

## ILLINOIS VOTERS PASS SAFE ROADS AMENDMENT PROHIBITING STATE'S USE OF TRANSPORTATION FUNDS FOR NON-TRANSPORTATION RELATED PROJECTS

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On November 8, 2016, Illinois voters overwhelmingly passed the Illinois Transportation Taxes and Fees Lockbox Constitutional Amendment, also known as the Safe Roads Amendment. The amendment was designed to prohibit the state legislature from using transportation funds for non-transportation related projects. Specifically, the amendment adds a new section to the Revenue Article of the Illinois Constitution that provides revenue generated from transportation related taxes and fees (referred to as "transportation funds") shall be used exclusively for transportation related purposes. Transportation related taxes and fees include motor fuel taxes, vehicle registration fees, and other taxes and user fees dedicated to public highways, roads, streets, bridges, mass transit (buses and rail), ports or airports.

The amendment will take effect after the State Board of Elections certifies the vote tallies and Governor Bruce Rauner issues a proclamation declaring the results. Under the amendment, transportation funds may be used by the state or local governments only for the following purposes:

- » Costs related to administering transportation and vehicle laws, including public safety purposes and the payment of obligations such as bonds;
- » The state or local share necessary to secure federal funds or for local government transportation purposes as authorized by law;
- » The construction, reconstruction, improvement, repair, maintenance and operation of highways, mass transit and railroad crossings;
- » Expenses related to workers' compensation claims for death or injury of transportation agency employees; and
- » To purchase land for building highways or buildings to be used for highway purposes.

It is important to note that the amendment does not change the way in which local governments may use sales taxes, including the sales and excise tax on motor fuel, or alter home rule powers granted under the Illinois Constitution. In addition, the amendment does not impact the expenditure of federal funds, which may be spent for any purpose authorized by federal law.

On its face, the amendment is fairly clear, but there are outstanding questions. It is unclear if transportation-related expenditures, such as snow plowing, street lighting, and other related costs are excluded due to the restrictive language of the amendment. It is likely that additional clarification will be needed from the legislature to fill in these gaps.

Tressler will keep you informed of any future updates related to the amendment. Please contact your attorney with questions about how the amendment will affect your unit of local government.

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