



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3438

Introduced 2/18/2025, by Rep. Jaime M. Andrade, Jr., Diane Blair-Sherlock, Dave Vella, Kevin John Olickal and Natalie A. Manley

SYNOPSIS AS INTRODUCED:

20 ILCS 2705/2705-590

625 ILCS 5/11-411

65 ILCS 5/11-101-3

from Ch. 95 1/2, par. 11-411

Amends the Department of Transportation Law of the Civil Administrative Code of Illinois. Provides that the Department of Transportation shall develop and implement a life-cycle costs analysis for each new construction, reconstruction, or replacement road project, except for State rehabilitation and preservation projects, under its jurisdiction for which the total pavement costs exceed \$500,000. Amends the Illinois Municipal Code. Provides that the employee of the Aeronautics Division of the Department of Transportation who is a member of the advisory committee that determines which homes contain windows or doors that cause offensive odors and thus are eligible for replacement shall only cast a vote when breaking a tie. Amends the Illinois Vehicle Code. Provides that every crash report required to be made in writing must be electronically submitted to the Administrator using an electronic format approved by the Administrator (rather than made on an approved form or in an approved electronic format provided by the Administrator). Makes conforming changes. Effective immediately, except that the changes made to the Illinois Vehicle Code are effective January 1, 2027.

LRB104 10941 LNS 21023 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Section 2705-590 as follows:

7 (20 ILCS 2705/2705-590)

8 Sec. 2705-590. Roadbuilding criteria; life-cycle cost
9 analysis.

10 (a) As used in this Section, "life-cycle cost" means the
11 total of the cost of the initial project plus all anticipated
12 future costs over the life of the pavement. Actual, relevant
13 data, and not assumptions or estimates, shall be used to the
14 extent such data has been collected.

15 (b) The Department shall develop and implement a
16 life-cycle cost analysis for each State new construction,
17 reconstruction, or replacement road project under its
18 jurisdiction for which the total pavement costs exceed
19 \$500,000 funded in whole, or in part, with State or
20 State-appropriated funds. State rehabilitation and
21 preservation projects shall be exempt from this requirement.

22 The Department shall design and award these paving projects
23 utilizing material having the lowest life-cycle cost. All

1 pavement design life shall ensure that State and
2 State-appropriated funds are utilized as efficiently as
3 possible. When alternative material options are substantially
4 equivalent on a life-cycle cost basis, the Department may make
5 a decision based on other criteria. At the discretion of the
6 Department, interstate highways with high traffic volumes or
7 experimental projects may be exempt from this requirement.

8 (c) Except as otherwise provided in this Section, a
9 life-cycle cost analysis shall compare equivalent designs
10 based upon this State's actual historic project schedules and
11 costs as recorded by the pavement management system, and may
12 include estimates of user costs throughout the entire pavement
13 life.

14 (d) For pavement projects for which this State has no
15 actual historic project schedules and costs as recorded by the
16 pavement management system, the Department may use actual
17 historical and comparable data for equivalent designs from
18 states with similar climates, soil structures, or vehicle
19 traffic.

20 (Source: P.A. 96-715, eff. 8-25-09; 96-1000, eff. 7-2-10.)

21 Section 10. The Illinois Municipal Code is amended by
22 changing Section 11-101-3 as follows:

23 (65 ILCS 5/11-101-3)

24 Sec. 11-101-3. Noise mitigation; air quality.

1 (a) A municipality that has implemented a Residential
2 Sound Insulation Program to mitigate aircraft noise shall
3 perform indoor air quality monitoring and laboratory analysis
4 of windows and doors installed pursuant to the Residential
5 Sound Insulation Program to determine whether there are any
6 adverse health impacts associated with off-gassing from such
7 windows and doors. Such monitoring and analysis shall be
8 consistent with applicable professional and industry
9 standards. The municipality shall make any final reports
10 resulting from such monitoring and analysis available to the
11 public on the municipality's website. The municipality shall
12 develop a science-based mitigation plan to address significant
13 health-related impacts, if any, associated with such windows
14 and doors as determined by the results of the monitoring and
15 analysis. In a municipality that has implemented a Residential
16 Sound Insulation Program to mitigate aircraft noise, if
17 requested by the homeowner pursuant to a process established
18 by the municipality, which process shall include, at a
19 minimum, notification in a newspaper of general circulation
20 and a mailer sent to every address identified as a recipient of
21 windows and doors installed under the Residential Sound
22 Insulation Program, the municipality shall replace all windows
23 and doors installed under the Residential Sound Insulation
24 Program in such homes where one or more windows or doors have
25 been found to have caused offensive odors. Subject to
26 appropriation, the municipality shall replace windows and

1 doors in at least 750 residences a year. Residents who altered
2 or modified a replacement window or accepted a replacement
3 screen for the window shall not be disqualified from
4 compensation or future services. Only those homeowners who
5 request that the municipality perform an odor inspection as
6 prescribed by the process established by the municipality
7 within 6 months of notification being published and mailers
8 being sent shall be eligible for odorous window and odorous
9 door replacement. Residents who are eligible to receive
10 replacement windows shall be allowed to choose the color and
11 type of replacement window. For purposes of aiding in the
12 selection of such replacement windows, a showcase and display
13 of available replacement window types shall be established and
14 located at Chicago Midway International Airport. Homes that
15 have been identified by the municipality as having odorous
16 windows or doors are not required to make said request to the
17 municipality. The right to make a claim for replacement and
18 have it considered pursuant to this Section shall not be
19 affected by the fact of odor-related claims made or
20 odor-related products received pursuant to the Residential
21 Sound Insulation Program prior to June 5, 2019 (the effective
22 date of this Section). The municipality shall also perform
23 in-home air quality testing in residences in which windows and
24 doors are replaced under this Section. In order to receive
25 in-home air quality testing, a homeowner must request such
26 testing from the municipality, and the total number of homes

1 tested in any given year shall not exceed 25% of the total
2 number of homes in which windows and doors were replaced under
3 this Section in the prior calendar year.

4 (b) An advisory committee shall be formed, composed of the
5 following: (i) 2 members of the municipality who reside in
6 homes that have received windows or doors pursuant to the
7 Residential Sound Insulation Program and have been identified
8 by the municipality as having odorous windows or doors,
9 appointed by the Secretary of Transportation; (ii) one
10 employee of the Aeronautics Division of the Department of
11 Transportation who shall only cast votes when breaking a tie;
12 (iii) 2 employees of the municipality that implemented the
13 Residential Sound Insulation Program in question; and (iv) 2
14 members appointed by the Speaker of the House of
15 Representatives, 2 members appointed by the President of the
16 Senate, one member appointed by the Minority Leader of the
17 House of Representatives, and one member appointed by the
18 Minority Leader of the Senate. The advisory committee shall
19 determine by majority vote which homes contain windows or
20 doors that cause offensive odors and thus are eligible for
21 replacement, shall promulgate a list of such homes, and shall
22 develop recommendations as to the order in which homes are to
23 receive window replacement. The recommendations shall include
24 reasonable and objective criteria for determining which
25 windows or doors are odorous, consideration of the date of
26 odor confirmation for prioritization, severity of odor,

1 geography and individual hardship, and shall provide such
2 recommendations to the municipality. The advisory committee
3 shall develop a process in which homeowners can demonstrate
4 extreme hardship. As used in this subsection, "extreme
5 hardship" means: liquid infiltration of the window or door;
6 health and medical condition of the resident; and residents
7 with sensitivities related to smell. At least 10% of the homes
8 receiving a replacement in a year shall be homes that have
9 demonstrated extreme hardship. The advisory committee shall
10 compile a report demonstrating: (i) the number of homes in
11 line to receive a replacement; (ii) the number of homes that
12 received replacement windows or doors, or both; (iii) the
13 number of homes that received financial compensation instead
14 of a replacement; and (iv) the number of homes with confirmed
15 mechanical issues. Until December 31, 2022, the report shall
16 be compiled monthly, after December 31, 2022, the report shall
17 be compiled quarterly. The advisory committee shall accept all
18 public questions and furnish a written response within 2
19 business days. The advisory committee shall comply with the
20 requirements of the Open Meetings Act. The Chicago Department
21 of Aviation shall provide administrative support to the
22 committee. The municipality shall consider the recommendations
23 of the committee but shall retain final decision-making
24 authority over replacement of windows and doors installed
25 under the Residential Sound Insulation Program, and shall
26 comply with all federal, State, and local laws involving

1 procurement. A municipality administering claims pursuant to
2 this Section shall provide to every address identified as
3 having submitted a valid claim under this Section a quarterly
4 report setting forth the municipality's activities undertaken
5 pursuant to this Section for that quarter. However, the
6 municipality shall replace windows and doors pursuant to this
7 Section only if, and to the extent, grants are distributed to,
8 and received by, the municipality from the Sound-Reducing
9 Windows and Doors Replacement Fund for the costs associated
10 with the replacement of sound-reducing windows and doors
11 installed under the Residential Sound Insulation Program
12 pursuant to Section 6z-20.1 of the State Finance Act. In
13 addition, the municipality shall revise its specifications for
14 procurement of windows for the Residential Sound Insulation
15 Program to address potential off-gassing from such windows in
16 future phases of the program. A municipality subject to the
17 Section shall not legislate or otherwise regulate with regard
18 to indoor air quality monitoring, laboratory analysis or
19 replacement requirements, except as provided in this Section,
20 but the foregoing restriction shall not limit said
21 municipality's taxing power.

22 (c) A home rule unit may not regulate indoor air quality
23 monitoring and laboratory analysis, and related mitigation and
24 mitigation plans, in a manner inconsistent with this Section.
25 This Section is a limitation of home rule powers and functions
26 under subsection (i) of Section 6 of Article VII of the

1 Illinois Constitution on the concurrent exercise by home rule
2 units of powers and functions exercised by the State.

3 (d) This Section shall not be construed to create a
4 private right of action.

5 (Source: P.A. 102-558, eff. 8-20-21; 102-678, eff. 12-10-21;
6 103-200, eff. 6-30-23.)

7 Section 15. The Illinois Vehicle Code is amended by
8 changing Section 11-411 as follows:

9 (625 ILCS 5/11-411) (from Ch. 95 1/2, par. 11-411)

10 Sec. 11-411. Crash report electronic submission
11 requirements ~~forms~~.

12 (a) The Administrator must prepare and upon request supply
13 to police departments, sheriffs and other appropriate agencies
14 or individuals, the requirements for electronically submitting
15 ~~forms~~ ~~for~~ written crash reports as required hereunder,
16 suitable with respect to the persons required to make such
17 reports and the purposes to be served. The written reports
18 must call for sufficiently detailed information to disclose
19 with reference to a vehicle crash the cause, conditions then
20 existing, and the persons and vehicles involved or any other
21 data concerning such crash that may be required for a complete
22 analysis of all related circumstances and events leading to
23 the crash or subsequent to the occurrence.

24 (b) Every crash report required to be made in writing must

1 be electronically submitted to the Administrator using an
2 electronic format approved by the Administrator ~~made on an~~
3 ~~approved form or in an approved electronic format provided by~~
4 ~~the Administrator~~ and must contain all the information
5 required therein unless that information is not available. The
6 Department shall adopt any rules necessary to implement this
7 subsection (b).

8 (c) Should special crash studies be required by the
9 Administrator, the Administrator may provide the supplemental
10 forms for the special studies.

11 (Source: P.A. 102-982, eff. 7-1-23.)

12 Section 99. Effective date. This Section and Sections 5
13 and 10 take effect upon becoming law; Section 15 takes effect
14 January 1, 2027.