



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Elaine Nekritz

SYNOPSIS AS INTRODUCED:

605 ILCS 10/11

from Ch. 121, par. 100-11

Amends the Toll Highway Act. Provides that the Toll Highway Authority has the power to enter into an intergovernmental agreement or contract with a unit of local government or other public or private entity for the collection by electronic means of tolls, fees, or revenues. Effective immediately.

LRB093 18780 DRH 44513 b

1 AN ACT in relation to 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
24 opinions, suggestions, or objections, or direct inquiries
25 relating to the proposed increase. Any person may submit a
26 written statement to the Authority at the hearing, whether
27 appearing in person or not. The hearing shall be held in the
28 county in which the proposed increase of the rates is to take
29 place. The Authority shall give notice of the hearing by
30 advertisement on 3 successive days at least 15 days prior to
31 the date of the hearing in a daily newspaper of general
32 circulation within the county within which the hearing is held.

1 The notice shall state the date, time, and place of the
2 hearing, shall contain a description of the proposed increase,
3 and shall specify how interested persons may obtain copies of
4 any reports, resolutions, or certificates describing the basis
5 on which the proposed change, alteration, or modification was
6 calculated. After consideration of any statements filed or oral
7 opinions, suggestions, objections, or inquiries made at the
8 hearing, the Authority may proceed to adopt the proposed
9 increase of the rates for toll. No change or alteration in or
10 modification of the rates for toll shall be effective unless at
11 least 30 days prior to the effective date of such rates notice
12 thereof shall be given to the public by publication in a
13 newspaper of general circulation, and such notice, or notices,
14 thereof shall be posted and publicly displayed at each and
15 every toll station upon or along said toll highways.

16 (d) To construct, at the Authority's discretion, grade
17 separations at intersections with any railroads, waterways,
18 street railways, streets, thoroughfares, public roads or
19 highways intersected by the said toll highways, and to change
20 and adjust the lines and grades thereof so as to accommodate
21 the same to the design of such grade separation and to
22 construct interchange improvements. The Authority is
23 authorized to provide such grade separations or interchange
24 improvements at its own cost or to enter into contracts or
25 agreements with reference to division of cost therefor with any
26 municipality or political subdivision of the State of Illinois,
27 or with the Federal Government, or any agency thereof, or with
28 any corporation, individual, firm, person or association.
29 Where such structures have been built by the Authority and a
30 local highway agency did not enter into an agreement to the
31 contrary, the Authority shall maintain the entire structure,
32 including the road surface, at the Authority's expense.

33 (e) To contract with and grant concessions to or lease or
34 license to any person, partnership, firm, association or
35 corporation so desiring the use of any part of any toll
36 highways, excluding the paved portion thereof, but including

1 the right of way adjoining, under, or over said paved portion
2 for the placing of telephone, telegraph, electric, power lines
3 and other utilities, and for the placing of pipe lines, and to
4 enter into operating agreements with or to contract with and
5 grant concessions to or to lease to any person, partnership,
6 firm, association or corporation so desiring the use of any
7 part of the toll highways, excluding the paved portion thereof,
8 but including the right of way adjoining, or over said paved
9 portion for motor fuel service stations and facilities,
10 garages, stores and restaurants, or for any other lawful
11 purpose, and to fix the terms, conditions, rents, rates and
12 charges for such use.

13 The Authority shall also have power to establish reasonable
14 regulations for the installation, construction, maintenance,
15 repair, renewal, relocation and removal of pipes, mains,
16 conduits, cables, wires, towers, poles and other equipment and
17 appliances (herein called public utilities) of any public
18 utility as defined in the Public Utilities Act along, over or
19 under any toll road project. Whenever the Authority shall
20 determine that it is necessary that any such public utility
21 facilities which now are located in, on, along, over or under
22 any project or projects be relocated or removed entirely from
23 any such project or projects, the public utility owning or
24 operating such facilities shall relocate or remove the same in
25 accordance with the order of the Authority. All costs and
26 expenses of such relocation or removal, including the cost of
27 installing such facilities in a new location or locations, and
28 the cost of any land or lands, or interest in land, or any
29 other rights required to accomplish such relocation or removal
30 shall be ascertained and paid by the Authority as a part of the
31 cost of any such project or projects, and further, there shall
32 be no rent, fee or other charge of any kind imposed upon the
33 public utility owning or operating any facilities ordered
34 relocated on the properties of the said Authority and the said
35 Authority shall grant to the said public utility owning or
36 operating said facilities and its successors and assigns the

1 right to operate the same in the new location or locations for
2 as long a period and upon the same terms and conditions as it
3 had the right to maintain and operate such facilities in their
4 former location or locations.

5 (f) To enter into an intergovernmental agreement or
6 contract with a unit of local government or other public or
7 private entity for the collection by electronic means of tolls,
8 fees, and revenue.

9 (Source: P.A. 90-681, eff. 7-31-98.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.