

1 AN ACT concerning acquisition of real estate by
2 railroads.

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

5 Section 5. The Railroad Incorporation Act is amended by
6 changing Section 17 as follows:

7 (610 ILCS 5/17) (from Ch. 114, par. 18)

8 Sec. 17. (a) If any railroad such corporation is shall-be
9 unable to agree with the owner for the purchase of any real
10 estate required for the-purposes-of-its-incorporation,-or-the
11 transaetion--of--its--business,-or--for its depots, station
12 buildings, machine and repair shops, or for mainline right of
13 way, the or--any--other--lawful--purpose--eonnected--with--or
14 necessary-to-the-building,-operating-or-running-of-said-read,-
15 such corporation may acquire such title to that real estate
16 in the manner that may be now or hereafter provided for by
17 any law of eminent domain. Before commencing any such action,
18 the railroad corporation must obtain a certificate of public
19 convenience and necessity after a public hearing before the
20 Illinois Commerce Commission.

21 (b) The Commission, after a hearing, shall grant an
22 application for a certificate authorizing the exercise of
23 eminent domain by a railroad, in whole or in part, to the
24 extent that it finds that (i) the application was properly
25 filed, (ii) a public need for the service exists, and (iii)
26 the public convenience and necessity requires issuance of the
27 certificate.

28 (c) In its determination of public convenience and
29 necessity for a proposed railroad or railroad-related
30 facility, including any facility designed or intended to
31 transport goods and materials by rail or to facilitate

1 transport, and any alternate locations for the proposed
2 railroad or facility, the Commission shall consider, but
3 shall not be limited to considering, the following:

4 (1) any evidence presented by the Illinois
5 Environmental Protection Agency regarding the
6 environmental impact of the proposed railroad or
7 facility;

8 (2) any evidence presented by the Illinois
9 Department of Transportation regarding the impact of the
10 proposed railroad or facility on regional and local
11 traffic, safety, road construction, road maintenance, or
12 other transportation;

13 (3) any evidence presented by the Department of
14 Natural Resources regarding the impact of the proposed
15 railroad or facility on any conservation areas, forest
16 preserves, wildlife preserves, wetlands, or any other
17 natural resource;

18 (4) any evidence of the effect of the railroad or
19 facility upon the economy, infrastructure, or public
20 safety presented by local governmental units that will be
21 affected by the proposed railroad or facility, including,
22 but not limited to, evidence presented by county planning
23 departments, cities, towns, zoning commissions, and
24 school districts;

25 (5) any evidence of the effect of the railroad or
26 facility upon property values presented by property
27 owners who will be affected by the proposed railroad or
28 facility;

29 (6) any evidence presented by the Department of
30 Commerce and Community Affairs regarding the current and
31 future economic effect of the proposed railroad or
32 facility, including, but not limited to, property values,
33 employment rates, residential development, and business
34 development; and

1 (7) any evidence presented by any other State
2 agency that participates in the proceeding.

3 (d) In its written order, the Commission shall address
4 all of the evidence presented. If the order is contrary to
5 any of the evidence, the Commission shall state the reasons
6 for its determination with regard to that evidence.

7 (e) If any Section, subsection, portion, sentence, or
8 phrase of this amendatory Act of the 92nd General Assembly is
9 found to be unenforceable or otherwise invalid, its
10 invalidity shall not affect the enforcement or validity of
11 any remaining Sections, subsections, portions, sentences, or
12 phrases of this amendatory Act.

13 (Source: Laws 1871, p. 625.)

14 Section 10. The Illinois Vehicle Code is amended by
15 changing Section 18c-7501 as follows:

16 (625 ILCS 5/18c-7501) (from Ch. 95 1/2, par. 18c-7501)

17 Sec. 18c-7501. Eminent Domain. If any rail carrier is
18 ~~shall be~~ unable to agree with the owner for the purchase of
19 any real estate required for ~~the--purposes--of--its~~
20 ~~incorporation, or the transaction of its business, or for~~ its
21 depots, station buildings, machine and repair shops, or for
22 mainline right of way, the rail carrier ~~or any other lawful~~
23 ~~purpose--connected--with--or--necessary--to--the--building,~~
24 ~~operating--or--running--of--such--rail--carrier,~~ such may acquire
25 such title to that real estate in the manner that may be now
26 or hereafter provided for by the law of eminent domain.
27 Before commencing any such action, the rail carrier must
28 obtain a certificate of public convenience and necessity
29 after a public hearing before the Illinois Commerce
30 Commission.

31 ~~A--rail-carrier-may-exercise-quick-take-powers-of-eminent~~
32 ~~domain-as-provided-in--Article--VII--of--the--Code--of--Civil~~

1 Procedure, as now or hereafter amended, when all of the
2 following conditions are met: (1) the complaint for
3 condemnation is filed within one year of the effective date
4 of this amendatory Act of 1988; (2) the purpose of the
5 condemnation proceeding is to acquire land for the
6 construction of an industrial harbor railroad port; and (3)
7 the total amount of land to be acquired for that purpose is
8 less than 75 acres and is adjacent to the Illinois River.
9 (Source: P.A. 85-1159.)

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