



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2397

Introduced 2/7/2025, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

605 ILCS 5/4-510

from Ch. 121, par. 4-510

Amends the Illinois Highway Code. Provides that the prohibition on incurring development costs, placing improvements upon or under land, rebuilding, altering, or adding to any existing structure when widening or adding to the State highway system does not apply if the Department of Transportation has not held its mandated public hearing. Provides that if the Department does not hold a public hearing regarding the viability and feasibility of a protected corridor, the protected corridor shall be abolished.

LRB104 10098 LNS 20170 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Highway Code is amended by  
5 changing Section 4-510 as follows:

6 (605 ILCS 5/4-510) (from Ch. 121, par. 4-510)

7 Sec. 4-510. The Department may establish presently the  
8 approximate locations and widths of rights of way for future  
9 additions to the State highway system to inform the public and  
10 prevent costly and conflicting development of the land  
11 involved.

12 The Department shall hold a public hearing whenever  
13 approximate locations and widths of rights of way for future  
14 highway additions are to be established. The hearing shall be  
15 held in or near the county or counties where the land to be  
16 used is located and notice of the hearing shall be published in  
17 a newspaper or newspapers of general circulation in the county  
18 or counties involved. Any interested person or his  
19 representative may be heard. The Department shall evaluate the  
20 testimony given at the hearing.

21 The Department shall make a survey and prepare a map  
22 showing the location and approximate widths of the rights of  
23 way needed for future additions to the highway system. The map

1 shall show existing highways in the area involved and the  
2 property lines and owners of record of all land that will be  
3 needed for the future additions and all other pertinent  
4 information. Approval of the map with any changes resulting  
5 from the hearing shall be indicated in the record of the  
6 hearing and a notice of the approval and a copy of the map  
7 shall be filed in the office of the recorder for all counties  
8 in which the land needed for future additions is located.

9 Public notice of the approval and filing shall be given in  
10 newspapers of general circulation in all counties where the  
11 land is located and shall be served by registered mail within  
12 60 days thereafter on all owners of record of the land needed  
13 for future additions.

14 The Department may approve changes in the map from time to  
15 time. The changes shall be filed and notice given in the manner  
16 provided for an original map.

17 After the map is filed and notice thereof given to the  
18 owners of record of the land needed for future additions, no  
19 one shall incur development costs or place improvements in,  
20 upon or under the land involved nor rebuild, alter or add to  
21 any existing structure without first giving 60 days notice by  
22 registered mail to the Department. This prohibition shall not  
23 apply to any normal or emergency repairs to existing  
24 structures or if the Department has not held its mandated  
25 public hearing outlined in this Section. The Department shall  
26 have 45 days after receipt of that notice to inform the owner

1 of the Department's intention to acquire the land involved;  
2 after which, it shall have the additional time of 120 days to  
3 acquire such land by purchase or to initiate action to acquire  
4 said land through the exercise of the right of eminent domain.  
5 When the right of way is acquired by the State no damages shall  
6 be allowed for any construction, alteration or addition in  
7 violation of this Section unless the Department has failed to  
8 acquire the land by purchase or has abandoned an eminent  
9 domain proceeding initiated pursuant to the provisions of this  
10 paragraph.

11 Any right of way needed for additions to the highway  
12 system may be acquired at any time by the State or by the  
13 county or municipality in which it is located. The time of  
14 determination of the value of the property to be taken under  
15 this Section for additions to the highway system shall be the  
16 date of the actual taking, if the property is acquired by  
17 purchase, or the date of the filing of a complaint for  
18 condemnation, if the property is acquired through the exercise  
19 of the right of eminent domain, rather than the date when the  
20 map of the proposed right-of-way was filed of record. The rate  
21 of compensation to be paid for farm land acquired hereunder by  
22 the exercise of the right of eminent domain shall be in  
23 accordance with Section 4-501 of this Code.

24 Not more than 10 years after a protected corridor is  
25 established under this Section regardless of whether the  
26 corridor is established before or after the effective date of

1 this amendatory Act of the 97th General Assembly, and not  
2 later than the expiration of each succeeding 10 year period,  
3 the Department shall hold public hearings to discuss the  
4 viability and feasibility of the protected corridor. In the  
5 case of a protected corridor established prior to 10 years  
6 before the effective date of this amendatory Act of the 97th  
7 General Assembly, the hearing shall be conducted within 6  
8 months of the effective date of this amendatory Act of the 97th  
9 General Assembly. The Department shall retain the discretion  
10 to maintain any protected corridor established under this  
11 Section, but shall give due consideration to the information  
12 obtained at the hearing and, if the Department does not hold a  
13 public hearing, as proscribed in this paragraph, or in its  
14 discretion determines that construction of the roadway is no  
15 longer feasible, the ~~Department shall abolish the~~ protected  
16 corridor shall be abolished.

17 (Source: P.A. 97-279, eff. 8-8-11.)