

1 AN ACT creating the Southwest Suburban Railroad
2 Redevelopment Authority.

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

5 Section 1. Short title. This Act may be cited as the
6 Southwest Suburban Railroad Redevelopment Authority Act.

7 Section 5. Legislative declaration. The General
8 Assembly declares that the welfare, health, prosperity, and
9 moral and general well-being of the people of the State are,
10 in large measure, dependent upon the sound and orderly
11 development of municipal areas. The Southwest Suburban area,
12 by reason of the location therein of vital roadways and their
13 use for vehicular travel in access to the entire southwest
14 metropolitan Chicago area, as well as commercial and
15 industrial growth patterns and accessibility to manufacturing
16 and freight-related facilities, have become and will
17 increasingly be the hub of transportation from all parts of
18 the region and throughout the southwest metropolitan area.
19 Motor vehicle traffic, pedestrian travel, and the safety of
20 both motorists and pedestrians are substantially aggravated
21 by the location of railroad grade crossings. Additionally,
22 certain development opportunities may exist in the project
23 area that would stabilize and enhance the tax base of
24 existing communities, maintain and revitalize existing
25 commerce and industry, and promote comprehensive planning
26 within and between communities. The presence of the railroad
27 grade crossings are detrimental to the orderly expansion of
28 industry and commerce and to progress of the region. To
29 alleviate this situation it is necessary to relocate the
30 railroad tracks, to separate the grades at crossing, to
31 acquire property for relocation or submergence of the
32 railroad or highways, to create an agency to facilitate and

1 accomplish that relocation, and to direct infrastructure and
2 development improvements in the Southwest Suburban area.

3 Section 10. Creation; duration. There is created a body
4 politic and corporate, a unit of local government, named the
5 Southwest Suburban Railroad Redevelopment Authority,
6 embracing the townships of Bloom, Thornton, Calumet, Bremen,
7 Orland, Worth, and Palos. The Authority shall continue in
8 existence until the accomplishment of its objective, the
9 relocation of railroad tracks and roadways and the grade
10 separation of railroads from the right-of-way and at-grade
11 crossing closures within the Southwest Suburban area, or
12 until the Authority officially resolves that it is impossible
13 or economically unfeasible to fulfill that objective.

14 Section 15. Acquisition of property. The Authority has
15 the power to acquire by gift, purchase, or legacy the fee
16 simple title to real property located within the boundaries
17 of the Authority, including temporary and permanent
18 easements, as well as reversionary interests in the streets,
19 alleys, and other public places and personal property,
20 required for its purposes, and title thereto shall be taken
21 in the corporate name of the Authority. Any such property
22 that is already devoted to a public use may nevertheless be
23 acquired, provided that no property belonging to the United
24 States of America or the State of Illinois may be acquired
25 without the consent of that governmental unit. No property
26 devoted to a public use belonging to a corporation subject to
27 the jurisdiction of the Illinois Commerce Commission may be
28 acquired without a prior finding by the Illinois Commerce
29 Commission that the taking would not result in the imposition
30 of an undue burden on intrastate commerce. All land and
31 appurtenances thereto, acquired or owned by the Authority,
32 are to be deemed acquired or owned for a public use or public

1 purpose.

2 Section 20. Sale or exchange of property. The Authority
3 has the power to sell, transfer, exchange, vacate, or assign
4 property acquired for the purposes of this Act as it deems
5 appropriate.

6 Section 25. Acceptance of grants, loans, and
7 appropriations. The Authority has the power to apply for and
8 accept grants, loans, advances, and appropriations from the
9 federal government and from the State of Illinois or any
10 agency or instrumentality thereof to be used for the purposes
11 of the Authority, and to enter into any agreement in relation
12 to the grants, loans, advances, and appropriations. The
13 Authority may also accept from the State, any State agency,
14 department, or commission, any county or other political
15 subdivision, any municipal corporation, any railroad, any
16 school authority, or jointly therefrom, grants of funds or
17 services for any of the purposes of this Act. The Authority
18 shall be treated as a rail carrier subject to the Illinois
19 Commerce Commission's jurisdiction and eligible to receive
20 money from the Grade Crossing Protection Fund or any fund of
21 the State or other source available for purposes of promoting
22 safety and separation of at-grade railroad crossings or
23 highway improvements.

24 Section 30. Taxing powers. The Authority may not levy
25 real property taxes for any purpose whatsoever.

26 Section 35. Board; compensation and expenses. The
27 Authority shall be governed by a 5-member board consisting of
28 members appointed by the Governor with the advice and consent
29 of the Senate. Each member shall take and subscribe the
30 constitutional oath of office and file it with the Secretary

1 of State. The members of the board shall serve without
2 compensation, but may be reimbursed for actual expenses
3 incurred by them in the performance of duties prescribed by
4 the Authority. However, any member of the board who serves
5 as secretary or treasurer may receive compensation for
6 services as that officer.

7 Section 40. Organization; chair and temporary secretary.
8 As soon as possible after the effective date of this Act, the
9 board shall organize for the transaction of business, select
10 a Chair and a temporary Secretary from its own number, and
11 adopt bylaws to govern its proceedings. The initial Chair
12 and successors shall be elected by the board from time to
13 time from among members. The board may act through its
14 members by entering into an agreement that a member act on
15 the board's behalf, in which instance the act or performance
16 directed shall be deemed to be exclusively of, for, and by
17 the board and not the individual act of the member or its
18 represented person.

19 Section 45. Meetings; quorum; resolutions. Regular
20 meetings of the board shall be held at least quarterly, the
21 time and place of those meetings to be fixed by the board.
22 Special meetings may be called by the Chair or by a majority
23 of the members of the board by giving notice thereof in
24 writing, stating the time, place, and purpose of the meeting.
25 The notice shall be served by special delivery letter
26 deposited in the mails at least 48 hours before the meeting.
27 A majority of the members of the board shall constitute a
28 quorum for the transaction of business. All action of the
29 board shall be by resolution and, except as otherwise
30 provided in this Act, the affirmative vote of at least a
31 majority shall be necessary for the adoption of any
32 resolution. The Chair shall be entitled to vote on any and

1 all matters coming before the board.

2 Section 50. Secretary and Treasurer; oaths; bond of
3 Treasurer. The board may appoint a Secretary and a
4 Treasurer, who need not be members of the board, to hold
5 office at the pleasure of the board, and fix their duties and
6 compensation. Before entering upon the duties of their
7 respective offices, they shall take and subscribe to the
8 constitutional oath of office, and the Treasurer shall
9 execute a bond with corporate sureties to be approved by the
10 board. The bond shall be payable to the Authority in
11 whatever penal sum may be directed by the board conditioned
12 upon the faithful performance of the duties of the office and
13 the payment of all money received by the Treasurer according
14 to law and the orders of the board. The board may, at any
15 time, require a new bond for the Treasurer in any penal sum
16 that may then be determined by the board.

17 Section 55. Deposit and withdrawal of funds; signatures.
18 All funds deposited by the Treasurer in any bank or savings
19 and loan association shall be placed in the name of the
20 Authority and shall be withdrawn or paid out only by check or
21 draft upon the bank or savings and loan association, signed
22 by the Treasurer and countersigned by the Chair of the board.
23 Subject to prior approval of the designations by a majority
24 of the board, the Chair may designate any other member or any
25 officer of the Authority to affix the signature of the
26 Treasurer to any Authority check or draft for payment of
27 salaries or wages and for payment of any other obligation of
28 not more than \$2,500.

29 No bank or savings and loan association shall receive
30 public funds as permitted by this Section unless it has
31 complied with the requirements established under Section 6 of
32 the Public Funds Investment Act.

1 Section 60. Delivery of check after executing officer
2 ceases to hold office. If any officer whose signature appears
3 upon any check or draft issued pursuant to this Act ceases to
4 hold office before the delivery of the check or draft to the
5 payee, the officer's signature nevertheless shall be valid
6 and sufficient for all purposes with the same effect as if
7 the officer had remained in office until delivery of the
8 check or draft.

9 Section 65. Rules. The board may make all rules and
10 regulations proper or necessary and to carry into effect the
11 powers granted to it. The rules and regulations shall be
12 consistent with the guidelines, objectives, and project scope
13 as set out by the Illinois Commerce Commission.

14 Section 70. Fiscal year. The Authority shall designate
15 its fiscal year.

16 Section 75. Reports and financial statements. Within 60
17 days after the end of its fiscal year, the board shall cause
18 to be prepared by a certified public accountant a complete
19 and detailed report and financial statement of the operations
20 and assets and liabilities as relate to the projects
21 undertaken by the Authority. A reasonably sufficient number
22 of copies of the report shall be prepared for distribution to
23 persons interested, upon request, and a copy of the report
24 shall be filed with the Illinois Commerce Commission and with
25 the county clerk of Cook County.

26 Section 80. Construction. Nothing in this Act shall be
27 construed to confer upon the Authority the right, power, or
28 duty to order or enforce the abandonment of any present
29 property of the railroads or the use in substitution therefor
30 of any property acquired for the railroads in the absence of

1 a contract duly executed by the railroads and the Authority
2 setting forth the terms and conditions upon which relocation
3 of the right-of-way and physical facilities of the railroads
4 is to be accomplished. No such contract shall be or become
5 enforceable until the provisions of the contract have been
6 approved or authorized by the Illinois Commerce Commission.

7 Section 85. Existing contracts, obligations, and
8 liabilities. No contract, obligation, or liability whatever
9 of the railroads to pay any money into the State treasury,
10 nor any lien of the State upon or right to tax property of
11 the railroads, shall be released, suspended, modified,
12 altered, remitted, or in any manner diminished or impaired by
13 the contract with the Authority, and any such charter
14 provisions applicable to the property on which the railroads
15 are now located shall be deemed in full force and effect with
16 respect to any property on which the railroads are relocated
17 in substitution therefor pursuant to the provisions of this
18 Act or any such contract with the Authority pursuant thereto.
19 Notwithstanding, upon order of the Illinois Commerce
20 Commission, the Authority shall succeed to and assume the
21 performance and actions of the represented persons under the
22 terms of the order and amending orders previously entered
23 relative to projects undertaken by the Authority and
24 consistent with the objectives of the Authority.

25 Section 90. Severability. The provisions of this Act
26 are severable under Section 1.31 of the Statute on Statutes.

27 Section 999. Effective date. This Act takes effect upon
28 becoming law.