

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 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  
9 State for the purpose of making surveys, soundings, drillings  
10 and examinations as may be necessary, expedient or convenient  
11 for the purposes of this Act, and such entry shall not be  
12 deemed to be a trespass, nor shall an entry for such purpose  
13 be deemed an entry under any condemnation proceedings which  
14 may be then pending; provided, however, that the Authority  
15 shall make reimbursement for any actual damage resulting to  
16 such lands, waters and premises as the result of such  
17 activities.

18 (b) To construct, maintain and operate stations for the  
19 collection of tolls or charges upon and along any toll  
20 highways.

21 (c) To provide for the collection of tolls and charges  
22 for the privilege of using the said toll highways. Before it  
23 adopts an increase in the rates for toll, the Authority shall  
24 hold a public hearing at which any person may appear, express  
25 opinions, suggestions, or objections, or direct inquiries  
26 relating to the proposed increase. Any person may submit a  
27 written statement to the Authority at the hearing, whether  
28 appearing in person or not. The hearing shall be held in the  
29 county in which the proposed increase of the rates is to take  
30 place. The Authority shall give notice of the hearing by  
31 advertisement on 3 successive days at least 15 days prior to

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

19 (d) To construct, at the Authority's discretion, grade  
20 separations at intersections with any railroads, waterways,  
21 street railways, streets, thoroughfares, public roads or  
22 highways intersected by the said toll highways, and to change  
23 and adjust the lines and grades thereof so as to accommodate  
24 the same to the design of such grade separation and to  
25 construct interchange improvements. The Authority is  
26 authorized to provide such grade separations or interchange  
27 improvements at its own cost or to enter into contracts or  
28 agreements with reference to division of cost therefor with  
29 any municipality or political subdivision of the State of  
30 Illinois, or with the Federal Government, or any agency  
31 thereof, or with any corporation, individual, firm, person or  
32 association. Where such structures have been built by the  
33 Authority and a local highway agency did not enter into an  
34 agreement to the contrary, the Authority shall maintain the

1 entire structure, including the road surface, at the  
2 Authority's expense.

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

19 The Authority shall also have power to establish  
20 reasonable regulations for the installation, construction,  
21 maintenance, repair, renewal, relocation and removal of  
22 pipes, mains, conduits, cables, wires, towers, poles and  
23 other equipment and appliances (herein called public  
24 utilities) of any public utility as defined in the Public  
25 Utilities Act along, over or under any toll road project.  
26 Whenever the Authority shall determine that it is necessary  
27 that any such public utility facilities which now are located  
28 in, on, along, over or under any project or projects be  
29 relocated or removed entirely from any such project or  
30 projects, the public utility owning or operating such  
31 facilities shall relocate or remove the same in accordance  
32 with the order of the Authority. All costs and expenses of  
33 such relocation or removal, including the cost of installing  
34 such facilities in a new location or locations, and the cost

1 of any land or lands, or interest in land, or any other  
2 rights required to accomplish such relocation or removal  
3 shall be ascertained and paid by the Authority as a part of  
4 the cost of any such project or projects, and further, there  
5 shall be no rent, fee or other charge of any kind imposed  
6 upon the public utility owning or operating any facilities  
7 ordered relocated on the properties of the said Authority and  
8 the said Authority shall grant to the said public utility  
9 owning or operating said facilities and its successors and  
10 assigns the right to operate the same in the new location or  
11 locations for as long a period and upon the same terms and  
12 conditions as it had the right to maintain and operate such  
13 facilities in their former location or locations.

14 (f) To enter into a contract with a unit of local  
15 government or other public or private entity under which the  
16 Authority agrees to collect by electronic means tolls, fees,  
17 or revenues on behalf of that entity.

18 (Source: P.A. 90-681, eff. 7-31-98.)

19 Section 99. Effective date. This Act takes effect on  
20 July 1, 2003.