



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1889

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

605 ILCS 5/9-101.5 new	
605 ILCS 5/10-302	from Ch. 121, par. 10-302
605 ILCS 5/10-302.5	
605 ILCS 5/10-502	from Ch. 121, par. 10-502
605 ILCS 5/10-602	from Ch. 121, par. 10-602
605 ILCS 5/10-702	from Ch. 121, par. 10-702
605 ILCS 5/10-802	from Ch. 121, par. 10-802
605 ILCS 10/11	from Ch. 121, par. 100-11
605 ILCS 115/7	from Ch. 137, par. 7

Amends the Illinois Highway Code, the Toll Highway Act, and the Toll Bridge Act. Contains findings that electronic toll collection systems in Illinois should be standardized to promote safety, efficiency, and traveler convenience. Requires the Department of Transportation, counties, and municipalities to configure the electronic toll collection system on county toll bridges, municipal toll bridges, and municipal ferries (and, if electronic toll collection is used on any highways constructed or maintained by the Department, on those highways) to be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority. Authorizes intergovernmental agreements and cooperation among entities to standardize toll collection and toll violation and enforcement services. Effective immediately.

LRB097 05494 HEP 45554 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Highway Code is amended by changing
5 Sections 10-302, 10-302.5, 10-502, 10-602, 10-702, and 10-802
6 and by adding Section 9-101.5 as follows:

7 (605 ILCS 5/9-101.5 new)

8 Sec. 9-101.5. Standardized electronic toll collection
9 systems. The General Assembly finds that electronic toll
10 collection systems in Illinois should be standardized to
11 promote safety, efficiency, and traveler convenience. The
12 Department shall cooperate with the Illinois State Toll Highway
13 Authority and with other public and private entities to further
14 the goal of standardized toll collection in Illinois. If
15 electronic toll collection is used on any highway constructed
16 or maintained by the Department or by a private entity pursuant
17 to an agreement with the Department, the Department shall
18 require the electronic toll collection system to be compatible
19 with the electronic toll collection system used by the Illinois
20 State Toll Highway Authority. The Department may enter into an
21 intergovernmental agreement with the Illinois State Toll
22 Highway Authority to provide for such compatibility or to have
23 the Authority provide electronic toll collection or toll

1 violation enforcement services.

2 (605 ILCS 5/10-302) (from Ch. 121, par. 10-302)

3 Sec. 10-302. Every county which, by ordinance, determines
4 to exercise the powers granted by this Division of this Article
5 has the right to acquire by purchase or otherwise, to
6 construct, repair, maintain and operate any such bridge and its
7 approaches across, above or under any railroad or public
8 utility right-of-way, and in, upon, under or above any public
9 or private road, highway, street, alley or public ground, or
10 upon any property owned by any municipality, political
11 subdivision or agency of this State, and for the purpose of
12 acquiring property or easements necessary or incidental in the
13 construction, repair, maintenance or operation of any such
14 bridge and the approaches thereto, any such county shall have
15 the right of eminent domain as provided by the Eminent Domain
16 Act. The county board of each such county has power to make,
17 enact and enforce all needful rules and regulations in
18 connection with the acquisition, construction, maintenance,
19 operation, management, care or protection of any such bridge,
20 and such county board shall establish rates of toll or charges
21 for the use of each such bridge which shall be sufficient at
22 all times to pay the cost of maintenance and operation of such
23 bridge and its approaches, and the principal of and interest on
24 all bonds issued and all other obligations incurred by such
25 county under the provisions of this Division of this Article.

1 Rules and regulations shall be established from time to time by
2 ordinance.

3 Rates of toll or charges for the use of each such bridge
4 shall be established, revised, maintained, be payable and be
5 enforced, including by administrative adjudication as provided
6 in Section 10-302.5, as the county board of each such county
7 may determine by ordinance.

8 The General Assembly finds that electronic toll collection
9 systems in Illinois should be standardized to promote safety,
10 efficiency, and traveler convenience. If electronic toll
11 collection is used on such bridge, the county shall configure
12 the electronic toll collection system to be compatible with the
13 electronic toll collection system used by the Illinois State
14 Toll Highway Authority. The county may enter into an
15 intergovernmental agreement with the Illinois State Toll
16 Highway Authority to provide for such compatibility or to have
17 the Authority provide electronic toll collection or toll
18 violation enforcement services.

19 (Source: P.A. 94-1055, eff. 1-1-07.)

20 (605 ILCS 5/10-302.5)

21 Sec. 10-302.5. Administrative adjudication of toll
22 violations.

23 (a) The county may provide by ordinance for a system of
24 administrative adjudication for fixing, assessing, and
25 collecting civil fines for a vehicle's operation on a county

1 toll bridge if the required toll or charge has not been paid.

2 (b) An ordinance establishing a system of administrative
3 adjudication under this Section shall provide for the
4 following:

5 (1) Written notice of the alleged violation sent by
6 first class U.S. mail.

7 (2) Availability of a hearing in which the violation
8 may be contested on its merits and the time and manner in
9 which the hearing may be held.

10 (3) An opportunity for the person who allegedly
11 violated the ordinance to appear at the hearing and contest
12 the merits of the alleged violation. The rules of evidence
13 shall not apply to the hearing.

14 (4) A civil fine not to exceed \$500 imposed as the
15 result of an administrative adjudication.

16 (5) A burden of proof on the county to establish a
17 violation by a preponderance of the evidence.

18 (6) Judicial review of final determinations of
19 ordinance violations, subject to the provisions of the
20 Administrative Review Law.

21 (c) The county may enter into an intergovernmental
22 agreement with the Illinois State Toll Highway Authority under
23 which the Authority may provide administrative adjudication of
24 toll violations occurring on a county toll bridge.

25 (Source: P.A. 89-120, eff. 7-7-95.)

1 (605 ILCS 5/10-502) (from Ch. 121, par. 10-502)

2 Sec. 10-502. In all cases where a bridge shall heretofore
3 have been constructed or shall hereafter be constructed across
4 a navigable stream by any municipality in whole or in part
5 without the territorial limits of such city, where the
6 population of such municipality furnishing the principal part
7 of the expenses thereof shall not exceed 10,000 inhabitants,
8 and where it is necessary to maintain a draw and lights, then a
9 reasonable toll may be collected by the municipality building
10 such bridge, to be set apart and appropriated to the expense of
11 maintaining such bridge and keeping such bridge in repair, and
12 of maintaining, opening and closing proper draws therefor, and
13 lights, and to the payment of bonds or interest thereon, issued
14 therefor, as hereinafter provided in this Division of this
15 Article.

16 The General Assembly finds that electronic toll collection
17 systems in Illinois should be standardized to promote safety,
18 efficiency, and traveler convenience. If electronic toll
19 collection is used on such bridge, the municipality shall
20 configure the electronic toll collection system to be
21 compatible with the electronic toll collection system used by
22 the Illinois State Toll Highway Authority. The municipality may
23 enter into an intergovernmental agreement with the Illinois
24 State Toll Highway Authority to provide for such compatibility
25 or to have the Authority provide electronic toll collection or
26 toll violation enforcement services.

1 (Source: Laws 1959, p. 196.)

2 (605 ILCS 5/10-602) (from Ch. 121, par. 10-602)

3 Sec. 10-602. Every municipality has the power:

4 (1) To construct, or acquire by purchase, lease, gift,
5 or condemnation in the manner provided for the exercise of
6 the right of eminent domain under the Eminent Domain Act,
7 ferries and bridges, the necessary land therefor, and the
8 approaches thereto, whenever the ferry, bridge, land, or
9 approaches are within the corporate limits, or within 5
10 miles of the corporate limits of the municipality, and also
11 to maintain the specified property;

12 (2) To construct and maintain highways within 5 miles
13 of the corporate limits of the municipality connecting with
14 either end of such a bridge or ferry;

15 (3) To construct or acquire by purchase, lease, gift,
16 or condemnation in the manner provided for the exercise of
17 the right of eminent domain under the Eminent Domain Act,
18 ferries and bridges, the necessary land therefor, and the
19 approaches thereto, within 5 miles of the corporate limits
20 of the municipality, over any river forming a boundary of
21 the State of Illinois, and also to maintain the specified
22 property;

23 (4) To donate money to aid the road districts in which
24 is situated any ferry, bridge, or highway connecting
25 therewith, specified in this section, in constructing, or

1 improving the same, and to issue the bonds of the
2 municipality for that purpose.

3 All such ferries, bridges, and highways shall be free to
4 the public and no toll shall ever be collected by the
5 municipality except that:

6 (1) Tolls may be collected for transit over and use of
7 bridges defined in Section 10-801, as provided for in
8 Sections 10-802 and 10-805.

9 (2) Any municipality which, within the provisions of
10 this section, bears the principal expense and becomes
11 indebted for any ferry, bridge, or the approach thereto,
12 over any river forming a boundary of the State of Illinois,
13 may collect a reasonable toll, for the use thereof, to be
14 set apart and appropriated to the payment of that
15 indebtedness, the interest thereon, and the expense of
16 maintenance of that bridge, ferry, and approach thereto,
17 but for no other purpose;

18 (3) Where any municipality is the owner of any toll
19 bridges or ferries which it is keeping up and maintaining
20 by authority of law, all ownership and rights vested in the
21 municipality shall continue and be held and exercised by
22 it, and the municipality from time to time may fix the
23 rates of toll on those bridges and ferries; and

24 (4) In all cases where, after July 1, 1881, a bridge
25 has been constructed, or a ferry has been acquired across a
26 navigable stream, by any municipality in whole or in part,

1 and where the population of the municipality furnishing the
2 principal part of the expense thereof did not exceed 5,000,
3 and where it is necessary to maintain a draw and lights,
4 and where a debt was incurred by the municipality for these
5 purposes, a reasonable toll may be collected by the
6 municipality contracting the indebtedness. This toll shall
7 be set apart and appropriated to the payment of that
8 indebtedness, the interest thereon, and the expense of
9 keeping the bridge in repair and of maintaining, opening,
10 and closing the draws and lights, or, in case of a ferry,
11 keeping the approaches and boat in repair and for operating
12 the ferry.

13 (5) The General Assembly finds that electronic toll
14 collection systems in Illinois should be standardized to
15 promote safety, efficiency, and traveler convenience. If
16 electronic toll collection is used on such bridge or ferry,
17 the municipality shall configure the electronic toll
18 collection system to be compatible with the electronic toll
19 collection system used by the Illinois State Toll Highway
20 Authority. The municipality may enter into an
21 intergovernmental agreement with the Illinois State Toll
22 Highway Authority to provide for such compatibility or to
23 have the Authority provide electronic toll collection or
24 toll violation enforcement services.

25 (Source: P.A. 94-1055, eff. 1-1-07.)

1 (605 ILCS 5/10-702) (from Ch. 121, par. 10-702)

2 Sec. 10-702. Every municipality has the power:

3 (1) To acquire, by purchase or otherwise, construct,
4 operate and maintain, and repair any bridge within the
5 corporate limits, or within 5 miles of the corporate limits
6 of the municipality, including the necessary land therefor
7 and the approaches thereto. In the exercise of the
8 authority herein granted, the municipality may acquire
9 such property, or any portion thereof or interest therein
10 through condemnation proceedings for the exercise of the
11 right of eminent domain under the Eminent Domain Act.

12 (2) To acquire, purchase, hold, use, lease, mortgage,
13 sell, transfer, and dispose of any property, real,
14 personal, mixed, tangible or intangible, or any interest
15 therein in connection with such a bridge or bridges;

16 (3) To fix, alter, charge, collect, segregate, and
17 apply tolls and other charges for transit over and use of
18 such a bridge or bridges, provided that, if electronic toll
19 collection is used on such bridge or ferry, the
20 municipality shall configure the electronic toll
21 collection system to be compatible with the electronic toll
22 collection system used by the Illinois State Toll Highway
23 Authority;

24 (4) To borrow money, make and issue bonds payable from
25 and secured by a pledge of net revenue of the bridge for
26 the construction of which such bonds may be issued;

1 (5) To make contracts of every kind and nature and to
2 execute all instruments necessary or convenient for the
3 carrying out of the purposes of this Division of this
4 Article;

5 (6) To accept grants from the United States and to
6 enter into contracts with the United States in connection
7 therewith;

8 (7) To enter upon any lands, areas, and premises for
9 the purpose of making soundings, surveys and examinations;

10 (7.5) To enter into intergovernmental agreements with
11 the Illinois State Toll Highway Authority to provide for
12 the compatibility of electronic toll collection services
13 or to have the Authority provide electronic toll collection
14 or toll violation enforcement services; and

15 (8) To do all things necessary to carry out the powers
16 given in this Division of this Article.

17 (Source: P.A. 94-1055, eff. 1-1-07.)

18 (605 ILCS 5/10-802) (from Ch. 121, par. 10-802)

19 Sec. 10-802. Each municipality has the power:

20 (1) To acquire, by purchase or otherwise, construct,
21 reconstruct, improve, enlarge, better, operate, maintain and
22 repair any bridge within the corporate limits or within 5 miles
23 of the corporate limits of the municipality;

24 (2) To acquire, purchase, hold, use, lease, mortgage, sell,
25 transfer and dispose of any property, real or personal or

1 mixed, tangible or intangible, or any interest therein, in
2 connection with such a bridge, including the power and
3 authority to grant perpetual easements or franchises to any
4 railroad or public transportation facility or any assignee
5 thereof, as a part of the consideration of the purchase of any
6 such bridge, for the exclusive right to the use of a portion or
7 portions of any such bridge for the transportation of persons
8 or property across such bridge;

9 (3) To fix, alter, charge, collect, segregate, and apply
10 tolls and other charges for transit over and use of such a
11 bridge, provided that, if electronic toll collection is used on
12 such bridge or ferry, the municipality shall configure the
13 electronic toll collection system to be compatible with the
14 electronic toll collection system used by the Illinois State
15 Toll Highway Authority;

16 (4) To borrow money, make and issue bonds payable from and
17 secured by a pledge of the net revenue of the bridge for the
18 acquisition, construction, reconstruction, improvement,
19 enlargement, betterment or repair of which such bonds may be
20 issued;

21 (5) To cooperate with any adjoining state, or any political
22 subdivision, agency, department, bureau, commission or
23 authority thereof, of whatsoever kind, in the acquisition,
24 construction, reconstruction, improvement, enlargement,
25 betterment, operation, maintenance and repair of any bridge,
26 and in defraying the cost thereof;

1 (6) To make contracts of every kind and nature and to
2 execute all instruments necessary or convenient for the
3 carrying out of the purposes of this Division of this Article;

4 (7) Without limitation of the foregoing, to borrow money
5 and to accept grants from the United States or any person, and
6 to enter into contracts with the United States and such person
7 in connection therewith; ~~and~~

8 (7.5) To enter into intergovernmental agreements with the
9 Illinois State Toll Highway Authority to provide for the
10 compatibility of electronic toll collection services or to have
11 the Authority provide electronic toll collection or toll
12 violation enforcement services; and

13 (8) To alter, widen, lay out, open or construct any
14 streets, avenues or boulevards within or without any
15 municipality deemed necessary to provide adequate traffic
16 regulation and approach or approaches to such bridge or
17 bridges, and to borrow money and issue bonds for such purpose
18 as provided by this Division of this Article.

19 (Source: Laws 1961, p. 2575.)

20 Section 10. The Toll Highway Act is amended by changing
21 Section 11 as follows:

22 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

23 Sec. 11. The Authority shall have power:

24 (a) To enter upon lands, waters and premises in the State

1 for the purpose of making surveys, soundings, drillings and
2 examinations as may be necessary, expedient or convenient for
3 the purposes of this Act, and such entry shall not be deemed to
4 be a trespass, nor shall an entry for such purpose be deemed an
5 entry under any condemnation proceedings which may be then
6 pending; provided, however, that the Authority shall make
7 reimbursement for any actual damage resulting to such lands,
8 waters and premises as the result of such activities.

9 (b) To construct, maintain and operate stations for the
10 collection of tolls or charges upon and along any toll
11 highways.

12 (c) To provide for the collection of tolls and charges for
13 the privilege of using the said toll highways. Before it adopts
14 an increase in the rates for toll, the Authority shall hold a
15 public hearing at which any person may appear, express
16 opinions, suggestions, or objections, or direct inquiries
17 relating to the proposed increase. Any person may submit a
18 written statement to the Authority at the hearing, whether
19 appearing in person or not. The hearing shall be held in the
20 county in which the proposed increase of the rates is to take
21 place. The Authority shall give notice of the hearing by
22 advertisement on 3 successive days at least 15 days prior to
23 the date of the hearing in a daily newspaper of general
24 circulation within the county within which the hearing is held.
25 The notice shall state the date, time, and place of the
26 hearing, shall contain a description of the proposed increase,

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

14 (d) To construct, at the Authority's discretion, grade
15 separations at intersections with any railroads, waterways,
16 street railways, streets, thoroughfares, public roads or
17 highways intersected by the said toll highways, and to change
18 and adjust the lines and grades thereof so as to accommodate
19 the same to the design of such grade separation and to
20 construct interchange improvements. The Authority is
21 authorized to provide such grade separations or interchange
22 improvements at its own cost or to enter into contracts or
23 agreements with reference to division of cost therefor with any
24 municipality or political subdivision of the State of Illinois,
25 or with the Federal Government, or any agency thereof, or with
26 any corporation, individual, firm, person or association.

1 Where such structures have been built by the Authority and a
2 local highway agency did not enter into an agreement to the
3 contrary, the Authority shall maintain the entire structure,
4 including the road surface, at the Authority's expense.

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

21 The Authority shall also have power to establish reasonable
22 regulations for the installation, construction, maintenance,
23 repair, renewal, relocation and removal of pipes, mains,
24 conduits, cables, wires, towers, poles and other equipment and
25 appliances (herein called public utilities) of any public
26 utility as defined in the Public Utilities Act along, over or

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

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

1 The General Assembly finds that electronic toll collection
2 systems in Illinois should be standardized to promote safety,
3 efficiency, and traveler convenience. The Authority shall
4 cooperate with other public and private entities to further the
5 goal of standardized toll collection in Illinois and is
6 authorized to provide toll collection and toll violation
7 enforcement services to such entities when doing so is in the
8 best interest of the Authority and consistent with its
9 obligations under Section 23 of this Act.

10 (Source: P.A. 94-636, eff. 8-22-05.)

11 Section 15. The Toll Bridge Act is amended by changing
12 Section 7 as follows:

13 (605 ILCS 115/7) (from Ch. 137, par. 7)

14 Sec. 7. The county board shall fix the rates of toll, and
15 may from time to time, alter and change the same, and in case
16 of the neglect of the owner of the bridge to keep the same in
17 proper repair and safe for the crossing of persons and
18 property, may prohibit the taking of toll.

19 The General Assembly finds that electronic toll collection
20 systems in Illinois should be standardized to promote safety,
21 efficiency, and traveler convenience. If electronic toll
22 collection is used on such bridge, the county shall cause the
23 configuration of the electronic toll collection system to be
24 compatible with the electronic toll collection system used by

1 the Illinois State Toll Highway Authority. The municipality may
2 enter into an intergovernmental agreement with the Illinois
3 State Toll Highway Authority to provide for such compatibility
4 or to have the Authority provide electronic toll collection or
5 toll violation enforcement services.

6 (Source: R.S. 1874, p. 1059.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.