



Sen. James F. Clayborne, Jr.

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1 AMENDMENT TO SENATE BILL 508

2 AMENDMENT NO. _____. Amend Senate Bill 508 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the High
5 Speed Rail Authority Act.

6 Section 5. Legislative finding. It is hereby declared, as a
7 matter of legislative determination, that in order to promote
8 the public welfare, and to facilitate rail traffic by providing
9 convenient, safe, and modern high speed rail transportation
10 designed for the accommodation of the needs of the traveling
11 public through and within the State of Illinois, that it is
12 necessary in the public interest to provide for the
13 construction, operation, regulation and maintenance of a high
14 speed rail system, incorporating therein the benefits of
15 advanced engineering skill, design, experience and safety
16 factors, to eliminate existing traffic hazards, relieve

1 congestion of highways, integrate surface and air modes of
2 local, metropolitan, regional and long distance services,
3 exploit existing transportation and utility infrastructure,
4 and decrease air pollution. It is also necessary and in the
5 public interest to create The Illinois High Speed Rail
6 Authority, as an instrumentality and administrative agency of
7 the State of Illinois, and to confer upon and vest in the
8 Authority all powers necessary or appropriate to enable the
9 Authority to carry out the foregoing stated legislative purpose
10 and determination.

11 Section 10. Definitions. The following words and terms as
12 used in this Act have the following meanings:

13 (a) "Authority" means the Illinois High Speed Rail
14 Authority.

15 (b) "Cost", as applied to an HSR, means the cost of
16 construction, including bridges over or under existing
17 highways and railroads, the cost of acquisition of all land,
18 rights of way, property, rights, easements and interests
19 acquired by the Authority for such construction, the cost of
20 demolishing or removing any buildings or structures on land so
21 acquired, including the cost of acquiring any lands to which
22 such buildings or structures may be moved, the cost of
23 diverting highways, interchange of highways, access to roads to
24 private property, including the cost of lands or easements
25 therefor, the cost of all machinery and equipment, financing

1 charges, interest prior to and during construction, and for one
2 or more years after completion of construction, cost of traffic
3 estimates and of engineering and legal expenses, plans,
4 specifications, surveys, estimates of cost and revenues, other
5 expenses necessary or incident to determining the feasibility
6 or practicability of constructing any such high speed railway
7 line, administrative expenses and such other expense as may be
8 necessary or incident to the construction of the high speed
9 railway line, the financing of such construction and the
10 placing of the railway in operation.

11 (c) "High speed rail" or "HSR" means such railway that is
12 designed and constructed, in the best professional judgment of
13 the engineering staff responsible, to accommodate trains to run
14 at speeds of more than 180 miles per hour so as to accomplish
15 the purposes of this Act.

16 (d) "Owner" means all individuals, copartnerships, firms,
17 associations, corporations, trustees or legal representatives,
18 and others having any title or interest in any property, rights
19 or easements authorized to be acquired by this Act.

20 (e) "Person" means any individual, firm, association,
21 partnership, corporation, trustee or legal representative.

22 Section 15. The Authority. There is hereby created an
23 Authority to be known as The Illinois High Speed Rail
24 Authority, which is hereby constituted an instrumentality and
25 an administrative agency of the State of Illinois. The

1 Authority shall consist of 11 directors; the Governor and the
2 Secretary of the Department of Transportation, ex officio, and
3 9 directors appointed by the Governor with the advice and
4 consent of the Senate, from the State at large. The directors
5 and their successors are hereby authorized to carry out the
6 provisions of this Act, and to exercise the powers herein
7 conferred. Of the 9 directors appointed by the Governor, no
8 more than 5 shall be members of the same political party.
9 Vacancies shall be filled for the unexpired term in the same
10 manner as original appointments. All appointments shall be in
11 writing and filed with the Secretary of State as a public
12 record. It is the intention of this Section that the Governor's
13 appointments shall be made with due consideration to the
14 location of proposed high speed railway routes so that maximum
15 geographic representation from the areas served by the high
16 speed railway routes may be accomplished insofar as
17 practicable. The Authority shall have the power to contract and
18 be contracted with, to acquire, hold and convey personal and
19 real property or any interest therein, including rights of way,
20 franchises, and easements; to have and use a common seal, and
21 to alter the same at will; to make and establish resolutions,
22 by-laws, rules, rates and regulations, and to alter or repeal
23 the same as the Authority shall deem necessary and expedient
24 for the construction, operation, relocation, regulation, and
25 maintenance of a system of high speed railways within and
26 through the State of Illinois.

1 Section 20. Chairperson of the Authority. Of the directors
2 appointed by the Governor, one such director shall be appointed
3 by the Governor as chairperson and shall hold office for 4
4 years from the date of his appointment, and until his or her
5 successor shall be duly appointed and qualified, but shall be
6 subject to removal by the Governor for incompetency, neglect of
7 duty or malfeasance.

8 The chairperson shall preside at all meetings of the Board
9 of Directors of the Authority; shall exercise general
10 supervision over all powers, duties, obligations, and
11 functions of the Authority; and shall approve or disapprove all
12 resolutions, by-laws, rules, rates, and regulations made and
13 established by the Board of Directors, and if the chairperson
14 shall approve thereof, he or she shall sign the same, and if he
15 or she shall not approve thereof, he or she shall return to the
16 Board of Directors with his or her objections in writing at the
17 next regular meeting of the Board of Directors occurring after
18 the passage thereof. Such veto may extend to any one or more
19 items contained in such resolution, by-law, rule, rate, or
20 regulation, or to its entirety; and in case the veto extends to
21 a part of such resolution, by-law, rule, rate, or regulation,
22 the residue shall take effect and be in force, but in case the
23 chairperson shall fail to return any resolution, by-law, rule,
24 rate, or regulation with his or her objections thereto by the
25 time aforesaid, he or she shall be deemed to have approved the

1 same, and the same shall take effect accordingly. Upon the
2 return of any resolution, by-law, rule, rate, or regulation by
3 the chairperson, the vote by which the same was passed shall be
4 reconsidered by the Board of Directors, and if upon such
5 reconsideration two-thirds of all the Directors agree by yeas
6 and nays to pass the same, it shall go into effect
7 notwithstanding the chairperson's refusal to approve thereof.

8 The chairperson shall receive a salary of \$1,000 per annum,
9 payable in monthly installments, together with reimbursement
10 for necessary expenses incurred in the performance of his or
11 her duties. The chairperson shall be eligible for
12 reappointment.

13 Section 25. Directors of the Authority. Of the original
14 directors, other than the chairperson, so appointed by the
15 Governor, 3 shall hold office for 2 years and 3 shall hold
16 office for 4 years, from the date of their appointment and
17 until their respective successors shall be duly appointed and
18 qualified, but shall be subject to removal by the Governor for
19 incompetency, neglect of duty, or malfeasance. In case of
20 vacancies in such offices during the recess of the Senate, the
21 Governor shall make a temporary appointment until the next
22 meeting of the Senate when the Governor shall nominate some
23 person to fill such office and any person so nominated, who is
24 confirmed by the Senate, shall hold office during the remainder
25 of the term and until his or her successor shall be appointed

1 and qualified. The respective term of the first directors
2 appointed shall be designated by the Governor at the time of
3 appointment, but their successors shall each be appointed for a
4 term of 4 years, except that any person appointed to fill a
5 vacancy shall serve only for the unexpired term. Directors
6 shall be eligible for reappointment.

7 In making the initial appointments of the 2 additional
8 directors provided for by this Act, the respective terms of the
9 2 additional directors first appointed shall be designated by
10 the Governor at the time of appointment in a manner that the
11 term of one additional director shall expire at the same time
12 as the terms of 4 of the other directors and the term of the
13 other additional director shall expire at the same time as the
14 terms of 3 of the other directors; thereafter the terms shall
15 be 4 years.

16 Each such director, other than ex officio members, shall
17 receive an annual salary of \$500, payable in monthly
18 installments, and shall be reimbursed for necessary expenses
19 incurred in the performance of his or her duties.

20 Section 30. Quorum. Immediately after the appointment and
21 qualification of the chairperson and directors under this Act,
22 the chairperson and directors shall enter upon their duties.
23 The directors shall biennially select a secretary, who may or
24 may not be a director, and if not a director, fix his or her
25 compensation. Six directors shall constitute a quorum. No

1 vacancy in the Board of Directors shall impair the right of a
2 quorum of the directors to exercise all the rights and perform
3 all the duties of the Authority.

4 Section 35. Bonds. The chairperson of the Board of
5 Directors shall execute and file a bond in the penal sum of
6 \$100,000. Each other director, other than the ex officio
7 directors, shall qualify by executing and filing a bond in the
8 penal sum of \$25,000, and the secretary, if not a member of the
9 Authority, shall execute and file a bond in the penal sum of
10 \$15,000. All such bonds shall be payable to the People of the
11 State of Illinois, and be conditioned upon the faithful
12 performance of the duties imposed upon the chairperson,
13 directors, or secretary under this Act. The bonds shall be
14 subject to the approval of the Governor and of the Attorney
15 General of the State of Illinois, and shall, when executed and
16 so approved, be filed in the office of the Secretary of State.
17 The bonds shall be with a surety company, or companies,
18 authorized to do business in this State, and the cost of any
19 official bonds required to be furnished hereunder shall be paid
20 out of any fund subject to expenditure by the Authority.

21 The chairperson, directors, and secretary of the Authority
22 shall be eligible to participate in all pensions, accident,
23 health, and benefit plans established by the Authority for its
24 employees in the same manner and form as all other employees.

1 Section 40. Public comments at board meetings. The Board of
2 Directors shall set aside a portion of each meeting of the
3 Board that is open to the public under the Open Meetings Act
4 during which members of the public who are present at the
5 meeting may comment on any subject.

6 Section 45. Authority powers. The Authority shall have the
7 power:

8 (a) To acquire, own, use, hire, lease, operate and dispose
9 of personal property, real property, any interest therein,
10 including rights-of-way, franchises, and easements.

11 (b) To enter into all contracts and agreements necessary or
12 incidental to the performance of its powers under this Act. All
13 employment contracts let under this Act shall be in conformity
14 with the applicable provisions of the Prevailing Wage Act.

15 (c) To employ and discharge, without regard to the
16 requirements of any civil service or personnel act, such
17 administrative, engineering, traffic, architectural,
18 construction, and financial experts, and inspectors, and such
19 other employees, as are necessary in the Authority's judgment
20 to carry out the purposes of this Act; and to establish and
21 administer standards of classification of all of such persons
22 with respect to their compensation, duties, performance, and
23 tenure; and to enter into contracts of employment with such
24 persons for such periods and on such terms as the Authority
25 deems desirable.

1 (d) To appoint by and with the consent of the Attorney
2 General, assistant attorneys for such Authority. The assistant
3 attorneys shall be under the control, direction and supervision
4 of the Attorney General and shall serve at his or her pleasure.

5 (e) To retain special counsel, subject to the approval of
6 the Attorney General, as needed from time to time, and fix
7 their compensation; provided the special counsel shall be
8 subject to the control, direction, and supervision of the
9 Attorney General and shall serve at the pleasure of the
10 Attorney General.

11 (f) To acquire, construct, relocate, operate, regulate,
12 and maintain a system of high speed rail lines through and
13 within the State of Illinois. However, the Authority does not
14 have the power to acquire, operate, regulate, or maintain any
15 system of high speed rail lines or portions of them (including,
16 but not limited to, any system organized under Division 108 of
17 Article 11 of the Illinois Municipal Code) in the event either
18 of the following conditions exists at the time the proposed
19 acquisition, operation, regulation, or maintenance of the
20 system is to become effective:

21 (1) the principal or interest on bonds or other
22 instruments evidencing indebtedness of the system are in
23 default; or

24 (2) the principal or interest on bonds or other
25 instruments evidencing indebtedness of the system have
26 been in default at any time during the 5 year period prior

1 to the proposed acquisition.

2 (g) To facilitate such construction, operation, and
3 maintenance, and subject to the approval of the Office of
4 Highway Project Implementation and the Office of Intermodal
5 Project Implementation of the Department of Transportation,
6 the Authority shall have the full use and advantage of the
7 engineering staff and facilities of the Department.

8 Section 50. High Speed Rail Inspector General.

9 (a) The Governor shall, with the advice and consent of the
10 Senate by three-fifths of the elected members concurring by
11 record vote, appoint a High Speed Rail Inspector General for
12 the purpose of detection, deterrence, and prevention of fraud,
13 corruption, and mismanagement in the Authority. The High Speed
14 Rail Inspector General shall serve a 5-year term. If, during a
15 recess of the Senate, there is a vacancy in the office of the
16 High Speed Rail Inspector General, the Governor shall make a
17 temporary appointment until the next meeting of the Senate when
18 the Governor shall make a nomination to fill that office. No
19 person rejected for the office of the High Speed Rail Inspector
20 General shall, except by the Senate's request, be nominated
21 again for that office at the same session of the Senate or be
22 appointed to that office during a recess of that Senate. The
23 Governor may not appoint a relative, as defined by item (6) of
24 Section 10-15 of the State Officials and Employees Ethics Act,
25 as the High Speed Rail Inspector General. The High Speed Rail

1 Inspector General may be removed only for cause and may be
2 removed only by the Governor.

3 (b) The High Speed Rail Inspector General shall have the
4 following qualifications:

5 (1) has not been convicted of any felony under the laws
6 of this State, another state, or the United States;

7 (2) has earned a baccalaureate degree from an
8 institution of higher education; and

9 (3) has 5 or more years of cumulative service (i) with
10 a federal, state, or local law enforcement agency, at least
11 2 years of which have been in a progressive investigatory
12 capacity; (ii) as a federal, state, or local prosecutor;
13 (iii) as a federal or state judge with a criminal docket;
14 (iv) as a senior manager or executive of a federal, state,
15 or local agency; or (v) representing any combination of (i)
16 through (iv).

17 (c) The term of the initial High Speed Rail Inspector
18 General shall commence upon qualification and shall run through
19 June 30, 2018. The initial appointments shall be made within 60
20 days after the effective date of this Act. After the initial
21 term, each High Speed Rail Inspector General shall serve for
22 5-year terms commencing on July 1 of the year of appointment
23 and running through June 30 of the fifth following year. A High
24 Speed Rail Inspector General may be reappointed to one or more
25 subsequent terms. A vacancy occurring other than at the end of
26 a term shall be filled by the Governor only for the balance of

1 the term of the High Speed Rail Inspector General whose office
2 is vacant. Terms shall run regardless of whether the position
3 is filled.

4 (d) The High Speed Rail Inspector General shall have
5 jurisdiction over the Authority and all board members,
6 officers, and employees of, and vendors, subcontractors, and
7 others doing business with the Authority. The jurisdiction of
8 the High Speed Rail Inspector General is to investigate
9 allegations of fraud, waste, abuse, mismanagement, misconduct,
10 nonfeasance, misfeasance, or malfeasance. Investigations may
11 be based on complaints from any source, including anonymous
12 sources, and may be self-initiated, without a complaint. An
13 investigation may not be initiated more than 5 years after the
14 most recent act of the alleged violation or of a series of
15 alleged violations except where there is reasonable cause to
16 believe that fraudulent concealment has occurred. To
17 constitute fraudulent concealment sufficient to toll this
18 limitations period, there must be an affirmative act or
19 representation calculated to prevent discovery of the fact that
20 a violation has occurred. The authority to investigate alleged
21 violations of the State Officials and Employees Ethics Act by
22 officers, employees, vendors, subcontractors, and others doing
23 business with the Authority shall remain with the Office of the
24 Governor's Executive Inspector General. The High Speed Rail
25 Inspector General shall refer allegations of misconduct under
26 the State Officials and Employees Ethics Act to the Office of

1 the Governor's Executive Inspector General for investigation.
2 Upon completion of its investigation into such allegations, the
3 Office of the Governor's Executive Inspector General shall
4 report the results to the High Speed Rail Inspector General,
5 and the results of the investigation shall remain subject to
6 any applicable confidentiality provisions in the State
7 Officials and Employees Ethics Act. Where an investigation into
8 a target or targets is split between allegations of misconduct
9 under the State Officials and Employees Ethics Act,
10 investigated by the Office of the Governor's Executive
11 Inspector General, and allegations that are not of misconduct
12 under the State Officials and Employees Ethics Act,
13 investigated by the High Speed Rail Inspector General, the High
14 Speed Rail Inspector General shall take reasonable steps,
15 including continued consultation with the Office of the
16 Governor's Executive Inspector General, to ensure that its
17 investigation will not interfere with or disrupt any
18 investigation by the Office of the Governor's Executive
19 Inspector General or law enforcement authorities. In instances
20 in which the High Speed Rail Inspector General continues to
21 investigate other allegations associated with allegations that
22 have been referred to the Office of the Governor's Executive
23 Inspector General under this subsection (d), the High Speed
24 Rail Inspector General shall report the results of its
25 investigation to the Office of the Governor's Executive
26 Inspector General.

1 (e) (1) If the High Speed Rail Inspector General, upon the
2 conclusion of an investigation, determines that reasonable
3 cause exists to believe that fraud, waste, abuse,
4 mismanagement, misconduct, nonfeasance, misfeasance, or
5 malfeasance has occurred, then the High Speed Rail Inspector
6 General shall issue a summary report of the investigation. The
7 report shall be delivered to the appropriate authority under
8 paragraph (3) of subsection (f) of this Section, which shall
9 have 20 days to respond to the report.

10 (2) The summary report of the investigation shall
11 include the following:

12 (A) a description of any allegations or other
13 information received by the High Speed Rail Inspector
14 General pertinent to the investigation.

15 (B) a description of any alleged misconduct
16 discovered in the course of the investigation.

17 (C) recommendations for any corrective or
18 disciplinary action to be taken in response to any
19 alleged misconduct described in the report, including
20 but not limited to discharge.

21 (D) other information the High Speed Rail
22 Inspector General deems relevant to the investigation
23 or resulting recommendations.

24 (3) Within 60 days after issuance of a final summary
25 report that resulted in a suspension of at least 3 days or
26 termination of employment, the High Speed Rail Inspector

1 General shall make the report available to the public by
2 presenting the report to the Board of the Authority and by
3 posting to the Authority's public website. The High Speed
4 Rail Inspector General shall redact information in the
5 summary report that may reveal the identity of witnesses,
6 complainants, or informants, or if the High Speed Rail
7 Inspector General determines it is appropriate to protect
8 the identity of a person before the report is made public.
9 The High Speed Rail Inspector General may also redact any
10 information that he or she believes should not be made
11 public, taking into consideration the factors set forth in
12 this subsection and paragraph (1) of subsection (k) of this
13 Section and other factors deemed relevant by the High Speed
14 Rail Inspector General to protect the Authority and any
15 investigations by the High Speed Rail Inspector General,
16 other inspector general offices, or law enforcement
17 agencies. Prior to publication, the High Speed Rail
18 Inspector General shall permit the respondents and the
19 appropriate authority under paragraph (3) of subsection
20 (f) of this Section to review the report and the documents
21 to be made public and offer suggestions for redaction or
22 provide a response that shall be made public with the
23 summary report; provided that the High Speed Rail Inspector
24 General shall have the sole and final authority to decide
25 what redactions should be made. The High Speed Rail
26 Inspector General may make available to the public any

1 other summary report and any such responses or a redacted
2 version of the report and responses.

3 (4) When the High Speed Rail Inspector General
4 concludes that there is insufficient evidence that a
5 violation has occurred, the High Speed Rail Inspector
6 General shall close the investigation. The High Speed Rail
7 Inspector General shall provide the appropriate authority
8 under paragraph (3) of subsection (f) of this Section with
9 a written statement of the High Speed Rail Inspector
10 General's decision to close the investigation. At the
11 request of the subject of the investigation, the High Speed
12 Rail Inspector General shall provide a written statement to
13 the subject of the investigation of the High Speed Rail
14 Inspector General's decision to close the investigation.
15 Closure by the High Speed Rail Inspector General does not
16 bar the High Speed Rail Inspector General from resuming the
17 investigation if circumstances warrant.

18 (f) The High Speed Rail Inspector General shall:

19 (1) have access to all information and personnel
20 necessary to perform the duties of the office;

21 (2) have the power to subpoena witnesses and compel the
22 production of books and papers pertinent to an
23 investigation authorized by this Section. A subpoena may be
24 issued under this paragraph (2) only by the High Speed Rail
25 Inspector General and not by members of the High Speed Rail
26 Inspector General's staff. Any person subpoenaed by the

1 High Speed Rail Inspector General has the same rights,
2 under Illinois law as a person subpoenaed by a grand jury.
3 The power to subpoena or to compel the production of books
4 and papers, however, shall not extend to the person or
5 documents of a labor organization or its representatives
6 insofar as the person or documents of a labor organization
7 relate to the function of representing an employee subject
8 to investigation under this Section. Subject to a person's
9 privilege against self-incrimination, any person who fails
10 to appear in response to a subpoena, answer any question,
11 or produce any books or papers pertinent to an
12 investigation under this Section, except as otherwise
13 provided in this Section, or who knowingly gives false
14 testimony in relation to an investigation under this
15 Section is guilty of a Class A misdemeanor;

16 (3) submit reports as required by this Section and
17 applicable administrative rules. Final reports and
18 recommendations shall be submitted to the Authority's
19 Executive Director and the Board of Directors for
20 investigations not involving the Board. Final reports and
21 recommendations shall be submitted to the chairperson of
22 the Board and to the Governor for investigations of any
23 Board member other than the chairperson of the Board. Final
24 reports and recommendations for investigations of the
25 chairperson of the Board shall be submitted to the
26 Governor;

1 (4) assist and coordinate with the ethics officer for
2 the Authority;

3 (5) participate in or conduct, when appropriate,
4 multi-jurisdictional investigations; provided the
5 investigation involves the Authority in some way,
6 including, but not limited to, joint investigations with
7 the Office of the Governor's Executive Inspector General,
8 or with State, local, or federal law enforcement
9 authorities;

10 (6) serve as the Authority's primary liaison with law
11 enforcement, investigatory, and prosecutorial agencies
12 and, in that capacity, the High Speed Rail Inspector
13 General may request any information or assistance that may
14 be necessary for carrying out the duties and
15 responsibilities provided by this Section from any local,
16 state, or federal governmental agency or unit thereof;

17 (7) review hiring and employment files of the Authority
18 to ensure compliance with *Rutan v. Republican Party of*
19 *Illinois*, 497 U.S. 62 (1990), and with all applicable
20 employment laws;

21 (8) establish a policy that ensures the appropriate
22 handling and correct recording of all investigations
23 conducted by the Office, and ensures that the policy is
24 accessible via the Internet in order that those seeking to
25 report suspected wrongdoing are familiar with the process
26 and that the subjects of those allegations are treated

1 fairly;

2 (9) receive and investigate complaints or information
3 from an employee of the Authority concerning the possible
4 existence of an activity constituting a violation of law,
5 rules or regulations, mismanagement, abuse of authority,
6 or substantial and specific danger to the public health and
7 safety. Any employee of the Authority who knowingly files a
8 false complaint or files a complaint with reckless
9 disregard for the truth or falsity of the facts underlying
10 the complaint may be subject to discipline; and

11 (10) review, coordinate, and recommend methods and
12 procedures to increase the integrity of the Authority.

13 (g) Within 6 months of appointment, the initial High Speed
14 Rail Inspector General shall propose rules, in accordance with
15 the provisions of the Illinois Administrative Procedure Act,
16 establishing minimum requirements for initiating, conducting,
17 and completing investigations. The rules must establish
18 criteria for determining, based upon the nature of the
19 allegation, the appropriate method of investigation, which may
20 include, but is not limited to, site visits, telephone
21 contacts, personal interviews, or requests for written
22 responses. The rules must establish the process, contents, and
23 timing for final reports and recommendations by the High Speed
24 Rail Inspector General and for a response and any remedial,
25 disciplinary, or both, action by an individual or individuals
26 receiving the final reports and recommendations. The rules must

1 also clarify how the Office of the High Speed Rail Inspector
2 General shall interact with other local, state, and federal law
3 enforcement authorities and investigations. Such rules shall
4 provide that investigations and inquiries by the Office of the
5 High Speed Rail Inspector General must be conducted in
6 compliance with the provisions of any collective bargaining
7 agreement that applies to the affected employees of the
8 Authority and that any recommendation for discipline or other
9 action against any employee by the Office of the High Speed
10 Rail Inspector General must comply with the provisions of any
11 applicable collective bargaining agreement.

12 (h) The Office of the High Speed Rail Inspector General
13 shall be an independent office of the Authority. Within its
14 annual budget, the Authority shall provide a clearly delineated
15 budget for the Office of the High Speed Rail Inspector General.
16 The budget of the Office of the High Speed Rail Inspector
17 General shall be adequate to support an independent and
18 effective office. Except with the consent of the High Speed
19 Rail Inspector General, the Authority shall not reduce the
20 budget of the Office of the High Speed Rail Inspector General
21 by more than 10 percent (i) within any fiscal year; or (ii)
22 over the 5-year term of each High Speed Rail Inspector General.
23 To the extent allowed by law and the Authority's policies, the
24 High Speed Rail Inspector General shall have sole
25 responsibility for organizing the Office of the High Speed Rail
26 Inspector General within the budget established by the Board of

1 the High Speed Rail Authority, including the recruitment,
2 supervision, and discipline of the employees of that Office.
3 The High Speed Rail Inspector General shall report directly to
4 the Board of Directors of the Authority with respect to the
5 prompt and efficient operation of the Office of the High Speed
6 Rail Inspector General.

7 (i) (1) No High Speed Rail Inspector General or employee of
8 the Office of the High Speed Rail Inspector General may, during
9 his or her term of appointment or employment:

10 (A) become a candidate for any elective office;

11 (B) hold any other elected or appointed public
12 office except for appointments on governmental
13 advisory boards or study commissions or as otherwise
14 expressly authorized by law;

15 (C) be actively involved in the affairs of any
16 political party or political organization; or

17 (D) advocate for the appointment of another person
18 to an appointed public office or elected office or
19 position or actively participate in any campaign for
20 any elective office. As used in this paragraph (1),
21 "appointed public office" means a position authorized
22 by law that is filled by an appointing authority as
23 provided by law and does not include employment by
24 hiring in the ordinary course of business.

25 (2) No High Speed Rail Inspector General or employee of
26 the Office of the High Speed Rail Inspector General may,

1 for one year after the termination of his or her
2 appointment or employment:

3 (A) become a candidate for any elective office;

4 (B) hold any elected public office; or

5 (C) hold any appointed State, county, or local
6 judicial office. The requirements of this subparagraph

7 (C) may be waived by the Executive Ethics Commission.

8 (j) All Board members, officers, and employees of the
9 Authority have a duty to cooperate with the High Speed Rail
10 Inspector General and employees of the Office of the High Speed
11 Rail Inspector General in any investigation undertaken under
12 this Section. Failure to cooperate includes, but is not limited
13 to, intentional omissions and knowing false statements.
14 Failure to cooperate with an investigation under this Section
15 is grounds for disciplinary action, including termination of
16 employment. Nothing in this Section limits or alters a person's
17 existing rights or protections under State or federal law.

18 (k) The identity of any individual providing information or
19 reporting any possible or alleged misconduct to the High Speed
20 Rail Inspector General shall be kept confidential and may not
21 be disclosed without the consent of that individual, unless the
22 individual consents to disclosure of his or her name or
23 disclosure of the individual's identity is otherwise required
24 by law. The confidentiality granted by this subsection (k) does
25 not preclude the disclosure of the identity of a person in any
26 capacity other than as the source of an allegation. Subject to

1 the provisions of subsection (e) of this Section, the High
2 Speed Rail Inspector General, and employees and agents of the
3 Office of the High Speed Rail Inspector General, shall keep
4 confidential and shall not disclose information exempted from
5 disclosure under the Freedom of Information Act or by this Act.

6 (l) If the High Speed Rail Inspector General determines
7 that any alleged misconduct involves any person not subject to
8 the jurisdiction of the High Speed Rail Inspector General, the
9 High Speed Rail Inspector General shall refer the reported
10 allegations to the appropriate Inspector General, appropriate
11 ethics commission, or other appropriate body. If the High Speed
12 Rail Inspector General determines that any alleged misconduct
13 may give rise to criminal penalties, the High Speed Rail
14 Inspector General may refer the allegations regarding that
15 misconduct to the appropriate law enforcement agency. If a High
16 Speed Rail Inspector General determines that any alleged
17 misconduct resulted in the loss of public funds in an amount of
18 \$5,000 or greater, the High Speed Rail Inspector General shall
19 refer the allegations regarding that misconduct to the Attorney
20 General and any other appropriate law enforcement agency.

21 (m) The High Speed Rail Inspector General shall provide to
22 the Governor, the Board of the Authority, and the General
23 Assembly a summary of reports and investigations made under
24 this Section no later than March 31 and September 30 of each
25 year. The summaries shall detail the final disposition of the
26 Inspector General's recommendations. The summaries shall not

1 contain any confidential or identifying information concerning
2 the subjects of the reports and investigations. The summaries
3 shall also include detailed, recommended administrative
4 actions and matters for consideration by the Governor, the
5 Board of the Authority, and the General Assembly.

6 (n) Any employee of the Authority subject to investigation
7 or inquiry by the High Speed Rail Inspector General or any
8 agent or representative of the High Speed Rail Inspector
9 General concerning misconduct that is criminal in nature shall
10 have the right to be notified of the right to remain silent
11 during the investigation or inquiry and the right to be
12 represented in the investigation or inquiry by an attorney or a
13 representative of a labor organization that is the exclusive
14 collective bargaining representative of employees of the
15 Authority. Any investigation or inquiry by the High Speed Rail
16 Inspector General or any agent or representative of the High
17 Speed Rail Inspector General must be conducted in accordance
18 with the rights of the employees under State and federal law
19 and applicable judicial decisions. Any recommendations for
20 discipline or any action taken against any employee by the High
21 Speed Rail Inspector General or any representative or agent of
22 the High Speed Rail Inspector General must comply with the
23 provisions of the collective bargaining agreement that applies
24 to the employee.

25 (o) Nothing in this Section shall diminish the rights,
26 privileges, or remedies of a State employee under any other

1 federal or State law, rule, or regulation or under any
2 collective bargaining agreement.

3 Section 55. Authority powers. The Authority shall have the
4 power:

5 (a) To prepare, or cause to be prepared detailed plans,
6 specifications, and estimates, from time to time, for the
7 construction, relocation, repair, maintenance, and operation
8 of high speed railway lines within and through the State of
9 Illinois.

10 (b) To acquire, hold, and use real and personal property,
11 including rights, rights-of-way, franchises, easements, and
12 other interests in land as it may desire, or as may be
13 necessary or convenient for its authorized purposes by
14 purchase, gift, grant, or otherwise, and to take title thereto;
15 to acquire in the manner that may now or hereafter be provided
16 for by the law of eminent domain of this State, any real or
17 personal property (including road building materials and
18 public lands, parks, playgrounds, reservations, highways or
19 parkways, or parts thereof, or rights therein, of any person,
20 railroad, public service, public utility, or municipality or
21 political subdivision) necessary or convenient for its
22 authorized purpose. Such acquisition of real property, whether
23 by purchase, gift, condemnation, or otherwise, wherever
24 necessary or convenient in the discretion of the Authority, may
25 include the extension of existing rights and easements of

1 access, use, and crossing held by any person or persons,
2 interests in land abutting on existing highways, and remnants
3 or remainder property; and such acquisitions of real property
4 may be free and clear of, and without any rights or easements
5 of access, use and crossing in favor of any person or persons
6 including interest in any land adjacent or contiguous to the
7 land so acquired; provided that nothing shall be construed to
8 authorize the taking or damaging of any private property for
9 such purposes by the Authority, without just compensation.

10 (c) To accept conveyance of fee simple title to, or any
11 lesser interest in, land, rights, or property conveyed by the
12 Department of Transportation under Section 4-508.1 of the
13 Illinois Highway Code.

14 (d) To establish presently the approximate locations and
15 widths of rights of way for new high speed railway lines and
16 future additions to the high speed rail system to inform the
17 public and prevent costly and conflicting development of the
18 land involved.

19 The Authority shall hold a public hearing whenever
20 approximate locations and widths of rights of way for future
21 high speed railway additions are to be established. The hearing
22 shall be held in or near the county or counties in which the
23 land to be used is located and notice of the hearing shall be
24 published in a newspaper or newspapers of general circulation
25 in the county or counties involved. Any interested person or
26 his or her representative may be heard. The Authority shall

1 evaluate the testimony given at the hearing.

2 The Authority shall make a survey and prepare a map showing
3 the location and approximate widths of the rights of way needed
4 for new high speed railway lines and future additions to the
5 high speed railway system. The map shall show existing highways
6 in the area involved and the property lines and owners of
7 record of all land that will be needed for the new high speed
8 railway lines, future additions, and all other pertinent
9 information. Approval of the map with any changes resulting
10 from the hearing shall be indicated in the record of the
11 hearing and a notice of the approval and a copy of the map
12 shall be filed in the office of the recorder for all counties
13 in which the land needed for future additions is located.

14 Public notice of the approval and filing shall be given in
15 newspapers of general circulation in all counties in which the
16 land is located and shall be served by registered mail within
17 60 days after the approval to all owners of record of the land
18 needed for future additions.

19 The Authority may approve changes in the map from time to
20 time. The changes shall be filed and notice given in the manner
21 provided for an original map.

22 After the map is filed and notice is given to the owners of
23 record of the land needed for new high speed railway lines and
24 future additions, no person shall incur development costs or
25 place improvements in, upon, or under the land involved nor
26 rebuild, alter, or add to any existing structure without first

1 giving 60 days' notice by registered mail to the Authority.
2 This prohibition shall not apply to any normal or emergency
3 repairs to existing structures. The Authority shall have 45
4 days after receipt of that notice to inform the owner of the
5 Authority's intention to acquire the land involved, after which
6 it shall have an additional 120 days to acquire the land by
7 purchase or to initiate action to acquire the land through the
8 exercise of the right of eminent domain. When the right of way
9 is acquired by the Authority, no damages shall be allowed for
10 any construction, alteration, or addition in violation of this
11 subsection (d) unless the Authority has failed to acquire the
12 land by purchase or has abandoned an eminent domain proceeding
13 initiated in accordance with this subsection (d).

14 Any right of way needed for either new lines or additions
15 to the HSR system may be acquired at any time by the Authority.
16 The time of determination of the value of the property to be
17 taken under this Section for new high speed railway lines or
18 additions to the HSR system shall be the date of the actual
19 taking, if the property is acquired by purchase, or the date of
20 the filing of a complaint for condemnation, if the property is
21 acquired through the exercise of the right of eminent domain,
22 rather than the date when the map of the proposed right of way
23 was filed of record.

24 (e) Not more than 10 years after a protected corridor is
25 established under subsection (d) of this Section, and not later
26 than the expiration of each 10-year period thereafter, the

1 Authority shall hold a public hearing to discuss the viability
2 and feasibility of the protected corridor. Following the
3 hearing and giving due consideration to the information
4 obtained at the hearing, the Board of Directors of the
5 Authority shall vote to either continue or abolish the
6 protected corridor.

7 (f) If the building line of a building used primarily for
8 the purpose of educating elementary or secondary students lies
9 within 100 feet of any high speed railway line operated by the
10 High Speed Rail Authority, the High Speed Rail Authority shall
11 acquire the building, together with any property owned, leased,
12 or utilized adjacent to it and pertaining to its educational
13 operations, from the school district that owns or operates it,
14 for just compensation. For purposes of this subsection (f),
15 "just compensation" means the replacement cost of the building
16 and adjacent property so that the students educated in the
17 building have the opportunity to be educated according to
18 standards prevailing in the State of Illinois.

19 Section 60. Acquisition by purchase or by condemnation. The
20 Authority is authorized to acquire by purchase or by
21 condemnation, in the manner provided for the exercise of the
22 power of eminent domain under the Eminent Domain Act, any and
23 all lands, buildings, and grounds necessary or convenient for
24 its authorized purpose. The Authority shall comply with the
25 Uniform Relocation Assistance and Real Property Acquisition

1 Policies Act of 1970, and the implementing regulations in 49
2 CFR Part 24 and is authorized to operate a relocation program
3 and to pay relocation costs. If there is a conflict between the
4 provisions of this Act and the provisions of the federal law or
5 regulations, the provisions of this Act shall control, with the
6 exception that the Authority shall use whichever law or
7 regulation provides the highest payment limit. The Authority is
8 authorized to exceed the maximum payment limits of the Uniform
9 Relocation Assistance and Real Property Acquisition Policies
10 Act of 1970 when necessary to ensure the provision of decent,
11 safe, or sanitary housing, or to secure a suitable relocation
12 site. The Authority may not adopt rules to implement the
13 federal law or regulations referenced in this Section unless
14 those rules have received the prior approval of the Joint
15 Committee on Administrative Rules.

16 Section 65. Eminent domain. Notwithstanding any other
17 provision of this Act, any power granted under this Act to
18 acquire property by condemnation or eminent domain is subject
19 to, and shall be exercised in accordance with, the Eminent
20 Domain Act.

21 Section 70. Acquisition of property.

22 (a) Prior to the initiation of negotiations, the Authority
23 shall establish an amount that it believes is just compensation
24 for the property. The amount shall not be less than the

1 appraisal of the fair market value of the property. Promptly
2 thereafter, the Authority shall make a written offer to the
3 owner to acquire the property for the full amount believed to
4 be just compensation. Along with the initial written purchase
5 offer, the owner shall be given a written statement of the
6 basis for the offer. For owner-occupied dwellings, upon the
7 owner's request, the Authority shall exchange its approved
8 appraisal with the owner's appraisal obtained from a State
9 certified general real estate appraiser.

10 (b) The Authority shall make every reasonable effort to
11 contact the owner or the owner's representative and discuss its
12 offer to purchase the property. The owner shall be given every
13 reasonable opportunity to consider the offer and present
14 material that the owner believes is relevant to determining the
15 value of the property, including an appraisal obtained by the
16 owner from a State certified general real estate appraiser, and
17 to suggest modifications in the proposed terms and conditions
18 of the purchase. The Authority shall pay for the cost of the
19 owner's appraisal for an owner-occupied dwelling.

20 (c) To the extent permitted by applicable law, the
21 appraiser shall disregard any decrease or increase in the fair
22 market value of the real property caused by the project for
23 which the property is to be acquired, or caused by the
24 likelihood that the property would be acquired for the project,
25 other than that due to the physical deterioration of the
26 property that was within the reasonable control of the owner.

1 If comparable sales of similar properties are factored into the
2 amount of just compensation offered by the Authority, those
3 comparable sales must have been with respect to property
4 located outside the protected corridor.

5 (d) When the Authority acquires an owner-occupied dwelling
6 the Authority shall reimburse the property owner up to \$500 for
7 reasonable attorney's fees actually incurred by the property
8 owner related to closing costs in conjunction with the property
9 owner's purchase of a replacement dwelling.

10 Section 75. Land disclosure requirements.

11 (a) Disclosure required. The Authority may not enter into
12 any agreement or understanding for the use or acquisition of
13 land that is intended to be used or acquired for high speed
14 railway purposes unless full disclosure of all beneficial
15 interests in the land is made under this Section.

16 (b) Condemnation proceedings. If the Authority commences
17 condemnation proceedings to acquire land that is intended to be
18 used or acquired for high speed railway purposes, the holders
19 of all beneficial interests in the land must make full
20 disclosure under this Section, unless the court determines that
21 the disclosure would cause irreparable harm to one or more
22 holders of a beneficial interest.

23 (c) Beneficial interests. Each holder of any beneficial
24 interest in the land, including without limitation beneficial
25 interests in a land trust, must be disclosed, including both

1 individuals and other entities. If any beneficial interest is
2 held by an entity, other than an entity whose shares are
3 publicly traded, and not by an individual, then all the holders
4 of any beneficial interest in that entity must be disclosed.
5 This requirement continues at each level of holders of
6 beneficial interests until all beneficial interests of all
7 individuals in all entities, other than entities whose shares
8 are publicly traded, have been disclosed.

9 (d) Written statement. Disclosure must be made by a written
10 statement filed (i) with the Authority contemporaneously with
11 the execution of the agreement or understanding; or (ii) in the
12 case of a condemnation proceeding, with the Authority and the
13 court within a time period ordered by the court. Each
14 individual and entity must be disclosed by name and address and
15 by a description of the interest held, including the percentage
16 interest in the land held by the individual or entity. The
17 statement must be verified, subject to penalty of perjury, by
18 the individual who holds the greatest percentage of beneficial
19 interest in the land.

20 (e) Recordation. The Authority must file the statement of
21 record with the recorder of each county in which any part of
22 the land is located within 3 business days after the statement
23 is filed with the Authority.

24 (f) Agreements and understandings void. Any agreement or
25 understanding in violation of this Act is void.

26 (g) Penalty. A person who knowingly violates this Section

1 is guilty of a business offense and shall be fined \$10,000.

2 (h) Other disclosure requirements. The disclosure required
3 under this Act is in addition to, and not in lieu of, any other
4 disclosure required by law.

5 Section 80. Owner retention of certain items. The owner of
6 property to be acquired by the Authority shall have the right
7 to retain ownership of a dwelling's cabinets, moldings, and
8 fixtures. If the Authority acquires the dwelling, the property
9 owner may remove cabinets, moldings, and fixtures if stipulated
10 in the agreement to purchase the property.

11 Section 85. Condemnation proceeding expenses. The owner of
12 property to be acquired by the Authority shall be reimbursed
13 for any reasonable expenses, including reasonable attorney,
14 appraisal, and engineering fees, that the owner actually
15 incurred because of a condemnation proceeding if:

16 (1) the final judgment of the court is that the
17 Authority cannot acquire the property by condemnation; or

18 (2) the condemnation proceeding is abandoned by the
19 Authority other than under an agreed-upon settlement.

20 Section 90. Comparable replacement dwelling; additional or
21 supplemental housing payment. Whenever the cost of a comparable
22 replacement dwelling is greater than what the Authority paid
23 the property owner, the Authority shall provide additional or

1 supplemental housing payments. No person shall be required to
2 move from a dwelling unless comparable replacement housing is
3 available to the person. The total of additional or
4 supplemental housing payments to a property owner under this
5 Section shall not exceed \$25,000.

6 Section 95. Moving expenses and direct losses of personal
7 property caused by displacement. The Authority is authorized to
8 pay, as part of the cost of construction of any project on a
9 high speed railway, to any person displaced by the highway
10 project (1) actual reasonable expenses in moving himself or
11 herself, his or her family, and his or her business, farm
12 operation, or other personal property; (2) actual direct losses
13 of tangible personal property as a result of moving or
14 discontinuing a business or farm operation, but not to exceed
15 an amount equal to the reasonable expenses that would have been
16 required to relocate the property, as determined by the
17 Authority; (3) actual reasonable expenses in searching for a
18 replacement business or farm; and (4) actual reasonable
19 expenses necessary to reestablish a displaced farm, nonprofit
20 organization, or small business at its new site, but not to
21 exceed \$10,000.

22 Section 100. Expense and dislocation allowance. In lieu of
23 the payments authorized to be paid under this Act, the
24 Authority may pay any person displaced from a dwelling, who

1 elects to accept the payment, an expense and dislocation
2 allowance which shall be determined according to a schedule
3 established by the Authority.

4 Section 105. Relocation payments. In lieu of the payments
5 authorized to be paid under this Act, the Authority may pay any
6 person who moves or discontinues his or her business or farm
7 operation, who elects to accept the payment, a fixed relocation
8 payment in an amount equal to the average annual net earnings
9 of the business or the farm operation, except that the payment
10 shall be not less than \$1,000 nor more than \$20,000.

11 Section 110. Additional payments for dwelling and rental of
12 dwelling.

13 (a) In addition to the amounts authorized to be paid under
14 this Act by the Authority, the Authority may, as a part of the
15 cost of construction, make a payment not to exceed \$25,000 to
16 any displaced person who is displaced from a dwelling acquired
17 for a high speed railway project actually owned and occupied by
18 the displaced person for not less than 180 days before the
19 initiation of negotiations for the acquisition of the property.
20 The payment shall include the following elements:

21 (1) the amount, if any, which, when added to the
22 acquisition cost of the dwelling acquired equals the
23 reasonable cost of a comparable replacement dwelling
24 determined in accordance with standards established by the

1 Authority to be a decent, safe, and sanitary dwelling
2 adequate to accommodate the displaced person, reasonably
3 accessible to public services and places of employment, and
4 available on the private market;

5 (2) the amount, if any, which will compensate the
6 displaced person for any increased interest costs which the
7 person is required to pay for financing the acquisition of
8 any such comparable replacement dwelling. The amount shall
9 be paid only if the dwelling acquired by the Authority was
10 encumbered by a bona fide mortgage which was a valid lien
11 on the dwelling for not less than 180 days before the
12 initiation of negotiations for the acquisition of the
13 dwelling; and

14 (3) reasonable expenses incurred by the displaced
15 person for evidence of title, recording fees, and other
16 closing costs incident to the purchase of the replacement
17 dwelling, but not including prepaid expenses.

18 (b) The additional payment authorized under subsection (a)
19 of this Section shall not exceed \$25,000 and shall be made only
20 to a displaced person who purchases and occupies a replacement
21 dwelling that meets the standards established by the Authority
22 to be decent, safe, and sanitary, not later than the end of the
23 one year period beginning on the date on which he or she
24 receives from the Authority final payment of all costs of the
25 acquired dwelling, or on the date on which he or she moves from
26 the dwelling acquired for the highway project, whichever is the

1 later date.

2 (c) Any displaced person who is not eligible to receive
3 payment under subsection (a) of this Section and who is
4 displaced from any dwelling which was actually and lawfully
5 occupied by the displaced person for not less than 90 days
6 before the initiation of negotiations for acquisition of the
7 dwelling, may be paid by the Authority either (1) an amount
8 necessary to enable the displaced person to lease or rent, for
9 a period not to exceed 42 months, a decent, safe, and sanitary
10 dwelling of standards adequate to accommodate the person in
11 areas not generally less desirable in regard to public
12 utilities and public and commercial facilities and reasonably
13 accessible to his or her place of employment, but not to exceed
14 the sum of \$5,250; or (2) the amount necessary to enable the
15 person to make a down payment, including incidental expenses
16 under item (1) of this subsection (c), on the purchase of a
17 decent, safe, and sanitary dwelling of standards adequate to
18 accommodate the person in areas not generally less desirable in
19 regard to public utilities and public and commercial
20 facilities, but not to exceed the amount payable under item (1)
21 of this subsection (c), except that in the case of a homeowner
22 who owned and occupied the displaced dwelling for at least 90
23 days but not more than 180 days immediately before the
24 initiating of negotiations, the down payment shall not exceed
25 the amount payable under this Act for persons who owned and
26 occupied the property for 180 days before the initiation of

1 negotiations.

2 (d) If comparable replacement sale or rental housing is not
3 available within the limitations of this Section, the Authority
4 may make a payment in excess of the maximum payments authorized
5 by this Section as required to provide replacement housing.

6 Section 115. Reimbursement for certain expenses and
7 mortgage penalty. In addition to the other amounts authorized
8 to be paid under this Act, the Authority may reimburse the
9 owner of real property acquired for a high speed railway
10 project the reasonable and necessary expenses incurred for (1)
11 recording fees, transfer taxes, and similar expenses
12 incidental to conveying the real property; and (2) penalty
13 costs for prepayment of any pre-existing recorded mortgages
14 entered into in good faith encumbering the real property.

15 Section 120. Construction in relation to eminent domain.
16 Nothing contained in this Act creates in any proceedings
17 brought under the power of eminent domain any element of
18 damages not in existence on the effective date of this Act.

19 Section 125. The Authority shall have power:

20 (a) To pass resolutions, make by-laws, rules, and
21 regulations for the management, regulation, and control of its
22 affairs, and to fix fares, and to make, enact, and enforce all
23 needful rules and regulations in connection with the

1 construction, operation, management, care, regulation, or
2 protection of its property or any high speed railway lines,
3 constructed or reconstructed hereunder.

4 (b) To fix, assess, and collect civil fines for any
5 passenger utilizing a train on a high speed railway without the
6 required fare having been paid. The Authority may establish by
7 rule a system of civil administrative adjudication to
8 adjudicate only alleged instances of a passenger utilizing a
9 train on a high speed railway without the required fare having
10 been paid, as detected by the Authority's on-board personnel.

11 (c) To prescribe rules and regulations applicable to
12 traffic on railways under the jurisdiction of the Authority,
13 concerning:

14 (1) types of rolling stock permitted to use such
15 railways or parts thereof, and classification of such
16 rolling stock;

17 (2) communication and signaling protocols for train
18 movement, in accordance with the rules and regulations
19 currently enacted at the federal level; and

20 (3) control of the access, entrance, and exit of
21 vehicles and persons to and from the train stations along
22 the HSR lines;

23 (d) The Authority, in fixing the rate for fares for the
24 privilege of using high speed railways, is authorized and
25 directed, in fixing the rates, to base the same upon annual
26 estimates to be made, recorded, and filed with the Authority.

1 The estimates shall include the following: (1) the estimated
2 total amount of the use of the high speed railways; and (2) the
3 estimated amount of the revenue to be derived therefrom, which,
4 when added to all other receipts and income, will be sufficient
5 to pay the expense of maintaining and operating high speed
6 railways, including the administrative expenses of the
7 Authority, and to discharge all obligations of the Authority as
8 they become due and payable.

9 (e) To accept from any municipality or political
10 subdivision any lands, easements, or rights in land needed for
11 the operation, construction, relocation, or maintenance of any
12 high speed railways, with or without payment, and in its
13 discretion, to reimburse any municipality or political
14 subdivision out of its funds for any cost or expense incurred
15 in the acquisition of land, easements, or rights in land, in
16 connection with the construction and relocation of high speed
17 railways, widening and extending roads, streets, or avenues in
18 connection therewith, or for the construction of any roads or
19 streets forming extension to and connections with or between
20 any high speed railways, or for the cost or expense of
21 widening, grading, surfacing, or improving any existing
22 streets or roads or the construction of any streets and roads
23 forming extensions of or connections with any high speed
24 railways constructed, relocated, operated, maintained, or
25 regulated by the Authority. Where property owned by a
26 municipality or political subdivision is necessary to the

1 construction of an approved high speed railway, if the
2 Authority cannot reach an agreement with such municipality or
3 political subdivision and if the use to which the property is
4 being put in the hands of the municipality or political
5 subdivision is not essential to the existence or the
6 administration of such municipality or political subdivision,
7 the Authority may acquire the property by condemnation.

8 Section 130. The Authority shall have power:

9 (a) To enter upon lands, waters, and premises in this State
10 for the purpose of making surveys, soundings, drillings, and
11 examinations as may be necessary, expedient, or convenient for
12 the purposes of this Act, and such entry shall not be deemed to
13 be a trespass, nor shall an entry for such purpose be deemed an
14 entry under any condemnation proceedings which may be then
15 pending; provided that the Authority shall make reimbursement
16 for any actual damage resulting to such lands, waters and
17 premises as the result of such activities.

18 (b) To construct, maintain, and operate train stations for
19 the collection of fares or charges upon and along any high
20 speed rail lines.

21 (c) To provide for the collection of fares and charges for
22 the privilege of using the high speed rail lines. Before it
23 adopts an increase in the rates for fare, the Authority shall
24 hold a public hearing at which any person may appear, express
25 opinions, suggestions, or objections, or direct inquiries

1 relating to the proposed increase. Any person may submit a
2 written statement to the Authority at the hearing, whether
3 appearing in person or not. The hearing shall be held in the
4 county in which the proposed increase of the rates is to take
5 place. The Authority shall give notice of the hearing by
6 advertisement on 3 successive days at least 15 days prior to
7 the date of the hearing in a daily newspaper of general
8 circulation within the county within which the hearing is held.
9 The notice shall state the date, time, and place of the
10 hearing, shall contain a description of the proposed increase,
11 and shall specify how interested persons may obtain copies of
12 any reports, resolutions, or certificates describing the basis
13 on which the proposed change, alteration, or modification was
14 calculated. After consideration of any statements filed or oral
15 opinions, suggestions, objections, or inquiries made at the
16 hearing, the Authority may proceed to adopt the proposed
17 increase of the rates for train fare. No change or alteration
18 in or modification of the rates for train fare shall be
19 effective unless at least 30 days prior to the effective date
20 of the rates, notice shall be given to the public by
21 publication in a newspaper of general circulation, and the
22 notice or notices shall be posted and publicly displayed at
23 each and every train station upon or along the high speed
24 railway lines.

25 (d) To construct, at the Authority's discretion, grade
26 separations at intersections with any railroads, waterways,

1 street railways, streets, thoroughfares, public roads, or
2 highways intersected by the high speed railway lines, and to
3 change and adjust the lines and grades so as to accommodate the
4 same to the design of such grade separation and to construct
5 interchange improvements. The Authority is authorized to
6 provide such grade separations or interchange improvements at
7 its own cost or to enter into contracts or agreements with
8 reference to division of cost therefor with any municipality or
9 political subdivision of the State of Illinois, or with the
10 Federal Government, or any agency thereof, or with any
11 corporation, individual, firm, person, or association. Where
12 such structures have been built by the Authority and a local
13 highway agency did not enter into an agreement to the contrary,
14 the Authority shall maintain the entire structure, including
15 the road surface, at the Authority's expense.

16 (e) To contract with and grant concessions to or lease or
17 license to any person, partnership, firm, association, or
18 corporation so desiring the use of any part of any high speed
19 railway lines, excluding the tracked portions, but including
20 the right of way adjoining under or over the paved portions for
21 the placing of telephone, telegraph, electric, power lines and
22 other utilities, and for the placing of pipe lines, and to
23 enter into operating agreements with or to contract with and
24 grant concessions to or to lease to any person, partnership,
25 firm, association or, corporation so desiring the use of any
26 part of the high speed railways, excluding the paved portions,

1 but including the right of way adjoining, or over the paved
2 portions for motor fuel service stations and facilities,
3 garages, stores, and restaurants, or for any other lawful
4 purpose, and to fix the terms, conditions, rents, rates, and
5 charges for that use.

6 The Authority shall also have power to establish reasonable
7 regulations for the installation, construction, maintenance,
8 repair, renewal, relocation, and removal of pipes, mains,
9 conduits, cables, wires, towers, poles, and other equipment and
10 appliances (herein called public utilities) of any public
11 utility as defined in the Public Utilities Act along, over, or
12 under any high speed railway project. Whenever the Authority
13 shall determine that it is necessary that any such public
14 utility facilities which now are located in, on, along, over,
15 or under any project or projects be relocated or removed
16 entirely from any such project or projects, the public utility
17 owning or operating such facilities shall relocate or remove
18 the same in accordance with the order of the Authority. All
19 costs and expenses of such relocation or removal, including the
20 cost of installing such facilities in a new location or
21 locations, and the cost of any land or lands, or interest in
22 land, or any other rights required to accomplish such
23 relocation or removal shall be ascertained and paid by the
24 Authority as a part of the cost of any such project or
25 projects, and further, there shall be no rent, fee, or other
26 charge of any kind imposed upon the public utility owning or

1 operating any facilities ordered relocated on the properties of
2 the Authority and the Authority shall grant to the public
3 utility owning or operating the facilities and its successors
4 and assigns the right to operate the same in the new location
5 or locations for as long a period and upon the same terms and
6 conditions as it had the right to maintain and operate such
7 facilities in their former location or locations.

8 (f) To enter into an intergovernmental agreement or
9 contract with a unit of local government or other public or
10 private entity for the collection, enforcement, and
11 administration of fares, fees, revenue, and violations.

12 Section 135. Public-private partnerships. The Authority
13 may exercise all powers granted to it under the Public-Private
14 Partnerships for Transportation Act.

15 Section 140. Signs. The Authority shall erect and maintain
16 at connecting roads to each wayside maintenance facility and to
17 each passenger station located along any high speed railway
18 line suitable signs showing the name of the train station or
19 the wayside facility in either direction along each such
20 connecting road. The size and designations on such signs and
21 the distance from intersections where they shall be erected
22 shall conform to the Illinois Manual on Uniform Traffic Control
23 Devices for Streets and Highways.

1 Section 145. Grants. The Authority is authorized, without
2 limitation to the foregoing powers, to accept grants from and
3 enter into contracts, leases, or other transactions with the
4 Federal Government, or any agency thereof, necessary or
5 expedient to carry out the provisions of this Act.

6 Section 150. Proposal; advisory committee.

7 (a) The Authority shall, prior to the commencement of any
8 engineering and traffic study or studies to determine the
9 feasibility of constructing additional high speed railway
10 lines within the State of Illinois, submit to the Governor for
11 his or her approval, the route, or routes, proposed for new and
12 additional high speed railway lines together with an estimate
13 of the cost of the proposed study or studies. If the Governor
14 approves the proposed study or studies and the estimated cost,
15 or fails to disapprove the proposed study or studies and the
16 estimate of cost, within 30 days after its receipt, the
17 Authority may proceed with the study or studies.

18 (b) The Authority shall create a local advisory committee
19 of members from each county in which any portion of a new or
20 additional high speed railway is proposed to be constructed.
21 The committee members shall be designated by township and
22 municipal governing bodies in proportion to the percentage of
23 corridor property situated within the unincorporated area of a
24 township and incorporated municipalities located in the same
25 township. No less than 50% of the members of this committee

1 shall be representatives of organized citizen groups directly
2 affected by the proposed corridor. All meetings shall be held
3 in compliance with the Open Meetings Act. The committee shall
4 consider and advise the Authority with respect to the impact on
5 property owners, land use, and other impacts of the proposed
6 high speed railway. The committee shall be dissolved when one
7 year has elapsed since the opening of the high speed railway
8 for which the committee was created.

9 Section 155. Preliminary plans. The Authority shall, prior
10 to the issuance of any bonds under this Act, except refunding
11 bonds, prepare and submit to the Governor for his approval
12 preliminary plans showing the proposed location of the route or
13 routes of the particular high speed railway for which the bonds
14 are to be issued, which shall designate the approximate point
15 of the commencement and the termination of the route or routes
16 and shall also designate the municipalities to be afforded
17 reasonable connections, and to be served by the route or
18 routes. The Authority shall at the same time submit to the
19 Governor for his or her approval preliminary estimates of the
20 cost of the construction of the high speed railway, shown on
21 the preliminary plans. If the Governor shall approve the
22 preliminary plans and the estimate of the cost, the Authority
23 may proceed with the issuance of the bonds. Prior to the
24 issuance of bonds for or the commencement of construction of
25 any new high speed railway, however, that particular high speed

1 railway shall be authorized by joint resolution of the General
2 Assembly.

3 Section 160. Public hearing. Prior to submission of
4 preliminary plans to the Governor, the Authority shall hold a
5 public hearing at which any person may appear, express
6 opinions, suggestions, or objections, or direct inquiries
7 relating to the proposed high speed railway to the Directors.
8 Any person may submit a written statement to the Authority at
9 the hearing, whether appearing in person or not. The hearing
10 shall be held in a county through which the proposed high speed
11 railway is to be constructed and shall be attended by at least
12 5 Directors. The Authority shall give notice of the hearing by
13 advertisement on 3 successive days at least 15 days prior to
14 the date of the hearing in a daily newspaper published in and
15 of general circulation in each county through which the
16 proposed high speed railway is to be constructed or, if there
17 be no such newspaper, then in a daily newspaper of general
18 circulation in the county. The notice shall state the date,
19 time, and place of the hearing, the route of the proposed high
20 speed railway, the municipalities to be afforded immediate
21 access, and the estimated cost of the proposed high speed
22 railway. The proceedings at the hearing shall be transcribed
23 and the transcript shall be made available at reasonable hours
24 for public inspection and a copy, together with a copy of all
25 written statements submitted at the hearing, shall be submitted

1 to the Governor with the Authority's preliminary plans.

2 Section 165. Contracts.

3 (a) All contracts let for the construction of any work
4 authorized to be done under the provisions of the Act, where
5 the amount is in excess of a small purchase amount, as defined
6 in Section 20-20 of the Illinois Procurement Code, shall be let
7 to the lowest responsible bidder, or bidders, on open,
8 competitive bidding after public advertisement made at least 15
9 days prior to the opening of bids, in the Illinois Procurement
10 Bulletin, in such manner and at such intervals as may be
11 prescribed by the Authority, except for contracts for the
12 completion of a terminated or defaulted contract. The
13 successful bidders for the work shall enter into contracts
14 furnished and prescribed by the Authority. The contracts shall
15 contain a provision that the successful bidder shall indemnify
16 and save harmless the State of Illinois for any accidental
17 injuries or damages arising out of negligence in the
18 performance of the contract, and shall execute and give bonds,
19 payable to the Authority, with a corporate surety authorized to
20 do business under the laws of the State of Illinois, equal to
21 at least 50% of the contract price, one conditioned upon
22 faithful performance of the contract and the other for the
23 payment of all labor furnished and materials supplied in the
24 prosecution of the contracted work.

25 (b) All contracts for services or supplies required from

1 time to time by the Authority in the maintenance and operation
2 of any high speed railway under this Act or all direct
3 contracts for supplies to be used in the construction of any
4 high speed railway to be awarded under this Section, rather
5 than as a part of a contract under this Section, when the
6 amount of any such supplies or services is in excess of a small
7 purchase amount, as defined in Section 20-20 of the Illinois
8 Procurement Code, shall be let to the lowest responsible bidder
9 or bidders, on open, competitive bidding after public
10 advertisement made at least 5 days prior to the opening of
11 bids, in the Illinois Procurement Bulletin, in the manner and
12 on one or more occasions as may be prescribed by the Authority,
13 except that bidding shall not be required:

14 1. if the goods or services to be procured are
15 economically procurable from only one source, such as
16 contracts for telephone service, electric energy and other
17 public utility services, housekeeping services, books,
18 pamphlets and periodicals, and specially designed business
19 equipment and software;

20 2. if the services required are for professional,
21 technical, or artistic skills;

22 3. if the services required are for advertising,
23 promotional, and public relations services;

24 4. in emergencies if an affidavit of the person or
25 persons authorizing the expenditure is filed with the
26 Authority and the Auditor General within 10 days after such

1 authorization setting forth the conditions and
2 circumstances requiring the emergency purchase, the amount
3 expended, and the name of the vendor or contractor
4 involved; however, if only an estimate is available within
5 the 10 days allowed for filing the affidavit, the actual
6 cost shall be reported immediately after it is determined;

7 5. in case of expenditures for personal services;

8 6. for contracts for equipment and spare parts for the
9 maintenance and operation of any high speed railway,
10 whenever the Authority shall, by resolution, declare and
11 find that a particular make and type of equipment is
12 required for efficient maintenance and operation and
13 proper servicing, for uniformity in and integration with
14 the spare parts program and inventory control, or for other
15 reasons peculiar to the problems of the high speed railway
16 or its previously acquired equipment; however, competition
17 and competitive bids shall be obtained by the Authority
18 with respect to such specified equipment or spare parts,
19 insofar as possible, and when effective, pursuant to public
20 advertisement as hereinbefore provided.

21 7. for contracts for insurance, fidelity, and surety
22 bonds; and

23 8. for contracts or agreements for the completion of a
24 terminated or defaulted contract or agreement.

25 (c) The solicitation for bids shall be in conformance with
26 accepted business practices and the method of solicitation

1 shall be set out in detail in the rules and regulations of the
2 Authority.

3 (d) Proposals received under public advertisement shall be
4 publicly opened at the day and hour and at the place specified
5 in the solicitation for such bids.

6 (e) Successful bidders for services and supplies shall
7 enter into contracts furnished and prescribed by the Authority.

8 (f) All purchases, contracts, or other obligations or
9 expenditures of funds by the Authority shall be in accordance
10 with rules and regulations governing the Authority's
11 procurement practice and procedures and the Authority shall
12 promulgate and publish such practices and procedures in
13 sufficient number for distribution to persons interested in
14 bidding on purchases or contracts to be let by the Authority.
15 The rules and regulations shall be kept on file with the
16 Secretary of the Authority at all times and shall be available
17 for inspection by members of the public at all reasonable times
18 and hours. The rules and regulations shall be filed and become
19 effective in connection with the Illinois Administrative
20 Procedure Act.

21 (g) Any contract entered into for purchase or expenditure
22 of funds of the Authority made in violation of this Act or the
23 Authority's rules and regulations is void and of no effect.

24 (h) Warrant. All sellers to the Authority shall attach a
25 statement to the delivery invoice attesting that the standards
26 set forth in the contracts have been met. The statement shall

1 be substantially in the following form:

2 "The Seller,.... hereby certifies that the goods,
3 merchandise and wares shipped in accordance with the attached
4 delivery invoice have met all the required standards set forth
5 in the purchasing contract.(Seller)."

6 (i) Whoever violates the provisions of this Section, or the
7 rules and regulations adopted in pursuance of it, is guilty of
8 a Class A misdemeanor.

9 Section 170. Financial benefit prohibited.

10 (a) A director, employee, or agent of the Authority may not
11 receive a financial benefit from a contract let by the
12 Authority during his or her term of service with the Authority
13 and for a period of one year following the termination of his
14 or her term of service as a director of the Authority or as an
15 employee or agent of the Authority.

16 (b) A member of the immediate family or household of a
17 director, employee, or agent of the Authority may not receive a
18 financial benefit from a contract let by the Authority during
19 the immediate family or household member's term of service with
20 the Authority and for a period of one year following the
21 termination of the immediate family or household member's term
22 of service as a director of the Authority or as an employee or
23 agent of the Authority.

24 (c) A director, employee, or agent of the Authority may not
25 use material non-public information for personal financial

1 gain nor may he or she disclose that information to any other
2 person for that person's personal financial gain when that
3 information was obtained as a result of his or her
4 directorship, employment, or agency with the Authority.

5 (d) A member of the immediate family or household of a
6 director, employee, or agent of the Authority may not use
7 material non-public information for personal financial gain
8 nor may he or she disclose that information to any other person
9 for that person's personal financial gain when that information
10 was obtained as a result of his or her immediate family or
11 household member's directorship, employment, or agency with
12 the Authority.

13 (e) For purposes of this Section, "immediate family or
14 household member" means the spouse, child, parent, brother,
15 sister, grandparent, or grandchild, whether of the whole blood
16 or half blood or by adoption, or a person who shares a common
17 dwelling with a director of the Authority or with an employee
18 or agent of the Authority.

19 Section 175. Disadvantaged businesses. Consistent with
20 general law, the Authority shall:

21 (a) set goals for the award of contracts to disadvantaged
22 businesses and attempt to meet the goals;

23 (b) attempt to identify disadvantaged businesses that
24 provide or have the potential to provide supplies, materials,
25 equipment, or services to the Authority;

1 (c) give disadvantaged businesses full access to the
2 Authority's contract bidding process, inform the businesses
3 about the process, offer the businesses assistance concerning
4 the process, and identify and take all reasonable steps to
5 remove barriers to the businesses' participation in the
6 process.

7 Section 180. Bonds.

8 (a) The Authority may from time to time issue bonds for any
9 lawful purpose, including, without limitation, the costs of
10 issuance of and all bonds or other obligations of the Authority
11 issued pursuant to this Act shall be and are hereby declared to
12 be negotiable for all purposes notwithstanding their payment
13 from a limited source and without regard to any other law or
14 laws.

15 (b) The bonds of every issue shall be payable solely out of
16 revenues of the Authority, accumulated reserves or sinking
17 funds, bond proceeds, proceeds of refunding bonds, or
18 investment earnings as the Authority shall specify in a bond
19 resolution.

20 (c) The bonds may be issued as serial bonds or as term
21 bonds, or the Authority, in its discretion, may issue bonds of
22 both types. The bonds shall be authorized by a bond resolution
23 of the Authority, may be issued in one or more series and shall
24 bear such date or dates, mature at such time or times not
25 exceeding 25 years from their respective date or dates of

1 issue, bear interest at such rate or rates, fixed or variable,
2 without regard to any limit contained in any other statute or
3 law of the State of Illinois, be payable as to principal and
4 interest at such time or times, be in such denominations, be in
5 such form, either coupon or fully registered, carry such
6 registration and conversion privileges, be payable in lawful
7 money of the United States of America at such places, be
8 subject to such terms of redemption and may contain such other
9 terms and provisions, as such bond resolution or resolutions
10 may provide. The bonds shall be executed by the manual or
11 facsimile signatures of the chairperson and the secretary. In
12 case any of the officers whose signature appears on the bonds
13 or coupons, if any, shall cease to be an officer before the
14 delivery of the bonds, such signature shall nevertheless be
15 valid and sufficient for all purposes, as if he or she had
16 remained in office until the delivery of the bonds. The bonds
17 shall be sold in a manner as the Authority shall determine. The
18 proceeds from the sale of bonds shall be paid to the Treasurer
19 of the State of Illinois as ex officio custodian. Pending
20 preparation of the definitive bonds, the Authority may issue
21 interim receipts or certificates which shall be exchanged for
22 the definitive bonds.

23 (d) Any bond resolution or trust indenture entered into
24 pursuant to a bond resolution may contain provisions, which
25 shall be a part of the contract with the holders of the bonds
26 to be authorized, as to: (i) pledging or creating a lien upon

1 all or part of the revenues of the Authority or any reserves,
2 sinking funds, bond proceeds, or investment earnings; (ii) the
3 setting aside of reserves or sinking funds and the regulation,
4 investment, and disposition thereof; (iii) the use and
5 maintenance requirements for the high speed railways; (iv) the
6 purposes to which or the investments in which the proceeds of
7 sale of any series or issue of bonds then or thereafter to be
8 issued may be applied; (v) the issuance of additional bonds,
9 the terms upon which additional bonds may be issued and
10 secured, the purposes for such additional bonds, and the terms
11 upon which additional bonds may rank on a parity with, or be
12 subordinate or superior to, other bonds; (vi) the refunding of
13 outstanding bonds; (vii) the procedure, if any, by which the
14 terms of any contract with bondholders may be amended or
15 abrogated, the amount of bonds the holders of which must
16 consent to, and the manner in which such consent may be given;
17 (viii) defining the acts or omissions to act which shall
18 constitute a default in the duties of the Authority to holders
19 of its obligations and providing the rights and remedies of the
20 holders in the event of a default; and (ix) any other matters
21 relating to the bonds which the Authority deems desirable.

22 (e) Neither the directors of the Authority nor any person
23 executing the bonds shall be liable personally on the bonds or
24 be subject to any personal liability or accountability by
25 reason of the issuance thereof.

26 (f) The Authority shall have power out of any funds

1 available to purchase its bonds. The Authority may hold,
2 pledge, cancel, or resell the bonds subject to and in
3 accordance with agreements with bondholders.

4 (g) In the discretion of the Authority, any bonds issued
5 under the provisions of this Act may be secured by a trust
6 indenture by and between the Authority and a trustee or
7 trustees, which may be any trust company or bank in the State
8 of Illinois having the powers of a trust company and possessing
9 capital and surplus of not less than \$50,000,000. The bond
10 resolution or trust indenture providing for the issuance of
11 bonds so secured shall pledge such revenues of the Authority,
12 sinking funds, bond proceeds, or investment earnings as may be
13 specified, may contain such provisions for protecting and
14 enforcing the rights and remedies of the bondholders as may be
15 reasonable and proper and not in violation of law, including
16 particularly such provisions as have been specifically
17 authorized to be included in any bond resolution or trust
18 indenture of the Authority, and may restrict the individual
19 right of action by bondholders. In addition to the foregoing,
20 any bond resolution or trust indenture may contain other
21 provisions as the Authority may deem reasonable and proper for
22 the security of the bondholders, including, but not limited to,
23 the purchase of bond insurance and the arrangement of letters
24 of credit, lines of credit, or other credit or liquidity
25 enhancement facilities; except, however, there shall be no
26 pledge of the high speed railway line or any part thereof. All

1 expenses incurred in carrying out the provisions of any bond
2 resolution or trust indenture may be treated as a part of the
3 cost of the operation of the high speed railway lines.

4 (h) Bonds issued under the authority of this Act do not,
5 and shall state upon the face of each bond that they do not,
6 represent or constitute a debt of the Authority or of the State
7 of Illinois within the meaning of any constitutional or
8 statutory limitation or a pledge of the faith and credit of the
9 Authority or the State of Illinois, or grant to the owners or
10 holders thereof any right to have the Authority or the General
11 Assembly levy any taxes or appropriate any funds for the
12 payment of the principal or interest. The bonds shall be
13 payable and shall state that they are payable solely from the
14 revenues and the sources authorized under this Act and pledged
15 for their payment in accordance with the bond resolution or
16 trust indenture.

17 Nothing in this Act shall be construed to authorize the
18 Authority or any department, board, commission, or other agency
19 to create an obligation of the State of Illinois within the
20 meaning of the Constitution or Statutes of Illinois. Any
21 resolution or trust indenture authorizing the issuance of the
22 bonds may include provision for the issuance of additional
23 bonds. All resolutions of the Authority to carry the adopted
24 bond resolutions into effect, to provide for the sale and
25 delivery of the bonds, for letting of contracts for the
26 construction of high speed railways, and the acquisition of

1 real and personal property deemed by the Authority necessary or
2 convenient for the construction of high speed railways, shall
3 not require the approval of the Governor or of any other
4 department, division, commission, bureau, board, or other
5 agency of the State.

6 Section 185. Expenses. The sums of money appropriated by
7 the General Assembly for the payment of ordinary and contingent
8 expenses of the Authority or the payment of compensation of the
9 members of the Authority expended as a part of the cost of a
10 high speed railway financed by revenue bonds issued and sold by
11 the Authority under this Act shall be repaid to the State
12 Treasury out of the proceeds of the sale of such bonds, for
13 deposit in the fund from which the sums were appropriated. Any
14 sums remaining unpaid because expended for preliminary
15 investigation of high speed railway routes not constructed
16 shall be repaid by the Authority out of the proceeds of the
17 sale of any of the bonds issued to finance additional high
18 speed railways or extensions of existing high speed railways.

19 Section 190. Fares. The Authority shall fix and revise from
20 time to time, fares, charges, or rates for the privilege of
21 using each of the high speed railways constructed under this
22 Act. The fares shall be fixed and adjusted at rates calculated
23 to provide the lowest reasonable fare rates that will provide
24 funds sufficient with other revenues of the Authority to pay

1 (1) the cost of the construction of a high speed railway
2 authorized by joint resolution of the General Assembly and the
3 reconstruction, major repairs, or improvements of high speed
4 railways; (2) the cost of maintaining, repairing, regulating,
5 and operating the high speed railways, including only the
6 necessary expenses of the Authority; and (3) the principal of
7 all bonds, bond interest, and all sinking fund requirements and
8 other requirements provided by resolutions authorizing the
9 issuance of the bonds as they shall become due. In fixing the
10 fare rates under this Act, the Authority shall take into
11 account the effect of the provisions of this Section permitting
12 the use of the high speed railway system without payment of the
13 covenants of the Authority contained in the resolutions and
14 trust indentures authorizing the issuance of bonds of the
15 Authority. No provision permitting the use of the high speed
16 railway system without payment of fares after the effective
17 date of this Act shall be applied in a manner that impairs the
18 rights of bondholders pursuant to any resolution or trust
19 indentures authorizing the issuance of bonds of the Authority.
20 The use and disposition of any sinking or reserve fund shall be
21 subject to such regulation as may be provided in the resolution
22 or trust indenture authorizing the issuance of the bonds.
23 Subject to the provisions of any resolution or trust indenture
24 authorizing the issuance of bonds, any moneys in any sinking
25 fund in excess of an amount equal to one year's interest on the
26 bonds then outstanding secured by the sinking fund may be

1 applied to the purchase or redemption of bonds. All bonds so
2 redeemed or purchased shall be cancelled and shall not again be
3 issued.

4 Section 195. Refunding bonds.

5 (a) The Authority is hereby authorized, by resolution, to
6 provide for the issuance, from time to time, of refunding or
7 advance refunding bonds for the purpose of refunding any bonds
8 then outstanding at maturity or on any redemption date, whether
9 an entire issue or series, or one or more issues or series, or
10 any portions or parts of any issue or series, which shall have
11 been issued by the Authority.

12 (b) The proceeds of any such refunding bonds may be used
13 for any one or more of the following purposes:

14 (1) to pay the principal amount of any outstanding
15 bonds to be retired at maturity or redeemed prior to
16 maturity;

17 (2) to pay the total amount of any redemption premium
18 incident to redemption of such outstanding bonds to be
19 refunded;

20 (3) to pay the total amount of any interest accrued or
21 to accrue to the date or dates of redemption or maturity of
22 such outstanding bonds to be refunded;

23 (4) to pay any and all costs or expenses incident to
24 such refunding;

25 (5) to make deposits into an irrevocable trust in

1 accordance with subsection (f) of this Section. Refunding
2 bonds may be issued in amounts sufficient to accomplish any
3 one or more of the foregoing purposes, taking into
4 consideration the income earned on bond proceeds prior to
5 the application or without taking the income into
6 consideration.

7 (c) The issuance of refunding bonds, the maturities and
8 other details, the rights of the holders and the rights,
9 duties, and obligations of the Authority in respect of the same
10 shall be governed by the provisions of this Act, insofar as the
11 same may be applicable, and may in harmony be adjusted and
12 modified to conform to the facts and circumstances prevailing
13 in each instance of issuance of such refunding bonds. The
14 Authority need not comply with the requirements of any other
15 law applicable to the issuance of bonds other than as set forth
16 in this Act.

17 (d) With reference to the investment of the proceeds of any
18 refunding bonds, the Authority shall not authorize or
19 anticipate investment earnings exceeding such as are
20 authorized or permitted under prevailing federal laws,
21 regulations, and administrative rulings and interpretations
22 relating to arbitrage bonds.

23 (e) The proceeds of any refunding bonds (together with any
24 other funds available for application to refunding purposes, if
25 so provided or permitted by resolution authorizing the issuance
26 of refunding bonds, or in a trust indenture securing the same)

1 may be placed in trust to be applied to the purchase,
2 retirement at maturity, or redemption of the bonds to be
3 refunded on dates as may be determined by the Authority.
4 Pending the application, the proceeds of the refunding bonds
5 and other available funds, if any, may be invested in direct
6 obligations of, or obligations the principal of which and any
7 interest on which are unconditionally guaranteed by, the United
8 States of America which shall mature, or which shall be subject
9 to redemption by the holder at its option, not later than the
10 respective date or dates when the proceeds and other available
11 funds, if any, will be required for the refunding purpose
12 intended or authorized.

13 (f) Upon: (1) the deposit of the proceeds of the refunding
14 bonds (together with any other funds available for application
15 to refunding purposes, if so provided or permitted by
16 resolution authorizing the issuance of such refunding bonds, or
17 in a trust indenture securing the same) in an irrevocable trust
18 under a trust agreement with a trustee requiring the trustee to
19 satisfy the obligations of the Authority to timely pay at
20 maturity or upon prior redemption the outstanding bonds for
21 which the proceeds of the refunding bonds and other funds, if
22 any, are deposited, in an amount sufficient to satisfy the
23 obligations of the Authority to timely pay at maturity or upon
24 prior redemption such outstanding bonds; (2) the deposit in the
25 irrevocable trust of direct obligations of, or obligations the
26 principal and interest of which are unconditionally guaranteed

1 by, the United States of America in an amount sufficient,
2 without regard to investment earnings, to satisfy the
3 obligations of the Authority to timely pay at maturity or upon
4 prior redemption the outstanding bonds; or (3) the deposit in
5 the irrevocable trust of obligations referred to in (2) above
6 in an amount sufficient so that, taking into account investment
7 earnings, upon maturity (or upon optional redemption by the
8 trustee) of the obligations amounts will be produced on a
9 timely basis sufficient to satisfy the obligations of the
10 Authority to timely pay at maturity or upon prior redemption of
11 the outstanding bonds, the outstanding bonds shall be deemed
12 paid and no longer be deemed to be outstanding for purposes of
13 the resolution or trust indenture and all rights and
14 obligations under any prior resolution or trust indenture shall
15 be deemed discharged notwithstanding any provision of any
16 outstanding bonds or any resolution or trust indenture
17 authorizing the issuance of outstanding bonds; however, the
18 holders of the outstanding bonds shall have an irrevocable and
19 unconditional right to payment in full of all principal of and
20 premium, if any, and interest on the outstanding bonds, at
21 maturity or upon prior redemption, from the amounts on deposit
22 in the trust. The trustee shall be any trust company or bank in
23 the State of Illinois having the power of a trust company
24 possessing capital and surplus of not less than \$100,000,000.

25 (g) It is hereby found and determined that the contractual
26 rights of the bondholders under any such prior resolution or

1 trust indenture will not be impaired by a refunding this
2 Section in that, the payment of such outstanding bonds having
3 been provided for as set forth herein, the bondholders' rights
4 and security as to payment of the principal of, premium, if
5 any, and interest on such outstanding bonds will have been
6 enhanced, and the bondholders shall suffer no financial loss.

7 Section 200. Payment of bonds. When all bonds including
8 refunding bonds and all interest thereon have been paid, or a
9 sufficient amount for the payment of all bonds and interest due
10 or accrued thereon has been set aside in trust for the benefit
11 of the bondholders and shall continue to be held for that
12 purpose, and when all money appropriated by the General
13 Assembly has been repaid under this Act, the high speed
14 railways and any connecting tunnels, bridges, approaches, or
15 other appurtenances to such high speed railways shall become a
16 part of the system of the State highways of the State of
17 Illinois.

18 When all the obligations and all bonds including refunding
19 bonds of the Authority have been paid, the Authority shall be
20 dissolved and all funds of the Authority not required for the
21 payment of bonds, interest, machinery, equipment, property or
22 other obligations of the Authority shall be paid to the State
23 Treasurer.

24 Section 205. Taxation. All property belonging to the

1 Authority, and the high speed railways, shall be exempt from
2 taxation. However, property that has been or shall be leased by
3 the Authority to a private individual, association, or
4 corporation for a use which is not exempted from taxation under
5 Article 15 of the Property Tax Code is subject to taxation as
6 provided in Section 9-195 of the Property Tax Code, regardless
7 of any provision in such a lease to the contrary.

8 Section 210. Legislative declaration; Authority budget.

9 (a) It is hereby declared, as a matter of legislative
10 determination, that it is in the best interest of the State of
11 Illinois, the public, and the holders of Authority bonds that
12 Authority funds be expended only on goods and services that
13 protect and enhance the efficiency, safety, and environmental
14 quality of the high speed railway system.

15 (b) The Authority shall spend moneys received from the
16 issuance of bonds and as fares or otherwise in the operation of
17 the high speed railway system only on the following:

18 (1) operations and maintenance expenditures that are
19 reasonable and necessary to keep the high speed railway
20 system in a state of good repair in accordance with
21 contemporary highway safety and maintenance standards;

22 (2) principal and interest payments and payment of
23 other obligations the Authority has incurred in connection
24 with bonds issued under this Act;

25 (3) renewal and replacement expenditures necessary and

1 sufficient to protect and preserve the long-term
2 structural integrity of the high speed railway system; and

3 (4) system improvement expenditures necessary and
4 sufficient to improve and expand the high speed railway
5 system, subject to the requirements of this Act.

6 (c) Any moneys remaining after the expenditures listed in
7 subsection (b) of this Section may be spent only for reasonable
8 and necessary Authority purposes that will enhance the safety,
9 efficiency, and environmental quality of the high speed railway
10 system in a cost-effective manner. Authority funds may not be
11 spent for purposes not reasonably related to high speed railway
12 operations and improvements or in a manner that is not
13 cost-effective.

14 (d) The Authority must at all times maintain a reserve for
15 maintenance and operating expenses that is no more than 130% of
16 the operating expenses it has budgeted for its current fiscal
17 year, unless the requirements of any bond resolution or trust
18 indenture then securing obligations of the Authority mandate a
19 greater amount.

20 (e) The Authority shall file with the Governor, the Clerk
21 of the House of Representatives, the Secretary of the Senate,
22 and the Commission on Government Forecasting and
23 Accountability, on or prior to March 15th of each year, a
24 written statement and report covering its activities for the
25 preceding calendar year. The Authority shall present, to the
26 committees of the House of Representatives designated by the

1 Speaker of the House and to the committees of the Senate
2 designated by the President of the Senate, an annual report
3 outlining its planned revenues and expenditures. The Authority
4 shall prepare an annual capital plan which identifies capital
5 projects by location and details the project costs in correct
6 dollar amounts. The Authority shall also prepare and file a
7 ten-year capital plan that includes a listing of all capital
8 improvement projects contemplated during the ensuing ten-year
9 period. The first ten-year capital plan shall be filed in
10 within one year after the enactment of this Act and thereafter
11 on the anniversary of each ten-year period.

12 (f) It shall be the duty of the Auditor General of the
13 State of Illinois to annually to audit or cause to be audited
14 the books and records of the Authority and to file a certified
15 copy of the report of such audit with the Governor and with the
16 Legislative Audit Commission, which shall be open to the public
17 for inspection.

18 (g) The Authority shall hold a public hearing on its
19 proposed annual budget, not less than 15 days before its
20 directors meet to consider adoption of the annual budget, at
21 which any person may appear, express opinions, suggestions, or
22 objections, or direct inquiries relating to the proposed
23 budget. The Authority must give notice of the hearing at least
24 15 days prior to the hearing stating the time, place, and
25 purpose of the hearing in a daily newspaper of general
26 circulation throughout the Authority's service area and by

1 posting the meeting notice and a copy of the proposed budget on
2 the Authority's website. The proceedings at the hearing shall
3 be transcribed. The transcript shall be made available at
4 reasonable hours for public inspection, and a copy of the
5 transcript, together with a copy of all written statements
6 submitted at the hearing, shall be submitted to the directors
7 before the vote on adoption of the proposed annual budget.

8 (h) The Authority shall post on its website copies of its
9 annual report and its budget for the current year, along with
10 any other financial information necessary to adequately inform
11 the public of the Authority's financial condition and capital
12 plan.

13 (i) The requirements set forth in subsections (b) through
14 (g) of this Section may not be construed or applied in a manner
15 that impairs the rights of bondholders under any bond
16 resolution or trust indenture entered into in accordance with a
17 bond resolution authorized by the Authority's directors, nor
18 may those requirements be construed as a limitation on the
19 Authority's powers as set forth elsewhere in this Act.

20 Section 215. Illinois High Speed Rail Authority Fund.
21 Except as otherwise provided in any bond resolution, the
22 proceeds derived from the sale of bonds, and all receipts and
23 income derived from fares, licenses, gifts, donations,
24 concessions, fees, rentals, and all other revenues from
25 whatever source derived, shall, within 3 days after receipt

1 thereof, be paid to the Treasurer of the State of Illinois, and
2 held by the Treasurer as a special fund known as the Illinois
3 High Speed Rail Authority Fund, except that the Authority may
4 retain portions of the Illinois High Speed Rail Authority Fund
5 as a locally maintained construction fund revolving account and
6 as a revenue fund revolving account, where authorized by a bond
7 resolution, and as locally maintained change funds, where
8 necessary for the operations of the Authority. The State
9 Treasurer shall be ex officio custodian of such special fund,
10 which fund shall be held, invested and disbursed for the
11 purposes provided herein upon the order of the Authority and in
12 accordance with provisions and covenants of any bond resolution
13 authorizing the issuance of bonds which have not been paid or
14 deemed paid. The interest accruing on the special fund shall be
15 computed and added to the principal every 6 months. In addition
16 to the special audits prescribed by this Act, the Fund shall
17 also be subject to audit in the same manner as is now or may be
18 provided for the audit of State funds and accounts. The Fund
19 shall be protected by a corporate surety bond, executed by the
20 Treasurer, with a surety authorized to do business under the
21 laws of the State of Illinois. The amount of bond shall be
22 fixed by resolution of the Authority, approved by the Governor,
23 and may be increased or diminished at any time. The premiums on
24 the bond shall be payable from the funds of the Authority. The
25 bond shall be subject to the approval of the Governor and
26 Attorney General of the State of Illinois, and, when so

1 approved, shall be filed in the office of the Secretary of
2 State. The Fund shall be considered always appropriated for the
3 purposes of disbursements, as provided in this Act, and shall
4 be paid out and disbursed only as provided herein, and shall
5 not, at any time be appropriated or diverted to any other use
6 or purpose.

7 Section 220. Payments. After the issuance of revenue bonds
8 to finance the construction of high speed railways, and
9 repayment from the proceeds of the bonds of any amount
10 repayable to the State Treasury under this Act, the expenses of
11 the Authority, and the compensation of the members, and all
12 other costs of the high speed railways and its administration
13 and operation shall be paid from the proceeds of such bond
14 issues or from the moneys received by the Authority as fares or
15 otherwise in the operation of the high speed railways.

16 Section 225. Power to levy taxes. The Authority shall have
17 no power to levy taxes, or to pledge any of its property, other
18 than income from whatever source derived for the payments of
19 any of its debts or obligations.

20 Section 230. Violations. Any person who violates any
21 resolution, rule, or regulation, adopted or promulgated by the
22 Authority this Act, shall be guilty of a petty offense.

1 Section 235. Waste. It is unlawful for any person to
2 deposit within the right-of-way limits of the high speed
3 railways trash, glass, weeds, garbage, or other offensive
4 matter; and any person so offending shall be guilty of a petty
5 offense and shall be fined not more than \$500.00. However, this
6 Section shall not apply to proper deposits of harmless
7 materials made in good faith and in a proper manner to repair
8 the high speed railways.

9 Section 240. Payment of fares. Any person who shall use any
10 spurious or counterfeit tickets, coupons, or tokens in payment
11 of any fare required to be paid by the Authority under this
12 Act, or who shall attempt to use the high speed railway service
13 without payment of the fares prescribed by the Authority, shall
14 be deemed guilty of a petty offense and shall be fined not less
15 than \$5 nor more than \$100 for each such offense.

16 Section 245. Interest in contracts. No director or officer
17 of the Authority shall be interested, directly or indirectly,
18 in any contract, agreement, lease, work, or business of the
19 Authority, or in the sale of any article whenever the expense,
20 price, or consideration of the contract, agreement, lease,
21 work, business or sale is paid by the Authority. No director or
22 officer of the Authority shall be interested, directly or
23 indirectly, in the purchase, sale or lease of any property
24 which (1) belongs to the Authority; (2) is sold, leased or

1 acquired by the Authority; or (3) is sold by virtue of legal
2 process at the suit of the Authority.

3 Section 250. Malconduct. Every chairperson, director, or
4 officer of the Authority who is guilty of a palpable omission
5 of duty, or who is guilty of willful and corrupt oppression,
6 malconduct, or misfeasance in office in discharge of the duties
7 of office shall be liable to indictment in any court of
8 competent jurisdiction and shall be guilty of a Class A
9 misdemeanor. Any conviction under this Section shall
10 constitute grounds for removal under this Act.

11 Section 255. Investments. Counties, cities, villages,
12 incorporated towns, and other municipal corporations,
13 political subdivisions and public bodies, and public officers
14 of any thereof, all banks, bankers, trust companies, savings
15 banks and institutions, building and loan associations,
16 savings and loan associations, investment companies, insurance
17 associations and all executors, administrators, guardians,
18 trustees and other fiduciaries may legally invest any sinking
19 funds, moneys, or other funds belonging to them or within their
20 control in any bonds or refunding bonds issued by the
21 Authority. It is the purpose of this Section to authorize the
22 investment in bonds, or refunding bonds, of all sinking,
23 insurance, retirement, compensation, pension, and trust funds,
24 whether owned or controlled by private or public persons or

1 officers; except, however, that nothing contained in this
2 Section may be construed as relieving any officer, person,
3 firm, or corporation from any duty of exercising reasonable
4 care in selecting securities.

5 Section 260. Suits. The State of Illinois hereby consents
6 to suits against the Authority solely as in this Section as
7 follows:

8 (a) The holder or holders of any bonds or coupons
9 issued by the Authority may bring civil actions to compel
10 the observance by the Authority or by any of its officers,
11 agents, or employees of any contract or covenant made by
12 the Authority with the holders of such bonds or coupons,
13 and to compel the Authority and any of its officers, agents
14 or employees, to perform any duties required to be
15 performed for the benefit of the holders of the bonds or
16 coupons by the provisions of the resolution authorizing
17 their issuance, or by this Act, or to enjoin the Authority
18 and any of its officers, agents or employees from taking
19 any action in conflict with such contract or covenant.

20 (b) Any person or persons may bring a civil action to
21 recover damages for injury to his or her person or property
22 caused by any act of the Authority or by any act of any of
23 its officers, agents, or employees done under its
24 direction.

1 Section 265. Review. All determinations made by the
2 Authority in the exercise of its discretionary powers, with the
3 approval of the Governor if such approval is expressly required
4 by the provisions of this Act, including without limitation,
5 the location and terminal points of any high speed railway or
6 section to be constructed by it, the materials to be used in
7 its construction, the plans and specifications, the fares to be
8 charged, and the letting of contracts for the construction of
9 high speed railways, or the sale of bonds, shall be conclusive
10 and shall not be subject to review by the courts or by any
11 administrative agency of the State.

12 Section 270. Expenses.

13 (a) The sum of \$100,000,000 is hereby appropriated from the
14 Road Fund to The Illinois High Speed Rail Authority for the
15 purpose of paying the ordinary and contingent expenses of the
16 Authority necessary to finance engineering and traffic studies
17 to determine the feasibility of constructing new high speed
18 railways within the State of Illinois, to determine routes to
19 prepare and develop appropriate business plans with the purpose
20 to finance construction of the new high speed railways through
21 Public-Private Partnership delivery methods, and for the
22 purpose of compensating all persons who must be employed for
23 such purposes.

24 (b) Compensation of employees devoting their entire time in
25 coordinating the necessary information and in determining the

1 feasibility of constructing additional high speed railways
2 within the State of Illinois shall be paid from the amount
3 appropriated, and in the case of any employee who is devoting
4 part time to the coordination and procuring of the necessary
5 material for a determination as to whether or not additional
6 high speed railways shall be constructed within the State of
7 Illinois shall be paid from the amount appropriated, to the
8 extent of the time devoted to such work, it being the intent
9 and purpose that each employee account for the time so spent to
10 be paid from this appropriation, to the end that no charges or
11 expenses of any kind shall be made to any of the funds or
12 accounts created by virtue of the issuing of bonds under this
13 Act, except those necessary to the maintenance,
14 administration, and operation of existing high speed railway
15 constructed under the provisions of this Act.

16 (c) The amount appropriated in this Section shall be repaid
17 by the Authority under this Act.

18 Section 275. The State Finance Act is amended by adding
19 Section 5.878 as follows:

20 (30 ILCS 105/5.878 new)

21 Sec. 5.878. The Illinois High Speed Rail Authority Fund.

22 Section 999. Severability. The provisions of this Act are
23 severable under Section 1.31 of the Statute on Statutes."