



Sen. James A. DeLeo

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09500SB1173sam002

LRB095 03912 DRH 36455 a

1 AMENDMENT TO SENATE BILL 1173

2 AMENDMENT NO. _____. Amend Senate Bill 1173, on page 1,
3 line 5, by replacing "Section 10" with "Sections 10 and 11";
4 and

5 on page 10, below line 22, by inserting the following:

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.

1 (b) To construct, maintain and operate stations for the
2 collection of tolls or charges upon and along any toll
3 highways.

4 (c) To provide for the collection of tolls and charges for
5 the privilege of using the said toll highways. Before it adopts
6 an increase in the rates for toll, the Authority shall hold a
7 public hearing at which any person may appear, express
8 opinions, suggestions, or objections, or direct inquiries
9 relating to the proposed increase. Any person may submit a
10 written statement to the Authority at the hearing, whether
11 appearing in person or not. The hearing shall be held in the
12 county in which the proposed increase of the rates is to take
13 place. The Authority shall give notice of the hearing by
14 advertisement on 3 successive days at least 15 days prior to
15 the date of the hearing in a daily newspaper of general
16 circulation within the county within which the hearing is held.
17 The notice shall state the date, time, and place of the
18 hearing, shall contain a description of the proposed increase,
19 and shall specify how interested persons may obtain copies of
20 any reports, resolutions, or certificates describing the basis
21 on which the proposed change, alteration, or modification was
22 calculated. After consideration of any statements filed or oral
23 opinions, suggestions, objections, or inquiries made at the
24 hearing, the Authority may proceed to adopt the proposed
25 increase of the rates for toll. No change or alteration in or
26 modification of the rates for toll shall be effective unless at

1 least 30 days prior to the effective date of such rates notice
2 thereof shall be given to the public by publication in a
3 newspaper of general circulation, and such notice, or notices,
4 thereof shall be posted and publicly displayed at each and
5 every toll station upon or along said toll highways.

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

23 (e) To contract with and grant concessions to or lease or
24 license to any person, partnership, firm, association or
25 corporation so desiring the use of any part of any toll
26 highways, excluding the paved portion thereof, but including

1 the right of way adjoining, under, or over said paved portion
2 for the placing of telephone, telegraph, electric, power lines
3 and other utilities, and for the placing of pipe lines, and to
4 enter into operating agreements with or to contract with and
5 grant concessions to or to lease to any person, partnership,
6 firm, association or corporation so desiring the use of any
7 part of the toll highways, excluding the paved portion thereof,
8 but including the right of way adjoining, or over said paved
9 portion for motor fuel service stations and facilities,
10 garages, stores and restaurants, hotels, or for any other
11 lawful purpose, and to fix the terms, conditions, rents, rates
12 and charges for such use. Notwithstanding any law to the
13 contrary, beginning on the effective date of this amendatory
14 Act of the 95th General Assembly, the Authority shall have the
15 power to enter into these concessions, licenses, or leases with
16 terms of up to 50 years. Nothing in this Section shall be
17 construed as giving the Authority the power to enter into a
18 sale or lease of the Authority or of all or substantially all
19 of its assets.

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 (g) To enter into an agreement involving the use of

1 Authority assets for promotional purposes so long as the
2 Authority finds that the agreement provides a benefit to the
3 Authority or its customers.

4 (Source: P.A. 94-636, eff. 8-22-05.)"