



Rep. Robert Rita

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LRB097 05494 HEP 52484 a

1 AMENDMENT TO HOUSE BILL 1889

2 AMENDMENT NO. _____. Amend House Bill 1889 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Highway Code is amended by
5 changing Sections 10-302, 10-302.5, 10-502, 10-602, 10-702,
6 and 10-802 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 electronic toll
10 collection systems in Illinois should be standardized to
11 promote safety, efficiency, and traveler convenience. The
12 Department shall cooperate with the Illinois State Toll Highway
13 Authority and with other public and private entities to further
14 the goal of standardized toll collection in Illinois. If
15 electronic toll collection is used on any highway constructed
16 or maintained by the Department or by a private entity pursuant

1 to an agreement with the Department, the Department shall
2 require the electronic toll collection system to be compatible
3 with the electronic toll collection system used by the Illinois
4 State Toll Highway Authority. The Department may enter into an
5 intergovernmental agreement with the Illinois State Toll
6 Highway Authority to provide for such compatibility or to have
7 the Authority provide electronic toll collection or toll
8 violation enforcement services.

9 (605 ILCS 5/10-302) (from Ch. 121, par. 10-302)

10 Sec. 10-302. Every county which, by ordinance, determines
11 to exercise the powers granted by this Division of this Article
12 has the right to acquire by purchase or otherwise, to
13 construct, repair, maintain and operate any such bridge and its
14 approaches across, above or under any railroad or public
15 utility right-of-way, and in, upon, under or above any public
16 or private road, highway, street, alley or public ground, or
17 upon any property owned by any municipality, political
18 subdivision or agency of this State, and for the purpose of
19 acquiring property or easements necessary or incidental in the
20 construction, repair, maintenance or operation of any such
21 bridge and the approaches thereto, any such county shall have
22 the right of eminent domain as provided by the Eminent Domain
23 Act. The county board of each such county has power to make,
24 enact and enforce all needful rules and regulations in
25 connection with the acquisition, construction, maintenance,

1 operation, management, care or protection of any such bridge,
2 and such county board shall establish rates of toll or charges
3 for the use of each such bridge which shall be sufficient at
4 all times to pay the cost of maintenance and operation of such
5 bridge and its approaches, and the principal of and interest on
6 all bonds issued and all other obligations incurred by such
7 county under the provisions of this Division of this Article.
8 Rules and regulations shall be established from time to time by
9 ordinance.

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

15 The General Assembly finds that electronic toll collection
16 systems in Illinois should be standardized to promote safety,
17 efficiency, and traveler convenience. If electronic toll
18 collection is used on such bridge, the county shall configure
19 the electronic toll collection system to be compatible with the
20 electronic toll collection system used by the Illinois State
21 Toll Highway Authority. The county may enter into an
22 intergovernmental agreement with the Illinois State Toll
23 Highway Authority to provide for such compatibility or to have
24 the Authority provide electronic toll collection or toll
25 violation enforcement services. Any toll bridges in Winnebago
26 County that are in operation and collecting tolls on the

1 effective date of this amendatory Act of the 97th General
2 Assembly are exempt from the provisions of the Act.

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

4 (605 ILCS 5/10-302.5)

5 Sec. 10-302.5. Administrative adjudication of toll
6 violations.

7 (a) The county may provide by ordinance for a system of
8 administrative adjudication for fixing, assessing, and
9 collecting civil fines for a vehicle's operation on a county
10 toll bridge if the required toll or charge has not been paid.

11 (b) An ordinance establishing a system of administrative
12 adjudication under this Section shall provide for the
13 following:

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

16 (2) Availability of a hearing in which the violation
17 may be contested on its merits and the time and manner in
18 which the hearing may be held.

19 (3) An opportunity for the person who allegedly
20 violated the ordinance to appear at the hearing and contest
21 the merits of the alleged violation. The rules of evidence
22 shall not apply to the hearing.

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

25 (5) A burden of proof on the county to establish a

1 violation by a preponderance of the evidence.

2 (6) Judicial review of final determinations of
3 ordinance violations, subject to the provisions of the
4 Administrative Review Law.

5 (c) The county may enter into an intergovernmental
6 agreement with the Illinois State Toll Highway Authority under
7 which the Authority may provide administrative adjudication of
8 toll violations occurring on a county toll bridge.

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

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

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

25 The General Assembly finds that electronic toll collection

1 systems in Illinois should be standardized to promote safety,
2 efficiency, and traveler convenience. If electronic toll
3 collection is used on such bridge, the municipality shall
4 configure the electronic toll collection system to be
5 compatible with the electronic toll collection system used by
6 the Illinois State Toll Highway Authority. The municipality may
7 enter into an intergovernmental agreement with the Illinois
8 State Toll Highway Authority to provide for such compatibility
9 or to have the Authority provide electronic toll collection or
10 toll violation enforcement services.

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

12 (605 ILCS 5/10-602) (from Ch. 121, par. 10-602)

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

14 (1) To construct, or acquire by purchase, lease, gift,
15 or condemnation in the manner provided for the exercise of
16 the right of eminent domain under the Eminent Domain Act,
17 ferries and bridges, the necessary land therefor, and the
18 approaches thereto, whenever the ferry, bridge, land, or
19 approaches are within the corporate limits, or within 5
20 miles of the corporate limits of the municipality, and also
21 to maintain the specified property;

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

25 (3) To construct or acquire by purchase, lease, gift,

1 or condemnation in the manner provided for the exercise of
2 the right of eminent domain under the Eminent Domain Act,
3 ferries and bridges, the necessary land therefor, and the
4 approaches thereto, within 5 miles of the corporate limits
5 of the municipality, over any river forming a boundary of
6 the State of Illinois, and also to maintain the specified
7 property;

8 (4) To donate money to aid the road districts in which
9 is situated any ferry, bridge, or highway connecting
10 therewith, specified in this section, in constructing, or
11 improving the same, and to issue the bonds of the
12 municipality for that purpose.

13 All such ferries, bridges, and highways shall be free to
14 the public and no toll shall ever be collected by the
15 municipality except that:

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

19 (2) Any municipality which, within the provisions of
20 this section, bears the principal expense and becomes
21 indebted for any ferry, bridge, or the approach thereto,
22 over any river forming a boundary of the State of Illinois,
23 may collect a reasonable toll, for the use thereof, to be
24 set apart and appropriated to the payment of that
25 indebtedness, the interest thereon, and the expense of
26 maintenance of that bridge, ferry, and approach thereto,

1 but for no other purpose;

2 (3) Where any municipality is the owner of any toll
3 bridges or ferries which it is keeping up and maintaining
4 by authority of law, all ownership and rights vested in the
5 municipality shall continue and be held and exercised by
6 it, and the municipality from time to time may fix the
7 rates of toll on those bridges and ferries; and

8 (4) In all cases where, after July 1, 1881, a bridge
9 has been constructed, or a ferry has been acquired across a
10 navigable stream, by any municipality in whole or in part,
11 and where the population of the municipality furnishing the
12 principal part of the expense thereof did not exceed 5,000,
13 and where it is necessary to maintain a draw and lights,
14 and where a debt was incurred by the municipality for these
15 purposes, a reasonable toll may be collected by the
16 municipality contracting the indebtedness. This toll shall
17 be set apart and appropriated to the payment of that
18 indebtedness, the interest thereon, and the expense of
19 keeping the bridge in repair and of maintaining, opening,
20 and closing the draws and lights, or, in case of a ferry,
21 keeping the approaches and boat in repair and for operating
22 the ferry.

23 (5) The General Assembly finds that electronic toll
24 collection systems in Illinois should be standardized to
25 promote safety, efficiency, and traveler convenience. If
26 electronic toll collection is used on such bridge or ferry,

1 the municipality shall configure the electronic toll
2 collection system to be compatible with the electronic toll
3 collection system used by the Illinois State Toll Highway
4 Authority. The municipality may enter into an
5 intergovernmental agreement with the Illinois State Toll
6 Highway Authority to provide for such compatibility or to
7 have the Authority provide electronic toll collection or
8 toll violation enforcement services.

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

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

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

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

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

25 (3) To fix, alter, charge, collect, segregate, and

1 apply tolls and other charges for transit over and use of
2 such a bridge or bridges, provided that, if electronic toll
3 collection is used on such bridge or ferry, the
4 municipality shall configure the electronic toll
5 collection system to be compatible with the electronic toll
6 collection system used by the Illinois State Toll Highway
7 Authority;

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

11 (5) To make contracts of every kind and nature and to
12 execute all instruments necessary or convenient for the
13 carrying out of the purposes of this Division of this
14 Article;

15 (6) To accept grants from the United States and to
16 enter into contracts with the United States in connection
17 therewith;

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

20 (7.5) To enter into intergovernmental agreements with
21 the Illinois State Toll Highway Authority to provide for
22 the compatibility of electronic toll collection services
23 or to have the Authority provide electronic toll collection
24 or toll violation enforcement services; and

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

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

2 (605 ILCS 5/10-802) (from Ch. 121, par. 10-802)

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

4 (1) To acquire, by purchase or otherwise, construct,
5 reconstruct, improve, enlarge, better, operate, maintain and
6 repair any bridge within the corporate limits or within 5 miles
7 of the corporate limits of the municipality;

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

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

25 (4) To borrow money, make and issue bonds payable from and

1 secured by a pledge of the net revenue of the bridge for the
2 acquisition, construction, reconstruction, improvement,
3 enlargement, betterment or repair of which such bonds may be
4 issued;

5 (5) To cooperate with any adjoining state, or any political
6 subdivision, agency, department, bureau, commission or
7 authority thereof, of whatsoever kind, in the acquisition,
8 construction, reconstruction, improvement, enlargement,
9 betterment, operation, maintenance and repair of any bridge,
10 and in defraying the cost thereof;

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

14 (7) Without limitation of the foregoing, to borrow money
15 and to accept grants from the United States or any person, and
16 to enter into contracts with the United States and such person
17 in connection therewith; ~~and~~

18 (7.5) To enter into intergovernmental agreements with the
19 Illinois State Toll Highway Authority to provide for the
20 compatibility of electronic toll collection services or to have
21 the Authority provide electronic toll collection or toll
22 violation enforcement services; and

23 (8) To alter, widen, lay out, open or construct any
24 streets, avenues or boulevards within or without any
25 municipality deemed necessary to provide adequate traffic
26 regulation and approach or approaches to such bridge or

1 bridges, and to borrow money and issue bonds for such purpose
2 as provided by this Division of this Article.

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

4 Section 10. 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 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.

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

20 (c) To provide for the collection of tolls and charges for
21 the privilege of using the said toll highways. Before it adopts
22 an increase in the rates for toll, the Authority shall hold a
23 public hearing at which any person may appear, express
24 opinions, suggestions, or objections, or direct inquiries

1 relating to the proposed increase. Any person may submit a
2 written statement to the Authority at the hearing, whether
3 appearing in person or not. The hearing shall be held in the
4 county in which the proposed increase of the rates is to take
5 place. The Authority shall give notice of the hearing by
6 advertisement on 3 successive days at least 15 days prior to
7 the date of the hearing in a daily newspaper of general
8 circulation within the county within which the hearing is held.
9 The notice shall state the date, time, and place of the
10 hearing, shall contain a description of the proposed increase,
11 and shall specify how interested persons may obtain copies of
12 any reports, resolutions, or certificates describing the basis
13 on which the proposed change, alteration, or modification was
14 calculated. After consideration of any statements filed or oral
15 opinions, suggestions, objections, or inquiries made at the
16 hearing, the Authority may proceed to adopt the proposed
17 increase of the rates for toll. No change or alteration in or
18 modification of the rates for toll shall be effective unless at
19 least 30 days prior to the effective date of such rates notice
20 thereof shall be given to the public by publication in a
21 newspaper of general circulation, and such notice, or notices,
22 thereof shall be posted and publicly displayed at each and
23 every toll station upon or along said toll highways.

24 (d) To construct, at the Authority's discretion, grade
25 separations at intersections with any railroads, waterways,
26 street railways, streets, thoroughfares, public roads or

1 highways intersected by the said toll highways, and to change
2 and adjust the lines and grades thereof so as to accommodate
3 the same to the design of such grade separation and to
4 construct interchange improvements. The Authority is
5 authorized to provide such grade separations or interchange
6 improvements at its own cost or to enter into contracts or
7 agreements with reference to division of cost therefor with any
8 municipality or political subdivision of the State of Illinois,
9 or with the Federal Government, or any agency thereof, or with
10 any corporation, individual, firm, person or association.
11 Where such structures have been built by the Authority and a
12 local highway agency did not enter into an agreement to the
13 contrary, the Authority shall maintain the entire structure,
14 including the road surface, at the Authority's expense.

15 (e) To contract with and grant concessions to or lease or
16 license to any person, partnership, firm, association or
17 corporation so desiring the use of any part of any toll
18 highways, excluding the paved portion thereof, but including
19 the right of way adjoining, under, or over said paved portion
20 for the placing of telephone, telegraph, electric, power lines
21 and other utilities, and for the placing of pipe lines, and to
22 enter into operating agreements with or to contract with and
23 grant concessions to or to lease to any person, partnership,
24 firm, association or corporation so desiring the use of any
25 part of the toll highways, excluding the paved portion thereof,
26 but including the right of way adjoining, or over said paved

1 portion for motor fuel service stations and facilities,
2 garages, stores and restaurants, or for any other lawful
3 purpose, and to fix the terms, conditions, rents, rates and
4 charges for such use.

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

1 Authority shall grant to the said public utility owning or
2 operating said facilities and its successors and assigns the
3 right to operate the same in the new location or locations for
4 as long a period and upon the same terms and conditions as it
5 had the right to maintain and operate such facilities in their
6 former location or locations.

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

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

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

21 Section 15. The Toll Bridge Act is amended by changing
22 Section 7 as follows:

23 (605 ILCS 115/7) (from Ch. 137, par. 7)

24 Sec. 7. The county board shall fix the rates of toll, and

1 may from time to time, alter and change the same, and in case
2 of the neglect of the owner of the bridge to keep the same in
3 proper repair and safe for the crossing of persons and
4 property, may prohibit the taking of toll.

5 The General Assembly finds that electronic toll collection
6 systems in Illinois should be standardized to promote safety,
7 efficiency, and traveler convenience. If electronic toll
8 collection is used on such bridge, the county shall cause the
9 configuration of the electronic toll collection system to be
10 compatible with the electronic toll collection system used by
11 the Illinois State Toll Highway Authority. The municipality may
12 enter into an intergovernmental agreement with the Illinois
13 State Toll Highway Authority to provide for such compatibility
14 or to have the Authority provide electronic toll collection or
15 toll violation enforcement services. Any toll bridges in
16 Winnebago County that are in operation and collecting tolls on
17 the effective date of this amendatory Act of the 97th General
18 Assembly are exempt from the provisions of the Act.

19 (Source: R.S. 1874, p. 1059.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."