

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 Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Section 2705-405 and by adding Section 2705-407 as follows:

7 (20 ILCS 2705/2705-405) (was 20 ILCS 2705/49.25b)

8 Sec. 2705-405. Preparation of State Rail Plan. In
9 preparation of the State Rail Plan under Section 2705-400, the
10 Department shall consult with recognized railroad labor
11 organizations, the Department of Commerce and Economic
12 Opportunity, railroad management, all Class 1 and short line
13 railroads, relevant businesses engaged in the railroad
14 industry, affected units of local government, affected State
15 agencies, and affected shipping interests.

16 (Source: P.A. 94-793, eff. 5-19-06.)

17 (20 ILCS 2705/2705-407 new)

18 Sec. 2705-407. Freight Rail Transportation Coordination
19 Committee. The Department shall create a Freight Rail
20 Coordination Committee to address highway projects that
21 require coordination with Class 1 railroads. The Secretary
22 shall appoint:

1 (1) One representative from each regional division
2 within the Department.

3 (2) One representative from the Department with
4 expertise in land acquisition.

5 (3) One representative from the Department with
6 expertise in legal matters.

7 (4) One representative from the Department with
8 expertise in design.

9 (5) Any other representatives from the Department as
10 necessary.

11 (6) One representative from each Class 1 railroad in
12 the State in consultation with the Class 1 railroad.

13 (7) One representative from a statewide association
14 representing Class 1 railroads.

15 The Committee shall meet quarterly to discuss highway
16 projects and work toward agreement on land rights issues,
17 standardized construction, and maintenance agreements for all
18 Class 1 railroads, standardizing procedures across the
19 Department, and standardizing land acquisition processes
20 within the Class 1 railroads.

21 This Section is repealed January 1, 2031.

22 Section 10. The Public Officer Prohibited Activities Act
23 is amended by changing Section 3.1 as follows:

24 (50 ILCS 105/3.1) (from Ch. 102, par. 3.1)

1 Sec. 3.1. Before any contract relating to the ownership or
2 use of real property is entered into by and between the State
3 or any local governmental unit or any agency of either the
4 identity of every owner and beneficiary having any interest,
5 real or personal, in such property, and every member,
6 shareholder, limited partner, or general partner entitled to
7 receive more than 7 1/2% of the total distributable income of
8 any limited liability company, corporation, or limited
9 partnership having any interest, real or personal, in such
10 property must be disclosed. The disclosure shall be in writing
11 and shall be subscribed by a member, owner, authorized
12 trustee, corporate official, general partner, or managing
13 agent, or his or her authorized attorney or other authorized
14 representative with knowledge of the information required by
15 the disclosure, under oath. However, if the interest, stock,
16 or shares in a limited liability company, corporation, or
17 general partnership is publicly traded and there is no readily
18 known individual having greater than a 7 1/2% interest, then a
19 statement to that effect, subscribed to under oath by a
20 member, officer of the corporation, general partner, or
21 managing agent, or his or her authorized attorney, shall
22 fulfill the disclosure statement requirement of this Section.
23 The disclosure requirement of this Section may also be
24 satisfied by providing a copy of the most recent proxy
25 statement or other official corporate document filed in
26 the previous calendar year with the federal Securities and

1 Exchange Commission or similar federal regulatory body
2 disclosing the overall ownership of the limited liability
3 company, corporation or general partnership. As a condition of
4 contracts entered into on or after the effective date of this
5 amendatory Act of 1995, the beneficiaries of a lease shall
6 furnish the trustee of a trust subject to disclosure under
7 this Section with a binding non-revocable letter of direction
8 authorizing the trustee to provide the State with an
9 up-to-date disclosure whenever requested by the State. The
10 letter of direction shall be binding on beneficiaries' heirs,
11 successors, and assigns during the term of the contract. This
12 Section shall be liberally construed to accomplish the purpose
13 of requiring the identification of the actual parties
14 benefiting from any transaction with a governmental unit or
15 agency involving the procurement of the ownership or use of
16 real property thereby.

17 For any entity that is wholly or partially owned by
18 another entity, the names of the owners of the wholly or
19 partially owning entity shall be disclosed under this Section,
20 as well as the names of the owners of the wholly or partially
21 owned entity. No such additional disclosure is required for
22 contracts relating to the ownership or use of real property
23 for highway purposes by the Department of Transportation.

24 (Source: P.A. 91-361, eff. 7-29-99.)

25 Section 15. The Eminent Domain Act is amended by changing

Sections 10-5-10, 10-5-15, and 20-5-5 as follows:

(735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

Sec. 10-5-10. Parties.

(a) When the right (i) to take private property for public use, without the owner's consent, (ii) to construct or maintain any public road, railroad, plankroad, turnpike road, canal, or other public work or improvement, or (iii) to damage property not actually taken has been or is conferred by general law or special charter upon any corporate or municipal authority, public body, officer or agent, person, commissioner, or corporation and when (i) the compensation to be paid for or in respect of the property sought to be appropriated or damaged for the purposes mentioned cannot be agreed upon by the parties interested, (ii) the owner of the property is incapable of consenting, (iii) the owner's name or residence is unknown, ~~or~~ (iv) the owner is a nonresident of the State, (v) the owner may agree on the compensation to be paid but is unable to convey clear title or provide all required documents to convey title or comply with any State or federal legal requirements to complete an acquisition by agreement, or (vi) the owner may agree on the compensation to be paid but the acquiring agency does not receive needed documents to enable processing of or the issuance of a warrant for the payment of compensation to the property owner, then the party authorized to take or damage the property so required, or to construct,

1 operate, and maintain any public road, railroad, plankroad,
2 turnpike road, canal, or other public work or improvement, may
3 apply to the circuit court of the county where the property or
4 any part of the property is situated, by filing with the clerk
5 a complaint. The complaint shall set forth, by reference, (i)
6 the complainant's authority in the premises, (ii) the purpose
7 for which the property is sought to be taken or damaged, (iii)
8 a description of the property, and (iv) the names of all
9 persons interested in the property as owners or otherwise, as
10 appearing of record, if known, or if not known stating that
11 fact; and shall pray the court to cause the compensation to be
12 paid to the owner to be assessed.

13 (b) If it appears that any person not in being, upon coming
14 into being, is, or may become or may claim to be, entitled to
15 any interest in the property sought to be appropriated or
16 damaged, the court shall appoint some competent and
17 disinterested person as guardian ad litem to appear for and
18 represent that interest in the proceeding and to defend the
19 proceeding on behalf of the person not in being. Any judgment
20 entered in the proceeding shall be as effectual for all
21 purposes as though the person was in being and was a party to
22 the proceeding.

23 (c) If the proceeding seeks to affect the property of
24 persons under guardianship, the guardians shall be made
25 parties defendant.

26 (d) Any interested persons whose names are unknown may be

1 made parties defendant by the same descriptions and in the
2 same manner as provided in other civil cases.

3 (e) When the property to be taken or damaged is a common
4 element of property subject to a declaration of condominium
5 ownership, pursuant to the Condominium Property Act, or of a
6 common interest community, the complaint shall name the unit
7 owners' association in lieu of naming the individual unit
8 owners and lienholders on individual units. Unit owners,
9 mortgagees, and other lienholders may intervene as parties
10 defendant. For the purposes of this Section, "common interest
11 community" has the same meaning as set forth in subsection (c)
12 of Section 9-102 of the Code of Civil Procedure. "Unit owners'
13 association" or "association" shall refer to both the
14 definition contained in Section 2 of the Condominium Property
15 Act and subsection (c) of Section 9-102 of the Code of Civil
16 Procedure.

17 (f) When the property is sought to be taken or damaged by
18 the State for the purposes of establishing, operating, or
19 maintaining any State house or State charitable or other
20 institutions or improvements, the complaint shall be signed by
21 the Governor, or the Governor's designee, or as otherwise
22 provided by law.

23 (g) No property, except property described in Section 3 of
24 the Sports Stadium Act, property to be acquired in furtherance
25 of actions under Article 11, Divisions 124, 126, 128, 130,
26 135, 136, and 139, of the Illinois Municipal Code, property to

1 be acquired in furtherance of actions under Section 3.1 of the
2 Intergovernmental Cooperation Act, property to be acquired
3 that is a water system or waterworks pursuant to the home rule
4 powers of a unit of local government, property described as
5 Site B in Section 2 of the Metropolitan Pier and Exposition
6 Authority Act, and property that may be taken as provided in
7 the Public-Private Agreements for the South Suburban Airport
8 Act belonging to a railroad or other public utility subject to
9 the jurisdiction of the Illinois Commerce Commission, may be
10 taken or damaged, pursuant to the provisions of this Act,
11 without the prior approval of the Illinois Commerce
12 Commission. For property to be acquired by the Department of
13 Transportation under Article 4, Division 5 or Article 8 of the
14 Illinois Highway Code, the Commission shall issue its final
15 order within 6 months after the date that the petition is filed
16 unless the Commission extends the period for issuing a final
17 order. The Commission may extend the 6-month period for an
18 additional 3 months on its own motion, or on a petition filed
19 with good cause by any party. The Commission may grant such
20 extension upon finding of good cause. If the Commission
21 extends the period for issuing a final order, then the
22 schedule for the proceeding shall not be further extended
23 beyond this 3-month period, and the Commission shall issue its
24 final order within the extension period. The Commission shall
25 also have the power to establish an expedited schedule for
26 making its determination on a petition filed by the Department

1 of Transportation in less than 6 months if it finds that the
2 public interest requires the setting of such an expedited
3 schedule.

4 (h) Notwithstanding subsection (g), property belonging to
5 a public utility that provides water or sewer service and that
6 is subject to the jurisdiction of the Illinois Commerce
7 Commission may not be taken or damaged by eminent domain
8 without prior approval of the Illinois Commerce Commission,
9 except for property to be acquired by a municipality with
10 140,000 or more inhabitants or a regional water commission
11 formed under Article 11, Division 135.5 of the Illinois
12 Municipal Code or a municipality that is a member of such a
13 regional water commission, only in furtherance of purposes
14 authorized under Article 11, Division 135.5 of the Illinois
15 Municipal Code, and limited solely to interests in real
16 property and not improvements to or assets on the real
17 property belonging to a public utility that provides water or
18 sewer service and that is subject to the jurisdiction of the
19 Illinois Commerce Commission. This subsection does not apply
20 to any action commenced prior to the effective date of this
21 amendatory Act of the 103rd General Assembly under this
22 Section or Section 11-124-5 or 11-139-12 of the Illinois
23 Municipal Code.

24 (Source: P.A. 103-13, eff. 6-9-23.)

25 (735 ILCS 30/10-5-15) (was 735 ILCS 5/7-102.1)

1 Sec. 10-5-15. State agency proceedings; information.

2 (a) This Section applies only to the State and its
3 agencies, and only to matters arising after December 31, 1991.

4 (b) Before any State agency initiates any proceeding under
5 this Act, the agency must designate and provide for an
6 appropriate person to respond to requests arising from the
7 notifications required under this Section. The designated
8 person may be an employee of the agency itself or an employee
9 of any other appropriate State agency. The designated person
10 shall respond to property owners' questions about the
11 authority and procedures of the State agency in acquiring
12 property by condemnation and about the property owner's
13 general rights under those procedures. However, the designated
14 person shall not provide property owners with specific legal
15 advice or specific legal referrals.

16 (c) At the time of first contact with a property owner,
17 whether in person or by letter, the State agency shall advise
18 the property owner, in writing, of the following:

19 (1) A description of the property that the agency
20 seeks to acquire.

21 (2) The name, address, and telephone number of the
22 State official designated under subsection (b) to answer
23 the property owner's questions.

24 (3) The identity of the State agency attempting to
25 acquire the property.

26 (4) The general purpose of the proposed acquisition.

1 (5) The type of facility to be constructed on the
2 property, if any.

3 (d) At least 60 days before filing a petition with any
4 court to initiate a proceeding under this Act, a State agency
5 shall send a letter in any one of the following ways:

6 (I) by the United States Postal Service, certified
7 mail, return receipt requested;

8 (II) by a designated private delivery service as
9 defined by the Internal Revenue Service that provides the
10 same function as certified mail with return receipts; or

11 (III) the letter is personally served.

12 A letter under this Section shall be sent to the owner of
13 the property to be taken or, in the case of a corporation or
14 other business organization, to the registered agent of the
15 owner setting forth the following information ~~, giving the~~
16 ~~property owner the following information:~~

17 (1) The amount of compensation for the taking of the
18 property proposed by the agency and the basis for
19 computing it.

20 (2) A statement that the agency continues to seek a
21 negotiated agreement with the property owner.

22 (3) A statement that, in the absence of a negotiated
23 agreement, it is the intention of the agency to initiate a
24 court proceeding under this Act.

25 The State agency shall maintain a record of the letters
26 sent in compliance with this Section for at least one year.

1 (e) Any duty imposed on a State agency by this Section may
2 be assumed by the Office of the Attorney General, the Capital
3 Development Board, or any other agency of State government
4 that is assisting or acting on behalf of the State agency in
5 the matter.

6 (Source: P.A. 94-1055, eff. 1-1-07.)

7 (735 ILCS 30/20-5-5) (was 735 ILCS 5/7-103)

8 Sec. 20-5-5. Quick-take.

9 (a) This Section applies only to proceedings under this
10 Article that are authorized in this Article and in Article 25
11 of this Act.

12 (b) In a proceeding subject to this Section, the
13 plaintiff, at any time after the complaint has been filed and
14 before judgment is entered in the proceeding, may file a
15 written motion requesting that, immediately or at some
16 specified later date, the plaintiff either: (i) be vested with
17 the fee simple title (or such lesser estate, interest, or
18 easement, as may be required) to the real property, or a
19 specified portion of that property, which is the subject of
20 the proceeding, and be authorized to take possession of and
21 use the property; or (ii) only be authorized to take
22 possession of and to use the property, if possession and use,
23 without the vesting of title, are sufficient to permit the
24 plaintiff to proceed with the project until the final
25 ascertainment of compensation. No land or interests in land

1 now or hereafter owned, leased, controlled, or operated and
2 used by, or necessary for the actual operation of, any common
3 carrier engaged in interstate commerce, or any other public
4 utility subject to the jurisdiction of the Illinois Commerce
5 Commission, shall be taken or appropriated under this Section
6 by the State of Illinois, the Illinois Toll Highway Authority,
7 the sanitary district, the St. Louis Metropolitan Area Airport
8 Authority, or the Board of Trustees of the University of
9 Illinois without first securing the approval of the Illinois
10 Commerce Commission. For property to be acquired by the
11 Department of Transportation under Article 4, Division 5 or
12 Article 8 of the Illinois Highway Code, the Commission shall
13 issue its final order within 6 months after the date that the
14 petition is filed unless the Commission extends the period for
15 issuing a final order. The Commission may extend the 6-month
16 period for an additional 3 months on its own motion, or on a
17 petition filed with good cause by any party. The Commission
18 may grant such extension upon finding of good cause. If the
19 Commission extends the period for issuing a final order, then
20 the schedule for the proceeding shall not be further extended
21 beyond this 3-month period, and the Commission shall issue its
22 final order within the extension period. The Commission shall
23 also have the power to establish an expedited schedule for
24 making its determination on a petition filed by the Department
25 of Transportation in less than 6 months if it finds that the
26 public interest requires the setting of such an expedited

1 schedule.

2 Except as otherwise provided in this Article, the motion
3 for taking shall state: (1) an accurate description of the
4 property to which the motion relates and the estate or
5 interest sought to be acquired in that property; (2) the
6 formally adopted schedule or plan of operation for the
7 execution of the plaintiff's project; (3) the situation of the
8 property to which the motion relates, with respect to the
9 schedule or plan; (4) the necessity for taking the property in
10 the manner requested in the motion; and (5) if the property
11 (except property described in Section 3 of the Sports Stadium
12 Act or property described as Site B in Section 2 of the
13 Metropolitan Pier and Exposition Authority Act) to be taken is
14 owned, leased, controlled, or operated and used by, or
15 necessary for the actual operation of, any interstate common
16 carrier or other public utility subject to the jurisdiction of
17 the Illinois Commerce Commission, a statement to the effect
18 that the approval of the proposed taking has been secured from
19 the Commission, and attaching to the motion a certified copy
20 of the order of the Illinois Commerce Commission granting
21 approval. If the schedule or plan of operation is not set forth
22 fully in the motion, a copy of the schedule or plan shall be
23 attached to the motion.

24 The Department of Transportation shall report to the
25 General Assembly no later than January 31 of each year the
26 number of cases filed with the Illinois Commerce Commission

1 under this Article during the previous year and the length of
2 time taken, in months, to issue each final order during the
3 previous calendar year.

4 (Source: P.A. 94-1055, eff. 1-1-07.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.