



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/5/2004, by Mattie Hunter

**SYNOPSIS AS INTRODUCED:**

20 ILCS 2705/2705-580 new	
30 ILCS 105/5d	from Ch. 127, par. 141d
35 ILCS 505/8	from Ch. 120, par. 424

Amends the Department of Transportation Law of the Civil Administrative Code of Illinois. Requires the Department, in cooperation with the State Board of Education and the Department of State Police, to establish and administer a Safe Routes to School Construction Program for the construction of bike paths, walking trails, pedestrian bridges, and safe routes for walking and biking to school, with construction grants being made available to local governmental agencies from proceeds of the Motor Fuel Tax Law. Amends the Motor Fuel Tax Law and the State Finance Act. Provides that the Motor Fuel Tax Law proceeds deposited into the State Construction Account Fund shall, subject to appropriation, also be used for the purposes of the Safe Routes to School Construction Program.

LRB093 20717 SJM 46605 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning taxes.

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

4 Section 5. The Department of Transportation Law of the  
5 Civil Administrative Code of Illinois is amended by adding  
6 Section 2705-580 as follows:

7 (20 ILCS 2705/2705-580 new)

8 Sec. 2705-580. Safe Routes to School Construction Program.

9 (a) The Department of Transportation, in cooperation with  
10 the State Board of Education and the Department of State  
11 Police, shall establish and administer a Safe Routes to School  
12 Construction Program for the construction of bike paths,  
13 walking trails, pedestrian bridges, and safe routes for walking  
14 and biking to school.

15 (b) Subject to appropriation from the State Construction  
16 Account Fund, the Department of Transportation shall make  
17 construction grants available to local governmental agencies  
18 under the Safe Routes to School Construction Program based on  
19 the results of a statewide competition that requires submission  
20 of Safe Routes to School proposals for funding and that rates  
21 those proposals on all of the following factors:

22 (1) Demonstrated needs of the grant applicant.

23 (2) Potential of the proposal for reducing child  
24 injuries and fatalities.

25 (3) Potential of the proposal for encouraging  
26 increased walking and bicycling among students.

27 (4) Identification of safety hazards.

28 (5) Identification of current and potential walking  
29 and bicycling routes to school.

30 (6) Consultation and support for projects by  
31 school-based associations, local traffic engineers, local  
32 elected officials, law enforcement agencies, and school

1 officials.

2 (c) On March 30, 2005 and each March 30th thereafter, the  
3 Department of Transportation shall submit a report to the  
4 General Assembly listing and describing the projects funded  
5 under the Safe Routes to School Construction Program.

6 (d) The Department of Transportation shall study the  
7 effectiveness of the Safe Routes to School Construction  
8 Program, with particular emphasis on the Program's  
9 effectiveness in reducing traffic accidents and its  
10 contribution to improving safety and reducing the number of  
11 child injuries and fatalities in the vicinity of a Safe Routes  
12 to School project. The Department of Transportation shall  
13 submit a report to the General Assembly on or before December  
14 31, 2005 regarding the results of the study.

15 (e) The Department of Transportation, State Board of  
16 Education, and Department of State Police may each separately  
17 adopt any rules necessary to implement this Section.

18 Section 10. The State Finance Act is amended by changing  
19 Section 5d as follows:

20 (30 ILCS 105/5d) (from Ch. 127, par. 141d)

21 Sec. 5d. Except as provided by Section 5e of this Act, the  
22 State Construction Account Fund shall be used exclusively for  
23 the construction, reconstruction and maintenance of the State  
24 maintained highway system, and, subject to appropriation, for  
25 the purposes of the Safe Routes to School Construction Program  
26 under Section 2705-580 of the Department of Transportation Law  
27 of the Civil Administrative Code of Illinois. Except as  
28 provided by Section 5e of this Act, none of the money deposited  
29 in the State Construction Account Fund shall be used to pay the  
30 cost of administering the Motor Fuel Tax Law as now or  
31 hereafter amended, nor be appropriated for use by the  
32 Department of Transportation to pay the cost of its operations  
33 or administration, nor be used in any manner for the payment of  
34 regular or contractual employees of the State, nor be

1 transferred or allocated by the Comptroller and Treasurer or be  
2 otherwise used, except for the sole purpose of construction,  
3 reconstruction and maintenance of the State maintained highway  
4 system, and for the purposes of the Safe Routes to School  
5 Construction Program under Section 2705-580 of the Department  
6 of Transportation Law of the Civil Administrative Code of  
7 Illinois, as the Illinois General Assembly shall provide by  
8 appropriation from this fund. Beginning with the month  
9 immediately following the effective date of this amendatory Act  
10 of 1985, investment income which is attributable to the  
11 investment of moneys of the State Construction Account Fund  
12 shall be retained in that fund for the uses specified in this  
13 Section.

14 (Source: P.A. 84-431.)

15 Section 15. 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  
25 be used as follows:

26 (a) 2 1/2 cents per gallon of the tax collected on special  
27 fuel under paragraph (b) of Section 2 and Section 13a of this  
28 Act shall be transferred to the State Construction Account Fund  
29 in the State Treasury, to be used for the construction,  
30 reconstruction, and maintenance of the State maintained  
31 highway system, and for the purposes of the Safe Routes to  
32 School Construction Program under Section 2705-580 of the  
33 Department of Transportation Law of the Civil Administrative  
34 Code of Illinois;

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

5 (c) \$2,250,000 shall be transferred each month to the Grade  
6 Crossing Protection Fund to be used as follows: not less than  
7 \$6,000,000 each fiscal year shall be used for the construction  
8 or reconstruction of rail highway grade separation structures;  
9 \$2,250,000 in fiscal year 2004 and each fiscal year thereafter  
10 shall be transferred to the Transportation Regulatory Fund and  
11 shall be accounted for as part of the rail carrier portion of  
12 such funds and shall be used to pay the cost of administration  
13 of the Illinois Commerce Commission's railroad safety program  
14 in connection with its duties under subsection (3) of Section  
15 18c-7401 of the Illinois Vehicle Code, with the remainder to be  
16 used by the Department of Transportation upon order of the  
17 Illinois Commerce Commission, to pay that part of the cost  
18 apportioned by such Commission to the State to cover the  
19 interest of the public in the use of highways, roads, streets,  
20 or pedestrian walkways in the county highway system, township  
21 and district road system, or municipal street system as defined  
22 in the Illinois Highway Code, as the same may from time to time  
23 be amended, for separation of grades, for installation,  
24 construction or reconstruction of crossing protection or  
25 reconstruction, alteration, relocation including construction  
26 or improvement of any existing highway necessary for access to  
27 property or improvement of any grade crossing including the  
28 necessary highway approaches thereto of any railroad across the  
29 highway or public road, or for the installation, construction,  
30 reconstruction, or maintenance of a pedestrian walkway over or  
31 under a railroad right-of-way, as provided for in and in  
32 accordance with Section 18c-7401 of the Illinois Vehicle Code.  
33 The Commission shall not order more than \$2,000,000 per year in  
34 Grade Crossing Protection Fund moneys for pedestrian walkways.  
35 In entering orders for projects for which payments from the  
36 Grade Crossing Protection Fund will be made, the Commission

1 shall account for expenditures authorized by the orders on a  
2 cash rather than an accrual basis. For purposes of this  
3 requirement an "accrual basis" assumes that the total cost of  
4 the project is expended in the fiscal year in which the order  
5 is entered, while a "cash basis" allocates the cost of the  
6 project among fiscal years as expenditures are actually made.  
7 To meet the requirements of this subsection, the Illinois  
8 Commerce Commission shall develop annual and 5-year project  
9 plans of rail crossing capital improvements that will be paid  
10 for with moneys from the Grade Crossing Protection Fund. The  
11 annual project plan shall identify projects for the succeeding  
12 fiscal year and the 5-year project plan shall identify projects  
13 for the 5 directly succeeding fiscal years. The Commission  
14 shall submit the annual and 5-year project plans for this Fund  
15 to the Governor, the President of the Senate, the Senate  
16 Minority Leader, the Speaker of the House of Representatives,  
17 and the Minority Leader of the House of Representatives on the  
18 first Wednesday in April of each year;

19 (d) of the amount remaining after allocations provided for  
20 in subsections (a), (b) and (c), a sufficient amount shall be  
21 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  
27 to municipalities, counties and road districts;

28 (3) refunds provided for in Section 13 of this Act and  
29 under the terms of the International Fuel Tax Agreement  
30 referenced in Section 14a;

31 (4) from October 1, 1985 until June 30, 1994, the  
32 administration of the Vehicle Emissions Inspection Law,  
33 which amount shall be certified monthly by the  
34 Environmental Protection Agency to the State Comptroller  
35 and shall promptly be transferred by the State Comptroller  
36 and Treasurer from the Motor Fuel Tax Fund to the Vehicle

1 Inspection Fund, and for the period July 1, 1994 through  
2 June 30, 2000, one-twelfth of \$25,000,000 each month, for  
3 the period July 1, 2000 through June 30, 2003, one-twelfth  
4 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,  
5 and \$15,000,000 on January 1 and \$15,000,000 on July 1 of  
6 each calendar year for the period January 1, 2004 through  
7 June 30, 2006, for the administration of the Vehicle  
8 Emissions Inspection Law of 1995, to be transferred by the  
9 State Comptroller and Treasurer from the Motor Fuel Tax  
10 Fund into the Vehicle Inspection Fund;

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

12 (6) payment of motor fuel use taxes due to member  
13 jurisdictions under the terms of the International Fuel Tax  
14 Agreement. The Department shall certify these amounts to  
15 the Comptroller by the 15th day of each month; the  
16 Comptroller shall cause orders to be drawn for such  
17 amounts, and the Treasurer shall administer those amounts  
18 on or before the last day of each month;

19 (e) after allocations for the purposes set forth in  
20 subsections (a), (b), (c) and (d), the remaining amount shall  
21 be apportioned as follows:

22 (1) Until January 1, 2000, 58.4%, and beginning January  
23 1, 2000, 45.6% shall be deposited as follows:

24 (A) 37% into the State Construction Account Fund,  
25 and

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

31 (2) Until January 1, 2000, 41.6%, and beginning January  
32 1, 2000, 54.4% shall be transferred to the Department of  
33 Transportation to be distributed as follows:

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

35 (B) 16.74% to the counties of the State having  
36 1,000,000 or more inhabitants,

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

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

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

26 As soon as may be after the first day of each month the  
27 Department of Transportation shall allot to each county its  
28 share of the amount apportioned to the several counties of the  
29 State as herein provided. Each allotment to the several  
30 counties having less than 1,000,000 inhabitants shall be in  
31 proportion to the amount of motor vehicle license fees received  
32 from the residents of such counties, respectively, during the  
33 preceding calendar year. The Secretary of State shall, on or  
34 before April 15 of each year, transmit to the Department of  
35 Transportation a full and complete report showing the amount of  
36 motor vehicle license fees received from the residents of each



1 county, respectively, during the preceding calendar year. The  
2 Department of Transportation shall, each month, use for  
3 allotment purposes the last such report received from the  
4 Secretary of State.

5 As soon as may be after the first day of each month, the  
6 Department of Transportation shall allot to the several  
7 counties their share of the amount apportioned for the use of  
8 road districts. The allotment shall be apportioned among the  
9 several counties in the State in the proportion which the total  
10 mileage of township or district roads in the respective  
11 counties bears to the total mileage of all township and  
12 district roads in the State. Funds allotted to the respective  
13 counties for the use of road districts therein shall be  
14 allocated to the several road districts in the county in the  
15 proportion which the total mileage of such township or district  
16 roads in the respective road districts bears to the total  
17 mileage of all such township or district roads in the county.  
18 After July 1 of any year, no allocation shall be made for any  
19 road district unless it levied a tax for road and bridge  
20 purposes in an amount which will require the extension of such  
21 tax against the taxable property in any such road district at a  
22 rate of not less than either .08% of the value thereof, based  
23 upon the assessment for the year immediately prior to the year  
24 in which such tax was levied and as equalized by the Department  
25 of Revenue or, in DuPage County, an amount equal to or greater  
26 than \$12,000 per mile of road under the jurisdiction of the  
27 road district, whichever is less. If any road district has  
28 levied a special tax for road purposes pursuant to Sections  
29 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such  
30 tax was levied in an amount which would require extension at a  
31 rate of not less than .08% of the value of the taxable property  
32 thereof, as equalized or assessed by the Department of Revenue,  
33 or, in DuPage County, an amount equal to or greater than  
34 \$12,000 per mile of road under the jurisdiction of the road  
35 district, whichever is less, such levy shall, however, be  
36 deemed a proper compliance with this Section and shall qualify

1 such road district for an allotment under this Section. If a  
2 township has transferred to the road and bridge fund money  
3 which, when added to the amount of any tax levy of the road  
4 district would be the equivalent of a tax levy requiring  
5 extension at a rate of at least .08%, or, in DuPage County, an  
6 amount equal to or greater than \$12,000 per mile of road under  
7 the jurisdiction of the road district, whichever is less, such  
8 transfer, together with any such tax levy, shall be deemed a  
9 proper compliance with this Section and shall qualify the road  
10 district for an allotment under this Section.

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

29 As used in this Section the term "road district" means any  
30 road district, including a county unit road district, provided  
31 for by the Illinois Highway Code; and the term "township or  
32 district road" means any road in the township and district road  
33 system as defined in the Illinois Highway Code. For the  
34 purposes of this Section, "road district" also includes park  
35 districts, forest preserve districts and conservation  
36 districts organized under Illinois law and "township or

1 district road" also includes such roads as are maintained by  
2 park districts, forest preserve districts and conservation  
3 districts. The Department of Transportation shall determine  
4 the mileage of all township and district roads for the purposes  
5 of making allotments and allocations of motor fuel tax funds  
6 for use in road districts.

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

13 (Source: P.A. 92-16, eff. 6-28-01; 92-30, eff. 7-1-01; 93-32,  
14 eff. 6-20-03.)