

1 AN ACT concerning State government.

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 changing
6 Section 2705-200 as follows:

7 (20 ILCS 2705/2705-200) (was 20 ILCS 2705/49.16)

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

9 (a) The Department has the power to develop and maintain a
10 continuing, comprehensive, and integrated planning process
11 that shall develop and periodically revise a statewide master
12 plan for transportation to guide program development and to
13 foster efficient and economical transportation services in
14 ground, air, water, and all other modes of transportation
15 throughout the State. The Department shall coordinate its
16 transportation planning activities with those of other State
17 agencies and authorities and shall supervise and review any
18 transportation planning performed by other Executive agencies
19 under the direction of the Governor. The Department shall
20 cooperate and participate with federal, regional, interstate,
21 State, and local agencies, in accordance with Sections 5-301
22 and 7-301 of the Illinois Highway Code, and with interested
23 private individuals and organizations in the coordination of

1 plans and policies for development of the state's
2 transportation system.

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

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

13 Annual and 5-year, or longer, project programs for each
14 State system in this Section shall be published and furnished
15 the General Assembly on the first Wednesday in April of each
16 year.

17 Identified needs included in the project programs shall be
18 listed and mapped in a distinctive fashion to clearly identify
19 the priority status of the projects: (1) projects to be
20 committed for execution; (2) tentative projects that are
21 dependent upon funding or other constraints; and (3) needed
22 projects that are not programmed due to lack of funding or
23 other constraints.

24 All projects shall be related to the priority systems of
25 the master plan, and the priority criteria identified. Cost and
26 estimated completion dates shall be included for work required

1 to complete a useable segment or component beyond the period of
2 the program.

3 (b) The Department shall publish and deliver to the
4 Governor and General Assembly on the first Wednesday in April
5 of each year a 5-year, or longer, Highway Improvement Program
6 reporting the number of fiscal years each project has been on
7 previous plans submitted by the Department. It is a goal of the
8 Highway Improvement Program that the percentage of
9 State-jurisdiction mileage and bridges in acceptable condition
10 be comparable throughout the State and that the percentage of
11 State-jurisdiction miles and bridges in acceptable condition
12 in each of the Department's highway districts, as those
13 districts were organized on January 1, 2008, be no lower than 5
14 percentage points below the statewide average percentage in
15 acceptable condition.

16 Funding in the Highway Improvement Program shall be
17 allocated as follows: 45% for projects in highway district 1
18 and 55% for projects in highway districts 2 through 9, as those
19 districts were organized on January 1, 2008. For Fiscal Year
20 2009, a minimum of two-thirds of the funds allocated for
21 highway districts 2 through 9 shall be allocated as follows:
22 13.63% for projects in district 2; 12.44% for projects in
23 district 3; 11.66% for projects in district 4; 9.89% for
24 projects in district 5; 13.88% for projects in district 6;
25 10.56% for projects in district 7; 17.67% for projects in
26 district 8; and 10.27% for projects in district 9. Starting in

1 Fiscal Year 2010, a minimum of two-thirds of the funds
2 allocated for highway districts 2 through 9 shall be allocated
3 as follows: one-third in the ratio that the total lane miles of
4 State-jurisdiction roads in each of the highway districts bears
5 to the total lane miles of State-jurisdiction roads in highway
6 districts 2 through 9; one-third in the ratio that the total
7 square footage of State-jurisdiction bridges in each of the
8 highway districts bears to the total square footage of
9 State-jurisdiction bridges in highway districts 2 through 9;
10 and one-third in the ratio that the miles of daily travel on
11 State-jurisdiction roads in each of the highway districts bears
12 to the total miles of daily travel on State-jurisdiction roads
13 in highway districts 2 through 9. If in any year a catastrophic
14 road or bridge failure makes impracticable the funding
15 allocation for highway districts 2 through 9, the Secretary may
16 declare an emergency and reallocate the funding as needed to
17 address the catastrophic road or bridge failure. The remaining
18 funds shall be allocated by the Department for projects in
19 highway districts 2 through 9.

20 The Highway Improvement Program shall include the
21 following information statewide and for each of the
22 Department's highway districts:

23 (1) Overall funding proposed for the first year of the
24 Highway Improvement Program.

25 (2) For roads and bridges under State jurisdiction, the
26 current percentage of miles and bridges in acceptable

1 condition.

2 (3) For roads and bridges under State jurisdiction, the
3 projected percentage of miles and bridges in acceptable
4 condition at the end of the Highway Improvement Program.

5 (b-5) The Department shall publish and deliver to the
6 Governor and General Assembly an Annual Highway Improvement
7 Program within 60 days after the start of each fiscal year or
8 of the enactment of the Department's highway construction
9 appropriation for that fiscal year, whichever is later. Funding
10 in the Annual Highway Improvement Program shall be allocated as
11 follows: 45% for projects in highway district 1 and 55% for
12 projects in highway districts 2 through 9, as those districts
13 were organized on January 1, 2008. For Fiscal Year 2009, a
14 minimum of two-thirds of the funds allocated for highway
15 districts 2 through 9 shall be allocated as follows: 13.63% for
16 projects in district 2; 12.44% for projects in district 3;
17 11.66% for projects in district 4; 9.89% for projects in
18 district 5; 13.88% for projects in district 6; 10.56% for
19 projects in district 7; 17.67% for projects in district 8; and
20 10.27% for projects in district 9. Starting in Fiscal Year
21 2010, a minimum of two-thirds of the funds allocated for
22 highway districts 2 through 9 shall be allocated as follows:
23 one-third in the ratio that the total lane miles of
24 State-jurisdiction roads in each of the highway districts bears
25 to the total lane miles of State-jurisdiction roads in highway
26 districts 2 through 9; one-third in the ratio that the total

1 square footage of State-jurisdiction bridges in each of the
2 highway districts bears to the total square footage of
3 State-jurisdiction bridges in highway districts 2 through 9;
4 and one-third in the ratio that the miles of daily travel on
5 State-jurisdiction roads in each of the highway districts bears
6 to the total miles of daily travel on State-jurisdiction roads
7 in highway districts 2 through 9. The remaining funds shall be
8 allocated by the Department for projects in highway districts 2
9 through 9. If in any year a catastrophic road or bridge failure
10 makes impracticable the funding allocation for highway
11 districts 2 through 9, the Secretary may declare an emergency
12 and reallocate the funding as needed to address the
13 catastrophic road or bridge failure.

14 The Annual Highway Improvement Program shall include the
15 following information statewide and for each of the
16 Department's highway districts:

17 (1) Total proposed funding, total number of miles to be
18 improved, and total number of bridges to be improved.

19 (2) For roads and bridges under State jurisdiction, the
20 current percentage of miles and bridges in acceptable
21 condition.

22 (3) For roads and bridges under State jurisdiction, the
23 projected percentage of miles and bridges in acceptable
24 condition at the end of the Annual Highway Improvement
25 Program.

26 (c) The Department shall publish and deliver to the

1 Governor and the General Assembly by November 1 of each year a
2 For the Record report that shall include the following:

3 (1) All the projects accomplished in the previous
4 fiscal year listed by each Illinois Department of
5 Transportation District.

6 (2) The award cost and the beginning dates of each
7 listed project.

8 (3) Statewide and for each of the Department's highway
9 districts, the total of program accomplishments in
10 dollars, number of miles, and number of bridges.

11 (4) For roads and bridges under State jurisdiction, the
12 current percentage of miles and bridges in acceptable
13 condition.

14 (5) For any highway district whose percentage of miles,
15 bridges, or both that are in acceptable condition is more
16 than 5 percentage points below the statewide average
17 percentage in acceptable condition, a description of
18 remedial actions that will be taken in the next Highway
19 Improvement Program for raising that district's percentage
20 of roads, bridges, or both that are in acceptable
21 condition.

22 (d) Following publication of each of the documents required
23 by subsections (b), (b-5), and (c), the Commission on
24 Government Forecasting and Accountability shall review the
25 documents and certify to the Governor, Senate President, and
26 Speaker of the House whether the requirements contained in

1 subsections (b), (b-5), and (c) regarding each highway
2 district's percentage funding allocation and each highway
3 district's road and bridge conditions are being met.

4 (e) Every 2 years, the Auditor General shall review the
5 performance of the Department to assure the Department is
6 meeting the requirements of subsections (b), (b-5), and (c).

7 (f) Notwithstanding any other rulemaking authority that
8 may exist, neither the Governor nor any agency or agency head
9 under the jurisdiction of the Governor has any authority to
10 make or promulgate rules to implement or enforce the provisions
11 of this amendatory Act of the 95th General Assembly. If,
12 however, the Governor believes that rules are necessary to
13 implement or enforce the provisions of this amendatory Act of
14 the 95th General Assembly, the Governor may suggest rules to
15 the General Assembly by filing them with the Clerk of the House
16 and the Secretary of the Senate and by requesting that the
17 General Assembly authorize such rulemaking by law, enact those
18 suggested rules into law, or take any other appropriate action
19 in the General Assembly's discretion. Nothing contained in this
20 amendatory Act of the 95th General Assembly shall be
21 interpreted to grant rulemaking authority under any other
22 Illinois statute where such authority is not otherwise
23 explicitly given. For the purposes of this paragraph, "rules"
24 is given the meaning contained in Section 1-70 of the Illinois
25 Administrative Procedure Act, and "agency" and "agency head"
26 are given the meanings contained in Sections 1-20 and 1-25 of

1 the Illinois Administrative Procedure Act to the extent that
2 such definitions apply to agencies or agency heads under the
3 jurisdiction of the Governor.

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

5 Section 99. Effective date. This Act takes effect July 1,
6 2008.