

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Section 2705-405 and by adding Section 2705-407 as follows:

(20 ILCS 2705/2705-405) (was 20 ILCS 2705/49.25b)

Sec. 2705-405. Preparation of State Rail Plan. In preparation of the State Rail Plan under Section 2705-400, the Department shall consult with recognized railroad labor organizations, the Department of Commerce and Economic Opportunity, railroad management, all Class 1 and short line railroads, relevant businesses engaged in the railroad industry, affected units of local government, affected State agencies, and affected shipping interests.

(Source: P.A. 94-793, eff. 5-19-06.)

(20 ILCS 2705/2705-407 new)

Sec. 2705-407. Freight Rail Transportation Coordination Committee. The Department shall create a Freight Rail Coordination Committee to address highway projects that require coordination with Class 1 railroads. The Secretary shall appoint:

(1) One representative from each regional division within the Department.

(2) One representative from the Department with expertise in land acquisition.

(3) One representative from the Department with expertise in legal matters.

(4) One representative from the Department with expertise in design.

(5) Any other representatives from the Department as necessary.

(6) One representative from each Class 1 railroad in the State in consultation with the Class 1 railroad.

(7) One representative from a statewide association representing Class 1 railroads.

The Committee shall meet quarterly to discuss highway projects and work toward agreement on land rights issues, standardized construction, and maintenance agreements for all Class 1 railroads, standardizing procedures across the Department, and standardizing land acquisition processes within the Class 1 railroads.

This Section is repealed January 1, 2031.

Section 10. The Public Officer Prohibited Activities Act is amended by changing Section 3.1 as follows:

(50 ILCS 105/3.1) (from Ch. 102, par. 3.1)

Sec. 3.1. Before any contract relating to the ownership or use of real property is entered into by and between the State or any local governmental unit or any agency of either the identity of every owner and beneficiary having any interest, real or personal, in such property, and every member, shareholder, limited partner, or general partner entitled to receive more than 7 1/2% of the total distributable income of any limited liability company, corporation, or limited partnership having any interest, real or personal, in such property must be disclosed. The disclosure shall be in writing and shall be subscribed by a member, owner, authorized trustee, corporate official, general partner, or managing agent, or his or her authorized attorney or other authorized representative with knowledge of the information required by the disclosure, under oath. However, if the interest, stock, or shares in a limited liability company, corporation, or general partnership is publicly traded and there is no readily known individual having greater than a 7 1/2% interest, then a statement to that effect, subscribed to under oath by a member, officer of the corporation, general partner, or managing agent, or his or her authorized attorney, shall fulfill the disclosure statement requirement of this Section. The disclosure requirement of this Section may also be satisfied by providing a copy of the most recent proxy statement or other official corporate document filed in the previous calendar year with the federal Securities and

Exchange Commission or similar federal regulatory body disclosing the overall ownership of the limited liability company, corporation or general partnership. As a condition of contracts entered into on or after the effective date of this amendatory Act of 1995, the beneficiaries of a lease shall furnish the trustee of a trust subject to disclosure under this Section with a binding non-revocable letter of direction authorizing the trustee to provide the State with an up-to-date disclosure whenever requested by the State. The letter of direction shall be binding on beneficiaries' heirs, successors, and assigns during the term of the contract. This Section shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefiting from any transaction with a governmental unit or agency involving the procurement of the ownership or use of real property thereby.

For any entity that is wholly or partially owned by another entity, the names of the owners of the wholly or partially owning entity shall be disclosed under this Section, as well as the names of the owners of the wholly or partially owned entity. No such additional disclosure is required for contracts relating to the ownership or use of real property for highway purposes by the Department of Transportation.

(Source: P.A. 91-361, eff. 7-29-99.)

Section 15. The Eminent Domain Act is amended by changing

Sections 10-5-10, 10-5-15, and 20-5-5 as follows:

(735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

Sec. 10-5-10. Parties.

(a) When the right (i) to take private property for public use, without the owner's consent, (ii) to construct or maintain any public road, railroad, plankroad, turnpike road, canal, or other public work or improvement, or (iii) to damage property not actually taken has been or is conferred by general law or special charter upon any corporate or municipal authority, public body, officer or agent, person, commissioner, or corporation and when (i) the compensation to be paid for or in respect of the property sought to be appropriated or damaged for the purposes mentioned cannot be agreed upon by the parties interested, (ii) the owner of the property is incapable of consenting, (iii) the owner's name or residence is unknown, ~~or~~ (iv) the owner is a nonresident of the State, (v) the owner may agree on the compensation to be paid but is unable to convey clear title or provide all required documents to convey title or comply with any State or federal legal requirements to complete an acquisition by agreement, or (vi) the owner may agree on the compensation to be paid but the acquiring agency does not receive needed documents to enable processing of or the issuance of a warrant for the payment of compensation to the property owner, then the party authorized to take or damage the property so required, or to construct,

operate, and maintain any public road, railroad, plankroad, turnpike road, canal, or other public work or improvement, may apply to the circuit court of the county where the property or any part of the property is situated, by filing with the clerk a complaint. The complaint shall set forth, by reference, (i) the complainant's authority in the premises, (ii) the purpose for which the property is sought to be taken or damaged, (iii) a description of the property, and (iv) the names of all persons interested in the property as owners or otherwise, as appearing of record, if known, or if not known stating that fact; and shall pray the court to cause the compensation to be paid to the owner to be assessed.

(b) If it appears that any person not in being, upon coming into being, is, or may become or may claim to be, entitled to any interest in the property sought to be appropriated or damaged, the court shall appoint some competent and disinterested person as guardian ad litem to appear for and represent that interest in the proceeding and to defend the proceeding on behalf of the person not in being. Any judgment entered in the proceeding shall be as effectual for all purposes as though the person was in being and was a party to the proceeding.

(c) If the proceeding seeks to affect the property of persons under guardianship, the guardians shall be made parties defendant.

(d) Any interested persons whose names are unknown may be

made parties defendant by the same descriptions and in the same manner as provided in other civil cases.

(e) When the property to be taken or damaged is a common element of property subject to a declaration of condominium ownership, pursuant to the Condominium Property Act, or of a common interest community, the complaint shall name the unit owners' association in lieu of naming the individual unit owners and lienholders on individual units. Unit owners, mortgagees, and other lienholders may intervene as parties defendant. For the purposes of this Section, "common interest community" has the same meaning as set forth in subsection (c) of Section 9-102 of the Code of Civil Procedure. "Unit owners' association" or "association" shall refer to both the definition contained in Section 2 of the Condominium Property Act and subsection (c) of Section 9-102 of the Code of Civil Procedure.

(f) When the property is sought to be taken or damaged by the State for the purposes of establishing, operating, or maintaining any State house or State charitable or other institutions or improvements, the complaint shall be signed by the Governor, or the Governor's designee, or as otherwise provided by law.

(g) No property, except property described in Section 3 of the Sports Stadium Act, property to be acquired in furtherance of actions under Article 11, Divisions 124, 126, 128, 130, 135, 136, and 139, of the Illinois Municipal Code, property to

be acquired in furtherance of actions under Section 3.1 of the Intergovernmental Cooperation Act, property to be acquired that is a water system or waterworks pursuant to the home rule powers of a unit of local government, property described as Site B in Section 2 of the Metropolitan Pier and Exposition Authority Act, and property that may be taken as provided in the Public-Private Agreements for the South Suburban Airport Act belonging to a railroad or other public utility subject to the jurisdiction of the Illinois Commerce Commission, may be taken or damaged, pursuant to the provisions of this Act, without the prior approval of the Illinois Commerce Commission. For property to be acquired by the Department of Transportation under Article 4, Division 5 or Article 8 of the Illinois Highway Code, the Commission shall issue its final order within 6 months after the date that the petition is filed unless the Commission extends the period for issuing a final order. The Commission may extend the 6-month period for an additional 3 months on its own motion, or on a petition filed with good cause by any party. The Commission may grant such extension upon finding of good cause. If the Commission extends the period for issuing a final order, then the schedule for the proceeding shall not be further extended beyond this 3-month period, and the Commission shall issue its final order within the extension period. The Commission shall also have the power to establish an expedited schedule for making its determination on a petition filed by the Department

of Transportation in less than 6 months if it finds that the public interest requires the setting of such an expedited schedule.

(h) Notwithstanding subsection (g), property belonging to a public utility that provides water or sewer service and that is subject to the jurisdiction of the Illinois Commerce Commission may not be taken or damaged by eminent domain without prior approval of the Illinois Commerce Commission, except for property to be acquired by a municipality with 140,000 or more inhabitants or a regional water commission formed under Article 11, Division 135.5 of the Illinois Municipal Code or a municipality that is a member of such a regional water commission, only in furtherance of purposes authorized under Article 11, Division 135.5 of the Illinois Municipal Code, and limited solely to interests in real property and not improvements to or assets on the real property belonging to a public utility that provides water or sewer service and that is subject to the jurisdiction of the Illinois Commerce Commission. This subsection does not apply to any action commenced prior to the effective date of this amendatory Act of the 103rd General Assembly under this Section or Section 11-124-5 or 11-139-12 of the Illinois Municipal Code.

(Source: P.A. 103-13, eff. 6-9-23.)

Sec. 10-5-15. State agency proceedings; information.

(a) This Section applies only to the State and its agencies, and only to matters arising after December 31, 1991.

(b) Before any State agency initiates any proceeding under this Act, the agency must designate and provide for an appropriate person to respond to requests arising from the notifications required under this Section. The designated person may be an employee of the agency itself or an employee of any other appropriate State agency. The designated person shall respond to property owners' questions about the authority and procedures of the State agency in acquiring property by condemnation and about the property owner's general rights under those procedures. However, the designated person shall not provide property owners with specific legal advice or specific legal referrals.

(c) At the time of first contact with a property owner, whether in person or by letter, the State agency shall advise the property owner, in writing, of the following:

(1) A description of the property that the agency seeks to acquire.

(2) The name, address, and telephone number of the State official designated under subsection (b) to answer the property owner's questions.

(3) The identity of the State agency attempting to acquire the property.

(4) The general purpose of the proposed acquisition.

(5) The type of facility to be constructed on the property, if any.

(d) At least 60 days before filing a petition with any court to initiate a proceeding under this Act, a State agency shall send a letter in any one of the following ways:

(I) by the United States Postal Service, certified mail, return receipt requested;

(II) by a designated private delivery service as defined by the Internal Revenue Service that provides the same function as certified mail with return receipts; or

(III) the letter is personally served.⁷

A letter under this Section shall be sent to the owner of the property to be taken or, in the case of a corporation or other business organization, to the registered agent of the owner setting forth the following information ~~, giving the property owner the following information:~~

(1) The amount of compensation for the taking of the property proposed by the agency and the basis for computing it.

(2) A statement that the agency continues to seek a negotiated agreement with the property owner.

(3) A statement that, in the absence of a negotiated agreement, it is the intention of the agency to initiate a court proceeding under this Act.

The State agency shall maintain a record of the letters sent in compliance with this Section for at least one year.

(e) Any duty imposed on a State agency by this Section may be assumed by the Office of the Attorney General, the Capital Development Board, or any other agency of State government that is assisting or acting on behalf of the State agency in the matter.

(Source: P.A. 94-1055, eff. 1-1-07.)

(735 ILCS 30/20-5-5) (was 735 ILCS 5/7-103)

Sec. 20-5-5. Quick-take.

(a) This Section applies only to proceedings under this Article that are authorized in this Article and in Article 25 of this Act.

(b) In a proceeding subject to this Section, the plaintiff, at any time after the complaint has been filed and before judgment is entered in the proceeding, may file a written motion requesting that, immediately or at some specified later date, the plaintiff either: (i) be vested with the fee simple title (or such lesser estate, interest, or easement, as may be required) to the real property, or a specified portion of that property, which is the subject of the proceeding, and be authorized to take possession of and use the property; or (ii) only be authorized to take possession of and to use the property, if possession and use, without the vesting of title, are sufficient to permit the plaintiff to proceed with the project until the final ascertainment of compensation. No land or interests in land

now or hereafter owned, leased, controlled, or operated and used by, or necessary for the actual operation of, any common carrier engaged in interstate commerce, or any other public utility subject to the jurisdiction of the Illinois Commerce Commission, shall be taken or appropriated under this Section by the State of Illinois, the Illinois Toll Highway Authority, the sanitary district, the St. Louis Metropolitan Area Airport Authority, or the Board of Trustees of the University of Illinois without first securing the approval of the Illinois Commerce Commission. For property to be acquired by the Department of Transportation under Article 4, Division 5 or Article 8 of the Illinois Highway Code, the Commission shall issue its final order within 6 months after the date that the petition is filed unless the Commission extends the period for issuing a final order. The Commission may extend the 6-month period for an additional 3 months on its own motion, or on a petition filed with good cause by any party. The Commission may grant such extension upon finding of good cause. If the Commission extends the period for issuing a final order, then the schedule for the proceeding shall not be further extended beyond this 3-month period, and the Commission shall issue its final order within the extension period. The Commission shall also have the power to establish an expedited schedule for making its determination on a petition filed by the Department of Transportation in less than 6 months if it finds that the public interest requires the setting of such an expedited

schedule.

Except as otherwise provided in this Article, the motion for taking shall state: (1) an accurate description of the property to which the motion relates and the estate or interest sought to be acquired in that property; (2) the formally adopted schedule or plan of operation for the execution of the plaintiff's project; (3) the situation of the property to which the motion relates, with respect to the schedule or plan; (4) the necessity for taking the property in the manner requested in the motion; and (5) if the property (except property described in Section 3 of the Sports Stadium Act or property described as Site B in Section 2 of the Metropolitan Pier and Exposition Authority Act) to be taken is owned, leased, controlled, or operated and used by, or necessary for the actual operation of, any interstate common carrier or other public utility subject to the jurisdiction of the Illinois Commerce Commission, a statement to the effect that the approval of the proposed taking has been secured from the Commission, and attaching to the motion a certified copy of the order of the Illinois Commerce Commission granting approval. If the schedule or plan of operation is not set forth fully in the motion, a copy of the schedule or plan shall be attached to the motion.

The Department of Transportation shall report to the General Assembly no later than January 31 of each year the number of cases filed with the Illinois Commerce Commission

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under this Article during the previous year and the length of time taken, in months, to issue each final order during the previous calendar year.

(Source: P.A. 94-1055, eff. 1-1-07.)

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