



Rep. Mary Beth Canty

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LRB104 09342 LNS 35618 a

1 AMENDMENT TO HOUSE BILL 2629

2 AMENDMENT NO. _____. Amend House Bill 2629 by replacing
3 everything after the enacting clause with the following:

4 "Article 1.

5 Section 1-1. This Act may be referred to as the
6 Transportation Choices Act.

7 Section 1-5. The Department of Transportation Law of the
8 Civil Administrative Code of Illinois is amended by adding
9 Sections 2705-705, 2705-710, 2705-715, 2705-720, 2705-725,
10 2705-730, 2705-735, 2705-740, 2705-745, 2705-750, 2705-755,
11 and 2705-760 as follows:

12 (20 ILCS 2705/2705-705 new)

13 Sec. 2705-705. Findings. The General Assembly finds and
14 declares that:

1 (1) The State's surface transportation system is a
2 vital component of the State's economy and must be
3 strengthened and improved to keep the State's economy
4 competitive.

5 (2) Building and maintaining the State's surface
6 transportation system is a significant source of
7 employment and the system itself supports a wide variety
8 of jobs and businesses.

9 (3) Transportation planning and investment must be
10 modernized and focus on:

11 (A) improving access to life destinations;

12 (B) infrastructure that benefits the greatest
13 number of people, including non-drivers;

14 (C) reducing emissions;

15 (D) providing affordable options;

16 (E) facilitating safe trips; and

17 (F) using transportation investments to support
18 infill development and housing production to reduce
19 State infrastructure maintenance burden and provide
20 more housing options for the public.

21 (4) Transportation planning and investment
22 decision-making must not be conducted in isolation, and
23 must include consideration of public policies and
24 practices regarding housing and land use.

25 (5) In Public Act 103-589, the General Assembly
26 authorized \$400,000,000 or as much as might be necessary

1 to be used for transportation related purposes by a
2 variety of local governments. When the Department
3 announced the funding in May 2025 with a deadline for
4 applications just one month later, the Department received
5 over 1,900 applications seeking over \$5,000,000,000, which
6 indicates a high level of unmet transportation needs at
7 the community level. It is in the interest of the State to
8 better connect Department planning and investment with
9 local and community needs.

10 (6) The January 2026 report of the Blue Ribbon
11 Commission on Transportation Infrastructure, Funding, and
12 Policy, which was commissioned by the General Assembly,
13 outlines recommended reforms necessary to achieve a better
14 integrated, more resilient, and fiscally sustainable
15 transportation system and this amendatory Act of the 104th
16 General Assembly is aligned with those recommendations.

17 (20 ILCS 2705/2705-710 new)

18 Sec. 2705-710. Definitions. As used in Sections 2705-705
19 through 2705-760:

20 "AADT" means the annual average daily traffic on a highway
21 as determined by the Department or derived from some other
22 reliable source.

23 "Applicable planning document" means the Department's
24 STIP, LRTP, and MYP, an MPO's TIP, and LRTP, and amendments to
25 such plans.

1 "Bus priority" means a set of traffic engineering
2 techniques designed to improve the speed, reliability, and
3 efficiency of transit vehicles, including transit signal
4 priority, dedicated lanes of short length or duration, and
5 queue jumps that reduce transit delays at intersections and in
6 traffic, promoting faster, more reliable service.

7 "Bus rapid transit" means a high-quality bus-based transit
8 system that delivers fast and efficient service that may
9 include dedicated lanes, busways, off-board fare collection,
10 elevated platforms, and enhanced stations.

11 "CO₂e" means the number of standard tons of carbon dioxide
12 emissions with the same global warming potential as one
13 standard ton of another greenhouse gas, is calculated using
14 Equation A-1 in 40 CFR 98.2, and allows for the comparison of
15 emissions of various different greenhouse gases with different
16 global warming potentials and the calculation of the relative
17 impact of the emissions on the environment over a standard
18 time period.

19 "Criteria pollutant" means the 6 criteria pollutants that
20 have been identified by the United States Environmental
21 Protection Agency pursuant to the federal Clean Air Act.

22 "Department" means the Department of Transportation.

23 "Expressway" has the meaning given to that term in Section
24 1-119.3 of the Illinois Vehicle Code.

25 "Frequent transit" means transit service that has a
26 frequency of 4 or more trips per hour.

1 "Greenhouse gas emissions" or "GHG emissions" means
2 emissions of carbon dioxide, methane, nitrous oxide,
3 hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride,
4 and sulfur hexafluoride.

5 "Greenhouse gas mitigation measure" or "GHG mitigation
6 measure" means a project, program, or policy that can
7 reasonably be expected to result in a quantifiable reduction
8 in GHG emissions and that would not be undertaken absent the
9 need by the Department or an MPO to reduce GHG emissions to
10 meet its greenhouse gas targets. "Greenhouse gas mitigation
11 measure" or "GHG mitigation measure" does not include a
12 highway capacity expansion project. "Greenhouse gas mitigation
13 measure" or "GHG mitigation measure" includes, but is not
14 limited to:

15 (1) the addition of transit and other mobility
16 resources, including, but not limited to, shared bicycle
17 and scooter service, in a manner that will reduce VMT;

18 (2) improving pedestrian and bicycle access,
19 particularly in areas that allow individuals to reduce
20 multiple daily trips and better access transit;

21 (3) transportation demand management to reduce VMT per
22 capita, including, but not limited to, vanpool and shared
23 vehicle programs, remote work and other forms of virtual
24 access, and use of pricing and other incentives for
25 employees and other travelers to use less greenhouse gas
26 intensive travel modes;

1 (4) improving first-and-final mile access to transit
2 stops and stations to make transit safer and more usable;

3 (5) improving the safety, efficiency, and the federal
4 Americans with Disabilities Act compliance of crosswalks,
5 intersections, and multi-use paths for pedestrians,
6 bicyclists, and other non-motorized vehicles;

7 (6) changing parking and land use policies and
8 adjusting urban design requirements to encourage more
9 walking, bicycling, and transit trips per capita and
10 reduce VMT per capita;

11 (7) adoption or expansion of school bus, school
12 carpool, or school active transportation programs;

13 (8) construction of electric vehicle charging stations
14 for light, medium, and heavy duty vehicles;

15 (9) electrifying loading docks to allow transportation
16 refrigeration units and auxiliary power units to be
17 plugged into the electric grid at the loading dock instead
18 of running on fossil fuels;

19 (10) electrifying locomotives, track-side power for
20 idling locomotives, or other strategies that reduce
21 pollution from freight movement;

22 (11) accelerating the adoption and regulation of
23 e-bikes, e-motos, neighborhood electric carshare vehicles,
24 electric rideshares, shared autonomous vehicles, and other
25 forms of vehicles that emit less greenhouse gas when
26 manufactured and operated; and

1 (12) other measures consistent with the Department of
2 Natural Resources' Climate Action Plan and applicable law
3 for which there is a reasonable basis for believing that
4 it will result in reduced GHG emissions.

5 "Highway" means rights of way, bridges, drainage
6 structures, signs, guard rails, protective structures,
7 shared-use paths for non-vehicular public travel, sidewalks,
8 bike paths, and all other structures and appurtenances
9 necessary or convenient for vehicular traffic.

10 "Highway capacity expansion project" means a project that
11 would be included in the applicable planning document and that
12 (i) adds physical highway traffic capacity or provides for
13 grade separation at an intersection or (ii) uses intelligent
14 transportation system technology to increase the traffic
15 capacity of an existing highway by 10% or more. "Highway
16 capacity expansion project" does not include a project whose
17 primary purpose is enhancing public transportation bus
18 infrastructure or services. "Highway capacity expansion
19 project" includes all project types, including those described
20 as reconstruction or rehabilitation projects.

21 "Impacted community" means an area within one mile of a
22 transportation construction project that includes residents,
23 units of local government, business and labor organizations,
24 environmental organizations, transportation and planning
25 agencies, State agencies, private and civic organizations,
26 public and private providers of transportation, and land

1 preservation agencies.

2 "Induced demand" means a concept from economics that as
3 supply increases and incurred costs decline, demand will
4 increase, which applies to highway capacity expansion projects
5 and the resulting VMT increases over time from those projects.

6 "Lane mile" means a standardized measurement of highway
7 infrastructure that is one paved lane of highway, one mile
8 long. "Lane mile" does not include protected bike lanes,
9 sidewalks, or multi-use paths on or adjacent to the highway.

10 "LRTP" means a Long-Range Transportation Plan completed by
11 an MPO or the Department that provides a strategic road map for
12 the region the agency serves over at least a 10-year period.

13 "MPO" means a Metropolitan Planning Organization
14 designated by agreement among the units of local government
15 and the Governor, charged with developing transportation plans
16 and programs in a metropolitan planning area under Section 134
17 of Title 23 of the United States Code and including the Chicago
18 Metropolitan Agency for Planning created by the Regional
19 Planning Act.

20 "MYP" means the Multi-Year Improvement Program established
21 by the Department that covers a 6-year time span.

22 "Nature-based solutions" means infrastructure that mimics
23 characteristics of natural features that can help reduce
24 erosion, storm surge, and flood risk, and the resulting damage
25 to transportation infrastructure. "Nature-based solutions"
26 include, but are not limited to, strategies such as land

1 conservation or restoration or construction of riparian and
2 streambed treatments, marshes, wetlands, native vegetation,
3 stormwater bioswales, breakwaters, reefs, dunes, and shade
4 trees.

5 "Parking minimum" means any law, code, or policy that
6 requires a minimum number of off-street, private parking
7 spaces for new residential, industrial, and commercial
8 developments.

9 "Performance goal" means the statewide transportation
10 performance goals of the State set forth in subsection (a) of
11 Section 2705-715.

12 "Performance measure" means a measurable data point set
13 forth in subsection (b) of Section 2705-730 that reflects the
14 achievement or non-achievement of a performance requirement.

15 "Performance requirement" means a measurable requirement
16 set forth in subsection (b) of Section 2705-715 applicable to
17 the Department and MPOs that advance the achievement of the
18 performance goals.

19 "Public engagement process" means an effort by an MPO or
20 the Department to seek full representation from communities,
21 consider public feedback, and incorporate input into project
22 decisions to ensure final outcomes reflect the best overall
23 public interest and that endeavors to involve residents, units
24 of local government, business and labor organizations,
25 environmental organizations, transportation and planning
26 agencies, State agencies, private and civic organizations,

1 public and private providers of transportation, and land
2 preservation agencies.

3 "Region" means the land area within the State covered by
4 an applicable planning document.

5 "Resilience Improvement Plan" means a plan to identify and
6 prioritize resilience measures that enable a safe, reliable,
7 fair, and inclusive transportation system under future climate
8 change.

9 "Secretary" means the Secretary of Transportation.

10 "STIP" means the Statewide Transportation Improvement
11 Program as required by the federal Intermodal Surface
12 Transportation Efficiency Act.

13 "TIP" means the Transportation Improvement Program
14 completed by MPOs as required in 23 U.S.C. 450.326.

15 "VMT" or "vehicle miles traveled" means the number of
16 miles vehicles travel over a given time period.

17 "Zero-emission vehicles" means a light, medium, or heavy
18 duty on-road vehicle that produces zero exhaust emissions of
19 any criteria pollutant, precursor pollutant, or greenhouse
20 gas, but only produces water vapor, in any mode of operation or
21 condition, as determined by the Environmental Protection
22 Agency.

23 (20 ILCS 2705/2705-715 new)

24 Sec. 2705-715. Performance goals and performance
25 requirements.

1 (a) The General Assembly finds that transportation and
2 land use planning in the State should be directed to projects
3 and policies that promote affordability, transportation
4 choices, economic development, environmental stewardship, and
5 long-term fiscal responsibility. To accomplish this,
6 applicable planning documents compiled and implemented by the
7 Department and MPOs shall prioritize projects, programs, and
8 policies that achieve the following performance goals using
9 the performance measures:

10 (1) Transportation choices and efficient land use:

11 Expand opportunity for residents by:

12 (A) increasing access to key destinations for all
13 people by encouraging infill development and improving
14 the connectivity of people to their housing,
15 employment, education, and other activity centers
16 through a variety of travel modes;

17 (B) shifting more trips to a range of viable
18 transportation modes by supporting land use that puts
19 housing closer to jobs and other destinations through
20 Complete Streets treatments, public transit, and
21 intercity bus and rail; and

22 (C) increasing connectivity of people to their
23 schools, jobs, recreation facilities, downtowns, and
24 commercial districts through the construction and
25 improvement of safe sidewalks, trails, and bicycle
26 lanes that connect housing to those areas.

1 (2) Affordability, equity, and efficiency: Reduce the
2 cost of transportation for State residents through more
3 efficient energy use and reducing the average length of
4 motorized vehicle trips. This includes:

5 (A) reducing the combined housing and
6 transportation cost of State households by reducing
7 the cost of owning and maintaining vehicles, bringing
8 housing closer to key destinations, and reducing time
9 spent in traffic;

10 (B) providing improved transportation options for
11 those too young, too old, or too infirm to safely drive
12 a vehicle or who are unable to afford a personal
13 vehicle; and

14 (C) increasing the energy efficiency of the system
15 by increasing the availability of efficient
16 zero-emission vehicle technologies, increasing the
17 number of trips taken by non-auto modes, reducing
18 emissions from highway construction and operation, and
19 by bringing destinations and housing closer together.

20 (3) Resilience and fiscal responsibility: Construct
21 transportation infrastructure that can withstand
22 increasingly strong weather events and operate the highway
23 system in a way that reduces the long-term maintenance
24 cost burden of the system for future generations of
25 taxpayers. This includes:

26 (A) reducing disaster damage risk for

1 transportation assets by hardening those assets,
2 improving stormwater infrastructure adjacent and
3 underneath roadways, and using nature-based solutions;

4 (B) reducing flood risk for homes and businesses
5 from transportation system infrastructure through
6 increased inclusion of flood mitigation strategies
7 during the construction and rehabilitation of
8 roadways; and

9 (C) prioritizing transportation funds for
10 maintaining and modernizing the State's current system
11 and focusing capacity expansion on increasing access
12 to the most sustainable transportation modes.

13 (b) The General Assembly finds that performance
14 requirements for the Department and MPOs are necessary to
15 accomplish the goals in subsection (a). Accordingly, beginning
16 January 1, 2028, the Department and MPOs shall:

17 (1) manage the surface transportation system in their
18 region within a federal aid highway lane miles per capita
19 budget for their respective region set at 2025 lane mile
20 levels. For the Department, the lane miles budget shall be
21 established for the State as a whole and in non-MPO
22 regions. The Department and MPOs shall focus their
23 projects, programs, and policies on building greater
24 resilience into the current system, improving the quality
25 and longevity of existing surface transportation assets
26 through enhanced maintenance, increasing the efficiency of

1 system operations, and achieving the other goals set forth
2 in this amendatory Act of the 104th General Assembly. For
3 purposes of this subsection, the 2025 lane miles per
4 capita budget level shall be calculated using the existing
5 federal aid highway lane miles in the region as of
6 December 31, 2025 plus any additional lane miles resulting
7 from capacity expansion projects that were in the
8 Department's Surface Transportation Improvement Program as
9 of June 30, 2026 and for which a contract for construction
10 was executed by December 31, 2026.

11 Additional lane miles resulting from the construction
12 of a highway or adding capacity to an existing highway for
13 the purpose of mitigating the adverse impact of heavy
14 freight traffic in residential neighborhoods shall be
15 exempt from the per capita lane miles budget for the
16 applicable region. This lane mile cap exemption:

17 (A) is limited to 5 miles or less of highway;

18 (B) may not include bypasses that encompass more
19 than the community impacted by the elevated levels of
20 freight vehicle traffic;

21 (C) may not include the addition of expressway
22 capacity;

23 (D) requires a public engagement process with and
24 the support for the freight mitigation project from
25 the impacted communities; and

26 (E) is supported by evidence that the freight

1 mitigation project will significantly reduce freight
2 VMT and emissions in the impacted communities;

3 (2) manage the surface transportation system in their
4 region within a VMT per capita budget for their respective
5 region set at 2025 VMT levels. The Department and MPOs
6 shall focus their projects, programs, and policies on
7 making travel more affordable and convenient through
8 efforts to shorten average trip lengths and provide more
9 travel mode choices;

10 (3) manage the surface transportation system in their
11 region to reduce per capita GHG emissions from the
12 transportation system at a rate consistent with the rate
13 of reduction in GHG emissions from the transportation
14 system achieved in the State from 2005 to 2023, or to the
15 extent practicable, reduce emissions at a rate consistent
16 with the State's emission reduction commitments to the
17 U.S. Climate Alliance. The Department and MPOs shall focus
18 their projects, programs, and policies on reducing GHG
19 emissions and other forms of pollution from the
20 transportation system. The Department and MPOs are
21 authorized to establish a crediting or exchange system in
22 which GHG reductions in one region of the State may be used
23 to offset GHG emission increases in another region of the
24 State, as long as the statewide GHG emissions from the
25 transportation system decline at no less than the rate set
26 forth in this subsection; and

1 (4) engage impacted communities and stakeholders on
2 transportation projects occurring in their communities.
3 The Department and MPOs shall endeavor to conduct a public
4 engagement process with residents, businesses, educational
5 institutions, health care facilities, or other necessary
6 stakeholders as determined by the Department or MPO who
7 may be impacted by proposed projects. Engagement on a
8 project shall occur before the project has moved to the
9 engineering phase.

10 (c) The Department and MPOs are hereby empowered to take
11 all reasonable steps allowed under applicable law to ensure
12 their transportation systems stay within the per capita lane
13 miles, per capita VMT, and per capita GHG emissions budgets.
14 The Department and MPOs may also propose policy
15 recommendations to the General Assembly that will support the
16 achievement of the performance goals and performance
17 requirements of this Section.

18 (20 ILCS 2705/2705-720 new)

19 Sec. 2705-720. Quantitative analysis and certification of
20 applicable planning documents.

21 (a) When preparing an applicable planning document, the
22 Department and MPOs shall conduct a quantitative analysis that
23 estimates the impact of the investments proposed in the
24 applicable planning document on the performance goals and
25 performance requirements. The Department and MPOs may

1 incorporate the required analyses into existing analyses, such
2 as the Data Driven Decisions Tool. The quantitative analysis
3 shall include, but is not limited to:

4 (1) an emissions analysis that calculates the GHG
5 emissions, ozone, and particulate matter emissions that
6 are generated or reduced by the projects contained in an
7 applicable planning document. The emissions analysis
8 shall:

9 (A) include (i) the emissions of the existing
10 transportation network and (ii) the anticipated
11 changes to those emissions as a result of the projects
12 contained in the applicable planning document;

13 (B) estimate total CO₂e emissions in millions of
14 metric tons for the region in 2030, 2040, and 2050; and

15 (C) compare estimated total CO₂e emissions against
16 the pollution performance measures applicable to the
17 Department or MPO;

18 (2) a VMT impact analysis that calculates the VMT that
19 is generated or reduced by the projects in the applicable
20 planning document over the period covered by the
21 applicable planning document. Any VMT analysis shall
22 incorporate considerations of induced demand for the
23 highway improvement projects contained in the applicable
24 planning document;

25 (3) a lane miles impact analysis that calculates the
26 net change in lane miles per capita from the projects in

1 the applicable planning document; and

2 (4) a long-term maintenance cost analysis that
3 determines the overall maintenance cost generated or
4 reduced by the projects contained in the applicable
5 planning document over a 50-year period.

6 (b) The Department and MPOs shall not include projects in
7 their applicable planning documents that will increase per
8 capita lane miles, per capita VMT, or per capita GHG emissions
9 unless those projects are offset with projects, programs, or
10 policies that are simultaneously funded and implemented and
11 that will at least offset the increase in per capita lane
12 miles, per capita VMT, or per capita GHG emissions from the
13 projects with a reasonable degree of certainty. The Department
14 and MPOs shall document the basis for their assessment of the
15 impacts of projects projected to increase or decrease per
16 capita lane miles, per capita VMT, or per capita GHG emissions
17 and make the results of the analyses publicly available and in
18 a format that displays how the projects in the applicable
19 planning document are anticipated to achieve the performance
20 goals and performance requirements.

21 (c) For the purposes of the analyses required under this
22 Section, the Department and MPOs may:

23 (1) assume that projects that do not increase lane
24 miles, such as maintenance and rehabilitation projects or
25 resiliency projects, will not increase per capita VMT or
26 on-road GHG emissions; and

1 (2) adjust the 2025 lane miles per capita cap upward
2 proportionally with changes in population only in areas
3 where population is declining.

4 (d) The Department shall provide technical assistance to
5 MPOs that request assistance in completing the analyses
6 required by this Section.

7 (e) After completion of the required analyses and
8 finalization of the applicable planning document, the
9 Secretary or the MPO's executive director shall certify in
10 writing the projects in the applicable planning document are
11 forecast to contribute to the achievement of the performance
12 goals and performance requirements.

13 (20 ILCS 2705/2705-725 new)

14 Sec. 2705-725. Planning accountability processes.

15 (a) The General Assembly finds that ensuring alignment of
16 transportation and land use planning, expenditures, and
17 investments with public benefit goals, including safety,
18 affordability, fiscal responsibility, equity, emissions
19 reductions, and expansion of transportation choices, is
20 critical to maximizing the benefits of the interconnected and
21 intermodal transportation system and ensuring cost-effective
22 State investments in the system.

23 (b) To verify compliance with the performance goals and
24 performance requirements, better engage statewide and regional
25 stakeholders in transportation planning, and support the

1 integration of statewide investments, the Department shall
2 establish rules to review investments made by the Department
3 and MPOs in their projects, programs, and policies. The rules
4 shall include a procedure for an evaluation process for the
5 review of fully constructed or implemented investments. The
6 rules shall be designed to:

7 (1) ensure that transportation and land use projects,
8 programs, and policies implemented by the Department and
9 MPOs are consistent with the performance goals,
10 performance requirements, and performance measures;

11 (2) facilitate the engagement of, and solicit feedback
12 from, municipalities, counties, local units of government,
13 commercial businesses, trade associations, freight
14 companies, developers, transit providers, labor
15 organizations, advocates, communities, the general public,
16 and other stakeholders in the review of regional and
17 statewide transportation investments that use public
18 funding;

19 (3) review the analyses set forth in Section 2705-720
20 and compare the anticipated outcomes to actual outcomes;

21 (4) promote the transparency of transportation
22 planning and the expenditure of State funds for
23 transportation infrastructure investments; and

24 (5) evaluate the impacts of investments in
25 transportation infrastructure that have been implemented
26 and assess the efficacy of such investments using

1 benefit-cost analyses or other tools.

2 (c) The evaluation process shall be consistent with the
3 following:

4 (1) Within 90 days of January 1, 2030 and every 5 years
5 thereafter, the Department shall begin a statewide
6 performance evaluation process by requesting a performance
7 self-evaluation from all MPOs in the State. The Department
8 shall also compile a performance self-evaluation at the
9 same time.

10 (2) The performance self-evaluation report from the
11 Department and MPOs shall include:

12 (A) an analysis of the Department's or MPO's
13 progress in achieving State performance goals and
14 performance requirements. Specifically, the analysis
15 shall demonstrate how the investments planned by the
16 agency and constructed in the previous 5 years
17 contributed to the achievement of the performance
18 goals and meeting the performance requirements;

19 (B) an analysis that clearly displays the current
20 actual state of the system relative to the past
21 projections for per capita lane miles, per capita VMT,
22 and per capita GHG emissions resulting from the
23 analyses in Section 2705-720. The report shall contain
24 detailed reasoning for why actual measured performance
25 in the evaluation year may differ from past
26 projections; and

1 (C) areas that the Department or MPO identifies as
2 needing improvement to better achieve the performance
3 requirements, such as improvements in project delivery
4 and coordination with other entities. The Department
5 or MPO may also identify policies and programs that
6 are outside of its control that have impacted its
7 achievement of its performance requirements.

8 (3) Within 30 days of receipt of the performance
9 self-evaluation reports, the Department shall disclose a
10 date for a series of public meetings to open the public
11 feedback period. The Department or MPO shall have an
12 opportunity to present written or verbal testimony in
13 support of its performance self-evaluation report at the
14 meeting. The Department shall allow for oral public
15 comment at the meeting. The Department shall solicit all
16 written public comments for at least 90 days following the
17 opening of the public feedback period.

18 (4) After the completion of the public comment period,
19 the Department shall consider all public comments before
20 making a determination under paragraph (5).

21 (5) Within 180 days of receipt of the performance
22 self-evaluation from an MPO, the Department shall
23 determine whether the MPO has successfully met the
24 performance requirements and identify the reasons for the
25 MPO's achievement or non-achievement of its performance
26 requirements.

1 (6) The Department shall have the authority to provide
2 incentives to MPOs that are in compliance with their
3 performance requirements, such as prioritizing such MPOs
4 for certain competitive grant funds in a given year.

5 (d) If the Department or an MPO fails to meet any of the
6 requirements of subsection (b), the following corrective
7 actions shall be taken:

8 (1) In the case of not managing its system within the
9 per capita lane mile or VMT per capita budgets, for a
10 period of 5 years from the date of assessment under
11 paragraph (5) of subsection (c) that finds such
12 noncompliance, the Department or MPO shall be barred from
13 constructing any highway capacity expansion project of one
14 mile or longer, or adding such projects to, or advancing
15 such projects in, its applicable planning documents.

16 (2) In the case of not managing its system within the
17 GHG emissions reduction requirement, for a period of 5
18 years from the date of assessment under paragraph (5) of
19 subsection (c) that finds such noncompliance, the
20 Department or MPO shall be required to create and
21 implement a GHG mitigation plan with specific GHG
22 mitigation measures to reduce the impact of emissions from
23 the transportation sector. If, after implementing the GHG
24 mitigation plan for a period of 5 years, the Department or
25 MPO is still out of compliance, the Department or MPO
26 shall not pursue any highway capacity expansion projects

1 until the assessment in paragraph (5) of subsection (c)
2 finds that the Department or MPO has managed its system
3 within the GHG emissions reduction requirement.

4 (20 ILCS 2705/2705-730 new)

5 Sec. 2705-730. Performance measures.

6 (a) The General Assembly finds that quantifiable
7 performance measures are necessary to ensure the achievement
8 of State transportation performance goals.

9 (b) By January 1, 2029, the Department shall adopt rules
10 to operationalize the performance goals. The rules shall
11 include requirements for the Department to track and publish
12 performance measures annually that align with the performance
13 goals. Performance measures shall be quantifiable data points
14 that relate directly to the performance goals and performance
15 requirements. Performance measures shall include, but are not
16 limited to:

17 (1) Transportation choices and efficient land use: the
18 overall vehicle miles traveled, the percentage of
19 population living within 1/4 mile of dedicated bike lanes
20 or multi-use trails, the percentage of population living
21 within 100 yards of a sidewalk, the percentage of
22 population living within 1/4 mile of frequent transit, the
23 percentage of jobs located within 1/4 mile of dedicated
24 bike lanes or multi-use trails, the percentage of jobs
25 within 100 yards of a sidewalk, and the percentage of jobs

1 within 1/4 mile of frequent transit.

2 (2) Safety: The number of motor vehicle crashes,
3 fatalities, and injuries on or adjacent to State highways
4 and the estimated total cost to the State of such crashes
5 using the direct and total costs of crash estimates from
6 the National Highway Traffic Safety Administration or from
7 a source the Department determines is a more accurate
8 source of crash cost estimates.

9 (3) Affordability: The combined housing and
10 transportation cost as a percentage of household income.

11 (4) Pollution: The CO₂e resulting from the
12 transportation sector in the State, as well as the CO₂e
13 from specific subsectors such as on-road, rail, marine,
14 and aviation.

15 (5) Infrastructure condition: The percentage of
16 highways and bridges in poor or fair conditions and the
17 annual cost to the average motorist of damage incurred as
18 a result of highway conditions.

19 (6) Infrastructure resilience: The lane miles of
20 highway assets vulnerable to significant damage from
21 expected flooding and heat and the percentage of highway
22 assets determined to be resilient against anticipated
23 disaster conditions.

24 (7) Maintenance cost burden: The life cycle cost of
25 maintaining the existing highway infrastructure, including
26 highway pavement and bridge structures, on a per capita

1 basis.

2 (c) If the Department or an MPO finds that the combined
3 housing and transportation cost as a percentage of household
4 income in its region has increased by at least twice that of
5 the Consumer Price Index-U from the previous year, the
6 Department or MPO shall take corrective actions to reduce the
7 combined housing and transportation cost as a percentage of
8 household income. This includes, but is not limited to,
9 prioritizing incentive programs and policies listed in Section
10 2705-735 or prioritizing more affordable non-auto
11 transportation modes or other projects, programs, and policies
12 the Department or MPO determines will achieve reductions in
13 the combined cost of housing and transportation in its region.

14 (d) The Department and MPOs shall have the authority to
15 program State funds toward any project or program that
16 accomplishes the requirements set forth in this amendatory Act
17 of the 104th General Assembly.

18 (e) The Department and MPOs shall have the authority to
19 transfer federal-aid apportioned transportation funds to and
20 from other federal-aid apportioned programs, within the limits
21 set by the federal government, in order to meet the
22 requirements of this amendatory Act of the 104th General
23 Assembly.

24 (20 ILCS 2705/2705-735 new)

25 Sec. 2705-735. Incentive programs.

1 (a) The General Assembly finds that it is a transportation
2 purpose to incentivize the location of businesses, hospitals,
3 housing developments, schools, and other facilities in areas
4 with existing highways and other public infrastructure to
5 reduce the need to build duplicative infrastructure and thus
6 add to the long-term maintenance cost burden on taxpayers.

7 (1) The Department is authorized to work with MPOs,
8 local governments, and private entities, such as site
9 selection firms, to encourage site selection for new
10 facilities in areas with existing highways and other
11 public infrastructure such as sewer and water lines.

12 (2) The Department is authorized to share with the
13 applicable local government no less than 50% and no more
14 than 90% of the net savings from more efficient facility
15 locations facilitated by or on behalf of local governments
16 and such net savings may be payable in cash or in-kind
17 services by the Department in the community served by the
18 local government that helped facilitate more efficient
19 location of a new facility.

20 (3) Local governments that receive cash payments under
21 paragraph (2) may use the proceeds for any lawful purpose,
22 including the provision of infrastructure, economic
23 development incentives, or other support for the entities
24 willing to locate their facilities in an efficient
25 location.

26 (4) The Department, in coordination with other State

1 agencies and MPOs, shall facilitate development and
2 publication of an efficient location database that
3 identifies areas throughout the State with existing
4 transportation capacity that would be supportive of
5 location-efficient residential, commercial, or public
6 agency development.

7 (A) The database shall include each parcel
8 sortable and searchable by, at minimum:

9 (i) total land square footage;

10 (ii) parcel centroid longitude and latitude;

11 and

12 (iii) zip code.

13 (B) The database may also include parcels owned by
14 other governmental agencies or nongovernmental
15 organizations that are identified to the Department by
16 the entity owning them as suitable for allowing
17 location-efficient development. Any parcels included
18 shall be sortable and searchable.

19 (C) The Department may establish and maintain this
20 database by itself or in collaboration with other
21 public agencies through an accessible website.

22 (b) The General Assembly finds that better connecting
23 State cities with each other and Chicago is important to
24 growing the State economy by better connecting businesses,
25 educational institutions, and State attractions with more
26 people and transcending the Chicago versus Downstate divide by

1 building an integrated one State economy.

2 (c) The Department shall establish an action plan and
3 provide incentives to connect large State metropolitan areas
4 to each other through investing in expansions of intercity
5 rail and bus networks and supporting infrastructure and
6 connecting transit service to encourage connectivity and
7 economic development throughout the State.

8 (d) By January 1, 2029, the Department shall publish a
9 report that details ways it can reduce the square footage of
10 highway pavement while accommodating travel demand through
11 changes to the Department's design guidelines, creative
12 redesigns executed when resurfacing, rehabilitating, or
13 rebuilding highways, and other means. The report shall show
14 how reductions in the square footage of pavement can still
15 accommodate the throughput of people and vehicles while
16 reducing costs and providing a variety of co-benefits, such as
17 reduced flooding risk.

18 (1) The Department's study of strategies for reducing
19 the square footage of highway pavement and the State's net
20 long-term highway maintenance cost shall include
21 consideration of:

22 (A) how to facilitate adaptive reuse of freed-up
23 space for resiliency projects, accommodation of
24 bicycling and pedestrians, use by adjacent businesses
25 and other institutions, and other improvements that
26 strengthen the environment, economy, and

1 transportation system; and

2 (B) regulatory obstacles and opportunities for
3 identifying and repurposing excess pavement in
4 beneficial ways.

5 (2) The Department is authorized, but not required to,
6 execute the requirements under this subsection through and
7 under the auspices of the Interagency Coordinating
8 Committee on Transit Innovation, Integration, and Reform
9 established under the Interagency Coordinating Committee
10 on Transit Innovation, Integration, and Reform Act.

11 (20 ILCS 2705/2705-740 new)

12 Sec. 2705-740. Infrastructure credit program.

13 (a) The Department shall establish by rule an
14 infrastructure improvement credit program to assist the
15 Department and MPOs in meeting their lane miles per capita
16 budget requirement under subsection (b) of Section 2705-715.

17 (b) All projects constructed using at least 50% of funds
18 from the State shall be eligible for the credit program.

19 (c) Certain classes of projects shall be credited as
20 reductions in the lane mile per capita requirement, with one
21 credit value equal to one lane mile. These project classes
22 include:

23 (1) two credits for each lane mile of a federal aid
24 highway repurposed for nonhighway uses;

25 (2) Complete Streets redesigns of highways in

1 urbanized areas. These projects shall be credited as:

2 (A) one-half credit for each lane mile of a
3 Complete Streets redesign that maintains the existing
4 number of travel lanes and speeds but adds sidewalks
5 and bicycle lanes;

6 (B) one credit for each lane mile of a Complete
7 Streets redesign that reduces the number of travel
8 lanes by 25% or more; and

9 (C) two credits for each lane mile of a Complete
10 Streets redesign that reduces the number of lanes by
11 25% or more, adds sidewalks and bicycle lanes, and
12 reduces the speed limit to no more than 25 miles per
13 hour.

14 The lane miles calculation for purposes of
15 subparagraphs (A) through (C) shall consider both the
16 length of the highway segment and the AADT carried or
17 projected to be carried such that there is equivalency
18 between the product of the length of the highway involved
19 in a project under subparagraphs (A) through (C) and the
20 AADT on that highway and the product of the length of the
21 highway segment and projected AADT on the highway segment
22 proposed for construction in reliance on the credits
23 earned;

24 (3) bus rapid transit highway improvements in
25 urbanized areas. These projects shall be credited as:

26 (A) one-half credit for each lane mile of bus

1 priority infrastructure such as dedicated lanes,
2 signal priority for buses, and queue jumps at
3 intersections;

4 (B) one credit for each lane mile of a dedicated
5 travel lane for exclusive use by public transit
6 vehicles for at least 6 hours of peak travel times for
7 at least 5 days each week; and

8 (C) two credits for each highway lane mile, not
9 including shoulders, that has been converted to
10 exclusive use for bus rapid transit; and

11 (4) local policies in efficient land use for urbanized
12 areas. These policies shall be credited as:

13 (A) one-half credit for each lane mile of a
14 highway where parking minimums have been eliminated in
15 an area immediately adjacent to the highway and
16 extending one-quarter of a mile or more from the
17 highway;

18 (B) three-quarter credit for each lane mile of a
19 highway where multifamily housing is allowed as a
20 right in an area immediately adjacent to the highway
21 and extending one-quarter of a mile or more from the
22 highway;

23 (C) one credit for each lane mile of a highway
24 where nature-based solutions, such as flood mitigation
25 or parkland, that reduce flood magnitude by at least
26 50% have been installed immediately adjacent to the

1 highway; and

2 (D) two credits for each lane mile of a highway
3 that has been converted to nature-based solutions,
4 such as flood mitigation, parkland, protected bike
5 lanes, or trails.

6 For purposes of calculating the credits under
7 subparagraphs (A) through (D), the lane miles credited
8 shall be the lane miles of only the lanes in the direction
9 of travel in the highway immediately adjacent to the
10 improvement.

11 (d) The Department shall adopt rules recognizing and
12 quantifying the credits for these improvements up to the
13 maximums established in subsection (c) and establishing the
14 documentation required to establish eligibility for such
15 credits. The Department is authorized to recognize other
16 improvements that advance the goal of increasing the
17 efficiency and resiliency of the highway system and reducing
18 the long-term cost of maintaining that system through
19 reductions in the lane miles count and implementing credits
20 consistent with those authorized in subsection (c).

21 (e) The Department and MPOs may apply the credits earned
22 under this Section in determining their compliance with the
23 performance requirements.

24 (f) The Department is authorized to establish and operate
25 in conjunction with the MPOs an exchange system under which
26 the Department or an MPO may exchange earned credits with the

1 Department or another MPO in exchange for some lawful
2 consideration or no consideration via an intergovernmental
3 agreement.

4 (g) The credit program outlined in this Section shall
5 apply only to projects completed after the effective date of
6 this amendatory Act of the 104th General Assembly. The credit
7 program shall expire on December 31, 2037, provided that the
8 credits earned by that date support project construction after
9 that date.

10 (20 ILCS 2705/2705-745 new)

11 Sec. 2705-745. Tolling for new capacity and bridges.

12 (a) As used in this Section, "new capacity" means the
13 construction of a new expressway or the addition of one or more
14 lanes with a length of one mile or more to an existing
15 expressway.

16 (b) To the fullest extent permitted by law, new capacity
17 shall be tolled and such tolls shall be variably priced where
18 necessary to best match travel demand with highway capacity to
19 ensure the free flow of traffic on the new capacity lanes. The
20 Department and MPOs are authorized to the fullest extent of
21 the law to impose tolls on bridges to accelerate the
22 construction, reconstruction, rehabilitation, repair, or
23 ruggedization of such bridges.

24 (c) Toll revenue from new capacity and bridges shall be
25 used only to reimburse the Illinois State Toll Highway

1 Authority for toll collection and toll violation enforcement
2 services provided under subsection (e) and pay the cost of
3 constructing, operating, and maintaining the new capacity or
4 bridges, with any excess revenue used for transportation
5 purposes along the corridor served by the tolled capacity or
6 bridge.

7 (d) If the current law does not permit tolling of new
8 capacity in an MPO region, an MPO shall condition its approval
9 of the project and advancement of the project to the
10 Department's STIP on an enforceable agreement with the project
11 sponsor that tolling of the new capacity shall be implemented
12 once such tolling is allowed under applicable law. Such
13 agreement with the project sponsor shall provide that the
14 project sponsor shall reimburse the MPO for lost toll revenue
15 in the region for a period beginning no later than 2 years
16 after authority for tolling the new capacity has been
17 established under applicable law and lasting until the date
18 that tolling the new capacity has begun. For purposes of such
19 agreement, the toll rates used for calculating the amount of
20 lost toll revenue owed by the project sponsor shall be the
21 then-current toll rates for passenger and freight vehicles
22 established by the Illinois State Toll Highway Authority and
23 such toll rates shall be applied to the traffic volume on the
24 expressway times the percentage of new capacity lanes relative
25 to all expressway lanes in the corridor. Tolling on new
26 capacity outside of MPO regions shall commence no later than 2

1 years after legal authority for such tolling has been secured.

2 (e) The Illinois State Toll Highway Authority shall
3 provide toll collection and toll violation enforcement
4 services for any new capacity that is tolled.

5 (f) The Department and MPOs shall enter into agreements
6 with project sponsors and other interested parties to allocate
7 toll revenue from new capacity and bridges to pay for
8 improvements, reimburse the Illinois State Toll Highway
9 Authority, and fund transit services, electric vehicle
10 charging, and other transportation improvements along the
11 corridor that includes the tolled facility.

12 (g) Nothing in this Section shall preclude the tolling of
13 existing expressway capacity if such tolling is allowed by
14 law.

15 (h) The Department and MPOs shall seek maximum authority
16 from the federal government to toll existing expressways and
17 bridges, including through participation in federal programs,
18 such as the Interstate System Reconstruction and
19 Rehabilitation Pilot Program, that give such authority for
20 specific projects.

21 (i) To the fullest extent practicable, new capacity on
22 expressways shall include VMT and GHG mitigation measures
23 along the corridor served by the new capacity. The cost of the
24 project shall include the cost of VMT and GHG mitigation
25 measures necessary to offset the additional VMT and GHG
26 emissions resulting from the new capacity. The VMT and GHG

1 mitigation measures shall be implemented in conjunction with
2 the construction of the new capacity.

3 (20 ILCS 2705/2705-750 new)

4 Sec. 2705-750. Performance-based funding.

5 (a) Beginning in the fiscal year beginning on July 1,
6 2027, 5% of the Department's budget from all eligible sources
7 shall be allocated on a performance basis to projects and
8 programs as set forth in this Section.

9 (b) The percentage of the Department's budget allocated
10 under this Section shall increase by 2 percentage points a
11 year until 25% of the Department's budget is allocated
12 according to performance. The Department shall allocate the
13 remainder of its budget to maintain and improve its existing
14 system using appropriate asset management tools.

15 (c) The Department is authorized to create a
16 Performance-Based Revenue Fund to hold moneys allocated to the
17 Performance-Based Funding Program.

18 (d) The Department shall by rule adopt a process to
19 allocate the moneys in the Performance-Based Revenue Fund as
20 follows:

21 (1) Allocation based on demonstrated performance:

22 (A) 20% shall be allocated among MPO regions and
23 the Department for the area outside of the MPO regions
24 that are in the top quartile in managing their systems
25 to stay within or reduce their per capita lane miles,

1 per capita VMT, and per capita GHG emissions reduction
2 budgets established under subsection (b) of Section
3 2705-715.

4 (B) 10% shall be allocated among MPO regions and
5 the Department for the area outside the MPO regions
6 that are in the bottom quartile in pavement and bridge
7 quality metrics.

8 (C) 5% shall be allocated among MPO regions and
9 the Department for the area outside the MPO regions
10 that are in the top quartile for reductions in motor
11 vehicle crashes involving injuries or fatalities per
12 capita.

13 (D) The Department shall make allocations among
14 the qualifying regions under subparagraphs (A) through
15 (C) based on their combined relative share of the
16 following:

17 (i) population;

18 (ii) total AADT; and

19 (iii) lane miles.

20 The rules applicable to this paragraph shall provide
21 appropriate weighting of per capita lane miles, per capita
22 VMT, per capita GHG emissions reduction, and safety
23 improvements and bridge and pavement quality performance
24 categories in which an MPO region or the Department is in
25 the top or bottom quartile, as applicable.

26 (2) Allocation based on demonstrated need:

1 (A) The Department shall allocate 60% of moneys in
2 the Performance-Based Revenue Fund for use for
3 transportation purposes in municipalities, counties,
4 townships, and road districts for projects related to:

5 (i) State and local asset management and
6 improvements;

7 (ii) ADA improvements;

8 (iii) bike and pedestrian infrastructure
9 improvements;

10 (iv) expanding multimodal connections;

11 (v) capital safety improvements;

12 (vi) match for federal grant opportunities;

13 (vii) added capacity with preference given to
14 tolled new expressway capacity and bridges;

15 (viii) tolling of existing expressway
16 capacity;

17 (ix) public transit, intercity buses and
18 rails, and other mass transportation options; and

19 (x) other projects designed to improve safety,
20 reduce lane miles, advance transportation choice
21 and affordability, reduce GHG emissions, and
22 increase infrastructure resiliency.

23 (B) The Department shall issue a call for projects
24 funded by the allocation from the Performance-Based
25 Revenue Fund under subparagraph (A) no less than once
26 every 3 years.

1 (C) In reviewing grant applications, the
2 Department shall prioritize projects that most advance
3 the affordability, resiliency, reduction in
4 maintenance burden, and other performance goals and
5 assist MPOs and the Department in meeting their
6 performance requirements.

7 (D) The Department is authorized to consolidate
8 any of its existing grant programs into the
9 Performance-Based Funding Program under this
10 subsection.

11 (E) MPOs are eligible for funding awards from the
12 Performance-Based Revenue Fund under this subsection.

13 (F) The Department may partner with an MPO,
14 municipality, county, township, road district, or
15 other local government on a project proposal, provided
16 that the local government is the project sponsor and
17 the Department does not give preference to proposed
18 projects where the Department is a project partner but
19 will evaluate all project proposals on their merits
20 regardless of the Department's participation in the
21 project proposal.

22 (G) The Department shall provide technical
23 assistance and offer partnering opportunities to local
24 communities that lack the fiscal resources or
25 technical expertise required for them to effectively
26 participate in the grant program under this

1 subsection.

2 (H) The Department shall take appropriate steps to
3 ensure that the Department employees who are involved
4 with local governments on project proposals are not
5 also involved in evaluating project proposals
6 submitted under this subsection.

7 (3) Allocation based on increasing housing
8 availability.

9 (A) The Department shall allocate 5% of moneys in
10 the Performance-Based Revenue Fund to fund
11 transportation improvements in the communities that
12 deliver the most new housing per capita within their
13 existing municipal boundaries as follows.

14 (B) For purposes of this allocation, the
15 Department shall count housing units constructed as
16 follows:

17 (i) Housing delivered:

18 (I) within 1/4 mile of a route served by
19 frequent transit; or

20 (II) within 1/4 mile of a major
21 destination such as an employment, education,
22 or government center and that offers a
23 protected bike lane or pedestrian access to
24 that destination shall be credited with 2
25 housing units for each unit constructed.

26 (ii) Multifamily housing shall be credited

1 with 2 housing units for each unit constructed.

2 (iii) Multifamily housing shall be credited
3 with 4 housing units for each unit that is
4 considered affordable under the Affordable Housing
5 Planning and Appeal Act.

6 (iv) Each housing unit constructed in a
7 municipality that allows construction of accessory
8 dwelling units by right in at least half of the
9 area in the municipality shall be credited with 3
10 housing units for each unit constructed.

11 (v) Each housing unit constructed in a
12 municipality that has abolished minimum parking
13 requirements shall be credited with 2 housing
14 units for each unit constructed.

15 (vi) Each housing unit constructed in a
16 municipality that allows construction by right of
17 multifamily housing on property zoned commercial
18 shall be credited with 2 housing units for each
19 unit constructed.

20 (vii) All other new housing shall be credited
21 with one housing unit for each unit constructed.

22 (C) The Department shall make allocations among
23 the qualifying municipalities based on their combined
24 relative share of the following:

25 (i) population;

26 (ii) total AADT; and

1 (iii) lane miles.

2 (D) The Department may set the maximum number of
3 awardees based on consideration of available funding,
4 municipal interest in the program, and other
5 reasonable factors.

6 (E) The Department shall make awards under this
7 program periodically, but no less than once every 3
8 years.

9 (F) The Department shall inform municipalities as
10 appropriate of the availability of funding under this
11 program and the application process.

12 (20 ILCS 2705/2705-755 new)

13 Sec. 2705-755. Partnership with Illinois State Toll
14 Highway Authority; funding. As a result of the metropolitan
15 transportation support payments the Department shall receive
16 from the Illinois State Toll Highway Authority under Section
17 19.2 of the Toll Highway Act:

18 (1) Beginning with the fiscal year starting July 1,
19 2027 and continuing as long as the Illinois State Toll
20 Highway Authority is making metropolitan transportation
21 support payments as required under Section 19.2 of the
22 Toll Highway Act, the Department shall increase its
23 funding for projects and programs outside of the
24 metropolitan region as defined under Section 1.03 of the
25 Northern Illinois Transit Authority Act by \$625,000,000

1 per year. The amount of the funding increase for projects
2 and programs outside of the metropolitan area for the
3 fiscal year starting July 1, 2028 and each fiscal year
4 thereafter shall be an amount equal to the lesser of 104%
5 of the previous fiscal year's funding increase under this
6 Section or the percentage change over the previous fiscal
7 year in the Consumer Price Index-U.

8 (2) The Department in collaboration with MPOs shall
9 use the money allocated under paragraph (1) to accelerate
10 the delivery of highway and other transportation projects
11 outside of the metropolitan region as defined under the
12 Northern Illinois Transit Authority Act that contribute to
13 their achievement of the performance goals and performance
14 requirements.

15 (20 ILCS 2705/2705-760 new)

16 Sec. 2705-760. Resilience, flood mitigation, and climate
17 adaptation assessments.

18 (a) The Department, in coordination with MPOs, the
19 Department of Natural Resources, and the Environmental
20 Protection Agency, shall conduct a statewide climate
21 vulnerability assessment at least every 5 years to inform its
22 Resilience Improvement Plan. The assessment shall use the most
23 up-to-date climate science and quantify climate resiliency
24 vulnerability of highways, bridges, transit, freight,
25 passenger rail, ports, aviation, and active transportation.

1 The assessment shall:

2 (1) be developed with public stakeholder input and
3 designed to achieve the following objectives:

4 (A) comprehensively assess and mitigate risks for
5 highway construction;

6 (B) minimize flood damage to transportation system
7 assets, consider the impacts of climate change on
8 highways, transit, and other transportation systems;
9 and

10 (C) support natural hydrologic conditions and the
11 beneficial services provided by nature-based
12 solutions; and

13 (2) identify communities where transportation
14 disruptions from climate hazards, such as flooding, have
15 caused or threaten to cause disproportionate harm, and
16 publicly map infrastructure risk data with demographic and
17 socioeconomic data to prioritize solutions in those
18 impacted communities.

19 (b) The Department, in consultation with the Department of
20 Natural Resources, the Illinois Emergency Management Agency
21 and Office of Homeland Security, and any other relevant State
22 agencies, shall adopt a Transportation Infrastructure Flood
23 Mitigation Policy by December 31, 2027. The Policy shall be
24 developed with public stakeholder input and designed to
25 achieve the following objectives for transportation
26 infrastructure constructed or eligible for funding from State

1 or federal sources: minimize flood damage to the State's
2 transportation system assets; minimize flood damage to
3 residents and businesses adjacent to transportation assets;
4 and support natural hydrologic conditions and the beneficial
5 services provided by nature-based solutions.

6 To help achieve these objectives, the Policy shall
7 include, but not be limited to:

8 (1) establish processes and criteria for determining
9 whether a proposed federal aid transportation project is
10 in a floodplain or other area with flood risk, including
11 inland flood risk, and the degree of risk presented;

12 (2) implement measures to reduce construction in a
13 floodplain to the greatest extent feasible;

14 (3) set reasonably protective and cost-effective flood
15 resilience standards for proposed construction within and
16 outside of a floodplain, based on flood risk to the
17 project and area within 5 miles of the project over the
18 lifetime of the construction; and

19 (4) provide standards, options, and considerations for
20 including nature-based infrastructure to reduce flood
21 risk.

22 (c) The Department shall develop and adopt a Resilient
23 Infrastructure Design Guide across modes that embeds
24 up-to-date resilience-focused engineering, construction, and
25 maintenance practices into the Bureau of Design and
26 Engineering Manuals. The Guide shall include:

1 (1) a definition of resilient infrastructure that
2 includes consideration of increasingly damaging climate
3 change driven weather events;

4 (2) performance-based design standards that
5 incorporate load duration, service continuity, and
6 recoverability;

7 (3) required resilience assessments in the project
8 development process for bridges, pavement, transit
9 facilities, and intermodal infrastructure;

10 (4) alignment with the federal Flood Risk Management
11 Standard; and

12 (5) integration of resilience scoring into the Data
13 Driven Decisions Tool.

14 (d) The Department and MPOs shall endeavor to mitigate the
15 impacts of flooding through enhanced design and construction
16 to reduce flooding magnitude resulting from transportation
17 projects.

18 (1) Flood mitigation design elements shall be given
19 full consideration in the planning and development of
20 transportation facilities.

21 (2) The Department shall establish and solely fund
22 flooding mitigation projects in conjunction with the
23 construction, reconstruction, resurfacing, or
24 rehabilitation, or other change of any State
25 transportation facility. Flooding mitigation projects
26 funded under this Section shall be designed to offset at

1 resurfacing, rehabilitation, or other change of any State
2 transportation facility except when the Secretary of
3 Transportation makes a written determination that the
4 inclusion of bicycle and pedestrian ways in a project creates
5 unacceptable safety risks or bicycle and pedestrian ways are
6 physically impossible to fit in the highway corridor.‡

7 ~~(1) in pavement resurfacing projects that do not widen~~
8 ~~the existing traveled way or do not provide stabilized~~
9 ~~shoulders;~~

10 ~~(2) where approved by the Secretary of Transportation~~
11 ~~based upon documented safety issues, excessive cost, or~~
12 ~~absence of need; or~~

13 ~~(3) where the municipality passes a resolution stating~~
14 ~~that a bicycle or pedestrian way does not fit within its~~
15 ~~development plan.~~

16 (c) Bicycle and pedestrian ways shall ~~may~~ be included in
17 pavement resurfacing projects when it is physically possible
18 to include ~~local support is evident or~~ the bicycling and
19 walking ~~accommodations can be added~~ within the highway right
20 of way. The Department shall endeavor to include Complete
21 Streets infrastructure improvements in all pavement
22 resurfacing projects, including projects that do not widen the
23 existing traveled way ~~overall scope of the original roadwork.~~

24 (c-1) The Department shall establish an accelerated
25 project delivery process for Complete Streets treatments of
26 State-owned highways. The Department is authorized to alter

1 any processes or approvals necessary to accelerate the
2 delivery of Complete Streets treatments.

3 (d) The Department shall establish design and construction
4 standards for bicycle and pedestrian ways. Beginning July 1,
5 2007, this Section shall apply to planning and training
6 purposes only. Beginning July 1, 2008, this Section shall
7 apply to construction projects.

8 (e) If programmed funds identified in Section 2705-615 of
9 the Department of Transportation Law are not expended for 5
10 years, the Department has the option to use those funds to pay
11 the cost of bicycle and pedestrian ways in roadway projects
12 affected by this Section.

13 (Source: P.A. 102-660, eff. 1-1-22.)

14 Section 2-10. The Toll Highway Act is amended by changing
15 Sections 11 and 19 and by adding Sections 19.2, 19.3, and 19.4
16 as follows:

17 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

18 (Text of Section before amendment by P.A. 104-457)

19 Sec. 11. The Authority shall have power:

20 (a) To enter upon lands, waters and premises in the State
21 for the purpose of making surveys, soundings, drillings and
22 examinations as may be necessary, expedient or convenient for
23 the purposes of this Act, and such entry shall not be deemed to
24 be a trespass, nor shall an entry for such purpose be deemed an

1 entry under any condemnation proceedings which may be then
2 pending; provided, however, that the Authority shall make
3 reimbursement for any actual damage resulting to such lands,
4 waters and premises as the result of such activities.

5 (b) To construct, maintain and operate stations for the
6 collection of tolls or charges upon and along any toll
7 highways.

8 (c) To provide for the collection of tolls and charges for
9 the privilege of using the said toll highways. Before it
10 adopts an increase in the rates for toll, the Authority shall
11 hold a public hearing at which any person may appear, express
12 opinions, suggestions, or objections, or direct inquiries
13 relating to the proposed increase. Any person may submit a
14 written statement to the Authority at the hearing, whether
15 appearing in person or not. The hearing shall be held in the
16 county in which the proposed increase of the rates is to take
17 place. The Authority shall give notice of the hearing by
18 advertisement on 3 successive days at least 15 days prior to
19 the date of the hearing in a daily newspaper of general
20 circulation within the county within which the hearing is
21 held. The notice shall state the date, time, and place of the
22 hearing, shall contain a description of the proposed increase,
23 and shall specify how interested persons may obtain copies of
24 any reports, resolutions, or certificates describing the basis
25 on which the proposed change, alteration, or modification was
26 calculated. After consideration of any statements filed or

1 oral opinions, suggestions, objections, or inquiries made at
2 the hearing, the Authority may proceed to adopt the proposed
3 increase of the rates for toll. No change or alteration in or
4 modification of the rates for toll shall be effective unless
5 at least 30 days prior to the effective date of such rates
6 notice thereof shall be given to the public by publication in a
7 newspaper of general circulation, and such notice, or notices,
8 thereof shall be posted and publicly displayed at each and
9 every toll station upon or along said toll highways.

10 (d) To construct, at the Authority's discretion, grade
11 separations at intersections with any railroads, waterways,
12 street railways, streets, thoroughfares, public roads or
13 highways intersected by the said toll highways, and to change
14 and adjust the lines and grades thereof so as to accommodate
15 the same to the design of such grade separation and to
16 construct interchange improvements. The Authority is
17 authorized to provide such grade separations or interchange
18 improvements at its own cost or to enter into contracts or
19 agreements with reference to division of cost therefor with
20 any municipality or political subdivision of the State of
21 Illinois, or with the Federal Government, or any agency
22 thereof, or with any corporation, individual, firm, person or
23 association. Where such structures have been or will be built
24 by the Authority, the local highway agency or municipality
25 with jurisdiction shall enter into an agreement with the
26 Authority for the ongoing maintenance of the structures.

1 (e) To contract with and grant concessions to or lease or
2 license to any person, partnership, firm, association or
3 corporation so desiring the use of any part of any toll
4 highways, excluding the paved portion thereof, but including
5 the right of way adjoining, under, or over said paved portion
6 for the placing of telephone, telegraph, electric, power lines
7 and other utilities, and for the placing of pipe lines, and to
8 enter into operating agreements with or to contract with and
9 grant concessions to or to lease to any person, partnership,
10 firm, association or corporation so desiring the use of any
11 part of the toll highways, excluding the paved portion
12 thereof, but including the right of way adjoining, or over
13 said paved portion for motor fuel service stations and
14 facilities, garages, stores and restaurants, or for any other
15 lawful purpose, and to fix the terms, conditions, rents, rates
16 and charges for such use.

17 By January 1, 2016, the Authority shall construct and
18 maintain at least one electric vehicle charging station at any
19 location where the Authority has entered into an agreement
20 with any entity pursuant to this subsection (e) for the
21 purposes of providing motor fuel service stations and
22 facilities, garages, stores, or restaurants. The Authority
23 shall charge a fee for the use of these charging stations to
24 offset the costs of constructing and maintaining these
25 charging stations. The Authority shall adopt rules to
26 implement the erection, user fees, and maintenance of electric

1 vehicle charging stations pursuant to this subsection (e).

2 The Authority shall also have power to establish
3 reasonable regulations for the installation, construction,
4 maintenance, repair, renewal, relocation and removal of pipes,
5 mains, conduits, cables, wires, towers, poles and other
6 equipment and appliances (herein called public utilities) of
7 any public utility as defined in the Public Utilities Act
8 along, over or under any toll road project. Whenever the
9 Authority shall determine that it is necessary that any such
10 public utility facilities which now are located in, on, along,
11 over or under any project or projects be relocated or removed
12 entirely from any such project or projects, the public utility
13 owning or operating such facilities shall relocate or remove
14 the same in accordance with the order of the Authority. All
15 costs and expenses of such relocation or removal, including
16 the cost of installing such facilities in a new location or
17 locations, and the cost of any land or lands, or interest in
18 land, or any other rights required to accomplish such
19 relocation or removal shall be ascertained and paid by the
20 Authority as a part of the cost of any such project or
21 projects, and further, there shall be no rent, fee or other
22 charge of any kind imposed upon the public utility owning or
23 operating any facilities ordered relocated on the properties
24 of the said Authority and the said Authority shall grant to the
25 said public utility owning or operating said facilities and
26 its successors and assigns the right to operate the same in the

1 new location or locations for as long a period and upon the
2 same terms and conditions as it had the right to maintain and
3 operate such facilities in their former location or locations.

4 (f) To enter into an intergovernmental agreement or
5 contract with a unit of local government or other public or
6 private entity for the collection, enforcement, and
7 administration of tolls, fees, revenue, and violations,
8 including for a private bridge operator's collection,
9 enforcement, and administration of tolls, violations, fees,
10 fines, charges, and penalties in connection with a bridge
11 authorized under the Toll Bridge Act.

12 The General Assembly finds that electronic toll collection
13 systems in Illinois should be standardized to promote safety,
14 efficiency, and traveler convenience. The Authority shall
15 cooperate with other public and private entities to further
16 the goal of standardized toll collection in Illinois and is
17 authorized to provide toll collection and toll violation
18 enforcement services to such entities when doing so is in the
19 best interest of the Authority and consistent with its
20 obligations under Section 23 of this Act.

21 (Source: P.A. 100-71, eff. 1-1-18; 101-398, eff. 8-16-19.)

22 (Text of Section after amendment by P.A. 104-457)

23 Sec. 11. The Authority shall have power:

24 (a) To enter upon lands, waters and premises in the State
25 for the purpose of making surveys, soundings, drillings and

1 examinations as may be necessary, expedient or convenient for
2 the purposes of this Act, and such entry shall not be deemed to
3 be a trespass, nor shall an entry for such purpose be deemed an
4 entry under any condemnation proceedings which may be then
5 pending; provided, however, that the Authority shall make
6 reimbursement for any actual damage resulting to such lands,
7 waters and premises as the result of such activities.

8 (b) To construct, maintain and operate stations for the
9 collection of tolls or charges upon and along any toll
10 highways.

11 (c) To provide for the collection of tolls and charges for
12 the privilege of using the said toll highways. Before it
13 adopts an increase in the rates for toll, the Authority shall
14 hold a public hearing at which any person may appear, express
15 opinions, suggestions, or objections, or direct inquiries
16 relating to the proposed increase. Any person may submit a
17 written statement to the Authority at the hearing, whether
18 appearing in person or not. The hearing shall be held in the
19 county in which the proposed increase of the rates is to take
20 place. However, if the increase of the rates will apply to all
21 of the Authority's toll highways, the hearing may be held at
22 the headquarters of the Authority. The Authority shall give
23 notice of the hearing by advertisement on 3 successive days at
24 least 15 days prior to the date of the hearing in a daily
25 newspaper of general circulation within the county within
26 which the hearing is held. The notice shall state the date,

1 time, and place of the hearing, shall contain a description of
2 the proposed increase, and shall specify how interested
3 persons may obtain copies of any reports, resolutions, or
4 certificates describing the basis on which the proposed
5 change, alteration, or modification was calculated. After
6 consideration of any statements filed or oral opinions,
7 suggestions, objections, or inquiries made at the hearing, the
8 Authority may proceed to adopt the proposed increase of the
9 rates for toll. No change or alteration in or modification of
10 the rates for toll shall be effective unless at least 30 days
11 prior to the effective date of such rates notice thereof shall
12 be given to the public by publication in a newspaper of general
13 circulation, and such notice, or notices, thereof shall be
14 posted and publicly displayed at each and every toll station
15 upon or along said toll highways.

16 To the extent consistent with the Toll Highway Act and the
17 provisions of any outstanding bond indentures, tolls for
18 passenger vehicles shall be increased by 45 cents, with
19 proportionate reductions for reduced fare programs, and tolls
20 on commercial vehicles shall be increased by 30% effective on
21 January 1, 2027, with a biennial escalator tied to the
22 Consumer Price Index-U, capped at 4% per year, beginning on
23 January 1, 2029, to fund the 2026 capital plan. If the Tollway
24 Board determines that this provision is inconsistent with this
25 Act or any provisions of outstanding bond indentures, then, in
26 such case, the General Assembly urges the Tollway Board to

1 consider the implementation of a 2026 capital plan and any
2 necessary toll increases to fund such a plan. As used in this
3 subsection, "Consumer Price Index-U" means the index published
4 by the Bureau of Labor Statistics of the United States
5 Department of Labor that measures the average change in prices
6 of goods and services purchased by all urban consumers, United
7 States city average, all items, 1982-84 = 100.

8 (d) To construct, at the Authority's discretion, grade
9 separations at intersections with any railroads, waterways,
10 street railways, streets, thoroughfares, public roads or
11 highways intersected by the said toll highways, and to change
12 and adjust the lines and grades thereof so as to accommodate
13 the same to the design of such grade separation and to
14 construct interchange improvements. The Authority is
15 authorized to provide such grade separations or interchange
16 improvements at its own cost or to enter into contracts or
17 agreements with reference to division of cost therefor with
18 any municipality or political subdivision of the State of
19 Illinois, or with the Federal Government, or any agency
20 thereof, or with any corporation, individual, firm, person or
21 association. Where such structures have been or will be built
22 by the Authority, the local highway agency or municipality
23 with jurisdiction shall enter into an agreement with the
24 Authority for the ongoing maintenance of the structures.

25 (e) To contract with and grant concessions to or lease or
26 license to any person, partnership, firm, association or

1 corporation so desiring the use of any part of any toll
2 highways, excluding the paved portion thereof, but including
3 the right of way adjoining, under, or over said paved portion
4 for the placing of telephone, telegraph, electric, power lines
5 and other utilities, and for the placing of pipe lines, and to
6 enter into operating agreements with or to contract with and
7 grant concessions to or to lease to any person, partnership,
8 firm, association or corporation so desiring the use of any
9 part of the toll highways, excluding the paved portion
10 thereof, but including the right of way adjoining, or over
11 said paved portion for motor fuel service stations and
12 facilities, garages, stores and restaurants, or for any other
13 lawful purpose, and to fix the terms, conditions, rents, rates
14 and charges for such use.

15 By January 1, 2016, the Authority shall construct and
16 maintain at least one electric vehicle charging station at any
17 location where the Authority has entered into an agreement
18 with any entity pursuant to this subsection (e) for the
19 purposes of providing motor fuel service stations and
20 facilities, garages, stores, or restaurants. The Authority
21 shall charge a fee for the use of these charging stations to
22 offset the costs of constructing and maintaining these
23 charging stations. The Authority shall adopt rules to
24 implement the erection, user fees, and maintenance of electric
25 vehicle charging stations pursuant to this subsection (e).

26 The Authority shall also have power to establish

1 reasonable regulations for the installation, construction,
2 maintenance, repair, renewal, relocation and removal of pipes,
3 mains, conduits, cables, wires, towers, poles and other
4 equipment and appliances (herein called public utilities) of
5 any public utility as defined in the Public Utilities Act
6 along, over or under any toll road project. Whenever the
7 Authority shall determine that it is necessary that any such
8 public utility facilities which now are located in, on, along,
9 over or under any project or projects be relocated or removed
10 entirely from any such project or projects, the public utility
11 owning or operating such facilities shall relocate or remove
12 the same in accordance with the order of the Authority. All
13 costs and expenses of such relocation or removal, including
14 the cost of installing such facilities in a new location or
15 locations, and the cost of any land or lands, or interest in
16 land, or any other rights required to accomplish such
17 relocation or removal shall be ascertained and paid by the
18 Authority as a part of the cost of any such project or
19 projects, and further, there shall be no rent, fee or other
20 charge of any kind imposed upon the public utility owning or
21 operating any facilities ordered relocated on the properties
22 of the said Authority and the said Authority shall grant to the
23 said public utility owning or operating said facilities and
24 its successors and assigns the right to operate the same in the
25 new location or locations for as long a period and upon the
26 same terms and conditions as it had the right to maintain and

1 operate such facilities in their former location or locations.

2 (f) To enter into an intergovernmental agreement or
3 contract with a unit of local government or other public or
4 private entity for the collection, enforcement, and
5 administration of tolls, fees, revenue, and violations,
6 including for a private bridge operator's collection,
7 enforcement, and administration of tolls, violations, fees,
8 fines, charges, and penalties in connection with a bridge
9 authorized under the Toll Bridge Act.

10 The General Assembly finds that electronic toll collection
11 systems in Illinois should be standardized to promote safety,
12 efficiency, and traveler convenience. The Authority shall
13 cooperate with other public and private entities to further
14 the goal of standardized toll collection in Illinois and is
15 authorized and directed to provide toll collection and toll
16 violation enforcement services to such entities and such
17 entities are authorized and directed to use the Authority to
18 provide toll collection and toll violation enforcement
19 services for such entities and to reimburse the Authority for
20 the costs borne by the Authority in providing such services.
21 The requirement for such entities to use the Authority to
22 provide toll collection and toll violation enforcement
23 services may be superseded by a statewide road usage charge
24 system that builds in and collects tolls imposed on users of
25 roads, bridges, and other tolled facilities in the State ~~when~~
26 ~~doing so is in the best interest of the Authority and~~

1 ~~consistent with its obligations under Section 23 of this Act.~~

2 (g) To participate in any lawful capacity in the
3 development, funding, construction, or operation of any
4 project funded from proceeds of the Metropolitan
5 Transportation Support Fund, including as a borrower,
6 designer, construction manager, builder, or maintainer of the
7 project, pursuant to agreements with the Department of
8 Transportation, the Northern Illinois Transit Authority, a
9 unit of local government, or any other public or private
10 entity.

11 (h) To provide toll collection and toll violation
12 enforcement services for any tolled portions of the I-290 Blue
13 Line Reconstruction Project, including construction of any
14 tolled lanes or bridges, provided that the Authority shall be
15 reimbursed for its capital and operating costs from the toll
16 revenue collected from such lanes and the toll lanes shall be
17 dynamically priced to ensure that traffic in the tolled lanes
18 will remain free flowing at speeds of at least 50 miles per
19 hour.

20 (i) To provide toll collection and toll violation
21 enforcement services on any highway under the jurisdiction of
22 the Department of Transportation or any unit of local
23 government, provided that tolls shall be dynamically priced on
24 any highway where variable pricing is reasonably necessary to
25 keep traffic in the tolled lanes free flowing.

26 (j) To assist the Department of Transportation in the

1 Department's efforts under Section 2705-745 of the Department
2 of Transportation Law of the Civil Administrative Code of
3 Illinois to secure tolling authority from the United States
4 Department of Transportation.

5 (k) To serve as a primary transportation technology
6 incubator for the State to develop, test, and deploy tolling
7 technologies and pricing strategies, intelligent
8 transportation systems, automated land and aerial vehicles,
9 and highway safety systems in coordination with the Northern
10 Illinois Transit Authority pursuant to Section 2.09 of the
11 Northern Illinois Transit Authority Act, the Department of
12 Transportation, public universities, MPOs, and other entities
13 with the goal of establishing the State as a transportation
14 technology leader and developing business and employment
15 opportunities in the transportation technology sector for
16 State residents. The Authority is authorized to fund
17 demonstration projects, build research and development
18 facilities, apply for grants, enter into contracts and other
19 agreements, hire staff, and take all other lawful steps
20 necessary to position the State as a transportation technology
21 leader.

22 (Source: P.A. 104-457, eff. 6-1-26.)

23 (605 ILCS 10/19) (from Ch. 121, par. 100-19)

24 (Text of Section before amendment by P.A. 104-457)

25 Sec. 19. Toll rates. The Authority shall fix and revise

1 from time to time, tolls or charges or rates for the privilege
2 of using each of the toll highways constructed pursuant to
3 this Act. Such tolls shall be so fixed and adjusted at rates
4 calculated to provide the lowest reasonable toll rates that
5 will provide funds sufficient with other revenues of the
6 Authority to pay, (a) the cost of the construction of a toll
7 highway authorized by joint resolution of the General Assembly
8 pursuant to Section 14.1 and the reconstruction, major repairs
9 or improvements of toll highways, (b) the cost of maintaining,
10 repairing, regulating and operating the toll highways
11 including only the necessary expenses of the Authority, and
12 (c) the principal of all bonds, interest thereon and all
13 sinking fund requirements and other requirements provided by
14 resolutions authorizing the issuance of the bonds as they
15 shall become due. In fixing the toll rates pursuant to this
16 Section 19 and Section 10(c) of this Act, the Authority shall
17 take into account the effect of the provisions of this Section
18 19 permitting the use of the toll highway system without
19 payment of the covenants of the Authority contained in the
20 resolutions and trust indentures authorizing the issuance of
21 bonds of the Authority. No such provision permitting the use
22 of the toll highway system without payment of tolls after the
23 date of this amendatory Act of the 95th General Assembly shall
24 be applied in a manner that impairs the rights of bondholders
25 pursuant to any resolution or trust indentures authorizing the
26 issuance of bonds of the Authority. The use and disposition of

1 any sinking or reserve fund shall be subject to such
2 regulation as may be provided in the resolution or trust
3 indenture authorizing the issuance of the bonds. Subject to
4 the provisions of any resolution or trust indenture
5 authorizing the issuance of bonds any moneys in any such
6 sinking fund in excess of an amount equal to one year's
7 interest on the bonds then outstanding secured by such sinking
8 fund may be applied to the purchase or redemption of bonds. All
9 such bonds so redeemed or purchased shall forthwith be
10 cancelled and shall not again be issued. No person shall be
11 permitted to use any toll highway without paying the toll
12 established under this Section except when on official Toll
13 Highway Authority business which includes police and other
14 emergency vehicles. However, any law enforcement agency
15 vehicle, fire department vehicle, public or private ambulance
16 service vehicle engaged in the performance of an emergency
17 service or duty that necessitates the use of the toll highway
18 system, or other emergency vehicle that is plainly marked
19 shall not be required to pay a toll to use a toll highway. A
20 law enforcement, fire protection, or emergency services
21 officer driving a law enforcement, fire protection, emergency
22 services agency vehicle, or public or private ambulance
23 service vehicle engaging in the performance of emergency
24 services or duties that is not plainly marked must present an
25 Official Permit Card which the law enforcement, fire
26 protection, or emergency services officer receives from his or

1 her law enforcement, fire protection, emergency services
2 agency, or public or private ambulance service in order to use
3 a toll highway without paying the toll. A law enforcement,
4 fire protection, emergency services agency, or public or
5 private ambulance service engaging in the performance of
6 emergency services or duties must apply to the Authority to
7 receive a permit, and the Authority shall adopt rules for the
8 issuance of a permit, that allows public or private ambulance
9 service vehicles engaged in the performance of emergency
10 services or duties that necessitate the use of the toll
11 highway system and all law enforcement, fire protection, or
12 emergency services agency vehicles of the law enforcement,
13 fire protection, or emergency services agency to use any toll
14 highway without paying the toll established under this
15 Section. The Authority shall maintain in its office a list of
16 all persons that are authorized to use any toll highway
17 without charge when on official business of the Authority and
18 such list shall be open to the public for inspection. In
19 recognition of the unique role of public transportation in
20 providing effective transportation in the Authority's service
21 region, and to give effect to the exemption set forth in
22 subsection (b) of Section 2.06 of the Regional Transportation
23 Authority Act, the following vehicles may use any toll highway
24 without paying the toll: (1) a vehicle owned or operated by the
25 Suburban Bus Division of the Regional Transportation Authority
26 that is being used to transport passengers for hire; and (2)

1 any revenue vehicle that is owned or operated by a Mass Transit
2 District created under Section 3 of the Local Mass Transit
3 District Act and running regular scheduled service.

4 Among other matters, this amendatory Act of 1990 is
5 intended to clarify and confirm the prior intent of the
6 General Assembly to allow toll revenues from the toll highway
7 system to be used to pay a portion of the cost of the
8 construction of the North-South Toll Highway authorized by
9 Senate Joint Resolution 122 of the 83rd General Assembly in
10 1984.

11 (Source: P.A. 100-739, eff. 1-1-19.)

12 (Text of Section after amendment by P.A. 104-457)

13 Sec. 19. Toll rates. The Authority shall fix and revise
14 from time to time, tolls or charges or rates for the privilege
15 of using each of the toll highways constructed pursuant to
16 this Act. Such tolls shall be so fixed and adjusted at rates
17 calculated to provide the lowest reasonable toll rates that
18 will provide funds sufficient with other revenues of the
19 Authority to pay, (a) the cost of the construction of a toll
20 highway authorized by joint resolution of the General Assembly
21 pursuant to Section 14.1 and the reconstruction, major repairs
22 or improvements of toll highways, (b) the cost of maintaining,
23 repairing, regulating and operating the toll highways
24 including only the necessary expenses of the Authority, ~~and~~
25 (c) the principal of all bonds, interest thereon and all

1 sinking fund requirements and other requirements provided by
2 resolutions authorizing the issuance of the bonds as they
3 shall become due, and (d) the annual metropolitan
4 transportation support payment required to be made by the
5 Authority pursuant to Section 19.2. In fixing the toll rates
6 pursuant to this Section 19 and Section 10(c) of this Act, the
7 Authority shall take into account the effect of the provisions
8 of this Section 19 permitting the use of the toll highway
9 system without payment of the covenants of the Authority
10 contained in the resolutions and trust indentures authorizing
11 the issuance of bonds of the Authority. No such provision
12 permitting the use of the toll highway system without payment
13 of tolls after the date of this amendatory Act of the 95th
14 General Assembly shall be applied in a manner that impairs the
15 rights of bondholders pursuant to any resolution or trust
16 indentures authorizing the issuance of bonds of the Authority.
17 The use and disposition of any sinking or reserve fund shall be
18 subject to such regulation as may be provided in the
19 resolution or trust indenture authorizing the issuance of the
20 bonds. Subject to the provisions of any resolution or trust
21 indenture authorizing the issuance of bonds any moneys in any
22 such sinking fund in excess of an amount equal to one year's
23 interest on the bonds then outstanding secured by such sinking
24 fund may be applied to the purchase or redemption of bonds. All
25 such bonds so redeemed or purchased shall forthwith be
26 cancelled and shall not again be issued. No person shall be

1 permitted to use any toll highway without paying the toll
2 established under this Section except when on official Toll
3 Highway Authority business which includes police and other
4 emergency vehicles. However, any law enforcement agency
5 vehicle, fire department vehicle, public or private ambulance
6 service vehicle engaged in the performance of an emergency
7 service or duty that necessitates the use of the toll highway
8 system, or other emergency vehicle that is plainly marked
9 shall not be required to pay a toll to use a toll highway. A
10 law enforcement, fire protection, or emergency services
11 officer driving a law enforcement, fire protection, emergency
12 services agency vehicle, or public or private ambulance
13 service vehicle engaging in the performance of emergency
14 services or duties that is not plainly marked must present an
15 Official Permit Card which the law enforcement, fire
16 protection, or emergency services officer receives from his or
17 her law enforcement, fire protection, emergency services
18 agency, or public or private ambulance service in order to use
19 a toll highway without paying the toll. A law enforcement,
20 fire protection, emergency services agency, or public or
21 private ambulance service engaging in the performance of
22 emergency services or duties must apply to the Authority to
23 receive a permit, and the Authority shall adopt rules for the
24 issuance of a permit, that allows public or private ambulance
25 service vehicles engaged in the performance of emergency
26 services or duties that necessitate the use of the toll

1 highway system and all law enforcement, fire protection, or
2 emergency services agency vehicles of the law enforcement,
3 fire protection, or emergency services agency to use any toll
4 highway without paying the toll established under this
5 Section. The Authority shall maintain in its office a list of
6 all persons that are authorized to use any toll highway
7 without charge when on official business of the Authority and
8 such list shall be open to the public for inspection. In
9 recognition of the unique role of public transportation in
10 providing effective transportation in the Authority's service
11 region, and to give effect to the exemption set forth in
12 subsection (b) of Section 2.06 of the Northern Illinois
13 Transit Authority Act, the following vehicles may use any toll
14 highway without paying the toll: (1) a vehicle owned or
15 operated by the Suburban Bus Division of the Northern Illinois
16 Transit Authority that is being used to transport passengers
17 for hire; and (2) any revenue vehicle that is owned or operated
18 by a Mass Transit District created under Section 3 of the Local
19 Mass Transit District Act and running regular scheduled
20 service.

21 Among other matters, this amendatory Act of 1990 is
22 intended to clarify and confirm the prior intent of the
23 General Assembly to allow toll revenues from the toll highway
24 system to be used to pay a portion of the cost of the
25 construction of the North-South Toll Highway authorized by
26 Senate Joint Resolution 122 of the 83rd General Assembly in

1 1984.

2 (Source: P.A. 104-457, eff. 6-1-26.)

3 (605 ILCS 10/19.2 new)

4 Sec. 19.2. Metropolitan transportation support payment.

5 (a) Beginning with the fiscal year starting January 1,
6 2027 and in each fiscal year thereafter, the Authority shall
7 make an annual metropolitan transportation support payment
8 equal to the amount set forth in this subsection. The amount of
9 the metropolitan transportation support payment for the fiscal
10 year starting January 1, 2027 shall be \$750,000,000. The
11 amount of the metropolitan transportation support payment for
12 the fiscal year starting January 1, 2028 and each fiscal year
13 thereafter shall be an amount equal to the lesser of 104% of
14 the previous fiscal year's metropolitan transportation support
15 payment or the percentage change over the previous fiscal year
16 in the Consumer Price Index-U.

17 (b) Beginning on April 1, 2027, the annual metropolitan
18 transportation support payment shall be payable by the
19 Authority in equal quarterly payments on each January 1, April
20 1, July 1, and October 1. The metropolitan transportation
21 support payment shall be expressly subordinate to, and shall
22 be payable only after all required payment by the Authority of
23 (i) its operating and maintenance costs for the toll highways,
24 (ii) principal, interest, redemption price, and tender or
25 purchase price due on the Authority's outstanding bonds and

1 other indebtedness incurred pursuant to Section 18 of this
2 Act, and (iii) funding of all required reserves in connection
3 with the indebtedness referred to in item (ii) pursuant to any
4 indenture or other financing agreement of the Authority.

5 (c) The Authority shall establish a Metropolitan
6 Transportation Support Fund in which all metropolitan
7 transportation support payments shall be deposited along with
8 interest and other earnings on those amounts.

9 (d) The obligation to make annual metropolitan
10 transportation support payments pursuant to this amendatory
11 Act of the 104th General Assembly shall be a lawful purpose for
12 the Authority for all purposes, including with respect to the
13 Authority's outstanding indentures, and is not intended to
14 impair the rights of bondholders pursuant to any resolutions
15 or trust indentures authorizing the issuance of bonds and
16 other indebtedness by the Authority.

17 (e) Moneys in the Metropolitan Transportation Support Fund
18 shall be used in the metropolitan region as defined by the
19 Northern Illinois Transit Authority Act and distributed each
20 fiscal year as follows and on an inflation-adjusted basis
21 after the first fiscal year:

22 (1) For the fiscal years starting January 1, 2027 and
23 ending on December 31, 2032:

24 (A) \$500,000,000 jointly to the Department of
25 Transportation and the Northern Illinois Transit
26 Authority to accelerate the construction of the

1 combined highway and public transportation project
2 commonly known as the I-290 Blue Line Reconstruction
3 Project;

4 (B) \$125,000,000 to the Northern Illinois Transit
5 Authority for (i) track repairs and reconstruction to
6 reduce and eliminate slow zones on the urban rapid
7 transit system, and (ii) bus rapid transit projects;
8 and

9 (C) \$125,000,000 to the Department of
10 Transportation for bridge repairs, giving priority to
11 bridges carrying or crossing commuter rail lines.

12 (2) For the fiscal year starting January 1, 2033 and
13 thereafter:

14 (A) one-quarter jointly to the Department of
15 Transportation and the Northern Illinois Transit
16 Authority to complete the construction of the combined
17 highway and transit project commonly known as the
18 I-290 Blue Line Reconstruction Project, as long as
19 beginning on the earlier of the completion of the
20 I-290 Blue Line Reconstruction Project or January 1,
21 2037 and thereafter the Department of Transportation
22 and the Northern Illinois Transit Authority shall
23 split this amount and dedicate their share of the
24 funding to operating, maintaining, and rehabilitating
25 their respective elements of the I-290 Blue Line
26 Reconstruction Project and that any funds unused for

1 such purposes may be used to improve transportation
2 systems and operations in the I-290 corridor with
3 priority given to projects that mitigate the
4 environmental impact of I-290, provide affordable
5 travel options, and create attractive streetscapes and
6 green spaces for residents and businesses of and
7 visitors to the communities in the I-290 corridor;

8 (B) one-eighth to the municipalities adjacent to
9 I-290 from its eastern terminus to I-294 in proportion
10 to their share of I-294 mileage in their
11 municipalities for use on transportation projects and
12 programs, with priority given to projects and programs
13 that mitigate the environmental impact of I-290,
14 increase affordable travel options, and create
15 attractive streetscapes and green spaces for residents
16 of and visitors to the communities in the I-290
17 corridor;

18 (C) one-quarter to the Northern Illinois Transit
19 Authority for (i) track repairs and reconstruction to
20 reduce and eliminate slow zones on the urban rapid
21 transit system and (ii) bus rapid transit projects;

22 (D) one-quarter to the Department of
23 Transportation for bridge repairs, giving priority to
24 bridges carrying or crossing commuter rail lines; and

25 (E) one-eighth to fund grade separation projects
26 in the metropolitan region to reduce conflicts between

1 vehicular and rail traffic, giving priority to grade
2 crossings involving public transit rail or bus lines.

3 (605 ILCS 10/19.3 new)

4 Sec. 19.3. Toll rate optimization for efficiency and
5 affordability.

6 (a) The General Assembly finds that, as demonstrated in
7 managed lane systems around the country, toll rates that vary
8 throughout the day to help match highway supply with highway
9 travel demand will lead to more efficient utilization of the
10 tollway, reduced congestion, and improved safety. The General
11 Assembly further finds that variable toll rates that adjust
12 dynamically with travel demand offer the Authority an
13 opportunity to offer discounted toll rates to the public
14 during off-peak periods, improving transportation
15 affordability. Reducing traffic backups due to congestion will
16 improve safety on the toll highways and limit motorists
17 burdening the streets in adjacent communities with traffic
18 from motorists trying to avoid such congestion.

19 (b) Beginning with the fiscal year starting January 1,
20 2031, the Authority shall implement variable toll rates that
21 change at regular intervals throughout the day to help
22 maintain free flowing traffic, delivering improved travel
23 times and reliability for the public and freight carriers.

24 (c) The Authority may implement variable tolling on some
25 or all lanes in a corridor but at least one lane in each

1 direction in every corridor shall have variable toll rates.

2 (d) The Authority shall set variable toll rates at levels
3 designed to maintain a free flow of traffic in the variably
4 priced lanes at a speed of at least 50 miles per hour.

5 (e) The Authority may implement variable tolling through
6 fixed time-of-day schedules or dynamically, changing toll
7 rates based on actual observed traffic levels to ensure free
8 flowing traffic on the variably tolled lanes, provided that
9 all variable tolling in the metropolitan region as defined by
10 the Northern Illinois Transit Authority Act shall be done
11 dynamically.

12 (f) Consistent with its obligations under Section 19 to
13 charge the lowest toll rates required for the Authority to
14 meet its obligations, the Authority shall endeavor to offer
15 lower toll rates during off-peak periods than it would have
16 charged had its toll rates remained fixed and the Authority
17 shall communicate the timing and extent of these lower toll
18 rates to the public.

19 (g) The Authority may engage experts in the field of
20 managed lanes and dynamic highway pricing to assist the
21 Authority in fulfilling its obligations under this Section.

22 (h) Throughout its development of a variable toll rate
23 system the Authority shall do outreach to the public, freight
24 carriers, and other interested parties to explore whether
25 variable rates should cover all or some lanes, pricing
26 strategies, options to lower toll rates during off-peak

1 periods, and other relevant issues to help guide the Authority
2 in its implementation of a variable toll rate system that best
3 balances optimizing system operations with providing
4 affordable travel options to freight carriers and the general
5 public.

6 (i) The Authority shall use signage, make toll rates
7 accessible in real time to the app developer community and on
8 its website, and take other steps to inform the traveling
9 public in real time of the toll rates applicable when
10 traveling on the toll highways.

11 (605 ILCS 10/19.4 new)

12 Sec. 19.4. Road usage charge pilot program.

13 (a) The Authority, in consultation with the Secretary of
14 State, the Department of Transportation, and other relevant
15 stakeholders, shall develop and implement a statewide pilot
16 program to assess the merits and challenges associated with a
17 road usage charge on motor vehicles that is based on the number
18 of miles traveled on public roadways in the State by those
19 vehicles. The pilot program shall, at a minimum:

20 (1) analyze alternative means of collecting road usage
21 data, including at least one alternative that does not
22 rely on electronic vehicle location data;

23 (2) analyze the enforceability of the road usage
24 charge and opportunities to evade or manipulate the
25 charge;

1 (3) evaluate the impact of a road usage charge on
2 vehicle owners and operators when compared to existing
3 motor fuel taxes and tolls; and

4 (4) analyze methods for a road usage charge to be
5 implemented alongside or in lieu of the motor fuel tax on
6 gasoline.

7 (b) By no later than December 31, 2029, the Authority
8 shall deliver a report to the Governor and the General
9 Assembly that summarizes the results of the pilot program,
10 describes emerging best practices for road usage charge
11 programs, and makes recommendations for next steps.

12 Section 2-95. No acceleration or delay. Where this Act
13 makes changes in a statute that is represented in this Act by
14 text that is not yet or no longer in effect (for example, a
15 Section represented by multiple versions), the use of that
16 text does not accelerate or delay the taking effect of (i) the
17 changes made by this Act or (ii) provisions derived from any
18 other Public Act."