



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5739

Introduced 2/16/2012, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

605 ILCS 5/4-505

from Ch. 121, par. 4-505

Amends the Illinois Highway Code. Provides that the Department of Transportation may relocate setbacks associated with railroad lines or tracks or facilities of a public utility. Provides that the Department may exercise its eminent domain powers to acquire all property interests necessary to ensure proper vegetation maintenance around public utility facilities.

LRB097 17516 HEP 62720 b

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 4-505 as follows:

6 (605 ILCS 5/4-505) (from Ch. 121, par. 4-505)

7 Sec. 4-505. In addition to whatever powers the Department
8 may by law now possess, whenever it is necessary as an incident
9 to the construction of a new State highway or the relocation,
10 reconstruction, extension, widening, straightening,
11 alteration, repair, maintenance or improvement of an existing
12 State highway (including extensions of a new or existing State
13 highway through or into a municipality upon a new or existing
14 street) that the line or tracks of a railroad or railway
15 company or the wires, poles, pipes or other facilities of a
16 public utility, or associated setbacks, which are not then
17 located in or upon a public street or highway, be relocated,
18 and the Department and such company or public utility have
19 entered into an agreement, approved by the Illinois Commerce
20 Commission, concerning such relocation, the Department is
21 authorized to purchase, or to acquire through the exercise of
22 the right of eminent domain under the eminent domain law of the
23 State, such easements, rights, lands or other property as may

1 be necessary for the relocation of said railroad or railway
2 line or tracks or other public utility facilities, including
3 all property interests necessary to ensure proper vegetation
4 maintenance around public utility facilities.

5 The Department is authorized to convey such easements,
6 rights, lands or other property it has so purchased or acquired
7 for said relocation of the said railroad, railway company or
8 other public utility by deed executed by the Director of the
9 Department.

10 (Source: Laws 1965, p. 428.)