October 8, 1993

COUNTY ENGINEERS/SUPERINTENDENT OF HIGHWAYS #93-21

Attached for your information is a copy of Public Act 88-79 which recently was signed into law. This act requires subdividers of property adjacent to a county or state highway in counties of under one million population to notify the appropriate highway authority, in writing, of the proposed subdivision. The purpose of the notification is to afford the highway authority an opportunity to participate in establishing additional stormwater detention capacity, at the cost of the highway authority, which would be available for future use to meet highway drainage needs.

Very truly yours,

William T. Sunley

William T. Sunley, P.E.
Engineer of Local Roads and Streets

CC-
District Engineers
AN ACT to amend the Illinois Highway Code by changing Section 9-101.1.

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

Section 5. The Illinois Highway Code is amended by changing Section 9-101.1 as follows:

(605 ILCS 5/9-101.1) (from Ch. 121, par. 9-101.1)

Sec. 9-101.1. Whenever the proper highway authority is about to construct or improve the drainage structures of a State highway, county highways, or county unit district road, the highway authority shall meet and consult with the authorities of any municipality adjacent to or through which such highway or road runs. The purpose of such meetings is to work out an agreement with such municipality and all other interested agencies and units of local government as to the extent of such drainage construction or improvement.

If a county or State highway, in a county of under 1,000,000 population, adjoins a parcel of land proposed to be subdivided, the subdivider of the parcel shall notify the proper highway authority in writing of the proposed subdivision and provide the proper-local authority that would approve the subdivision a copy of the notice. The notice shall request of the proper highway authority its need to have provided, at the cost of the highway authority or as otherwise provided by law, additional capacity in any stormwater detention facility to be constructed in the subdivision for the future availability of the highway authority for meeting the stormwater detention requirements of any future public construction on the highway. The highway authority shall within 30 days of receipt of the written notice provide written information to the proper
local authority relative to the request. The parties may
then work out by agreement the extent of the inclusion of
those stormwater detention needs, if any, in the subdivision.
The proper highway authority may provide to the subdivider
any funds generally available for highway construction to
provide for the highway authority's proportionate share of
the design of the stormwater detention and the proportionate
share of the cost of the property required for the stormwater
detention including the impact of density changes on said
parcel as the parties may agree within 60 days of the reply
to the notice issued by the highway authority. In the event
that the parties are not able to reach agreement within the
60 days the parcel may be subdivided as may be approved by
the proper local authority without the inclusion of said
stormwater detention needs identified by the highway
authority.

Michael J. Madigan
Speaker, House of Representatives

APPROVED

this 13th day of July, 1993 A.D.

Governor