



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3172

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

605 ILCS 10/11

from Ch. 121, par. 100-11

Amends the Toll Highway Act. Provides that, if the acquisition, construction, relocation, operation, regulation, or maintenance of a toll highway requires the relocation of public utilities due to the elimination of a tollway oasis bridge, the Illinois Highway Authority must conduct an assessment in order to determine the most cost-effective means of providing utility service to associated tollway property that remains. Provides that such an assessment shall include an estimate of the total cost of the required relocation of the utilities, an examination of alternative options for the provision of utilities to the relevant tollway property, and the associated costs of each. Provides that, if the assessment indicates that the most cost-effective means of providing utility service to tollway property is via the adjacent municipality, the Authority shall require that the relevant utilities be provided to the tollway property by the adjacent municipality, which shall be appropriately compensated from the sales tax proceeds generated from the subject tollway property. Provides for an intergovernmental agreement to effectuate adequate compensation for the adjacent municipality. Provides that, when a tollway oasis bridge is eliminated, the Authority must conduct an assessment in order to determine the impacts the modification will have on adjacent municipalities and whether, in the interest of equity, such adjacent municipalities should share in any sales tax revenues. Provides that the analysis shall consider several specific criteria relating to pollution, private nuisance, frequency of usage, and the need for public services. Provides that, if the Authority determines that any municipality adjacent to the tollway property is substantially impacted by activities or businesses conducted on the property, it shall be appropriately compensated. Provides that the Authority, the municipality wherein the tollway property is located, and the impacted adjacent municipality shall enter into an intergovernmental agreement to effectuate the requirements and provide for adequate compensation.

LRB101 11115 TAE 56334 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 Toll Highway Act is amended by changing
5 Section 11 as follows:

6 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

7 Sec. 11. The Authority shall have power:

8 (a) To enter upon lands, waters and premises in the State
9 for the purpose of making surveys, soundings, drillings and
10 examinations as may be necessary, expedient or convenient for
11 the purposes of this Act, and such entry shall not be deemed to
12 be a trespass, nor shall an entry for such purpose be deemed an
13 entry under any condemnation proceedings which may be then
14 pending; provided, however, that the Authority shall make
15 reimbursement for any actual damage resulting to such lands,
16 waters and premises as the result of such activities.

17 (b) To construct, maintain and operate stations for the
18 collection of tolls or charges upon and along any toll
19 highways.

20 (c) To provide for the collection of tolls and charges for
21 the privilege of using the said toll highways. Before it adopts
22 an increase in the rates for toll, the Authority shall hold a
23 public hearing at which any person may appear, express

1 opinions, suggestions, or objections, or direct inquiries
2 relating to the proposed increase. Any person may submit a
3 written statement to the Authority at the hearing, whether
4 appearing in person or not. The hearing shall be held in the
5 county in which the proposed increase of the rates is to take
6 place. The Authority shall give notice of the hearing by
7 advertisement on 3 successive days at least 15 days prior to
8 the date of the hearing in a daily newspaper of general
9 circulation within the county within which the hearing is held.
10 The notice shall state the date, time, and place of the
11 hearing, shall contain a description of the proposed increase,
12 and shall specify how interested persons may obtain copies of
13 any reports, resolutions, or certificates describing the basis
14 on which the proposed change, alteration, or modification was
15 calculated. After consideration of any statements filed or oral
16 opinions, suggestions, objections, or inquiries made at the
17 hearing, the Authority may proceed to adopt the proposed
18 increase of the rates for toll. No change or alteration in or
19 modification of the rates for toll shall be effective unless at
20 least 30 days prior to the effective date of such rates notice
21 thereof shall be given to the public by publication in a
22 newspaper of general circulation, and such notice, or notices,
23 thereof shall be posted and publicly displayed at each and
24 every toll station upon or along said toll highways.

25 (d) To construct, at the Authority's discretion, grade
26 separations at intersections with any railroads, waterways,

1 street railways, streets, thoroughfares, public roads or
2 highways intersected by the said toll highways, and to change
3 and adjust the lines and grades thereof so as to accommodate
4 the same to the design of such grade separation and to
5 construct interchange improvements. The Authority is
6 authorized to provide such grade separations or interchange
7 improvements at its own cost or to enter into contracts or
8 agreements with reference to division of cost therefor with any
9 municipality or political subdivision of the State of Illinois,
10 or with the Federal Government, or any agency thereof, or with
11 any corporation, individual, firm, person or association.
12 Where such structures have been or will be built by the
13 Authority, the local highway agency or municipality with
14 jurisdiction shall enter into an agreement with the Authority
15 for the ongoing maintenance of the structures..

16 (e) To contract with and grant concessions to or lease or
17 license to any person, partnership, firm, association or
18 corporation so desiring the use of any part of any toll
19 highways, excluding the paved portion thereof, but including
20 the right of way adjoining, under, or over said paved portion
21 for the placing of telephone, telegraph, electric, power lines
22 and other utilities, and for the placing of pipe lines, and to
23 enter into operating agreements with or to contract with and
24 grant concessions to or to lease to any person, partnership,
25 firm, association or corporation so desiring the use of any
26 part of the toll highways, excluding the paved portion thereof,

1 but including the right of way adjoining, or over said paved
2 portion for motor fuel service stations and facilities,
3 garages, stores and restaurants, or for any other lawful
4 purpose, and to fix the terms, conditions, rents, rates and
5 charges for such use.

6 By January 1, 2016, the Authority shall construct and
7 maintain at least one electric vehicle charging station at any
8 location where the Authority has entered into an agreement with
9 any entity pursuant to this subsection (e) for the purposes of
10 providing motor fuel service stations and facilities, garages,
11 stores, or restaurants. The Authority shall charge a fee for
12 the use of these charging stations to offset the costs of
13 constructing and maintaining these charging stations. The
14 Authority shall adopt rules to implement the erection, user
15 fees, and maintenance of electric vehicle charging stations
16 pursuant to this subsection (e).

17 The Authority shall also have power to establish reasonable
18 regulations for the installation, construction, maintenance,
19 repair, renewal, relocation and removal of pipes, mains,
20 conduits, cables, wires, towers, poles and other equipment and
21 appliances (herein called public utilities) of any public
22 utility as defined in the Public Utilities Act along, over or
23 under any toll road project. Whenever the Authority shall
24 determine that it is necessary that any such public utility
25 facilities which now are located in, on, along, over or under
26 any project or projects be relocated or removed entirely from

1 any such project or projects, the public utility owning or
2 operating such facilities shall relocate or remove the same in
3 accordance with the order of the Authority. All costs and
4 expenses of such relocation or removal, including the cost of
5 installing such facilities in a new location or locations, and
6 the cost of any land or lands, or interest in land, or any
7 other rights required to accomplish such relocation or removal
8 shall be ascertained and paid by the Authority as a part of the
9 cost of any such project or projects, and further, there shall
10 be no rent, fee or other charge of any kind imposed upon the
11 public utility owning or operating any facilities ordered
12 relocated on the properties of the said Authority and the said
13 Authority shall grant to the said public utility owning or
14 operating said facilities and its successors and assigns the
15 right to operate the same in the new location or locations for
16 as long a period and upon the same terms and conditions as it
17 had the right to maintain and operate such facilities in their
18 former location or locations.

19 (e-5) If the acquisition, construction, relocation,
20 operation, regulation or maintenance of a toll highway requires
21 the relocation of public utilities due to the elimination of a
22 tollway oasis bridge, the Authority must conduct an assessment
23 in order to determine the most cost-effective means of
24 providing utility service to associated tollway property that
25 remains. Such an assessment shall include: (1) an estimate of
26 the total cost of the required relocation of the utilities, and

1 (2) an examination of alternative options for the provision of
2 utilities to the relevant tollway property, and the associated
3 costs of each. If the assessment indicates that the most
4 cost-effective means of providing utility service to tollway
5 property is via the adjacent municipality rather than the
6 municipality wherein the subject tollway property is located,
7 the Authority shall require that the relevant utilities be
8 provided to the tollway property by the adjacent municipality,
9 which shall be appropriately compensated from the sales tax
10 proceeds generated from the subject tollway property. The
11 Authority, the municipality wherein the tollway property is
12 located, and the municipality providing the utility service
13 shall enter into an intergovernmental agreement to effectuate
14 this subsection and provide for adequate compensation.

15 (e-10) If a tollway oasis bridge is eliminated, the
16 Authority must conduct an assessment in order to determine the
17 impacts the modification will have on the municipalities
18 adjacent to tollway property and whether in the interest of
19 equity, such adjacent municipalities should share in any sales
20 tax revenues generated from the tollway property. This analysis
21 shall consider criteria, including, but not limited to: the
22 degree to which adjacent homeowners are exposed to
23 tollway-related noise, pollution and debris; the impact of
24 Tollway lighting on any adjacent homeowners; the presence of
25 trucks and other industrial and commercial vehicles that emit
26 exhaust and noise; the presence of litter from the tollway; the

1 need for first responders to respond to emergencies on tollway
2 property; the usage of adjacent neighborhoods by service
3 vehicles for purposes of ingress or egress to tollway property;
4 and the lack of ability to provide input on the type of land
5 use on the tollway property.

6 If the Authority determines that any municipality adjacent
7 to the tollway property is substantially impacted by activities
8 or businesses conducted on the property, the adjacent
9 municipality shall be appropriately compensated from the sales
10 tax proceeds generated from the subject tollway property. The
11 Authority, the municipality wherein the tollway property is
12 located, and the impacted adjacent municipality shall enter
13 into an intergovernmental agreement to effectuate this
14 subsection and provide for adequate compensation.

15 (f) To enter into an intergovernmental agreement or
16 contract with a unit of local government or other public or
17 private entity for the collection, enforcement, and
18 administration of tolls, fees, revenue, and violations.

19 The General Assembly finds that electronic toll collection
20 systems in Illinois should be standardized to promote safety,
21 efficiency, and traveler convenience. The Authority shall
22 cooperate with other public and private entities to further the
23 goal of standardized toll collection in Illinois and is
24 authorized to provide toll collection and toll violation
25 enforcement services to such entities when doing so is in the
26 best interest of the Authority and consistent with its

1 obligations under Section 23 of this Act.

2 (Source: P.A. 100-71, eff. 1-1-18.)