

## IRTBA Transportation Coalition Enters Into Lawsuit with Cook County

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## **IRTBA, Transportation Coalition Enters Lawsuit with Cook County**

The Illinois Road and Transportation Builders Association (IRTBA) and a broad coalition of transportation advocacy organizations have filed suit against Cook County for violating the Safe Roads Amendment to the Illinois Constitution (Article IX, Section 11). Nearly 79 percent of Cook County voters supported the Safe Roads Amendment.

The industry coalition includes American Council of Engineering Companies of Illinois, Associated General Contractors of Illinois, Chicagoland Associated General Contractors, Concrete Pipe Association of Illinois, Federation of Women Contractors, Great Lakes Contractors Association, Illinois Asphalt Pavement Association, Illinois Association of Aggregate Producers, Illinois Ready Mixed Concrete Association, Illinois Road and Transportation Builders Association, and Underground Contractors Association.

Based on publicly-available information it appears that, notwithstanding the plain terms of the Safe Roads Amendment, Cook County is diverting approximately \$250 million in revenue collected from the following transportation-related taxes and fees to a fund that does not finance transportation infrastructure improvement or other transportation-related expenditures authorized by the Safe Roads Amendment: the Cook County Home Rule County Use Tax; the Cook County Retail Sale of Gasoline and Diesel Fuel Tax; the Cook County New Motor Vehicle and Trailer Excise Tax; the Cook County Home Rule Use Tax for Non-Retailer Transfers of Motor Vehicles; the

Cook County Wheel Tax on Motor Vehicles; and the Cook County Parking Lot and Garage Operations Tax. This list is not necessarily exhaustive.

In light of this information, the IRTBA spent several months requesting meetings with Cook County officials and attempting to obtain more detailed information about how Cook County is spending these transportation-related tax dollars. Industry FOIA requests for additional information were improperly denied. IRTBA representatives were ultimately able to meet with Cook County CFO Ammar Rizki, Cook County Transportation Department Director John Yonan, and others, but that meeting was unproductive. The Cook County representatives who attended that meeting stated that they believed the County was complying with the Safe Roads Amendment, and promised to share additional information to verify that claim. Weeks passed, however, and the County ultimately sent a letter saying that, contrary to previous commitments, no such information would be provided. It was surprising and disappointing that the County would refuse to share information about how tax dollars are being spent. That information should be freely available to the public.

At this point, the industry coalition has done everything possible to avoid litigation. Requests to Cook County for information about these tax revenues have been denied, and attempts to discuss a possible resolution have gone nowhere. The IRTBA and its coalition of transportation advocacy organizations are committed both to the enforcement of the Safe Roads Amendment and to transparency concerning Cook County's use of tax dollars. As there currently appears to be no reasonable alternative to litigation, a lawsuit has been filed. To do nothing would render the Safe Roads Amendment meaningless.

IRTBA members will be kept informed during the litigation process as circumstances warrant.