

# SB2105



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2105

Introduced 2/25/2005, by Sen. Chris Lauzen

#### SYNOPSIS AS INTRODUCED:

605 ILCS 5/4-510

from Ch. 121, par. 4-510

Amends the Illinois Highway Code. Establishes procedures to be followed by the Department of Transportation before, during, and after a hearing on a proposed protected corridor through which a proposed roadway is to be constructed. Effective immediately.

LRB094 10989 DRH 41592 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 Illinois Highway Code is amended by changing  
5 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. Before the public  
15 hearing for corridor protection, the Department shall prepare  
16 an assessment of current and future traffic needs in the area  
17 of the proposed highway addition and an analysis of the  
18 alternatives for meeting those needs. The hearing shall be held  
19 in or near the county or counties where the land to be used is  
20 located and notice of the hearing shall be published in a  
21 newspaper or newspapers of general circulation in the county or  
22 counties involved. The Department shall notify by registered  
23 mail each property owner affected by the proposed corridor,  
24 informing the owner of the location of the corridor and the  
25 time and place of the hearing. Any interested person or his  
26 representative may be heard. The Department shall evaluate the  
27 testimony given at the hearing. The hearing shall include a  
28 period for questions and comments from interested persons in a  
29 town hall format, before an audience of those attending. If  
30 modifications are made in the proposed corridor prior to  
31 recording, the Department shall notify by registered mail  
32 owners of property affected by the proposed changes and by

1 notices published in a newspaper or newspapers of general  
2 circulation in the county or counties affected. Interested  
3 persons shall have at least 30 days to comment on the proposed  
4 revisions, and the Department shall evaluate the comments.

5 The Department shall make a survey and prepare a map  
6 showing the location and approximate widths of the rights of  
7 way needed for future additions to the highway system. The map  
8 shall show existing highways in the area involved and the  
9 property lines and owners of record of all land that will be  
10 needed for the future additions and all other pertinent  
11 information. Approval of the map with any changes resulting  
12 from the hearing shall be indicated in the record of the  
13 hearing, and a notice of the approval, ~~and~~ a copy of the map,  
14 and an environmental impact study shall be filed in the office  
15 of the recorder for all counties in which the land needed for  
16 future additions is located.

17 Public notice of the approval and filing shall be given in  
18 newspapers of general circulation in all counties where the  
19 land is located and shall be served by registered mail within  
20 60 days thereafter on all owners of record of the land needed  
21 for future additions.

22 The Department may approve changes in the map from time to  
23 time. The changes shall be filed and notice given in the manner  
24 provided for an original map.

25 After the map is filed and notice thereof given to the  
26 owners of record of the land needed for future additions, no  
27 one shall incur development costs or place improvements in,  
28 upon or under the land involved nor rebuild, alter or add to  
29 any existing structure without first giving 60 days notice by  
30 registered mail to the Department. This prohibition shall not  
31 apply to any normal or emergency repairs to existing  
32 structures. The Department shall have 45 days after receipt of  
33 that notice to inform the owner of the Department's intention  
34 to acquire the land involved; after which, it shall have the  
35 additional time of 120 days to acquire such land by purchase or  
36 to initiate action to acquire said land through the exercise of

1 the right of eminent domain. When the right of way is acquired  
2 by the State no damages shall be allowed for any construction,  
3 alteration or addition in violation of this Section unless the  
4 Department has failed to acquire the land by purchase or has  
5 abandoned an eminent domain proceeding initiated pursuant to  
6 the provisions of this paragraph.

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

20 Not more than 10 years after a protected corridor is  
21 established under this Section, and not later than the  
22 expiration of each succeeding 10 year period, the Department  
23 shall hold public hearings to discuss the viability and  
24 feasibility of the protected corridor. The Department shall  
25 give due consideration to the information obtained at the  
26 hearing and, if construction of the roadway is no longer  
27 feasible, shall abolish the protected corridor.

28 (Source: P.A. 91-357, eff. 7-29-99.)

29 Section 99. Effective date. This Act takes effect upon  
30 becoming law.