities provided that such
14 construction, maintenance, repair or removal does not create a
15 dangerous condition threatening the safety of the public or the
16 safety of such public utility employees or threatening to cause
17 an interruption of the furnishing of vital utility service.
18 Initial determination of the existence of such a dangerous
19 condition or interruption of services shall be made by the
20 public utility whose easement, right of way or way for public
21 service facility is involved. In the event the community
22 antenna television company disagrees with such determination,
23 a determination of whether such construction, maintenance,
24 repair or removal would create such a dangerous condition or
25 threaten to interrupt vital utility services, shall be made by
26 a court of competent jurisdiction upon the application of such

1 community antenna television company.

2 If a county notifies or a county requires a developer to
3 notify a public utility before or after issuing a permit or
4 other authorization for the construction of residential
5 buildings, then the county or developer shall, at the same
6 time, similarly notify any community antenna television system
7 franchised by or within that county.

8 In addition to such other notices as may be required by
9 this subparagraph (f), a community antenna television company
10 shall not enter upon the real estate or rights of way of any
11 public utility, railroad or pipeline owner or operator for the
12 purposes of above-ground maintenance or repair of its
13 television cable facilities without giving 96 hours prior
14 written notice to the registered agent of the public utility,
15 railroad or pipeline owner or operator involved, or in the case
16 of a public utility, notice may be given through the statewide
17 one-call notice system provided for by General Order of the
18 Illinois Commerce Commission or, if in Chicago, through the
19 system known as the Chicago Utility Alert Network.

20 (Source: P.A. 93-219, eff. 1-1-04.)

21 Section 10. The Illinois Municipal Code is amended by
22 changing Section 11-42-11.1 as follows:

23 (65 ILCS 5/11-42-11.1) (from Ch. 24, par. 11-42-11.1)

24 Sec. 11-42-11.1. (a) In any instance in which a

1 municipality has (i) granted a franchise to any community
2 antenna television company or (ii) decided for the municipality
3 itself to construct, operate or maintain a cable television
4 system within a designated area, no property owner, condominium
5 association, managing agent, lessee or other person in
6 possession or control of any residential building located
7 within the designated area shall forbid or prevent any
8 occupant, tenant or lessee of any such building from receiving
9 cable television service from such franchisee or municipality,
10 nor demand or accept payment from any such occupant, tenant or
11 lessee in any form as a condition of permitting the
12 installation of cable television facilities or the maintenance
13 of cable television service in any such building or any portion
14 thereof occupied or leased by such occupant, tenant or lessee,
15 nor shall any such property owner, condominium association,
16 managing agent, lessee or other person discriminate in rental
17 charges or otherwise against any occupant, tenant or lessee
18 receiving cable service; provided, however, that the owner of
19 such building may require, in exchange and as compensation for
20 permitting the installation of cable television facilities
21 within and upon such building, the payment of just compensation
22 by the cable television franchisee which provides such cable
23 television service, said sum to be determined in accordance
24 with the provisions of subparagraphs (c) and (d) hereof, and
25 provided further that the cable television franchisee
26 installing such cable television facilities shall agree to

1 indemnify the owner of such building for any damage caused by
2 the installation, operation or removal of such cable television
3 facilities and service.

4 No community antenna television company shall install
5 cable television facilities within a residential building
6 pursuant to this subparagraph (a) unless an occupant, tenant or
7 lessee of such residential building requests the delivery of
8 cable television services. In any instance in which a request
9 for service is made by more than 3 occupants, tenants or
10 lessees of a residential building, the community antenna
11 television company may install cable television facilities
12 throughout the building in a manner which enables the community
13 antenna television company to provide cable television
14 services to occupants, tenants or lessees of other residential
15 units without requiring the installation of additional cable
16 television facilities other than within the residential units
17 occupied by such other occupants, tenants or lessees.

18 (b) In any instance in which a municipality has (i) granted
19 a franchise to any community antenna television company or (ii)
20 decided for the municipality itself to construct, operate or
21 maintain a cable television system within a designated area, no
22 property owner, condominium association, managing agent,
23 lessee or other person in possession and control of any
24 improved or unimproved real estate located within such
25 designated area shall forbid or prevent such cable television
26 franchisee or municipality from entering upon such real estate

1 for the purpose of and in connection with the construction or
2 installation of such cable television system and cable
3 television facilities, nor shall any such property owner,
4 condominium association, managing agent, lessee or other
5 person in possession or control of such real estate forbid or
6 prevent such cable television franchisee or municipality from
7 constructing or installing upon, beneath or over such real
8 estate, including any buildings or other structures located
9 thereon, hardware, cable, equipment, materials or other cable
10 television facilities utilized by such cable franchisee or
11 municipality in the construction and installation of such cable
12 television system; provided, however, that the owner of any
13 such real estate may require, in exchange and as compensation
14 for permitting the construction or installation of cable
15 television facilities upon, beneath or over such real estate,
16 the payment of just compensation by the cable television
17 franchisee which provides such cable television service, said
18 sum to be determined in accordance with the provisions of
19 subparagraphs (c) and (d) hereof, and provided further that the
20 cable television franchisee constructing or installing such
21 cable television facilities shall agree to indemnify the owner
22 of such real estate for any damage caused by the installation,
23 operation or removal of such cable television facilities and
24 service.

25 (c) In any instance in which the owner of a residential
26 building or the owner of improved or unimproved real estate

1 intends to require the payment of just compensation in excess
2 of \$1 in exchange for permitting the installation of cable
3 television facilities in and upon such building, or upon,
4 beneath or over such real estate, the owner shall serve written
5 notice thereof upon the cable television franchisee. Any such
6 notice shall be served within 20 days of the date on which such
7 owner is notified of the cable television franchisee's
8 intention to construct or install cable television facilities
9 in and upon such building, or upon, beneath or over such real
10 estate. Unless timely notice as herein provided is given by the
11 owner to the cable television franchisee, it will be
12 conclusively presumed that the owner of any such building or
13 real estate does not claim or intend to require a payment of
14 more than \$1 in exchange and as just compensation for
15 permitting the installation of cable television facilities
16 within and upon such building, or upon, beneath or over such
17 real estate. In any instance in which a cable television
18 franchisee intends to install cable television facilities as
19 herein provided, written notice of such intention shall be sent
20 by the cable television franchisee to the property owner or to
21 such person, association or managing agent as shall have been
22 appointed or otherwise designated to manage or operate the
23 property. Such notice shall include the address of the
24 property, the name of the cable television franchisee, and
25 information as to the time within which the owner may give
26 notice, demand payment as just compensation and initiate legal

1 proceedings as provided in this subparagraph (c) and
2 subparagraph (d). In any instance in which a community antenna
3 television company intends to install cable television
4 facilities within a residential building containing 12 or more
5 residential units or upon, beneath, or over real estate that is
6 used as a site for 12 or more manufactured housing units, 12 or
7 more mobile homes, or a combination of 12 or more manufactured
8 housing units and mobile homes, the written notice shall
9 further provide that the property owner may require that the
10 community antenna television company submit to the owner
11 written plans identifying the manner in which cable television
12 facilities are to be installed, including the proposed location
13 of coaxial cable. Approval of such plans by the property owner
14 shall not be unreasonably withheld and such owners' consent to
15 and approval of such plans shall be presumed unless, within 30
16 days after receipt thereof, or in the case of a condominium
17 association, 90 days after receipt thereof, the property owner
18 identifies in writing the specific manner in which such plans
19 deviate from generally accepted construction or safety
20 standards, and unless the property owner contemporaneously
21 submits an alternative construction plan providing for the
22 installation of cable television facilities in an economically
23 feasible manner. The community antenna television company may
24 proceed with the plans originally submitted if an alternative
25 plan is not submitted by the property owner within 30 days, or
26 in the case of a condominium association, 90 days, or if an

1 alternative plan submitted by the property owner fails to
2 comply with generally accepted construction and safety
3 standards or does not provide for the installation of cable
4 television facilities in an economically feasible manner. For
5 purposes of this subsection, "mobile home" and "manufactured
6 housing unit" have the same meaning as in the Illinois
7 Manufactured Housing and Mobile Home Safety Act.

8 (d) Any owner of a residential building described in
9 subparagraph (a), and any owner of improved or unimproved real
10 estate described in subparagraph (b), who shall have given
11 timely written notice to the cable television franchisee as
12 provided in subparagraph (c), may assert a claim for just
13 compensation in excess of \$1 for permitting the installation of
14 cable television facilities within and upon such building, or
15 upon, beneath or over such real estate. Within 30 days after
16 notice has been given in accordance with subparagraph (c), the
17 owner shall advise the cable television franchisee in writing
18 of the amount claimed as just compensation. If within 60 days
19 after the receipt of the owner's claim, the cable television
20 franchisee has not agreed to pay the amount claimed or some
21 other amount acceptable to the owner, the owner may bring suit
22 to enforce such claim for just compensation in any court of
23 competent jurisdiction and, upon timely demand, may require
24 that the amount of just compensation be determined by a jury.
25 Any such action shall be commenced within 6 months of the
26 notice given by the cable television franchisee pursuant to

1 subparagraph (c) hereof. In any action brought to determine
2 such amount, the owner may submit evidence of a decrease in the
3 fair market value of the property occasioned by the
4 installation or location of the cable on the property, that the
5 owner has a specific alternative use for the space occupied by
6 cable television facilities, the loss of which will result in a
7 monetary loss to the owner, or that installation of cable
8 television facilities within and upon such building or upon,
9 beneath or over such real estate otherwise substantially
10 interferes with the use and occupancy of such building to an
11 extent which causes a decrease in the fair market value of such
12 building or real estate.

13 (e) Neither the giving of a notice by the owner under
14 subparagraph (c), nor the assertion of a specific claim, nor
15 the initiation of legal action to enforce such claim, as
16 provided under subparagraph (d), shall delay or impair the
17 right of the cable television franchisee to construct or
18 install cable television facilities and maintain cable
19 television services within or upon any building described in
20 subparagraph (a) or upon, beneath or over real estate described
21 in subparagraph (b).

22 (f) Notwithstanding the foregoing, no community antenna
23 television company or municipality shall enter upon any real
24 estate or rights of way in the possession or control of any
25 public utility, railroad or owner or operator of an oil,
26 petroleum product, chemical or gas pipeline to install or

1 remove cable television facilities or to provide underground
2 maintenance or repair services with respect thereto, prior to
3 delivery to the public utility, railroad or pipeline owner or
4 operator of written notice of intent to enter, install,
5 maintain, or remove. For the purposes of this subsection (f),
6 and only in the case of real estate or rights-of-way in
7 possession of or in control of a railroad, the right to enter
8 upon includes the installation, construction, operation,
9 repair, maintenance, or removal of wire, cable, fiber, conduit,
10 or related facilities that are at, above, or below grade and
11 that cross the real estate or rights-of-way in a manner that
12 runs generally perpendicular to the railroad tracks or railroad
13 right-of-way. For the purposes of this subsection (f), and only
14 in the case of real estate or rights-of-way in possession of or
15 in the control of a railroad, the right to enter upon does not
16 apply to wire, cable, fiber, conduit, or related facilities
17 that run along, within, and generally parallel to, but do not
18 cross, the railroad tracks or railroad right-of-way. No entry
19 shall be made until at least 30 ~~15-business~~ days after receipt
20 of such written notice. Such written notice, which shall be
21 delivered to the registered agent of such public utility,
22 railroad or pipeline owner or operator shall include the
23 following information:

24 (i) The date of the proposed installation,
25 maintenance, repair, or removal and projected length of
26 time required to complete such installation, maintenance,

1 repair or removal;

2 (ii) The manner and method of, and the detailed design
3 and construction plans that conform to the applicable
4 published and publicly available American Railway
5 Engineering and Maintenance-of-Way Association standards
6 and the published and publicly available standards for the
7 appropriate railroad for, such installation, maintenance,
8 repair, or removal;

9 (iii) The location of the proposed entry and path of
10 cable television facilities proposed to be placed,
11 repaired, maintained or removed upon the real estate or
12 right of way; ~~and~~

13 (iv) The written agreement of the community antenna
14 television company to indemnify and hold harmless such
15 public utility, railroad or pipeline owner or operator from
16 the costs of any damages directly or indirectly caused by
17 the installation, maintenance, repair, operation, or
18 removal of cable television facilities. Upon request of the
19 public utility, railroad, or owner or operator of an oil,
20 petroleum product, chemical or gas pipeline, the community
21 antenna television company shall provide proof that it has
22 purchased and will maintain a policy or policies of
23 insurance in amounts sufficient to provide coverage for
24 personal injury and property damage losses caused by or
25 resulting from the installation, maintenance, repair, or
26 removal of cable television facilities. The written

1 agreement shall provide that the community antenna
2 television company shall maintain such policies of
3 insurance in full force and effect as long as cable
4 television facilities remain on the real estate or right of
5 way; and-

6 (v) A statement, based upon information available to
7 the community antenna television company, confirming that
8 the proposed installation, maintenance, repair, or removal
9 does not create a dangerous condition or threaten public or
10 employee safety and will not adversely impact railroad
11 operations or disrupt vital transportation services.

12 For purposes of this subsection (f), and only in the case
13 of real estate or rights-of-way in possession of or in control
14 of a railroad, "community antenna television company" includes
15 a holder, cable operator, or broadband service provider, as
16 those terms are defined in Section 21-201 of the Public
17 Utilities Act.

18 Within 30 ~~15 business~~ days of receipt of the written prior
19 notice of entry the public utility, railroad or pipeline owner
20 or operator shall investigate and determine whether or not the
21 proposed entry and installation or repair, maintenance, or
22 removal would create a dangerous condition threatening the
23 safety of the public or the safety of its employees or
24 threatening to cause an interruption of the furnishing of vital
25 transportation, utility or pipeline services and upon so
26 finding shall so notify the community antenna television

1 company or municipality of such decision in writing. Initial
2 determination of the existence of such a dangerous condition or
3 interruption of services shall be made by the public utility,
4 railroad or pipeline owner or operator whose real estate or
5 right of way is involved. In the event that the community
6 antenna television company or municipality disagrees with such
7 determination, a determination of whether such entry and
8 installation, maintenance, repair, or removal would create
9 such a dangerous condition or interrupt services shall, upon
10 application of the community antenna television company, be
11 made by the Illinois Commerce Commission Transportation
12 Division in accordance with the Commission's Rail Safety
13 Program ~~a court of competent jurisdiction upon the application~~
14 ~~of such community antenna television company or municipality.~~
15 An initial written determination of a public utility, railroad,
16 or pipeline owner or operator timely made and transmitted to
17 the community antenna television company or municipality, in
18 the absence of a determination by the Illinois Commerce
19 Commission Transportation Division, in accordance with the
20 Commission's Rail Safety Program, or a court of competent
21 jurisdiction finding to the contrary, bars the entry of the
22 community antenna television company or municipality upon the
23 real estate or right of way for any purpose.

24 Any public utility, railroad or pipeline owner or operator
25 may assert a written claim against any community antenna
26 television company for just compensation within 30 days after

1 written notice has been given in accordance with this
2 subparagraph (f). If, within 60 days after the receipt of such
3 claim for compensation, the community antenna television
4 company has not agreed to the amount claimed or some other
5 amount acceptable to the public utility, railroad or pipeline
6 owner or operator, the public utility, railroad or pipeline
7 owner or operator may bring suit to enforce such claim for just
8 compensation in any court of competent jurisdiction and, upon
9 timely demand, may require that the amount of just compensation
10 be determined by a jury. Any such action shall be commenced
11 within 6 months of the notice provided for in this subparagraph
12 (f). In any action brought to determine such just compensation,
13 the public utility, railroad or pipeline owner or operator may
14 submit such evidence as may be relevant to the issue of just
15 compensation. Neither the assertion of a claim for compensation
16 nor the initiation of legal action to enforce such claim shall
17 delay or impair the right of the community antenna television
18 company to construct or install cable television facilities
19 upon any real estate or rights of way of any public utility,
20 railroad or pipeline owner or operator.

21 To the extent that the public utility, railroad, or owner
22 or operator of an oil, petroleum product, chemical or gas
23 pipeline deems it appropriate to supervise, monitor or
24 otherwise assist the community antenna television company in
25 connection with the installation, maintenance, repair or
26 removal of cable television facilities upon such real estate or

1 rights of way, the community antenna television company shall
2 reimburse the public utility, railroad or owner or operator of
3 an oil, petroleum product, chemical or gas pipeline for costs
4 reasonable and actually incurred in connection therewith.

5 The provisions of this subparagraph (f) shall not be
6 applicable to any easements, rights of way or ways for public
7 service facilities in which public utilities, other than
8 railroads, have any interest pursuant to "An Act to revise the
9 law in relation to plats", approved March 21, 1874, as amended,
10 and all ordinances enacted pursuant thereto. Such easements,
11 rights of way and ways for public service facilities are hereby
12 declared to be apportionable and upon written request by a
13 community antenna television company, public utilities shall
14 make such easements, rights of way and ways for public service
15 facilities available for the construction, maintenance, repair
16 or removal of cable television facilities provided that such
17 construction, maintenance, repair or removal does not create a
18 dangerous condition threatening the safety of the public or the
19 safety of such public utility employees or threatening to cause
20 an interruption of the furnishing of vital utility service.
21 Initial determination of the existence of such a dangerous
22 condition or interruption of services shall be made by the
23 public utility whose easement, right of way or way for public
24 service facility is involved. In the event the community
25 antenna television company or municipality disagrees with such
26 determination, a determination of whether such construction,

1 maintenance, repair or removal would create such a dangerous
2 condition or threaten to interrupt vital utility services,
3 shall be made by a court of competent jurisdiction upon the
4 application of such community antenna television company.

5 If a municipality notifies or a municipality requires a
6 developer to notify a public utility before or after issuing a
7 permit or other authorization for the construction of
8 residential buildings, then the municipality or developer
9 shall, at the same time, similarly notify any community antenna
10 television system franchised by or within that municipality.

11 In addition to such other notices as may be required by
12 this subparagraph (f), a community antenna television company
13 or municipality shall not enter upon the real estate or rights
14 of way of any public utility, railroad or pipeline owner or
15 operator for the purposes of above-ground maintenance or repair
16 of its television cable facilities without giving 96 hours
17 prior written notice to the registered agent of the public
18 utility, railroad or pipeline owner or operator involved, or in
19 the case of a public utility, notice may be given through the
20 statewide one-call notice system provided for by General Order
21 of the Illinois Commerce Commission or, if in Chicago, through
22 the system known as the Chicago Utility Alert Network.

23 (Source: P.A. 93-219, eff. 1-1-04.)

24 Section 15. The Crossing of Railroad Right-of-way Act is
25 amended by changing Section 5 as follows:

1 (220 ILCS 70/5)

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

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

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

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

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

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

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

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

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

2 (2) Electricity.

3 (3) Gas by piped system.

4 (4) Sanitary and storm sewer service.

5 (5) Water by piped system.

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

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

10 (1) A right-of-way or other interest in real estate
11 that is owned or operated by a land management company and
12 not a registered rail carrier.

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

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

18 (1) The characteristics of a segment of a railroad
19 right-of-way not found in a typical segment of a railroad
20 right-of-way that enhance the value or increase the damages
21 or the engineering or construction expenses for the land
22 management company associated with a proposed crossing, or
23 to the current or reasonably anticipated use by a land
24 management company of the railroad right-of-way,
25 necessitating additional terms and conditions or
26 compensation associated with a crossing.

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

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

9 "Utility" shall include (1) public utilities as defined in
10 Section 3-105 of the Public Utilities Act, (2)
11 telecommunications carriers as defined in Section 13-202 of the
12 Public Utilities Act, (3) electric cooperatives as defined in
13 Section 3.4 of the Electric Supplier Act, (4) telephone or
14 telecommunications cooperatives as defined in Section 13-212
15 of the Public Utilities Act, (5) rural water or waste water
16 systems with 10,000 connections or less, (6) a holder as
17 defined in Section 21-201 of the Public Utilities Act, (7)
18 municipalities owning or operating utility systems consisting
19 of public utilities as that term is defined in Section 11-117-2
20 of the Illinois Municipal Code, ~~and~~ (8) a cable operator that
21 is issued a cable television franchise by the municipality or
22 county pursuant to Section 11-42-11 of the Illinois Municipal
23 Code or Section 5-1095 of the Counties Code, and (9) a provider
24 of broadband service as that term is defined in Section 21-201
25 of the Public Utilities Act.

26 (Source: P.A. 99-525, eff. 6-30-16.)

1 Section 20. The Illinois Vehicle Code is amended by
2 changing Section 18c-7401 as follows:

3 (625 ILCS 5/18c-7401) (from Ch. 95 1/2, par. 18c-7401)

4 Sec. 18c-7401. Safety Requirements for Track, Facilities,
5 and Equipment.

6 (1) General Requirements. Each rail carrier shall,
7 consistent with rules, orders, and regulations of the Federal
8 Railroad Administration, construct, maintain, and operate all
9 of its equipment, track, and other property in this State in
10 such a manner as to pose no undue risk to its employees or the
11 person or property of any member of the public.

12 (2) Adoption of Federal Standards. The track safety
13 standards and accident/incident standards promulgated by the
14 Federal Railroad Administration shall be safety standards of
15 the Commission. The Commission may, in addition, adopt by
16 reference in its regulations other federal railroad safety
17 standards, whether contained in federal statutes or in
18 regulations adopted pursuant to such statutes.

19 (3) Railroad Crossings. No public road, highway, or street
20 shall hereafter be constructed across the track of any rail
21 carrier at grade, nor shall the track of any rail carrier be
22 constructed across a public road, highway or street at grade,
23 without having first secured the permission of the Commission;
24 provided, that this Section shall not apply to the replacement

1 of lawfully existing roads, highways and tracks. No public
2 pedestrian bridge or subway shall be constructed across the
3 track of any rail carrier without having first secured the
4 permission of the Commission. The Commission shall have the
5 right to refuse its permission or to grant it upon such terms
6 and conditions as it may prescribe. The Commission shall have
7 power to determine and prescribe the manner, including the
8 particular point of crossing, and the terms of installation,
9 operation, maintenance, use and protection of each such
10 crossing.

11 The Commission shall also have power, after a hearing, to
12 require major alteration of or to abolish any crossing,
13 heretofore or hereafter established, when in its opinion, the
14 public safety requires such alteration or abolition, and,
15 except in cities, villages and incorporated towns of 1,000,000
16 or more inhabitants, to vacate and close that part of the
17 highway on such crossing altered or abolished and cause
18 barricades to be erected across such highway in such manner as
19 to prevent the use of such crossing as a highway, when, in the
20 opinion of the Commission, the public convenience served by the
21 crossing in question is not such as to justify the further
22 retention thereof; or to require a separation of grades, at
23 railroad-highway grade crossings; or to require a separation of
24 grades at any proposed crossing where a proposed public highway
25 may cross the tracks of any rail carrier or carriers; and to
26 prescribe, after a hearing of the parties, the terms upon which

1 such separations shall be made and the proportion in which the
2 expense of the alteration or abolition of such crossings or the
3 separation of such grades, having regard to the benefits, if
4 any, accruing to the rail carrier or any party in interest,
5 shall be divided between the rail carrier or carriers affected,
6 or between such carrier or carriers and the State, county,
7 municipality or other public authority in interest. However, a
8 public hearing by the Commission to abolish a crossing shall
9 not be required when the public highway authority in interest
10 vacates the highway. In such instance the rail carrier,
11 following notification to the Commission and the highway
12 authority, shall remove any grade crossing warning devices and
13 the grade crossing surface.

14 The Commission shall also have power by its order to
15 require the reconstruction, minor alteration, minor relocation
16 or improvement of any crossing (including the necessary highway
17 approaches thereto) of any railroad across any highway or
18 public road, pedestrian bridge, or pedestrian subway, whether
19 such crossing be at grade or by overhead structure or by
20 subway, whenever the Commission finds after a hearing or
21 without a hearing as otherwise provided in this paragraph that
22 such reconstruction, alteration, relocation or improvement is
23 necessary to preserve or promote the safety or convenience of
24 the public or of the employees or passengers of such rail
25 carrier or carriers. By its original order or supplemental
26 orders in such case, the Commission may direct such

1 reconstruction, alteration, relocation, or improvement to be
2 made in such manner and upon such terms and conditions as may
3 be reasonable and necessary and may apportion the cost of such
4 reconstruction, alteration, relocation or improvement and the
5 subsequent maintenance thereof, having regard to the benefits,
6 if any, accruing to the railroad or any party in interest,
7 between the rail carrier or carriers and public utilities
8 affected, or between such carrier or carriers and public
9 utilities and the State, county, municipality or other public
10 authority in interest. The cost to be so apportioned shall
11 include the cost of changes or alterations in the equipment of
12 public utilities affected as well as the cost of the
13 relocation, diversion or establishment of any public highway,
14 made necessary by such reconstruction, alteration, relocation
15 or improvement of said crossing. A hearing shall not be
16 required in those instances when the Commission enters an order
17 confirming a written stipulation in which the Commission, the
18 public highway authority or other public authority in interest,
19 the rail carrier or carriers affected, and in instances
20 involving the use of the Grade Crossing Protection Fund, the
21 Illinois Department of Transportation, agree on the
22 reconstruction, alteration, relocation, or improvement and the
23 subsequent maintenance thereof and the division of costs of
24 such changes of any grade crossing (including the necessary
25 highway approaches thereto) of any railroad across any highway,
26 pedestrian bridge, or pedestrian subway.

1 Every rail carrier operating in the State of Illinois shall
2 construct and maintain every highway crossing over its tracks
3 within the State so that the roadway at the intersection shall
4 be as flush with the rails as superelevated curves will allow,
5 and, unless otherwise ordered by the Commission, shall
6 construct and maintain the approaches thereto at a grade of not
7 more than 5% within the right of way for a distance of not less
8 the 6 feet on each side of the centerline of such tracks;
9 provided, that the grades at the approaches may be maintained
10 in excess of 5% only when authorized by the Commission.

11 Every rail carrier operating within this State shall remove
12 from its right of way at all railroad-highway grade crossings
13 within the State, such brush, shrubbery, and trees as is
14 reasonably practical for a distance of not less than 500 feet
15 in either direction from each grade crossing. The Commission
16 shall have power, upon its own motion, or upon complaint, and
17 after having made proper investigation, to require the
18 installation of adequate and appropriate luminous reflective
19 warning signs, luminous flashing signals, crossing gates
20 illuminated at night, or other protective devices in order to
21 promote and safeguard the health and safety of the public.
22 Luminous flashing signal or crossing gate devices installed at
23 grade crossings, which have been approved by the Commission,
24 shall be deemed adequate and appropriate. The Commission shall
25 have authority to determine the number, type, and location of
26 such signs, signals, gates, or other protective devices which,

1 however, shall conform as near as may be with generally
2 recognized national standards, and the Commission shall have
3 authority to prescribe the division of the cost of the
4 installation and subsequent maintenance of such signs,
5 signals, gates, or other protective devices between the rail
6 carrier or carriers, the public highway authority or other
7 public authority in interest, and in instances involving the
8 use of the Grade Crossing Protection Fund, the Illinois
9 Department of Transportation. Except where train crews provide
10 flagging of the crossing to road users, yield signs shall be
11 installed at all highway intersections with every grade
12 crossing in this State that is not equipped with automatic
13 warning devices, such as luminous flashing signals or crossing
14 gate devices. A stop sign may be used in lieu of the yield sign
15 when an engineering study conducted in cooperation with the
16 highway authority and the Illinois Department of
17 Transportation has determined that a stop sign is warranted. If
18 the Commission has ordered the installation of luminous
19 flashing signal or crossing gate devices at a grade crossing
20 not equipped with active warning devices, the Commission shall
21 order the installation of temporary stop signs at the highway
22 intersection with the grade crossing unless an engineering
23 study has determined that a stop sign is not appropriate. If a
24 stop sign is not appropriate, the Commission may order the
25 installation of other appropriate supplemental signing as
26 determined by an engineering study. The temporary signs shall

1 remain in place until the luminous flashing signal or crossing
2 gate devices have been installed. The rail carrier is
3 responsible for the installation and subsequent maintenance of
4 any required signs. The permanent signs shall be in place by
5 July 1, 2011.

6 No railroad may change or modify the warning device system
7 at a railroad-highway grade crossing, including warning
8 systems interconnected with highway traffic control signals,
9 without having first received the approval of the Commission.
10 The Commission shall have the further power, upon application,
11 upon its own motion, or upon complaint and after having made
12 proper investigation, to require the interconnection of grade
13 crossing warning devices with traffic control signals at
14 highway intersections located at or near railroad crossings
15 within the distances described by the State Manual on Uniform
16 Traffic Control Devices adopted pursuant to Section 11-301 of
17 this Code. In addition, State and local authorities may not
18 install, remove, modernize, or otherwise modify traffic
19 control signals at a highway intersection that is
20 interconnected or proposed to be interconnected with grade
21 crossing warning devices when the change affects the number,
22 type, or location of traffic control devices on the track
23 approach leg or legs of the intersection or the timing of the
24 railroad preemption sequence of operation until the Commission
25 has approved the installation, removal, modernization, or
26 modification. Commission approval shall be limited to

1 consideration of issues directly affecting the public safety at
2 the railroad-highway grade crossing. The electrical circuit
3 devices, alternate warning devices, and preemption sequences
4 shall conform as nearly as possible, considering the particular
5 characteristics of the crossing and intersection area, to the
6 State manual adopted by the Illinois Department of
7 Transportation pursuant to Section 11-301 of this Code and such
8 federal standards as are made applicable by subsection (2) of
9 this Section. In order to carry out this authority, the
10 Commission shall have the authority to determine the number,
11 type, and location of traffic control devices on the track
12 approach leg or legs of the intersection and the timing of the
13 railroad preemption sequence of operation. The Commission
14 shall prescribe the division of costs for installation and
15 maintenance of all devices required by this paragraph between
16 the railroad or railroads and the highway authority in interest
17 and in instances involving the use of the Grade Crossing
18 Protection Fund or a State highway, the Illinois Department of
19 Transportation.

20 Any person who unlawfully or maliciously removes, throws
21 down, damages or defaces any sign, signal, gate or other
22 protective device, located at or near any public grade
23 crossing, shall be guilty of a petty offense and fined not less
24 than \$50 nor more than \$200 for each offense. In addition to
25 fines levied under the provisions of this Section a person
26 adjudged guilty hereunder may also be directed to make

1 restitution for the costs of repair or replacement, or both,
2 necessitated by his misconduct.

3 It is the public policy of the State of Illinois to enhance
4 public safety by establishing safe grade crossings. In order to
5 implement this policy, the Illinois Commerce Commission is
6 directed to conduct public hearings and to adopt specific
7 criteria by July 1, 1994, that shall be adhered to by the
8 Illinois Commerce Commission in determining if a grade crossing
9 should be opened or abolished. The following factors shall be
10 considered by the Illinois Commerce Commission in developing
11 the specific criteria for opening and abolishing grade
12 crossings:

- 13 (a) timetable speed of passenger trains;
- 14 (b) distance to an alternate crossing;
- 15 (c) accident history for the last 5 years;
- 16 (d) number of vehicular traffic and posted speed
17 limits;
- 18 (e) number of freight trains and their timetable
19 speeds;
- 20 (f) the type of warning device present at the grade
21 crossing;
- 22 (g) alignments of the roadway and railroad, and the
23 angle of intersection of those alignments;
- 24 (h) use of the grade crossing by trucks carrying
25 hazardous materials, vehicles carrying passengers for
26 hire, and school buses; and

1 (i) use of the grade crossing by emergency vehicles.

2 The Illinois Commerce Commission, upon petition to open or
3 abolish a grade crossing, shall enter an order opening or
4 abolishing the crossing if it meets the specific criteria
5 adopted by the Commission.

6 Except as otherwise provided in this subsection (3), in no
7 instance shall a grade crossing be permanently closed without
8 public hearing first being held and notice of such hearing
9 being published in an area newspaper of local general
10 circulation.

11 (4) Freight Trains - Radio Communications. The Commission
12 shall after hearing and order require that every main line
13 railroad freight train operating on main tracks outside of yard
14 limits within this State shall be equipped with a radio
15 communication system. The Commission after notice and hearing
16 may grant exemptions from the requirements of this Section as
17 to secondary and branch lines.

18 (5) Railroad Bridges and Trestles - Walkway and Handrail.
19 In cases in which the Commission finds the same to be practical
20 and necessary for safety of railroad employees, bridges and
21 trestles, over and upon which railroad trains are operated,
22 shall include as a part thereof, a safe and suitable walkway
23 and handrail on one side only of such bridge or trestle, and
24 such handrail shall be located at the outer edge of the walkway
25 and shall provide a clearance of not less than 8 feet, 6
26 inches, from the center line of the nearest track, measured at

1 right angles thereto.

2 (6) Packages Containing Articles for First Aid to Injured
3 on Trains.

4 (a) All rail carriers shall provide a first aid kit
5 that contains, at a minimum, those articles prescribed by
6 the Commission, on each train or engine, for first aid to
7 persons who may be injured in the course of the operation
8 of such trains.

9 (b) A vehicle, excluding a taxi cab used in an
10 emergency situation, operated by a contract carrier
11 transporting railroad employees in the course of their
12 employment shall be equipped with a readily available first
13 aid kit that contains, as a minimum, the same articles that
14 are required on each train or engine.

15 (7) Abandoned Bridges, Crossings, and Other Rail Plant. The
16 Commission shall have authority, after notice and hearing, to
17 order:

18 (a) The removal of any abandoned railroad tracks from
19 roads, streets or other thoroughfares in this State; and

20 (b) The removal of abandoned overhead railroad
21 structures crossing highways, waterways, or railroads.

22 The Commission may equitably apportion the cost of such
23 actions between the rail carrier or carriers, public utilities,
24 and the State, county, municipality, township, road district,
25 or other public authority in interest.

26 (8) Railroad-Highway Bridge Clearance. A vertical

1 clearance of not less than 23 feet above the top of rail shall
2 be provided for all new or reconstructed highway bridges
3 constructed over a railroad track. The Commission may permit a
4 lesser clearance if it determines that the 23 foot clearance
5 standard cannot be justified based on engineering,
6 operational, and economic conditions.

7 (9) Right of Access To Railroad Property.

8 (a) A community antenna television company franchised
9 by a municipality or county pursuant to the Illinois
10 Municipal Code or the Counties Code, respectively, shall
11 not enter upon any real estate or rights-of-way in the
12 possession or control of a railroad subject to the
13 jurisdiction of the Illinois Commerce Commission unless
14 the community antenna television company first complies
15 with the applicable provisions of subparagraph (f) of
16 Section 11-42-11.1 of the Illinois Municipal Code or
17 subparagraph (f) of Section 5-1096 of the Counties Code.

18 (b) Notwithstanding any provision of law to the
19 contrary, this subsection (9) applies to all entries of
20 railroad rights-of-way involving a railroad subject to the
21 jurisdiction of the Illinois Commerce Commission by a
22 community antenna television company and shall govern in
23 the event of any conflict with any other provision of law.

24 (c) This subsection (9) applies to any entry upon any
25 real estate or right-of-way in the possession or control of
26 a railroad subject to the jurisdiction of the Illinois

1 Commerce Commission for the purpose of or in connection
2 with the construction, or installation of a community
3 antenna television company's system or facilities
4 commenced or renewed on or after the effective date of this
5 amendatory Act of the 100th General Assembly.

6 (d) Nothing in this amendatory Act of the 100th General
7 Assembly shall be construed to prevent a railroad from
8 negotiating other terms and conditions or the resolution of
9 any dispute in relation to an entry upon or right of access
10 as set forth in this subsection (9).

11 (e) For purposes of this subsection (9):

12 "Broadband service", "cable operator", and "holder"
13 have the meanings given to those terms under Section 21-201
14 of the Public Utilities Act.

15 "Community antenna television company" includes, in
16 the case of real estate or rights-of-way in possession of
17 or in control of a railroad, a holder, cable operator, or
18 broadband service provider.

19 (f) Beginning on the effective date this amendatory Act
20 of the 100th General Assembly, the Transportation Division
21 of the Illinois Commerce Commission shall include in its
22 annual Crossing Safety Improvement Program report a brief
23 description of the number of cases decided by the Illinois
24 Commerce Commission and the number of cases that remain
25 pending before the Illinois Commerce Commission under this
26 subsection (9) for the period covered by the report.

1 (Source: P.A. 96-470, eff. 8-14-09; 97-374, eff. 1-1-12.)

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