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09400HB2596sam002

LRB094 08713 AJ0 46496 a

1 AMENDMENT TO HOUSE BILL 2596

2 AMENDMENT NO. _____. Amend House Bill 2596 on page 3,
3 below line 15, by inserting the following:

4 "Section 10. The Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by adding
6 Section 2705-556 as follows:

7 (20 ILCS 2705/2705-556 new)

8 Sec. 2705-556. Leases to telecommunications service
9 providers.

10 (a) Definitions of words and phrases. The following words
11 and phrases when used in this Section have the meanings as
12 ascribed to them.

13 "Telecommunications service provider" means an
14 individual, a partnership, a corporation, another business
15 entity, or a government body engaged in providing
16 telecommunications services.

17 "Telecommunications facility" is a collective term
18 that includes, but is not limited to, antennae towers,
19 transmission and receiving equipment, equipment
20 enclosures, tower attachments, site locations, site
21 improvements, and security features capable of producing,
22 transmitting, or distributing communications, television,
23 data, internet services, or emergency signals, including
24 any fire or police signal system that directly or

1 indirectly serves the public by using energy as the
2 transmitting and receiving medium. The facilities may be
3 privately, publicly, or cooperatively owned by one or more
4 telecommunications service providers. The term "wireless
5 facility" also means the owning company inclusive of any
6 wholly owned or controlled subsidiary.

7 "Transportation facility" means all real property
8 subject to the jurisdiction of the Department without
9 limitation as to current or planned use for the
10 Department's physical facilities, maintenance yards,
11 district offices, and other related buildings and
12 including, but not limited to, highways, rights-of-way,
13 roads and bridges, parking facilities, rest areas, and
14 weigh stations.

15 (b) Notwithstanding Section 2705-555, the Department may
16 lease all or any part of a transportation facility of which the
17 Department has jurisdiction and that is not immediately to be
18 used or developed by the Department to one or more
19 telecommunications service providers. In conjunction
20 therewith, the Department may grant easements, licenses, and
21 permits and shall collect compensation for no less than fair
22 market value for the lease and other use of its transportation
23 facilities. No such lease, easement, license, or permit may be
24 for a longer period of time than 15 years. The Department is
25 authorized to adopt reasonable rules necessary for the
26 administration of this Section.

27 (c) Pursuant to 47 U.S.C. 332, the "Telecommunications Act
28 of 1996", the Department may grant a lease, easement, license,
29 or permit in a transportation facility to a telecommunications
30 service provider for construction, placement, or operation of a
31 telecommunications facility. An interest granted under this
32 Section is subject to all of the following conditions:

33 (1) The transportation facility is owned in fee simple
34 at the time the lease, easement, license, or permit is

1 granted to the telecommunications service provider.
2 Notwithstanding the foregoing, permits related to a lease
3 granted pursuant to this Section may be given in accordance
4 with the provisions of Section 9-113 of the Illinois
5 Highway Code regardless of the property interest of the
6 State.

7 (2) The lease, easement, license, or permit shall be
8 granted on a first come first served basis in accordance
9 with rules as adopted pursuant to subsection (b). The rules
10 may include provisions for master leases for multiple
11 sites.

12 (3) The telecommunications facility shall be designed
13 to accommodate the Department's multi-agency radio
14 communication system, the intelligent transportation
15 system, or the Department's communication system as the
16 Department may determine is necessary for highway or other
17 Departmental purposes, unless waived in writing by the
18 Department.

19 (4) The telecommunications facility shall be designed
20 to accommodate such additional telecommunications
21 equipment as may feasibly be co-located thereon as
22 determined by the Department.

23 (5) The telecommunications service providers granted
24 the lease, easement, license, or permit agree to permit
25 other telecommunications service providers to co-locate on
26 the telecommunications facility, and agree to the terms and
27 conditions of the co-location as determined by the
28 Department.

29 (6) The Department shall require indemnity agreements
30 in favor of the Department as a condition of any lease,
31 easement, license, or permit granted under this Section.
32 Each indemnity agreement shall secure the Department, its
33 employees, and its agents from liability for damages
34 arising out of safety hazards, zoning, and any other matter

1 of public interest the Department considers necessary.

2 (7) All plans and specifications of a
3 telecommunications facility shall meet with the
4 Department's approval.

5 (8) The telecommunications service provider shall
6 comply with all other applicable laws and local ordinances
7 that apply to a telecommunications facility.

8 (9) Any other conditions the Department determines
9 necessary.

10 (d) Money received by the Department under this Section
11 shall be deposited into the Road Fund."