

1 AN ACT in relation to highways.

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

4 Section 5. The Illinois Highway Code is amended by
5 changing Section 5-903 as follows:

6 (605 ILCS 5/5-903) (from Ch. 121, par. 5-903)

7 Sec. 5-903. Definitions. As used in this Division:

8 "Units of local government" mean counties with a
9 population over 225,000 ~~400,000~~ and all home rule
10 municipalities.

11 "Road improvement impact fee" means any charge or fee
12 levied or imposed by a unit of local government as a
13 condition to the issuance of a building permit or a
14 certificate of occupancy in connection with a new
15 development, when any portion of the revenues collected is
16 intended to be used to fund any portion of the costs of road
17 improvements.

18 "Road improvements" mean the improvement, expansion,
19 enlargement or construction of roads, streets, or highways
20 under the jurisdiction of units of local government,
21 including but not limited to bridges, rights-of-way, and
22 traffic control improvements owned and operated by such units
23 of local government. Road improvements may also include the
24 improvement, expansion, enlargement or construction of roads,
25 ramps, streets or highways under the jurisdiction of the
26 State of Illinois, provided an agreement providing for the
27 construction and financing of such road improvements has been
28 reached between the State and the unit of local government
29 and incorporated into the comprehensive road improvement
30 plan. Road improvements shall not include tollways but may
31 include tollway ramps.

1 "New development" means any residential, commercial,
2 industrial or other project which is being newly constructed,
3 reconstructed, redeveloped, structurally altered, relocated,
4 or enlarged, and which generates additional traffic within
5 the service area or areas of the unit of local government.
6 "New development" shall not include any new development for
7 which site specific development approval has been given by a
8 unit of local government within 18 months before the first
9 date of publication by the unit of local government of a
10 notice of public hearing to consider the land use assumptions
11 relating to the development of a comprehensive road
12 improvement plan and imposition of impact fees; provided,
13 however, that a building permit for such new development is
14 issued within 18 months after the date of publication of such
15 notice.

16 "Roads, streets or highways" mean any roads, streets or
17 highways which have been designated by the unit of local
18 government in the comprehensive road improvement plan
19 together with all necessary appurtenances, including but not
20 limited to bridges, rights-of-way, tollway ramps, and traffic
21 control improvements.

22 "Comprehensive road improvement plan" means a plan
23 prepared by the unit of local government in consultation with
24 the Advisory Committee.

25 "Advisory Committee" means the group of members selected
26 from the public and private sectors to advise in the
27 development and implementation of the comprehensive road
28 improvement plan, and the periodic update of the plan.

29 "Person" means any individual, firm, partnership,
30 association, public or private corporation, organization or
31 business, charitable trust, or unit of local government.

32 "Land use assumptions" means a description of the service
33 area or areas and the roads, streets or highways incorporated
34 therein, including projections relating to changes in land

1 uses, densities and population growth rates which affect the
2 level of traffic within the service area or areas over a 20
3 year period of time.

4 "Service area" means one or more land areas within the
5 boundaries of the unit of local government which has been
6 designated by the unit of local government in the
7 comprehensive road improvement plan.

8 "Residential development" means a house, building, or
9 other structure that is suitable or capable of being used for
10 residential purposes.

11 "Nonresidential development" means a building or other
12 structure that is suitable or capable of being used for all
13 purposes other than residential purposes.

14 "Specifically and uniquely attributable" means that a new
15 development creates the need, or an identifiable portion of
16 the need, for additional capacity to be provided by a road
17 improvement. Each new development paying impact fees used to
18 fund a road improvement must receive a direct and material
19 benefit from the road improvement constructed with the impact
20 fees paid. The need for road improvements funded by impact
21 fees shall be based upon generally accepted traffic
22 engineering practices as assignable to the new development
23 paying the fees.

24 "Proportionate share" means the cost of road improvements
25 that are specifically and uniquely attributable to a new
26 development after the consideration of the following factors:
27 the amount of additional traffic generated by the new
28 development, any appropriate credit or offset for
29 contribution of money, dedication of land, construction of
30 road improvements or traffic reduction techniques, payments
31 reasonably anticipated to be made by or as a result of a new
32 development in the form of user fees, debt service payments,
33 or taxes which are dedicated for road improvements and all
34 other available sources of funding road improvements.

1 "Level of service" means one of the categories of road
2 service as defined by the Institute of Transportation
3 Engineers which shall be selected by a unit of local
4 government imposing the impact fee as the adopted level of
5 service to serve existing development not subject to the fee
6 and new development, provided that the level of service
7 selected for new development shall not exceed the level of
8 service adopted for existing development.

9 "Site specific development approval" means an approval of
10 a plan submitted by a developer to a unit of local government
11 describing with reasonable certainty the type and intensity
12 of use for a specific parcel or parcels of property. The
13 plan may be in the form of, but need not be limited to, any
14 of the following: a preliminary or final planned unit
15 development plan, subdivision plat, development plan,
16 conditional or special use permit, or any other form of
17 development use approval, as utilized by a unit of local
18 government, provided that the development use approval
19 constitutes a final exercise of discretion by the unit of
20 local government.

21 "Developer" means any person who undertakes new
22 development.

23 "Existing deficiencies" mean existing roads, streets, or
24 highways operating at a level of service below the adopted
25 level of service selected by the unit of local government, as
26 defined in the comprehensive road improvement plan.

27 "Assisted financing" means the financing of residential
28 development by the Illinois Housing Development Authority,
29 including loans to developers for multi-unit residential
30 development and loans to purchasers of single family
31 residences, including condominiums and townhomes.

32 (Source: P.A. 90-356, eff. 8-10-97.)