



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1449

Introduced 2/9/2017, by Sen. Emil Jones, III

#### SYNOPSIS AS INTRODUCED:

605 ILCS 5/6-801.5 new

Amends the Illinois Highway Code. Provides that an owner of real property that is located within the unincorporated boundaries of a township road district and has a residential roadway considered to be a private roadway, may transfer title to the roadway and any necessary easements to the township road district by entering into a binding written agreement with the township road district. Provides that the written agreement may include a provision for allocation of initial costs and fees for the construction or repair of the roadway at the time of transfer. Provides that upon the effective date of transfer and after any initial costs and fees allocated under the agreement, the roadway shall be maintained, repaired, and serviced by the township road district. Provides criteria for a roadway to be transferred in this manner. Effective immediately.

LRB100 09826 AXK 19996 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 Illinois Highway Code is amended by adding  
5 Section 6-801.5 as follows:

6 (605 ILCS 5/6-801.5 new)

7 Sec. 6-801.5. Township road district; private roadway  
8 acquisition.

9 (a) An owner of real property that (1) is located within  
10 the unincorporated boundaries of a township road district; and  
11 (2) has a residential roadway considered to be a private  
12 roadway, may transfer title to the roadway and any necessary  
13 easements to the township road district. Subject to approval by  
14 the township board of trustees, the highway commissioner shall  
15 formalize the transfer by entering into a binding written  
16 agreement with the owner or owners of the private roadway on  
17 behalf of the township road district. The agreement may include  
18 a provision for allocation of initial costs and fees for the  
19 construction or repair of the roadway at the time of transfer  
20 between the property owner or owners and the township road  
21 district. After approval of the agreement, the township board  
22 of trustees shall notify all municipalities adjacent to the  
23 roadway of the transfer and the written agreement shall be

1 filed with the township clerk and the Department's Central  
2 Bureau of Local Roads and Streets.

3 (b) Upon the effective date of transfer and after any  
4 initial costs and fees allocated under the written agreement,  
5 the roadway shall be maintained, repaired, and serviced by the  
6 township road district.

7 (c) Rules, specifications, and regulations regarding  
8 location, width, grades, surface, and drainage structures  
9 applicable to township road district roads that apply on the  
10 date of the transfer shall not apply to a roadway transferred  
11 under this Section.

12 (d) This Section shall only apply to areas that meet the  
13 following qualifications:

14 (1) the roadway to be transferred shall be located  
15 within the boundaries of a county whose population is no  
16 less than 500,000 as determined by the most recent U.S.  
17 Census;

18 (2) the roadway is fully within the boundaries of the  
19 township road district; and

20 (3) the roadway may not be part of a gated community,  
21 be subject to a guard post, have any physical obstructions,  
22 or have any signs that prevent ongoing and regular access  
23 by the general public.

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