



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0876

Introduced 2/10/2009, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

605 ILCS 5/7-202.2

from Ch. 121, par. 7-202.2

605 ILCS 5/7-203.3 new

Amends the Illinois Highway Code. Provides that a municipality that is located partially or wholly in a county with a population greater than 500,000 but less than 3,000,000 under specified conditions may expend Motor Fuel Tax street or road funds (except Federal-aid funds) on streets or highways or sections of highways without prior review or approval of the Department of Transportation for routine maintenance activities as determined by the Department, including without limitation snow plowing, street cleaning, crack-sealing, and road patching; and routine and periodic roadway resurfacing activities (including grinding off the surface course of roads, but not involving expansions or reconstruction of more than 20% of the affected road bed). Effective immediately.

LRB096 04777 AJT 14841 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning highways.

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

4 Section 5. The Illinois Highway Code is amended by adding
5 Sections 7-202.2 and 7-203.3 as follows:

6 (605 ILCS 5/7-202.2) (from Ch. 121, par. 7-202.2)

7 Sec. 7-202.2. The construction and maintenance of
8 municipal streets and alleys as may be designated by the
9 corporate authorities and approved by the Department or
10 pursuant to Section 7-203.3 of this Code.

11 (Source: P.A. 78-1274.)

12 (605 ILCS 5/7-203.3 new)

13 Sec. 7-203.3. Alternative procedures for routine
14 maintenance activities.

15 (a) For any municipality qualifying to participate under
16 subsection (b) of this Section, such municipality may expend
17 Motor Fuel Tax street or road funds, except Federal-aid funds,
18 on streets or highways or sections of highways without prior
19 review or approval of the Department for: (1) any routine
20 maintenance activities as determined by the Department,
21 including without limitation snow plowing, street cleaning,
22 crack-sealing, and road patching; and (2) routine and periodic

1 roadway resurfacing activities (including grinding off the
2 surface course of roads, but not involving expansions or
3 reconstruction of more than 20% of the affected road bed).
4 Bidding for projects qualifying under clauses (1) and (2) of
5 this subsection (a) shall comply with the requirements of the
6 Illinois Municipal Code.

7 (b) A municipality is qualified to act under this Section
8 if it meets all of the following requirements:

9 (1) it is located partially or wholly in a county with
10 a population greater than 500,000 but less than 3,000,000;

11 (2) the municipality adopts an ordinance or resolution
12 electing to proceed under this Section 7-203.3 and delivers
13 such ordinance or resolution to the Department Secretary;

14 (3) the mayor or president of the municipality annually
15 certifies to the Department that:

16 (A) the municipality has complied with Section
17 7-301;

18 (B) the municipality has appointed a full-time
19 engineer or has retained a licensed professional
20 engineer or professional engineering firm charged with
21 overseeing the municipality's street, road, or highway
22 construction and maintenance programs; and

23 (C) the municipality has expended Motor Fuel Tax
24 funds only on activities authorized by this Article;

25 (4) the municipal engineer or engineering firm (as
26 described in clause (3)(B) of this subsection (b) annually

1 certifies to the Department that the municipality's
2 activities undertaken with Motor Fuel Tax funds satisfied
3 the requirements of clauses (1) and (2) of subsection (a)
4 of this Section and otherwise comported with applicable
5 specifications of the Department relating to such
6 activities; and

7 (5) the municipality annually submits a certified
8 audit of its motor fuel tax fund to the Department
9 establishing that the municipality has properly used its
10 Motor Fuel Tax funds.

11 Any municipality that fails to comply with the requirements
12 of this Section or whose audit is not found acceptable to the
13 Department shall be barred from utilizing this Section for a
14 period of 5 years, unless the Department approves the
15 municipality's earlier participation under this Section.

16 (c) For activities not within the scope of subsection (a)
17 of this Section, a municipality must comply with the general
18 provisions of this Division 2 regarding the Department's review
19 and approval of expenditure of Motor Fuel Tax funds.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.