



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0801

Introduced 2/7/2007, by Rep. David E. Miller

SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 2705/2705-200

was 20 ILCS 2705/49.16

Creates the Capital Investment Accountability Act. Requires the establishment of Statewide and District Prioritization Committees and sets forth procedures for their operation. Requires the committees to establish criteria and processes for reviewing, prioritizing, and selecting surface transportation projects. Sets forth procedures for the submission, review, and prioritization of projects. Requires legislative committees and the Department of Transportation to take certain actions with respect to adopting a comprehensive project prioritization plan. Amends the Department of Transportation Law of the Civil Administrative Code of Illinois to make corresponding changes with respect to the submission dates of reports by the Department of Transportation. Effective immediately.

LRB095 09563 BDD 30981 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 1. Short title. This Act may be cited as the
5 Capital Investment Accountability Act.

6 Section 5. Purpose and application. The purpose of this Act
7 is to maximize the value of transportation investments in the
8 State of Illinois in order to optimize State and local economic
9 development and the quality of public life for Illinois
10 residents. This Act articulates the State's surface
11 transportation goals and establishes a standardized process
12 for reviewing, prioritizing, and selecting surface
13 transportation projects that best reflect those goals. Through
14 the process established by this Act, the State seeks to develop
15 a sustainable, integrated, multi-modal transportation system
16 that provides efficient and safe access to goods, services,
17 activities, and destinations to residents, visitors, and
18 businesses. Beginning with the 2010 State fiscal year, all
19 State-funded surface transportation capital projects are
20 subject to the review and prioritization process set forth in
21 this Act.

22 Section 10. Definitions. In this Act:

1 "Benefit/per-capita cost" means a determination of the
2 benefit of a project divided by the per-capita cost of the
3 project.

4 "Committee" means either a District Prioritization
5 Committee or the Statewide Prioritization Committee.

6 "Criteria" means measurable indicators of compliance with
7 the State transportation goals.

8 "Department" means the Department of Transportation.

9 "District" means the a district of the State established by
10 the Department for its administrative purposes and statutorily
11 authorized activities.

12 "Long-range transportation plan" means the long-range
13 transportation plan required to be developed by each MPO in
14 accordance with 23 U.S.C. 134, the long-range transportation
15 plan required to be developed by each MPO in accordance with 23
16 U.S.C. 135, and the long-range transportation plan required to
17 be developed in accordance with Section 5-301 of the Illinois
18 Highway Code.

19 "MPO jurisdiction" means the metropolitan planning area
20 boundaries of a MPO within the State, which are designated in
21 accordance with 23 U.S.C. 134.

22 "MPG" means a Metropolitan Planning Organization
23 designated under 23 U.S.C. 134 whose MPG jurisdiction is
24 partially or completely within the State.

25 "Per-capita cost" means a determination of the estimated
26 cost of the project divided by the population affected by the

1 project.

2 "Project" means any new or continuing surface
3 transportation capital project (including but not limited to
4 roadways, transit, rail, trails, walkways, bicycle, and
5 intermodal facilities) financed in whole or in part by State
6 funds.

7 "RPC" means a regional planning commission or joint
8 regional planning commission established in accordance with
9 Section 5-14001 or 5-14003 of the Counties Code.

10 "Secretary" means the Secretary of Transportation.

11 "State transportation goals" means the following goals and
12 objectives:

13 (1) Ensure efficient use of transportation resources
14 through mode shifts and demand management, and reduce
15 per-capita congestion delays and unreliability;

16 (2) Generate both local and statewide economic
17 development through investment in a transportation system
18 that recycles a majority of public and user investments
19 back into the local and state economies;

20 (3) Optimize accessibility by integrating land use and
21 transportation planning and investments; and

22 (4) Increase public safety, security, and health by
23 reducing per-capita crash rates and risk of assault,
24 particularly for the most vulnerable transportation users,
25 and by increasing use of physically active modes.

26 "Statewide projects" means traffic control improvements

1 procured by the Department on a statewide basis, weigh
2 stations, state park projects, contract maintenance performed
3 by non-state forces, emergency road and bridge repairs, and
4 federally authorized Equal Employment Opportunity training
5 programs and support services.

6 "STIP" means the transportation improvement program that
7 each state must develop pursuant to 23 U.S.C. 135.

8 "TIP" means the transportation improvement program that
9 each MPG must develop pursuant to 23 U.S.C. 134.

10 Section 15. Establishment of Statewide and District
11 Prioritization Committees.

12 (a) Within 30 days after the effective date of this Act,
13 the following committees must be established under the
14 direction of the Department:

15 (1) A Statewide Prioritization Committee, whose
16 membership consists of voting and non-voting members.

17 (A) The voting members are:

18 (i) The Secretary;

19 (ii) The chairperson of each MPG;

20 (iii) One representative of municipalities,
21 appointed by the Secretary;

22 (iv) One representative of counties, appointed
23 by the Secretary; and

24 (v) One representative of townships, appointed
25 by the Secretary.

1 (B) The non-voting members are:

2 (i) The Director of Commerce and Economic
3 Opportunity, or his or her designee;

4 (ii) The Director of Natural Resources, or his
5 or her designee;

6 (iii) The Chief of the Illinois Environmental
7 Protection Agency Bureau of Air;

8 (iv) One representative of statewide business
9 interests, appointed by the Secretary; and

10 (v) One representative of metropolitan civic
11 interests, appointed by the Secretary.

12 (2) A District Prioritization Committee for each
13 District, but no District Prioritization Committee may be
14 established for a District included entirely within an MPG
15 jurisdiction. The membership of each District
16 Prioritization Committee is:

17 (A) One member appointed by the Secretary;

18 (B) One member appointed by each MPG whose MPG
19 jurisdiction includes territory partially or
20 completely within the District. Each MPG member shall
21 coordinate with municipal, county and township
22 officials within and adjacent to the MPG jurisdiction
23 in carrying out his or her duties in accordance with
24 this Act;

25 (C) One member appointed by each RPC whose
26 territory is within the District but not within an MPG

1 jurisdiction. Each RPC member shall coordinate with
2 municipal, county and township officials within and
3 adjacent to the jurisdiction of the RPC in carrying out
4 his or her duties in accordance with this Act; and

5 (D) One member appointed by the county board
6 president of each county within the District but not
7 within an MPG jurisdiction or the jurisdiction of an
8 RPC. Each county member shall coordinate with
9 municipal and township officials within and adjacent
10 to the county in carrying out his or her duties in
11 accordance with this Act.

12 (b) Each appointed Committee member shall serve for a term
13 of 2 years from the date of appointment and until the earlier
14 of the member's removal by the appointing authority, the
15 member's resignation, or the member's successor is appointed. A
16 vacancy in a Committee member position must be filled by the
17 appointing authority for that member, and a member appointed to
18 fill a vacancy shall serve the remainder of the term of the
19 member whose removal, resignation, or death created the
20 vacancy.

21 (c) Each Committee may establish rules to govern its own
22 procedures, provided all Committee meetings shall be conducted
23 in accordance with the Open Meetings Act. In addition, at least
24 7 days' advance written notice of District Prioritization
25 Committee and MPG meetings shall be provided to every State
26 legislator representing territory within the District or MPG

1 jurisdiction. All Committee members are entitled to
2 reimbursement by the Department for ordinary and necessary
3 expenses incurred in performing their duties under this Act.

4 Section 20. Project submission, review, and prioritization
5 process.

6 (a) By March 1, 2008, the Statewide Prioritization
7 Committee shall, through a process involving opportunity for
8 public review and comment:

9 (1) Establish uniform statewide evaluation criteria
10 for project prioritization derived from the State
11 transportation goals. The Statewide Prioritization
12 Committee shall establish no fewer than 5 and no more than
13 10 criteria;

14 (2) Establish a uniform statewide process for
15 calculating a project's benefit/per-capita cost; and

16 (3) Determine the process by which it will evaluate and
17 prioritize Committee and MPG proposed projects in order to
18 develop the comprehensive project prioritization plan
19 described in subsection (f) of this Section.

20 (b) By May 1, 2008, the MPGs and Committees shall each make
21 the following determinations through a process involving
22 opportunity for public review and comment:

23 (1) Each MPG shall determine the weight to be given
24 each uniform statewide evaluation criterion for the review
25 of proposed projects within the MPG jurisdiction;

1 (2) Each District Prioritization Committee shall
2 determine the weight to be given each uniform statewide
3 evaluation criterion for the review of proposed projects
4 within the District but outside of an MPG jurisdiction; and

5 (3) The Statewide Prioritization Committee shall
6 determine the weight to be given each uniform statewide
7 evaluation criterion for the review of proposed statewide
8 projects.

9 The weights applied to each criterion may vary by MPG and
10 Committee. No single criterion may account for less than 10%
11 nor more than 50% of the overall weighted allocation, and the
12 weights assigned to all criteria shall equal 100%. Each
13 Committee and MPG shall develop a prioritization scoring system
14 that (i) determines a project's score for each criterion; (ii)
15 multiplies that score by the applicable weight; (iii)
16 aggregates the weighted score for all criteria; and (iv)
17 calculates the project's benefit/per-capita cost in the manner
18 established by the Statewide Prioritization Committee. The
19 Department shall issue guidance and provide technical
20 assistance to the Committees and MPGs to assist with the
21 development and implementation of a prioritization scoring
22 system.

23 (c) By July 1, 2008 and by July 1 of each year thereafter,
24 each MPG shall hold a public hearing to present to the public
25 and allow public testimony on proposed projects within the MPO
26 jurisdiction All such proposals must be consistent with the

1 MPG's TIP and its long-range plan. By September 1, 2008 and by
2 September 1 of each year thereafter, the MPG shall: (i) adopt a
3 prioritized list of proposed projects based upon the MPG's
4 prioritization scoring system; and (ii) deliver the
5 prioritized list, with a description of each project, to the
6 Statewide Prioritization Committee.

7 (d) By June 1, 2008 and by June 1 of each year thereafter,
8 each District Prioritization Committee shall accept proposals
9 from all of its non-MPG members for projects within the
10 District but outside of an MPG jurisdiction. All such proposed
11 projects must be consistent with any long-range transportation
12 plans adopted by the submitting member and must be
13 independently scored by the member in accordance with the
14 District Prioritization Committee's prioritization scoring
15 system. By July 1, 2008 and by July 1 of each thereafter, the
16 District Prioritization Committee shall hold a public hearing
17 to present to the public and allow public testimony on the
18 proposed projects. By September 1, 2008 and by September 1 of
19 each year thereafter, the District Prioritization Committee
20 shall (i) make recommendations for enhanced regional
21 coordination and consistency among MPG and non-MPG proposed
22 projects; (ii) adopt a prioritized list of non-MPG proposed
23 projects based upon the Committee's prioritization scoring
24 system; and (iii) deliver a prioritized list of non-MPG
25 proposed projects, with a description of each project, to the
26 Statewide Prioritization Committee.

1 (e) By June 1, 2008 and by June 1 of each year thereafter,
2 the Statewide Prioritization Committee shall develop a list and
3 independently score proposed statewide projects. All such
4 proposed projects must be consistent with the most recent STIP
5 and the Department's long-range plan. By July 1, 2008 and by
6 July 1 of each thereafter, the Statewide Prioritization
7 Committee shall hold a public hearing to present to the public
8 and allow public testimony on the proposed statewide projects.
9 By September 1, 2008 and by September 1 of each thereafter, the
10 Statewide Prioritization Committee shall adopt a prioritized
11 list of proposed statewide projects based upon the Committee's
12 prioritization scoring system.

13 (f) By October 15, 2008 and by October 15 of each year
14 thereafter, the Statewide Prioritization Committee shall meet
15 to hear public testimony and consider the prioritized lists
16 developed by each Committee and MPG. By January 15, 2009 and by
17 January 15 of each year thereafter, the Statewide
18 Prioritization Committee shall submit to the Governor and
19 General Assembly a comprehensive project prioritization plan
20 that: (i) describes the uniform state evaluation criteria and
21 the prioritization scoring system used by each MPG and
22 Committee; (ii) includes all of the projects submitted for
23 consideration by each MPG and Committee; and (iii) prioritizes
24 all projects for state and federal funding, noting the likely
25 availability of such funding and any use restrictions
26 applicable to a fund source. The comprehensive project

1 prioritization plan shall serve as the annual project program
2 for the highway, mass transportation, and railroad systems
3 required to be developed by the Department pursuant to Section
4 2705-200 of the Department of Transportation Law in the Civil
5 Administrative Code of Illinois.

6 (g) By March 1, 2009 and by March 1 of each year
7 thereafter, the Statewide Prioritization Committee may,
8 through a process involving opportunity for public review and
9 comment, modify any of the following: (i) the uniform statewide
10 evaluation criteria; (ii) the process for calculating the
11 benefit/per-capita cost; and (iii) the process for evaluating
12 and prioritizing projects contained on the MPG and Committee
13 prioritized lists developed in accordance with this Section. By
14 March 1, 2009 and by March 1 of each year thereafter, each
15 District Prioritization Committee and MPG may, through a
16 process involving opportunity for public review and comment,
17 modify its weighting system for the uniform statewide
18 evaluation criteria. Any modification made in accordance with
19 this subsection shall be immediately provided to the Department
20 for posting on the website described in Section 25 of this Act,
21 and the Department shall notify each Committee and MPG of the
22 modification.

23 Section 25. Establishment of Department website. Upon the
24 effective date of this Act, the Department shall mail a copy of
25 the Act and a description thereof to each MPG, RPC and county

1 board in the State. Within 60 days after the effective date of
2 this Act, the Department shall establish a dedicated section of
3 its website that includes the Act and a description thereof. The
4 Department shall maintain and update the website to include:

5 (1) The membership of all Committees and MPGs;

6 (2) Meeting notices, agendas, and minutes for all
7 meetings and hearings required pursuant to this Act;

8 (3) A description of the uniform statewide evaluation
9 criteria;

10 (4) A description of the prioritization scoring system
11 used by each Committee and MPG;

12 (5) The prioritized project list adopted by each
13 Committee and MPG, and the comprehensive project
14 prioritization plan adopted by the Statewide
15 Prioritization Committee;

16 (6) A description of opportunities for public comment
17 and input into the prioritization process; and

18 (7) An email address for members of the public to
19 submit comments on proposed projects and the comprehensive
20 project prioritization plan.

21 Section 30. Consideration and implementation of the
22 Comprehensive Project Prioritization Plan.

23 (a) Commencing in 2010 and in each year thereafter, the
24 Chairpersons of the House and Senate committees having
25 jurisdiction over transportation matters shall, within 14 days

1 after the Governor's submission of the proposed capital budget,
2 convene a joint subject matter hearing to consider the
3 comprehensive project prioritization plan and the impact of the
4 proposed capital budget on the State's implementation of
5 projects contained therein.

6 (b) Commencing in 2010 and in each year thereafter, the
7 Department shall, within 30 days of the adoption of the state
8 budget, prepare and post on its website a final annual surface
9 transportation program project listing that allocates
10 available state funding in accordance with the funding
11 recommendations and prioritization process set forth in the
12 comprehensive project prioritization plan. The program project
13 listings shall specify all projects included in the
14 comprehensive project prioritization plan but not included in
15 the final project listings due to funding limitations.

16 (c) The comprehensive project prioritization plan shall
17 serve as the basis for the Department's draft and final STIP.
18 The draft and final STIP may not include any projects that were
19 not included in the most recent comprehensive project
20 prioritization plan.

21 (d) The Department's master plan and 5-year project
22 programs published and delivered to the Governor and General
23 Assembly in accordance with subsection 2705-200(a) of the Civil
24 Administrative Code shall include an analysis of the three most
25 recent comprehensive project prioritization plans, and shall
26 identify priority transportation subsystems and critical

1 system components based upon the prioritization and funding
2 recommendations contained in the 3 most recent comprehensive
3 project prioritization plans.

4 Section 35. Rules. The Department may adopt any rules that
5 it deems necessary to administer the terms and provisions of
6 this Act.

7 Section 90. The Department of Transportation Law of the
8 Civil Administrative Code of Illinois is amended by changing
9 Section 2705-200 as follows:

10 (20 ILCS 2705/2705-200) (was 20 ILCS 2705/49.16)

11 Sec. 2705-200. Master plan; reporting requirements.

12 (a) The Department has the power to develop and maintain a
13 continuing, comprehensive, and integrated planning process
14 that shall develop and periodically revise a statewide master
15 plan for transportation to guide program development and to
16 foster efficient and economical transportation services in
17 ground, air, water, and all other modes of transportation
18 throughout the State. The Department shall coordinate its
19 transportation planning activities with those of other State
20 agencies and authorities and shall supervise and review any
21 transportation planning performed by other Executive agencies
22 under the direction of the Governor. The Department shall
23 cooperate and participate with federal, regional, interstate,

1 State, and local agencies, in accordance with Sections 5-301
2 and 7-301 of the Illinois Highway Code, and with interested
3 private individuals and organizations in the coordination of
4 plans and policies for development of the state's
5 transportation system.

6 To meet the provisions of this Section, the Department
7 shall publish and deliver to the Governor and General Assembly
8 by January 1, 1982 and every 2 years thereafter, its master
9 plan for highway, waterway, aeronautic, mass transportation,
10 and railroad systems. The plan shall identify priority
11 subsystems or components of each system that are critical to
12 the economic and general welfare of this State regardless of
13 public jurisdictional responsibility or private ownership.

14 The master plan shall provide particular emphasis and
15 detail of at least the 5-year period in the immediate future.

16 Annual and 5-year, or longer, project programs for each
17 State system in this Section shall, through and including 2009,
18 be published and furnished the General Assembly on the first
19 Wednesday in April of each year. Commencing in 2010 and in each
20 year thereafter, the annual and 5-year project programs for
21 each State system must be published and furnished to the
22 General Assembly by January 15.

23 Identified needs included in the project programs shall be
24 listed and mapped in a distinctive fashion to clearly identify
25 the priority status of the projects: (1) projects to be
26 committed for execution; (2) tentative projects that are

1 dependent upon funding or other constraints; and (3) needed
2 projects that are not programmed due to lack of funding or
3 other constraints.

4 All projects shall be related to the priority systems of
5 the master plan, and the priority criteria identified. Cost and
6 estimated completion dates shall be included for work required
7 to complete a useable segment or component beyond the period of
8 the program.

9 (b) Through and including 2009, the ~~The~~ Department shall
10 publish and deliver to the Governor and General Assembly on the
11 first Wednesday in April of each year a 5-year, or longer,
12 Highway Improvement Program reporting the number of fiscal
13 years each project has been on previous plans submitted by the
14 Department. Commencing in 2010 and in each year thereafter, the
15 annual and 5-year project programs for each State system must
16 be published and furnished to the General Assembly by January
17 15.

18 (c) The Department shall publish and deliver to the
19 Governor and the General Assembly by November 1 of each year a
20 For the Record report that shall include the following:

21 (1) All the projects accomplished in the previous
22 fiscal year listed by each Illinois Department of
23 Transportation District.

24 (2) The award cost and the beginning dates of each
25 listed project.

26 (Source: P.A. 94-91, eff. 7-1-05.)

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