



Executive Committee

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LRB095 06863 HLH 32305 a

1 AMENDMENT TO HOUSE BILL 566

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 566 by replacing  
3 everything after the enacting clause with the following:

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

6 Section 5. Legislative declaration. The General Assembly  
7 declares that the welfare, health, prosperity, and moral and  
8 general well-being of the people of the State are, in large  
9 measure, dependent upon the sound and orderly development of  
10 municipal areas. The Southwest Suburban area, by reason of the  
11 location therein of vital roadways and their use for vehicular  
12 travel in access to the entire southwest metropolitan Chicago  
13 area, as well as commercial and industrial growth patterns and  
14 accessibility to manufacturing and freight-related facilities,  
15 has become and will increasingly be the hub of transportation

1 from all parts of the region and throughout the southwest  
2 metropolitan area. Motor vehicle traffic, pedestrian travel,  
3 and the safety of both motorists and pedestrians are  
4 substantially aggravated by the location of railroad grade  
5 crossings. Additionally, certain development opportunities may  
6 exist in the project area that would stabilize and enhance the  
7 tax base of existing communities, maintain and revitalize  
8 existing commerce and industry, and promote comprehensive  
9 planning within and between communities. The presence of the  
10 railroad grade crossings are detrimental to the orderly  
11 expansion of industry and commerce and to progress of the  
12 region. To alleviate this situation it is necessary to relocate  
13 the railroad tracks, to separate the grades at crossing, to  
14 acquire property for relocation or submergence of the railroad  
15 or highways, to create an agency to facilitate and accomplish  
16 that relocation, and to direct infrastructure and development  
17 improvements in the Southwest Suburban area.

18 Section 10. Creation; duration. There is created a body  
19 politic and corporate, a unit of local government, named the  
20 Southwest Suburban Railroad Redevelopment Authority, embracing  
21 the townships of Bloom, Thornton, Calumet, Bremen, Orland,  
22 Worth, and Palos. The Authority shall continue in existence  
23 until the accomplishment of its objective, the relocation of  
24 railroad tracks and roadways and the grade separation of  
25 railroads from the right-of-way and at-grade crossing closures

1 within the Southwest Suburban area, or until the Authority  
2 officially resolves that it is impossible or economically  
3 unfeasible to fulfill that objective.

4 Section 15. Acquisition of property. The Authority has the  
5 power to acquire by gift, purchase, or legacy the fee simple  
6 title to real property located within the boundaries of the  
7 Authority, including temporary and permanent easements, as  
8 well as reversionary interests in the streets, alleys, and  
9 other public places and personal property, required for its  
10 purposes, and title thereto shall be taken in the corporate  
11 name of the Authority. All land and appurtenances thereto,  
12 acquired or owned by the Authority, are to be deemed acquired  
13 or owned for a public use or public purpose. The Authority may  
14 not acquire property by eminent domain.

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

19 Section 25. Acceptance of grants, loans, and  
20 appropriations. The Authority has the power to apply for and  
21 accept grants, loans, advances, and appropriations from the  
22 federal government and from the State of Illinois or any agency  
23 or instrumentality thereof to be used for the purposes of the

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

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

16 Section 35. Board; compensation and expenses. The  
17 Authority shall be governed by a 5-member board consisting of  
18 members appointed by the Governor with the advice and consent  
19 of the Senate. Two members of the Board must reside within the  
20 territory of the Authority. Two members must be former public  
21 officials who served within the townships of Bloom, Thornton,  
22 Calumet, Bremen, Orland, Worth, or Palos. One member must have  
23 previous employment and management experience with a major  
24 railroad company that has significant ties to the Authority.

1 Each member shall take and subscribe the constitutional oath of  
2 office and file it with the Secretary of State. The members of  
3 the board shall serve without compensation, but may be  
4 reimbursed for actual expenses incurred by them in the  
5 performance of duties prescribed by the Authority. However, any  
6 member of the board who serves as secretary or treasurer may  
7 receive compensation for services as that officer.

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

19 Section 45. Meetings; quorum and resolutions. Regular  
20 meetings of the board shall be held at least quarterly, the  
21 time and place of those meetings to be fixed by the board.  
22 Special meetings may be called by the Chair or by a majority of  
23 the members of the board by giving notice thereof in writing,  
24 stating the time, place, and purpose of the meeting. The notice

1 shall be served by special delivery letter deposited in the  
2 mails at least 48 hours before the meeting. A majority of the  
3 members of the board shall constitute a quorum for the  
4 transaction of business. All action of the board shall be by  
5 resolution and, except as otherwise provided in this Act, the  
6 affirmative vote of at least a majority shall be necessary for  
7 the adoption of any resolution. The Chair shall be entitled to  
8 vote on any and all matters coming before the board.

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

23 Section 55. Deposit and withdrawal of funds; signatures.  
24 All funds deposited by the Treasurer in any bank or savings and

1 loan association shall be placed in the name of the Authority  
2 and shall be withdrawn or paid out only by check or draft upon  
3 the bank or savings and loan association, signed by the  
4 Treasurer and countersigned by the Chair of the board. Subject  
5 to prior approval of the designations by a majority of the  
6 board, the Chair may designate any other member or any officer  
7 of the Authority to affix the signature of the Treasurer to any  
8 Authority check or draft for payment of salaries or wages and  
9 for payment of any other obligation of not more than \$2,500.

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

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

22 Section 65. Rules. The board may adopt all rules proper or  
23 necessary and to carry into effect the powers granted to it.  
24 The rules shall be consistent with the guidelines, objectives,

1 and project scope as set out by the Illinois Commerce  
2 Commission.

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

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

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



1 enforceable until the provisions of the contract have been  
2 approved or authorized by the Illinois Commerce Commission.

3 Section 85. Existing contracts, obligations, and  
4 liabilities. No contract, obligation, or liability whatever of  
5 the railroads to pay any money into the State treasury, nor any  
6 lien of the State upon or right to tax property of the  
7 railroads, shall be released, suspended, modified, altered,  
8 remitted, or in any manner diminished or impaired by the  
9 contract with the Authority, and any such charter provisions  
10 applicable to the property on which the railroads are now  
11 located shall be deemed in full force and effect with respect  
12 to any property on which the railroads are relocated in  
13 substitution therefor pursuant to the provisions of this Act or  
14 any such contract with the Authority pursuant thereto.  
15 Notwithstanding, upon order of the Illinois Commerce  
16 Commission, the Authority shall succeed to and assume the  
17 performance and actions of the represented persons under the  
18 terms of the order and amending orders previously entered  
19 relative to projects undertaken by the Authority and consistent  
20 with the objectives of the Authority.

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

23 Section 999. Effective date. This Act takes effect upon

1 becoming law.".