



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois/62764

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

MASTER COPY

1 AN ACT to amend the Illinois Highway Code by changing 40
2 Section 9-101.1.

3 Be it enacted by the People of the State of Illinois, 44
4 represented in the General Assembly: 45

5 Section 5. The Illinois Highway Code is amended by 49
6 changing Section 9-101.1 as follows: 50

7 (605 ILCS 5/9-101.1) (from Ch. 121, par. 9-101.1) 53

8 Sec. 9-101.1. Whenever the proper highway authority is 55
9 about to construct or improve the drainage structures of a 56
10 State highway, county highways, or county unit district road, 57
11 the highway authority shall meet and consult with the
12 authorities of any municipality adjacent to or through which 58
13 such highway or road runs. The purpose of such meetings is to 59
14 work out an agreement with such municipality and all other 60
15 interested agencies and units of local government as to the 61
16 extent of such drainage construction or improvement.

Clerk of the House

Originated in the House of Representatives

PUBLIC ACT 88-79

17 If a county or State highway, in a county of under 63
18 1,000,000 population, adjoins a parcel of land proposed to be 64
19 subdivided, the subdivider of the parcel shall notify the 65
20 proper highway authority in writing of the proposed 66
21 subdivision and provide the proper local authority that would 67
22 approve the subdivision a copy of the notice. The notice 67
23 shall request of the proper highway authority its need to 68
24 have provided, at the cost of the highway authority or as 69
25 otherwise provided by law, additional capacity in any 70
26 stormwater detention facility to be constructed in the 70
27 subdivision for the future availability of the highway 71
28 authority for meeting the stormwater detention requirements 72
29 of any future public construction on the highway. The 72
30 highway authority shall within 30 days of receipt of the 73
31 written notice provide written information to the proper 74

1 "local" authority relative to the request. The parties may 75
 2 then work out by agreement the extent of the inclusion of
 3 those stormwater detention needs, if any, in the subdivision. 76
 4 The proper highway authority may provide to the subdivider 77
 5 any funds generally available for highway construction to 78
 6 provide for the highway authority's proportionate share of 79
 7 the design of the stormwater detention and the proportionate
 8 share of the cost of the property required for the stormwater 80
 9 detention including the impact of density changes on said 81
 10 parcel as the parties may agree within 60 days of the reply 82
 11 to the notice issued by the highway authority. In the event
 12 that the parties are not able to reach agreement within the 83
 13 60 days the parcel may be subdivided as may be approved by 84
 14 the proper local authority without the inclusion of said 85
 15 stormwater detention needs identified by the highway
 16 authority. 86

Michael J. Madigan
 Speaker, House of Representatives

J.P. Kelly
 President of the Senate

APPROVED

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

Jim Edgar
 GOVERNOR