



Sen. Don Harmon

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LRB098 19727 JLK 57730 a

1 AMENDMENT TO SENATE BILL 3548

2 AMENDMENT NO. _____. Amend Senate Bill 3548 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Elmwood Park Grade Separation Authority Act
5 is amended by changing Sections 5, 15, 20, 35, 50, and 100 as
6 follows:

7 (70 ILCS 1935/5)

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

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

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

13 "Railroad" or "Railroads" means the Northeast Illinois
14 Regional Commuter Railroad Corporation, created under
15 subsection (a) of Section 2.20 of the Regional Transportation
16 Authority Act, ~~Canadian Pacific Railway~~ and other railroads

1 operating or owning trackage or right-of-way within the area of
2 the Authority.

3 "Village" means the Village of Elmwood Park.

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

5 (70 ILCS 1935/15)

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

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

1 Northeast Illinois Regional Commuter Railroad Corporation
2 ~~Canadian Pacific Railway Company~~ shall own and maintain the
3 railway along the grade separation structure.

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

5 (70 ILCS 1935/20)

6 Sec. 20. Procedural capacity; seal; office. The Authority
7 may sue and be sued in its corporate name, but execution shall
8 not in any case issue against any property of the Authority.
9 The grade separation project Authority shall be subject to the
10 jurisdiction of the Illinois Commerce Commission. It may adopt
11 a common seal and change the seal at pleasure. The principal
12 office of the Authority shall be in the Village of Elmwood
13 Park, Illinois.

14 The Authority may enter into contracts for the performance
15 of its objectives, including agreements with other State
16 entities and departments, as well as provide for the letting of
17 construction contracts, consultant service agreements,
18 professional and trade services, and other agreements
19 consistent with the purposes and objectives of the Authority
20 established by this Act. The Authority may accept
21 jurisdictional transfer of public right-of-way for purposes of
22 eliminating at-grade street and railroad crossings.

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

24 (70 ILCS 1935/35)

1 Sec. 35. Acceptance of grants, loans, and appropriations.
2 The Authority has the power to apply for and accept grants,
3 loans, advances, and appropriations from the federal
4 government and from the State of Illinois, or any agency or
5 instrumentality thereof, to be used for the purposes of the
6 Authority, and to enter into any agreement in relation to such
7 grants, loans, advances, and appropriations. The Authority may
8 also accept from the State, or any State agency, department, or
9 commission, any county or other political subdivision, any
10 municipal corporation, any Railroads, school authorities, or
11 jointly therefrom, grants of funds or services for any of the
12 purposes of this Act. The Authority shall be treated as a rail
13 carrier, with only the grade separation project being subject
14 to the Illinois Commerce Commission's jurisdiction, and
15 eligible to receive money from the Grade Crossing Protection
16 Fund, any fund of the State, or other source available for
17 purposes of promoting safety and separation of at-grade
18 railroad crossings or highway improvements.

19 ~~The Illinois Commerce Commission Crossing Safety~~
20 ~~Improvement Program FY 2014-2018 Plan shall be revised to~~
21 ~~include this Authority's grade separation project as one of the~~
22 ~~bridge projects contemplated for FY 2015 through FY 2018, and~~
23 ~~funds from the Grade Crossing Protection Fund shall be~~
24 ~~allocated in the FY 2015 through FY 2018 Plan for said grade~~
25 ~~separation project. No Order of the Illinois Commerce~~
26 ~~Commission shall be effective or binding on the Authority to~~

1 ~~construct the grade separation project unless the federal~~
2 ~~government, the State of Illinois, or any agency or~~
3 ~~instrumentality thereof has granted or appropriated sufficient~~
4 ~~funds for the construction of the grade separation project and~~
5 ~~the Authority is in receipt of those funds. Notwithstanding,~~
6 ~~the Illinois Commerce Commission shall not withhold approval of~~
7 ~~the construction of the Authority's grade separation project or~~
8 ~~the issuance of any Orders that authorize the construction of~~
9 ~~the Authority's grade separation project.~~

10 Notwithstanding any provision of law to the contrary, the
11 Illinois Commerce Commission's jurisdiction under this Act
12 includes the authority to use funds from the Grade Crossing
13 Protection Fund to reimburse the Elmwood Park Grade Separation
14 Authority, in an amount not to exceed \$12,000,000, for the
15 construction of a grade separation to replace the existing
16 Grand Avenue highway-rail grade crossing of tracks owned by the
17 Northeast Illinois Regional Commuter Railroad Corporation,
18 without regard to whether all or part of the crossing is within
19 the jurisdiction of the Department of Transportation, the
20 Regional Transportation Authority or any subdivision or unit
21 thereof, or any other State agency or unit of local government.

22 The Elmwood Park Grade Separation Authority shall conduct a
23 preliminary engineering study for the construction of a grade
24 separation to replace the existing Grand Avenue highway-rail
25 grade crossing, which shall result in the preparation of
26 preliminary engineering plans and an estimate of cost. The

1 Elmwood Park Grade Separation Authority shall also prepare a
2 funding plan for the grade separation project. The Elmwood Park
3 Grade Separation Authority shall submit a copy of the
4 preliminary engineering study, estimate of cost, and funding
5 plan for the construction of a grade separation to replace the
6 existing Grand Avenue highway-rail grade crossing to the
7 Illinois Commerce Commission for its review.

8 Following receipt of the preliminary engineering study,
9 estimate of cost, and funding plan for the Grand Avenue grade
10 separation project, the Illinois Commerce Commission shall
11 consider that project as one of the bridge projects included in
12 the Illinois Commerce Commission's Crossing Safety Improvement
13 Program during the earliest 5-year programming cycle, and funds
14 from the Grade Crossing Protection Fund shall be programmed for
15 that grade separation project.

16 No funds from the Grade Crossing Protection Fund programmed
17 for the Grand Avenue grade separation project shall be provided
18 unless authorized by the Illinois Commerce Commission. Funds
19 from the Grade Crossing Protection Fund programmed for the
20 Grand Avenue grade separation project may not exceed
21 \$12,000,000, and shall only be provided to the Elmwood Park
22 Grade Separation Authority as reimbursement for expenses
23 already incurred.

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

1 Sec. 50. Board; composition; qualification; compensation
2 and expenses. The Authority shall be governed by a 7 ~~9~~-member
3 board consisting of members appointed by the Governor with the
4 advice and consent of the Senate. Five members shall be voting
5 members and 2 ~~4~~ members shall be non-voting members. The voting
6 members shall consist of the following:

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

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

14 (3) one current employee of Canadian Pacific Railway;
15 and

16 (4) ~~(3)~~ one resident of the Township of Leyden or the
17 Village of Elmwood Park.

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

19 (1) the Village President of the Village of Elmwood
20 Park; and

21 ~~(2) one current employee of Canadian Pacific Railway~~
22 ~~with management experience;~~

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

26 (2) ~~(4)~~ one current employee of the Department of

1 Transportation with management experience.

2 The members of the board shall serve without compensation,
3 but may be reimbursed for actual expenses incurred by them in
4 the performance of their duties prescribed by the Authority.
5 However, any member of the board who serves as secretary or
6 treasurer may receive compensation for services as that
7 officer.

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

9 (70 ILCS 1935/100)

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

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

1 The ~~Railroad or the~~ Northeast Illinois Regional Commuter
2 Railroad Corporation, ~~or both,~~ shall specifically pay any and
3 all costs associated with any upgrades to the railway.
4 (Source: P.A. 98-564, eff. 8-27-13.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".