

1 AN ACT creating the Dixon Railroad Relocation Authority.

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

4 Section 1. Short title. This Act may be cited as the
5 Dixon Railroad Relocation Authority Act.

6 Section 5. Legislative declaration. The General
7 Assembly declares that the welfare, health, prosperity, and
8 moral and general well being of the people of the State are,
9 in large measure, dependent upon the sound and orderly
10 development of municipal areas. The City of Dixon has become
11 and will increasingly be the hub of transportation from all
12 parts of the region. Motor vehicle traffic, pedestrian
13 travel, and the safety of both motorists and pedestrians are
14 substantially aggravated by the location of a railroad spur
15 line running through the City of Dixon. The presence of the
16 railroad spur line in the City of Dixon is detrimental to the
17 orderly expansion of industry and commerce and to progress of
18 the region. To alleviate this situation it is necessary to
19 relocate the railroad, to acquire property for relocation of
20 the railroad or highways, and to create an agency to
21 facilitate and accomplish that relocation.

22 Section 10. Creation; duration. There is created a body
23 politic and corporate and a unit of local government named
24 the Dixon Railroad Relocation Authority, embracing Lee
25 County. The Authority shall continue in existence until the
26 accomplishment of its objective, the relocation of the
27 railroad spur line running through the City of Dixon or until
28 the Authority officially resolves that it is impossible or
29 economically unfeasible to fulfill that objective.

30 Section 15. Acquisition of property. The Authority

1 shall have the power to acquire by gift, purchase, or legacy
2 the fee simple title to real property located within the
3 boundaries of the Authority, including temporary and
4 permanent easements, as well as reversionary interests in the
5 streets, alleys and other public places and personal
6 property, required for its purposes, and title thereto shall
7 be taken in the corporate name of the Authority. Any such
8 property that is already devoted to a public use may
9 nevertheless be acquired, provided that no property belonging
10 to the United States of America or the State of Illinois may
11 be acquired without the consent of such governmental unit.
12 No property devoted to a public use belonging to a
13 corporation subject to the jurisdiction of the Illinois
14 Commerce Commission may be acquired without a prior finding
15 by the Illinois Commerce Commission that the taking would not
16 result in the imposition of an undue burden on intrastate
17 commerce. All land and appurtenances thereto, acquired or
18 owned by the Authority, are to be deemed acquired or owned
19 for a public use or public purpose.

20 Section 20. Sale or exchange of property. The Authority
21 shall have the power to sell, transfer, exchange, vacate or
22 assign property acquired for the purposes of this Act as it
23 shall deem appropriate.

24 Section 25. Acceptance of grants, loans, and
25 appropriations. The Authority shall have the power to apply
26 for and accept grants, loans, advances, and appropriations
27 from the Federal Government and from the State of Illinois or
28 any agency or instrumentality thereof to be used for the
29 purposes of the Authority, and to enter into any agreement in
30 relation to such grants, loans, advances, and appropriations.
31 The Authority may also accept from the State, any State
32 agency, department or commission, any county or other

1 political subdivision, any municipal corporation, any
2 railroad, or any school authorities, or jointly therefrom,
3 grants of funds or services for any of the purposes of this
4 Act. The Authority shall be treated as a rail carrier
5 subject to the Illinois Commerce Commission's jurisdiction
6 and eligible to receive money from the Grade Crossing
7 Protection Fund or any fund of the State or other source
8 available for purposes of promoting safety and separation of
9 at-grade railroad crossings or highway improvements.

10 Section 30. Borrowing money and issuance of bonds. The
11 Authority may incur debt and borrow money from time to time
12 and, in evidence thereof, may issue and sell bonds in such
13 amounts as the Authority may determine, to provide funds for
14 carrying out the purposes of this Act and to pay all costs
15 and expenses incident thereto, and to refund and refinance,
16 from time to time, bonds so issued and sold, as often as may
17 be deemed to be advantageous by the Authority.

18 Section 35. Taxing powers. The Authority shall not have
19 the power to levy real property taxes for any purpose
20 whatsoever.

21 Section 40. Board; composition; qualification;
22 compensation and expenses. The Authority shall be governed
23 by a board consisting of 5 members. The members of the
24 Authority shall serve without compensation, but may be
25 reimbursed for actual expenses incurred by them in the
26 performance of duties prescribed by the Authority. However,
27 any member of the Authority who serves as secretary or
28 treasurer may receive compensation for services as that
29 officer.

30 Section 45. Appointments; tenure; oaths; vacancies. The

1 members of the Authority shall be appointed by the Governor,
2 who shall give notice of the member's selection to each other
3 member within 10 days after selection and before the member's
4 entering upon the duties of office. Three of the members
5 shall be appointed by the Governor from a list of 4
6 candidates provided by the mayor of the City of Dixon, and 2
7 of the members shall be appointed by the Governor from a list
8 of 3 candidates provided by the chairman of the county board
9 of Lee County. Each member of the Authority shall take and
10 subscribe to the constitutional oath of office and file it
11 with the Secretary of State. If a vacancy occurs by death,
12 resignation, or otherwise, the vacancy shall be filled by the
13 Governor. All appointments of members shall be for a 3-year
14 term. Each member shall continue to serve an additional
15 3-year term unless that member is replaced by appointment
16 within 60 days of the end of his or her term.

17 Section 50. Removal of members. The Governor may remove
18 from office any Authority member immediately in case of
19 incompetency, neglect of duty, or malfeasance of office, or
20 otherwise upon 15 days written notice to the other members.
21 Absence from any 3 consecutive regular meetings of the
22 Authority shall be deemed neglect of duty.

23 Section 55. Organization; chairperson and temporary
24 Secretary. As soon as possible after the appointment of the
25 initial members, the Authority shall organize for the
26 transaction of business, select a chairperson and a temporary
27 secretary from its own number, and adopt bylaws to govern its
28 proceedings. The initial chairperson and successors shall be
29 elected by the Authority from time to time from among the
30 members. The Authority may act through its members by
31 entering into an agreement that a member act on the
32 Authority's behalf, in which instance the act or performance

1 directed shall be deemed to be exclusively of, for, and by
2 the Authority and not the individual act of the member or its
3 represented person.

4 Section 60. Meetings; quorum; resolutions. Regular
5 meetings of the Authority shall be held at least quarterly,
6 the time and place of those meetings to be fixed by the
7 Authority. Special meetings may be called by the chairperson
8 or by any 3 members of the Authority by giving notice thereof
9 in writing, stating the time, place, and purpose of the
10 meeting. The notice shall be served by special delivery
11 letter deposited in the mail at least 48 hours before the
12 meeting. A majority of the members of the Authority shall
13 constitute a quorum for the transaction of business. All
14 action of the Authority shall be by resolution and, except as
15 otherwise provided in this Act, the affirmative vote of at
16 least a majority shall be necessary for the adoption of any
17 resolution. The chairperson shall be entitled to vote on any
18 and all matters coming before the Authority.

19 Section 65. Secretary and treasurer; oaths; bond of
20 treasurer. The Authority may appoint a secretary and a
21 treasurer, who need not be members of the Authority, to hold
22 office during the pleasure of the Authority, and fix their
23 duties and compensation. Before entering upon the duties of
24 their respective offices, they shall take and subscribe to
25 the constitutional oath of office, and the treasurer shall
26 execute a bond with corporate sureties to be approved by the
27 Authority. The bond shall be payable to the Authority in
28 whatever penal sum may be directed by the Authority
29 conditioned upon the faithful performance of the duties of
30 the office and the payment of all money received by the
31 treasurer according to law and the orders of the Authority.
32 The Authority may, at any time, require a new bond for the

1 treasurer in such penal sum as may then be determined by the
2 Authority.

3 Section 70. Deposit and withdrawal of funds; signatures.
4 All funds deposited by the treasurer in any bank or savings
5 and loan association shall be placed in the name of the
6 Authority and shall be withdrawn or paid out only by check or
7 draft upon the bank or savings and loan association, signed
8 by the treasurer and countersigned by the chairperson of the
9 Authority. Subject to prior approval of the designations by
10 a majority of the Authority, the chairperson may designate
11 any other member or any officer of the Authority to affix the
12 signature of the treasurer to any Authority check or draft
13 for payment of salaries or wages and for payment of any other
14 obligation of not more than \$2,500.

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

19 Section 75. Delivery of check after executing officer
20 ceases to hold office. If any officer whose signature appears
21 upon any check or draft issued pursuant to this Act ceases to
22 hold office before the delivery of the check or draft to the
23 payee, the officer's signature nevertheless shall be valid
24 and sufficient for all purposes with the same effect as if
25 the officer had remained in office until delivery of the
26 check or draft.

27 Section 80. Rules. The Authority may make all rules
28 proper or necessary to carry into effect the powers granted
29 to it. The rules shall be consistent with the guidelines,
30 objectives, and project scope as set out by the Illinois
31 Commerce Commission.

1 Section 85. Fiscal year. The Authority shall designate
2 its fiscal year.

3 Section 90. Reports and financial statements. Within 60
4 days after the end of its fiscal year, the Authority shall
5 cause to be prepared by a certified public accountant a
6 complete and detailed report and financial statement of the
7 operations and assets and liabilities as relate to the Dixon
8 railroad relocation project. A reasonably sufficient number
9 of copies of the report shall be prepared for distribution to
10 persons interested, upon request, and a copy of the report
11 shall be filed with the Illinois Commerce Commission and with
12 the county clerk of Lee County.

13 Section 95. Construction. Nothing in this Act shall be
14 construed to confer upon the Authority the right, power, or
15 duty to order or enforce the abandonment of any present
16 property of the railroads or the use in substitution therefor
17 of any property acquired for the railroads in the absence of
18 a contract duly executed by the railroads and the Authority
19 setting forth the terms and conditions upon which relocation
20 of the right of way and physical facilities of the railroads
21 is to be accomplished. No such contract shall be or become
22 enforceable until the provisions of the contract have been
23 approved or authorized by the Illinois Commerce Commission.

24 Section 100. Existing contracts, obligations, and
25 liabilities. No contract, obligation, or liability whatever
26 of the railroads to pay any money into the State treasury,
27 nor any lien of the State upon or right to tax property of
28 the railroads, shall be released, suspended, modified,
29 altered, remitted, or in any manner diminished or impaired by
30 the contract with the Authority, and any such charter
31 provisions applicable to the property on which the railroads

1 are now located shall be deemed in full force and effect with
2 respect to any property on which the railroads are relocated
3 in substitution therefor pursuant to the provisions of this
4 Act or any such contract with the Authority pursuant thereto.
5 Notwithstanding, upon order of the Illinois Commerce
6 Commission, the Authority shall succeed to and assume the
7 performance and actions of the represented persons under the
8 terms of the order and amending orders previously entered
9 relative to the Dixon railroad relocation project and
10 consistent with the objectives of the Authority.

11 Section 105. Severability. The provisions of this Act
12 are severable under Section 1.31 of the Statute on Statutes.

13 Section 999. Effective date. This Act takes effect upon
14 becoming law.