



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5171

Introduced 2/9/2024, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

630 ILCS 5/15

Amends the Public-Private Partnerships for Transportation Act. Provides that each year, at least 30 days prior to the beginning of the responsible public entity's fiscal year, the responsible public entity shall submit to the General Assembly a description of potential projects that the responsible public entity is considering undertaking under the Act to each county, municipality, and metropolitan planning organization, with respect to each project located within its boundaries. Requires any new transportation facility developed as a project under the Act to be consistent with the regional plan then in existence of any metropolitan planning organization in whose boundaries the project is located. Provides that, prior to the approval of the public-private agreement, the responsible public entity must notify the public at least 60 days prior to the approval of the public-private agreement for any projects under the Act and must hold at least one public meeting within the impacted community. Sets forth additional notice requirements. Sets forth public meeting requirements. Requires the responsible public entity to create a meeting summary including issues raised by the public and respond to all questions in writing no later than 14 days after the meeting. Requires the responsible public entity to post the summary and responses to the responsible public entity's publicly accessible website. Makes other changes.

LRB103 36741 MXP 66851 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 Partnerships for
5 Transportation Act is amended by changing Section 15 as
6 follows:

7 (630 ILCS 5/15)

8 Sec. 15. Formation of public-private agreements; project
9 planning.

10 (a) Each responsible public entity may exercise the powers
11 granted by this Act to do some or all to design, develop,
12 construct, finance, and operate any part of one or more
13 transportation projects through public-private agreements with
14 one or more private entities, except for transportation
15 projects for the Illiana Expressway as defined in the Public
16 Private Agreements for the Illiana Expressway Act. The net
17 proceeds, if any, arising out of a transportation project or
18 public-private agreement undertaken by the Department pursuant
19 to this Act shall be deposited into the Public-Private
20 Partnerships for Transportation Fund. The net proceeds arising
21 out of a transportation project or public-private agreement
22 undertaken by the Authority pursuant to this Act shall be
23 deposited into the Illinois State Toll Highway Authority Fund

1 and shall be used only as authorized by Section 23 of the Toll
2 Highway Act.

3 (b) The Authority may enter into a public-private
4 partnership to design, develop, construct, finance, and
5 operate new toll highways authorized by the Governor and the
6 General Assembly pursuant to Section 14.1 of the Toll Highway
7 Act, non-highway transportation projects on the toll highway
8 system such as commuter rail or high-speed rail lines, and
9 intelligent transportation infrastructure that will enhance
10 the safety, efficiency, and environmental quality of the toll
11 highway system. The Authority may operate or provide
12 operational services such as toll collection on highways which
13 are developed or financed, or both, through a public-private
14 agreement entered into by another public entity, under an
15 agreement with the public entity or contractor responsible for
16 the transportation project.

17 (c) A contractor has:

18 (1) all powers allowed by law generally to a private
19 entity having the same form of organization as the
20 contractor; and

21 (2) the power to develop, finance, and operate the
22 transportation facility and to impose user fees in
23 connection with the use of the transportation facility,
24 subject to the terms of the public-private agreement.

25 No tolls or user fees may be imposed by the contractor
26 except as set forth in a public-private agreement.

1 (d) Prior to commencing the procurement process under an
2 unsolicited proposal or the issuance of any request for
3 qualifications or request for proposals with respect to any
4 potential project undertaken by a responsible public entity
5 pursuant to Section 19 or 20 of this Act, the commencement of a
6 procurement process for that particular potential project
7 shall be authorized by joint resolution of the General
8 Assembly.

9 (e) (Blank).

10 (f) Any project undertaken under this Act shall be subject
11 to all applicable planning requirements otherwise required by
12 law, including land use planning, regional planning,
13 transportation planning, and environmental compliance
14 requirements.

15 (g) (Blank).

16 (h) The responsible public entity shall hold one or more
17 public hearings following its submittals to the General
18 Assembly under subsection (d) of this Section. These public
19 hearings shall address any potential project that the
20 responsible public entity submitted to the General Assembly
21 for review under subsection (d). The responsible public entity
22 shall publish a notice of the hearing or hearings at least 7
23 days before a hearing takes place, and shall include the
24 following in the notice: (i) the date, time, and place of the
25 hearing and the address of the responsible public entity; (ii)
26 a brief description of the potential projects that the

1 responsible public entity is considering undertaking; and
2 (iii) a statement that the public may comment on the potential
3 projects.

4 (i) Each year, at least 30 days prior to the beginning of
5 the responsible public entity's fiscal year, the responsible
6 public entity shall submit to the General Assembly a
7 description of potential projects that the responsible public
8 entity is considering undertaking under this Act to each
9 county, municipality, and metropolitan planning organization,
10 with respect to each project located within its boundaries.

11 (j) Any new transportation facility developed as a project
12 under this Act must be consistent with the regional plan then
13 in existence of any metropolitan planning organization in
14 whose boundaries the project is located.

15 (k) Prior to the approval of the public-private agreement,
16 the responsible public entity must notify the public at least
17 60 days prior to the approval of the public-private agreement
18 for any projects under this Act and must hold at least one
19 public meeting within the impacted community. The notice
20 required under this subsection must include the following
21 information:

22 (1) the date, time, and location of the public meeting
23 required under this Section;

24 (2) the date and time of all public meetings regarding
25 the project;

26 (3) where to access the project description described

1 under paragraph (3) of subsection (c) of Section 19, if
2 applicable;

3 (4) the expected location of the project and
4 associated construction duration; and

5 (5) a non-English version of the notice if 10% or more
6 of the local population speaks a primary language other
7 than English, which shall reflect the prevalent languages
8 of the non-English speaking residents in that area.

9 (1) The public meeting is subject to the following rules:

10 (1) The public meeting must begin after 5:00 p.m. and
11 be located at a venue that is accessible to persons with
12 disabilities and the owner or operator of the venue must
13 provide reasonable accommodations, as defined in the
14 Americans with Disabilities Act, upon request.

15 (2) The responsible public entity must provide
16 translation services during a public meeting if a proposed
17 project is located in an area in which 10% or more of the
18 local population speaks a primary language other than
19 English, if requested by a non-English speaking member of
20 the public.

21 (m) During a public meeting, a contractor must:

22 (1) present the schedule and process for the project,
23 which must cover the noise, air quality, environmental,
24 public health, and any other community impacts expected
25 from the project;

26 (2) include a question-and-answer portion of the

1 meeting to allow the public to ask questions; and

2 (3) ensure that representatives that speak on behalf
3 of the contractor are qualified and knowledgeable on the
4 subject matter to answer questions posed by the public.

5 (n) The responsible public entity shall have a
6 representative present at the public meeting who is familiar
7 with the proposed project. The responsible public entity must
8 create a meeting summary, including issues raised by the
9 public, and respond to all questions in writing no later than
10 14 days after the meeting. The responsible public entity shall
11 post the summary and responses to the responsible public
12 entity's publicly accessible website and advise the telephone,
13 email, and text lists along with the meeting summary document.
14 The responsible public entity shall ensure that the public
15 meeting is made available to watch and participate in a
16 meaningful way online and recorded. The recording shall be
17 made available on a publicly accessible website.

18 (Source: P.A. 103-570, eff. 1-1-24.)