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Passing the Safe Roads Amendment could have unintended consequences

Putting transportation revenue in a "lockbox" could make it harder to fund future travel modes.

By John Greenfield @greenfieldjohn



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The "lockbox" amendment would reserve money from gas taxes and the like exclusively for road repairs and other transportation needs.

SCOTT OLSON/GETTY IMAGES

One of the TV ads put out to promote the Safe Roads Amendment is downright terrifying.

"Thousands of bridges crumbling," says the ominous-sounding narrator over grim footage of crumbling viaducts and potholed streets. "Roads in dangerous disrepair. We already pay to make them safe, but year after year Springfield raids the road fund for their pet projects." On the screen is a horrific image of the 2007 Minneapolis Interstate 35W bridge collapse, which killed 13 people and injured 145. "It's not a matter of if disaster will strike," the narrator warns gloomily, "but when."

The proposed amendment to the Illinois constitution, which will be on the November 8 ballot, would require that all funds collected through gas taxes, tolls, driver's license fees, and city stickers be captured in a "lockbox" to prevent them from being used for nontransportation purposes. The ballot question asks citizens if they support earmarking this revenue for "administering laws related to vehicles and transportation, costs for construction, reconstruction, maintenance, repair, and betterment of public highways, roads, streets, bridges, mass transit, intercity passenger rail, ports, airports, or other forms of transportation, and other statutory highway purposes."

It's no surprise that the binding referendum, which will pass only if 60 percent of voters support it, is mainly backed by the road-building industry, organized labor, and other entities that stand to profit if more money is funneled toward highway construction. The lobbying group Citizens to Protect Transportation Funding has raised \$3.7 million in support of the measure—including \$1 million from the Fight Back Fund, a political advocacy group headed by labor leader Marc Poulos that isn't required to disclose its donors—and has already purchased some \$1 million worth of TV ads.

Both the *Tribune* and the *Sun-Times* have urged readers to vote no on the measure, arguing that the campaign is fueled by cronyism, and that politicians shouldn't need a constitutional amendment to force them into fiscal discipline. In September the *Tribune* ran an editorial blasting the amendment as "diabolical," asserting that it would serve as a gravy train for the contractors and unions who make campaign donations to politicians.

"Nobody would be talking about lockboxes if our pathetic Legislature and governor would only come to terms on a new state budget that responsibly balances spending and revenue overall," read a May *Sun-Times* editorial. "No one doubts that transportation projects are in a sorry state in Illinois. . . . But the solution is a budget, not a shell game."

The *Tribune* also argued that it would be bad to eliminate the option of using transportation money for other needs in case of real funding emergencies. Wisconsin, Maryland, and California, the three other states that have passed similar amendments, included a "safety valve" that eases the restriction in the event of a natural disaster or financial crisis.

On the other side, Chicago's three most prominent sustainable-transportation advocacy groups have previously endorsed the amendment, although one of them has since reversed its position. (More on that in a minute.) The Metropolitan Planning Council is one of the referendum's official supporters, and the Active Transportation Alliance and the Center for Neighborhood Technology previously voiced their approval. They've argued that the

lockbox would help grow the overall state transportation budget, including the relatively small portion that goes toward public transit, walking, and biking projects.

"The lockbox is one part of solving Illinois' transportation investment needs," said MPC spokeswoman Mandy Burrell in a statement. "Our [transportation infrastructure is] suffering from a chronic lack of investment." The civic group projects that an additional \$43 billion is needed over the next ten years to get our state's transportation infrastructure in good shape again, and Burrell argued that the amendment would help bolster political support for new revenue sources for the purpose, such as a hike in the state gas tax, which has been stuck at 19 cents a gallon since 1991. "We need to ensure people that the money they pay in transportation user fees will actually support transportation," she said.

“When the Illinois constitution was approved [in 1970], there were no such devices as cell phones, electric or autonomous cars, nor even Segway. How can we in the first quarter of the 21st Century anticipate the transportation modes over the horizon?”

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—JACKY GRIMSHAW, THE CENTER FOR NEIGHBORHOOD TECHNOLOGY

In September, after discussing the amendment with the three advocacy groups, I wrote a rebuttal to the *Trib* piece on Streetsblog, calling the lockbox amendment a “necessity.” But after taking a closer look at the proposal's language, as well as reading arguments from other organizations and progressive commentators, I realized I may have jumped to conclusions about the issue. It looks like enshrining this funding policy in the constitution could have some unintended negative consequences for Illinois's future fiscal needs, among other things.

As my Streetsblog colleague Steven Vance pointed out in a subsequent opinion piece, some of the arguments made by Citizens are inaccurate or misleading. The group claims that \$6.8 billion in transportation funding has been used for other needs since 2002. However, the Civic Federation, a bipartisan watchdog group, did an independent analysis and found that the number is actually \$519 million when you account for nondirect spending related to road construction, such as salaries for Illinois Department of Transportation employees and debt payment on bonds used to pay for the construction.

The federation also argued that requiring transportation-related revenue to be spent only on transportation projects could put more

strain on state and local budgets, which could mean cuts to education and human services, and/or higher taxes.

In addition, although the Chicago Metropolitan Agency for Planning hasn't officially opposed the amendment, last month the agency issued a memorandum that detailed several reservations about the proposal. CMAP noted that the language doesn't specify that statewide and regional transportation planning is eligible for transportation funding. CMAP also noted that the amendment prioritizes highway work over public transportation, and doesn't mention walking or biking at all. (Presumably the phrase "other forms of transportation" in the ballot question includes these modes, but that's not a sure thing.)

Crain's Chicago Business columnist Greg Hinz, a sustainable transportation booster, also cautioned against voting for the amendment in a recent op-ed. He quoted Chicago budget director Alex Holt as having concerns that the city might lose control over some \$250 million annually in local taxes, plus another \$49 million a year from state gas taxes. This money is used for many civic needs, such as libraries. It's also unclear whether the lockbox money could be used for snowplowing, streetlights, and other items not explicitly mentioned in the initiative.

When I ran these arguments by Active Trans director Ron Burke last week, he responded that the amendment aligns with his group's mission by significantly increasing state funding for walking, biking, and transit at a time when cuts are a very real threat. In early 2015 Governor Bruce Rauner proposed slashing one-third of state funding for CTA, Metra, and Pace, although, partly due to pushback from Active Trans and other advocates, the cuts haven't gone through. The lockbox would make this kind of doomsday scenario less likely, Burke argued.

He's says he's not worried that walking and biking projects won't be eligible for funding under the amendment.

"We will have to fight for our share of the pie, as we do today, [but] the pie will get bigger—and that is key," Burke says.

However, Burke did acknowledge that Active Trans has been unhappy with how car-centric the branding and advertising for the lockbox campaign has been—the logo for the initiative is a shield from an interstate sign with a checkmark in it. "We knew that they prioritize roads," he says, "and this is another example of that."

Likely as a result of Active Trans' nudging, another Citizens ad features a guy riding a bike (albeit with his messenger bag on backward). The group has also tweeted messages stating that the amendment will protect funding for transit, walking, and biking, as well as driving.

Back in September, Center for Neighborhood Technology vice president for policy Jacky Grimshaw told me the lockbox was necessary to keep Springfield from diverting scarce transportation funds to other needs like colleges and day care. "The General Assembly should address funding those needs . . . not rob transportation dollars to fund them," she said at the time.

But after I asked about the opposing arguments last week, Grimshaw told me she has changed her mind.

"After actually reading the amendment and considering not only some of the issues you cite, but also the denial of transportation funding [for Illinois Department of Natural Resources research on alternative energy], I've concluded that this amendment is a bad idea."

Last Friday Grimshaw laid out her new position in a blog post. "Ordinarily constitutional amendments emerge out of a broad civic discussion where their impacts can be evaluated from many perspectives and the wording revised to achieve the intended objective," she wrote. "Not this amendment. It was developed behind closed doors and released fully developed—along with an advertising campaign. Indeed, it could be called a 'stealth amendment.'"

"And there is the future [to consider]," she noted. "When the Illinois constitution was approved [in 1970], there were no such devices as cell phones, electric or autonomous cars, nor even Segway. How can we in the first quarter of the 21st century anticipate the transportation modes over the horizon? It is uncertain if this amendment would allow for funding support."

So what should we do at the voting booth next Tuesday? While there are compelling arguments on both sides, I'm probably going to vote no. The road-building lobby's gusto for tying lawmakers' hands on funding decisions reminds me too much of Richard M. Daley's disastrous 2008 parking meter privatization deal, with its many unanticipated consequences. I'm thinking it's better to be safe than sorry. 

John Greenfield edits the transportation news website Streetsblog Chicago.

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