



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB1329

Introduced 02/09/05, by Rep. Robert Rita - William Davis

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Southwest Suburban Railroad Redevelopment Authority Act. Creates the Southwest Suburban Railroad Redevelopment Authority in the townships of Bloom, Thornton, Calumet, Bremen, Orland, Worth, and Palos. Allows the Authority to acquire, sell, and exchange property and to accept grants, loans, and appropriations in order to relocate railroads and roadways and to separate railroad grade crossings. Provides that the Authority shall be governed by a 5-member Board appointed by the Governor. Provides for the appointment of a Secretary and Treasurer of the Authority. Contains other provisions. Effective immediately.

LRB094 10244 AJ0 40511 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT creating the Southwest Suburban Railroad  
2 Redevelopment Authority.

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

5 Section 1. Short title. This Act may be cited as the  
6 Southwest Suburban Railroad Redevelopment Authority Act.

7 Section 5. Legislative declaration. The General Assembly  
8 declares that the welfare, health, prosperity, and moral and  
9 general well-being of the people of the State are, in large  
10 measure, dependent upon the sound and orderly development of  
11 municipal areas. The Southwest Suburban area, by reason of the  
12 location therein of vital roadways and their use for vehicular  
13 travel in access to the entire southwest metropolitan Chicago  
14 area, as well as commercial and industrial growth patterns and  
15 accessibility to manufacturing and freight-related facilities,  
16 has become and will increasingly be the hub of transportation  
17 from all parts of the region and throughout the southwest  
18 metropolitan area. Motor vehicle traffic, pedestrian travel,  
19 and the safety of both motorists and pedestrians are  
20 substantially aggravated by the location of railroad grade  
21 crossings. Additionally, certain development opportunities may  
22 exist in the project area that would stabilize and enhance the  
23 tax base of existing communities, maintain and revitalize  
24 existing commerce and industry, and promote comprehensive  
25 planning within and between communities. The presence of the  
26 railroad grade crossings are detrimental to the orderly  
27 expansion of industry and commerce and to progress of the  
28 region. To alleviate this situation it is necessary to relocate  
29 the railroad tracks, to separate the grades at crossing, to  
30 acquire property for relocation or submergence of the railroad  
31 or highways, to create an agency to facilitate and accomplish  
32 that relocation, and to direct infrastructure and development

1 improvements in the Southwest Suburban area.

2 Section 10. Creation; duration. There is created a body  
3 politic and corporate, a unit of local government, named the  
4 Southwest Suburban Railroad Redevelopment Authority, embracing  
5 the townships of Bloom, Thornton, Calumet, Bremen, Orland,  
6 Worth, and Palos. The Authority shall continue in existence  
7 until the accomplishment of its objective, the relocation of  
8 railroad tracks and roadways and the grade separation of  
9 railroads from the right-of-way and at-grade crossing closures  
10 within the Southwest Suburban area, or until the Authority  
11 officially resolves that it is impossible or economically  
12 unfeasible to fulfill that objective.

13 Section 15. Acquisition of property. The Authority has the  
14 power to acquire by gift, purchase, or legacy the fee simple  
15 title to real property located within the boundaries of the  
16 Authority, including temporary and permanent easements, as  
17 well as reversionary interests in the streets, alleys, and  
18 other public places and personal property, required for its  
19 purposes, and title thereto shall be taken in the corporate  
20 name of the Authority. Any such property that is already  
21 devoted to a public use may nevertheless be acquired, provided  
22 that no property belonging to the United States of America or  
23 the State of Illinois may be acquired without the consent of  
24 that governmental unit. No property devoted to a public use  
25 belonging to a corporation subject to the jurisdiction of the  
26 Illinois Commerce Commission may be acquired without a prior  
27 finding by the Illinois Commerce Commission that the taking  
28 would not result in the imposition of an undue burden on  
29 intrastate commerce. All land and appurtenances thereto,  
30 acquired or owned by the Authority, are to be deemed acquired  
31 or owned for a public use or public purpose.

32 Section 20. Sale or exchange of property. The Authority  
33 has the power to sell, transfer, exchange, vacate, or assign

1 property acquired for the purposes of this Act as it deems  
2 appropriate.

3 Section 25. Acceptance of grants, loans, and  
4 appropriations. The Authority has the power to apply for and  
5 accept grants, loans, advances, and appropriations from the  
6 federal government and from the State of Illinois or any agency  
7 or instrumentality thereof to be used for the purposes of the  
8 Authority, and to enter into any agreement in relation to the  
9 grants, loans, advances, and appropriations. The Authority may  
10 also accept from the State, any State agency, department, or  
11 commission, any county or other political subdivision, any  
12 municipal corporation, any railroad, any school authority, or  
13 jointly therefrom, grants of funds or services for any of the  
14 purposes of this Act. The Authority shall be treated as a rail  
15 carrier subject to the Illinois Commerce Commission's  
16 jurisdiction and eligible to receive money from the Grade  
17 Crossing Protection Fund or any fund of the State or other  
18 source available for purposes of promoting safety and  
19 separation of at-grade railroad crossings or highway  
20 improvements.

21 Section 30. Taxing powers. The Authority may not levy real  
22 property taxes for any purpose whatsoever.

23 Section 35. Board; compensation and expenses. The  
24 Authority shall be governed by a 5-member board consisting of  
25 members appointed by the Governor with the advice and consent  
26 of the Senate. Each member shall take and subscribe the  
27 constitutional oath of office and file it with the Secretary of  
28 State. The members of the board shall serve without  
29 compensation, but may be reimbursed for actual expenses  
30 incurred by them in the performance of duties prescribed by the  
31 Authority. However, any member of the board who serves as  
32 secretary or treasurer may receive compensation for services as  
33 that officer.

1           Section 40. Organization; chair and temporary secretary.  
2           As soon as possible after the effective date of this Act, the  
3           board shall organize for the transaction of business, select a  
4           Chair and a temporary Secretary from its own number, and adopt  
5           bylaws to govern its proceedings. The initial Chair and  
6           successors shall be elected by the board from time to time from  
7           among members. The board may act through its members by  
8           entering into an agreement that a member act on the board's  
9           behalf, in which instance the act or performance directed shall  
10          be deemed to be exclusively of, for, and by the board and not  
11          the individual act of the member or its represented person.

12          Section 45. Meetings; quorum and resolutions. Regular  
13          meetings of the board shall be held at least quarterly, the  
14          time and place of those meetings to be fixed by the board.  
15          Special meetings may be called by the Chair or by a majority of  
16          the members of the board by giving notice thereof in writing,  
17          stating the time, place, and purpose of the meeting. The notice  
18          shall be served by special delivery letter deposited in the  
19          mails at least 48 hours before the meeting. A majority of the  
20          members of the board shall constitute a quorum for the  
21          transaction of business. All action of the board shall be by  
22          resolution and, except as otherwise provided in this Act, the  
23          affirmative vote of at least a majority shall be necessary for  
24          the adoption of any resolution. The Chair shall be entitled to  
25          vote on any and all matters coming before the board.

26          Section 50. Secretary and Treasurer; oaths; bond of  
27          Treasurer. The board may appoint a Secretary and a Treasurer,  
28          who need not be members of the board, to hold office at the  
29          pleasure of the board, and fix their duties and compensation.  
30          Before entering upon the duties of their respective offices,  
31          they shall take and subscribe to the constitutional oath of  
32          office, and the Treasurer shall execute a bond with corporate  
33          sureties to be approved by the board. The bond shall be payable

1 to the Authority in whatever penal sum may be directed by the  
2 board conditioned upon the faithful performance of the duties  
3 of the office and the payment of all money received by the  
4 Treasurer according to law and the orders of the board. The  
5 board may, at any time, require a new bond for the Treasurer in  
6 any penal sum that may then be determined by the board.

7 Section 55. Deposit and withdrawal of funds; signatures.  
8 All funds deposited by the Treasurer in any bank or savings and  
9 loan association shall be placed in the name of the Authority  
10 and shall be withdrawn or paid out only by check or draft upon  
11 the bank or savings and loan association, signed by the  
12 Treasurer and countersigned by the Chair of the board. Subject  
13 to prior approval of the designations by a majority of the  
14 board, the Chair may designate any other member or any officer  
15 of the Authority to affix the signature of the Treasurer to any  
16 Authority check or draft for payment of salaries or wages and  
17 for payment of any other obligation of not more than \$2,500.

18 No bank or savings and loan association shall receive  
19 public funds as permitted by this Section unless it has  
20 complied with the requirements established under Section 6 of  
21 the Public Funds Investment Act.

22 Section 60. Delivery of check after executing officer  
23 ceases to hold office. If any officer whose signature appears  
24 upon any check or draft issued pursuant to this Act ceases to  
25 hold office before the delivery of the check or draft to the  
26 payee, the officer's signature nevertheless shall be valid and  
27 sufficient for all purposes with the same effect as if the  
28 officer had remained in office until delivery of the check or  
29 draft.

30 Section 65. Rules. The board may adopt all rules proper or  
31 necessary and to carry into effect the powers granted to it.  
32 The rules shall be consistent with the guidelines, objectives,  
33 and project scope as set out by the Illinois Commerce

1 Commission.

2 Section 70. Fiscal year. The Authority shall designate its  
3 fiscal year.

4 Section 75. Reports and financial statements. Within 60  
5 days after the end of its fiscal year, the board shall cause to  
6 be prepared by a certified public accountant a complete and  
7 detailed report and financial statement of the operations and  
8 assets and liabilities as they relate to the projects  
9 undertaken by the Authority. A reasonably sufficient number of  
10 copies of the report shall be prepared for distribution to  
11 persons interested, upon request, and a copy of the report  
12 shall be filed with the Illinois Commerce Commission and with  
13 the county clerk of Cook County.

14 Section 80. Construction. Nothing in this Act shall be  
15 construed to confer upon the Authority the right, power, or  
16 duty to order or enforce the abandonment of any present  
17 property of the railroads or the use in substitution therefor  
18 of any property acquired for the railroads in the absence of a  
19 contract duly executed by the railroads and the Authority  
20 setting forth the terms and conditions upon which relocation of  
21 the right-of-way and physical facilities of the railroads is to  
22 be accomplished. No such contract shall be or become  
23 enforceable until the provisions of the contract have been  
24 approved or authorized by the Illinois Commerce Commission.

25 Section 85. Existing contracts, obligations, and  
26 liabilities. No contract, obligation, or liability whatever of  
27 the railroads to pay any money into the State treasury, nor any  
28 lien of the State upon or right to tax property of the  
29 railroads, shall be released, suspended, modified, altered,  
30 remitted, or in any manner diminished or impaired by the  
31 contract with the Authority, and any such charter provisions  
32 applicable to the property on which the railroads are now

1 located shall be deemed in full force and effect with respect  
2 to any property on which the railroads are relocated in  
3 substitution therefor pursuant to the provisions of this Act or  
4 any such contract with the Authority pursuant thereto.  
5 Notwithstanding, upon order of the Illinois Commerce  
6 Commission, the Authority shall succeed to and assume the  
7 performance and actions of the represented persons under the  
8 terms of the order and amending orders previously entered  
9 relative to projects undertaken by the Authority and consistent  
10 with the objectives of the Authority.

11 Section 90. Severability. The provisions of this Act are  
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 999. Effective date. This Act takes effect upon  
14 becoming law.