



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3834

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

70 ILCS 3615/3B.09c new

70 ILCS 3615/4.01

70 ILCS 3615/4.09

from Ch. 111 2/3, par. 704.01

from Ch. 111 2/3, par. 704.09

Amends Regional Transportation Authority Act. Provides that Metra Electric Line fares for transportation wholly within the City of Chicago shall be equal to the fares set by the Chicago Transit Board for rail transportation. Provides that fares for Metra Electric Line transportation that originate or conclude outside of the City of Chicago shall be set by the Commuter Rail Board and be based on the zone in which the transportation originates and concludes. Provides that the Commuter Rail Board shall accept the Ventra card for use on the Metra Electric Line and riders using the Ventra card shall pay through the Ventra application or at a station. Provides that the Commuter Rail Board shall adopt a policy to periodically check riders' tickets, including Ventra tickets, on the Metra Electric Line to determine whether a rider has paid for transportation at the station or on the Ventra application. Provides that lost revenue experienced by the Commuter Rail Board due to the implementation of any requirement relating to specified Metra Eclectic Line fare provisions are not "costs" in the calculation of whether fares and charges received in each fiscal year equal at least 50% of the aggregate costs of providing public transportation. Effective June 1, 2020.

LRB101 12209 AWJ 59852 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Regional Transportation Authority Act is
5 amended by changing Sections 4.01 and 4.09 and by adding
6 Section 3B.09c as follows:

7 (70 ILCS 3615/3B.09c new)

8 Sec. 3B.09c. Metra Electric Line fares.

9 (a) Metra Electric Line fares for transportation wholly
10 within the City of Chicago shall be equal to the fares set by
11 the Chicago Transit Board for rail transportation.

12 (b) Fares for Metra Electric Line transportation that
13 originate or conclude outside of the City of Chicago shall be
14 set by the Commuter Rail Board and be based on the zone in
15 which the transportation originates and concludes.

16 (c) The Commuter Rail Board shall accept the Ventra card
17 for use on the Metra Electric Line. Riders using the Ventra
18 card shall pay through the Ventra application or at a station.
19 The Commuter Rail Board shall adopt a policy to periodically
20 check riders' tickets, including Ventra tickets, on the Metra
21 Electric Line to determine whether a rider has paid for
22 transportation at the station or on the Ventra application.

1 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

2 Sec. 4.01. Budget and Program.

3 (a) The Board shall control the finances of the Authority.
4 It shall by ordinance adopted by the affirmative vote of at
5 least 12 of its then Directors (i) appropriate money to perform
6 the Authority's purposes and provide for payment of debts and
7 expenses of the Authority, (ii) take action with respect to the
8 budget and two-year financial plan of each Service Board, as
9 provided in Section 4.11, and (iii) adopt an Annual Budget and
10 Two-Year Financial Plan for the Authority that includes the
11 annual budget and two-year financial plan of each Service Board
12 that has been approved by the Authority. The Annual Budget and
13 Two-Year Financial Plan shall contain a statement of the funds
14 estimated to be on hand for the Authority and each Service
15 Board at the beginning of the fiscal year, the funds estimated
16 to be received from all sources for such year, the estimated
17 expenses and obligations of the Authority and each Service
18 Board for all purposes, including expenses for contributions to
19 be made with respect to pension and other employee benefits,
20 and the funds estimated to be on hand at the end of such year.
21 The fiscal year of the Authority and each Service Board shall
22 begin on January 1st and end on the succeeding December 31st.
23 By July 1st of each year the Director of the Illinois
24 Governor's Office of Management and Budget (formerly Bureau of
25 the Budget) shall submit to the Authority an estimate of
26 revenues for the next fiscal year of the Authority to be

1 collected from the taxes imposed by the Authority and the
2 amounts to be available in the Public Transportation Fund and
3 the Regional Transportation Authority Occupation and Use Tax
4 Replacement Fund and the amounts otherwise to be appropriated
5 by the State to the Authority for its purposes. The Authority
6 shall file a copy of its Annual Budget and Two-Year Financial
7 Plan with the General Assembly and the Governor after its
8 adoption. Before the proposed Annual Budget and Two-Year
9 Financial Plan is adopted, the Authority shall hold at least
10 one public hearing thereon in the metropolitan region, and
11 shall meet with the county board or its designee of each of the
12 several counties in the metropolitan region. After conducting
13 such hearings and holding such meetings and after making such
14 changes in the proposed Annual Budget and Two-Year Financial
15 Plan as the Board deems appropriate, the Board shall adopt its
16 annual appropriation and Annual Budget and Two-Year Financial
17 Plan ordinance. The ordinance may be adopted only upon the
18 affirmative votes of 12 of its then Directors. The ordinance
19 shall appropriate such sums of money as are deemed necessary to
20 defray all necessary expenses and obligations of the Authority,
21 specifying purposes and the objects or programs for which
22 appropriations are made and the amount appropriated for each
23 object or program. Additional appropriations, transfers
24 between items and other changes in such ordinance may be made
25 from time to time by the Board upon the affirmative votes of 12
26 of its then Directors.

1 (b) The Annual Budget and Two-Year Financial Plan shall
2 show a balance between anticipated revenues from all sources
3 and anticipated expenses including funding of operating
4 deficits or the discharge of encumbrances incurred in prior
5 periods and payment of principal and interest when due, and
6 shall show cash balances sufficient to pay with reasonable
7 promptness all obligations and expenses as incurred.

8 The Annual Budget and Two-Year Financial Plan must show:

9 (i) that the level of fares and charges for mass
10 transportation provided by, or under grant or purchase of
11 service contracts of, the Service Boards is sufficient to
12 cause the aggregate of all projected fare revenues from
13 such fares and charges received in each fiscal year to
14 equal at least 50% of the aggregate costs of providing such
15 public transportation in such fiscal year. "Fare revenues"
16 include the proceeds of all fares and charges for services
17 provided, contributions received in connection with public
18 transportation from units of local government other than
19 the Authority, except for contributions received by the
20 Chicago Transit Authority from a real estate transfer tax
21 imposed under subsection (i) of Section 8-3-19 of the
22 Illinois Municipal Code, and from the State pursuant to
23 subsection (i) of Section 2705-305 of the Department of
24 Transportation Law (20 ILCS 2705/2705-305), and all other
25 operating revenues properly included consistent with
26 generally accepted accounting principles but do not

1 include: the proceeds of any borrowings, and, beginning
2 with the 2007 fiscal year, all revenues and receipts,
3 including but not limited to fares and grants received from
4 the federal, State or any unit of local government or other
5 entity, derived from providing ADA paratransit service
6 pursuant to Section 2.30 of the Regional Transportation
7 Authority Act. "Costs" include all items properly included
8 as operating costs consistent with generally accepted
9 accounting principles, including administrative costs, but
10 do not include: depreciation; payment of principal and
11 interest on bonds, notes or other evidences of obligation
12 for borrowed money issued by the Authority; payments with
13 respect to public transportation facilities made pursuant
14 to subsection (b) of Section 2.20 of this Act; any payments
15 with respect to rate protection contracts, credit
16 enhancements or liquidity agreements made under Section
17 4.14; any other cost to which it is reasonably expected
18 that a cash expenditure will not be made; costs for
19 passenger security including grants, contracts, personnel,
20 equipment and administrative expenses, except in the case
21 of the Chicago Transit Authority, in which case the term
22 does not include costs spent annually by that entity for
23 protection against crime as required by Section 27a of the
24 Metropolitan Transit Authority Act; the payment by the
25 Chicago Transit Authority of Debt Service, as defined in
26 Section 12c of the Metropolitan Transit Authority Act, on

1 bonds or notes issued pursuant to that Section; the payment
2 by the Commuter Rail Division of debt service on bonds
3 issued pursuant to Section 3B.09; expenses incurred by the
4 Suburban Bus Division for the cost of new public
5 transportation services funded from grants pursuant to
6 Section 2.01e of this amendatory Act of the 95th General
7 Assembly for a period of 2 years from the date of
8 initiation of each such service; costs as exempted by the
9 Board for projects pursuant to Section 2.09 of this Act;
10 ~~or~~, beginning with the 2007 fiscal year, expenses related
11 to providing ADA paratransit service pursuant to Section
12 2.30 of the Regional Transportation Authority Act; ~~and~~ in
13 fiscal years 2008 through 2012 inclusive, costs in the
14 amount of \$200,000,000 in fiscal year 2008, reducing by
15 \$40,000,000 in each fiscal year thereafter until this
16 exemption is eliminated; and any lost revenue experienced
17 by the Commuter Rail Board due to the implementation of any
18 requirement of Section 3B.09c; and

19 (ii) that the level of fares charged for ADA
20 paratransit services is sufficient to cause the aggregate
21 of all projected revenues from such fares charged and
22 received in each fiscal year to equal at least 10% of the
23 aggregate costs of providing such ADA paratransit
24 services. For purposes of this Act, the percentages in this
25 subsection (b) (ii) shall be referred to as the "system
26 generated ADA paratransit services revenue recovery

1 ratio". For purposes of the system generated ADA
2 paratransit services revenue recovery ratio, "costs" shall
3 include all items properly included as operating costs
4 consistent with generally accepted accounting principles.
5 However, the Board may exclude from costs an amount that
6 does not exceed the allowable "capital costs of
7 contracting" for ADA paratransit services pursuant to the
8 Federal Transit Administration guidelines for the
9 Urbanized Area Formula Program.

10 (c) The actual administrative expenses of the Authority for
11 the fiscal year commencing January 1, 1985 may not exceed
12 \$5,000,000. The actual administrative expenses of the
13 Authority for the fiscal year commencing January 1, 1986, and
14 for each fiscal year thereafter shall not exceed the maximum
15 administrative expenses for the previous fiscal year plus 5%.
16 "Administrative expenses" are defined for purposes of this
17 Section as all expenses except: (1) capital expenses and
18 purchases of the Authority on behalf of the Service Boards; (2)
19 payments to Service Boards; and (3) payment of principal and
20 interest on bonds, notes or other evidence of obligation for
21 borrowed money issued by the Authority; (4) costs for passenger
22 security including grants, contracts, personnel, equipment and
23 administrative expenses; (5) payments with respect to public
24 transportation facilities made pursuant to subsection (b) of
25 Section 2.20 of this Act; and (6) any payments with respect to
26 rate protection contracts, credit enhancements or liquidity

1 agreements made pursuant to Section 4.14.

2 (d) This subsection applies only until the Department
3 begins administering and enforcing an increased tax under
4 Section 4.03(m) as authorized by this amendatory Act of the
5 95th General Assembly. After withholding 15% of the proceeds of
6 any tax imposed by the Authority and 15% of money received by
7 the Authority from the Regional Transportation Authority
8 Occupation and Use Tax Replacement Fund, the Board shall
9 allocate the proceeds and money remaining to the Service Boards
10 as follows: (1) an amount equal to 85% of the proceeds of those
11 taxes collected within the City of Chicago and 85% of the money
12 received by the Authority on account of transfers to the
13 Regional Transportation Authority Occupation and Use Tax
14 Replacement Fund from the County and Mass Transit District Fund
15 attributable to retail sales within the City of Chicago shall
16 be allocated to the Chicago Transit Authority; (2) an amount
17 equal to 85% of the proceeds of those taxes collected within
18 Cook County outside the City of Chicago and 85% of the money
19 received by the Authority on account of transfers to the
20 Regional Transportation Authority Occupation and Use Tax
21 Replacement Fund from the County and Mass Transit District Fund
22 attributable to retail sales within Cook County outside of the
23 city of Chicago shall be allocated 30% to the Chicago Transit
24 Authority, 55% to the Commuter Rail Board and 15% to the
25 Suburban Bus Board; and (3) an amount equal to 85% of the
26 proceeds of the taxes collected within the Counties of DuPage,

1 Kane, Lake, McHenry and Will shall be allocated 70% to the
2 Commuter Rail Board and 30% to the Suburban Bus Board.

3 (e) This subsection applies only until the Department
4 begins administering and enforcing an increased tax under
5 Section 4.03(m) as authorized by this amendatory Act of the
6 95th General Assembly. Moneys received by the Authority on
7 account of transfers to the Regional Transportation Authority
8 Occupation and Use Tax Replacement Fund from the State and
9 Local Sales Tax Reform Fund shall be allocated among the
10 Authority and the Service Boards as follows: 15% of such moneys
11 shall be retained by the Authority and the remaining 85% shall
12 be transferred to the Service Boards as soon as may be
13 practicable after the Authority receives payment. Moneys which
14 are distributable to the Service Boards pursuant to the
15 preceding sentence shall be allocated among the Service Boards
16 on the basis of each Service Board's distribution ratio. The
17 term "distribution ratio" means, for purposes of this
18 subsection (e) of this Section 4.01, the ratio of the total
19 amount distributed to a Service Board pursuant to subsection
20 (d) of Section 4.01 for the immediately preceding calendar year
21 to the total amount distributed to all of the Service Boards
22 pursuant to subsection (d) of Section 4.01 for the immediately
23 preceding calendar year.

24 (f) To carry out its duties and responsibilities under this
25 Act, the Board shall employ staff which shall: (1) propose for
26 adoption by the Board of the Authority rules for the Service

1 Boards that establish (i) forms and schedules to be used and
2 information required to be provided with respect to a five-year
3 capital program, annual budgets, and two-year financial plans
4 and regular reporting of actual results against adopted budgets
5 and financial plans, (ii) financial practices to be followed in
6 the budgeting and expenditure of public funds, (iii)
7 assumptions and projections that must be followed in preparing
8 and submitting its annual budget and two-year financial plan or
9 a five-year capital program; (2) evaluate for the Board public
10 transportation programs operated or proposed by the Service
11 Boards and transportation agencies in terms of the goals and
12 objectives set out in the Strategic Plan; (3) keep the Board
13 and the public informed of the extent to which the Service
14 Boards and transportation agencies are meeting the goals and
15 objectives adopted by the Authority in the Strategic Plan; and
16 (4) assess the efficiency or adequacy of public transportation
17 services provided by a Service Board and make recommendations
18 for change in that service to the end that the moneys available
19 to the Authority may be expended in the most economical manner
20 possible with the least possible duplication.

21 (g) All Service Boards, transportation agencies,
22 comprehensive planning agencies, including the Chicago
23 Metropolitan Agency for Planning, or transportation planning
24 agencies in the metropolitan region shall furnish to the
25 Authority such information pertaining to public transportation
26 or relevant for plans therefor as it may from time to time

1 require. The Executive Director, or his or her designee, shall,
2 for the purpose of securing any such information necessary or
3 appropriate to carry out any of the powers and responsibilities
4 of the Authority under this Act, have access to, and the right
5 to examine, all books, documents, papers or records of a
6 Service Board or any transportation agency receiving funds from
7 the Authority or Service Board, and such Service Board or
8 transportation agency shall comply with any request by the
9 Executive Director, or his or her designee, within 30 days or
10 an extended time provided by the Executive Director.

11 (h) No Service Board shall undertake any capital
12 improvement which is not identified in the Five-Year Capital
13 Program.

14 (i) Each Service Board shall furnish to the Board access to
15 its financial information including, but not limited to, audits
16 and reports. The Board shall have real-time access to the
17 financial information of the Service Boards; however, the Board
18 shall be granted read-only access to the Service Board's
19 financial information.

20 (Source: P.A. 98-1027, eff. 1-1-15.)

21 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

22 Sec. 4.09. Public Transportation Fund and the Regional
23 Transportation Authority Occupation and Use Tax Replacement
24 Fund.

25 (a)(1) Except as otherwise provided in paragraph (4), as

1 soon as possible after the first day of each month, beginning
2 July 1, 1984, upon certification of the Department of Revenue,
3 the Comptroller shall order transferred and the Treasurer shall
4 transfer from the General Revenue Fund to a special fund in the
5 State Treasury to be known as the Public Transportation Fund an
6 amount equal to 25% of the net revenue, before the deduction of
7 the serviceman and retailer discounts pursuant to Section 9 of
8 the Service Occupation Tax Act and Section 3 of the Retailers'
9 Occupation Tax Act, realized from any tax imposed by the
10 Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the
11 amounts deposited into the Regional Transportation Authority
12 tax fund created by Section 4.03 of this Act, from the County
13 and Mass Transit District Fund as provided in Section 6z-20 of
14 the State Finance Act and 25% of the amounts deposited into the
15 Regional Transportation Authority Occupation and Use Tax
16 Replacement Fund from the State and Local Sales Tax Reform Fund
17 as provided in Section 6z-17 of the State Finance Act. On the
18 first day of the month following the date that the Department
19 receives revenues from increased taxes under Section 4.03(m) as
20 authorized by this amendatory Act of the 95th General Assembly,
21 in lieu of the transfers authorized in the preceding sentence,
22 upon certification of the Department of Revenue, the
23 Comptroller shall order transferred and the Treasurer shall
24 transfer from the General Revenue Fund to the Public
25 Transportation Fund an amount equal to 25% of the net revenue,
26 before the deduction of the serviceman and retailer discounts

1 pursuant to Section 9 of the Service Occupation Tax Act and
2 Section 3 of the Retailers' Occupation Tax Act, realized from
3 (i) 80% of the proceeds of any tax imposed by the Authority at
4 a rate of 1.25% in Cook County, (ii) 75% of the proceeds of any
5 tax imposed by the Authority at the rate of 1% in Cook County,
6 and (iii) one-third of the proceeds of any tax imposed by the
7 Authority at the rate of 0.75% in the Counties of DuPage, Kane,
8 Lake, McHenry, and Will, all pursuant to Section 4.03, and 25%
9 of the net revenue realized from any tax imposed by the
10 Authority pursuant to Section 4.03.1, and 25% of the amounts
11 deposited into the Regional Transportation Authority tax fund
12 created by Section 4.03 of this Act from the County and Mass
13 Transit District Fund as provided in Section 6z-20 of the State
14 Finance Act, and 25% of the amounts deposited into the Regional
15 Transportation Authority Occupation and Use Tax Replacement
16 Fund from the State and Local Sales Tax Reform Fund as provided
17 in Section 6z-17 of the State Finance Act. As used in this
18 Section, net revenue realized for a month shall be the revenue
19 collected by the State pursuant to Sections 4.03 and 4.03.1
20 during the previous month from within the metropolitan region,
21 less the amount paid out during that same month as refunds to
22 taxpayers for overpayment of liability in the metropolitan
23 region under Sections 4.03 and 4.03.1.

24 Notwithstanding any provision of law to the contrary,
25 beginning on the effective date of this amendatory Act of the
26 100th General Assembly, those amounts required under this

1 paragraph (1) of subsection (a) to be transferred by the
2 Treasurer into the Public Transportation Fund from the General
3 Revenue Fund shall be directly deposited into the Public
4 Transportation Fund as the revenues are realized from the taxes
5 indicated.

6 (2) Except as otherwise provided in paragraph (4), on the
7 first day of the month following the effective date of this
8 amendatory Act of the 95th General Assembly and each month
9 thereafter, upon certification by the Department of Revenue,
10 the Comptroller shall order transferred and the Treasurer shall
11 transfer from the General Revenue Fund to the Public
12 Transportation Fund an amount equal to 5% of the net revenue,
13 before the deduction of the serviceman and retailer discounts
14 pursuant to Section 9 of the Service Occupation Tax Act and
15 Section 3 of the Retailers' Occupation Tax Act, realized from
16 any tax imposed by the Authority pursuant to Sections 4.03 and
17 4.03.1 and certified by the Department of Revenue under Section
18 4.03(n) of this Act to be paid to the Authority and 5% of the
19 amounts deposited into the Regional Transportation Authority
20 tax fund created by Section 4.03 of this Act from the County
21 and Mass Transit District Fund as provided in Section 6z-20 of
22 the State Finance Act, and 5% of the amounts deposited into the
23 Regional Transportation Authority Occupation and Use Tax
24 Replacement Fund from the State and Local Sales Tax Reform Fund
25 as provided in Section 6z-17 of the State Finance Act, and 5%
26 of the revenue realized by the Chicago Transit Authority as

1 financial assistance from the City of Chicago from the proceeds
2 of any tax imposed by the City of Chicago under Section 8-3-19
3 of the Illinois Municipal Code.

4 Notwithstanding any provision of law to the contrary,
5 beginning on July 6, 2017 (the effective date of Public Act
6 100-23), those amounts required under this paragraph (2) of
7 subsection (a) to be transferred by the Treasurer into the
8 Public Transportation Fund from the General Revenue Fund shall
9 be directly deposited into the Public Transportation Fund as
10 the revenues are realized from the taxes indicated.

11 (3) Except as otherwise provided in paragraph (4), as soon
12 as possible after the first day of January, 2009 and each month
13 thereafter, upon certification of the Department of Revenue
14 with respect to the taxes collected under Section 4.03, the
15 Comptroller shall order transferred and the Treasurer shall
16 transfer from the General Revenue Fund to the Public
17 Transportation Fund an amount equal to 25% of the net revenue,
18 before the deduction of the serviceman and retailer discounts
19 pursuant to Section 9 of the Service Occupation Tax Act and
20 Section 3 of the Retailers' Occupation Tax Act, realized from
21 (i) 20% of the proceeds of any tax imposed by the Authority at
22 a rate of 1.25% in Cook County, (ii) 25% of the proceeds of any
23 tax imposed by the Authority at the rate of 1% in Cook County,
24 and (iii) one-third of the proceeds of any tax imposed by the
25 Authority at the rate of 0.75% in the Counties of DuPage, Kane,
26 Lake, McHenry, and Will, all pursuant to Section 4.03, and the

1 Comptroller shall order transferred and the Treasurer shall
2 transfer from the General Revenue Fund to the Public
3 Transportation Fund (iv) an amount equal to 25% of the revenue
4 realized by the Chicago Transit Authority as financial
5 assistance from the City of Chicago from the proceeds of any
6 tax imposed by the City of Chicago under Section 8-3-19 of the
7 Illinois Municipal Code.

8 Notwithstanding any provision of law to the contrary,
9 beginning on July 6, 2017 (the effective date of Public Act
10 100-23), those amounts required under this paragraph (3) of
11 subsection (a) to be transferred by the Treasurer into the
12 Public Transportation Fund from the General Revenue Fund shall
13 be directly deposited into the Public Transportation Fund as
14 the revenues are realized from the taxes indicated.

15 (4) Notwithstanding any provision of law to the contrary,
16 of the transfers to be made under paragraphs (1), (2), and (3)
17 of this subsection (a) from the General Revenue Fund to the
18 Public Transportation Fund, the first \$100,000,000 that would
19 have otherwise been transferred from the General Revenue Fund
20 shall be transferred from the Road Fund. The remaining balance
21 of such transfers shall be made from the General Revenue Fund.

22 (5) For State fiscal year 2018 only, notwithstanding any
23 provision of law to the contrary, the total amount of revenue
24 and deposits under this subsection (a) attributable to revenues
25 realized during State fiscal year 2018 shall be reduced by 10%.

26 (6) For State fiscal year 2019 only, notwithstanding any

1 provision of law to the contrary, the total amount of revenue
2 and deposits under this Section attributable to revenues
3 realized during State fiscal year 2019 shall be reduced by 5%.

4 (b)(1) All moneys deposited in the Public Transportation
5 Fund and the Regional Transportation Authority Occupation and
6 Use Tax Replacement Fund, whether deposited pursuant to this
7 Section or otherwise, are allocated to the Authority. The
8 Comptroller, as soon as possible after each monthly transfer
9 provided in this Section and after each deposit into the Public
10 Transportation Fund, shall order the Treasurer to pay to the
11 Authority out of the Public Transportation Fund the amount so
12 transferred or deposited. Any Additional State Assistance and
13 Additional Financial Assistance paid to the Authority under
14 this Section shall be expended by the Authority for its
15 purposes as provided in this Act. The balance of the amounts
16 paid to the Authority from the Public Transportation Fund shall
17 be expended by the Authority as provided in Section 4.03.3. The
18 Comptroller, as soon as possible after each deposit into the
19 Regional Transportation Authority Occupation and Use Tax
20 Replacement Fund provided in this Section and Section 6z-17 of
21 the State Finance Act, shall order the Treasurer to pay to the
22 Authority out of the Regional Transportation Authority
23 Occupation and Use Tax Replacement Fund the amount so
24 deposited. Such amounts paid to the Authority may be expended
25 by it for its purposes as provided in this Act. The provisions
26 directing the distributions from the Public Transportation

1 Fund and the Regional Transportation Authority Occupation and
2 Use Tax Replacement Fund provided for in this Section shall
3 constitute an irrevocable and continuing appropriation of all
4 amounts as provided herein. The State Treasurer and State
5 Comptroller are hereby authorized and directed to make
6 distributions as provided in this Section. (2) Provided,
7 however, no moneys deposited under subsection (a) of this
8 Section shall be paid from the Public Transportation Fund to
9 the Authority or its assignee for any fiscal year until the
10 Authority has certified to the Governor, the Comptroller, and
11 the Mayor of the City of Chicago that it has adopted for that
12 fiscal year an Annual Budget and Two-Year Financial Plan
13 meeting the requirements in Section 4.01(b).

14 (c) In recognition of the efforts of the Authority to
15 enhance the mass transportation facilities under its control,
16 the State shall provide financial assistance ("Additional
17 State Assistance") in excess of the amounts transferred to the
18 Authority from the General Revenue Fund under subsection (a) of
19 this Section. Additional State Assistance shall be calculated
20 as provided in subsection (d), but shall in no event exceed the
21 following specified amounts with respect to the following State
22 fiscal years:

23	1990	\$5,000,000;
24	1991	\$5,000,000;
25	1992	\$10,000,000;
26	1993	\$10,000,000;

1 1994 \$20,000,000;
2 1995 \$30,000,000;
3 1996 \$40,000,000;
4 1997 \$50,000,000;
5 1998 \$55,000,000; and
6 each year thereafter \$55,000,000.

7 (c-5) The State shall provide financial assistance
8 ("Additional Financial Assistance") in addition to the
9 Additional State Assistance provided by subsection (c) and the
10 amounts transferred to the Authority from the General Revenue
11 Fund under subsection (a) of this Section. Additional Financial
12 Assistance provided by this subsection shall be calculated as
13 provided in subsection (d), but shall in no event exceed the
14 following specified amounts with respect to the following State
15 fiscal years:

16 2000 \$0;
17 2001 \$16,000,000;
18 2002 \$35,000,000;
19 2003 \$54,000,000;
20 2004 \$73,000,000;
21 2005 \$93,000,000; and
22 each year thereafter \$100,000,000.

23 (d) Beginning with State fiscal year 1990 and continuing
24 for each State fiscal year thereafter, the Authority shall
25 annually certify to the State Comptroller and State Treasurer,
26 separately with respect to each of subdivisions (g)(2) and

1 (g) (3) of Section 4.04 of this Act, the following amounts:

2 (1) The amount necessary and required, during the State
3 fiscal year with respect to which the certification is
4 made, to pay its obligations for debt service on all
5 outstanding bonds or notes issued by the Authority under
6 subdivisions (g) (2) and (g) (3) of Section 4.04 of this Act.

7 (2) An estimate of the amount necessary and required to
8 pay its obligations for debt service for any bonds or notes
9 which the Authority anticipates it will issue under
10 subdivisions (g) (2) and (g) (3) of Section 4.04 during that
11 State fiscal year.

12 (3) Its debt service savings during the preceding State
13 fiscal year from refunding or advance refunding of bonds or
14 notes issued under subdivisions (g) (2) and (g) (3) of
15 Section 4.04.

16 (4) The amount of interest, if any, earned by the
17 Authority during the previous State fiscal year on the
18 proceeds of bonds or notes issued pursuant to subdivisions
19 (g) (2) and (g) (3) of Section 4.04, other than refunding or
20 advance refunding bonds or notes.

21 The certification shall include a specific schedule of debt
22 service payments, including the date and amount of each payment
23 for all outstanding bonds or notes and an estimated schedule of
24 anticipated debt service for all bonds and notes it intends to
25 issue, if any, during that State fiscal year, including the
26 estimated date and estimated amount of each payment.

1 Immediately upon the issuance of bonds for which an
2 estimated schedule of debt service payments was prepared, the
3 Authority shall file an amended certification with respect to
4 item (2) above, to specify the actual schedule of debt service
5 payments, including the date and amount of each payment, for
6 the remainder of the State fiscal year.

7 On the first day of each month of the State fiscal year in
8 which there are bonds outstanding with respect to which the
9 certification is made, the State Comptroller shall order
10 transferred and the State Treasurer shall transfer from the
11 Road Fund to the Public Transportation Fund the Additional
12 State Assistance and Additional Financial Assistance in an
13 amount equal to the aggregate of (i) one-twelfth of the sum of
14 the amounts certified under items (1) and (3) above less the
15 amount certified under item (4) above, plus (ii) the amount
16 required to pay debt service on bonds and notes issued during
17 the fiscal year, if any, divided by the number of months
18 remaining in the fiscal year after the date of issuance, or
19 some smaller portion as may be necessary under subsection (c)
20 or (c-5) of this Section for the relevant State fiscal year,
21 plus (iii) any cumulative deficiencies in transfers for prior
22 months, until an amount equal to the sum of the amounts
23 certified under items (1) and (3) above, plus the actual debt
24 service certified under item (2) above, less the amount
25 certified under item (4) above, has been transferred; except
26 that these transfers are subject to the following limits:

1 (A) In no event shall the total transfers in any State
2 fiscal year relating to outstanding bonds and notes issued
3 by the Authority under subdivision (g) (2) of Section 4.04
4 exceed the lesser of the annual maximum amount specified in
5 subsection (c) or the sum of the amounts certified under
6 items (1) and (3) above, plus the actual debt service
7 certified under item (2) above, less the amount certified
8 under item (4) above, with respect to those bonds and
9 notes.

10 (B) In no event shall the total transfers in any State
11 fiscal year relating to outstanding bonds and notes issued
12 by the Authority under subdivision (g) (3) of Section 4.04
13 exceed the lesser of the annual maximum amount specified in
14 subsection (c-5) or the sum of the amounts certified under
15 items (1) and (3) above, plus the actual debt service
16 certified under item (2) above, less the amount certified
17 under item (4) above, with respect to those bonds and
18 notes.

19 The term "outstanding" does not include bonds or notes for
20 which refunding or advance refunding bonds or notes have been
21 issued.

22 (e) Neither Additional State Assistance nor Additional
23 Financial Assistance may be pledged, either directly or
24 indirectly as general revenues of the Authority, as security
25 for any bonds issued by the Authority. The Authority may not
26 assign its right to receive Additional State Assistance or

1 Additional Financial Assistance, or direct payment of
2 Additional State Assistance or Additional Financial
3 Assistance, to a trustee or any other entity for the payment of
4 debt service on its bonds.

5 (f) The certification required under subsection (d) with
6 respect to outstanding bonds and notes of the Authority shall
7 be filed as early as practicable before the beginning of the
8 State fiscal year to which it relates. The certification shall
9 be revised as may be necessary to accurately state the debt
10 service requirements of the Authority.

11 (g) Within 6 months of the end of each fiscal year, the
12 Authority shall determine:

13 (i) whether the aggregate of all system generated
14 revenues for public transportation in the metropolitan
15 region which is provided by, or under grant or purchase of
16 service contracts with, the Service Boards equals 50% of
17 the aggregate of all costs of providing such public
18 transportation. "System generated revenues" include all
19 the proceeds of fares and charges for services provided,
20 contributions received in connection with public
21 transportation from units of local government other than
22 the Authority, except for contributions received by the
23 Chicago Transit Authority from a real estate transfer tax
24 imposed under subsection (i) of Section 8-3-19 of the
25 Illinois Municipal Code, and from the State pursuant to
26 subsection (i) of Section 2705-305 of the Department of

1 Transportation Law (20 ILCS 2705/2705-305), and all other
2 revenues properly included consistent with generally
3 accepted accounting principles but may not include: the
4 proceeds from any borrowing, and, beginning with the 2007
5 fiscal year, all revenues and receipts, including but not
6 limited to fares and grants received from the federal,
7 State or any unit of local government or other entity,
8 derived from providing ADA paratransit service pursuant to
9 Section 2.30 of the Regional Transportation Authority Act.
10 "Costs" include all items properly included as operating
11 costs consistent with generally accepted accounting
12 principles, including administrative costs, but do not
13 include: depreciation; payment of principal and interest
14 on bonds, notes or other evidences of obligations for
15 borrowed money of the Authority; payments with respect to
16 public transportation facilities made pursuant to
17 subsection (b) of Section 2.20; any payments with respect
18 to rate protection contracts, credit enhancements or
19 liquidity agreements made under Section 4.14; any other
20 cost as to which it is reasonably expected that a cash
21 expenditure will not be made; costs for passenger security
22 including grants, contracts, personnel, equipment and
23 administrative expenses, except in the case of the Chicago
24 Transit Authority, in which case the term does not include
25 costs spent annually by that entity for protection against
26 crime as required by Section 27a of the Metropolitan

1 Transit Authority Act; the costs of Debt Service paid by
2 the Chicago Transit Authority, as defined in Section 12c of
3 the Metropolitan Transit Authority Act, or bonds or notes
4 issued pursuant to that Section; the payment by the
5 Commuter Rail Division of debt service on bonds issued
6 pursuant to Section 3B.09; expenses incurred by the
7 Suburban Bus Division for the cost of new public
8 transportation services funded from grants pursuant to
9 Section 2.01e of this amendatory Act of the 95th General
10 Assembly for a period of 2 years from the date of
11 initiation of each such service; costs as exempted by the
12 Board for projects pursuant to Section 2.09 of this Act;
13 ~~or~~ beginning with the 2007 fiscal year, expenses related
14 to providing ADA paratransit service pursuant to Section
15 2.30 of the Regional Transportation Authority Act; ~~or~~ in
16 fiscal years 2008 through 2012 inclusive, costs in the
17 amount of \$200,000,000 in fiscal year 2008, reducing by
18 \$40,000,000 in each fiscal year thereafter until this
19 exemption is eliminated; and any lost revenue experienced
20 by the Commuter Rail Board due to the implementation of any
21 requirement of Section 3B.09c. If said system generated
22 revenues are less than 50% of said costs, the Board shall
23 remit an amount equal to the amount of the deficit to the
24 State. The Treasurer shall deposit any such payment in the
25 Road Fund; and

26 (ii) whether, beginning with the 2007 fiscal year, the

1 aggregate of all fares charged and received for ADA
2 paratransit services equals the system generated ADA
3 paratransit services revenue recovery ratio percentage of
4 the aggregate of all costs of providing such ADA
5 paratransit services.

6 (h) If the Authority makes any payment to the State under
7 paragraph (g), the Authority shall reduce the amount provided
8 to a Service Board from funds transferred under paragraph (a)
9 in proportion to the amount by which that Service Board failed
10 to meet its required system generated revenues recovery ratio.
11 A Service Board which is affected by a reduction in funds under
12 this paragraph shall submit to the Authority concurrently with
13 its next due quarterly report a revised budget incorporating
14 the reduction in funds. The revised budget must meet the
15 criteria specified in clauses (i) through (vi) of Section
16 4.11(b)(2). The Board shall review and act on the revised
17 budget as provided in Section 4.11(b)(3).

18 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

19 Section 99. Effective date. This Act takes effect June 1,
20 2020.