



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### SB1258

Introduced 2/8/2011, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.168	from Ch. 127, par. 141.168
30 ILCS 105/5.786 new	
30 ILCS 105/6z-87 new	
30 ILCS 105/8.3	from Ch. 127, par. 144.3
35 ILCS 505/8	from Ch. 120, par. 424
605 ILCS 5/2-221 new	
605 ILCS 5/2-222 new	
605 ILCS 5/5-701.8	from Ch. 121, par. 5-701.8
605 ILCS 5/7-202.14	from Ch. 121, par. 7-202.14

Amends the State Finance Act. Changes the name of the State Rail Freight Loan Repayment Fund to the State Rail Freight Fund. Creates the Building Our Economy Transportation Fund. Provides that money in the Road Fund shall be used for public transportation and for the payment of debts incurred in construction of public transportation facilities. Amends the Motor Fuel Tax Law. Provides that an amount of the motor fuel tax shall be deposited into the Building Our Economy Transportation Fund. Amends the Illinois Highway Code. Provides that a county board or municipality may use motor fuel tax money for construction of public transportation facilities. Effective immediately.

LRB097 07933 PJG 48050 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The State Finance Act is amended by changing  
5 Sections 5.168 and 8.3 and by adding Sections 5.786 and 6z-87  
6 as follows:

7 (30 ILCS 105/5.168) (from Ch. 127, par. 141.168)

8 Sec. 5.168. The State Rail Freight ~~Loan Repayment~~ Fund. On  
9 the effective date of this amendatory Act of the 97th General  
10 Assembly, the name of the State Rail Freight Loan Repayment  
11 Fund is changed to the State Rail Freight Fund. References in  
12 any law, appropriation, rule, form, or other document to the  
13 State Rail Freight Loan Repayment Fund are deemed, in  
14 appropriate contexts, to be references to the State Rail  
15 Freight Fund for all purposes.

16 (Source: P.A. 84-111; 84-292; 84-1308.)

17 (30 ILCS 105/5.786 new)

18 Sec. 5.786. The Building Our Economy Transportation Fund.

19 (30 ILCS 105/6z-87 new)

20 Sec. 6z-87. The Building Our Economy Transportation Fund;  
21 creation; uses. The Building Our Economy Transportation Fund is

1 established in order to relieve congestion, provide better  
2 access to jobs, and improve freight traffic in order to  
3 increase economic development throughout the State by  
4 investing in public transportation and freight improvements.  
5 Money in the Building Our Economy Transportation Fund shall be  
6 apportioned as follows:

7 (1) 50% to be used for public transportation throughout  
8 the State, distributed to the Public Transportation Fund,  
9 the Downstate Public Transportation Fund, and the  
10 Metro-East Public Transportation Fund as follows: (i) the  
11 Public Transportation Fund shall receive an allotment in  
12 proportion to which the total ridership of the Regional  
13 Transportation Authority bears to the total ridership of  
14 all mass transit districts in the State; (ii) the Downstate  
15 Public Transportation Fund shall receive an allotment in  
16 proportion to which the total ridership of participants in  
17 the Downstate Public Transportation Act, excluding any  
18 Metro-East Transit District participant, bears to the  
19 total ridership of all mass transit districts in the State;  
20 (iii) the Metro-East Public Transportation Fund shall  
21 receive an allotment in proportion to which the total  
22 ridership of participants in the Metro-East Transit  
23 District bears to the total ridership of all mass transit  
24 districts in the State.

25 (2) 50% to be used for freight improvements throughout  
26 the State. Prior to the establishment of a State Freight

1 Authority, the money shall be distributed as follows: (i)  
2 50% transferred to the Illinois Department of  
3 Transportation to be used for competitive grants to any  
4 unit of local government, private company, or  
5 not-for-profit organization to rehabilitate, improve, or  
6 construct highway or intermodal freight facilities or  
7 facilities that will reduce conflict between freight,  
8 passenger vehicles, and pedestrians and (ii) 50% deposited  
9 into the State Rail Freight Fund to be used for loans and  
10 grants to rehabilitate, improve, or construct freight rail  
11 facilities. Upon the establishment of a State Freight  
12 Authority, the money shall be transferred to the State  
13 Freight Authority and shall be used for loans and  
14 competitive grants to any unit of local government, private  
15 company, or not-for-profit organization to rehabilitate,  
16 improve, or construct freight facilities or facilities  
17 that will reduce conflict between freight, passenger  
18 vehicles, and pedestrians.

19 (c) The disbursement of any moneys under this Section  
20 may not reduce any amount to be appropriated to a  
21 municipality, county, or transit district under any  
22 statutory program.

23 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

24 Sec. 8.3. Money in the Road Fund shall, if and when the  
25 State of Illinois incurs any bonded indebtedness for the

1 construction of permanent highways, be set aside and used for  
2 the purpose of paying and discharging annually the principal  
3 and interest on that bonded indebtedness then due and payable,  
4 and for no other purpose. The surplus, if any, in the Road Fund  
5 after the payment of principal and interest on that bonded  
6 indebtedness then annually due shall be used as follows:

7 first -- to pay the cost of administration of Chapters  
8 2 through 10 of the Illinois Vehicle Code, except the cost  
9 of administration of Articles I and II of Chapter 3 of that  
10 Code; and

11 secondly -- for expenses of the Department of  
12 Transportation for construction, reconstruction,  
13 improvement, repair, maintenance, operation, and  
14 administration of highways in accordance with the  
15 provisions of laws relating thereto, or for any purpose  
16 related or incident to and connected therewith, including  
17 the separation of grades of those highways with railroads  
18 and with highways and including the payment of awards made  
19 by the Illinois Workers' Compensation Commission under the  
20 terms of the Workers' Compensation Act or Workers'  
21 Occupational Diseases Act for injury or death of an  
22 employee of the Division of Highways in the Department of  
23 Transportation; or for the acquisition of land and the  
24 erection of buildings for highway purposes, including the  
25 acquisition of highway right-of-way or for investigations  
26 to determine the reasonably anticipated future highway

1 needs; or for making of surveys, plans, specifications and  
2 estimates for and in the construction and maintenance of  
3 flight strips and of highways necessary to provide access  
4 to military and naval reservations, to defense industries  
5 and defense-industry sites, and to the sources of raw  
6 materials and for replacing existing highways and highway  
7 connections shut off from general public use at military  
8 and naval reservations and defense-industry sites, or for  
9 the purchase of right-of-way, except that the State shall  
10 be reimbursed in full for any expense incurred in building  
11 the flight strips; or for the operating and maintaining of  
12 highway garages; or for patrolling and policing the public  
13 highways and conserving the peace; or for the operating  
14 expenses of the Department relating to the administration  
15 of public transportation programs; or for any of those  
16 purposes or any other purpose that may be provided by law.

17 thirdly -- for expenses of the Department of  
18 Transportation for construction, reconstruction,  
19 improvement, repair, and maintenance of public  
20 transportation, passenger rail, bicycle and pedestrian  
21 facilities, and facilities that will promote and provide  
22 access to public transportation, passenger rail, and  
23 bicycle and pedestrian ways, in accordance with the  
24 provisions of law relating thereto, or for any purpose  
25 related or incident to and connected therewith; or for the  
26 acquisition of land and the erection of buildings for these

1 purposes, including the acquisition of public  
2 transportation, passenger rail, bicycle, and pedestrian  
3 rights-of-way or for investigations to determine the  
4 reasonably anticipated future public transportation,  
5 passenger rail, bicycle, and pedestrian needs. The  
6 expenses may include, but are not limited to bus lanes,  
7 transit signal prioritization programs, bicycle lanes, and  
8 pedestrian walkways.

9 Appropriations for any of those purposes are payable from  
10 the Road Fund. Appropriations may also be made from the Road  
11 Fund for the administrative expenses of any State agency that  
12 are related to motor vehicles or arise from the use of motor  
13 vehicles.

14 Beginning with fiscal year 1980 and thereafter, no Road  
15 Fund monies shall be appropriated to the following Departments  
16 or agencies of State government for administration, grants, or  
17 operations; but this limitation is not a restriction upon  
18 appropriating for those purposes any Road Fund monies that are  
19 eligible for federal reimbursement;

20 1. Department of Public Health;

21 2. Department of Transportation, only with respect to  
22 subsidies for one-half fare Student Transportation and  
23 Reduced Fare for Elderly;

24 3. Department of Central Management Services, except  
25 for expenditures incurred for group insurance premiums of  
26 appropriate personnel;

1           4. Judicial Systems and Agencies.

2           Beginning with fiscal year 1981 and thereafter, no Road  
3 Fund monies shall be appropriated to the following Departments  
4 or agencies of State government for administration, grants, or  
5 operations; but this limitation is not a restriction upon  
6 appropriating for those purposes any Road Fund monies that are  
7 eligible for federal reimbursement:

8           1. Department of State Police, except for expenditures  
9 with respect to the Division of Operations;

10          2. Department of Transportation, only with respect to  
11 Intercity Rail Subsidies and Rail Freight Services.

12          Beginning with fiscal year 1982 and thereafter, no Road  
13 Fund monies shall be appropriated to the following Departments  
14 or agencies of State government for administration, grants, or  
15 operations; but this limitation is not a restriction upon  
16 appropriating for those purposes any Road Fund monies that are  
17 eligible for federal reimbursement: Department of Central  
18 Management Services, except for awards made by the Illinois  
19 Workers' Compensation Commission under the terms of the  
20 Workers' Compensation Act or Workers' Occupational Diseases  
21 Act for injury or death of an employee of the Division of  
22 Highways in the Department of Transportation.

23          Beginning with fiscal year 1984 and thereafter, no Road  
24 Fund monies shall be appropriated to the following Departments  
25 or agencies of State government for administration, grants, or  
26 operations; but this limitation is not a restriction upon



1 appropriating for those purposes any Road Fund monies that are  
2 eligible for federal reimbursement:

- 3 1. Department of State Police, except not more than 40%  
4 of the funds appropriated for the Division of Operations;
- 5 2. State Officers.

6 Beginning with fiscal year 1984 and thereafter, no Road  
7 Fund monies shall be appropriated to any Department or agency  
8 of State government for administration, grants, or operations  
9 except as provided hereafter; but this limitation is not a  
10 restriction upon appropriating for those purposes any Road Fund  
11 monies that are eligible for federal reimbursement. It shall  
12 not be lawful to circumvent the above appropriation limitations  
13 by governmental reorganization or other methods.  
14 Appropriations shall be made from the Road Fund only in  
15 accordance with the provisions of this Section.

16 Money in the Road Fund shall, if and when the State of  
17 Illinois incurs any bonded indebtedness for the construction of  
18 permanent highways, be set aside and used for the purpose of  
19 paying and discharging during each fiscal year the principal  
20 and interest on that bonded indebtedness as it becomes due and  
21 payable as provided in the Transportation Bond Act, and for no  
22 other purpose. The surplus, if any, in the Road Fund after the  
23 payment of principal and interest on that bonded indebtedness  
24 then annually due shall be used as follows:

- 25 first -- to pay the cost of administration of Chapters  
26 2 through 10 of the Illinois Vehicle Code; and

1           secondly -- no Road Fund monies derived from fees,  
2           excises, or license taxes relating to registration,  
3           operation and use of vehicles on public highways or to  
4           fuels used for the propulsion of those vehicles, shall be  
5           appropriated or expended other than for costs of  
6           administering the laws imposing those fees, excises, and  
7           license taxes, statutory refunds and adjustments allowed  
8           thereunder, administrative costs of the Department of  
9           Transportation, including, but not limited to, the  
10          operating expenses of the Department relating to the  
11          administration of public transportation programs, payment  
12          of debts and liabilities incurred in construction and  
13          reconstruction of public highways and bridges, acquisition  
14          of rights-of-way for and the cost of construction,  
15          reconstruction, maintenance, repair, and operation of  
16          public highways and bridges under the direction and  
17          supervision of the State, political subdivision, or  
18          municipality collecting those monies, ~~and~~ the costs for  
19          patrolling and policing the public highways (by State,  
20          political subdivision, or municipality collecting that  
21          money) for enforcement of traffic laws, and payment of  
22          debts and liabilities incurred in construction and  
23          reconstruction of public transportation, passenger rail,  
24          bicycle and pedestrian facilities and acquisition of  
25          rights-of-way for and the cost of construction,  
26          reconstruction, maintenance, and repair of public

1       transportation, passenger rail, bicycle and pedestrian  
2       facilities, and facilities that will promote and provide  
3       access to public transportation, passenger rail, and  
4       bicycle and pedestrian ways. The separation of grades of  
5       such highways with railroads and costs associated with  
6       protection of at-grade highway and railroad crossing shall  
7       also be permissible.

8       Appropriations for any of such purposes are payable from  
9       the Road Fund or the Grade Crossing Protection Fund as provided  
10      in Section 8 of the Motor Fuel Tax Law.

11      Except as provided in this paragraph, beginning with fiscal  
12      year 1991 and thereafter, no Road Fund monies shall be  
13      appropriated to the Department of State Police for the purposes  
14      of this Section in excess of its total fiscal year 1990 Road  
15      Fund appropriations for those purposes unless otherwise  
16      provided in Section 5g of this Act. For fiscal years 2003,  
17      2004, 2005, 2006, and 2007 only, no Road Fund monies shall be  
18      appropriated to the Department of State Police for the purposes  
19      of this Section in excess of \$97,310,000. For fiscal year 2008  
20      only, no Road Fund monies shall be appropriated to the  
21      Department of State Police for the purposes of this Section in  
22      excess of \$106,100,000. For fiscal year 2009 only, no Road Fund  
23      monies shall be appropriated to the Department of State Police  
24      for the purposes of this Section in excess of \$114,700,000.  
25      Beginning in fiscal year 2010, no road fund moneys shall be  
26      appropriated to the Department of State Police. It shall not be

1 lawful to circumvent this limitation on appropriations by  
2 governmental reorganization or other methods unless otherwise  
3 provided in Section 5g of this Act.

4 In fiscal year 1994, no Road Fund monies shall be  
5 appropriated to the Secretary of State for the purposes of this  
6 Section in excess of the total fiscal year 1991 Road Fund  
7 appropriations to the Secretary of State for those purposes,  
8 plus \$9,800,000. It shall not be lawful to circumvent this  
9 limitation on appropriations by governmental reorganization or  
10 other method.

11 Beginning with fiscal year 1995 and thereafter, no Road  
12 Fund monies shall be appropriated to the Secretary of State for  
13 the purposes of this Section in excess of the total fiscal year  
14 1994 Road Fund appropriations to the Secretary of State for  
15 those purposes. It shall not be lawful to circumvent this  
16 limitation on appropriations by governmental reorganization or  
17 other methods.

18 Beginning with fiscal year 2000, total Road Fund  
19 appropriations to the Secretary of State for the purposes of  
20 this Section shall not exceed the amounts specified for the  
21 following fiscal years:

22	Fiscal Year 2000	\$80,500,000;
23	Fiscal Year 2001	\$80,500,000;
24	Fiscal Year 2002	\$80,500,000;
25	Fiscal Year 2003	\$130,500,000;
26	Fiscal Year 2004	\$130,500,000;

1	Fiscal Year 2005	\$130,500,000;
2	Fiscal Year 2006	\$130,500,000;
3	Fiscal Year 2007	\$130,500,000;
4	Fiscal Year 2008	\$130,500,000;
5	Fiscal Year 2009	\$130,500,000.

6 For fiscal year 2010, no road fund moneys shall be  
7 appropriated to the Secretary of State.

8 Beginning in fiscal year 2011, moneys in the Road Fund  
9 shall be appropriated to the Secretary of State for the  
10 exclusive purpose of paying refunds due to overpayment of fees  
11 related to Chapter 3 of the Illinois Vehicle Code unless  
12 otherwise provided for by law.

13 It shall not be lawful to circumvent this limitation on  
14 appropriations by governmental reorganization or other  
15 methods.

16 No new program may be initiated in fiscal year 1991 and  
17 thereafter that is not consistent with the limitations imposed  
18 by this Section for fiscal year 1984 and thereafter, insofar as  
19 appropriation of Road Fund monies is concerned.

20 Nothing in this Section prohibits transfers from the Road  
21 Fund to the State Construction Account Fund under Section 5e of  
22 this Act; nor to the General Revenue Fund, as authorized by  
23 this amendatory Act of the 93rd General Assembly.

24 The additional amounts authorized for expenditure in this  
25 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
26 shall be repaid to the Road Fund from the General Revenue Fund

1 in the next succeeding fiscal year that the General Revenue  
2 Fund has a positive budgetary balance, as determined by  
3 generally accepted accounting principles applicable to  
4 government.

5 The additional amounts authorized for expenditure by the  
6 Secretary of State and the Department of State Police in this  
7 Section by this amendatory Act of the 94th General Assembly  
8 shall be repaid to the Road Fund from the General Revenue Fund  
9 in the next succeeding fiscal year that the General Revenue  
10 Fund has a positive budgetary balance, as determined by  
11 generally accepted accounting principles applicable to  
12 government.

13 (Source: P.A. 95-707, eff. 1-11-08; 95-744, eff. 7-18-08;  
14 96-34, eff. 7-13-09; 96-959, eff. 7-1-10.)

15 Section 10. The Motor Fuel Tax Law is amended by changing  
16 Section 8 as follows:

17 (35 ILCS 505/8) (from Ch. 120, par. 424)

18 Sec. 8. Except as provided in Section 8a, subdivision  
19 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and  
20 16 of Section 15, all money received by the Department under  
21 this Act, including payments made to the Department by member  
22 jurisdictions participating in the International Fuel Tax  
23 Agreement, shall be deposited in a special fund in the State  
24 treasury, to be known as the "Motor Fuel Tax Fund", and shall

1 be used as follows:

2 (a) 2 1/2 cents per gallon of the tax collected on special  
3 fuel under paragraph (b) of Section 2 and Section 13a of this  
4 Act shall be transferred to the State Construction Account Fund  
5 in the State Treasury;

6 (b) \$420,000 shall be transferred each month to the State  
7 Boating Act Fund to be used by the Department of Natural  
8 Resources for the purposes specified in Article X of the Boat  
9 Registration and Safety Act;

10 (c) \$3,500,000 shall be transferred each month to the Grade  
11 Crossing Protection Fund to be used as follows: not less than  
12 \$12,000,000 each fiscal year shall be used for the construction  
13 or reconstruction of rail highway grade separation structures;  
14 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in  
15 fiscal year 2010 and each fiscal year thereafter shall be  
16 transferred to the Transportation Regulatory Fund and shall be  
17 accounted for as part of the rail carrier portion of such funds  
18 and shall be used to pay the cost of administration of the  
19 Illinois Commerce Commission's railroad safety program in  
20 connection with its duties under subsection (3) of Section  
21 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
22 used by the Department of Transportation upon order of the  
23 Illinois Commerce Commission, to pay that part of the cost  
24 apportioned by such Commission to the State to cover the  
25 interest of the public in the use of highways, roads, streets,  
26 or pedestrian walkways in the county highway system, township

1 and district road system, or municipal street system as defined  
2 in the Illinois Highway Code, as the same may from time to time  
3 be amended, for separation of grades, for installation,  
4 construction or reconstruction of crossing protection or  
5 reconstruction, alteration, relocation including construction  
6 or improvement of any existing highway necessary for access to  
7 property or improvement of any grade crossing and grade  
8 crossing surface including the necessary highway approaches  
9 thereto of any railroad across the highway or public road, or  
10 for the installation, construction, reconstruction, or  
11 maintenance of a pedestrian walkway over or under a railroad  
12 right-of-way, as provided for in and in accordance with Section  
13 18c-7401 of the Illinois Vehicle Code. The Commission may order  
14 up to \$2,000,000 per year in Grade Crossing Protection Fund  
15 moneys for the improvement of grade crossing surfaces and up to  
16 \$300,000 per year for the maintenance and renewal of 4-quadrant  
17 gate vehicle detection systems located at non-high speed rail  
18 grade crossings. The Commission shall not order more than  
19 \$2,000,000 per year in Grade Crossing Protection Fund moneys  
20 for pedestrian walkways. In entering orders for projects for  
21 which payments from the Grade Crossing Protection Fund will be  
22 made, the Commission shall account for expenditures authorized  
23 by the orders on a cash rather than an accrual basis. For  
24 purposes of this requirement an "accrual basis" assumes that  
25 the total cost of the project is expended in the fiscal year in  
26 which the order is entered, while a "cash basis" allocates the



1 cost of the project among fiscal years as expenditures are  
2 actually made. To meet the requirements of this subsection, the  
3 Illinois Commerce Commission shall develop annual and 5-year  
4 project plans of rail crossing capital improvements that will  
5 be paid for with moneys from the Grade Crossing Protection  
6 Fund. The annual project plan shall identify projects for the  
7 succeeding fiscal year and the 5-year project plan shall  
8 identify projects for the 5 directly succeeding fiscal years.  
9 The Commission shall submit the annual and 5-year project plans  
10 for this Fund to the Governor, the President of the Senate, the  
11 Senate Minority Leader, the Speaker of the House of  
12 Representatives, and the Minority Leader of the House of  
13 Representatives on the first Wednesday in April of each year;

14 (c-5) a minimum of 50% of any amount of the motor fuel tax  
15 above 19 cents per gallon of motor fuel and 21.5 cents per  
16 gallon of diesel fuel shall be deposited into the Building Our  
17 Economy Transportation Fund and apportioned according to  
18 Section 6z-87 of the State Finance Act;

19 (d) of the amount remaining after allocations provided for  
20 in subsections (a), (b), ~~and~~ (c), and (c-5), a sufficient  
21 amount shall be reserved to pay all of the following:

22 (1) the costs of the Department of Revenue in  
23 administering this Act;

24 (2) the costs of the Department of Transportation in  
25 performing its duties imposed by the Illinois Highway Code  
26 for supervising the use of motor fuel tax funds apportioned

1 to municipalities, counties and road districts;

2 (3) refunds provided for in Section 13, refunds for  
3 overpayment of decal fees paid under Section 13a.4 of this  
4 Act, and refunds provided for under the terms of the  
5 International Fuel Tax Agreement referenced in Section  
6 14a;

7 (4) from October 1, 1985 until June 30, 1994, the  
8 administration of the Vehicle Emissions Inspection Law,  
9 which amount shall be certified monthly by the  
10 Environmental Protection Agency to the State Comptroller  
11 and shall promptly be transferred by the State Comptroller  
12 and Treasurer from the Motor Fuel Tax Fund to the Vehicle  
13 Inspection Fund, and for the period July 1, 1994 through  
14 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
15 the period July 1, 2000 through June 30, 2003, one-twelfth  
16 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
17 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each  
18 July 1 and October 1, or as soon thereafter as may be  
19 practical, during the period July 1, 2004 through June 30,  
20 2011, for the administration of the Vehicle Emissions  
21 Inspection Law of 2005, to be transferred by the State  
22 Comptroller and Treasurer from the Motor Fuel Tax Fund into  
23 the Vehicle Inspection Fund;

24 (5) amounts ordered paid by the Court of Claims; and

25 (6) payment of motor fuel use taxes due to member  
26 jurisdictions under the terms of the International Fuel Tax

1 Agreement. The Department shall certify these amounts to  
2 the Comptroller by the 15th day of each month; the  
3 Comptroller shall cause orders to be drawn for such  
4 amounts, and the Treasurer shall administer those amounts  
5 on or before the last day of each month;

6 (e) after allocations for the purposes set forth in  
7 subsections (a), (b), (c), (c-5), and (d), the remaining amount  
8 shall be apportioned as follows:

9 (1) Until January 1, 2000, 58.4%, and beginning January  
10 1, 2000, 45.6% shall be deposited as follows:

11 (A) 37% into the State Construction Account Fund,  
12 and

13 (B) 63% into the Road Fund, \$1,250,000 of which  
14 shall be reserved each month for the Department of  
15 Transportation to be used in accordance with the  
16 provisions of Sections 6-901 through 6-906 of the  
17 Illinois Highway Code;

18 (2) Until January 1, 2000, 41.6%, and beginning January  
19 1, 2000, 54.4% shall be transferred to the Department of  
20 Transportation to be distributed as follows:

21 (A) 49.10% to the municipalities of the State,

22 (B) 16.74% to the counties of the State having  
23 1,000,000 or more inhabitants,

24 (C) 18.27% to the counties of the State having less  
25 than 1,000,000 inhabitants,

26 (D) 15.89% to the road districts of the State.

1           As soon as may be after the first day of each month the  
2 Department of Transportation shall allot to each municipality  
3 its share of the amount apportioned to the several  
4 municipalities which shall be in proportion to the population  
5 of such municipalities as determined by the last preceding  
6 municipal census if conducted by the Federal Government or  
7 Federal census. If territory is annexed to any municipality  
8 subsequent to the time of the last preceding census the  
9 corporate authorities of such municipality may cause a census  
10 to be taken of such annexed territory and the population so  
11 ascertained for such territory shall be added to the population  
12 of the municipality as determined by the last preceding census  
13 for the purpose of determining the allotment for that  
14 municipality. If the population of any municipality was not  
15 determined by the last Federal census preceding any  
16 apportionment, the apportionment to such municipality shall be  
17 in accordance with any census taken by such municipality. Any  
18 municipal census used in accordance with this Section shall be  
19 certified to the Department of Transportation by the clerk of  
20 such municipality, and the accuracy thereof shall be subject to  
21 approval of the Department which may make such corrections as  
22 it ascertains to be necessary.

23           As soon as may be after the first day of each month the  
24 Department of Transportation shall allot to each county its  
25 share of the amount apportioned to the several counties of the  
26 State as herein provided. Each allotment to the several

1 counties having less than 1,000,000 inhabitants shall be in  
2 proportion to the amount of motor vehicle license fees received  
3 from the residents of such counties, respectively, during the  
4 preceding calendar year. The Secretary of State shall, on or  
5 before April 15 of each year, transmit to the Department of  
6 Transportation a full and complete report showing the amount of  
7 motor vehicle license fees received from the residents of each  
8 county, respectively, during the preceding calendar year. The  
9 Department of Transportation shall, each month, use for  
10 allotment purposes the last such report received from the  
11 Secretary of State.

12 As soon as may be after the first day of each month, the  
13 Department of Transportation shall allot to the several  
14 counties their share of the amount apportioned for the use of  
15 road districts. The allotment shall be apportioned among the  
16 several counties in the State in the proportion which the total  
17 mileage of township or district roads in the respective  
18 counties bears to the total mileage of all township and  
19 district roads in the State. Funds allotted to the respective  
20 counties for the use of road districts therein shall be  
21 allocated to the several road districts in the county in the  
22 proportion which the total mileage of such township or district  
23 roads in the respective road districts bears to the total  
24 mileage of all such township or district roads in the county.  
25 After July 1 of any year prior to 2011, no allocation shall be  
26 made for any road district unless it levied a tax for road and

1 bridge purposes in an amount which will require the extension  
2 of such tax against the taxable property in any such road  
3 district at a rate of not less than either .08% of the value  
4 thereof, based upon the assessment for the year immediately  
5 prior to the year in which such tax was levied and as equalized  
6 by the Department of Revenue or, in DuPage County, an amount  
7 equal to or greater than \$12,000 per mile of road under the  
8 jurisdiction of the road district, whichever is less. Beginning  
9 July 1, 2011 and each July 1 thereafter, an allocation shall be  
10 made for any road district if it levied a tax for road and  
11 bridge purposes. In counties other than DuPage County, if the  
12 amount of the tax levy requires the extension of the tax  
13 against the taxable property in the road district at a rate  
14 that is less than 0.08% of the value thereof, based upon the  
15 assessment for the year immediately prior to the year in which  
16 the tax was levied and as equalized by the Department of  
17 Revenue, then the amount of the allocation for that road  
18 district shall be a percentage of the maximum allocation equal  
19 to the percentage obtained by dividing the rate extended by the  
20 district by 0.08%. In DuPage County, if the amount of the tax  
21 levy requires the extension of the tax against the taxable  
22 property in the road district at a rate that is less than the  
23 lesser of (i) 0.08% of the value of the taxable property in the  
24 road district, based upon the assessment for the year  
25 immediately prior to the year in which such tax was levied and  
26 as equalized by the Department of Revenue, or (ii) a rate that

1 will yield an amount equal to \$12,000 per mile of road under  
2 the jurisdiction of the road district, then the amount of the  
3 allocation for the road district shall be a percentage of the  
4 maximum allocation equal to the percentage obtained by dividing  
5 the rate extended by the district by the lesser of (i) 0.08% or  
6 (ii) the rate that will yield an amount equal to \$12,000 per  
7 mile of road under the jurisdiction of the road district.

8 Prior to 2011, if any road district has levied a special  
9 tax for road purposes pursuant to Sections 6-601, 6-602 and  
10 6-603 of the Illinois Highway Code, and such tax was levied in  
11 an amount which would require extension at a rate of not less  
12 than .08% of the value of the taxable property thereof, as  
13 equalized or assessed by the Department of Revenue, or, in  
14 DuPage County, an amount equal to or greater than \$12,000 per  
15 mile of road under the jurisdiction of the road district,  
16 whichever is less, such levy shall, however, be deemed a proper  
17 compliance with this Section and shall qualify such road  
18 district for an allotment under this Section. Beginning in 2011  
19 and thereafter, if any road district has levied a special tax  
20 for road purposes under Sections 6-601, 6-602, and 6-603 of the  
21 Illinois Highway Code, and the tax was levied in an amount that  
22 would require extension at a rate of not less than 0.08% of the  
23 value of the taxable property of that road district, as  
24 equalized or assessed by the Department of Revenue or, in  
25 DuPage County, an amount equal to or greater than \$12,000 per  
26 mile of road under the jurisdiction of the road district,

1       whichever is less, that levy shall be deemed a proper  
2       compliance with this Section and shall qualify such road  
3       district for a full, rather than proportionate, allotment under  
4       this Section. If the levy for the special tax is less than  
5       0.08% of the value of the taxable property, or, in DuPage  
6       County if the levy for the special tax is less than the lesser  
7       of (i) 0.08% or (ii) \$12,000 per mile of road under the  
8       jurisdiction of the road district, and if the levy for the  
9       special tax is more than any other levy for road and bridge  
10      purposes, then the levy for the special tax qualifies the road  
11      district for a proportionate, rather than full, allotment under  
12      this Section. If the levy for the special tax is equal to or  
13      less than any other levy for road and bridge purposes, then any  
14      allotment under this Section shall be determined by the other  
15      levy for road and bridge purposes.

16      Prior to 2011, if a township has transferred to the road  
17      and bridge fund money which, when added to the amount of any  
18      tax levy of the road district would be the equivalent of a tax  
19      levy requiring extension at a rate of at least .08%, or, in  
20      DuPage County, an amount equal to or greater than \$12,000 per  
21      mile of road under the jurisdiction of the road district,  
22      whichever is less, such transfer, together with any such tax  
23      levy, shall be deemed a proper compliance with this Section and  
24      shall qualify the road district for an allotment under this  
25      Section.

26      In counties in which a property tax extension limitation is



1 imposed under the Property Tax Extension Limitation Law, road  
2 districts may retain their entitlement to a motor fuel tax  
3 allotment or, beginning in 2011, their entitlement to a full  
4 allotment if, at the time the property tax extension limitation  
5 was imposed, the road district was levying a road and bridge  
6 tax at a rate sufficient to entitle it to a motor fuel tax  
7 allotment and continues to levy the maximum allowable amount  
8 after the imposition of the property tax extension limitation.  
9 Any road district may in all circumstances retain its  
10 entitlement to a motor fuel tax allotment or, beginning in  
11 2011, its entitlement to a full allotment if it levied a road  
12 and bridge tax in an amount that will require the extension of  
13 the tax against the taxable property in the road district at a  
14 rate of not less than 0.08% of the assessed value of the  
15 property, based upon the assessment for the year immediately  
16 preceding the year in which the tax was levied and as equalized  
17 by the Department of Revenue or, in DuPage County, an amount  
18 equal to or greater than \$12,000 per mile of road under the  
19 jurisdiction of the road district, whichever is less.

20 As used in this Section the term "road district" means any  
21 road district, including a county unit road district, provided  
22 for by the Illinois Highway Code; and the term "township or  
23 district road" means any road in the township and district road  
24 system as defined in the Illinois Highway Code. For the  
25 purposes of this Section, "township or district road" also  
26 includes such roads as are maintained by park districts, forest

1 preserve districts and conservation districts. The Department  
2 of Transportation shall determine the mileage of all township  
3 and district roads for the purposes of making allotments and  
4 allocations of motor fuel tax funds for use in road districts.

5 Payment of motor fuel tax moneys to municipalities and  
6 counties shall be made as soon as possible after the allotment  
7 is made. The treasurer of the municipality or county may invest  
8 these funds until their use is required and the interest earned  
9 by these investments shall be limited to the same uses as the  
10 principal funds.

11 (Source: P.A. 95-744, eff. 7-18-08; 96-34, eff. 7-13-09; 96-45,  
12 eff. 7-15-09; 96-959, eff. 7-1-10; 96-1000, eff. 7-2-10;  
13 96-1024, eff. 7-12-10; 96-1384, eff. 7-29-10; revised 9-2-10.)

14 Section 15. The Illinois Highway Code is amended by  
15 changing Sections 5-701.8 and 7-202.14 and by adding Sections  
16 2-221 and 2-222 as follows:

17 (605 ILCS 5/2-221 new)

18 Sec. 2-221. Public transportation. "Public transportation"  
19 means transportation of passengers by means, without  
20 limitation, of a street railway, elevated railway or guideway,  
21 subway, motor vehicle, motor bus, or any bus or other means of  
22 conveyance operating as a common carrier within the regional  
23 transportation area, including charter service therein.

1 (605 ILCS 5/2-222 new)

2 Sec. 2-222. Public transportation system. "Public  
3 transportation system" means a combination of real and personal  
4 property, structures, improvements, buildings, equipment,  
5 plants, vehicle parking, or other facilities and  
6 rights-of-way, or any combination thereof, used or useful for  
7 the purposes of public transportation.

8 (605 ILCS 5/5-701.8) (from Ch. 121, par. 5-701.8)

9 Sec. 5-701.8. Any county board may also turn over a portion  
10 of the motor fuel tax funds allotted to it to: (a) a local Mass  
11 Transit District if the county created such District pursuant  
12 to the "Local Mass Transit District Act", approved July 21,  
13 1959, as now or hereafter amended;

14 (b) a local Transit Commission if such commission is  
15 created pursuant to Section 14-101 of The Public Utilities Act;  
16 or

17 (c) the Chicago Transit Authority established pursuant to  
18 the "Metropolitan Transit Authority Act", approved April 12,  
19 1945, as now or hereafter amended.

20 Any county board may also use any motor fuel tax money  
21 allotted to it for construction, reconstruction, improvement,  
22 repair, and maintenance of, and payment of debts and  
23 liabilities incurred in construction and reconstruction of, a  
24 public transportation system or other transportation system,  
25 or for facilities that will promote and enhance travel by

1 public transportation, passenger rail, ferry, aviation,  
2 bicycle, and walking.

3 (Source: P.A. 85-1209.)

4 (605 ILCS 5/7-202.14) (from Ch. 121, par. 7-202.14)

5 Sec. 7-202.14. Any municipality may by ordinance of the  
6 corporate authorities turn over a portion of its allotment to:

7 (a) a local Mass Transit District if the municipality  
8 created such a District pursuant to the "Local Mass Transit  
9 District Act", approved July 21, 1959, as now or hereafter  
10 amended;

11 (b) a local Transit Commission if the municipality  
12 established such commission pursuant to Section 14-101 of The  
13 Public Utilities Act; or

14 (c) the Chicago Transit Authority established pursuant to  
15 the "Metropolitan Transit Authority Act", approved April 12,  
16 1945, as now or hereafter amended.

17 Any municipality may, by ordinance of the corporate  
18 authorities, use any motor fuel tax money allotted to it for  
19 construction, reconstruction, improvement, repair, and  
20 maintenance of, and payment of debts and liabilities incurred  
21 in construction and reconstruction of, a public transportation  
22 system or other transportation system, or for facilities that  
23 will promote and enhance travel by public transportation,  
24 passenger rail, ferry, aviation, bicycle, and walking.

25 (Source: P.A. 85-1209.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.