



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0566

Introduced 2/5/2007, by Rep. Robert Rita - David E. Miller

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.

LRB095 06863 HLH 26981 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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

1 existing commerce and industry, and promote comprehensive
2 planning within and between communities. The presence of the
3 railroad grade crossings are detrimental to the orderly
4 expansion of industry and commerce and to progress of the
5 region. To alleviate this situation it is necessary to relocate
6 the railroad tracks, to separate the grades at crossing, to
7 acquire property for relocation or submergence of the railroad
8 or highways, to create an agency to facilitate and accomplish
9 that relocation, and to direct infrastructure and development
10 improvements in the Southwest Suburban area.

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

22 Section 15. Acquisition of property. The Authority has the
23 power to acquire by gift, purchase, or legacy the fee simple
24 title to real property located within the boundaries of the

1 Authority, including temporary and permanent easements, as
2 well as reversionary interests in the streets, alleys, and
3 other public places and personal property, required for its
4 purposes, and title thereto shall be taken in the corporate
5 name of the Authority. Any such property that is already
6 devoted to a public use may nevertheless be acquired, provided
7 that no property belonging to the United States of America or
8 the State of Illinois may be acquired without the consent of
9 that governmental unit. No property devoted to a public use
10 belonging to a corporation subject to the jurisdiction of the
11 Illinois Commerce Commission may be acquired without a prior
12 finding by the Illinois Commerce Commission that the taking
13 would not result in the imposition of an undue burden on
14 intrastate commerce. All land and appurtenances thereto,
15 acquired or owned by the Authority, are to be deemed acquired
16 or owned for a public use or public purpose.

17 Section 20. Sale or exchange of property. The Authority
18 has the power to sell, transfer, exchange, vacate, or assign
19 property acquired for the purposes of this Act as it deems
20 appropriate.

21 Section 25. Acceptance of grants, loans, and
22 appropriations. The Authority has the power to apply for and
23 accept grants, loans, advances, and appropriations from the
24 federal government and from the State of Illinois or any agency

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

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

17 Section 35. Board; compensation and expenses. The
18 Authority shall be governed by a 5-member board consisting of
19 members appointed by the Governor with the advice and consent
20 of the Senate. Each member shall take and subscribe the
21 constitutional oath of office and file it with the Secretary of
22 State. The members of the board shall serve without
23 compensation, but may be reimbursed for actual expenses
24 incurred by them in the performance of duties prescribed by the

1 Authority. However, any member of the board who serves as
2 secretary or treasurer may receive compensation for services as
3 that officer.

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

15 Section 45. Meetings; quorum and resolutions. Regular
16 meetings of the board shall be held at least quarterly, the
17 time and place of those meetings to be fixed by the board.
18 Special meetings may be called by the Chair or by a majority of
19 the members of the board by giving notice thereof in writing,
20 stating the time, place, and purpose of the meeting. The notice
21 shall be served by special delivery letter deposited in the
22 mails at least 48 hours before the meeting. A majority of the
23 members of the board shall constitute a quorum for the
24 transaction of business. All action of the board shall be by

1 resolution and, except as otherwise provided in this Act, the
2 affirmative vote of at least a majority shall be necessary for
3 the adoption of any resolution. The Chair shall be entitled to
4 vote on any and all matters coming before the board.

5 Section 50. Secretary and Treasurer; oaths; bond of
6 Treasurer. The board may appoint a Secretary and a Treasurer,
7 who need not be members of the board, to hold office at the
8 pleasure of the board, and fix their duties and compensation.
9 Before entering upon the duties of their respective offices,
10 they shall take and subscribe to the constitutional oath of
11 office, and the Treasurer shall execute a bond with corporate
12 sureties to be approved by the board. The bond shall be payable
13 to the Authority in whatever penal sum may be directed by the
14 board conditioned upon the faithful performance of the duties
15 of the office and the payment of all money received by the
16 Treasurer according to law and the orders of the board. The
17 board may, at any time, require a new bond for the Treasurer in
18 any penal sum that may then be determined by the board.

19 Section 55. Deposit and withdrawal of funds; signatures.
20 All funds deposited by the Treasurer in any bank or savings and
21 loan association shall be placed in the name of the Authority
22 and shall be withdrawn or paid out only by check or draft upon
23 the bank or savings and loan association, signed by the
24 Treasurer and countersigned by the Chair of the board. Subject

1 to prior approval of the designations by a majority of the
2 board, the Chair may designate any other member or any officer
3 of the Authority to affix the signature of the Treasurer to any
4 Authority check or draft for payment of salaries or wages and
5 for payment of any other obligation of not more than \$2,500.

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

10 Section 60. Delivery of check after executing officer
11 ceases to hold office. If any officer whose signature appears
12 upon any check or draft issued pursuant to this Act ceases to
13 hold office before the delivery of the check or draft to the
14 payee, the officer's signature nevertheless shall be valid and
15 sufficient for all purposes with the same effect as if the
16 officer had remained in office until delivery of the check or
17 draft.

18 Section 65. Rules. The board may adopt all rules proper or
19 necessary and to carry into effect the powers granted to it.
20 The rules shall be consistent with the guidelines, objectives,
21 and project scope as set out by the Illinois Commerce
22 Commission.

23 Section 70. Fiscal year. The Authority shall designate its

1 fiscal year.

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

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

23 Section 85. Existing contracts, obligations, and

1 liabilities. No contract, obligation, or liability whatever of
2 the railroads to pay any money into the State treasury, nor any
3 lien of the State upon or right to tax property of the
4 railroads, shall be released, suspended, modified, altered,
5 remitted, or in any manner diminished or impaired by the
6 contract with the Authority, and any such charter provisions
7 applicable to the property on which the railroads are now
8 located shall be deemed in full force and effect with respect
9 to any property on which the railroads are relocated in
10 substitution therefor pursuant to the provisions of this Act or
11 any such contract with the Authority pursuant thereto.
12 Notwithstanding, upon order of the Illinois Commerce
13 Commission, the Authority shall succeed to and assume the
14 performance and actions of the represented persons under the
15 terms of the order and amending orders previously entered
16 relative to projects undertaken by the Authority and consistent
17 with the objectives of the Authority.

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

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.