



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2564

Introduced 2/15/2008, by Sen. James A. DeLeo

SYNOPSIS AS INTRODUCED:

605 ILCS 5/9-101.5 new	
605 ILCS 5/10-302	from Ch. 121, par. 10-302
605 ILCS 5/10-302.5	
605 ILCS 5/10-502	from Ch. 121, par. 10-502
605 ILCS 5/10-602	from Ch. 121, par. 10-602
605 ILCS 5/10-702	from Ch. 121, par. 10-702
605 ILCS 5/10-802	from Ch. 121, par. 10-802
605 ILCS 10/11	from Ch. 121, par. 100-11
605 ILCS 115/7	from Ch. 137, par. 7

Amends the Illinois Highway Code, the Toll Highway Act, and the Toll Bridge Act. Contains findings. Requires the Department of Transportation, counties, and municipalities to configure the electronic toll collection system on county toll bridges, municipal toll bridges, and municipal ferries (and, if electronic toll collection is used on any highways constructed or maintained by the Department, on those highways) to be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority to the "maximum extent reasonably feasible". Authorizes intergovernmental agreements and cooperation among entities to standardize toll collection and toll violation and enforcement services. Makes other changes. Effective immediately.

LRB095 16794 LCT 42831 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Illinois Highway Code is amended by changing
5 Sections 10-302, 10-302.5, 10-502, 10-602, 10-702, and 10-802
6 and by adding Section 9-101.5 as follows:

7 (605 ILCS 5/9-101.5 new)

8 Sec. 9-101.5. Standardized electronic toll collection
9 systems. The General Assembly finds that to the extent
10 reasonably feasible electronic toll collection systems in
11 Illinois should be standardized to promote safety, efficiency,
12 and traveler convenience. The Department shall cooperate the
13 Illinois State Toll Highway Authority and with other public and
14 private entities to further the goal of standardized toll
15 collection in Illinois. If electronic toll collection is used
16 on any highway constructed or maintained by the Department, the
17 Department shall configure the electronic toll collection
18 system to be compatible with the electronic toll collection
19 system used by the Illinois State Toll Highway Authority to the
20 maximum extent reasonably feasible. The Department may enter
21 into an intergovernmental agreement with the Illinois State
22 Toll Highway Authority to provide for such compatibility or to
23 have the Authority provide electronic toll collection or

1 violation enforcement services.

2 (605 ILCS 5/10-302) (from Ch. 121, par. 10-302)

3 Sec. 10-302. Every county which, by ordinance, determines
4 to exercise the powers granted by this Division of this Article
5 has the right to acquire by purchase or otherwise, to
6 construct, repair, maintain and operate any such bridge and its
7 approaches across, above or under any railroad or public
8 utility right-of-way, and in, upon, under or above any public
9 or private road, highway, street, alley or public ground, or
10 upon any property owned by any municipality, political
11 subdivision or agency of this State, and for the purpose of
12 acquiring property or easements necessary or incidental in the
13 construction, repair, maintenance or operation of any such
14 bridge and the approaches thereto, any such county shall have
15 the right of eminent domain as provided by the Eminent Domain
16 Act. The county board of each such county has power to make,
17 enact and enforce all needful rules and regulations in
18 connection with the acquisition, construction, maintenance,
19 operation, management, care or protection of any such bridge,
20 and such county board shall establish rates of toll or charges
21 for the use of each such bridge which shall be sufficient at
22 all times to pay the cost of maintenance and operation of such
23 bridge and its approaches, and the principal of and interest on
24 all bonds issued and all other obligations incurred by such
25 county under the provisions of this Division of this Article.

1 Rules and regulations shall be established from time to time by
2 ordinance.

3 Rates of toll or charges for the use of each such bridge
4 shall be established, revised, maintained, be payable and be
5 enforced, including by administrative adjudication as provided
6 in Section 10-302.5, as the county board of each such county
7 may determine by ordinance.

8 The General Assembly finds that to the extent reasonably
9 feasible electronic toll collection systems in Illinois should
10 be standardized to promote safety, efficiency, and traveler
11 convenience. If electronic toll collection is used on such
12 bridge, the county shall configure the electronic toll
13 collection system to be compatible with the electronic toll
14 collection system used by the Illinois State Toll Highway
15 Authority to the maximum extent reasonably feasible. The county
16 may enter into an intergovernmental agreement with the Illinois
17 State Toll Highway Authority to provide for such compatibility
18 or to have the Authority provide electronic toll collection or
19 violation enforcement services.

20 (Source: P.A. 94-1055, eff. 1-1-07.)

21 (605 ILCS 5/10-302.5)

22 Sec. 10-302.5. Administrative adjudication of toll
23 violations.

24 (a) The county may provide by ordinance for a system of
25 administrative adjudication for fixing, assessing, and

1 collecting civil fines for a vehicle's operation on a county
2 toll bridge if the required toll or charge has not been paid.

3 (b) An ordinance establishing a system of administrative
4 adjudication under this Section shall provide for the
5 following:

6 (1) Written notice of the alleged violation sent by
7 first class U.S. mail.

8 (2) Availability of a hearing in which the violation
9 may be contested on its merits and the time and manner in
10 which the hearing may be held.

11 (3) An opportunity for the person who allegedly
12 violated the ordinance to appear at the hearing and contest
13 the merits of the alleged violation. The rules of evidence
14 shall not apply to the hearing.

15 (4) A civil fine not to exceed \$500 imposed as the
16 result of an administrative adjudication.

17 (5) A burden of proof on the county to establish a
18 violation by a preponderance of the evidence.

19 (6) Judicial review of final determinations of
20 ordinance violations, subject to the provisions of the
21 Administrative Review Law.

22 (c) The county may enter into an intergovernmental
23 agreement with the Illinois State Toll Highway Authority under
24 which the Authority may provide administrative adjudication of
25 toll violations occurring on a county toll bridge.

26 (Source: P.A. 89-120, eff. 7-7-95.)

1 (605 ILCS 5/10-502) (from Ch. 121, par. 10-502)

2 Sec. 10-502. In all cases where a bridge shall heretofore
3 have been constructed or shall hereafter be constructed across
4 a navigable stream by any municipality in whole or in part
5 without the territorial limits of such city, where the
6 population of such municipality furnishing the principal part
7 of the expenses thereof shall not exceed 10,000 inhabitants,
8 and where it is necessary to maintain a draw and lights, then a
9 reasonable toll may be collected by the municipality building
10 such bridge, to be set apart and appropriated to the expense of
11 maintaining such bridge and keeping such bridge in repair, and
12 of maintaining, opening and closing proper draws therefor, and
13 lights, and to the payment of bonds or interest thereon, issued
14 therefor, as hereinafter provided in this Division of this
15 Article.

16 The General Assembly finds that to the extent reasonably
17 feasible electronic toll collection systems in Illinois should
18 be standardized to promote safety, efficiency, and traveler
19 convenience. If electronic toll collection is used on such
20 bridge, the municipality shall configure the electronic toll
21 collection system to be compatible with the electronic toll
22 collection system used by the Illinois State Toll Highway
23 Authority to the maximum extent reasonably feasible. The
24 municipality may enter into an intergovernmental agreement
25 with the Illinois State Toll Highway Authority to provide for

1 such compatibility or to have the Authority provide electronic
2 toll collection or violation enforcement services.

3 (Source: Laws 1959, p. 196.)

4 (605 ILCS 5/10-602) (from Ch. 121, par. 10-602)

5 Sec. 10-602. Every municipality has the power:

6 (1) To construct, or acquire by purchase, lease, gift,
7 or condemnation in the manner provided for the exercise of
8 the right of eminent domain under the Eminent Domain Act,
9 ferries and bridges, the necessary land therefor, and the
10 approaches thereto, whenever the ferry, bridge, land, or
11 approaches are within the corporate limits, or within 5
12 miles of the corporate limits of the municipality, and also
13 to maintain the specified property;

14 (2) To construct and maintain highways within 5 miles
15 of the corporate limits of the municipality connecting with
16 either end of such a bridge or ferry;

17 (3) To construct or acquire by purchase, lease, gift,
18 or condemnation in the manner provided for the exercise of
19 the right of eminent domain under the Eminent Domain Act,
20 ferries and bridges, the necessary land therefor, and the
21 approaches thereto, within 5 miles of the corporate limits
22 of the municipality, over any river forming a boundary of
23 the State of Illinois, and also to maintain the specified
24 property;

25 (4) To donate money to aid the road districts in which

1 is situated any ferry, bridge, or highway connecting
2 therewith, specified in this section, in constructing, or
3 improving the same, and to issue the bonds of the
4 municipality for that purpose.

5 All such ferries, bridges, and highways shall be free to
6 the public and no toll shall ever be collected by the
7 municipality except that:

8 (1) Tolls may be collected for transit over and use of
9 bridges defined in Section 10-801, as provided for in
10 Sections 10-802 and 10-805.

11 (2) Any municipality which, within the provisions of
12 this section, bears the principal expense and becomes
13 indebted for any ferry, bridge, or the approach thereto,
14 over any river forming a boundary of the State of Illinois,
15 may collect a reasonable toll, for the use thereof, to be
16 set apart and appropriated to the payment of that
17 indebtedness, the interest thereon, and the expense of
18 maintenance of that bridge, ferry, and approach thereto,
19 but for no other purpose;

20 (3) Where any municipality is the owner of any toll
21 bridges or ferries which it is keeping up and maintaining
22 by authority of law, all ownership and rights vested in the
23 municipality shall continue and be held and exercised by
24 it, and the municipality from time to time may fix the
25 rates of toll on those bridges and ferries; and

26 (4) In all cases where, after July 1, 1881, a bridge

1 has been constructed, or a ferry has been acquired across a
2 navigable stream, by any municipality in whole or in part,
3 and where the population of the municipality furnishing the
4 principal part of the expense thereof did not exceed 5,000,
5 and where it is necessary to maintain a draw and lights,
6 and where a debt was incurred by the municipality for these
7 purposes, a reasonable toll may be collected by the
8 municipality contracting the indebtedness. This toll shall
9 be set apart and appropriated to the payment of that
10 indebtedness, the interest thereon, and the expense of
11 keeping the bridge in repair and of maintaining, opening,
12 and closing the draws and lights, or, in case of a ferry,
13 keeping the approaches and boat in repair and for operating
14 the ferry.

15 (5) The General Assembly finds that to the extent
16 reasonably feasible electronic toll collection systems in
17 Illinois should be standardized to promote safety,
18 efficiency, and traveler convenience. If electronic toll
19 collection is used on such bridge or ferry, the
20 municipality shall configure the electronic toll
21 collection system to be compatible with the electronic toll
22 collection system used by the Illinois State Toll Highway
23 Authority to the maximum extent reasonably feasible. The
24 municipality may enter into an intergovernmental agreement
25 with the Illinois State Toll Highway Authority to provide
26 for such compatibility or to have the Authority provide

1 electronic toll collection or violation enforcement
2 services.

3 (Source: P.A. 94-1055, eff. 1-1-07.)

4 (605 ILCS 5/10-702) (from Ch. 121, par. 10-702)

5 Sec. 10-702. Every municipality has the power:

6 (1) To acquire, by purchase or otherwise, construct,
7 operate and maintain, and repair any bridge within the
8 corporate limits, or within 5 miles of the corporate limits
9 of the municipality, including the necessary land therefor
10 and the approaches thereto. In the exercise of the
11 authority herein granted, the municipality may acquire
12 such property, or any portion thereof or interest therein
13 through condemnation proceedings for the exercise of the
14 right of eminent domain under the Eminent Domain Act.

15 (2) To acquire, purchase, hold, use, lease, mortgage,
16 sell, transfer, and dispose of any property, real,
17 personal, mixed, tangible or intangible, or any interest
18 therein in connection with such a bridge or bridges;

19 (3) To fix, alter, charge, collect, segregate, and
20 apply tolls and other charges for transit over and use of
21 such a bridge or bridges, provided that, if electronic toll
22 collection is used on such bridge or ferry, the
23 municipality shall configure the electronic toll
24 collection system to be compatible with the electronic toll
25 collection system used by the Illinois State Toll Highway

1 Authority to the maximum extent reasonably feasible;

2 (4) To borrow money, make and issue bonds payable from
3 and secured by a pledge of net revenue of the bridge for
4 the construction of which such bonds may be issued;

5 (5) To make contracts of every kind and nature and to
6 execute all instruments necessary or convenient for the
7 carrying out of the purposes of this Division of this
8 Article;

9 (6) To accept grants from the United States and to
10 enter into contracts with the United States in connection
11 therewith;

12 (7) To enter upon any lands, areas, and premises for
13 the purpose of making soundings, surveys and examinations;

14 (7.5) To enter into intergovernmental agreements with
15 the Illinois State Toll Highway Authority to provide for
16 the compatibility of electronic toll collection services
17 or to have the Authority provide electronic toll collection
18 or violation enforcement services; and

19 (8) To do all things necessary to carry out the powers
20 given in this Division of this Article.

21 (Source: P.A. 94-1055, eff. 1-1-07.)

22 (605 ILCS 5/10-802) (from Ch. 121, par. 10-802)

23 Sec. 10-802. Each municipality has the power:

24 (1) To acquire, by purchase or otherwise, construct,
25 reconstruct, improve, enlarge, better, operate, maintain and

1 repair any bridge within the corporate limits or within 5 miles
2 of the corporate limits of the municipality;

3 (2) To acquire, purchase, hold, use, lease, mortgage, sell,
4 transfer and dispose of any property, real or personal or
5 mixed, tangible or intangible, or any interest therein, in
6 connection with such a bridge, including the power and
7 authority to grant perpetual easements or franchises to any
8 railroad or public transportation facility or any assignee
9 thereof, as a part of the consideration of the purchase of any
10 such bridge, for the exclusive right to the use of a portion or
11 portions of any such bridge for the transportation of persons
12 or property across such bridge;

13 (3) To fix, alter, charge, collect, segregate, and apply
14 tolls and other charges for transit over and use of such a
15 bridge, provided that, if electronic toll collection is used on
16 such bridge or ferry, the municipality shall configure the
17 electronic toll collection system to be compatible with the
18 electronic toll collection system used by the Illinois State
19 Toll Highway Authority to the maximum extent reasonably
20 feasible;

21 (4) To borrow money, make and issue bonds payable from and
22 secured by a pledge of the net revenue of the bridge for the
23 acquisition, construction, reconstruction, improvement,
24 enlargement, betterment or repair of which such bonds may be
25 issued;

26 (5) To cooperate with any adjoining state, or any political

1 subdivision, agency, department, bureau, commission or
2 authority thereof, of whatsoever kind, in the acquisition,
3 construction, reconstruction, improvement, enlargement,
4 betterment, operation, maintenance and repair of any bridge,
5 and in defraying the cost thereof;

6 (6) To make contracts of every kind and nature and to
7 execute all instruments necessary or convenient for the
8 carrying out of the purposes of this Division of this Article;

9 (7) Without limitation of the foregoing, to borrow money
10 and to accept grants from the United States or any person, and
11 to enter into contracts with the United States and such person
12 in connection therewith; ~~and~~

13 (7.5) To enter into intergovernmental agreements with the
14 Illinois State Toll Highway Authority to provide for the
15 compatibility of electronic toll collection services or to have
16 the Authority provide electronic toll collection or violation
17 enforcement services; and

18 (8) To alter, widen, lay out, open or construct any
19 streets, avenues or boulevards within or without any
20 municipality deemed necessary to provide adequate traffic
21 regulation and approach or approaches to such bridge or
22 bridges, and to borrow money and issue bonds for such purpose
23 as provided by this Division of this Article.

24 (Source: Laws 1961, p. 2575.)

25 Section 10. The Toll Highway Act is amended by changing

1 Section 11 as follows:

2 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

3 Sec. 11. The Authority shall have power:

4 (a) To enter upon lands, waters and premises in the State
5 for the purpose of making surveys, soundings, drillings and
6 examinations as may be necessary, expedient or convenient for
7 the purposes of this Act, and such entry shall not be deemed to
8 be a trespass, nor shall an entry for such purpose be deemed an
9 entry under any condemnation proceedings which may be then
10 pending; provided, however, that the Authority shall make
11 reimbursement for any actual damage resulting to such lands,
12 waters and premises as the result of such activities.

13 (b) To construct, maintain and operate stations for the
14 collection of tolls or charges upon and along any toll
15 highways.

16 (c) To provide for the collection of tolls and charges for
17 the privilege of using the said toll highways. Before it adopts
18 an increase in the rates for toll, the Authority shall hold a
19 public hearing at which any person may appear, express
20 opinions, suggestions, or objections, or direct inquiries
21 relating to the proposed increase. Any person may submit a
22 written statement to the Authority at the hearing, whether
23 appearing in person or not. The hearing shall be held in the
24 county in which the proposed increase of the rates is to take
25 place. The Authority shall give notice of the hearing by

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

1 improvements at its own cost or to enter into contracts or
2 agreements with reference to division of cost therefor with any
3 municipality or political subdivision of the State of Illinois,
4 or with the Federal Government, or any agency thereof, or with
5 any corporation, individual, firm, person or association.
6 Where such structures have been built by the Authority and a
7 local highway agency did not enter into an agreement to the
8 contrary, the Authority shall maintain the entire structure,
9 including the road surface, at the Authority's expense.

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

26 The Authority shall also have power to establish reasonable

1 regulations for the installation, construction, maintenance,
2 repair, renewal, relocation and removal of pipes, mains,
3 conduits, cables, wires, towers, poles and other equipment and
4 appliances (herein called public utilities) of any public
5 utility as defined in the Public Utilities Act along, over or
6 under any toll road project. Whenever the Authority shall
7 determine that it is necessary that any such public utility
8 facilities which now are located in, on, along, over or under
9 any project or projects be relocated or removed entirely from
10 any such project or projects, the public utility owning or
11 operating such facilities shall relocate or remove the same in
12 accordance with the order of the Authority. All costs and
13 expenses of such relocation or removal, including the cost of
14 installing such facilities in a new location or locations, and
15 the cost of any land or lands, or interest in land, or any
16 other rights required to accomplish such relocation or removal
17 shall be ascertained and paid by the Authority as a part of the
18 cost of any such project or projects, and further, there shall
19 be no rent, fee or other charge of any kind imposed upon the
20 public utility owning or operating any facilities ordered
21 relocated on the properties of the said Authority and the said
22 Authority shall grant to the said public utility owning or
23 operating said facilities and its successors and assigns the
24 right to operate the same in the new location or locations for
25 as long a period and upon the same terms and conditions as it
26 had the right to maintain and operate such facilities in their

1 former location or locations.

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

6 The General Assembly finds that to the extent reasonably
7 feasible electronic toll collection systems in Illinois should
8 be standardized to promote safety, efficiency, and traveler
9 convenience. The Authority shall cooperate with other public
10 and private entities to further the goal of standardized toll
11 collection in Illinois and is authorized to provide toll
12 collection and violation enforcement services to such entities
13 when doing so is in the best interest of the Authority and
14 consistent with its obligations under Section 23 of this Act.

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

16 Section 15. The Toll Bridge Act is amended by changing
17 Section 7 as follows:

18 (605 ILCS 115/7) (from Ch. 137, par. 7)

19 Sec. 7. The county board shall fix the rates of toll, and
20 may from time to time, alter and change the same, and in case
21 of the neglect of the owner of the bridge to keep the same in
22 proper repair and safe for the crossing of persons and
23 property, may prohibit the taking of toll.

24 The General Assembly finds that to the extent reasonably

1 feasible electronic toll collection systems in Illinois should
2 be standardized to promote safety, efficiency, and traveler
3 convenience. If electronic toll collection is used on such
4 bridge, the county shall cause the configuration of the
5 electronic toll collection system to be compatible with the
6 electronic toll collection system used by the Illinois State
7 Toll Highway Authority to the maximum extent reasonably
8 feasible. The municipality may enter into an intergovernmental
9 agreement with the Illinois State Toll Highway Authority to
10 provide for such compatibility or to have the Authority provide
11 electronic toll collection or violation enforcement services.
12 (Source: R.S. 1874, p. 1059.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.