

HB7327



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB7327

Introduced 9/23/2004, by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

605 ILCS 10/10

from Ch. 121, par. 100-10

Amends the Toll Highway Act. Provides that the Illinois State Toll Highway Authority must obtain the approval of the General Assembly for future toll increases and for any toll increases effective within the 6 months preceding the effective date of the amendatory Act. Provides that the General Assembly's rejection or reduction of any toll increase is binding upon the Authority. Effective immediately.

LRB093 23355 DRH 53336 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Toll Highway Act is amended by changing
5 Section 10 as follows:

6 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

7 Sec. 10. The Authority shall have power:

8 (a) To pass resolutions, make by-laws, rules and
9 regulations for the management, regulation and control of its
10 affairs, and to fix tolls, and to make, enact and enforce all
11 needful rules and regulations in connection with the
12 construction, operation, management, care, regulation or
13 protection of its property or any toll highways, constructed or
14 reconstructed hereunder.

15 (a-5) To fix, assess, and collect civil fines for a
16 vehicle's operation on a toll highway without the required toll
17 having been paid. The Authority may establish by rule a system
18 of civil administrative adjudication to adjudicate only
19 alleged instances of a vehicle's operation on a toll highway
20 without the required toll having been paid, as detected by the
21 Authority's video surveillance system. Rules establishing a
22 system of civil administrative adjudication must provide for
23 written notice of the alleged violation and an opportunity to
24 be heard on the question of the violation and must provide for
25 the establishment of a toll-free telephone number to receive
26 inquiries concerning alleged violations. Only civil fines may
27 be imposed by administrative adjudication. A fine may be
28 imposed under this paragraph only if a violation is established
29 by a preponderance of the evidence. Judicial review of all
30 final orders of the Authority under this paragraph shall be
31 conducted in accordance with the Administrative Review Law.

32 (b) To prescribe rules and regulations applicable to

1 traffic on highways under the jurisdiction of the Authority,
2 concerning:

3 (1) Types of vehicles permitted to use such highways or
4 parts thereof, and classification of such vehicles;

5 (2) Designation of the lanes of traffic to be used by
6 the different types of vehicles permitted upon said
7 highways;

8 (3) Stopping, standing, and parking of vehicles;

9 (4) Control of traffic by means of police officers or
10 traffic control signals;

11 (5) Control or prohibition of processions, convoys,
12 and assemblages of vehicles and persons;

13 (6) Movement of traffic in one direction only on
14 designated portions of said highways;

15 (7) Control of the access, entrance, and exit of
16 vehicles and persons to and from said highways; and

17 (8) Preparation, location and installation of all
18 traffic signs; and to prescribe further rules and
19 regulations applicable to such traffic, concerning matters
20 not provided for either in the foregoing enumeration or in
21 the Illinois Vehicle Code. Notice of such rules and
22 regulations shall be posted conspicuously and displayed at
23 appropriate points and at reasonable intervals along said
24 highways, by clearly legible markers or signs, to provide
25 notice of the existence of such rules and regulations to
26 persons traveling on said highways. At each toll station,
27 the Authority shall make available, free of charge,
28 pamphlets containing all of such rules and regulations.

29 (c) The Authority, in fixing the rate for tolls for the
30 privilege of using the said toll highways, is authorized and
31 directed, in fixing such rates, to base the same upon annual
32 estimates to be made, recorded and filed with the Authority.
33 Said estimates shall include the following: The estimated total
34 amount of the use of the toll highways; the estimated amount of
35 the revenue to be derived therefrom, which said revenue, when
36 added to all other receipts and income, will be sufficient to

1 pay the expense of maintaining and operating said toll
2 highways, including the administrative expenses of the
3 Authority, and to discharge all obligations of the Authority as
4 they become due and payable.

5 (c-1) If the Authority determines that an increase in tolls
6 is justified:

7 (1) The Authority must submit a report, to be filed
8 with both houses of General Assembly, the Comptroller, and
9 the Secretary of State, explaining the necessity for the
10 increase.

11 (2) Each house of the General Assembly must, within 30
12 session days after that house next convenes after the date
13 on which the report was filed, conduct a record vote on the
14 proposed increase.

15 (3) If a majority of the members of both houses vote
16 against the proposed increase, the General Assembly may
17 adopt a resolution rejecting or reducing the proposed
18 increase.

19 A resolution adopted under this subsection (c-1) shall be
20 binding upon the Authority.

21 (c-2) If any increase in tolls has taken effect within the
22 6 months preceding the effective date of this amendatory Act of
23 the 93rd General Assembly:

24 (1) The Authority must submit a report, to be filed
25 with both houses of the General Assembly, the Comptroller,
26 and the Secretary of State, indicating the amount of the
27 increase.

28 (2) Each house of the General Assembly must, no later
29 than April 30, 2005, conduct a record vote with regard to
30 the increase in tolls.

31 (3) If a majority of the members of both houses vote
32 against the increase in tolls, the General Assembly may, no
33 later than May 31, 2005, adopt a resolution rejecting or
34 reducing the increase and providing that:

35 (A) the amount of toll to be collected in the
36 future shall be reduced to the amount that was

1 collected before the increase went into effect; or

2 (B) the amount of toll to be collected in the
3 future shall be reduced according to the terms of the
4 adopted resolution.

5 A resolution adopted under this subsection (c-2) shall be
6 binding upon the Authority.

7 (d) To accept from any municipality or political
8 subdivision any lands, easements or rights in land needed for
9 the operation, construction, relocation or maintenance of any
10 toll highways, with or without payment therefor, and in its
11 discretion to reimburse any such municipality or political
12 subdivision out of its funds for any cost or expense incurred
13 in the acquisition of land, easements or rights in land, in
14 connection with the construction and relocation of the said
15 toll highways, widening, extending roads, streets or avenues in
16 connection therewith, or for the construction of any roads or
17 streets forming extension to and connections with or between
18 any toll highways, or for the cost or expense of widening,
19 grading, surfacing or improving any existing streets or roads
20 or the construction of any streets and roads forming extensions
21 of or connections with any toll highways constructed,
22 relocated, operated, maintained or regulated hereunder by the
23 Authority. Where property owned by a municipality or political
24 subdivision is necessary to the construction of an approved
25 toll highway, if the Authority cannot reach an agreement with
26 such municipality or political subdivision and if the use to
27 which the property is being put in the hands of the
28 municipality or political subdivision is not essential to the
29 existence or the administration of such municipality or
30 political subdivision, the Authority may acquire the property
31 by condemnation.

32 (Source: P.A. 89-120, eff. 7-7-95.)

33 Section 99. Effective date. This Act takes effect upon
34 becoming law.