



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB2581**

by Rep. Robert W. Pritchard

#### SYNOPSIS AS INTRODUCED:

605 ILCS 10/11

from Ch. 121, par. 100-11

Amends the Toll Highway Act. Provides that when the Illinois State Toll Highway Authority has built or will build grade separations or interchange improvements at intersections with any railroads, waterways, street railways, streets, thoroughfares, public roads, or highways intersected with the toll highways, the local highway agency or municipality with jurisdiction shall enter into an agreement with the Authority for the ongoing maintenance of the structures.

LRB100 10172 AXK 20353 b

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 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

1 opinions, suggestions, or objections, or direct inquiries  
2 relating to the proposed increase. Any person may submit a  
3 written statement to the Authority at the hearing, whether  
4 appearing in person or not. The hearing shall be held in the  
5 county in which the proposed increase of the rates is to take  
6 place. The Authority shall give notice of the hearing by  
7 advertisement on 3 successive days at least 15 days prior to  
8 the date of the hearing in a daily newspaper of general  
9 circulation within the county within which the hearing is held.  
10 The notice shall state the date, time, and place of the  
11 hearing, shall contain a description of the proposed increase,  
12 and shall specify how interested persons may obtain copies of  
13 any reports, resolutions, or certificates describing the basis  
14 on which the proposed change, alteration, or modification was  
15 calculated. After consideration of any statements filed or oral  
16 opinions, suggestions, objections, or inquiries made at the  
17 hearing, the Authority may proceed to adopt the proposed  
18 increase of the rates for toll. No change or alteration in or  
19 modification of the rates for toll shall be effective unless at  
20 least 30 days prior to the effective date of such rates notice  
21 thereof shall be given to the public by publication in a  
22 newspaper of general circulation, and such notice, or notices,  
23 thereof shall be posted and publicly displayed at each and  
24 every toll station upon or along said toll highways.

25 (d) To construct, at the Authority's discretion, grade  
26 separations at intersections with any railroads, waterways,

1 street railways, streets, thoroughfares, public roads or  
2 highways intersected by the said toll highways, and to change  
3 and adjust the lines and grades thereof so as to accommodate  
4 the same to the design of such grade separation and to  
5 construct interchange improvements. The Authority is  
6 authorized to provide such grade separations or interchange  
7 improvements at its own cost or to enter into contracts or  
8 agreements with reference to division of cost therefor with any  
9 municipality or political subdivision of the State of Illinois,  
10 or with the Federal Government, or any agency thereof, or with  
11 any corporation, individual, firm, person or association.  
12 Where such structures have been or will be built by the  
13 Authority, ~~the and a~~ local highway agency or municipality with  
14 jurisdiction shall enter into an agreement with the Authority  
15 for the ongoing maintenance of the structures. ~~did not enter~~  
16 ~~into an agreement to the contrary, the Authority shall maintain~~  
17 ~~the entire structure, including the road surface, at the~~  
18 ~~Authority's expense.~~

19 (e) To contract with and grant concessions to or lease or  
20 license to any person, partnership, firm, association or  
21 corporation so desiring the use of any part of any toll  
22 highways, excluding the paved portion thereof, but including  
23 the right of way adjoining, under, or over said paved portion  
24 for the placing of telephone, telegraph, electric, power lines  
25 and other utilities, and for the placing of pipe lines, and to  
26 enter into operating agreements with or to contract with and

1 grant concessions to or to lease to any person, partnership,  
2 firm, association or corporation so desiring the use of any  
3 part of the toll highways, excluding the paved portion thereof,  
4 but including the right of way adjoining, or over said paved  
5 portion for motor fuel service stations and facilities,  
6 garages, stores and restaurants, or for any other lawful  
7 purpose, and to fix the terms, conditions, rents, rates and  
8 charges for such use.

9 By January 1, 2016, the Authority shall construct and  
10 maintain at least one electric vehicle charging station at any  
11 location where the Authority has entered into an agreement with  
12 any entity pursuant to this subsection (e) for the purposes of  
13 providing motor fuel service stations and facilities, garages,  
14 stores, or restaurants. The Authority shall charge a fee for  
15 the use of these charging stations to offset the costs of  
16 constructing and maintaining these charging stations. The  
17 Authority shall adopt rules to implement the erection, user  
18 fees, and maintenance of electric vehicle charging stations  
19 pursuant to this subsection (e).

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

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

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

26 The General Assembly finds that electronic toll collection

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

9 (Source: P.A. 97-252, eff. 8-4-11; 98-442, eff. 1-1-14.)