

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF:	)	
	)	R24-17
PROPOSED CLEAN CAR AND	)	(Rulemaking – Air)
TRUCK STANDARDS	)	
PROPOSED 35 ILL. ADM. CODE 242	)	

**NOTICE OF FILING**

**TO: Persons on Attached Service List**

PLEASE TAKE NOTICE THAT on the 3<sup>rd</sup> day of March 2025, the undersigned electronically filed with the Clerk of the Illinois Pollution Control Board, via the “COOL” System, Responses to Pre-Filed Questions Directed to All Witnesses and Responses to Pre-Filed Questions Directed to Pre-Filed Testimony of Mary Tyler on behalf of the Indiana, Illinois, Iowa Foundation for Fair Contracting, true and correct copies of which are attached hereto and hereby served upon you.

INDIANA, ILLINOIS, IOWA  
FOUNDATION FOR FAIR  
CONTRACTING

DATE: March 3, 2025

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**CERTIFICATE OF SERVICE**

I, Kara M. Principe, Counsel for the Indiana, Illinois, Iowa Foundation for Fair Contracting, caused to be served on this 3<sup>rd</sup> day of March 2025, a true and correct copy of the Responses to Pre-Filed Questions Directed to All Witnesses and Responses to Pre-Filed Questions Directed to Pre-Filed Testimony of Mary Tyler on behalf of the Indiana, Illinois, Iowa Foundation for Fair Contracting upon the persons listed on the Service List via electronic mail or electronic filing, as indicated.

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**RULE OPPONENT IHFFC’S RESPONSES TO PRE-FILED QUESTIONS  
DIRECTED TO ALL WITNESSES**

**I. BOARD STAFF (“PCB”) QUESTIONS**

1. On February, 6, 2025, Commonwealth Edison (ComEd) announced \$100 million in new rebates designed to boost electric vehicle (EV) fleet purchases and charging stations across northern Illinois. The rebate program is discussed in a February 11, 2025 Canary Media article, titled “Illinois’ largest utility unveils \$100M to spur EV adoption”. The Board takes notice of this article, attached hereto as Attachment B, under Section 101.630 of the Board’s procedural rules. *See* 35 Ill. Adm. Code 101.630. As discussed in the Canary Media article, ComEd’s program helps meet the mandate for the State’s CEJA [Climate and Equitable Jobs Act], which calls for 1 million EVs on the roads by 2030. Of the \$100 million, \$53 million is available for business and public-sector EV fleet purchases, \$38 million is designed to upgrade infrastructure for non-residential charger installations, and nearly \$9 million is intended for residential charging stations. This money is in addition to \$87 million announced last year for similar incentives.

Participants have noted the shortfall of money and infrastructure needed to make 100% zero-emission vehicle (ZEV) sales by 2050 a reality. However, as the ComEd announcement purports, there are non-governmental entities that are already contributing toward the needed infrastructure and financing. Is it Participants’ position that market forces and other rebate and incentive programs would not contribute significantly to the ZEV mandate requirements of the proposed rule? If so, why?

**Pre-Filed Answer:** There are a variety of factors that will influence the use of ZEVs, including private investments and consumer preference, in addition to government actions. It does not matter what ultimately influences an increase in ZEVs, as any substantial growth in their use will negatively impact transportation revenue for Illinois through the motor fuel tax.

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**RULE OPPONENT IHFFC’S RESPONSES TO PRE-FILED QUESTIONS  
DIRECTED TO PRE-FILED TESTIMONY OF MARY TYLER**

**I. BOARD STAFF (“PCB”) QUESTIONS**

16. On page 2 of your testimony, you note that your testimony relies on several reports that address the impact of EVs on transportation funding as well as general transportation funding in Illinois. Please comment on whether any of these reports considered the benefits of transitioning to EVs in terms of reduction of greenhouse gases as well as health benefits for Illinois residents.

**Pre-Filed Answer:** The reports referenced do not analyze health benefits related to the reduction of greenhouse gases. This topic is outside the scope of my research.

17. On pages 4-5 of your testimony, you state that increased adoption of EVs and other low emission vehicles under the proposed rules and CEJA would increase the deficit of road infrastructure funds due to a decrease in the motor fuel tax (MFT) as well as sales tax. You note that existing EV owners currently pay an annual fee of \$100 to offset the lost revenue from the MFT. Please comment on whether the annual registration fee on EVs could be further increased legislatively to address the shortfall in MFT and sales tax because of the expected transition to EVs under the proposed rules.

**Pre-Filed Answer:** The annual fee applied to EV owners could be increased through legislation to make-up for lost revenue. However, there are several factors that should be taken into account to ensure it is adequately capturing all lost revenue. First, it should be tied to inflation to adequately cover the annual increases of the motor fuel tax. Second, the rate of the sales tax on motor fuels changes every six months dependent on the price of fuel. As such, this should be taken into account under any inflationary increases. Lastly, the distribution of this revenue should be considered, as current EV annual registration fees are not distributed in the same manner as the MFT revenue.

18. On page 5 of your testimony, and more fully elaborated in the ILEPI January 2023 Report, you state that “...improved vehicle efficiency and the increased reliance on EVs will present a longer-term fiscal challenge for policymakers.” You identify increased infrastructure maintenance backlogs, decreased funding for vital transit systems, and decreased local

government funding as some of the consequences from the decreased revenue from the motor fuel tax due to the proposed rule.

Improved vehicle efficiency and increased consumer reliance on EVs has been occurring without the proposed rule already, which has resulted in significant reductions in motor fuel tax revenues, as the ILEPI data represents. Given improved vehicle efficiency and increased consumer reliance on EVs, if the proposed rule is not adopted, what is your position on the long-term feasibility of continuing to tie the funding for these vital systems – infrastructure, transit, and local government – to a tax on motor fuel?

**Pre-Filed Answer:** The long-term viability of transportation funding using the motor fuel tax is a concern, regardless of whether the proposed rule is adopted. However, the adoption of the proposed rule is expected to accelerate these transportation funding issues without an adequate replacement funding mechanism in place.

**II. ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“ILLINOIS EPA”)  
PRE-FILED QUESTIONS**

In your testimony, you state, in part, “Data from the Comptroller shows that revenue from the MFT [motor fuel tax] generated 57% of total transportation revenues in fiscal year 2024, totaling \$2.8 billion for the year.” R24-17, Pre-Filed Testimony of Mary Tyler in Opposition of Rule Proponents’ Regulatory Proposal, January 21, 2025, at 7. Furthermore, you state, “For fiscal year 2024, from the motor fuel tax revenue, Illinois counties received \$350 million, Illinois townships received \$159 million, and Illinois municipalities received \$490 million.” *Id.* at 11. Your testimony also includes one of your reports, *The Impact of Electric Vehicles and Increased Fuel Efficiency on Transportation Funding*, Illinois Economic Policy Institute (January 2023), that sets forth various policies that could be implemented in Illinois to address future transportation funding shortfalls.

In your opinion, which type(s) of alternative funding would have the highest likelihood of addressing transportation funding shortfalls that would result if this proposed rule is adopted?

**Pre-Filed Answer:** An increase to the annual registration fee for electric vehicles would be an option to consider in the short-term. However, there are several factors that should be taken into account to ensure an increased registration fee adequately capturing all lost revenue. First, it should be tied to inflation to adequately cover the annual increases of the motor fuel tax. Second, the rate of the sales tax on motor fuels changes every six months dependent on the price of fuel. As such, this should be taken into account under any inflationary increases. Lastly, the distribution of this revenue should be considered, as current EV annual registration fees are not distributed in the same manner as the MFT revenue. In the long-term, a road usage charge (RUC) – in which a person is charged by the number of miles they drive as opposed to the gallons of gas purchased – should be considered as a replacement to the MFT.

### III. RULE PROPONENTS' PRE-FILED QUESTIONS

1. Please refer to page 4 of your testimony, where you state that a “2022 ILEPI report estimated that between 2021 and 2030, Illinois will lose \$765 million if one million EVs are adopted. . . [c]ombined with the estimated improved vehicle efficiency over this same timeframe, the state is estimated to lose a combined \$4 billion in motor fuel tax revenue.”
  - a. Can you confirm that the current revenue collection for transportation infrastructure is inadequate?

**Pre-Filed Answer:** Despite funding enhancements under Rebuild Illinois in 2019, it has still been reported that there is a shortfall of infrastructure funding within Illinois. Specifically, IDOT states in their 2023 Transportation Asset Management Plan (TAMP) – a federally required plan that evaluates the condition of roads and bridges to determine if the state is meeting performance targets – that while recent infrastructure investment has improved the overall system, some of the “State of Acceptable Condition” targets identified in the plan are not anticipated to be met in the next decade due to funding constraints.<sup>1</sup> They estimate in this report that the state requires \$2.3 billion more to achieve these performance targets.<sup>2</sup> Additionally, data indicates Illinois could benefit from additional revenue to address the 18% of Illinois roadways that are considered in “poor” condition and 9.3% of Illinois’ bridges are considered structurally deficient.<sup>3</sup>

- b. Can you confirm that, based on your projections, revenue collection for transportation infrastructure will become even more inadequate over the coming years under current policies absent changes to revenue collection?

**Pre-Filed Answer:** As indicated in ILEPI’s report discussed in my testimony, *The Impact of Electric Vehicles and Increased Fuel Efficiency on Transportation Funding*, long-term transportation funding is a concern due to increased vehicle fuel efficiency and an increase in the use of electric vehicles.

2. Please refer to page 5 of your testimony, where you state that “Prior to Rebuild Illinois . . . the state faced a massive backlog of infrastructure maintenance needs with important projects being deferred due to insufficient funding. . . [w]hile Illinois’ transportation system maintenance and modernization needs were partially addressed under revenue increases within Rebuild Illinois, improved vehicle fuel efficiency and the increased reliance on EVs will present a longer-term fiscal challenge for policymakers.”

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<sup>1</sup> Illinois Dep’t of Transp., 2022 Transportation Asset Management Plan (FHWA Certified) (2023), <https://idot.illinois.gov/content/dam/soi/en/web/idot/documents/transportation-system/reports/opp/transit/idot-2022-tamp-fhwa-certified-01-24-23.pdf>.

<sup>2</sup> *Id.* at p. ES - 6.

<sup>3</sup> Illinois Dep’t of Transp., FY 2023 CRS Summary Report (2023) at p. 35, [https://idot.illinois.gov/content/dam/soi/en/web/idot/documents/transportation-system/reports/opp/travel-stats/FY2023\\_CRS\\_Summary%20Report.pdf](https://idot.illinois.gov/content/dam/soi/en/web/idot/documents/transportation-system/reports/opp/travel-stats/FY2023_CRS_Summary%20Report.pdf); Am. Rd. & Transp. Builders Ass’n, 2024 Bridge Report – Illinois (2024) at p. 1, <https://artbabridgereport.org/exports/ARTBA%202024%20Bridge%20Report%20-%20Illinois.pdf>.

- a. Can you confirm that the “increased reliance on EVs” you reference is based on projections not accounting for adoption of the Proposed Rules?

**Pre-Filed Answer:** That is correct.

- b. Do you believe that the legislature’s goal, as set out in the Climate and Equitable Jobs Act, of having 1 million light-duty EVs on Illinois’ roads by 2030 is likely to be achieved absent the Proposed Rules?

**Pre-Filed Answer:** Estimating future EV growth is outside the scope of my research.

- c. Are policymakers, even without approval of the Proposed Rules, facing a short- term fiscal challenge for adequately funding transportation infrastructure?

**Pre-Filed Answer:** Yes. As indicated in response to Rule Proponents’ previous Question 1a, transportation infrastructure funding has still proven to be inadequate

- d. Are policymakers facing both short and long-term fiscal challenges for infrastructure maintenance and/or modernization regardless of whether the Proposed Rules are approved?

**Pre-Filed Answer:** Yes. As indicated in response to Rule Proponents’ Question 1a, transportation infrastructure funding has still proven to be inadequate. However, it can be expected that the approval of the proposed rules has the potential to exacerbate the issue at a quicker rate.

3. Has IIIFFC proposed or endorsed a policy proposal to address MFT revenue shortfalls and the need to improve transportation infrastructure in Illinois? If so, please identify the policy and IIIFFC’s statements in support of it.

**Pre-Filed Answer:** The IIIFFC strongly supported the increase of the MFT under Rebuild Illinois. The IIIFFC has also maintained the need for a road usage charge (RUC) program for over a decade, as documented in the following report:

Manzo, F., and Poulos, M., *The I-RIDE Proposal: a Smart, Reliable Policy to Fund Transportation Infrastructure*, Illinois Economic Policy Institute and Indiana Illinois Iowa Foundation for Fair Contracting (2015).<sup>4</sup>

4. On page 5 of your testimony, you state that “improved vehicle fuel efficiency and the increased reliance on EVs will present a longer-term fiscal challenge for policymakers.”
  - a. In IIIFFC’s view, how should the Illinois legislature increase the MFT tax on internal combustion engine vehicles in order to adequately fund transportation infrastructure in the state as a result of “improved vehicle fuel efficiency”?

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<sup>4</sup> Ill. Econ. Policy Inst., I-RIDE Proposal 2.0: Investing in Rural Illinois’ Domestic Economy (2024), <https://illinoiseipi.org/site/wp-content/themes/hollow/docs/infrastructure-investment/ILEPI-Policy-Brief-I-RIDE-Proposal-2.0.pdf>.

**Pre-Filed Answer:** The IIIFFC would support an increase to the MFT to address future shortcomings. The IIIFFC also believes a road-usage charge (RUC) should be considered as a replacement of the MFT in the long-term. A RUC charges a person based on the number of miles they drive, as opposed to depending on the number of gallons of gas they purchase.

- b. In IIIFFC's view, how should the Illinois legislature increase revenues collected from EV drivers in order to adequately fund transportation infrastructure in the state?

**Pre-Filed Answer:** The IIIFFC would support an increase to the annual registration fee for electric vehicles. However, there are several factors that should be taken into account to ensure it is adequately capturing all lost revenue. First, it should be tied to inflation to adequately cover the annual increases of the motor fuel tax. Second, the rate of the sales tax on motor fuels changes every six months dependent on the price of fuel. As such, this should be taken into account under any inflationary increases. Lastly, the distribution of this revenue should be considered, as current EV annual registration fees are not distributed in the same manner as the MFT revenue.

5. Please confirm that changes to Illinois' MFT require legislative changes beyond the Board's control.

**Pre-Filed Answer:** That is correct.

6. Have you conducted research on short and long-term economic benefits of EV adoption?
  - a. If yes, please provide that research.

**Pre-Filed Answer:** I have not performed such research.

- b. If not, is it possible that heightened EV adoption would have short and long-term economic benefits?

**Pre-Filed Answer:** This topic is outside the scope of my research.

7. Please refer to page 4 of your testimony, where you state that the EV registration fee only being \$100 means that "the average EV driver is shorting transportation funds by at least \$105 every year."
  - a. What fee structure and amount would you propose to ensure that transportation funds are not shorted by EV drivers?

**Pre-Filed Answer:** At the time a fee is considered, it should take into account miles driven by an average driver and current motor fuel tax to calculate lost MFT revenue. It should also take into account any revenue that would have been generated based on the sales tax on motor fuels. Any fee instituted should be indexed to inflation to account for the MFT inflationary increase.

8. Please refer to pages 7–8 of your testimony, where you state that “adoption of the Proposed Rule will negatively impact transportation infrastructure investment [and therefore have a negative impact on employment rates].”

a. Does this consider the potential offset of EV-related job creation?

**Pre-Filed Answer:** This data is not referencing EV-related job creation.

9. In your opinion, would investing in public charging infrastructure attract business activity and create jobs?

**Pre-Filed Answer:** This topic is outside the scope of my research.

10. Given your identified projections, assuming that the Proposed Rules are not adopted, will Illinois need to change its transportation infrastructure revenue collection policies in order to adequately fund transportation infrastructure in the state?

**Pre-Filed Answer:** In the long-term, we anticipate changes will be needed to maintain a sustainable revenue source for transportation.

11. If Illinois changed its method of funding transportation infrastructure to account for increased EV use, would you support the Proposed Rules?

**Pre-Filed Answer:** Yes, assuming this change would fully account for the long-term revenue lost from EV use.

12. You state on page 5 of your testimony that “it is problematic that in their Rule, Proponents offer no alternative for the loss in transportation funding revenue.” In your view, what would an acceptable alternative for the loss in transportation funding revenue be?

**Pre-Filed Answer:** An increase to the annual EV registration fee should be considered in the short-term. At the time a fee is considered, it should take into account miles driven by an average driver and current motor fuel tax to calculate lost MFT revenue. It should also take into account any revenue that would have been generated based on the sales tax on motor fuels. Any fee instituted should be indexed to inflation to account for the MFT inflationary increase. The IIFFC also believes a road-usage charge (RUC) should be considered as a replacement of the MFT in the long-term. A RUC charges a person based on the number of miles they drive, as opposed to depending on the number of gallons of gas they purchase.

13. You state on page 2 of your testimony that “I oppose the adoption of the Proposed Rules because, as described in detail below, Illinois’ primary source of transportation infrastructure will be adversely impacted by the increased use of electric vehicles (“EVs”) as encouraged by the rules.” You also state on page 4 of your testimony that “the average EV driver is shorting transportation funds by at least \$105 every year.”

a. If the legislature changed the current annual EV registration fee from \$100 to

\$205 to address MFT revenues, and addressed EV driver contributions based on revenue from sales tax on motor fuels, would you support adoption of the Proposed Rules?

**Pre-Filed Answer:** Depending on the time this is adopted, a different rate may be required to make-up for lost revenue. At the time a fee is considered, it should take into account miles driven by an average driver and current motor fuel tax to calculate lost MFT revenue. It should also take into account any revenue that would have been generated based on the sales tax on motor fuels. Any fee instituted should be indexed to inflation to account for the MFT inflationary increase.

- b. Has IIIFFC ever advocated that the Illinois legislature increase the EV annual registration fee from \$100 to \$205, or some other amount, in order to address MFT revenues?

**Pre-Filed Answer:** The IIIFFC was supportive of an increase to the EV annual registration fee greater than \$100 through the development of the Rebuild Illinois capital bill.

- c. Has IIIFFC ever advocated that the Illinois legislature increase revenues from EV drivers in other ways to address transportation infrastructure revenues?

**Pre-Filed Answer:** The IIIFFC has been supportive of a road usage charge (RUC) as a long-term solution to address lost revenue from EVs and increased fuel efficiency of vehicles.

14. You state that Illinois has an infrastructure funding problem which preexists the Proposed Rules.

- a. Do you believe that the MFT funding structure should be changed by the legislature?

**Pre-Filed Answer:** In the long-term, we anticipate changes will be needed to maintain a sustainable revenue source for transportation.

- b. Has IIIFFC ever advocated that the Illinois legislature increase MFT applicable to internal combustion engines to help address revenue shortfalls?

**Pre-Filed Answer:** The III FFC strongly supported the increase of the MFT under Rebuild Illinois. The IIIFFC has also maintained the need for a road usage charge (RUC) program for over a decade, as documented in the following report:

Manzo, F., and Poulos, M., *The I-RIDE Proposal: a Smart, Reliable Policy to Fund Transportation Infrastructure*, Illinois Economic Policy Institute and Indiana Illinois Iowa Foundation for Fair Contracting (2015).<sup>5</sup>

15. Do you dispute any of the economic, environmental, and public health benefits of the Proposed Rules, as set out in Rule Proponents' Statement of Reasons? If so, please identify with particularity which aspects of those benefits you dispute, including any quantified,

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<sup>5</sup> *Id.*

monetized benefits you think are misstated. Please provide a basis for any disagreement with those benefits.

**Pre-Filed Answer:** These topics are beyond the scope of my research.

16. Do you believe that those quantified benefits to jobs, public health, and the environment are outweighed by any potential shortfall in the state's MFT revenues that may occur as a result of adopting the proposed rules?

**Pre-Filed Answer:** I can only testify to the impact the proposed rules will have on transportation revenue and confirm that research indicates they will have a negative impact on transportation funding for the state.

17. On page 5 of your testimony, you state that "Despite advancements under Rebuild Illinois, the state is still currently facing infrastructure maintenance backlogs, which is expected to increase if revenue is impacted by the adoption of the Proposed Rules."

- a. Please provide any support you relied on for the assertion that infrastructure backlog "is expected to increase" if revenue is impacted by the Proposed Rules.

**Pre-Filed Answer:** The report on page 58 of my pre-filed testimony entitled *The Impact of Electric Vehicles and Increased Fuel Efficiency on Transportation Funding* indicates that an increase in electric vehicles will negatively impact transportation revenue. The report on page 74 of my pre-filed testimony entitled *Forecasting Bumpy Roads Ahead: An Assessment of Illinois Transportation Needs* outlines how inadequate transportation revenue created a backlog of infrastructure projects in the past.

- b. Has IIIFFC quantified what it believes would be the revenue shortfall attributable to the Proposed Rules? If so, please provide that estimate and all supporting documentation, including cites to specific page numbers on which the information can be found.

**Pre-Filed Answer:** We have not performed that specific analysis.

18. On page 7 of your testimony, you state "[t]he adoption of the Proposed Rule will negatively impact transportation infrastructure investment, affecting Illinois' economic competitiveness and resulting in a reduction of quality, middle-class jobs."

- a. Please provide your support for the proposition that adoption of the Proposed Rules will result in a reduction of jobs.

**Pre-Filed Answer:** The report on page 58 of my pre-filed testimony entitled *The Impact of Electric Vehicles and Increased Fuel Efficiency on Transportation Funding* indicates that an increase in electric vehicles will negatively impact transportation revenue.

The report on page 74 of my pre-filed testimony entitled *Forecasting Bumpy Roads Ahead: An Assessment of Illinois Transportation Needs* outlines how inadequate transportation revenue created a backlog of infrastructure projects in the past.

The report on page 100 of my pre-filed testimony entitled *Policies That Support Employment: Investments in Public Education, Investments in Public Infrastructure, and a Balanced state Budget* indicate that Improving and expanding roads, bridges, highways, subways, railroads, and waterways all provide direct jobs to construction workers over the short term and allows businesses to efficiently bring their product to market in the long run. As a result, a one percentage-point increase in the highway share of state expenditures is statistically associated with a 0.39 percentage-point increase in the working-age employment rate.

As stated in my testimony and responses, the Proposed Rule will increase the use of EVs which will result in less transportation infrastructure due to less motor fuel tax revenue and no alternative funding mechanism. Thus, a reduction in the working-age employment rate is likely to occur.

- b. Are the increased electrician work hours needed to install EV charging infrastructure included in this statement? If not, please explain why those jobs should be excluded here.

**Pre-Filed Answer:** This data analyzes working-age employment which includes all employment rates necessarily including electricians and other trades work.