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## Know your ballot: Voters consider constitutional amendment on transportation funding

[Nora Shelly](#), City Editor  
November 1, 2016



Illinois voters are being asked to decide on a constitutional amendment that would block legislators from using funds slated for transportation projects for anything other than their outlined purpose.

The Illinois Transportation Taxes and Fees Lockbox Amendment is up for a referendum vote in this month's election. If the measure is approved, the Revenue Article of the Illinois Constitution will be amended to include a line that does away with legislators' ability to allocate funds intended for transportation to other uses.

The proposed amendment says no funds derived from taxes, excises, fees or license taxes related to registration, operation or use of vehicles, or from the use of any roadways "shall be expended for purposes other than as provided."

The measure is similar to similar measures in Wisconsin and Maryland and passed through the Illinois House with a vote of 98-4 and through the Illinois Senate with a vote of 55-0.

Rep. Laura Fine (D-Glenview) was one of the four "no" votes in the House. Fine said she thinks the amendment may start the state on a "slippery slope."

"We are saying that we are having dedicated funds for transportation. And don't get me wrong, because transportation and safe roads are very important," she said. "We don't have dedicated funds for things like human services and education, and I think it's sort of opening up to say, well, 'if we're having dedicated funds for one thing, why not something else?'"

Fine and others who oppose the amendment say it would limit the power of legislators to allocate funds to another source if an emergency came up. If the state didn't have enough money to open schools in the fall, not being able to use transportation funds would be frustrating, Fine said.

Fine said she would feel much better about the amendment if it had a “pressure-release valve” that would allow legislators to divert funds if needed. In the proposal’s current state, the amendment would be permanent unless the legislation was amended again to reverse the action.

“So we could have extra money sitting in there and not enough money to pay for anything else,” she said. “You never want to have sweep funds, but sometimes you need to borrow, and in this particular case, we want to be able to do that.”

Proponents of the amendment, however, said the roads in Illinois are in a dangerous state of disrepair. The lockbox amendment, they said, would ensure the funds collected from motor vehicle related activities go to repairing them.

Michael Sturino, the president and CEO of the Illinois Road & Transportation Builders Association — which supports the amendment — will make the state more accountable to taxpayers.

“These fees were raised for a specific purpose,” he said. “They’re user fees, and the folks who pay into them have reasonable expectations that they’ll go right back into the transportation that they use.”

Sturino said he doesn’t agree with the argument that the amendment would limit the ability of legislators to use transportation funds for other purposes in an emergency. The amendment will force legislators to make “responsible decisions” during budget season, he said.

The amendment is supported by Sturino’s group and others, such as the Illinois AFL-CIO and the Illinois Chamber of Commerce, who hold the position that it is time to end the diversion of transportation funds away from their intended purposes.

Dan Lesser, the economic justice policy director at the Sargent Shriver National Center on Poverty Law, said they opposed the amendment both because they disagree with “lockbox” policy and because they feel it is an improper use of the constitution.

Lesser said they are worried that, if passed, the amendment would be difficult to change.

“We think it’s very, very bad policy to enshrine fiscal policy in the Illinois constitution,” he said. “That’s not the purpose of the Constitution — to tie our hands in perpetuity to particular spending requirements.”

According to a memorandum from the Chicago Metropolitan Agency for Planning — which has not taken an official position on the matter — a total of \$519.5 million was diverted from various transportation funds between fiscal years 2004 and 2015. These funds “represent only a small fraction of total transportation budgets,” it said.

“Our state’s and region’s transportation networks do suffer from significant state-of-good-repair needs,” the memorandum said. “Funds to modernize or expand the system are limited. When those funds get swept, it is indeed a direct diversion from transportation revenues.”

The memorandum criticized aspects of the amendment, including its ambiguity concerning impacts on home rule, which gives certain municipalities more control over policies than higher levels of government.

“While the proposed amendment does not affect local governments’ ability to tax, it certainly calls into question their ability to devote local transportation revenues to non-transportation purposes,” the memorandum said.

In an Evanston budget memo, city staff said if the constitutional amendment is ruled to limit home-rule authority, it may impact how the city dedicates or restricts funds from the local gas tax or wheel tax for transportation related taxes.

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