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09800SB1204ham002

LRB098 02645 OMW 49531 a

1 AMENDMENT TO SENATE BILL 1204

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1204 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Motor Fuel Tax Law is amended by changing  
5 Section 8 as follows:

6 (35 ILCS 505/8) (from Ch. 120, par. 424)

7 Sec. 8. Except as provided in Section 8a, subdivision  
8 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and  
9 16 of Section 15, all money received by the Department under  
10 this Act, including payments made to the Department by member  
11 jurisdictions participating in the International Fuel Tax  
12 Agreement, shall be deposited in a special fund in the State  
13 treasury, to be known as the "Motor Fuel Tax Fund", and shall  
14 be used as follows:

15 (a) 2 1/2 cents per gallon of the tax collected on special  
16 fuel under paragraph (b) of Section 2 and Section 13a of this

1 Act shall be transferred to the State Construction Account Fund  
2 in the State Treasury;

3 (b) \$420,000 shall be transferred each month to the State  
4 Boating Act Fund to be used by the Department of Natural  
5 Resources for the purposes specified in Article X of the Boat  
6 Registration and Safety Act;

7 (c) \$3,500,000 shall be transferred each month to the Grade  
8 Crossing Protection Fund to be used as follows: not less than  
9 \$12,000,000 each fiscal year shall be used for the construction  
10 or reconstruction of rail highway grade separation structures;  
11 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in  
12 fiscal year 2010 and each fiscal year thereafter shall be  
13 transferred to the Transportation Regulatory Fund and shall be  
14 accounted for as part of the rail carrier portion of such funds  
15 and shall be used to pay the cost of administration of the  
16 Illinois Commerce Commission's railroad safety program in  
17 connection with its duties under subsection (3) of Section  
18 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
19 used by the Department of Transportation upon order of the  
20 Illinois Commerce Commission, to pay that part of the cost  
21 apportioned by such Commission to the State to cover the  
22 interest of the public in the use of highways, roads, streets,  
23 or pedestrian walkways in the county highway system, township  
24 and district road system, or municipal street system as defined  
25 in the Illinois Highway Code, together with any projects  
26 authorized under the Elmwood Park Grade Separation Act, as

1 provided in Section 4-302.5 of the Public Utilities Act, as the  
2 same may from time to time be amended, for separation of  
3 grades, for installation, construction or reconstruction of  
4 crossing protection or reconstruction, alteration, relocation  
5 including construction or improvement of any existing highway  
6 necessary for access to property or improvement of any grade  
7 crossing and grade crossing surface including the necessary  
8 highway approaches thereto of any railroad across the highway  
9 or public road, or for the installation, construction,  
10 reconstruction, or maintenance of a pedestrian walkway over or  
11 under a railroad right-of-way, as provided for in and in  
12 accordance with Section 18c-7401 of the Illinois Vehicle Code.  
13 The Commission may order up to \$2,000,000 per year in Grade  
14 Crossing Protection Fund moneys for the improvement of grade  
15 crossing surfaces and up to \$300,000 per year for the  
16 maintenance and renewal of 4-quadrant gate vehicle detection  
17 systems located at non-high speed rail grade crossings. The  
18 Commission shall not order more than \$2,000,000 per year in  
19 Grade Crossing Protection Fund moneys for pedestrian walkways.  
20 In entering orders for projects for which payments from the  
21 Grade Crossing Protection Fund will be made, the Commission  
22 shall account for expenditures authorized by the orders on a  
23 cash rather than an accrual basis. For purposes of this  
24 requirement an "accrual basis" assumes that the total cost of  
25 the project is expended in the fiscal year in which the order  
26 is entered, while a "cash basis" allocates the cost of the

1 project among fiscal years as expenditures are actually made.  
2 To meet the requirements of this subsection, the Illinois  
3 Commerce Commission shall develop annual and 5-year project  
4 plans of rail crossing capital improvements that will be paid  
5 for with moneys from the Grade Crossing Protection Fund. The  
6 annual project plan shall identify projects for the succeeding  
7 fiscal year and the 5-year project plan shall identify projects  
8 for the 5 directly succeeding fiscal years. The Commission  
9 shall submit the annual and 5-year project plans for this Fund  
10 to the Governor, the President of the Senate, the Senate  
11 Minority Leader, the Speaker of the House of Representatives,  
12 and the Minority Leader of the House of Representatives on the  
13 first Wednesday in April of each year;

14 (d) of the amount remaining after allocations provided for  
15 in subsections (a), (b) and (c), a sufficient amount shall be  
16 reserved to pay all of the following:

17 (1) the costs of the Department of Revenue in  
18 administering this Act;

19 (2) the costs of the Department of Transportation in  
20 performing its duties imposed by the Illinois Highway Code  
21 for supervising the use of motor fuel tax funds apportioned  
22 to municipalities, counties and road districts;

23 (3) refunds provided for in Section 13, refunds for  
24 overpayment of decal fees paid under Section 13a.4 of this  
25 Act, and refunds provided for under the terms of the  
26 International Fuel Tax Agreement referenced in Section

1 14a;

2 (4) from October 1, 1985 until June 30, 1994, the  
3 administration of the Vehicle Emissions Inspection Law,  
4 which amount shall be certified monthly by the  
5 Environmental Protection Agency to the State Comptroller  
6 and shall promptly be transferred by the State Comptroller  
7 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
8 Inspection Fund, and for the period July 1, 1994 through  
9 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
10 the period July 1, 2000 through June 30, 2003, one-twelfth  
11 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
12 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each  
13 July 1 and October 1, or as soon thereafter as may be  
14 practical, during the period July 1, 2004 through June 30,  
15 2012, and \$30,000,000 on June 1, 2013, or as soon  
16 thereafter as may be practical, and \$15,000,000 on July 1  
17 and October 1, or as soon thereafter as may be practical,  
18 during the period of July 1, 2013 through June 30, 2014,  
19 for the administration of the Vehicle Emissions Inspection  
20 Law of 2005, to be transferred by the State Comptroller and  
21 Treasurer from the Motor Fuel Tax Fund into the Vehicle  
22 Inspection Fund;

23 (5) amounts ordered paid by the Court of Claims; and

24 (6) payment of motor fuel use taxes due to member  
25 jurisdictions under the terms of the International Fuel Tax  
26 Agreement. The Department shall certify these amounts to

1 the Comptroller by the 15th day of each month; the  
2 Comptroller shall cause orders to be drawn for such  
3 amounts, and the Treasurer shall administer those amounts  
4 on or before the last day of each month;

5 (e) after allocations for the purposes set forth in  
6 subsections (a), (b), (c) and (d), the remaining amount shall  
7 be apportioned as follows:

8 (1) Until January 1, 2000, 58.4%, and beginning January  
9 1, 2000, 45.6% shall be deposited as follows:

10 (A) 37% into the State Construction Account Fund,  
11 and

12 (B) 63% into the Road Fund, \$1,250,000 of which  
13 shall be reserved each month for the Department of  
14 Transportation to be used in accordance with the  
15 provisions of Sections 6-901 through 6-906 of the  
16 Illinois Highway Code;

17 (2) Until January 1, 2000, 41.6%, and beginning January  
18 1, 2000, 54.4% shall be transferred to the Department of  
19 Transportation to be distributed as follows:

20 (A) 49.10% to the municipalities of the State,

21 (B) 16.74% to the counties of the State having  
22 1,000,000 or more inhabitants,

23 (C) 18.27% to the counties of the State having less  
24 than 1,000,000 inhabitants,

25 (D) 15.89% to the road districts of the State.

26 As soon as may be after the first day of each month the

1 Department of Transportation shall allot to each municipality  
2 its share of the amount apportioned to the several  
3 municipalities which shall be in proportion to the population  
4 of such municipalities as determined by the last preceding  
5 municipal census if conducted by the Federal Government or  
6 Federal census. If territory is annexed to any municipality  
7 subsequent to the time of the last preceding census the  
8 corporate authorities of such municipality may cause a census  
9 to be taken of such annexed territory and the population so  
10 ascertained for such territory shall be added to the population  
11 of the municipality as determined by the last preceding census  
12 for the purpose of determining the allotment for that  
13 municipality. If the population of any municipality was not  
14 determined by the last Federal census preceding any  
15 apportionment, the apportionment to such municipality shall be  
16 in accordance with any census taken by such municipality. Any  
17 municipal census used in accordance with this Section shall be  
18 certified to the Department of Transportation by the clerk of  
19 such municipality, and the accuracy thereof shall be subject to  
20 approval of the Department which may make such corrections as  
21 it ascertains to be necessary.

22 As soon as may be after the first day of each month the  
23 Department of Transportation shall allot to each county its  
24 share of the amount apportioned to the several counties of the  
25 State as herein provided. Each allotment to the several  
26 counties having less than 1,000,000 inhabitants shall be in

1 proportion to the amount of motor vehicle license fees received  
2 from the residents of such counties, respectively, during the  
3 preceding calendar year. The Secretary of State shall, on or  
4 before April 15 of each year, transmit to the Department of  
5 Transportation a full and complete report showing the amount of  
6 motor vehicle license fees received from the residents of each  
7 county, respectively, during the preceding calendar year. The  
8 Department of Transportation shall, each month, use for  
9 allotment purposes the last such report received from the  
10 Secretary of State.

11 As soon as may be after the first day of each month, the  
12 Department of Transportation shall allot to the several  
13 counties their share of the amount apportioned for the use of  
14 road districts. The allotment shall be apportioned among the  
15 several counties in the State in the proportion which the total  
16 mileage of township or district roads in the respective  
17 counties bears to the total mileage of all township and  
18 district roads in the State. Funds allotted to the respective  
19 counties for the use of road districts therein shall be  
20 allocated to the several road districts in the county in the  
21 proportion which the total mileage of such township or district  
22 roads in the respective road districts bears to the total  
23 mileage of all such township or district roads in the county.  
24 After July 1 of any year prior to 2011, no allocation shall be  
25 made for any road district unless it levied a tax for road and  
26 bridge purposes in an amount which will require the extension



1 of such tax against the taxable property in any such road  
2 district at a rate of not less than either .08% of the value  
3 thereof, based upon the assessment for the year immediately  
4 prior to the year in which such tax was levied and as equalized  
5 by the Department of Revenue or, in DuPage County, an amount  
6 equal to or greater than \$12,000 per mile of road under the  
7 jurisdiction of the road district, whichever is less. Beginning  
8 July 1, 2011 and each July 1 thereafter, an allocation shall be  
9 made for any road district if it levied a tax for road and  
10 bridge purposes. In counties other than DuPage County, if the  
11 amount of the tax levy requires the extension of the tax  
12 against the taxable property in the road district at a rate  
13 that is less than 0.08% of the value thereof, based upon the  
14 assessment for the year immediately prior to the year in which  
15 the tax was levied and as equalized by the Department of  
16 Revenue, then the amount of the allocation for that road  
17 district shall be a percentage of the maximum allocation equal  
18 to the percentage obtained by dividing the rate extended by the  
19 district by 0.08%. In DuPage County, if the amount of the tax  
20 levy requires the extension of the tax against the taxable  
21 property in the road district at a rate that is less than the  
22 lesser of (i) 0.08% of the value of the taxable property in the  
23 road district, based upon the assessment for the year  
24 immediately prior to the year in which such tax was levied and  
25 as equalized by the Department of Revenue, or (ii) a rate that  
26 will yield an amount equal to \$12,000 per mile of road under

1 the jurisdiction of the road district, then the amount of the  
2 allocation for the road district shall be a percentage of the  
3 maximum allocation equal to the percentage obtained by dividing  
4 the rate extended by the district by the lesser of (i) 0.08% or  
5 (ii) the rate that will yield an amount equal to \$12,000 per  
6 mile of road under the jurisdiction of the road district.

7 Prior to 2011, if any road district has levied a special  
8 tax for road purposes pursuant to Sections 6-601, 6-602 and  
9 6-603 of the Illinois Highway Code, and such tax was levied in  
10 an amount which would require extension at a rate of not less  
11 than .08% of the value of the taxable property thereof, as  
12 equalized or assessed by the Department of Revenue, or, in  
13 DuPage County, an amount equal to or greater than \$12,000 per  
14 mile of road under the jurisdiction of the road district,  
15 whichever is less, such levy shall, however, be deemed a proper  
16 compliance with this Section and shall qualify such road  
17 district for an allotment under this Section. Beginning in 2011  
18 and thereafter, if any road district has levied a special tax  
19 for road purposes under Sections 6-601, 6-602, and 6-603 of the  
20 Illinois Highway Code, and the tax was levied in an amount that  
21 would require extension at a rate of not less than 0.08% of the  
22 value of the taxable property of that road district, as  
23 equalized or assessed by the Department of Revenue or, in  
24 DuPage County, an amount equal to or greater than \$12,000 per  
25 mile of road under the jurisdiction of the road district,  
26 whichever is less, that levy shall be deemed a proper

1 compliance with this Section and shall qualify such road  
2 district for a full, rather than proportionate, allotment under  
3 this Section. If the levy for the special tax is less than  
4 0.08% of the value of the taxable property, or, in DuPage  
5 County if the levy for the special tax is less than the lesser  
6 of (i) 0.08% or (ii) \$12,000 per mile of road under the  
7 jurisdiction of the road district, and if the levy for the  
8 special tax is more than any other levy for road and bridge  
9 purposes, then the levy for the special tax qualifies the road  
10 district for a proportionate, rather than full, allotment under  
11 this Section. If the levy for the special tax is equal to or  
12 less than any other levy for road and bridge purposes, then any  
13 allotment under this Section shall be determined by the other  
14 levy for road and bridge purposes.

15 Prior to 2011, if a township has transferred to the road  
16 and bridge fund money which, when added to the amount of any  
17 tax levy of the road district would be the equivalent of a tax  
18 levy requiring extension at a rate of at least .08%, or, in  
19 DuPage County, an amount equal to or greater than \$12,000 per  
20 mile of road under the jurisdiction of the road district,  
21 whichever is less, such transfer, together with any such tax  
22 levy, shall be deemed a proper compliance with this Section and  
23 shall qualify the road district for an allotment under this  
24 Section.

25 In counties in which a property tax extension limitation is  
26 imposed under the Property Tax Extension Limitation Law, road

1 districts may retain their entitlement to a motor fuel tax  
2 allotment or, beginning in 2011, their entitlement to a full  
3 allotment if, at the time the property tax extension limitation  
4 was imposed, the road district was levying a road and bridge  
5 tax at a rate sufficient to entitle it to a motor fuel tax  
6 allotment and continues to levy the maximum allowable amount  
7 after the imposition of the property tax extension limitation.  
8 Any road district may in all circumstances retain its  
9 entitlement to a motor fuel tax allotment or, beginning in  
10 2011, its entitlement to a full allotment if it levied a road  
11 and bridge tax in an amount that will require the extension of  
12 the tax against the taxable property in the road district at a  
13 rate of not less than 0.08% of the assessed value of the  
14 property, based upon the assessment for the year immediately  
15 preceding the year in which the tax was levied and as equalized  
16 by the Department of Revenue or, in DuPage County, an amount  
17 equal to or greater than \$12,000 per mile of road under the  
18 jurisdiction of the road district, whichever is less.

19 As used in this Section the term "road district" means any  
20 road district, including a county unit road district, provided  
21 for by the Illinois Highway Code; and the term "township or  
22 district road" means any road in the township and district road  
23 system as defined in the Illinois Highway Code. For the  
24 purposes of this Section, "township or district road" also  
25 includes such roads as are maintained by park districts, forest  
26 preserve districts and conservation districts. The Department

1 of Transportation shall determine the mileage of all township  
2 and district roads for the purposes of making allotments and  
3 allocations of motor fuel tax funds for use in road districts.

4 Payment of motor fuel tax moneys to municipalities and  
5 counties shall be made as soon as possible after the allotment  
6 is made. The treasurer of the municipality or county may invest  
7 these funds until their use is required and the interest earned  
8 by these investments shall be limited to the same uses as the  
9 principal funds.

10 (Source: P.A. 97-72, eff. 7-1-11; 97-333, eff. 8-12-11; 98-24,  
11 eff. 6-19-13.)

12 Section 10. The Elmwood Park Grade Separation Authority Act  
13 is amended by changing Sections 5, 15, 35, 50, and 100 as  
14 follows:

15 (70 ILCS 1935/5)

16 Sec. 5. Definitions. As used in this Act:

17 "Authority" means the Elmwood Park Grade Separation  
18 Authority.

19 "Person" includes an individual, partnership, firm, public  
20 or private corporation, and government or unit of government.

21 "Railroad" or "Railroads" means the Northeast Illinois  
22 Regional Commuter Railroad Corporation, created under  
23 subsection (a) of Section 2.20 of the Regional Transportation  
24 Authority Act, ~~Canadian Pacific Railway~~ and other railroads

1 operating or owning trackage or right-of-way within the area of  
2 the Authority.

3 "Village" means the Village of Elmwood Park.

4 (Source: P.A. 98-564, eff. 8-27-13.)

5 (70 ILCS 1935/15)

6 Sec. 15. Creation; duration; termination of the Authority.

7 There is created a body politic and corporate, a unit of local  
8 government, named the Elmwood Park Grade Separation Authority  
9 that embraces that portion of Leyden Township within the  
10 Village of Elmwood Park, Cook County, Illinois. The Authority  
11 shall continue in existence until the accomplishment of its  
12 objectives or until the Authority officials resolve that it is  
13 impossible or economically unfeasible to fulfill its  
14 objectives. Objectives of the Authority include the grade  
15 separation of railroad tracks from the right-of-way of Grand  
16 Avenue in the Village of Elmwood Park, the relocation of  
17 railroad tracks and roadway to facilitate the grade separation,  
18 and other necessary, related improvements to the right-of-way  
19 and at-grade crossing closure within the Village of Elmwood  
20 Park. The Authority shall be dissolved upon its voluntary  
21 termination ~~or 6 months after the first use of the railway on~~  
22 ~~the grade separation structure by a Railroad.~~ Upon termination  
23 or dissolution of the Authority after the construction of the  
24 grade separation project, the Department of Transportation  
25 shall own and maintain the grade separation structure and the

1 Northeast Illinois Regional Commuter Railroad Corporation  
2 ~~Canadian Pacific Railway Company~~ shall own and maintain the  
3 railway along the grade separation structure.

4 (Source: P.A. 98-564, eff. 8-27-13.)

5 (70 ILCS 1935/35)

6 Sec. 35. Acceptance of grants, loans, and appropriations.  
7 The Authority has the power to apply for and accept grants,  
8 loans, advances, and appropriations from the federal  
9 government and from the State of Illinois, or any agency or  
10 instrumentality thereof, to be used for the purposes of the  
11 Authority, and to enter into any agreement in relation to such  
12 grants, loans, advances, and appropriations. The Authority may  
13 also accept from the State, or any State agency, department, or  
14 commission, any county or other political subdivision, any  
15 municipal corporation, any Railroads, school authorities, or  
16 jointly therefrom, grants of funds or services for any of the  
17 purposes of this Act. The Authority shall be treated as a rail  
18 carrier subject to the Illinois Commerce Commission's  
19 jurisdiction and eligible to receive money from the Grade  
20 Crossing Protection Fund, any fund of the State, or other  
21 source available for purposes of promoting safety and  
22 separation of at-grade railroad crossings or highway  
23 improvements.

24 The Illinois Commerce Commission Crossing Safety  
25 Improvement Program FY 2014-2018 Plan shall be revised to

1 include this Authority's grade separation project as one of the  
2 bridge projects contemplated for FY 2015 through FY 2018, and  
3 funds from the Grade Crossing Protection Fund shall be  
4 allocated in the FY 2015 through FY 2018 Plan for said grade  
5 separation project. No Order of the Illinois Commerce  
6 Commission shall be effective or binding on the Authority to  
7 construct the grade separation project unless the federal  
8 government, the State of Illinois, or any agency or  
9 instrumentality thereof has granted or appropriated sufficient  
10 funds for the construction of the grade separation project ~~and~~  
11 ~~the Authority is in receipt of those funds.~~ Notwithstanding,  
12 the Illinois Commerce Commission shall not withhold approval of  
13 the construction of the Authority's grade separation project or  
14 the issuance of any Orders that authorize the construction of  
15 the Authority's grade separation project.

16 (Source: P.A. 98-564, eff. 8-27-13.)

17 (70 ILCS 1935/50)

18 Sec. 50. Board; composition; qualification; compensation  
19 and expenses. The Authority shall be governed by a 7 ~~9~~-member  
20 board consisting of members appointed by the Governor with the  
21 advice and consent of the Senate. Five members shall be voting  
22 members and 2 ~~4~~ members shall be non-voting members. The voting  
23 members shall consist of the following:

24 (1) two former public officials who served within the  
25 Township of Leyden or the Village of Elmwood Park and are



1 recommended to the Governor by the Village President of the  
2 Village of Elmwood Park;

3 (2) one current employee ~~two prior employees~~ of the  
4 Northeast Illinois Regional Commuter Railroad Corporation  
5 ~~Canadian Pacific Railway~~ with management experience; ~~and~~

6 (3) one current employee of Canadian Pacific Railway;  
7 and

8 (4) ~~(3)~~ one resident of the Township of Leyden or the  
9 Village of Elmwood Park.

10 The non-voting members shall consist of the following:

11 (1) the Village President of the Village of Elmwood  
12 Park; and

13 ~~(2) one current employee of Canadian Pacific Railway~~  
14 ~~with management experience;~~

15 ~~(3) one current employee of Northeast Illinois~~  
16 ~~Regional Commuter Railroad Corporation with management~~  
17 ~~experience; and~~

18 (2) ~~(4)~~ one current employee of the Department of  
19 Transportation with management experience.

20 The members of the board shall serve without compensation,  
21 but may be reimbursed for actual expenses incurred by them in  
22 the performance of their duties prescribed by the Authority.  
23 However, any member of the board who serves as secretary or  
24 treasurer may receive compensation for services as that  
25 officer.

26 (Source: P.A. 98-564, eff. 8-27-13; revised 10-17-13.)

1 (70 ILCS 1935/100)

2 Sec. 100. Construction. Nothing in this Act shall be  
3 construed to confer upon the Authority the right, power, or  
4 duty to order or enforce the abandonment of any present  
5 property of the railroads or the use in substitution therefor  
6 of any property acquired for the railroads in the absence of a  
7 contract duly executed by the railroads and the Authority  
8 setting forth the terms and conditions upon which relocation of  
9 the right-of-way and physical facilities of the railroads is to  
10 be accomplished. No such contract shall be or become  
11 enforceable until the provisions of the contract have been  
12 approved or authorized by the Illinois Commerce Commission.

13 Any construction improvements to signaling or any other  
14 aspect of the grade separation project dictated by the ~~Railroad~~  
15 ~~or the~~ Northeast Illinois Regional Commuter Railroad  
16 Corporation shall be paid for ~~respectively~~ by the ~~Railroad or~~  
17 ~~the~~ Northeast Illinois Regional Commuter Railroad Corporation.

18 The ~~Railroad or the~~ Northeast Illinois Regional Commuter  
19 Railroad Corporation, ~~or both,~~ shall specifically pay any and  
20 all costs associated with any upgrades to the railway.

21 (Source: P.A. 98-564, eff. 8-27-13.)

22 Section 15. The Public Utilities Act is amended by adding  
23 Section 4-302.5 as follows:

1 (220 ILCS 5/4-302.5 new)

2 Sec. 4-302.5. Elmwood Park Grade Separation Authority.  
3 Notwithstanding any provision of law to the contrary, the  
4 Commission shall have the jurisdiction provided in Section 35  
5 of the Elmwood Park Grade Separation Authority Act. The  
6 jurisdiction provided under that Act includes the authority to  
7 use funds from the Grade Crossing Protection Fund to reimburse  
8 the Elmwood Park Grade Separation Authority, in an amount not  
9 to exceed \$12,000,000, for the construction of a grade  
10 separation to replace the existing Grand Avenue highway-rail  
11 grade crossing of tracks owned by the Northeast Illinois  
12 Regional Commuter Railroad Corporation, without regard to  
13 whether all or part of the crossing is within the jurisdiction  
14 of the Illinois Department of Transportation, the Regional  
15 Transportation Authority or any subdivision or unit thereof, or  
16 any other State agency or unit of local government.

17 The Elmwood Park Grade Separation Authority shall conduct a  
18 preliminary engineering study for the construction of a grade  
19 separation to replace the existing Grand Avenue highway-rail  
20 grade crossing, which shall result in the preparation of  
21 preliminary engineering plans and an estimate of cost. The  
22 Elmwood Park Grade Separation Authority shall also prepare a  
23 funding plan for the grade separation project. The Elmwood Park  
24 Grade Separation Authority shall submit a copy of the  
25 preliminary engineering study and funding plan for the  
26 construction of a grade separation to replace the existing

1 Grand Avenue highway-rail grade crossing to the Commission for  
2 its review.

3 Following receipt of the preliminary engineering study and  
4 funding plan for the Grand Avenue grade separation project, the  
5 Commission shall include that project as one of the bridge  
6 projects included in the Commission's Crossing Safety  
7 Improvement Program during the earliest 5-year programming  
8 cycle, and funds from the Grade Crossing Protection Fund shall  
9 be programmed for that grade separation project.

10 No funds from the Grade Crossing Protection Fund programmed  
11 for the Grand Avenue grade separation project shall be provided  
12 unless authorized by the Commission. Funds from the Grade  
13 Crossing Protection Fund programmed for the Grand Avenue grade  
14 separation project shall not exceed \$12,000,000 and shall only  
15 be provided to the Elmwood Park Grade Separation Authority as  
16 reimbursement for expenses already incurred.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."