

1 AN ACT in relation to 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. Before it
23 adopts an increase in the rates for toll, the Authority shall
24 hold a public hearing at which any person may appear, express
25 opinions, suggestions, or objections, or direct inquiries
26 relating to the proposed increase. Any person may submit a
27 written statement to the Authority at the hearing, whether
28 appearing in person or not. The hearing shall be held in the
29 county in which the proposed increase of the rates is to take
30 place. The Authority shall give notice of the hearing by
31 advertisement on 3 successive days at least 15 days prior to

1 the date of the hearing in a daily newspaper of general
2 circulation within the county within which the hearing is
3 held. The notice shall state the date, time, and place of
4 the hearing, shall contain a description of the proposed
5 increase, and shall specify how interested persons may obtain
6 copies of any reports, resolutions, or certificates
7 describing the basis on which the proposed change,
8 alteration, or modification was calculated. After
9 consideration of any statements filed or oral opinions,
10 suggestions, objections, or inquiries made at the hearing,
11 the Authority may proceed to adopt the proposed increase of
12 the rates for toll. No change or alteration in or
13 modification of the rates for toll shall be effective unless
14 at least 30 days prior to the effective date of such rates
15 notice thereof shall be given to the public by publication in
16 a newspaper of general circulation, and such notice, or
17 notices, thereof shall be posted and publicly displayed at
18 each and every toll station upon or along said toll highways.

19 (d) To construct, at the Authority's discretion, grade
20 separations at intersections with any railroads, waterways,
21 street railways, streets, thoroughfares, public roads or
22 highways intersected by the said toll highways, and to change
23 and adjust the lines and grades thereof so as to accommodate
24 the same to the design of such grade separation and to
25 construct interchange improvements. The Authority is
26 authorized to provide such grade separations or interchange
27 improvements at its own cost or to enter into contracts or
28 agreements with reference to division of cost therefor with
29 any municipality or political subdivision of the State of
30 Illinois, or with the Federal Government, or any agency
31 thereof, or with any corporation, individual, firm, person or
32 association. Where such structures have been built by the
33 Authority and a local highway agency did not enter into an
34 agreement to the contrary, the Authority shall maintain the

1 entire structure, including the road surface, at the
2 Authority's expense.

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

19 The Authority shall also have power to establish
20 reasonable regulations for the installation, construction,
21 maintenance, repair, renewal, relocation and removal of
22 pipes, mains, conduits, cables, wires, towers, poles and
23 other equipment and appliances (herein called public
24 utilities) of any public utility as defined in the Public
25 Utilities Act along, over or under any toll road project.
26 Whenever the Authority shall determine that it is necessary
27 that any such public utility facilities which now are located
28 in, on, along, over or under any project or projects be
29 relocated or removed entirely from any such project or
30 projects, the public utility owning or operating such
31 facilities shall relocate or remove the same in accordance
32 with the order of the Authority. All costs and expenses of
33 such relocation or removal, including the cost of installing
34 such facilities in a new location or locations, and the cost

1 of any land or lands, or interest in land, or any other
2 rights required to accomplish such relocation or removal
3 shall be ascertained and paid by the Authority as a part of
4 the cost of any such project or projects, and further, there
5 shall be no rent, fee or other charge of any kind imposed
6 upon the public utility owning or operating any facilities
7 ordered relocated on the properties of the said Authority and
8 the said Authority shall grant to the said public utility
9 owning or operating said facilities and its successors and
10 assigns the right to operate the same in the new location or
11 locations for as long a period and upon the same terms and
12 conditions as it had the right to maintain and operate such
13 facilities in their former location or locations.

14 (f) To enter into a contract with a unit of local
15 government or other public or private entity under which the
16 Authority agrees to collect by electronic means tolls, fees,
17 or revenues on behalf of that entity.

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

19 Section 99. Effective date. This Act takes effect on
20 July 1, 2002.