

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, 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
17 operating or owning trackage or right-of-way within the area of
18 the Authority.

19 "Village" means the Village of Elmwood Park.

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

21 (70 ILCS 1935/15)

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

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

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

24 (70 ILCS 1935/20)

25 Sec. 20. Procedural capacity; seal; office. The Authority

1 may sue and be sued in its corporate name, but execution shall
2 not in any case issue against any property of the Authority.
3 The grade separation project Authority shall be subject to the
4 jurisdiction of the Illinois Commerce Commission. It may adopt
5 a common seal and change the seal at pleasure. The principal
6 office of the Authority shall be in the Village of Elmwood
7 Park, Illinois.

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

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

18 (70 ILCS 1935/35)

19 Sec. 35. Acceptance of grants, loans, and appropriations.
20 The Authority has the power to apply for and accept grants,
21 loans, advances, and appropriations from the federal
22 government and from the State of Illinois, or any agency or
23 instrumentality thereof, to be used for the purposes of the
24 Authority, and to enter into any agreement in relation to such
25 grants, loans, advances, and appropriations. The Authority may

1 also accept from the State, or any State agency, department, or
2 commission, any county or other political subdivision, any
3 municipal corporation, any Railroads, school authorities, or
4 jointly therefrom, grants of funds or services for any of the
5 purposes of this Act. The Authority shall be treated as a rail
6 carrier, with only the grade separation project being subject
7 to the Illinois Commerce Commission's jurisdiction, and
8 eligible to receive money from the Grade Crossing Protection
9 Fund, any fund of the State, or other source available for
10 purposes of promoting safety and separation of at-grade
11 railroad crossings or highway improvements.

12 ~~The Illinois Commerce Commission Crossing Safety~~
13 ~~Improvement Program FY 2014-2018 Plan shall be revised to~~
14 ~~include this Authority's grade separation project as one of the~~
15 ~~bridge projects contemplated for FY 2015 through FY 2018, and~~
16 ~~funds from the Grade Crossing Protection Fund shall be~~
17 ~~allocated in the FY 2015 through FY 2018 Plan for said grade~~
18 ~~separation project. No Order of the Illinois Commerce~~
19 ~~Commission shall be effective or binding on the Authority to~~
20 ~~construct the grade separation project unless the federal~~
21 ~~government, the State of Illinois, or any agency or~~
22 ~~instrumentality thereof has granted or appropriated sufficient~~
23 ~~funds for the construction of the grade separation project and~~
24 ~~the Authority is in receipt of those funds. Notwithstanding,~~
25 ~~the Illinois Commerce Commission shall not withhold approval of~~
26 ~~the construction of the Authority's grade separation project or~~

1 ~~the issuance of any Orders that authorize the construction of~~
2 ~~the Authority's grade separation project.~~

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

15 The Elmwood Park Grade Separation Authority shall conduct a
16 preliminary engineering study for the construction of a grade
17 separation to replace the existing Grand Avenue highway-rail
18 grade crossing, which shall result in the preparation of
19 preliminary engineering plans and an estimate of cost. The
20 Elmwood Park Grade Separation Authority shall also prepare a
21 funding plan for the grade separation project. The Elmwood Park
22 Grade Separation Authority shall submit a copy of the
23 preliminary engineering study, estimate of cost, and funding
24 plan for the construction of a grade separation to replace the
25 existing Grand Avenue highway-rail grade crossing to the
26 Illinois Commerce Commission for its review.

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

9 No funds from the Grade Crossing Protection Fund programmed
10 for the Grand Avenue grade separation project shall be provided
11 unless authorized by the Illinois Commerce Commission. Funds
12 from the Grade Crossing Protection Fund programmed for the
13 Grand Avenue grade separation project may not exceed
14 \$12,000,000, and shall only be provided to the Elmwood Park
15 Grade Separation Authority as reimbursement for expenses
16 already incurred.

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

18 (70 ILCS 1935/50)

19 Sec. 50. Board; composition; qualification; compensation
20 and expenses. The Authority shall be governed by a 7 member
21 ~~9 member~~ board consisting of members appointed by the Governor
22 with the advice and consent of the Senate. Five members shall
23 be voting members and 2 ~~4~~ members shall be non-voting members.
24 The voting members shall consist of the following:

25 (1) two former public officials who served within the

1 Township of Leyden or the Village of Elmwood Park and are
2 recommended to the Governor by the Village President of the
3 Village of Elmwood Park;

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

7 (3) one current employee of Canadian Pacific Railway;
8 and

9 (4) ~~(3)~~ one resident of the Township of Leyden or the
10 Village of Elmwood Park.

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

12 (1) the Village President of the Village of Elmwood
13 Park; and

14 ~~(2) one current employee of Canadian Pacific Railway~~
15 ~~with management experience;~~

16 ~~(3) one current employee of Northeast Illinois~~
17 ~~Regional Commuter Railroad Corporation with management~~
18 ~~experience; and~~

19 (2) ~~(4)~~ one current employee of the Department of
20 Transportation with management experience.

21 The members of the board shall serve without compensation,
22 but may be reimbursed for actual expenses incurred by them in
23 the performance of their duties prescribed by the Authority.
24 However, any member of the board who serves as secretary or
25 treasurer may receive compensation for services as that
26 officer.

1 (Source: P.A. 98-564, eff. 8-27-13; 98-756, eff. 7-16-14.)

2 (70 ILCS 1935/100)

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

14 Any construction improvements to signaling or any other
15 aspect of the grade separation project dictated by the ~~Railroad~~
16 ~~or the~~ Northeast Illinois Regional Commuter Railroad
17 Corporation shall be paid for ~~respectively~~ by the ~~Railroad or~~
18 ~~the~~ Northeast Illinois Regional Commuter Railroad Corporation.

19 The ~~Railroad or the~~ Northeast Illinois Regional Commuter
20 Railroad Corporation, ~~or both,~~ shall specifically pay any and
21 all costs associated with any upgrades to the railway.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.