



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5810

Introduced 11/16/2022, by Rep. William Davis - Debbie Meyers-Martin

SYNOPSIS AS INTRODUCED:

620 ILCS 75/2-5
620 ILCS 75/2-10
620 ILCS 75/2-25

Amends the Public-Private Agreements for the South Suburban Airport Act. Defines cargo-oriented development as the development of places that are both multimodal nodes of freight transportation and centers of employment in logistics and manufacturing businesses. Provides that the Illinois Department of Transportation shall (instead of may) establish a process for prequalification of offerors. Requires the Department to commence the prequalification process within 6 months after the effective date of the amendatory Act. Makes changes to legislative findings.

LRB102 29036 NLB 40939 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 Public-Private Agreements for the South
5 Suburban Airport Act is amended by changing Sections 2-5,
6 2-10, and 2-25 as follows:

7 (620 ILCS 75/2-5)

8 Sec. 2-5. Legislative findings.

9 (a) Providing facilities for air travel and domestic and
10 global freight cargo transfer shipment ~~to and from the State~~
11 ~~of Illinois~~ through the South Suburban Airport is essential
12 for the health and welfare of the people of the State of
13 Illinois and economic development and well-being of the
14 Southland region and the State of Illinois.

15 (b) Airport development has significant regional impacts
16 with regard to economic development, public infrastructure
17 requirements, traffic, noise, and other concerns.

18 (c) The South Suburban Airport will promote development
19 and investment in the State of Illinois and serve as a critical
20 transportation hub in the region.

21 (d) Existing requirements of procurement and financing of
22 airports by the Department impose limitations on the methods
23 by which airports may be developed and operated within the

1 State.

2 (e) Public-private agreements between the State of
3 Illinois and one or more private entities to develop, finance,
4 construct, manage, operate, maintain, or any combination
5 thereof, the South Suburban Airport have the potential of
6 maximizing value and benefit to the People of the State of
7 Illinois and the public at large.

8 (f) Public-private agreements may enable the South
9 Suburban Airport to be developed, financed, constructed,
10 managed, operated, and maintained in an entrepreneurial and
11 business-like manner.

12 (g) In the event that the State of Illinois enters into one
13 or more public-private agreements to develop, finance,
14 construct, manage, operate, or maintain the South Suburban
15 Airport, the private parties to the agreements should be
16 accountable to the People of Illinois through a comprehensive
17 system of oversight, regulation, auditing, and reporting.

18 (h) It is the intent of this Act to use Illinois design
19 professionals, construction companies, and workers to the
20 greatest extent permitted by law by offering them the right to
21 compete for this work.

22 (i) It is the intent of this Act for the Department to
23 collaborate with affected municipalities, counties, citizens,
24 elected officials, interest groups, and other stakeholders to
25 foster economic development around the South Suburban Airport
26 and the region, and to insure that the communities near the

1 South Suburban Airport have an ongoing opportunity to provide
2 input on the development and operation of the South Suburban
3 Airport.

4 (Source: P.A. 98-109, eff. 7-25-13.)

5 (620 ILCS 75/2-10)

6 Sec. 2-10. Definitions. As used in this Act:

7 "Agreement" means a public-private agreement.

8 "Airport" means a facility for all types of air service,
9 including, without limitation, landing fields, taxiways,
10 aprons, runways, runway clear areas, heliports, hangars,
11 aircraft service facilities, approaches, navigational aids,
12 air traffic control facilities, terminals, inspection
13 facilities, security facilities, parking, internal transit
14 facilities, fueling facilities, cargo handling facilities,
15 concessions, rapid transit and roadway access, land and
16 interests in land, public waters, submerged land under public
17 waters and reclaimed land located on previously submerged land
18 under public waters, and all other property and appurtenances
19 necessary or useful for development, ownership, and operation
20 of any such facilities. "Airport" includes commercial or
21 industrial facilities related to the functioning of the
22 airport or to providing services to users of the airport.

23 "Cargo-oriented development" means the development of
24 places that are both multimodal nodes of freight
25 transportation and centers of employment in logistics and

1 manufacturing businesses.

2 "Contractor" means a person that has been selected to
3 enter or has entered into a public-private agreement with the
4 Department on behalf of the State for the development,
5 financing, construction, management, or operation of the South
6 Suburban Airport under this Act.

7 "Department" means the Illinois Department of
8 Transportation.

9 "Inaugural airport" means all airport facilities,
10 equipment, property, and appurtenances necessary or useful to
11 the development and operation of the South Suburban Airport
12 that are constructed, developed, installed, or acquired as of
13 the commencement of public operations of the South Suburban
14 Airport.

15 "Inaugural airport boundary" means the property limits of
16 the inaugural airport as determined by the Department, as may
17 be adjusted and reconfigured from time to time.

18 "Maintain" or "maintenance" includes ordinary maintenance,
19 repair, rehabilitation, capital maintenance, maintenance
20 replacement, and any other categories of maintenance that may
21 be designated by the Department.

22 "Metropolitan planning organization" means a metropolitan
23 planning organization designated under 23 U.S.C. Section 134.

24 "Offeror" means a person that responds to a request for
25 proposals under this Act.

26 "Operate" or "operation" means to do one or more of the

1 following: maintain, improve, equip, modify, or otherwise
2 operate.

3 "Person" means any individual, firm, association, joint
4 venture, partnership, estate, trust, syndicate, fiduciary,
5 corporation, or any other legal entity, group, or combination
6 thereof.

7 "Public-private agreement" means an agreement or contract
8 between the Department on behalf of the State and all
9 schedules, exhibits, and attachments thereto, entered into
10 pursuant to a competitive request for proposals process
11 governed by this Act, for the development, financing,
12 construction, management, or operation of the South Suburban
13 Airport under this Act.

14 "Revenues" means all revenues, including any combination
15 of, but not limited to: income; user fees; earnings; interest;
16 lease payments; allocations; moneys from the federal
17 government, the State, and units of local government,
18 including but not limited to federal, State, and local
19 appropriations, grants, loans, lines of credit, and credit
20 guarantees; bond proceeds; equity investments; service
21 payments; or other receipts arising out of or in connection
22 with the financing, development, construction, management, or
23 operation of the South Suburban Airport.

24 "State" means the State of Illinois.

25 "Secretary" means the Secretary of the Illinois Department
26 of Transportation.

1 "South Suburban Airport" means the airport to be developed
2 on a site located in Will County and approved by the Federal
3 Aviation Administration in the Record of Decision for Tier 1:
4 FAA Site Approval And Land Acquisition By The State Of
5 Illinois, Proposed South Suburban Airport, Will County,
6 Illinois, dated July 2002, and all property within the
7 inaugural airport boundary and the ultimate airport boundary.

8 "Ultimate airport boundary" means the development and
9 property limits of the South Suburban Airport beyond the
10 inaugural airport boundary as determined by the Department, as
11 may be adjusted and reconfigured from time to time.

12 "Unit of local government" has the meaning ascribed to
13 that term in Article VII, Section 1 of the Constitution of the
14 State of Illinois, and, for purposes of this Act, includes
15 school districts.

16 "User fees" means the rates, fees, or other charges
17 imposed by the State or the contractor for use of all or a
18 portion of the South Suburban Airport under a public-private
19 agreement.

20 (Source: P.A. 98-109, eff. 7-25-13.)

21 (620 ILCS 75/2-25)

22 Sec. 2-25. Prequalification to enter into public-private
23 agreements. The Department shall ~~may~~ establish a process for
24 prequalification of offerors. ~~The If the Department creates a~~
25 prequalification process, ~~it~~ shall: (i) provide a public

1 notice of the prequalification at least 30 days before the
2 date on which applications are due; (ii) set forth
3 requirements and evaluation criteria in order to become
4 prequalified; (iii) determine which offerors that have
5 submitted prequalification applications, if any, meet the
6 requirements and evaluation criteria; and (iv) allow only
7 those offerors that have been prequalified to respond to the
8 request for proposals.

9 The Department shall commence the prequalification process
10 within 6 months after the effective date of this amendatory
11 Act of the 102nd General Assembly.

12 (Source: P.A. 98-109, eff. 7-25-13.)