

# SB3548



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB3548

Introduced 2/14/2014, by Sen. Don Harmon

#### SYNOPSIS AS INTRODUCED:

70 ILCS 1935/5  
70 ILCS 1935/15  
70 ILCS 1935/50  
70 ILCS 1935/100

Amends the Elmwood Park Grade Separation Authority Act. Provides that the Northeast Illinois Regional Commuter Railroad Corporation (currently, the Canadian Pacific Railway Company) shall own and maintain the railway along the grade separation structure. Makes changes concerning the composition of the board. Eliminates provisions requiring the Canadian Pacific Railway to contribute toward certain costs. Defines a required term. Effective immediately.

LRB098 19727 JLK 54940 b

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 Elmwood Park Grade Separation Authority Act  
5 is amended by changing Sections 5, 15, 50, and 100 as follows:

6 (70 ILCS 1935/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Authority" means the Elmwood Park Grade Separation  
9 Authority.

10 "Person" includes an individual, partnership, firm, public  
11 or private corporation, and government or unit of government.

12 "Railroad" or "Railroads" means the Northeast Illinois  
13 Regional Commuter Railroad Corporation, created under  
14 subsection (a) of Section 2.20 of the Regional Transportation  
15 Authority Act, ~~Canadian Pacific Railway~~ and other railroads  
16 operating or owning trackage or right-of-way within the area of  
17 the Authority.

18 "Village" means the Village of Elmwood Park.

19 (Source: P.A. 98-564, eff. 8-27-13.)

20 (70 ILCS 1935/15)

21 Sec. 15. Creation; duration; termination of the Authority.

22 There is created a body politic and corporate, a unit of local

1 government, named the Elmwood Park Grade Separation Authority  
2 that embraces that portion of Leyden Township within the  
3 Village of Elmwood Park, Cook County, Illinois. The Authority  
4 shall continue in existence until the accomplishment of its  
5 objectives or until the Authority officials resolve that it is  
6 impossible or economically unfeasible to fulfill its  
7 objectives. Objectives of the Authority include the grade  
8 separation of railroad tracks from the right-of-way of Grand  
9 Avenue in the Village of Elmwood Park, the relocation of  
10 railroad tracks and roadway to facilitate the grade separation,  
11 and other necessary, related improvements to the right-of-way  
12 and at-grade crossing closure within the Village of Elmwood  
13 Park. The Authority shall be dissolved upon its voluntary  
14 termination ~~or 6 months after the first use of the railway on~~  
15 ~~the grade separation structure by a Railroad.~~ Upon termination  
16 or dissolution of the Authority after the construction of the  
17 grade separation project, the Department of Transportation  
18 shall own and maintain the grade separation structure and the  
19 Northeast Illinois Regional Commuter Railroad Corporation  
20 ~~Canadian Pacific Railway Company~~ shall own and maintain the  
21 railway along the grade separation structure.

22 (Source: P.A. 98-564, eff. 8-27-13.)

23 (70 ILCS 1935/50)

24 Sec. 50. Board; composition; qualification; compensation  
25 and expenses. The Authority shall be governed by a 7 ~~9~~-member

1 board consisting of members appointed by the Governor with the  
2 advice and consent of the Senate. Five members shall be voting  
3 members and 2 ~~4~~ members shall be non-voting members. The voting  
4 members shall consist of the following:

5 (1) two former public officials who served within the  
6 Township of Leyden or the Village of Elmwood Park and are  
7 recommended to the Governor by the Village President of the  
8 Village of Elmwood Park;

9 (2) one current employee ~~two prior employees~~ of the  
10 Northeast Illinois Regional Commuter Railroad Corporation  
11 ~~Canadian Pacific Railway~~ with management experience; ~~and~~

12 (3) one current employee of Canadian Pacific Railway;  
13 and

14 (4) ~~(3)~~ one resident of the Township of Leyden or the  
15 Village of Elmwood Park.

16 The non-voting members shall consist of the following:

17 (1) the Village President of the Village of Elmwood  
18 Park; and

19 ~~(2) one current employee of Canadian Pacific Railway~~  
20 ~~with management experience;~~

21 ~~(3) one current employee of Northeast Illinois~~  
22 ~~Regional Commuter Railroad Corporation with management~~  
23 ~~experience; and~~

24 (2) ~~(4)~~ one current employee of the Department of  
25 Transportation with management experience.

26 The members of the board shall serve without compensation,

1 but may be reimbursed for actual expenses incurred by them in  
2 the performance of their duties prescribed by the Authority.  
3 However, any member of the board who serves as secretary or  
4 treasurer may receive compensation for services as that  
5 officer.

6 (Source: P.A. 98-564, eff. 8-27-13; revised 10-17-13.)

7 (70 ILCS 1935/100)

8 Sec. 100. Construction. Nothing in this Act shall be  
9 construed to confer upon the Authority the right, power, or  
10 duty to order or enforce the abandonment of any present  
11 property of the railroads or the use in substitution therefor  
12 of any property acquired for the railroads in the absence of a  
13 contract duly executed by the railroads and the Authority  
14 setting forth the terms and conditions upon which relocation of  
15 the right-of-way and physical facilities of the railroads is to  
16 be accomplished. No such contract shall be or become  
17 enforceable until the provisions of the contract have been  
18 approved or authorized by the Illinois Commerce Commission.

19 Any construction improvements to signaling or any other  
20 aspect of the grade separation project dictated by the ~~Railroad~~  
21 ~~or the~~ Northeast Illinois Regional Commuter Railroad  
22 Corporation shall be paid for ~~respectively~~ by the ~~Railroad or~~  
23 ~~the~~ Northeast Illinois Regional Commuter Railroad Corporation.

24 The ~~Railroad or the~~ Northeast Illinois Regional Commuter  
25 Railroad Corporation, ~~or both,~~ shall specifically pay any and

1 all costs associated with any upgrades to the railway.

2 (Source: P.A. 98-564, eff. 8-27-13.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.