

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Aeronautics Act is amended by
5 changing Sections 34, 34a, and 38.01 as follows:

6 (620 ILCS 5/34) (from Ch. 15 1/2, par. 22.34)

7 Sec. 34. Financial assistance to municipalities and
8 others. The Department, subject to the provisions of Section
9 41 of this Act, may render financial assistance in the
10 planning, construction, reconstruction, extension,
11 development, and improvement of air navigation facilities
12 including acquisition of land, rights in land, easements
13 including aviation easements necessary for clear zones or
14 clear areas, costs of obstruction removal and airport approach
15 aids owned, controlled, or operated, or to be owned,
16 controlled, or operated by municipalities, other political
17 subdivisions of this State, or privately owned commercially
18 operated airports in Illinois, out of appropriations made by
19 the General Assembly for any such purpose. The Department
20 shall not render such financial assistance in connection with
21 the planning, construction, reconstruction, extension,
22 development or improvement of hangars or other airport
23 buildings, or in connection with the subsequent operation or

1 maintenance of such air navigation facilities unless such
2 facilities are for public use, publicly owned, and of public
3 benefit. As used in this Section, "of public benefit" includes
4 aircraft hangars, fixed-based operator buildings, and aircraft
5 maintenance buildings at nonprimary airports included within
6 the State Airport Plan. The municipality, other political
7 subdivision, or privately owned commercially operated airports
8 in Illinois, to which such financial assistance is being
9 extended by the Department, before such financial assistance
10 is given, shall satisfy the Department that (a) such air
11 navigation facility will be owned or effectively controlled,
12 operated, repaired and maintained adequately during its full
13 useful life, for the benefit of the public, and (b) in
14 connection with the operation of such air navigation facility,
15 during its full useful life, the public will not be deprived of
16 its rightful, fair, equal and uniform use thereof. The owners
17 and operators of an airport receiving financial assistance
18 under this Act must adequately control, operate, repair, and
19 maintain the airport during its full useful life for the
20 benefit of the public. The owners and operators of an airport
21 receiving financial assistance must ensure that the public
22 will not be deprived of its rightful, fair, equal, and uniform
23 use of the airport during its full useful life. For the
24 purposes of this paragraph, the full useful life of an airport
25 is not less than 20 years after the financial assistance is
26 received by the owners and operators of the airport. Nothing

1 in this Section, however, imposes any obligation that is
2 inconsistent with any judgment, order, injunction, or decree
3 of any court that was rendered before the effective date of
4 this amendatory Act of the 92nd General Assembly.

5 Any commercial airport, in order to qualify under the
6 provisions of this Section must be included in the State
7 Airport Plan as prepared or revised from time to time by the
8 Illinois Department of Transportation. In the case of
9 commercial public use airports which are not publicly owned
10 airports, no such development or planning may be proposed
11 except in connection with reliever airports included in the
12 current National Airport System Plan.

13 Improvements to privately owned commercial airports
14 qualifying under this Section shall be contracted for and
15 constructed or developed under the supervision or direction of
16 the Department or such other Department, agency, officer or
17 employee of this State as the Department may designate.

18 If a privately owned commercially operated airport
19 receives assistance under this Section and ceases operations
20 before the predetermined life of the improvements made with
21 such assistance, the State shall be reimbursed for the unused
22 portion of such predetermined life and such claim shall be a
23 lien on the airport property.

24 (Source: P.A. 92-341, eff. 8-10-01.)

25 (620 ILCS 5/34a) (from Ch. 15 1/2, par. 22.34a)

1 Sec. 34a. Financial assistance under Section 34 may also
2 include reimbursement to eligible airport sponsors for the
3 construction or upgrading of Automated Weather Observation
4 Systems (AWOS) financed in whole or in part by State monies.
5 Costs of constructing or upgrading Automated Weather
6 Observation Systems prior to the effective date of this
7 amendatory Act of the 98th General Assembly are eligible for
8 State reimbursements provided that all required State
9 procedures were followed at the time the project was approved
10 by the Department. Financial assistance under Section 34 may
11 also include reimbursements to eligible airport sponsors for
12 land acquisition costs directly related to projects financed
13 either in whole or in part by federal and State monies, and for
14 engineering and construction costs directly related to
15 projects financed in whole or in part by State monies;
16 provided, (1) such engineering, construction, or land
17 acquisition costs were approved by the Department prior to the
18 payment of these costs by the airport sponsor, (2) no State or
19 federal monies have previously been expended for such purposes
20 on such projects, and (3) no State monies shall be expended as
21 reimbursement on any project for engineering or land
22 acquisition unless construction costs for that project are
23 funded by the State. Approval of engineering, construction, or
24 land acquisition costs by the Department prior to the payment
25 of such costs by an airport sponsor shall qualify those costs
26 for State reimbursement but shall not constitute an obligation

1 of State funds in consideration of available appropriation and
2 eligibility of appropriation. Costs of land acquisition by
3 airport sponsors prior to the effective date of this
4 amendatory act of 1982 are qualified for State reimbursement
5 provided all federal and State procedures were followed at the
6 time of acquisition.

7 (Source: P.A. 98-215, eff. 8-9-13.)

8 (620 ILCS 5/38.01) (from Ch. 15 1/2, par. 22.38a)

9 Sec. 38.01. Project applications.

10 (a) No municipality or political subdivision in this State
11 ~~state~~, whether acting alone or jointly with another
12 municipality or political subdivision or with the State ~~state~~,
13 shall submit any project application under the provisions of
14 the Airport and Airway Improvement Act of 1982, or any
15 amendment thereof, unless the project and the project
16 application have been first approved by the Department. Except
17 as provided in subsections (b) or (c) below, no ~~no~~ such
18 municipality or political subdivision shall directly accept,
19 receive, or disburse any funds granted by the United States
20 under the Airport and Airway Improvement Act of 1982, but it
21 shall designate the Department as its agent to accept,
22 receive, and disburse such funds, provided further, however,
23 nothing in this Section shall be construed to prohibit the
24 following:

25 (1) Any ~~any~~ municipality or any political subdivision

1 of more than 500,000 inhabitants from disbursing such
2 funds through its corporate authorities.

3 (2) Any municipality or any political subdivision
4 owning a primary commercial service airport serving at
5 least 10,000 annual enplanements from accepting,
6 receiving, or disbursing funds directly from the federal
7 government.

8 It shall enter into an agreement with the Department
9 prescribing the terms and conditions of such agency in
10 accordance with federal laws, rules and regulations and
11 applicable laws of this State ~~state~~. This subsection (a) does
12 not apply to any project application submitted in connection
13 with the O'Hare Modernization Program as defined in Section 10
14 of the O'Hare Modernization Act, with O'Hare International
15 Airport, or with Midway International Airport.

16 (b) The City of Chicago may submit a project application
17 under the provisions of the Airport and Airway Improvement Act
18 of 1982, as now or hereafter amended, or any other federal law
19 providing for airport planning or development, if the
20 application is submitted in connection with (i) the O'Hare
21 Modernization Program as defined in Section 10 of the O'Hare
22 Modernization Act, (ii) O'Hare International Airport, or (iii)
23 Midway International Airport; and the City may directly
24 accept, receive, and disburse any such funds.

25 (c) Any federal money awarded to airports in the State
26 under the Airport and Airway Improvement Act of 1982, or any

1 amendment thereof, that includes project applications approved
2 by the Department where the Department is designated as the
3 agent to accept, receive, and disburse such funds shall also
4 include a State match to the local share of the application for
5 all costs eligible under the Airport and Airway Improvement
6 Act of 1982, or any amendment thereof, subject to the
7 provisions of Section 34 and Section 41 of this Act and
8 available eligible appropriation.

9 (Source: P.A. 92-341, eff. 8-10-01; 93-450, eff. 8-6-03.)