

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 6-201.8, 6-311, and 6-312 and by adding Section
6 6-201.22 as follows:

7 (605 ILCS 5/6-201.8) (from Ch. 121, par. 6-201.8)

8 Sec. 6-201.8. Have general charge of the roads of his
9 district, keep the same in repair and to improve them so far as
10 practicable and cooperate and assist in the construction or
11 improvement of such roads with labor furnished, in whole or in
12 part, by the Department of Human Services (acting as successor
13 to the State Department of Public Aid under the Department of
14 Human Services Act) or other public assistance authorities;
15 except that a highway commissioner may not permanently post at
16 a reduced weight limit any road or portion thereof unless the
17 decision to do so is made in accordance with Section 6-201.22
18 of this Code.

19 (Source: P.A. 89-507, eff. 7-1-97.)

20 (605 ILCS 5/6-201.22 new)

21 Sec. 6-201.22. Road weight restriction; notice and
22 hearing. Whenever the highway commissioner wishes to

1 permanently post a road at a reduced weight limit, he or she
2 shall fix a time and place to examine the route of the township
3 or district road, and hear reasons for or against permanently
4 posting a road at a reduced weight limit.

5 The highway commissioner shall give written notice at least
6 10 days prior to the time of examination and hearing to the
7 county superintendent of highways. He or she shall also provide
8 notice by publication in at least one newspaper published in
9 the township or district. In the absence of a newspaper
10 published in the township or district, notice by publication
11 shall be provided in at least one newspaper of general
12 circulation in the township or district. In the absence of a
13 generally circulated newspaper in the township or district,
14 notice by publication shall be made by posting notices in 5 of
15 the most public places in the district in the vicinity of the
16 road to be permanently posted at a reduced weight limit.

17 The highway commissioner may, by written notice to the
18 county superintendent of highways, by public announcement, and
19 by posting notice at the time and place named for the first
20 hearing, adjourn a hearing from time to time, but not for a
21 longer period than 10 days. At the hearing, or the adjourned
22 hearing, the commissioner shall decide and publicly announce
23 whether he or she will permanently post a road at a reduced
24 weight limit. The highway commissioner shall issue a signed
25 memorandum explaining the decision to permanently post a road
26 at a reduced weight limit, and address any concerns raised at

1 the public hearing. The signed memorandum shall be filed within
2 5 days after the hearing in the office of the district clerk.
3 The highway commissioner shall also send a copy of the signed
4 memorandum to the county superintendent of highways. The county
5 superintendent of highways may approve the decision of the
6 highway commissioner by signing the memorandum and filing it in
7 the office of the district clerk. Upon the approval of the
8 decision by the county superintendent of highways and filing of
9 the memorandum with the office of the district clerk, the road
10 may be posted at a reduced weight limit by the highway
11 commissioner.

12 (605 ILCS 5/6-311) (from Ch. 121, par. 6-311)

13 Sec. 6-311. Within 20 days after the damages likely to be
14 sustained by reason of the proposed laying out, widening,
15 alteration or vacation of any township or district road have
16 been finally ascertained, either by agreement of the parties or
17 by condemnation proceedings, or within 20 days after such
18 damages may have been released, the highway commissioner or the
19 county superintendent of highways, as the case may be, shall
20 hold a public hearing at which he shall hear and consider
21 reasons for or against the proposed laying out, widening,
22 alteration or vacation of such road, and at which time and
23 place he shall publicly announce his final decision relative
24 thereto. The highway commissioner or the county superintendent
25 of highways, as the case may be, shall give public notice of

1 such public hearing by publication in at least one newspaper
2 published in the township or district or, in the absence of
3 such published newspaper, in at least one newspaper of general
4 circulation in the township or district or, in the absence of
5 such generally circulated newspaper at the time prescribed for
6 notice, by posting notices thereof in at least 5 of the most
7 public places in the district in the vicinity of the road for
8 at least 5 days prior thereto. A written notice shall be mailed
9 or delivered to all owners of the property adjacent to the road
10 which is the subject of the hearing. A written notice may be
11 mailed or delivered to every person known to have been present
12 at the hearings conducted pursuant to Sections 6-305 and 6-306
13 of this Act and to every other person who has requested such
14 notice.

15 At such time and place the highway commissioner, if he is
16 the official conducting the hearing, shall determine the
17 advisability of such proposed laying out, widening, alteration
18 or vacation of such road, shall make an order for the same and
19 shall within 5 days thereafter file such order in the office of
20 the district clerk.

21 At such time and place the county superintendent of
22 highways, if he is the official conducting the hearing, shall:

23 (a) Be empowered to administer oaths;

24 (b) Permit the appearance in person or by counsel, the
25 introduction of evidence and the cross examination of witnesses
26 by not less than 3 of the qualified petitioners, not less than

1 3 other legal voters residing within 2 miles of any portion of
2 such road, and not less than 3 other persons owning land in the
3 road district or owning land ~~operated as a farm and~~ wholly or
4 partially situated within 2 miles of any portion of such road,
5 except that no such permission shall extend to a person other
6 than a petitioner unless it appears that he will be directly
7 and adversely affected by the change requested in the petition;

8 (c) Provide that every person offering testimony shall
9 testify under oath or affirmation and shall be subject to cross
10 examination, except that the technical rules of evidence
11 governing proceedings in circuit courts are inapplicable in
12 such hearing;

13 (d) Secure and retain a stenographic transcript of the
14 proceedings, including all evidence offered or introduced at
15 the hearing; and

16 (e) Determine the advisability of such proposed laying out,
17 widening, alteration or vacation of such road, shall make an
18 order for the same and shall within 5 days thereafter file such
19 final order in the office of the district clerk.

20 Every order entered and filed pursuant to this Section in
21 approval of the change requested in the petition shall contain
22 an express finding that such alteration or vacation of the
23 township or district road will be in the public and economic
24 interest and will not deprive residents or owners of proximate
25 land of reasonable access elsewhere as specified in Section
26 6-305 of this Act.

1 (Source: P.A. 83-1362.)

2 (605 ILCS 5/6-312) (from Ch. 121, par. 6-312)

3 Sec. 6-312. In case such final order was entered by the
4 highway commissioner as provided in Section 6-311 of this Code
5 finally determining the advisability of such proposed laying
6 out, widening, alteration or vacation of any township or
7 district road, any 3 qualified petitioners who may have signed
8 the petition for such proposed laying out, widening, alteration
9 or vacation, or any 3 legal voters residing within 2 miles of
10 any portion of such road, or any 3 other persons owning land in
11 the road district or owning land ~~operated as a farm~~ within 2
12 miles of any portion of such road, may (if either they are
13 qualified petitioners or they both have raised objections at
14 the hearing pursuant to Section 6-311 of this Act and will be
15 directly and adversely affected by such proposed laying out,
16 widening, alteration or vacation) appeal to the county
17 superintendent of highways by filing a notice of such appeal in
18 the office of the district clerk within 10 days of the date of
19 filing the decision appealed from. Thereupon such clerk shall
20 at once transmit all papers relating to such proposed laying
21 out, widening, altering or vacation of such road to the county
22 superintendent of highways, who shall within 20 days after the
23 receipt of the same, hold a public hearing within such district
24 to finally determine upon the laying out, widening, altering or
25 vacation of such road. Such hearing shall be upon such notice

1 and conducted in like manner as the hearing before the highway
2 commissioner relative to such final decision and from which
3 appeal has been taken, except that the powers and duties of the
4 county superintendent of highways in conducting such hearing
5 and in determining and filing his final order shall be
6 identical to the powers and duties of such superintendent
7 prescribed by Section 6-311 of this Act. Judicial review may be
8 pursued after such final order of the county superintendent of
9 highways relative to the alteration or vacation of such roads
10 in the manner provided in Section 6-315a of this Division.

11 (Source: Laws 1963, p. 3216.)

12 Section 10. The Illinois Vehicle Code is amended by
13 changing Section 15-316 as follows:

14 (625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

15 Sec. 15-316. When the Department or local authority may
16 restrict right to use highways.

17 (a) Except as provided in subsection (g), local authorities
18 with respect to highways under their jurisdiction may by
19 ordinance or resolution prohibit the operation of vehicles upon
20 any such highway or impose restrictions as to the weight of
21 vehicles to be operated upon any such highway, for a total
22 period of not to exceed 90 days in any one calendar year,
23 whenever any said highway by reason of deterioration, rain,
24 snow, or other climate conditions will be seriously damaged or

1 destroyed unless the use of vehicles thereon is prohibited or
2 the permissible weights thereof reduced.

3 (b) The local authority enacting any such ordinance or
4 resolution shall erect or cause to be erected and maintained
5 signs designating the provision of the ordinance or resolution
6 at each end of that portion of any highway affected thereby,
7 and the ordinance or resolution shall not be effective unless
8 and until such signs are erected and maintained.

9 (c) Local authorities with respect to highways under their
10 jurisdiction may also, by ordinance or resolution, prohibit the
11 operation of trucks or other commercial vehicles, or may impose
12 limitations as the weight thereof, on designated highways,
13 which prohibitions and limitations shall be designated by
14 appropriate signs placed on such highways.

15 (c-1) (Blank).

16 (c-5) Highway commissioners, with respect to roads under
17 their authority, may not permanently post a road or portion
18 thereof at a reduced weight limit unless the decision to do so
19 is made in accordance with Sec. 6-201.22 of the Illinois
20 Highway Code.

21 (d) The Department shall likewise have authority as
22 hereinbefore granted to local authorities to determine by
23 resolution and to impose restrictions as to the weight of
24 vehicles operated upon any highway under the jurisdiction of
25 said department, and such restrictions shall be effective when
26 signs giving notice thereof are erected upon the highway or

1 portion of any highway affected by such resolution.

2 (d-1) (Blank).

3 (d-2) (Blank).

4 (e) When any vehicle is operated in violation of this
5 Section, the owner or driver of the vehicle shall be deemed
6 guilty of a violation and either the owner or the driver of the
7 vehicle may be prosecuted for the violation. Any person, firm,
8 or corporation convicted of violating this Section shall be
9 fined \$50 for any weight exceeding the posted limit up to the
10 axle or gross weight limit allowed a vehicle as provided for in
11 subsections (a) or (b) of Section 15-111 and \$75 per every 500
12 pounds or fraction thereof for any weight exceeding that which
13 is provided for in subsections (a) or (b) of Section 15-111.

14 (f) A municipality is authorized to enforce a county weight
15 limit ordinance applying to county highways within its
16 corporate limits and is entitled to the proceeds of any fines
17 collected from the enforcement.

18 (g) An ordinance or resolution enacted by a county or
19 township pursuant to subsection (a) of this Section shall not
20 apply to cargo tank vehicles with two or three permanent axles
21 when delivering propane for emergency heating purposes if the
22 cargo tank is loaded at no more than 50 percent capacity, the
23 gross vehicle weight of the vehicle does not exceed 32,000
24 pounds, and the driver of the cargo tank vehicle notifies the
25 appropriate agency or agencies with jurisdiction over the
26 highway before driving the vehicle on the highway pursuant to

1 this subsection. The cargo tank vehicle must have an operating
2 gauge on the cargo tank which indicates the amount of propane
3 as a percent of capacity of the cargo tank. The cargo tank must
4 have the capacity displayed on the cargo tank, or documentation
5 of the capacity of the cargo tank must be available in the
6 vehicle. For the purposes of this subsection, propane weighs
7 4.2 pounds per gallon. This subsection does not apply to
8 municipalities. Nothing in this subsection shall allow cargo
9 tank vehicles to cross bridges with posted weight restrictions
10 if the vehicle exceeds the posted weight limit.

11 (Source: P.A. 96-1337, eff. 1-1-11.)