



Sen. Ram Villivalam

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10400SB2253sam002

LRB104 12101 JRC 25897 a

1 AMENDMENT TO SENATE BILL 2253

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2253 by replacing  
3 everything after the enacting clause with the following:

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.)

1 (20 ILCS 2705/2705-407 new)

2 Sec. 2705-407. Freight Rail Transportation Coordination  
3 Committee. The Department shall create a Freight Rail  
4 Coordination Committee to address highway projects that  
5 require coordination with Class 1 railroads. The Secretary  
6 shall appoint:

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

9 (2) One representative from the Department with  
10 expertise in land acquisition.

11 (3) One representative from the Department with  
12 expertise in legal matters.

13 (4) One representative from the Department with  
14 expertise in design.

15 (5) Any other representatives from the Department as  
16 necessary.

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

19 (7) One representative from a statewide association  
20 representing Class 1 railroads.

21 The Committee shall meet quarterly to discuss highway  
22 projects and work toward agreement on land rights issues,  
23 standardized construction, and maintenance agreements for all  
24 Class 1 railroads, standardizing procedures across the  
25 Department, and standardizing land acquisition processes

1 within the Class 1 railroads.

2 This Section is repealed January 1, 2029.

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

5 (50 ILCS 105/3.1) (from Ch. 102, par. 3.1)

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

1 member, officer of the corporation, general partner, or  
2 managing agent, or his or her authorized attorney, shall  
3 fulfill the disclosure statement requirement of this Section.  
4 The disclosure requirement of this Section may also be  
5 satisfied by providing a copy of the most recent proxy  
6 statement or other official corporate document filed in  
7 the previous calendar year with the federal Securities and  
8 Exchange Commission or similar federal regulatory body  
9 disclosing the overall ownership of the limited liability  
10 company, corporation or general partnership. As a condition of  
11 contracts entered into on or after the effective date of this  
12 amendatory Act of 1995, the beneficiaries of a lease shall  
13 furnish the trustee of a trust subject to disclosure under  
14 this Section with a binding non-revocable letter of direction  
15 authorizing the trustee to provide the State with an  
16 up-to-date disclosure whenever requested by the State. The  
17 letter of direction shall be binding on beneficiaries' heirs,  
18 successors, and assigns during the term of the contract. This  
19 Section shall be liberally construed to accomplish the purpose  
20 of requiring the identification of the actual parties  
21 benefiting from any transaction with a governmental unit or  
22 agency involving the procurement of the ownership or use of  
23 real property thereby.

24 For any entity that is wholly or partially owned by  
25 another entity, the names of the owners of the wholly or  
26 partially owning entity shall be disclosed under this Section,

1 as well as the names of the owners of the wholly or partially  
2 owned entity. No such additional disclosure is required for  
3 contracts relating to the ownership or use of real property  
4 for highway purposes by the Department of Transportation.

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

6 Section 15. The Eminent Domain Act is amended by changing  
7 Sections 10-5-10, 10-5-15, and 20-5-5 as follows:

8 (735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

9 Sec. 10-5-10. Parties.

10 (a) When the right (i) to take private property for public  
11 use, without the owner's consent, (ii) to construct or  
12 maintain any public road, railroad, plankroad, turnpike road,  
13 canal, or other public work or improvement, or (iii) to damage  
14 property not actually taken has been or is conferred by  
15 general law or special charter upon any corporate or municipal  
16 authority, public body, officer or agent, person,  
17 commissioner, or corporation and when (i) the compensation to  
18 be paid for or in respect of the property sought to be  
19 appropriated or damaged for the purposes mentioned cannot be  
20 agreed upon by the parties interested, (ii) the owner of the  
21 property is incapable of consenting, (iii) the owner's name or  
22 residence is unknown, ~~or~~ (iv) the owner is a nonresident of the  
23 State, (v) the owner may agree on the compensation to be paid  
24 but is unable to convey clear title or provide all required

1 documents to convey title or comply with any State or federal  
2 legal requirements to complete an acquisition by agreement, or  
3 (vi) the owner may agree on the compensation to be paid but the  
4 acquiring agency does not receive needed documents to enable  
5 processing of or the issuance of a warrant for the payment of  
6 compensation to the property owner, then the party authorized  
7 to take or damage the property so required, or to construct,  
8 operate, and maintain any public road, railroad, plankroad,  
9 turnpike road, canal, or other public work or improvement, may  
10 apply to the circuit court of the county where the property or  
11 any part of the property is situated, by filing with the clerk  
12 a complaint. The complaint shall set forth, by reference, (i)  
13 the complainant's authority in the premises, (ii) the purpose  
14 for which the property is sought to be taken or damaged, (iii)  
15 a description of the property, and (iv) the names of all  
16 persons interested in the property as owners or otherwise, as  
17 appearing of record, if known, or if not known stating that  
18 fact; and shall pray the court to cause the compensation to be  
19 paid to the owner to be assessed.

20 (b) If it appears that any person not in being, upon coming  
21 into being, is, or may become or may claim to be, entitled to  
22 any interest in the property sought to be appropriated or  
23 damaged, the court shall appoint some competent and  
24 disinterested person as guardian ad litem to appear for and  
25 represent that interest in the proceeding and to defend the  
26 proceeding on behalf of the person not in being. Any judgment

1 entered in the proceeding shall be as effectual for all  
2 purposes as though the person was in being and was a party to  
3 the proceeding.

4 (c) If the proceeding seeks to affect the property of  
5 persons under guardianship, the guardians shall be made  
6 parties defendant.

7 (d) Any interested persons whose names are unknown may be  
8 made parties defendant by the same descriptions and in the  
9 same manner as provided in other civil cases.

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

24 (f) When the property is sought to be taken or damaged by  
25 the State for the purposes of establishing, operating, or  
26 maintaining any State house or State charitable or other

1 institutions or improvements, the complaint shall be signed by  
2 the Governor, or the Governor's designee, or as otherwise  
3 provided by law.

4 (g) No property, except property described in Section 3 of  
5 the Sports Stadium Act, property to be acquired in furtherance  
6 of actions under Article 11, Divisions 124, 126, 128, 130,  
7 135, 136, and 139, of the Illinois Municipal Code, property to  
8 be acquired in furtherance of actions under Section 3.1 of the  
9 Intergovernmental Cooperation Act, property to be acquired  
10 that is a water system or waterworks pursuant to the home rule  
11 powers of a unit of local government, property described as  
12 Site B in Section 2 of the Metropolitan Pier and Exposition  
13 Authority Act, and property that may be taken as provided in  
14 the Public-Private Agreements for the South Suburban Airport  
15 Act belonging to a railroad or other public utility subject to  
16 the jurisdiction of the Illinois Commerce Commission, may be  
17 taken or damaged, pursuant to the provisions of this Act,  
18 without the prior approval of the Illinois Commerce  
19 Commission. For property to be acquired by the Department of  
20 Transportation under Article 4, Division 5 or Article 8 of the  
21 Illinois Highway Code, the Commission shall issue its final  
22 order within 6 months after the date that the petition is filed  
23 unless the Commission extends the period for issuing a final  
24 order. The Commission may extend the 6-month period for an  
25 additional 3 months on its own motion, or on a petition filed  
26 with good cause by any party. The Commission may grant such



1 extension upon finding of good cause. If the Commission  
2 extends the period for issuing a final order, then the  
3 schedule for the proceeding shall not be further extended  
4 beyond this 3-month period, and the Commission shall issue its  
5 final order within the extension period. The Commission shall  
6 also have the power to establish an expedited schedule for  
7 making its determination on a petition filed by the Department  
8 of Transportation in less than 6 months if it finds that the  
9 public interest requires the setting of such an expedited  
10 schedule.

11 (h) Notwithstanding subsection (g), property belonging to  
12 a public utility that provides water or sewer service and that  
13 is subject to the jurisdiction of the Illinois Commerce  
14 Commission may not be taken or damaged by eminent domain  
15 without prior approval of the Illinois Commerce Commission,  
16 except for property to be acquired by a municipality with  
17 140,000 or more inhabitants or a regional water commission  
18 formed under Article 11, Division 135.5 of the Illinois  
19 Municipal Code or a municipality that is a member of such a  
20 regional water commission, only in furtherance of purposes  
21 authorized under Article 11, Division 135.5 of the Illinois  
22 Municipal Code, and limited solely to interests in real  
23 property and not improvements to or assets on the real  
24 property belonging to a public utility that provides water or  
25 sewer service and that is subject to the jurisdiction of the  
26 Illinois Commerce Commission. This subsection does not apply

1 to any action commenced prior to the effective date of this  
2 amendatory Act of the 103rd General Assembly under this  
3 Section or Section 11-124-5 or 11-139-12 of the Illinois  
4 Municipal Code.

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

6 (735 ILCS 30/10-5-15) (was 735 ILCS 5/7-102.1)

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

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

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

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

25 (1) A description of the property that the agency

1 seeks to acquire.

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

5 (3) The identity of the State agency attempting to  
6 acquire the property.

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

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

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

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

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

18 (III) the letter is personally served.7

19 A letter under this Section shall be sent to the owner of  
20 the property to be taken, giving the property owner the  
21 following information:

22 (1) The amount of compensation for the taking of the  
23 property proposed by the agency and the basis for  
24 computing it.

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

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

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

6           (e) Any duty imposed on a State agency by this Section may  
7           be assumed by the Office of the Attorney General, the Capital  
8           Development Board, or any other agency of State government  
9           that is assisting or acting on behalf of the State agency in  
10          the matter.

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

12          (735 ILCS 30/20-5-5) (was 735 ILCS 5/7-103)

13          Sec. 20-5-5. Quick-take.

14          (a) This Section applies only to proceedings under this  
15          Article that are authorized in this Article and in Article 25  
16          of this Act.

17          (b) In a proceeding subject to this Section, the  
18          plaintiff, at any time after the complaint has been filed and  
19          before judgment is entered in the proceeding, may file a  
20          written motion requesting that, immediately or at some  
21          specified later date, the plaintiff either: (i) be vested with  
22          the fee simple title (or such lesser estate, interest, or  
23          easement, as may be required) to the real property, or a  
24          specified portion of that property, which is the subject of  
25          the proceeding, and be authorized to take possession of and

1 use the property; or (ii) only be authorized to take  
2 possession of and to use the property, if possession and use,  
3 without the vesting of title, are sufficient to permit the  
4 plaintiff to proceed with the project until the final  
5 ascertainment of compensation. No land or interests in land  
6 now or hereafter owned, leased, controlled, or operated and  
7 used by, or necessary for the actual operation of, any common  
8 carrier engaged in interstate commerce, or any other public  
9 utility subject to the jurisdiction of the Illinois Commerce  
10 Commission, shall be taken or appropriated under this Section  
11 by the State of Illinois, the Illinois Toll Highway Authority,  
12 the sanitary district, the St. Louis Metropolitan Area Airport  
13 Authority, or the Board of Trustees of the University of  
14 Illinois without first securing the approval of the Illinois  
15 Commerce Commission. For property to be acquired by the  
16 Department of Transportation under Article 4, Division 5 or  
17 Article 8 of the Illinois Highway Code, the Commission shall  
18 issue its final order within 6 months after the date that the  
19 petition is filed unless the Commission extends the period for  
20 issuing a final order. The Commission may extend the 6-month  
21 period for an additional 3 months on its own motion, or on a  
22 petition filed with good cause by any party. The Commission  
23 may grant such extension upon finding of good cause. If the  
24 Commission extends the period for issuing a final order, then  
25 the schedule for the proceeding shall not be further extended  
26 beyond this 3-month period, and the Commission shall issue its

1 final order within the extension period. The Commission shall  
2 also have the power to establish an expedited schedule for  
3 making its determination on a petition filed by the Department  
4 of Transportation in less than 6 months if it finds that the  
5 public interest requires the setting of such an expedited  
6 schedule.

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

1 fully in the motion, a copy of the schedule or plan shall be  
2 attached to the motion.

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

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