



Sen. Ram Villivalam

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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2 This Section is repealed January 1, 2031.

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 or, in the case of a corporation or
21 other business organization, to the registered agent of the
22 owner setting forth the following information ~~, giving the~~
23 ~~property owner the following information:~~

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

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

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

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

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

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

14 (735 ILCS 30/20-5-5) (was 735 ILCS 5/7-103)

15 Sec. 20-5-5. Quick-take.

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

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

1 specified portion of that property, which is the subject of
2 the proceeding, and be authorized to take possession of and
3 use the property; or (ii) only be authorized to take
4 possession of and to use the property, if possession and use,
5 without the vesting of title, are sufficient to permit the
6 plaintiff to proceed with the project until the final
7 ascertainment of compensation. No land or interests in land
8 now or hereafter owned, leased, controlled, or operated and
9 used by, or necessary for the actual operation of, any common
10 carrier engaged in interstate commerce, or any other public
11 utility subject to the jurisdiction of the Illinois Commerce
12 Commission, shall be taken or appropriated under this Section
13 by the State of Illinois, the Illinois Toll Highway Authority,
14 the sanitary district, the St. Louis Metropolitan Area Airport
15 Authority, or the Board of Trustees of the University of
16 Illinois without first securing the approval of the Illinois
17 Commerce Commission. For property to be acquired by the
18 Department of Transportation under Article 4, Division 5 or
19 Article 8 of the Illinois Highway Code, the Commission shall
20 issue its final order within 6 months after the date that the
21 petition is filed unless the Commission extends the period for
22 issuing a final order. The Commission may extend the 6-month
23 period for an additional 3 months on its own motion, or on a
24 petition filed with good cause by any party. The Commission
25 may grant such extension upon finding of good cause. If the
26 Commission extends the period for issuing a final order, then

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

9 Except as otherwise provided in this Article, the motion
10 for taking shall state: (1) an accurate description of the
11 property to which the motion relates and the estate or
12 interest sought to be acquired in that property; (2) the
13 formally adopted schedule or plan of operation for the
14 execution of the plaintiff's project; (3) the situation of the
15 property to which the motion relates, with respect to the
16 schedule or plan; (4) the necessity for taking the property in
17 the manner requested in the motion; and (5) if the property
18 (except property described in Section 3 of the Sports Stadium
19 Act or property described as Site B in Section 2 of the
20 Metropolitan Pier and Exposition Authority Act) to be taken is
21 owned, leased, controlled, or operated and used by, or
22 necessary for the actual operation of, any interstate common
23 carrier or other public utility subject to the jurisdiction of
24 the Illinois Commerce Commission, a statement to the effect
25 that the approval of the proposed taking has been secured from
26 the Commission, and attaching to the motion a certified copy

1 of the order of the Illinois Commerce Commission granting
2 approval. If the schedule or plan of operation is not set forth
3 fully in the motion, a copy of the schedule or plan shall be
4 attached to the motion.

5 The Department of Transportation shall report to the
6 General Assembly no later than January 31 of each year the
7 number of cases filed with the Illinois Commerce Commission
8 under this Article during the previous year and the length of
9 time taken, in months, to issue each final order during the
10 previous calendar year.

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.".