

1 AN ACT in relation to toll highways.

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

4 Section 5. The Toll Highway Act is amended by changing
5 Section 11 as follows:

6 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

7 Sec. 11. The Authority shall have power:

8 (a) To enter upon lands, waters and premises in the
9 State for the purpose of making surveys, soundings, drillings
10 and examinations as may be necessary, expedient or convenient
11 for the purposes of this Act, and such entry shall not be
12 deemed to be a trespass, nor shall an entry for such purpose
13 be deemed an entry under any condemnation proceedings which
14 may be then pending; provided, however, that the Authority
15 shall make reimbursement for any actual damage resulting to
16 such lands, waters and premises as the result of such
17 activities.

18 (b) To construct, maintain and operate stations for the
19 collection of tolls or charges upon and along any toll
20 highways.

21 (c) To provide for the collection of tolls and charges
22 for the privilege of using the said toll highways. All moneys
23 collected at a toll highway station must be used for the
24 upkeep and maintenance of that toll highway and may not be
25 used for the expansion of any other toll highway. Before it
26 adopts an increase in the rates for toll, the Authority shall
27 hold a public hearing at which any person may appear, express
28 opinions, suggestions, or objections, or direct inquiries
29 relating to the proposed increase. Any person may submit a
30 written statement to the Authority at the hearing, whether
31 appearing in person or not. The hearing shall be held in the

1 county in which the proposed increase of the rates is to take
2 place. The Authority shall give notice of the hearing by
3 advertisement on 3 successive days at least 15 days prior to
4 the date of the hearing in a daily newspaper of general
5 circulation within the county within which the hearing is
6 held. The notice shall state the date, time, and place of
7 the hearing, shall contain a description of the proposed
8 increase, and shall specify how interested persons may obtain
9 copies of any reports, resolutions, or certificates
10 describing the basis on which the proposed change,
11 alteration, or modification was calculated. After
12 consideration of any statements filed or oral opinions,
13 suggestions, objections, or inquiries made at the hearing,
14 the Authority may proceed to adopt the proposed increase of
15 the rates for toll. No change or alteration in or
16 modification of the rates for toll shall be effective unless
17 at least 30 days prior to the effective date of such rates
18 notice thereof shall be given to the public by publication in
19 a newspaper of general circulation, and such notice, or
20 notices, thereof shall be posted and publicly displayed at
21 each and every toll station upon or along said toll highways.
22 The Authority may not increase the rates for toll without the
23 approval of the General Assembly and the Governor. The
24 Governor's approval shall be in writing and the General
25 Assembly's approval shall be by joint resolution.

26 (d) To construct, at the Authority's discretion, grade
27 separations at intersections with any railroads, waterways,
28 street railways, streets, thoroughfares, public roads or
29 highways intersected by the said toll highways, and to change
30 and adjust the lines and grades thereof so as to accommodate
31 the same to the design of such grade separation and to
32 construct interchange improvements. The Authority is
33 authorized to provide such grade separations or interchange
34 improvements at its own cost or to enter into contracts or

1 agreements with reference to division of cost therefor with
2 any municipality or political subdivision of the State of
3 Illinois, or with the Federal Government, or any agency
4 thereof, or with any corporation, individual, firm, person or
5 association. Where such structures have been built by the
6 Authority and a local highway agency did not enter into an
7 agreement to the contrary, the Authority shall maintain the
8 entire structure, including the road surface, at the
9 Authority's expense.

10 (e) To contract with and grant concessions to or lease
11 or license to any person, partnership, firm, association or
12 corporation so desiring the use of any part of any toll
13 highways, excluding the paved portion thereof, but including
14 the right of way adjoining, under, or over said paved portion
15 for the placing of telephone, telegraph, electric, power
16 lines and other utilities, and for the placing of pipe lines,
17 and to enter into operating agreements with or to contract
18 with and grant concessions to or to lease to any person,
19 partnership, firm, association or corporation so desiring the
20 use of any part of the toll highways, excluding the paved
21 portion thereof, but including the right of way adjoining, or
22 over said paved portion for motor fuel service stations and
23 facilities, garages, stores and restaurants, or for any other
24 lawful purpose, and to fix the terms, conditions, rents,
25 rates and charges for such use.

26 The Authority shall also have power to establish
27 reasonable regulations for the installation, construction,
28 maintenance, repair, renewal, relocation and removal of
29 pipes, mains, conduits, cables, wires, towers, poles and
30 other equipment and appliances (herein called public
31 utilities) of any public utility as defined in the Public
32 Utilities Act along, over or under any toll road project.
33 Whenever the Authority shall determine that it is necessary
34 that any such public utility facilities which now are located

1 in, on, along, over or under any project or projects be
2 relocated or removed entirely from any such project or
3 projects, the public utility owning or operating such
4 facilities shall relocate or remove the same in accordance
5 with the order of the Authority. All costs and expenses of
6 such relocation or removal, including the cost of installing
7 such facilities in a new location or locations, and the cost
8 of any land or lands, or interest in land, or any other
9 rights required to accomplish such relocation or removal
10 shall be ascertained and paid by the Authority as a part of
11 the cost of any such project or projects, and further, there
12 shall be no rent, fee or other charge of any kind imposed
13 upon the public utility owning or operating any facilities
14 ordered relocated on the properties of the said Authority and
15 the said Authority shall grant to the said public utility
16 owning or operating said facilities and its successors and
17 assigns the right to operate the same in the new location or
18 locations for as long a period and upon the same terms and
19 conditions as it had the right to maintain and operate such
20 facilities in their former location or locations.

21 (Source: P.A. 90-681, eff. 7-31-98.)