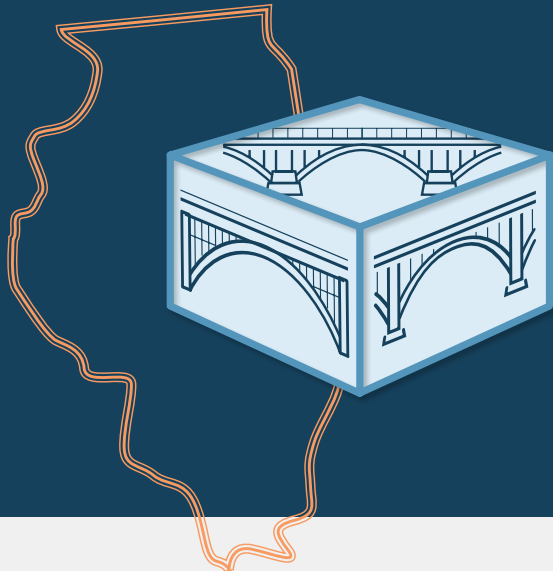


# ILLINOIS EXPLORING BRIDGE BUNDLING



## There is broad legal authority permitting local government-sponsored bridge bundling:

- Units of local government in Illinois may work together to jointly construct and maintain bridges
- This authority comes from the extensive powers given under the Intergovernmental Cooperation Act

## However, the usefulness of this broad legal authority may be limited by other areas of the law and local practices:

- One immediate complicating factor is the hierarchical way Illinois allocates jurisdictional authority of roads and bridges—jurisdiction over roads and bridges is split among municipalities, townships, and counties.
- This hierarchy raises a number of interrelated questions on how, even using the extensive powers afforded under intergovernmental cooperation, the governments can work up and down the hierarchy, engage in public finance programs to undertake various bridge bundling functions, and navigate public contract bidding requirements.
- There are several finance-related issues that limit the path forward for bridge bundling under the intergovernmental cooperation approach:
  - Most common intergovernmental cooperation models are joint local government services financed through ordinary local government budget processes, not through public finance mechanisms like bonding authority—making it hard to cover capital costs
  - Home rule and non-home rule units of government are divided in their ability to issue bonds, as are other constituent units of local government
  - Individual local government bond ratings may affect ability to successfully use intergovernmental cooperation to finance bridge bundling initiatives
  - Local government statutory public bidding requirements as well as local ordinances may affect usability of intergovernmental cooperation to undertake bridge bundling projects
- Illinois statutes authorize municipalities and townships to construct or rebuild a (1) single bridge when (2) a portion of that bridge falls within that municipality or within that township; however:
  - The Illinois Highway Code doesn't address whether a municipality has the authority to build a bridge that is not within its jurisdiction
  - There is no specific authority for how a municipality and a township could work with their home county on bridge bundling



# The following areas have been identified for potential statutory clarification to facilitate bridge bundling :

- Statutory authority to fund and build bridge projects outside of a corporate authority's jurisdiction.
- Eliminate bond caps or increase bonding authority for non-home rule units of government for bridge infrastructure projects.
- Include bridge bundling authority as a new subsection under 5 ILCS 220 – clearly defining the intergovernmental power to undertake a bridge bundling project.
- Eliminate bidding requirements for units of local government as related bridge bundling projects.

## CASE STUDIES

Local units of government coming together collectively for a common purpose is not uncommon in Illinois. Governmental self-insurance pools and regional land bank authorities have been developed via powers given under the Intergovernmental Cooperation Act, the Act allows the following:

### **Local governments to exercise, combine, transfer, and enjoy jointly their powers, privileges, functions, or authority with other members of governments.**

#### Governmental self-insurance pools



**Allows local public entities to pool their resources and risks to provide a level of protection from potential fiscal hardship.**

- Illinois Supreme Court Held that governmental self-insurance pools were a valid exercise of intergovernmental cooperation.
- In 1990, the legislature added a new subsection to the Intergovernmental Cooperation Act to specifically authorize self-insurance pools.

#### Regional Land Bank Authorities



**Land banks are public authorities created to efficiently acquire, hold, manage and sometimes redevelop property in order to return these properties to productive uses that meet community goals.**

- There is no specific statutory power carved out for a land bank authority.
- Land banks have successfully been upheld by Illinois courts
- An advisory opinion of the Attorney General's office has validated regional land bank authority

## How can you get involved?

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