



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5480

by Rep. Lance Yednock

#### SYNOPSIS AS INTRODUCED:

See Index

Repeals the Public Private Agreements for the Illiana Expressway Act. Creates the Joliet Bridge Act. Provides that the Illinois Department of Transportation on behalf of the State, pursuant to a competitive request for proposals process governed by the Illinois Procurement Code and rules adopted under that Code and the new Act, may enter into one or more public-private agreements with one or more contractors to develop, finance, construct, manage, or operate the Joliet Bridge on behalf of the State, and further pursuant to which the contractors may receive certain revenues including user fees in consideration of the payment of money to the State for that right. Contains provisions concerning: procurement; prequalification; provisions of the agreement; interim agreements; termination; proceeds; the creation of the Joliet Bridge Proceeds Fund as a special fund in the State treasury; user fees; selection of design firms; other contracts; planning; reporting; publication; tolls; audits; property acquisition; standards; finance; labor; law enforcement; preemption of home rule; and severability. Makes corresponding changes in the Department of Transportation Law of the Civil Administrative Code of Illinois; the Illinois Finance Authority Act; the State Finance Act; the Public Construction Bond Act; the Employment of Illinois Workers on Public Works Act; the Business Enterprise for Minorities, Women, and Persons with Disabilities Act; the Retailers' Occupation Tax Act; the Property Tax Code; the Public-Private Partnerships for Transportation Act; the Eminent Domain Act; and the Prevailing Wage Act.

LRB101 18361 HEP 67808 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

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 1. Short title. This Act may be cited as the Joliet  
5 Bridge Act.

6 Section 5. Definitions. As used in this Act:

7 "Agreement" means a public-private agreement.

8 "Authority" means the Illinois State Toll Highway  
9 Authority.

10 "Contractor" means a private entity that has entered into a  
11 public-private agreement with the transportation agency on  
12 behalf of the State for the development, financing,  
13 construction, management, or operation of the Joliet Bridge  
14 pursuant to this Act.

15 "Department" means the Illinois Department of  
16 Transportation.

17 "Joliet Bridge" means the bridge carrying Interstate I-80  
18 in the City of Joliet, Will County over the Des Plaines River.

19 "Metropolitan planning organization" means a metropolitan  
20 planning organization designated under 23 U.S.C. Section 134.

21 "Offeror" means a private entity that responds to a request  
22 for proposals under this Act.

23 "Pension fund" means any defined benefit plan and defined

1 contribution plan operating and domiciled in North America for  
2 the benefit of employees in North America. "Pension fund" does  
3 not include any retirement system, pension fund, or investment  
4 board subject to the Illinois Pension Code.

5 "Private entity" means any individual, firm, association,  
6 joint venture, partnership, estate, trust, syndicate,  
7 fiduciary, corporation, or any other legal entity, group,  
8 pension fund, or combination thereof.

9 "Public-private agreement" means an agreement or contract  
10 between the Department and the Authority on behalf of the State  
11 and all schedules, exhibits, and attachments thereto, entered  
12 into pursuant to a competitive request for proposals process  
13 governed by the Illinois Procurement Code and rules adopted  
14 under that Code and this Act, for the development, financing,  
15 construction, management, or operation of the Joliet Bridge  
16 pursuant to this Act.

17 "Revenues" means all revenues, including, but not limited  
18 to, income; user fees; earnings; interest; lease payments;  
19 allocations; money from the federal government, the State, and  
20 units of local government, including, but not limited to,  
21 federal, State, and local appropriations, grants, loans, lines  
22 of credit, and credit guarantees; bond proceeds; equity  
23 investments; service payments; and other receipts arising out  
24 of or in connection with the financing, development,  
25 construction, management, or operation of the Joliet Bridge.

26 "State" means the State of Illinois.

1 "Secretary" means the Secretary of the Illinois Department  
2 of Transportation.

3 "Transportation agency" means: (i) the Department; or (ii)  
4 the Authority.

5 "Unit of local government" has the meaning provided in  
6 Section 1 of Article VII of the Illinois Constitution. As used  
7 in this Act, "unit of local government" includes school  
8 districts.

9 "User fees" means the tolls, rates, fees, or other charges  
10 imposed by the State or the contractor for the use of all or  
11 part of the Joliet Bridge.

12 Section 10. Public-private agreement authorized.

13 (a) Notwithstanding any provision of law to the contrary,  
14 the Department, on behalf of the State and pursuant to a  
15 competitive request for proposals process governed by the  
16 Illinois Procurement Code and rules adopted under that Code and  
17 this Act, may enter into one or more public-private agreements  
18 with one or more contractors to develop, finance, construct,  
19 manage, or operate the Joliet Bridge on behalf of the State,  
20 and further pursuant to which the contractors may receive  
21 certain revenues, including, but not limited to, user fees in  
22 consideration of the payment of money to the State for that  
23 right.

24 (b) Before taking any action in connection with the  
25 development, financing, maintenance, or operation of the

1 Joliet Bridge that is not authorized by an interim agreement  
2 under Section 30 of this Act, the contractor shall enter into a  
3 public-private agreement.

4 (c) The term of a public-private agreement, including all  
5 extensions, shall be no more than 50 years and no less than 30  
6 years.

7 (d) The term of a public-private agreement may be extended  
8 only if the extension is specifically authorized by the General  
9 Assembly by law.

10 Section 15. Procurement; prequalification. The Department  
11 may establish a process for prequalification of offerors. If  
12 the Department does create such a process, it shall:

13 (1) provide a public notice of the prequalification at  
14 least 30 days before the date on which applications are  
15 due;

16 (2) set forth requirements and evaluation criteria in  
17 order to become prequalified;

18 (3) determine which offerors that have submitted  
19 prequalification applications, if any, meet the  
20 requirements and evaluation criteria; and

21 (4) allow only those offerors that have been  
22 prequalified to respond to the request for proposals.

23 Section 20. Procurement; request for proposals process.

24 (a) Notwithstanding any provision of law to the contrary,

1 the Department on behalf of the State shall select a contractor  
2 through a competitive request for proposals process governed by  
3 the Illinois Procurement Code and rules adopted under that Code  
4 and this Act.

5 (b) The competitive request for proposals process, at a  
6 minimum, shall solicit statements of qualification and  
7 proposals from offerors.

8 (c) The competitive request for proposals process, at a  
9 minimum, shall take into account the following criteria:

- 10 (1) the offeror's plans for the Joliet Bridge project;
- 11 (2) the offeror's current and past business practices;
- 12 (3) the offeror's poor or inadequate past performance  
13 in developing, financing, constructing, managing, or  
14 operating highways or other public assets;
- 15 (4) the offeror's ability to meet and past performance  
16 in meeting or exhausting good faith efforts to meet the  
17 goals established in the Business Enterprise for  
18 Minorities, Women, and Persons with Disabilities Act;
- 19 (5) the offeror's ability to comply with and past  
20 performance in complying with Section 2-105 of the Illinois  
21 Human Rights Act; and
- 22 (6) the offeror's plans to comply with the Business  
23 Enterprise for Minorities, Women, and Persons with  
24 Disabilities Act and Section 2-105 of the Illinois Human  
25 Rights Act.

26 (d) The Department shall retain the services of the

1 Authority and of an advisor or advisors with significant  
2 experience in the development, financing, construction,  
3 management, or operation of public assets to assist in the  
4 preparation of the request for proposals.

5 (e) The Department shall not include terms in the request  
6 for proposals that provide an advantage, whether directly or  
7 indirectly, to any contractor presently providing goods,  
8 services, or equipment to the Department.

9 (f) The Department shall select at least 2 offerors as  
10 finalists. The Department shall submit the offerors'  
11 statements of qualification and proposals to the Commission on  
12 Government Forecasting and Accountability and the Procurement  
13 Policy Board, which shall, within 30 days of the submission,  
14 complete a review of the statements of qualification and  
15 proposals and, jointly or separately, report on, at a minimum,  
16 the satisfaction of the criteria contained in the request for  
17 proposals, the qualifications of the offerors, and the value of  
18 the proposals to the State. The Department shall not select an  
19 offeror as the contractor for the Joliet Bridge project until  
20 it has received and considered the findings of the Commission  
21 on Government Forecasting and Accountability and the  
22 Procurement Policy Board as set forth in their respective  
23 reports.

24 (g) Before awarding a public-private agreement to an  
25 offeror, the Department shall schedule and hold a public  
26 hearing or hearings on the proposed public-private agreement

1 and publish notice of the hearing or hearings at least 7 days  
2 before the hearing and in accordance with Section 4-219 of the  
3 Illinois Highway Code. The notice must include the following:

4 (1) the date, time, and place of the hearing and the  
5 address of the Department;

6 (2) the subject matter of the hearing;

7 (3) a description of the agreement that may be awarded;

8 and

9 (4) the recommendation that has been made to select an  
10 offeror as the contractor for the Joliet Bridge project.

11 At the hearing, the Department shall allow the public to be  
12 heard on the subject of the hearing.

13 (h) After the procedures required in this Section have been  
14 completed, the Department shall make a determination whether  
15 the offeror should be designated as the contractor for the  
16 Joliet Bridge project and shall submit the decision to the  
17 Governor and the Governor's Office of Management and Budget.

18 Section 25. Provisions of the public-private agreement.

19 (a) The public-private agreement shall include all of the  
20 following:

21 (1) the term of the public-private agreement that is  
22 consistent with Section 10 of this Act;

23 (2) the powers, duties, responsibilities, obligations,  
24 and functions of the Department and the contractor;

25 (3) compensation or payments to the Department, if



1 applicable;

2 (4) compensation or payments to the contractor;

3 (5) a provision specifying that the Department:

4 (A) has ready access to information regarding the  
5 contractor's powers, duties, responsibilities,  
6 obligations, and functions under the public-private  
7 agreement;

8 (B) has the right to demand and receive information  
9 from the contractor concerning any aspect of the  
10 contractor's powers, duties, responsibilities,  
11 obligations, and functions under the public-private  
12 agreement; and

13 (C) has the authority to direct or countermand  
14 decisions by the contractor at any time;

15 (6) a provision imposing an affirmative duty on the  
16 contractor to provide the Department with any information  
17 the contractor reasonably believes the Department would  
18 want to know or would need to know to enable the Department  
19 to exercise its powers, carry out its duties,  
20 responsibilities, and obligations, and perform its  
21 functions under this Act or the public-private agreement or  
22 as otherwise required by law;

23 (7) a provision requiring the contractor to provide the  
24 Department with advance notice of any decision that bears  
25 significantly on the public interest so the Department has  
26 a reasonable opportunity to evaluate and countermand that

1 decision pursuant to this Section;

2 (8) a requirement that the Department monitor and  
3 oversee the contractor's practices and take action that the  
4 Department considers appropriate to ensure that the  
5 contractor is in compliance with the terms of the  
6 public-private agreement;

7 (9) the authority of the Department to enter into  
8 contracts with third parties pursuant to Section 55 of this  
9 Act;

10 (10) a provision governing the contractor's authority  
11 to negotiate and execute subcontracts with third parties;

12 (11) a provision stating that, if the contractor does  
13 not have a subcontract with a design-build entity in effect  
14 at the time of execution of the public-private agreement by  
15 the Department, the contractor must follow a selection  
16 process that is, to the greatest extent possible, identical  
17 to the selection process contained in the Design-Build  
18 Procurement Act;

19 (12) the authority of the contractor to impose user  
20 fees and the amounts of those fees, including the authority  
21 of the contractor to use congestion pricing, pursuant to  
22 which higher tolls rates are imposed during times or in  
23 locations of increased congestion;

24 (13) a provision governing the deposit and allocation  
25 of revenues, including user fees;

26 (14) a provision governing rights to real and personal

1 property of the State, the Department, the contractor, and  
2 other third parties;

3 (15) a provision stating that the contractor must,  
4 pursuant to Section 80 of this Act, finance an independent  
5 audit if the construction costs under the contract exceed  
6 \$50,000,000;

7 (16) a provision regarding the implementation and  
8 delivery of a comprehensive system of internal audits;

9 (17) a provision regarding the implementation and  
10 delivery of reports, which must include a requirement that  
11 the contractor file with the Department, at least on an  
12 annual basis, financial statements containing information  
13 required by generally accepted accounting principles:

14 (18) procedural requirements for obtaining the prior  
15 approval of the Department when rights that are the subject  
16 of the agreement, including, but not limited to,  
17 development rights, construction rights, property rights,  
18 and rights to certain revenues, are sold, assigned,  
19 transferred, or pledged as collateral;

20 (19) grounds for termination of the agreement by the  
21 Department or the contractor and a restatement of the  
22 Department's rights under Section 35 of this Act;

23 (20) a requirement that the contractor enter into a  
24 project labor agreement pursuant to Section 105 of this  
25 Act;

26 (21) a provision stating that construction contractors

1 shall comply with the requirements of Section 30-22 of the  
2 Illinois Procurement Code pursuant to Section 105 of this  
3 Act;

4 (22) timelines, deadlines, and scheduling;

5 (23) review of plans, including development,  
6 financing, construction, management, or operations plans,  
7 by the Department;

8 (24) inspections by the Department, including  
9 inspections of construction work and improvements;

10 (25) the rights and remedies of the Department if the  
11 contractor defaults or otherwise fails to comply with the  
12 terms of the agreement;

13 (26) a requirement that the Authority create, operate,  
14 and manage a toll system pursuant to Section 75 of this Act  
15 and that the Authority may, pursuant to the agreement,  
16 operate and maintain the Joliet Bridge;

17 (27) a requirement that the Joliet Bridge transfer to  
18 the Authority upon termination of the agreement;

19 (28) a requirement that the Joliet Bridge have 4  
20 east-bound lanes and 4 west-bound lanes with dedicated  
21 lanes for freight vehicles once the Joliet Bridge is placed  
22 in service;

23 (29) language permitting the use of a design-build  
24 agreement permitting the contractor to furnish design,  
25 construction, and related services for the Joliet Bridge  
26 under this Act;

1 (30) a code of ethics for the contractor's officers and  
2 employees; and

3 (31) procedures for amendment to the agreement.

4 (b) The public-private agreement may include any or all of  
5 the following:

6 (1) a provision regarding the extension of the  
7 agreement that is consistent with Section 10 of this Act;

8 (2) cash reserves requirements;

9 (3) delivery of performance and payment bonds or other  
10 performance security in a form and amount that is  
11 satisfactory to the Department;

12 (4) maintenance of public liability insurance;

13 (5) maintenance of self-insurance;

14 (6) provisions governing grants and loans, pursuant to  
15 which the Department may agree to make grants or loans for  
16 the development, financing, construction, management, or  
17 operation of the Joliet Bridge project from time to time  
18 from amounts received from the federal government or any  
19 agency or instrumentality of the federal government or from  
20 any State or local agency;

21 (7) reimbursements to the Department for work  
22 performed and goods, services, and equipment provided by  
23 the Department; and

24 (8) all other terms, conditions, and provisions  
25 acceptable to the Department that the Department deems  
26 necessary and proper and in the public interest.

1 Section 30. Interim agreements.

2 (a) Before or in connection with the negotiation of the  
3 public-private agreement, the Department may enter into an  
4 interim agreement with the contractor.

5 (b) The interim agreement may not authorize the contractor  
6 to perform construction work before the execution of the  
7 public-private agreement.

8 (c) The interim agreement may include any or all of the  
9 following:

10 (1) timelines, deadlines, and scheduling;

11 (2) compensation, including the payment of costs and  
12 fees if the Department terminates the interim agreement or  
13 declines to proceed with the negotiation of the  
14 public-private agreement;

15 (3) a provision governing the contractor's authority  
16 to commence activities related to the Joliet Bridge  
17 project, including, but not limited to, project planning,  
18 advance right-of-way acquisition, design and engineering,  
19 environmental analysis and mitigation, surveying,  
20 conducting studies including revenue and transportation  
21 studies, and ascertaining the availability of financing;

22 (4) procurement procedures;

23 (5) a provision governing rights to real and personal  
24 property of the State, the Department, the contractor, and  
25 other third parties;

1           (6) all other terms, conditions, and provisions  
2           acceptable to the Department that the Department deems  
3           necessary and proper and in the public interest.

4           (d) The Department may enter into one or more interim  
5           agreements with one or more contractors if the Department  
6           determines in writing that it is in the public interest to do  
7           so.

8           Section 35. Termination of the public-private agreement.  
9           The Department may terminate a public-private agreement or  
10          interim agreement if the contractor or any executive employee  
11          of the contractor is found guilty of any criminal offense  
12          related to the conduct of its business or the regulation  
13          thereof in any jurisdiction. As used in this Section,  
14          "executive employee" means the president, chairman, chief  
15          executive officer, or chief financial officer; any employee  
16          with executive decision-making authority over the long-term or  
17          day-to-day affairs of the contractor; and any employee whose  
18          compensation or evaluation is determined in whole or in part by  
19          the award of the public-private agreement.

20          Section 40. Public-private agreement proceeds. After the  
21          payment of all transaction costs, including payments for legal,  
22          accounting, financial, consultation, and other professional  
23          services, all money received by the State as compensation for  
24          the public-private agreement shall be deposited into the Joliet

1 Bridge Proceeds Fund, which is hereby created as a special fund  
2 in the State treasury. Expenditures may be made from the Fund  
3 only in the manner as appropriated by the General Assembly.

4 Section 45. User fees. No user fees may be imposed by the  
5 contractor except as set forth in the public-private agreement.

6 Section 50. Selection of professional design firms.  
7 Notwithstanding any provision of law to the contrary, the  
8 selection of professional design firms by the Department or the  
9 contractor shall comply with the Architectural, Engineering,  
10 and Land Surveying Qualifications Based Selection Act.

11 Section 55. Other contracts. The Department may award,  
12 pursuant to the Illinois Procurement Code and rules adopted  
13 under that Code, contracts for goods, services, or equipment to  
14 private entities other than the contractor for goods, services,  
15 or equipment not provided for in the public-private agreement.

16 Section 60. Planning for the Joliet Bridge project. The  
17 Joliet Bridge project shall be subject to all applicable  
18 planning requirements otherwise required by law, including  
19 land use planning, regional planning, transportation planning,  
20 and environmental compliance requirements.

21 Section 65. Department reporting requirements and



1 information requests.

2 (a) The Department shall submit written monthly progress  
3 reports to the Procurement Policy Board and the General  
4 Assembly on the Joliet Bridge project. The report shall include  
5 the status of any public-private agreements or other  
6 contracting and any ongoing or completed studies. The  
7 Procurement Policy Board may determine the format for the  
8 written monthly progress reports.

9 (b) The Department shall also respond promptly in writing  
10 to all inquiries and comments of the Procurement Policy Board  
11 with respect to any conduct taken by the Department to  
12 implement, execute, or administer this Act.

13 (c) Upon request, the Department shall appear and testify  
14 before the Procurement Policy Board and produce information  
15 requested by the Procurement Policy Board.

16 (d) At least 30 days before the beginning of the  
17 Department's fiscal year, the Department shall prepare an  
18 annual written progress report on the Joliet Bridge project.  
19 The report shall include the status of any public-private  
20 agreements or other contracting and any ongoing or completed  
21 studies. The report shall be delivered to the Procurement  
22 Policy Board and each county, municipality, and metropolitan  
23 planning organization whose territory includes or lies within 5  
24 miles from a proposed or existing Joliet Bridge project site.

25 Section 70. Department publication requirements.

1           (a) The Department shall publish a notice of the execution  
2 of the public-private agreement on its website and in a  
3 newspaper of general circulation within the county or counties  
4 whose territory includes or lies within 5 miles from a proposed  
5 or existing Joliet Bridge project site.

6           (b) The Department shall publish the full text of the  
7 public-private agreement on its website.

8           Section 75. Electronic toll collection systems. Any  
9 electronic toll collection system used on the Joliet Bridge  
10 must be compatible with the electronic toll collection system  
11 used by the Illinois State Toll Highway Authority.

12           Section 80. Independent audits. If the public-private  
13 agreement provides for the construction of all or part of the  
14 Joliet Bridge project and the estimated construction costs  
15 under the agreement exceed \$50,000,000, the Department must  
16 also require the contractor to finance an independent audit of  
17 all traffic and cost estimates associated with the agreement as  
18 well as a review of all public costs and potential liabilities  
19 to which taxpayers could be exposed (including improvements to  
20 other transportation facilities that may be needed as a result  
21 of the agreement, failure by the contractor to reimburse the  
22 Department for services provided, and potential risk and  
23 liability in the event of default on the agreement or default  
24 on other types of financing). The independent audit must be

1 conducted by an independent consultant selected by the  
2 Department.

3 Section 85. Property acquisition. The Department may  
4 acquire property for the Joliet Bridge project using the powers  
5 granted to it in the Illinois Highway Code and the Eminent  
6 Domain Act.

7 Section 90. Rights of transportation agencies upon  
8 expiration or termination of the agreement.

9 (a) Upon the termination or expiration of the  
10 public-private agreement, including a termination for default,  
11 the Authority shall have the right to take over the Joliet  
12 Bridge project and to succeed to all of the right, title, and  
13 interest in the Joliet Bridge project, subject to any liens on  
14 revenues previously granted by the contractor to any person  
15 providing financing for the Joliet Bridge project.

16 (b) If the Authority elects to take over the Joliet Bridge  
17 project as provided in subsection (a) of this Section, the  
18 Authority may do, without limitation, the following:

19 (1) develop, finance, construct, maintain, or operate  
20 the project, including through another public-private  
21 agreement entered into in accordance with this Act; or

22 (2) impose, collect, retain, and use user fees, if any,  
23 for the project.

24 (c) If the Authority elects to take over the Joliet Bridge

1 project as provided in subsection (a) of this Section, the  
2 Department, without limitation, may use the revenues, if any,  
3 for any lawful purpose, including to:

4 (1) make payments to individuals or entities in  
5 connection with any financing of the Joliet Bridge project;

6 (2) permit a contractor or third party to receive some  
7 or all of the revenues under the public-private agreement  
8 entered into under this Act;

9 (3) pay development costs of the Joliet Bridge;

10 (4) pay current operation costs of the Joliet Bridge;  
11 and

12 (5) pay the contractor for any compensation or payment  
13 owing upon termination.

14 (d) All real property acquired as a part of the Joliet  
15 Bridge shall be held in the name of the State of Illinois upon  
16 termination of the Joliet Bridge project.

17 (e) The full faith and credit of the State or any political  
18 subdivision of the State or the Department is not pledged to  
19 secure any financing of the contractor by the election to take  
20 over the Joliet Bridge project. The assumption of the  
21 development or operation, or both, of the Joliet Bridge project  
22 does not obligate the State or any political subdivision of the  
23 State or the Department or the Authority to pay any obligation  
24 of the contractor.

25 Section 95. Standards for the Joliet Bridge project.

1           (a) The plans and specifications for the Joliet Bridge  
2 project must comply with:

3                 (1) the Department's and the Authority's standards for  
4 other projects of a similar nature or as otherwise provided  
5 in the public-private agreement;

6                 (2) the Professional Engineering Practice Act of 1989,  
7 the Structural Engineering Practice Act of 1989, the  
8 Illinois Architecture Practice Act of 1989, and the  
9 Illinois Professional Land Surveyor Act of 1989; and

10                (3) any other applicable State or federal standards.

11           (b) The Joliet Bridge constructed under this Act is  
12 considered part of the State highway system for purposes of  
13 identification, maintenance standards, and enforcement of  
14 traffic laws under the jurisdiction of the Department or  
15 Authority. The Department and Authority shall establish  
16 performance-based standards for financial documents related to  
17 the Joliet Bridge.

18           Section 100. Financial arrangements.

19                (a) The Department may apply for, execute, or endorse  
20 applications submitted by contractors and other third parties  
21 to obtain federal, State, or local credit assistance to  
22 develop, finance, maintain, or operate the Joliet Bridge  
23 project.

24                (b) The Department may take any action to obtain federal,  
25 State, or local assistance for the Joliet Bridge project that

1 serves the public purpose of this Act and may enter into any  
2 contracts required to receive the federal assistance. The  
3 Department may determine that it serves the public purpose of  
4 this Act for all or any portion of the costs of the Joliet  
5 Bridge project to be paid, directly or indirectly, from the  
6 proceeds of a grant or loan, line of credit, or loan guarantee  
7 made by a local, State, or federal government or any agency or  
8 instrumentality of a local, State, or federal government. Such  
9 assistance may include, but not be limited to, federal credit  
10 assistance pursuant to the Transportation Infrastructure  
11 Finance and Innovation Act.

12 (c) The Department may agree to make grants or loans for  
13 the development, financing, construction, management, or  
14 operation of the Joliet Bridge project from time to time, from  
15 amounts received from the federal, State, or local government  
16 or any agency or instrumentality of the federal, State, or  
17 local government.

18 (d) Any financing of the Joliet Bridge project may be in  
19 the amounts and subject to the terms and conditions contained  
20 in the public-private agreement.

21 (e) For the purpose of financing the Joliet Bridge project,  
22 the contractor and the Department may do the following:

- 23 (1) propose to use revenues that may be available to  
24 them;
- 25 (2) enter into grant agreements;
- 26 (3) access any other funds available to the Department;

1 and

2 (4) accept grants from any public or private agency or  
3 entity.

4 (f) For the purpose of financing the Joliet Bridge project,  
5 public funds may be used and mixed and aggregated with funds  
6 provided by or on behalf of the contractor or other private  
7 entities.

8 (g) For the purpose of financing the Joliet Bridge project,  
9 the Department is authorized to apply for, execute, or endorse  
10 applications for an allocation of tax-exempt bond financing  
11 authorization under Section 142(m) of the United States  
12 Internal Revenue Code, as well as financing available under any  
13 other federal law or program.

14 (h) Any bonds, debt, or other securities or other financing  
15 issued by or on behalf of a contractor for a project undertaken  
16 pursuant to this Act shall not be deemed to constitute a debt  
17 of the State or any political subdivision of the State or a  
18 pledge of the faith and credit of the State or any political  
19 subdivision of the State.

20 Section 105. Labor.

21 (a) The public-private agreement shall require the  
22 contractor to enter into a project labor agreement.

23 (b) The public-private agreement shall require all  
24 construction contractors to comply with the requirements of  
25 Section 30-22 of the Illinois Procurement Code as they apply to

1 responsible bidders and to present satisfactory evidence of  
2 that compliance to the Department, unless the Joliet Bridge  
3 project is federally funded and the application of those  
4 requirements would jeopardize the receipt or use of federal  
5 funds in support of the Joliet Bridge project.

6 Section 110. Law enforcement.

7 (a) All law enforcement officers of the State and of each  
8 affected local jurisdiction have the same powers and  
9 jurisdiction within the boundaries of the Joliet Bridge as they  
10 have in their respective areas of jurisdiction.

11 (b) Law enforcement officers shall have access to the  
12 Joliet Bridge at any time for the purpose of exercising their  
13 powers and jurisdiction.

14 (c) The traffic and motor vehicle laws of the State of  
15 Illinois, or, if applicable, any local jurisdiction, shall be  
16 the same as those applying to the conduct occurring on highways  
17 in the State of Illinois or the local jurisdiction.

18 (d) Punishment for infractions and offenses shall be as  
19 prescribed by law for the conduct occurring on highways in the  
20 State of Illinois or the local jurisdiction.

21 Section 115. Term of agreement; transfer of property to the  
22 Authority.

23 (a) The Department shall terminate the contractor's  
24 authority and duties under the public-private agreement on the



1 date set forth in the public-private agreement.

2 (b) Upon termination of the public-private agreement, the  
3 authority and duties of the contractor under this Act cease,  
4 except for those duties and obligations that extend beyond the  
5 termination, as set forth in the public-private agreement, and  
6 all interests in the Joliet Bridge shall transfer to the  
7 Authority.

8 Section 120. Additional powers of the Department and the  
9 Authority with respect to the Joliet Bridge.

10 (a) The Department and the Authority may exercise any  
11 powers provided under this Act in participation or cooperation  
12 with any governmental entity and enter into any contracts to  
13 facilitate that participation or cooperation. The Department  
14 shall cooperate with other governmental entities under this  
15 Act.

16 (b) The Department and the Authority may make and enter  
17 into all contracts and agreements necessary or incidental to  
18 the performance of the Department's duties and the execution of  
19 the Department's powers under this Act. Except as otherwise  
20 required by law, these contracts or agreements are not subject  
21 to any approvals other than the approval of the Department or  
22 federal agencies.

23 (c) The Department and the Authority may pay the costs  
24 incurred under the public-private agreement entered into under  
25 this Act from any funds available to the Department for the

1 purpose of the Joliet Bridge under this Act or any other  
2 statute.

3 (d) The Department or any other State agency may not take  
4 any action that would impair the public-private agreement  
5 entered into under this Act, except as provided by law.

6 (e) The Department and the Authority may enter into an  
7 agreement between and among the contractor, the Department, and  
8 the Illinois State Police concerning the provision of law  
9 enforcement assistance with respect to the Joliet Bridge under  
10 this Act.

11 (f) The Department is authorized to enter into arrangements  
12 with the Illinois State Police related to costs incurred in  
13 providing law enforcement assistance under this Act.

14 Section 125. Home rule. A unit of local government,  
15 including a home rule unit, may not take any action that would  
16 have the effect of impairing a public-private agreement under  
17 this Act. This Section is a denial and limitation of home rule  
18 powers and functions under subsection (h) of Section 6 of  
19 Article VII of the Illinois Constitution.

20 Section 130. Powers liberally construed. The powers  
21 conferred by this Act shall be liberally construed in order to  
22 accomplish their purposes and shall be in addition and  
23 supplemental to the powers conferred by any other law. If any  
24 other law or rule is inconsistent with this Act, this Act is

1 controlling as to any public-private agreement entered into  
2 under this Act.

3 Section 135. Full and complete authority. This Act contains  
4 full and complete authority for agreements and leases with  
5 private entities to carry out the activities described in this  
6 Act. Except as otherwise required by law, no procedures,  
7 proceedings, publications, notices, consents, approvals,  
8 orders, or acts by the Department or any other State or local  
9 agency or official are required to enter into an agreement or  
10 lease.

11 Section 140. Severability. The provisions of this Act are  
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 905. The Department of Transportation Law of the  
14 Civil Administrative Code of Illinois is amended by changing  
15 Section 2705-220 as follows:

16 (20 ILCS 2705/2705-220)

17 Sec. 2705-220. Public private partnerships for  
18 transportation. The Department may exercise all powers granted  
19 to it under the Joliet Bridge Act ~~Public-Private Agreements for~~  
20 ~~the Illiana Expressway Act~~ and the Public-Private Agreements  
21 for the South Suburban Airport Act.

22 (Source: P.A. 98-109, eff. 7-25-13.)

1 Section 910. The Illinois Finance Authority Act is amended  
2 by changing Section 825-105 as follows:

3 (20 ILCS 3501/825-105)

4 Sec. 825-105. Joliet Bridge Project ~~Illiana Expressway~~  
5 financing. For the purpose of financing the Joliet Bridge  
6 Project under the Joliet Bridge Act ~~Illiana Expressway under~~  
7 ~~the Public Private Agreements for the Illiana Expressway Act,~~  
8 the Authority is authorized to apply for an allocation of  
9 tax-exempt bond financing authorization provided by Section  
10 142(m) of the United States Internal Revenue Code, as well as  
11 financing available under any other federal law or program.  
12 (Source: P.A. 96-913, eff. 6-9-10; 97-333, eff. 8-12-11.)

13 Section 915. The State Finance Act is amended by adding  
14 Section 5.930 as follows:

15 (30 ILCS 105/5.930 new)

16 Sec. 5.930. The Joliet Bridge Proceeds Fund.

17 Section 920. The Public Construction Bond Act is amended by  
18 changing Section 1.5 as follows:

19 (30 ILCS 550/1.5)

20 Sec. 1.5. Public private agreements. This Act applies to

1 any public private agreement entered into under the Joliet  
2 Bridge Act ~~Public Private Agreements for the Illiana Expressway~~  
3 ~~Act~~ or the Public-Private Agreements for the South Suburban  
4 Airport Act.

5 (Source: P.A. 98-109, eff. 7-25-13.)

6 Section 925. The Employment of Illinois Workers on Public  
7 Works Act is amended by changing Section 2.5 as follows:

8 (30 ILCS 570/2.5)

9 Sec. 2.5. Public private agreements. This Act applies to  
10 any public private agreement entered into under the Joliet  
11 Bridge Act ~~Public Private Agreements for the Illiana Expressway~~  
12 ~~Act~~ and the Public-Private Agreements for the South Suburban  
13 Airport Act.

14 (Source: P.A. 98-109, eff. 7-25-13.)

15 Section 930. The Business Enterprise for Minorities,  
16 Women, and Persons with Disabilities Act is amended by changing  
17 Section 2.5 as follows:

18 (30 ILCS 575/2.5)

19 (Section scheduled to be repealed on June 30, 2024)

20 Sec. 2.5. Public private agreements. This Act applies to  
21 any public private agreement entered into under the Joliet  
22 Bridge Act ~~Public Private Agreements for the Illiana Expressway~~

1 ~~Act~~ and the Public-Private Agreements for the South Suburban  
2 Airport Act.

3 (Source: P.A. 98-109, eff. 7-25-13.)

4 Section 935. The Retailers' Occupation Tax Act is amended  
5 by changing Section 1q as follows:

6 (35 ILCS 120/1q)

7 Sec. 1q. Building materials exemption; Joliet Bridge  
8 public-private Illiana Expressway ~~public private~~ partnership.

9 (a) Each retailer that makes a qualified sale of building  
10 materials to be incorporated into the Joliet Bridge Illiana  
11 Expressway as defined in the Joliet Bridge Act ~~Public Private~~  
12 ~~Agreements for the Illiana Expressway Act~~, by remodeling,  
13 rehabilitating, or new construction, may deduct receipts from  
14 those sales when calculating the tax imposed by this Act.

15 (b) As used in this Section, "qualified sale" means a sale  
16 of building materials that will be incorporated into the Joliet  
17 Bridge Illiana Expressway for which a Certificate of  
18 Eligibility for Sales Tax Exemption has been issued by the  
19 Illinois Department of Transportation, which has authority  
20 over the project.

21 (c) To document the exemption allowed under this Section,  
22 the retailer must obtain from the purchaser a copy of the  
23 Certificate of Eligibility for Sales Tax Exemption issued by  
24 the Illinois Department of Transportation, which has

1 jurisdiction over the project into which the building materials  
2 will be incorporated is located. The Certificate of Eligibility  
3 for Sales Tax Exemption must contain all of the following:

4 (1) statement that the project identified in the  
5 Certificate meets all the requirements of the Illinois  
6 Department of Transportation;

7 (2) the location or address of the project; and

8 (3) the signature of the Secretary of the Illinois  
9 Department of Transportation, which has authority over the  
10 Joliet Bridge, Illiana Expressway or the Secretary's  
11 delegate.

12 (d) In addition to meeting the requirements of subsection  
13 (c) of this Act, the retailer must obtain a certificate from  
14 the purchaser that contains all of the following:

15 (1) a statement that the building materials are being  
16 purchased for incorporation into the Joliet Bridge Illiana  
17 Expressway in accordance with the Joliet Bridge Act Public  
18 Private Agreements for the Illiana Expressway Act;

19 (2) the location or address of the project into which  
20 the building materials will be incorporated;

21 (3) the name of the project;

22 (4) a description of the building materials being  
23 purchased; and

24 (5) the purchaser's signature and date of purchase.

25 (e) This Section is exempt from Section 2-70 of this Act.

26 (Source: P.A. 96-913, eff. 6-9-10.)

1           Section 940. The Property Tax Code is amended by changing  
2           Section 15-55 as follows:

3           (35 ILCS 200/15-55)

4           Sec. 15-55. State property.

5           (a) All property belonging to the State of Illinois is  
6           exempt. However, the State agency holding title shall file the  
7           certificate of ownership and use required by Section 15-10,  
8           together with a copy of any written lease or agreement, in  
9           effect on March 30 of the assessment year, concerning parcels  
10          of 1 acre or more, or an explanation of the terms of any oral  
11          agreement under which the property is leased, subleased or  
12          rented.

13          The leased property shall be assessed to the lessee and the  
14          taxes thereon extended and billed to the lessee, and collected  
15          in the same manner as for property which is not exempt. The  
16          lessee shall be liable for the taxes and no lien shall attach  
17          to the property of the State.

18          For the purposes of this Section, the word "leases"  
19          includes licenses, franchises, operating agreements and other  
20          arrangements under which private individuals, associations or  
21          corporations are granted the right to use property of the  
22          Illinois State Toll Highway Authority and includes all property  
23          of the Authority used by others without regard to the size of  
24          the leased parcel.



1           (b) However, all property of every kind belonging to the  
2 State of Illinois, which is or may hereafter be leased to the  
3 Illinois Prairie Path Corporation, shall be exempt from all  
4 assessments, taxation or collection, despite the making of any  
5 such lease, if it is used for:

6           (1) conservation, nature trail or any other  
7 charitable, scientific, educational or recreational  
8 purposes with public benefit, including the preserving and  
9 aiding in the preservation of natural areas, objects,  
10 flora, fauna or biotic communities;

11           (2) the establishment of footpaths, trails and other  
12 protected areas;

13           (3) the conservation of the proper use of natural  
14 resources or the promotion of the study of plant and animal  
15 communities and of other phases of ecology, natural history  
16 and conservation;

17           (4) the promotion of education in the fields of nature,  
18 preservation and conservation; or

19           (5) similar public recreational activities conducted  
20 by the Illinois Prairie Path Corporation.

21           No lien shall attach to the property of the State. No tax  
22 liability shall become the obligation of or be enforceable  
23 against Illinois Prairie Path Corporation.

24           (c) If the State sells the James R. Thompson Center or the  
25 Elgin Mental Health Center and surrounding land located at 750  
26 S. State Street, Elgin, Illinois, as provided in subdivision

1 (a) (2) of Section 7.4 of the State Property Control Act, to  
2 another entity whose property is not exempt and immediately  
3 thereafter enters into a leaseback or other agreement that  
4 directly or indirectly gives the State a right to use, control,  
5 and possess the property, that portion of the property leased  
6 and occupied exclusively by the State shall remain exempt under  
7 this Section. For the property to remain exempt under this  
8 subsection (c), the State must retain an option to purchase the  
9 property at a future date or, within the limitations period for  
10 reverters, the property must revert back to the State.

11 If the property has been conveyed as described in this  
12 subsection (c), the property is no longer exempt pursuant to  
13 this Section as of the date when:

14 (1) the right of the State to use, control, and possess  
15 the property has been terminated; or

16 (2) the State no longer has an option to purchase or  
17 otherwise acquire the property and there is no provision  
18 for a reverter of the property to the State within the  
19 limitations period for reverters.

20 Pursuant to Sections 15-15 and 15-20 of this Code, the  
21 State shall notify the chief county assessment officer of any  
22 transaction under this subsection (c). The chief county  
23 assessment officer shall determine initial and continuing  
24 compliance with the requirements of this Section for tax  
25 exemption. Failure to notify the chief county assessment  
26 officer of a transaction under this subsection (c) or to

1 otherwise comply with the requirements of Sections 15-15 and  
2 15-20 of this Code shall, in the discretion of the chief county  
3 assessment officer, constitute cause to terminate the  
4 exemption, notwithstanding any other provision of this Code.

5 (c-1) If the Illinois State Toll Highway Authority sells  
6 the Illinois State Toll Highway Authority headquarters  
7 building and surrounding land, located at 2700 Ogden Avenue,  
8 Downers Grove, Illinois as provided in subdivision (a)(2) of  
9 Section 7.5 of the State Property Control Act, to another  
10 entity whose property is not exempt and immediately thereafter  
11 enters into a leaseback or other agreement that directly or  
12 indirectly gives the State or the Illinois State Toll Highway  
13 Authority a right to use, control, and possess the property,  
14 that portion of the property leased and occupied exclusively by  
15 the State or the Authority shall remain exempt under this  
16 Section. For the property to remain exempt under this  
17 subsection (c), the Authority must retain an option to purchase  
18 the property at a future date or, within the limitations period  
19 for reverters, the property must revert back to the Authority.

20 If the property has been conveyed as described in this  
21 subsection (c), the property is no longer exempt pursuant to  
22 this Section as of the date when:

23 (1) the right of the State or the Authority to use,  
24 control, and possess the property has been terminated; or

25 (2) the Authority no longer has an option to purchase  
26 or otherwise acquire the property and there is no provision

1 for a reverter of the property to the Authority within the  
2 limitations period for reverters.

3 Pursuant to Sections 15-15 and 15-20 of this Code, the  
4 Authority shall notify the chief county assessment officer of  
5 any transaction under this subsection (c). The chief county  
6 assessment officer shall determine initial and continuing  
7 compliance with the requirements of this Section for tax  
8 exemption. Failure to notify the chief county assessment  
9 officer of a transaction under this subsection (c) or to  
10 otherwise comply with the requirements of Sections 15-15 and  
11 15-20 of this Code shall, in the discretion of the chief county  
12 assessment officer, constitute cause to terminate the  
13 exemption, notwithstanding any other provision of this Code.

14 (d) For tax years prior to 2019, the fair market rent of  
15 each parcel of real property in Will County owned by the State  
16 of Illinois for the purpose of developing an airport by the  
17 Department of Transportation shall include the assessed value  
18 of leasehold tax. The lessee of each parcel of real property in  
19 Will County owned by the State of Illinois for the purpose of  
20 developing an airport by the Department of Transportation shall  
21 not be liable for the taxes thereon. In order for the State to  
22 compensate taxing districts for the loss of revenue under this  
23 paragraph, the Will County Supervisor of Assessments shall  
24 annually certify, in writing, to the Department of  
25 Transportation, the following amounts: (1) for tax years prior  
26 to 2019, the amount of leasehold taxes extended for the 2002

1 property tax year for each such exempt parcel; and (2) for tax  
2 years 2019 through 2030, the amount of taxes that would have  
3 been extended for the current tax year for each such exempt  
4 parcel if those parcels had been owned by a person whose  
5 property is not exempt. The Department of Transportation shall  
6 pay to the Will County Treasurer, from the Tax Recovery Fund,  
7 on or before July 1 of each year, the amount certified by the  
8 Will County Supervisor of Assessments. The tax compensation  
9 shall terminate on December 31, 2030. It is the duty of the  
10 Department of Transportation to file with the Office of the  
11 Will County Supervisor of Assessments an affidavit stating the  
12 termination date for rental of each such parcel due to airport  
13 construction. The affidavit shall include the property  
14 identification number for each such parcel. In no instance  
15 shall tax compensation for property owned by the State be  
16 deemed delinquent or bear interest. In no instance shall a lien  
17 attach to the property of the State. In no instance shall the  
18 State be required to pay compensation under this subsection in  
19 excess of the lesser of (i) the Tax Recovery Fund's balance or  
20 (ii) \$600,000 in any tax year.

21 (e) Public Act 81-1026 applies to all leases or agreements  
22 entered into or renewed on or after September 24, 1979.

23 (f) Notwithstanding anything to the contrary in this Code,  
24 all property owned by the State that is the Joliet Bridge  
25 ~~Illiana Expressway~~, as defined in the Joliet Bridge Act ~~Public~~  
26 ~~Private Agreements for the Illiana Expressway Act~~, and that is

1 used for transportation purposes and that is leased for those  
2 purposes to another entity whose property is not exempt shall  
3 remain exempt, and any leasehold interest in the property shall  
4 not be subject to taxation under Section 9-195 of this Act.

5 (g) Notwithstanding anything to the contrary in this  
6 Section, all property owned by the State or the Illinois State  
7 Toll Highway Authority that is defined as a transportation  
8 project under the Public-Private Partnerships for  
9 Transportation Act and that is used for transportation purposes  
10 and that is leased for those purposes to another entity whose  
11 property is not exempt shall remain exempt, and any leasehold  
12 interest in the property shall not be subject to taxation under  
13 Section 9-195 of this Act.

14 (h) Notwithstanding anything to the contrary in this Code,  
15 all property owned by the State that is the South Suburban  
16 Airport, as defined in the Public-Private Agreements for the  
17 South Suburban Airport Act, and that is used for airport  
18 purposes and that is leased for those purposes to another  
19 entity whose property is not exempt shall remain exempt, and  
20 any leasehold interest in the property shall not be subject to  
21 taxation under Section 9-195 of this Act.

22 (Source: P.A. 101-532, eff. 8-23-19.)

23 Section 945. The Public-Private Partnerships for  
24 Transportation Act is amended by changing Sections 10 and 15 as  
25 follows:

1 (630 ILCS 5/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Approved proposal" means the proposal that is approved by  
4 the transportation agency pursuant to subsection (j) of Section  
5 20 of this Act.

6 "Approved proposer" means the private entity whose  
7 proposal is the approved proposal.

8 "Authority" means the Illinois State Toll Highway  
9 Authority.

10 "Contractor" means a private entity that has entered into a  
11 public-private agreement with the transportation agency to  
12 provide services to or on behalf of the transportation agency.

13 "Department" means the Illinois Department of  
14 Transportation.

15 "Design-build agreement" means the agreement between the  
16 selected private entity and the transportation agency under  
17 which the selected private entity agrees to furnish design,  
18 construction, and related services for a transportation  
19 facility under this Act.

20 "Develop" or "development" means to do one or more of the  
21 following: plan, design, develop, lease, acquire, install,  
22 construct, reconstruct, rehabilitate, extend, or expand.

23 "Maintain" or "maintenance" includes ordinary maintenance,  
24 repair, rehabilitation, capital maintenance, maintenance  
25 replacement, and any other categories of maintenance that may

1 be designated by the transportation agency.

2 "Metropolitan planning organization" means a metropolitan  
3 planning organization designated under 23 U.S.C. Section 134  
4 whose metropolitan planning area boundaries are partially or  
5 completely within the State.

6 "Operate" or "operation" means to do one or more of the  
7 following: maintain, improve, equip, modify, or otherwise  
8 operate.

9 "Private entity" means any combination of one or more  
10 individuals, corporations, general partnerships, limited  
11 liability companies, limited partnerships, joint ventures,  
12 business trusts, nonprofit entities, or other business  
13 entities that are parties to a proposal for a transportation  
14 project or an agreement related to a transportation project. A  
15 public agency may provide services to a contractor as a  
16 subcontractor or subconsultant without affecting the private  
17 status of the private entity and the ability to enter into a  
18 public-private agreement. A transportation agency is not a  
19 private entity.

20 "Proposal" means all materials and documents prepared by or  
21 on behalf of a private entity relating to the proposed  
22 development, financing, or operation of a transportation  
23 facility as a transportation project.

24 "Proposer" means a private entity that has submitted a  
25 proposal or statement of qualifications for a public-private  
26 agreement in response to a request for proposals or a request



1 for qualifications issued by a transportation agency under this  
2 Act.

3 "Public-private agreement" means the public-private  
4 agreement between the contractor and the transportation agency  
5 relating to one or more of the development, financing, or  
6 operation of a transportation project that is entered into  
7 under this Act.

8 "Request for information" means all materials and  
9 documents prepared by or on behalf of the transportation agency  
10 to solicit information from private entities with respect to  
11 transportation projects.

12 "Request for proposals" means all materials and documents  
13 prepared by or on behalf of the transportation agency to  
14 solicit proposals from private entities to enter into a  
15 public-private agreement.

16 "Request for qualifications" means all materials and  
17 documents prepared by or on behalf of the transportation agency  
18 to solicit statements of qualification from private entities to  
19 enter into a public-private agreement.

20 "Revenues" means all revenues, including any combination  
21 of: income; earnings and interest; user fees; lease payments;  
22 allocations; federal, State, and local appropriations, grants,  
23 loans, lines of credit, and credit guarantees; bond proceeds;  
24 equity investments; service payments; or other receipts;  
25 arising out of or in connection with a transportation project,  
26 including the development, financing, and operation of a

1 transportation project. The term includes money received as  
2 grants, loans, lines of credit, credit guarantees, or otherwise  
3 in aid of a transportation project from the federal government,  
4 the State, a unit of local government, or any agency or  
5 instrumentality of the federal government, the State, or a unit  
6 of local government.

7 "Shortlist" means the process by which a transportation  
8 agency will review, evaluate, and rank statements of  
9 qualifications submitted in response to a request for  
10 qualifications and then identify the proposers who are eligible  
11 to submit a detailed proposal in response to a request for  
12 proposals. The identified proposers constitute the shortlist  
13 for the transportation project to which the request for  
14 proposals relates.

15 "Transportation agency" means (i) the Department or (ii)  
16 the Authority.

17 "Transportation facility" means any new or existing road,  
18 highway, toll highway, bridge, tunnel, intermodal facility,  
19 intercity or high-speed passenger rail, or other  
20 transportation facility or infrastructure, excluding airports,  
21 under the jurisdiction of the Department or the Authority,  
22 except those facilities for the Joliet Bridge ~~Illiana~~  
23 ~~Expressway~~. The term "transportation facility" may refer to one  
24 or more transportation facilities that are proposed to be  
25 developed or operated as part of a single transportation  
26 project.

1 "Transportation project" or "project" means any or the  
2 combination of the development, financing, or operation with  
3 respect to all or a portion of any transportation facility  
4 under the jurisdiction of the transportation agency, except  
5 those facilities for the Joliet Bridge ~~Illiana Expressway~~,  
6 undertaken pursuant to this Act.

7 "Unit of local government" has the meaning ascribed to that  
8 term in Article VII, Section 1 of the Constitution of the State  
9 of Illinois and also means any unit designated as a municipal  
10 corporation.

11 "User fees" or "tolls" means the rates, tolls, fees, or  
12 other charges imposed by the contractor for use of all or a  
13 portion of a transportation project under a public-private  
14 agreement.

15 (Source: P.A. 97-502, eff. 8-23-11; 97-858, eff. 7-27-12.)

16 (630 ILCS 5/15)

17 Sec. 15. Formation of public-private agreements; project  
18 planning.

19 (a) Each transportation agency may exercise the powers  
20 granted by this Act to do some or all to develop, finance, and  
21 operate any part of one or more transportation projects through  
22 public-private agreements with one or more private entities,  
23 except for transportation projects for the Joliet Bridge  
24 ~~Illiana Expressway~~ as defined in the Joliet Bridge Public  
25 ~~Private Agreements for the Illiana Expressway~~ Act. The net

1 proceeds, if any, arising out of a transportation project or  
2 public-private agreement undertaken by the Department pursuant  
3 to this Act shall be deposited into the Public-Private  
4 Partnerships for Transportation Fund. The net proceeds arising  
5 out of a transportation project or public-private agreement  
6 undertaken by the Authority pursuant to this Act shall be  
7 deposited into the Illinois State Toll Highway Authority Fund  
8 and shall be used only as authorized by Section 23 of the Toll  
9 Highway Act.

10 (b) The Authority shall not enter into a public-private  
11 agreement involving a lease or other transfer of any toll  
12 highway, or portions thereof, under the Authority's  
13 jurisdiction which were open to vehicular traffic on the  
14 effective date of this Act. The Authority shall not enter into  
15 a public-private agreement for the purpose of making roadway  
16 improvements, including but not limited to reconstruction,  
17 adding lanes, and adding ramps, to any toll highway, or  
18 portions thereof, under the Authority's jurisdiction which  
19 were open to vehicular traffic on the effective date of this  
20 Act. The Authority shall not use any revenue generated by any  
21 toll highway, or portions thereof, under the Authority's  
22 jurisdiction which were open to vehicular traffic on the  
23 effective date of this Act to enter into or provide funding for  
24 a public-private agreement. The Authority shall not use any  
25 asset, or the proceeds from the sale or lease of any such  
26 asset, which was owned by the Authority on the effective date

1 of this Act to enter into or provide funding for a  
2 public-private agreement. The Authority may enter into a  
3 public-private partnership to develop, finance, and operate  
4 new toll highways authorized by the Governor and the General  
5 Assembly pursuant to Section 14.1 of the Toll Highway Act,  
6 non-highway transportation projects on the toll highway system  
7 such as commuter rail or high-speed rail lines, and intelligent  
8 transportation infrastructure that will enhance the safety,  
9 efficiency, and environmental quality of the toll highway  
10 system. The Authority may operate or provide operational  
11 services such as toll collection on highways which are  
12 developed or financed, or both, through a public-private  
13 agreement entered into by another public entity, under an  
14 agreement with the public entity or contractor responsible for  
15 the transportation project.

16 (c) A contractor has:

17 (1) all powers allowed by law generally to a private  
18 entity having the same form of organization as the  
19 contractor; and

20 (2) the power to develop, finance, and operate the  
21 transportation facility and to impose user fees in  
22 connection with the use of the transportation facility,  
23 subject to the terms of the public-private agreement.

24 No tolls or user fees may be imposed by the contractor  
25 except as set forth in a public-private agreement.

26 (d) Each year, at least 30 days prior to the beginning of

1 the transportation agency's fiscal year, and at other times the  
2 transportation agency deems necessary, the Department and the  
3 Authority shall submit for review to the General Assembly a  
4 description of potential projects that the transportation  
5 agency is considering undertaking under this Act. Any  
6 submission from the Authority shall indicate which of its  
7 potential projects, if any, will involve the proposer operating  
8 the transportation facility for a period of one year or more.  
9 Prior to the issuance of any request for qualifications or  
10 request for proposals with respect to any potential project  
11 undertaken by the Department or the Authority pursuant to  
12 Section 20 of this Act, the commencement of a procurement  
13 process for that particular potential project shall be  
14 authorized by joint resolution of the General Assembly.

15 (e) Each year, at least 30 days prior to the beginning of  
16 the transportation agency's fiscal year, the transportation  
17 agency shall submit a description of potential projects that  
18 the transportation agency is considering undertaking under  
19 this Act to each county, municipality, and metropolitan  
20 planning organization, with respect to each project located  
21 within its boundaries.

22 (f) Any project undertaken under this Act shall be subject  
23 to all applicable planning requirements otherwise required by  
24 law, including land use planning, regional planning,  
25 transportation planning, and environmental compliance  
26 requirements.

1 (g) Any new transportation facility developed as a project  
2 under this Act must be consistent with the regional plan then  
3 in existence of any metropolitan planning organization in whose  
4 boundaries the project is located.

5 (h) The transportation agency shall hold one or more public  
6 hearings within 30 days of each of its submittals to the  
7 General Assembly under subsection (d) of this Section. These  
8 public hearings shall address potential projects that the  
9 transportation agency submitted to the General Assembly for  
10 review under subsection (d). The transportation agency shall  
11 publish a notice of the hearing or hearings at least 7 days  
12 before a hearing takes place, and shall include the following  
13 in the notice: (i) the date, time, and place of the hearing and  
14 the address of the transportation agency; (ii) a brief  
15 description of the potential projects that the transportation  
16 agency is considering undertaking; and (iii) a statement that  
17 the public may comment on the potential projects.

18 (Source: P.A. 97-502, eff. 8-23-11; 97-858, eff. 7-27-12.)

19 Section 950. The Eminent Domain Act is amended by changing  
20 Section 15-5-35 and by adding Section 15-5-48 as follows:

21 (735 ILCS 30/15-5-35)

22 Sec. 15-5-35. Eminent domain powers in ILCS Chapters 605  
23 through 625. The following provisions of law may include  
24 express grants of the power to acquire property by condemnation

1 or eminent domain:

2 (605 ILCS 5/4-501); Illinois Highway Code; Department of  
3 Transportation and counties; for highway purposes.

4 (605 ILCS 5/4-502); Illinois Highway Code; Department of  
5 Transportation; for ditches and drains.

6 (605 ILCS 5/4-505); Illinois Highway Code; Department of  
7 Transportation; for replacement of railroad and public  
8 utility property taken for highway purposes.

9 (605 ILCS 5/4-509); Illinois Highway Code; Department of  
10 Transportation; for replacement of property taken for  
11 highway purposes.

12 (605 ILCS 5/4-510); Illinois Highway Code; Department of  
13 Transportation; for rights-of-way for future highway  
14 purposes.

15 (605 ILCS 5/4-511); Illinois Highway Code; Department of  
16 Transportation; for relocation of structures taken for  
17 highway purposes.

18 (605 ILCS 5/5-107); Illinois Highway Code; counties; for county  
19 highway relocation.

20 (605 ILCS 5/5-801); Illinois Highway Code; counties; for  
21 highway purposes.

22 (605 ILCS 5/5-802); Illinois Highway Code; counties; for  
23 ditches and drains.

24 (605 ILCS 5/6-309); Illinois Highway Code; highway  
25 commissioners or county superintendents; for township or



1 road district roads.

2 (605 ILCS 5/6-801); Illinois Highway Code; highway  
3 commissioners; for road district or township roads.

4 (605 ILCS 5/6-802); Illinois Highway Code; highway  
5 commissioners; for ditches and drains.

6 (605 ILCS 5/8-102); Illinois Highway Code; Department of  
7 Transportation, counties, and municipalities; for limiting  
8 freeway access.

9 (605 ILCS 5/8-103); Illinois Highway Code; Department of  
10 Transportation, counties, and municipalities; for freeway  
11 purposes.

12 (605 ILCS 5/8-106); Illinois Highway Code; Department of  
13 Transportation and counties; for relocation of existing  
14 crossings for freeway purposes.

15 (605 ILCS 5/9-113); Illinois Highway Code; highway  
16 authorities; for utility and other uses in rights-of-ways.

17 (605 ILCS 5/10-302); Illinois Highway Code; counties; for  
18 bridge purposes.

19 (605 ILCS 5/10-602); Illinois Highway Code; municipalities;  
20 for ferry and bridge purposes.

21 (605 ILCS 5/10-702); Illinois Highway Code; municipalities;  
22 for bridge purposes.

23 (605 ILCS 5/10-901); Illinois Highway Code; Department of  
24 Transportation; for ferry property.

25 (605 ILCS 10/9); Toll Highway Act; Illinois State Toll Highway  
26 Authority; for toll highway purposes.

1 (605 ILCS 10/9.5); Toll Highway Act; Illinois State Toll  
2 Highway Authority; for its authorized purposes.

3 (605 ILCS 10/10); Toll Highway Act; Illinois State Toll Highway  
4 Authority; for property of a municipality or political  
5 subdivision for toll highway purposes.

6 (605 ILCS 115/14); Toll Bridge Act; counties; for toll bridge  
7 purposes.

8 (605 ILCS 115/15); Toll Bridge Act; counties; for the purpose  
9 of taking a toll bridge to make it a free bridge.

10 ~~(605 ILCS 130/80); Public Private Agreements for the Illiana~~  
11 ~~Expressway Act; Department of Transportation; for the~~  
12 ~~Illiana Expressway project.~~

13 (610 ILCS 5/17); Railroad Incorporation Act; railroad  
14 corporation; for real estate for railroad purposes.

15 (610 ILCS 5/18); Railroad Incorporation Act; railroad  
16 corporations; for materials for railways.

17 (610 ILCS 5/19); Railroad Incorporation Act; railways; for land  
18 along highways.

19 (610 ILCS 70/1); Railroad Powers Act; purchasers and lessees of  
20 railroad companies; for railroad purposes.

21 (610 ILCS 115/2 and 115/3); Street Railroad Right of Way Act;  
22 street railroad companies; for street railroad purposes.

23 (615 ILCS 5/19); Rivers, Lakes, and Streams Act; Department of  
24 Natural Resources; for land along public waters for  
25 pleasure, recreation, or sport purposes.

26 (615 ILCS 10/7.8); Illinois Waterway Act; Department of Natural

1 Resources; for waterways and appurtenances.  
2 (615 ILCS 15/7); Flood Control Act of 1945; Department of  
3 Natural Resources; for the purposes of the Act.  
4 (615 ILCS 30/9); Illinois and Michigan Canal Management Act;  
5 Department of Natural Resources; for dams, locks, and  
6 improvements.  
7 (615 ILCS 45/10); Illinois and Michigan Canal Development Act;  
8 Department of Natural Resources; for development and  
9 management of the canal.  
10 (620 ILCS 5/72); Illinois Aeronautics Act; Division of  
11 Aeronautics of the Department of Transportation; for  
12 airport purposes.  
13 (620 ILCS 5/73); Illinois Aeronautics Act; Division of  
14 Aeronautics of the Department of Transportation; for  
15 removal of airport hazards.  
16 (620 ILCS 5/74); Illinois Aeronautics Act; Division of  
17 Aeronautics of the Department of Transportation; for  
18 airport purposes.  
19 (620 ILCS 25/33); Airport Zoning Act; Division of Aeronautics  
20 of the Department of Transportation; for air rights.  
21 (620 ILCS 40/2 and 40/3); General County Airport and Landing  
22 Field Act; counties; for airport purposes.  
23 (620 ILCS 40/5); General County Airport and Landing Field Act;  
24 counties; for removing hazards.  
25 (620 ILCS 45/6 and 45/7); County Airport Law of 1943; boards of  
26 directors of airports and landing fields; for airport and

1 landing field purposes.

2 (620 ILCS 50/22 and 50/31); County Airports Act; counties; for  
3 airport purposes.

4 (620 ILCS 50/24); County Airports Act; counties; for removal of  
5 airport hazards.

6 (620 ILCS 50/26); County Airports Act; counties; for  
7 acquisition of airport protection privileges.

8 (620 ILCS 52/15); County Air Corridor Protection Act; counties;  
9 for airport zones.

10 (620 ILCS 55/1); East St. Louis Airport Act; Department of  
11 Transportation; for airport in East St. Louis metropolitan  
12 area.

13 (620 ILCS 65/15); O'Hare Modernization Act; Chicago; for the  
14 O'Hare modernization program, including quick-take power.

15 (620 ILCS 75/2-15 and 75/2-90); Public-Private Agreements for  
16 the South Suburban Airport Act; Department of  
17 Transportation; for South Suburban Airport purposes.

18 (625 ILCS 5/2-105); Illinois Vehicle Code; Secretary of State;  
19 for general purposes.

20 (625 ILCS 5/18c-7501); Illinois Vehicle Code; rail carriers;  
21 for railroad purposes, including quick-take power.

22 (Source: P.A. 97-808, eff. 7-13-12; incorporates 98-109, eff.  
23 7-25-13; 98-756, eff. 7-16-14.)

24 (735 ILCS 30/15-5-48 new)

25 Sec. 15-5-48. Eminent domain powers in new Acts. The

1 following provisions of law may include express grants of the  
2 power to acquire property by condemnation or eminent domain:

3 Joliet Bridge Act; Department of Transportation; for the  
4 purposes of the Joliet Bridge project.

5 Section 955. The Prevailing Wage Act is amended by changing  
6 Section 2 as follows:

7 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

8 Sec. 2. This Act applies to the wages of laborers,  
9 mechanics and other workers employed in any public works, as  
10 hereinafter defined, by any public body and to anyone under  
11 contracts for public works. This includes any maintenance,  
12 repair, assembly, or disassembly work performed on equipment  
13 whether owned, leased, or rented.

14 As used in this Act, unless the context indicates  
15 otherwise:

16 "Public works" means all fixed works constructed or  
17 demolished by any public body, or paid for wholly or in part  
18 out of public funds. "Public works" as defined herein includes  
19 all projects financed in whole or in part with bonds, grants,  
20 loans, or other funds made available by or through the State or  
21 any of its political subdivisions, including but not limited  
22 to: bonds issued under the Industrial Project Revenue Bond Act  
23 (Article 11, Division 74 of the Illinois Municipal Code), the

1 Industrial Building Revenue Bond Act, the Illinois Finance  
2 Authority Act, the Illinois Sports Facilities Authority Act, or  
3 the Build Illinois Bond Act; loans or other funds made  
4 available pursuant to the Build Illinois Act; loans or other  
5 funds made available pursuant to the Riverfront Development  
6 Fund under Section 10-15 of the River Edge Redevelopment Zone  
7 Act; or funds from the Fund for Illinois' Future under Section  
8 6z-47 of the State Finance Act, funds for school construction  
9 under Section 5 of the General Obligation Bond Act, funds  
10 authorized under Section 3 of the School Construction Bond Act,  
11 funds for school infrastructure under Section 6z-45 of the  
12 State Finance Act, and funds for transportation purposes under  
13 Section 4 of the General Obligation Bond Act. "Public works"  
14 also includes (i) all projects financed in whole or in part  
15 with funds from the Department of Commerce and Economic  
16 Opportunity under the Illinois Renewable Fuels Development  
17 Program Act for which there is no project labor agreement; (ii)  
18 all work performed pursuant to a public-private agreement under  
19 the Joliet Bridge Act ~~public private agreement under the Public~~  
20 ~~Private Agreements for the Illiana Expressway Act~~ or the  
21 Public-Private Agreements for the South Suburban Airport Act;  
22 and (iii) all projects undertaken under a public-private  
23 agreement under the Public-Private Partnerships for  
24 Transportation Act. "Public works" also includes all projects  
25 at leased facility property used for airport purposes under  
26 Section 35 of the Local Government Facility Lease Act. "Public

1 works" also includes the construction of a new wind power  
2 facility by a business designated as a High Impact Business  
3 under Section 5.5(a) (3) (E) of the Illinois Enterprise Zone Act.  
4 "Public works" does not include work done directly by any  
5 public utility company, whether or not done under public  
6 supervision or direction, or paid for wholly or in part out of  
7 public funds. "Public works" also includes any corrective  
8 action performed pursuant to Title XVI of the Environmental  
9 Protection Act for which payment from the Underground Storage  
10 Tank Fund is requested. "Public works" does not include  
11 projects undertaken by the owner at an owner-occupied  
12 single-family residence or at an owner-occupied unit of a  
13 multi-family residence. "Public works" does not include work  
14 performed for soil and water conservation purposes on  
15 agricultural lands, whether or not done under public  
16 supervision or paid for wholly or in part out of public funds,  
17 done directly by an owner or person who has legal control of  
18 those lands.

19 "Construction" means all work on public works involving  
20 laborers, workers or mechanics. This includes any maintenance,  
21 repair, assembly, or disassembly work performed on equipment  
22 whether owned, leased, or rented.

23 "Locality" means the county where the physical work upon  
24 public works is performed, except (1) that if there is not  
25 available in the county a sufficient number of competent  
26 skilled laborers, workers and mechanics to construct the public

1 works efficiently and properly, "locality" includes any other  
2 county nearest the one in which the work or construction is to  
3 be performed and from which such persons may be obtained in  
4 sufficient numbers to perform the work and (2) that, with  
5 respect to contracts for highway work with the Department of  
6 Transportation of this State, "locality" may at the discretion  
7 of the Secretary of the Department of Transportation be  
8 construed to include two or more adjacent counties from which  
9 workers may be accessible for work on such construction.

10 "Public body" means the State or any officer, board or  
11 commission of the State or any political subdivision or  
12 department thereof, or any institution supported in whole or in  
13 part by public funds, and includes every county, city, town,  
14 village, township, school district, irrigation, utility,  
15 reclamation improvement or other district and every other  
16 political subdivision, district or municipality of the state  
17 whether such political subdivision, municipality or district  
18 operates under a special charter or not.

19 "Labor organization" means an organization that is the  
20 exclusive representative of an employer's employees recognized  
21 or certified pursuant to the National Labor Relations Act.

22 The terms "general prevailing rate of hourly wages",  
23 "general prevailing rate of wages" or "prevailing rate of  
24 wages" when used in this Act mean the hourly cash wages plus  
25 annualized fringe benefits for training and apprenticeship  
26 programs approved by the U.S. Department of Labor, Bureau of



1 Apprenticeship and Training, health and welfare, insurance,  
2 vacations and pensions paid generally, in the locality in which  
3 the work is being performed, to employees engaged in work of a  
4 similar character on public works.

5 (Source: P.A. 100-1177, eff. 6-1-19.)

6 (605 ILCS 130/Act rep.)

7 Section 960. The Public Private Agreements for the Illiana  
8 Expressway Act is repealed.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 2705/2705-220

5 20 ILCS 3501/825-105

6 30 ILCS 105/5.930 new

7 30 ILCS 550/1.5

8 30 ILCS 570/2.5

9 30 ILCS 575/2.5

10 35 ILCS 120/1q

11 35 ILCS 200/15-55

12 630 ILCS 5/10

13 630 ILCS 5/15

14 735 ILCS 30/15-5-35

15 735 ILCS 30/15-5-48 new

16 820 ILCS 130/2 from Ch. 48, par. 39s-2

17 605 ILCS 130/Act rep.