

# SB2130



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2130

Introduced 2/20/2009, 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 and notice requirements for the Department of Transportation to follow before, during, and after a hearing on a proposed protected corridor through which a proposed roadway may be constructed. Effective immediately.

LRB096 04959 AJT 15025 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,

1 informing the owner of the location of the corridor and the  
2 time and place of the hearing. Any interested person or his  
3 representative may be heard. The Department shall evaluate the  
4 testimony given at the hearing. The hearing shall include a  
5 period for questions and comments from interested persons in a  
6 town hall format, before an audience of those attending. If  
7 modifications are made in the proposed corridor prior to  
8 recording, the Department shall notify by registered mail  
9 owners of property affected by the proposed changes and by  
10 notices published in a newspaper or newspapers of general  
11 circulation in the county or counties affected. Interested  
12 persons shall have at least 30 days to comment on the proposed  
13 revisions, and the Department shall evaluate the comments.

14 The Department shall make a survey and prepare a map  
15 showing the location and approximate widths of the rights of  
16 way needed for future additions to the highway system. The map  
17 shall show existing highways in the area involved and the  
18 property lines and owners of record of all land that will be  
19 needed for the future additions and all other pertinent  
20 information. Approval of the map with any changes resulting  
21 from the hearing shall be indicated in the record of the  
22 hearing, and a notice of the approval, ~~and~~ a copy of the map,  
23 and an environmental impact study shall be filed in the office  
24 of the recorder for all counties in which the land needed for  
25 future additions is located.

26 Public notice of the approval and filing shall be given in

1 newspapers of general circulation in all counties where the  
2 land is located and shall be served by registered mail within  
3 60 days thereafter on all owners of record of the land needed  
4 for future additions.

5 The Department may approve changes in the map from time to  
6 time. The changes shall be filed and notice given in the manner  
7 provided for an original map.

8 After the map is filed and notice thereof given to the  
9 owners of record of the land needed for future additions, no  
10 one shall incur development costs or place improvements in,  
11 upon or under the land involved nor rebuild, alter or add to  
12 any existing structure without first giving 60 days notice by  
13 registered mail to the Department. This prohibition shall not  
14 apply to any normal or emergency repairs to existing  
15 structures. The Department shall have 45 days after receipt of  
16 that notice to inform the owner of the Department's intention  
17 to acquire the land involved; after which, it shall have the  
18 additional time of 120 days to acquire such land by purchase or  
19 to initiate action to acquire said land through the exercise of  
20 the right of eminent domain. When the right of way is acquired  
21 by the State no damages shall be allowed for any construction,  
22 alteration or addition in violation of this Section unless the  
23 Department has failed to acquire the land by purchase or has  
24 abandoned an eminent domain proceeding initiated pursuant to  
25 the provisions of this paragraph.

26 Any right of way needed for additions to the highway system

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

13 Not more than 10 years after a protected corridor is  
14 established under this Section, and not later than the  
15 expiration of each succeeding 10 year period, the Department  
16 shall hold public hearings to discuss the viability and  
17 feasibility of the protected corridor. The Department shall  
18 give due consideration to the information obtained at the  
19 hearing and, if construction of the roadway is no longer  
20 feasible, shall abolish the protected corridor.

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.