



Sen. William R. Haine

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09900SB2241sam002

LRB099 15993 EGJ 45284 a

1 AMENDMENT TO SENATE BILL 2241

2 AMENDMENT NO. _____. Amend Senate Bill 2241 on page 1,
3 line 21, after "company", by inserting "or rail carrier"; and

4 on page 2, immediately below line 1, by inserting the
5 following:

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

8 (220 ILCS 70/5)

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

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

15 "Direct expenses" includes, but is not limited to, any or

1 all of the following:

2 (1) The cost of inspecting and monitoring the crossing
3 site.

4 (2) Administrative and engineering costs for review of
5 specifications and for entering a crossing on the
6 railroad's books, maps, and property records and other
7 reasonable administrative and engineering costs incurred
8 as a result of the crossing.

9 (3) Document and preparation fees associated with a
10 crossing, and any engineering specifications related to
11 the crossing.

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

14 "Facility" means any cable, conduit, wire, pipe, casing
15 pipe, supporting poles and guys, manhole, or other material or
16 equipment, that is used by a utility to furnish any of the
17 following:

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

19 (2) Electricity.

20 (3) Gas by piped system.

21 (4) Sanitary and storm sewer service.

22 (5) Water by piped system.

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

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

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

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

7 "Special circumstances" means either or both of the
8 following:

9 (1) The characteristics of a segment of a railroad
10 right-of-way not found in a typical segment of a railroad
11 right-of-way that enhance the value or increase the damages
12 or the engineering or construction expenses for the land
13 management company associated with a proposed crossing, or
14 to the current or reasonably anticipated use by a land
15 management company of the railroad right-of-way,
16 necessitating additional terms and conditions or
17 compensation associated with a crossing.

18 (2) Variances from the standard specifications
19 requested by the land management company.

20 "Special circumstances" may include, but is not limited to,
21 the railroad right-of-way segment's relationship to other
22 property, location in urban or other developed areas, the
23 existence of unique topography or natural resources, or other
24 characteristics or dangers inherent in the particular crossing
25 or segment of the railroad right-of-way.

26 "Utility" shall include (1) public utilities as defined in

1 Section 3-105 of the Public Utilities Act, (2)
2 telecommunications carriers as defined in Section 13-202 of the
3 Public Utilities Act, (3) electric cooperatives as defined in
4 Section 3.4 of the Electric Supplier Act, (4) telephone or
5 telecommunications cooperatives as defined in Section 13-212
6 of the Public Utilities Act, (5) rural water or waste water
7 systems with 10,000 connections or less, (6) a holder as
8 defined in Section 21-201 of the Public Utilities Act, ~~and~~ (7)
9 municipalities owning or operating utility systems consisting
10 of public utilities as that term is defined in Section 11-117-2
11 of the Illinois Municipal Code, and (8) a cable operator that
12 is issued a cable television franchise by the municipality or
13 county pursuant to Section 11-42-11 of the Illinois Municipal
14 Code or Section 5-1095 of the Counties Code.

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

16 (220 ILCS 70/15)

17 Sec. 15. Crossing fee. Unless otherwise agreed by the
18 parties and subject to Section 20, a utility that locates its
19 facilities within the railroad right-of-way for a crossing,
20 other than a crossing along the public roads of the State
21 pursuant to the Telephone Line Right of Way Act, shall pay the
22 land management company a one-time standard crossing fee of
23 \$1,500 for each crossing plus the costs associated with
24 modifications to existing insurance contracts of the utility
25 and the land management company. The standard crossing fee

1 shall be in lieu of any license, permit, application, or any
2 other fees or charges to reimburse the land management company
3 for the direct expenses incurred by the land management company
4 as a result of the crossing. The utility shall also reimburse
5 the land management company or rail carrier for any actual
6 flagging expenses associated with a crossing in addition to the
7 standard crossing fee.

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