



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1582

Introduced 2/9/2007, by Sen. Susan Garrett

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 District Prioritization Committees and sets forth procedures for their operation. Requires the Department of Transportation and 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 09562 BDD 31285 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 a District Prioritization Committee.

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

7 "Department" means the Department of Transportation.

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

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

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

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

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

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

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

9 "Secretary" means the Secretary of Transportation.

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

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

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

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

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

25 "Statewide projects" means traffic control improvements
26 procured by the Department on a statewide basis, weigh

1 stations, state park projects, contract maintenance performed
2 by non-state forces, emergency road and bridge repairs, and
3 federally authorized Equal Employment Opportunity training
4 programs and support services.

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

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

9 Section 15. Establishment of District Prioritization
10 Committees.

11 (a) Within 30 days after the effective date of this Act, a
12 District Prioritization Committee for each District must be
13 established under the direction of the Department, but no
14 Committee may be established for a District included entirely
15 within an MPO jurisdiction. The membership of each Committee
16 is:

17 (1) One member appointed by the Secretary;

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

24 (3) One member appointed by each RPC whose territory is
25 within the District but not within an MPO jurisdiction.

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

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

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

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

1 Department for ordinary and necessary expenses incurred in
2 performing their duties under this Act.

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

5 (a) By March 1, 2008, the Department shall, through a
6 process involving opportunity for public review and comment:

7 (1) Establish uniform statewide evaluation criteria
8 for project prioritization derived from the State
9 transportation goals. The Department shall establish no
10 fewer than 5 and no more than 10 criteria;

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

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

17 (b) By May 1, 2008, the MPOs and Committees shall each make
18 the following determinations through a process involving
19 opportunity for public review and comment:

20 (1) Each MPO shall determine the weight to be given
21 each uniform statewide evaluation criterion for the review
22 of proposed projects within the MPO jurisdiction;

23 (2) Each Committee shall determine the weight to be
24 given each uniform statewide evaluation criterion for the
25 review of proposed projects within the District but outside

1 of an MPO jurisdiction; and

2 (3) The Department shall determine the weight to be
3 given each uniform statewide evaluation criterion for the
4 review of proposed statewide projects.

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

18 (c) By July 1, 2008 and by July 1 of each year thereafter,
19 each MPO shall hold a public hearing to present to the public
20 and allow public testimony on proposed projects within the MPO
21 jurisdiction All such proposals must be consistent with the
22 MPO's TIP and its long-range plan. By September 1, 2008 and by
23 September 1 of each year thereafter, the MPO shall: (i) adopt a
24 prioritized list of proposed projects based upon the MPO's
25 prioritization scoring system; and (ii) deliver the
26 prioritized list, with a description of each project, to the

1 Department.

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

20 (e) By June 1, 2008 and by June 1 of each year thereafter,
21 the Department shall develop a list and independently score
22 proposed statewide projects. All such proposed projects must be
23 consistent with the most recent STIP and the Department's
24 long-range plan. By July 1, 2008 and by July 1 of each
25 thereafter, the Department shall hold a public hearing to
26 present to the public and allow public testimony on the

1 proposed statewide projects. By September 1, 2008 and by
2 September 1 of each thereafter, the Department shall adopt a
3 prioritized list of proposed statewide projects based upon the
4 Committee's prioritization scoring system.

5 (f) By October 15, 2008 and by October 15 of each year
6 thereafter, the Department shall meet to hear public testimony
7 and consider the prioritized lists developed by each Committee
8 and MPO. By January 15, 2009 and by January 15 of each year
9 thereafter, the Department shall submit to the Governor and
10 General Assembly a comprehensive project prioritization plan
11 that: (i) describes the uniform state evaluation criteria and
12 the prioritization scoring system used by each MPO and
13 Committee; (ii) includes all of the projects submitted for
14 consideration by each MPO and Committee; and (iii) prioritizes
15 all projects for state and federal funding, noting the likely
16 availability of such funding and any use restrictions
17 applicable to a fund source. The comprehensive project
18 prioritization plan shall serve as the annual project program
19 for the highway, mass transportation, and railroad systems
20 required to be developed by the Department pursuant to Section
21 2705-200 of the Department of Transportation Law in the Civil
22 Administrative Code of Illinois.

23 (g) By March 1, 2009 and by March 1 of each year
24 thereafter, the Department may, through a process involving
25 opportunity for public review and comment, modify any of the
26 following: (i) the uniform statewide evaluation criteria; (ii)

1 the process for calculating the benefit/per-capita cost; and
2 (iii) the process for evaluating and prioritizing projects
3 contained on the MPO and Committee prioritized lists developed
4 in accordance with this Section. By March 1, 2009 and by March
5 1 of each year thereafter, each Committee and MPO may, through
6 a process involving opportunity for public review and comment,
7 modify its weighting system for the uniform statewide
8 evaluation criteria. Any modification made in accordance with
9 this subsection shall be immediately provided to the Department
10 for posting on the website described in Section 25 of this Act,
11 and the Department shall notify each Committee and MPO of the
12 modification.

13 Section 25. Establishment of Department website. Upon the
14 effective date of this Act, the Department shall mail a copy of
15 the Act and a description thereof to each MPO, RPC and county
16 board in the State. Within 60 days after the effective date of
17 this Act, the Department shall establish a dedicated section of
18 its website that includes the Act and a description thereof The
19 Department shall maintain and update the website to include:

- 20 (1) The membership of all Committees and MPOs;
21 (2) Meeting notices, agendas, and minutes for all
22 meetings and hearings required pursuant to this Act;
23 (3) A description of the uniform statewide evaluation
24 criteria;
25 (4) A description of the prioritization scoring system

1 used by each Committee and MPO;

2 (5) The prioritized project list adopted by each
3 Committee and MPO, and the comprehensive project
4 prioritization plan adopted by the Department;

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

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

10 Section 30. Consideration and implementation of the
11 Comprehensive Project Prioritization Plan.

12 (a) Commencing in 2010 and in each year thereafter, the
13 Chairpersons of the House and Senate committees having
14 jurisdiction over transportation matters shall, within 14 days
15 after the Governor's submission of the proposed capital budget,
16 convene a joint subject matter hearing to consider the
17 comprehensive project prioritization plan and the impact of the
18 proposed capital budget on the State's implementation of
19 projects contained therein.

20 (b) Commencing in 2010 and in each year thereafter, the
21 Department shall, within 30 days of the adoption of the state
22 budget, prepare and post on its website a final annual surface
23 transportation program project listing that allocates
24 available state funding in accordance with the funding
25 recommendations and prioritization process set forth in the

1 comprehensive project prioritization plan. The program project
2 listings shall specify all projects included in the
3 comprehensive project prioritization plan but not included in
4 the final project listings due to funding limitations.

5 (c) The comprehensive project prioritization plan shall
6 serve as the basis for the Department's draft and final STIP.
7 The draft and final STIP may not include any projects that were
8 not included in the most recent comprehensive project
9 prioritization plan.

10 (d) The Department's master plan and 5-year project
11 programs published and delivered to the Governor and General
12 Assembly in accordance with subsection 2705-200(a) of the Civil
13 Administrative Code shall include an analysis of the 3 most
14 recent comprehensive project prioritization plans, and shall
15 identify priority transportation subsystems and critical
16 system components based upon the prioritization and funding
17 recommendations contained in the 3 most recent comprehensive
18 project prioritization plans.

19 Section 35. Rules. The Department may adopt any rules that
20 it deems necessary to administer the terms and provisions of
21 this Act.

22 Section 90. The Department of Transportation Law of the
23 Civil Administrative Code of Illinois is amended by changing
24 Section 2705-200 as follows:

1 (20 ILCS 2705/2705-200) (was 20 ILCS 2705/49.16)

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

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

20 To meet the provisions of this Section, the Department
21 shall publish and deliver to the Governor and General Assembly
22 by January 1, 1982 and every 2 years thereafter, its master
23 plan for highway, waterway, aeronautic, mass transportation,
24 and railroad systems. The plan shall identify priority
25 subsystems or components of each system that are critical to

1 the economic and general welfare of this State regardless of
2 public jurisdictional responsibility or private ownership.

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

5 Annual and 5-year, or longer, project programs for each
6 State system in this Section shall, through and including 2009,
7 be published and furnished the General Assembly on the first
8 Wednesday in April of each year. Commencing in 2010 and in each
9 year thereafter, the annual and 5-year project programs for
10 each State system must be published and furnished to the
11 General Assembly by January 15.

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

19 All projects shall be related to the priority systems of
20 the master plan, and the priority criteria identified. Cost and
21 estimated completion dates shall be included for work required
22 to complete a useable segment or component beyond the period of
23 the program.

24 (b) Through and including 2009, the ~~The~~ Department shall
25 publish and deliver to the Governor and General Assembly on the
26 first Wednesday in April of each year a 5-year, or longer,

1 Highway Improvement Program reporting the number of fiscal
2 years each project has been on previous plans submitted by the
3 Department. Commencing in 2010 and in each year thereafter, the
4 annual and 5-year project programs for each State system must
5 be published and furnished to the General Assembly by January
6 15.

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

10 (1) All the projects accomplished in the previous
11 fiscal year listed by each Illinois Department of
12 Transportation District.

13 (2) The award cost and the beginning dates of each
14 listed project.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.