

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Enterprise Zone Act is amended by  
5 adding Section 9.3 as follows:

6 (20 ILCS 655/9.3 new)

7 Sec. 9.3. Railroad right-of-way. Any business entity  
8 located in an enterprise zone shall be granted access to build  
9 facilities to cross a railroad right-of-way owned by a land  
10 management company and not a registered rail carrier for the  
11 purpose of conveyance of grain, aggregate, construction  
12 materials, and other commodities over, under, or across that  
13 right-of-way. A business entity whose facilities cross a  
14 right-of-way shall pay the land management company operating  
15 the right-of-way a one time standard crossing fee of \$1,500 for  
16 each crossing plus the cost associated with modifications to  
17 existing insurance contracts of the land management company.  
18 The standard crossing fee shall be in lieu of any license,  
19 permit, application, or any other fee or charges to reimburse  
20 the land management company for the direct expense incurred by  
21 the land management company or rail carrier as a result of the  
22 crossing. The company shall also reimburse the land management  
23 company for any actual flagging expenses associated with the

1 crossing in addition to the standard crossing fee.

2 Section 10. The Crossing of Railroad Right-of-way Act is  
3 amended by changing Sections 5 and 15 as follows:

4 (220 ILCS 70/5)

5 Sec. 5. Definitions. As used in this Act, unless the  
6 context otherwise requires:

7 "Crossing" means the construction, operation, repair, or  
8 maintenance of a facility over, under, or across a railroad  
9 right-of-way by a utility when the right-of-way is owned by a  
10 land management company and not a registered rail carrier.

11 "Direct expenses" includes, but is not limited to, any or  
12 all of the following:

13 (1) The cost of inspecting and monitoring the crossing  
14 site.

15 (2) Administrative and engineering costs for review of  
16 specifications and for entering a crossing on the  
17 railroad's books, maps, and property records and other  
18 reasonable administrative and engineering costs incurred  
19 as a result of the crossing.

20 (3) Document and preparation fees associated with a  
21 crossing, and any engineering specifications related to  
22 the crossing.

23 (4) Damages assessed in connection with the rights  
24 granted to a utility with respect to a crossing.

1 "Facility" means any cable, conduit, wire, pipe, casing  
2 pipe, supporting poles and guys, manhole, or other material or  
3 equipment, that is used by a utility to furnish any of the  
4 following:

5 (1) Communications, video, or information services.

6 (2) Electricity.

7 (3) Gas by piped system.

8 (4) Sanitary and storm sewer service.

9 (5) Water by piped system.

10 "Land management company" means an entity that is the  
11 owner, manager, or agent of a railroad right-of-way and is not  
12 a registered rail carrier.

13 "Railroad right-of-way" means one or more of the following:

14 (1) A right-of-way or other interest in real estate  
15 that is owned or operated by a land management company and  
16 not a registered rail carrier.

17 (2) Any other interest in a former railroad  
18 right-of-way that has been acquired or is operated by a  
19 land management company or similar entity.

20 "Special circumstances" means either or both of the  
21 following:

22 (1) The characteristics of a segment of a railroad  
23 right-of-way not found in a typical segment of a railroad  
24 right-of-way that enhance the value or increase the damages  
25 or the engineering or construction expenses for the land  
26 management company associated with a proposed crossing, or

1 to the current or reasonably anticipated use by a land  
2 management company of the railroad right-of-way,  
3 necessitating additional terms and conditions or  
4 compensation associated with a crossing.

5 (2) Variances from the standard specifications  
6 requested by the land management company.

7 "Special circumstances" may include, but is not limited to,  
8 the railroad right-of-way segment's relationship to other  
9 property, location in urban or other developed areas, the  
10 existence of unique topography or natural resources, or other  
11 characteristics or dangers inherent in the particular crossing  
12 or segment of the railroad right-of-way.

13 "Utility" shall include (1) public utilities as defined in  
14 Section 3-105 of the Public Utilities Act, (2)  
15 telecommunications carriers as defined in Section 13-202 of the  
16 Public Utilities Act, (3) electric cooperatives as defined in  
17 Section 3.4 of the Electric Supplier Act, (4) telephone or  
18 telecommunications cooperatives as defined in Section 13-212  
19 of the Public Utilities Act, (5) rural water or waste water  
20 systems with 10,000 connections or less, (6) a holder as  
21 defined in Section 21-201 of the Public Utilities Act, ~~and~~ (7)  
22 municipalities owning or operating utility systems consisting  
23 of public utilities as that term is defined in Section 11-117-2  
24 of the Illinois Municipal Code, and (8) a cable operator that  
25 is issued a cable television franchise by the municipality or  
26 county pursuant to Section 11-42-11 of the Illinois Municipal

1 Code or Section 5-1095 of the Counties Code.

2 (Source: P.A. 96-595, eff. 8-18-09.)

3 (220 ILCS 70/15)

4 Sec. 15. Crossing fee. Unless otherwise agreed by the  
5 parties and subject to Section 20, a utility that locates its  
6 facilities within the railroad right-of-way for a crossing,  
7 other than a crossing along the public roads of the State  
8 pursuant to the Telephone Line Right of Way Act, shall pay the  
9 land management company a one-time standard crossing fee of  
10 \$1,500 for each crossing plus the costs associated with  
11 modifications to existing insurance contracts of the utility  
12 and the land management company. The standard crossing fee  
13 shall be in lieu of any license, permit, application, or any  
14 other fees or charges to reimburse the land management company  
15 for the direct expenses incurred by the land management company  
16 as a result of the crossing. The utility shall also reimburse  
17 the land management company or rail carrier for any actual  
18 flagging expenses associated with a crossing in addition to the  
19 standard crossing fee.

20 (Source: P.A. 96-595, eff. 8-18-09.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.