



Rep. Jerry F. Costello, II

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LRB099 03909 RJF 32839 a

1 AMENDMENT TO HOUSE BILL 2580

2 AMENDMENT NO. _____. Amend House Bill 2580 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Highway Code is amended by
5 changing Sections 6-201.8, 6-301, and 6-306 and by adding
6 Section 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 close or
16 permanently post at a reduced weight limit any road or portion

1 thereof unless the decision to do so is made in accordance with
2 Section 6-201.22 of this Code.

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

4 (605 ILCS 5/6-201.22 new)

5 Sec. 6-201.22. Road closing or weight restriction; notice
6 and hearing. Whenever the highway commissioner wishes to
7 permanently close or permanently post a road at a reduced
8 weight limit, he or she shall fix a time and place to examine
9 the route of the township or district road, and hear reasons
10 for or against permanently closing or permanently posting a
11 road at a reduced weight limit.

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

25 The highway commissioner may, by written notice to the

1 county superintendent of highways, by public announcement, and
2 by posting notice at the time and place named for the first
3 hearing, adjourn a hearing from time to time, but not for a
4 longer period than 10 days. At the hearing, or the adjourned
5 hearing, the commissioner shall decide and publicly announce
6 whether he or she will permanently close or permanently post a
7 road at a reduced weight limit. The highway commissioner shall
8 issue a signed memorandum explaining the decision to
9 permanently close or permanently post a road at a reduced
10 weight limit, and address any concerns raised at the public
11 hearing. The signed memorandum shall be filed within 5 days
12 after the hearing in the office of the district clerk. The
13 highway commissioner shall also send a copy of the signed
14 memorandum to the county superintendent of highways. Before
15 permanently closing or permanently posting a road at a reduced
16 weight limit, the county superintendent of highways must
17 approve the decision of the highway commissioner by signing the
18 memorandum and filing it in the office of the district clerk.

19 (605 ILCS 5/6-301) (from Ch. 121, par. 6-301)

20 Sec. 6-301. All township and district roads established
21 under this Division of this Code shall be not less than 40 feet
22 in width, except as provided in Section 6-327.

23 Highway commissioners in single township road districts
24 may annually determine that certain roads in the district are
25 vital to the general benefit of the district and designate them

1 all or in part as arterial district roads. The designation must
2 be approved by the county superintendent of highways, after
3 notice and hearing, prior to the commissioners' recording the
4 roads with the county superintendent of highways. No road or
5 portion thereof designated as arterial shall be ~~closed or~~
6 vacated without written approval of the county despite the
7 road's inclusion in any annexation or incorporation
8 proceedings provided for in the Illinois Municipal Code. No
9 road or portion thereof designated as arterial shall be
10 permanently closed unless the decision to do so is made in
11 accordance with Section 6-201.22 of this Code. This paragraph
12 does not apply to roads in home rule units of government nor
13 the roads included in our annexation proceeding by home rule
14 units of governments.

15 This Division of this Code shall not apply to proceedings
16 for laying out, widening, altering or vacating streets in
17 municipalities, except as provided in this Section.

18 (Source: P.A. 86-1229.)

19 (605 ILCS 5/6-306) (from Ch. 121, par. 6-306)

20 Sec. 6-306. Following the decision of a highway
21 commissioner ~~In case the highway commissioner denies the prayer~~
22 ~~of the petition~~ for the laying out, widening, altering or
23 vacation of a township or district road, any 3 landowners in
24 the road district ~~of the petitioners~~ may appeal from such
25 decision to the county superintendent of highways by joining in

1 a notice of such appeal and filing the same in the office of
2 the district clerk within 10 days after the date of the
3 decision appealed from. The clerk shall thereupon transmit the
4 original petition for the laying out, widening, altering or
5 vacation of such township or district road, together with the
6 notice of appeal to the county superintendent of highways. Upon
7 receipt thereof the county superintendent of highways shall
8 thereupon fix a time and place for a public hearing thereof,
9 giving notice thereof and conducting the hearing and rendering
10 his decision thereon in the manner prescribed by Section 6-311
11 of this Act in the case of the hearing upon such petition by
12 the county superintendent of highways. Upon rendering his
13 decision, the county superintendent of highways shall likewise
14 endorse on such petition a memorandum of his decision, which
15 (if the decision approved the change requested in the petition)
16 shall include his findings that such alteration or vacation of
17 the township or district road will be in the public and
18 economic interest and will not deprive residents or owners of
19 proximate land of reasonable access elsewhere as specified in
20 Section 6-305 of this Act; and shall file the same in the
21 office of the district clerk.

22 Such decision of the highway commissioner or, upon appeal
23 of such order, of the county superintendent of highways shall
24 be regarded as a preliminary decision upon the advisability of
25 the proposal in the petition and shall be subject to revocation
26 in the manner hereinafter provided, except that such decision

1 of the county superintendent of highways affirming the denial
2 of the petition shall be regarded as a final decision.

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

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

6 (625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

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

9 (a) Except as provided in subsection (g), local authorities
10 with respect to highways under their jurisdiction may by
11 ordinance or resolution prohibit the operation of vehicles upon
12 any such highway or impose restrictions as to the weight of
13 vehicles to be operated upon any such highway, for a total
14 period of not to exceed 90 days in any one calendar year,
15 whenever any said highway by reason of deterioration, rain,
16 snow, or other climate conditions will be seriously damaged or
17 destroyed unless the use of vehicles thereon is prohibited or
18 the permissible weights thereof reduced.

19 (b) The local authority enacting any such ordinance or
20 resolution shall erect or cause to be erected and maintained
21 signs designating the provision of the ordinance or resolution
22 at each end of that portion of any highway affected thereby,
23 and the ordinance or resolution shall not be effective unless
24 and until such signs are erected and maintained.

1 (c) Local authorities with respect to highways under their
2 jurisdiction may also, by ordinance or resolution, prohibit the
3 operation of trucks or other commercial vehicles, or may impose
4 limitations as the weight thereof, on designated highways,
5 which prohibitions and limitations shall be designated by
6 appropriate signs placed on such highways.

7 (c-1) (Blank).

8 (c-5) Highway commissioners, with respect to roads under
9 their authority, may not permanently post a road or portion
10 thereof at a reduced weight limit unless the decision to do so
11 is made in accordance with Section 6-201.22 of the Illinois
12 Highway Code.

13 (d) The Department shall likewise have authority as
14 hereinbefore granted to local authorities to determine by
15 resolution and to impose restrictions as to the weight of
16 vehicles operated upon any highway under the jurisdiction of
17 said department, and such restrictions shall be effective when
18 signs giving notice thereof are erected upon the highway or
19 portion of any highway affected by such resolution.

20 (d-1) (Blank).

21 (d-2) (Blank).

22 (e) When any vehicle is operated in violation of this
23 Section, the owner or driver of the vehicle shall be deemed
24 guilty of a violation and either the owner or the driver of the
25 vehicle may be prosecuted for the violation. Any person, firm,
26 or corporation convicted of violating this Section shall be

1 fined \$50 for any weight exceeding the posted limit up to the
2 axle or gross weight limit allowed a vehicle as provided for in
3 subsections (a) or (b) of Section 15-111 and \$75 per every 500
4 pounds or fraction thereof for any weight exceeding that which
5 is provided for in subsections (a) or (b) of Section 15-111.

6 (f) A municipality is authorized to enforce a county weight
7 limit ordinance applying to county highways within its
8 corporate limits and is entitled to the proceeds of any fines
9 collected from the enforcement.

10 (g) An ordinance or resolution enacted by a county or
11 township pursuant to subsection (a) of this Section shall not
12 apply to cargo tank vehicles with two or three permanent axles
13 when delivering propane for emergency heating purposes if the
14 cargo tank is loaded at no more than 50 percent capacity, the
15 gross vehicle weight of the vehicle does not exceed 32,000
16 pounds, and the driver of the cargo tank vehicle notifies the
17 appropriate agency or agencies with jurisdiction over the
18 highway before driving the vehicle on the highway pursuant to
19 this subsection. The cargo tank vehicle must have an operating
20 gauge on the cargo tank which indicates the amount of propane
21 as a percent of capacity of the cargo tank. The cargo tank must
22 have the capacity displayed on the cargo tank, or documentation
23 of the capacity of the cargo tank must be available in the
24 vehicle. For the purposes of this subsection, propane weighs
25 4.2 pounds per gallon. This subsection does not apply to
26 municipalities. Nothing in this subsection shall allow cargo

1 tank vehicles to cross bridges with posted weight restrictions
2 if the vehicle exceeds the posted weight limit.
3 (Source: P.A. 96-1337, eff. 1-1-11.)"