



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4053

Introduced 2/27/2009, by Rep. Mike Fortner - Darlene J. Senger  
- Tom Cross - Linda Chapa LaVia - Fred Crespo, et al.

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1008.7 new

Amends the Counties Code. Provides that the county boards of Cook, DuPage, Kane, Lake, McHenry, and Will Counties may impose a tax upon all rail line owners (calculated per rail car per mile) for the privilege of operating a rail line within the county and that the rate must be sufficient to complete necessary grade crossing separation work and related infrastructure improvements to improve safety for first responders and the general public. Contains other provisions. Effective immediately.

LRB096 07609 RCE 17705 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Section  
5 5-1008.7 as follows:

6 (55 ILCS 5/5-1008.7 new)

7 Sec. 5-1008.7. County tax for railroad grade crossings. The  
8 county board of Cook, DuPage, Kane, Lake, McHenry, and Will  
9 County may each impose a tax upon all rail line owners for the  
10 privilege of operating a rail line within the county. The tax  
11 shall be at a rate determined by the Illinois Commerce  
12 Commission and approved by the county board, and shall be  
13 calculated per rail car per mile traveled in the county. The  
14 rate must be sufficient to complete necessary grade crossing  
15 separation work and related infrastructure improvements in the  
16 county in order to improve safety for first responders and the  
17 general public. Not less than 60 days prior to the imposition  
18 of the tax by the county board, the Illinois Commerce  
19 Commission must submit to the county board a 10-year plan to  
20 upgrade grade separation crossings in the county, including  
21 costs associated with those upgrades. The Illinois Commerce  
22 Commission shall request and receive data from the Department  
23 of Transportation and each county board sufficient to enable

1 the submission of the plans.

2 The tax imposed pursuant to this Section shall be collected  
3 and enforced by the State Department of Revenue. The Department  
4 shall immediately pay over to the State Treasurer, ex officio,  
5 as trustee, all taxes and penalties collected under this  
6 Section to be deposited into the County Railroad Crossing Fund,  
7 which shall be an unappropriated trust fund held outside of the  
8 State treasury. On or before the 25th day of each calendar  
9 month, the Department shall prepare and certify to the  
10 Comptroller the amounts collected in each county from the tax  
11 imposed under this Section. The amount to be paid to each  
12 county, and deposited into a special fund created in the county  
13 treasury for the purposes of this Section, shall be the amount  
14 collected in each county minus 2%, which shall be paid to the  
15 Illinois Commerce Commission to cover administrative expenses.  
16 Within 10 days after receipt by the Comptroller of the  
17 disbursement certification provided in this Section, the  
18 Comptroller shall cause the orders to be drawn for the  
19 respective amounts in accordance with directions contained in  
20 the certification.

21 The Illinois Commerce Commission must submit an annual  
22 report to the General Assembly, the Governor, and each county  
23 board referenced in this Section. The report must contain the  
24 Commission's 10-year plan and any updates to that plan.

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.