



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0170

Introduced 1/31/2023, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

70 ILCS 3605/31	from Ch. 111 2/3, par. 331
70 ILCS 3610/5	from Ch. 111 2/3, par. 355
70 ILCS 3615/3A.09	from Ch. 111 2/3, par. 703A.09
70 ILCS 3615/3B.09c new	

Amends the Metropolitan Transit Authority Act. Provides that the powers of the Chicago Transit Board include the power to pass ordinances or adopt rules and regulations concerning the suspension of riding privileges or confiscation of fare media. Amends the Local Mass Transit District Act and the Regional Transportation Authority Act. Provides that a local mass transit district's board and the Suburban Bus Board may adopt all ordinances and make all rules proper or necessary to regulate the use, operation, and maintenance of its property and facilities, and to carry into effect the powers granted to each board with any necessary fines or penalties, including ordinances, rules, or regulations concerning the suspension of riding privileges or confiscation of fare media, as each board deems proper. Includes similar provisions for the Chief of Police of the Metra Police Department.

LRB103 24931 AWJ 51265 b

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 Metropolitan Transit Authority Act is
5 amended by changing Section 31 as follows:

6 (70 ILCS 3605/31) (from Ch. 111 2/3, par. 331)

7 Sec. 31. The Board shall have power to pass all ordinances
8 and make all rules and regulations proper or necessary to
9 regulate the use, operation and maintenance of its property
10 and facilities, and to carry into effect the powers granted to
11 the Authority, with such fines or penalties, including
12 ordinances, rules, and regulations concerning the suspension
13 of riding privileges or confiscation of fare media, as may be
14 deemed proper. No fine or penalty shall exceed \$300.00, and no
15 imprisonment shall exceed six (6) months for one offense. All
16 fines and penalties shall be imposed by ordinances, which
17 shall be published in a newspaper of general circulation
18 published in the metropolitan area. No such ordinance shall
19 take effect until ten days after its publication.

20 (Source: P.A. 80-937.)

21 Section 10. The Local Mass Transit District Act is amended
22 by changing Section 5 as follows:

1 (70 ILCS 3610/5) (from Ch. 111 2/3, par. 355)

2 Sec. 5. (a) The Board of Trustees of every District may
3 establish or acquire any or all manner of mass transit
4 facility. The Board may engage in the business of
5 transportation of passengers on scheduled routes and by
6 contract on nonscheduled routes within the territorial limits
7 of the counties or municipalities creating the District, by
8 whatever means it may decide. Its routes may be extended
9 beyond such territorial limits with the consent of the
10 governing bodies of the municipalities or counties into which
11 such operation is extended.

12 (b) The Board of Trustees of every District may for the
13 purposes of the District, acquire by gift, purchase, lease,
14 legacy, condemnation, or otherwise and hold, use, improve,
15 maintain, operate, own, manage or lease, as lessor or lessee,
16 such cars, buses, equipment, buildings, structures, real and
17 personal property, and interests therein, and services, lands
18 for terminal and other related facilities, improvements and
19 services, or any interest therein, including all or any part
20 of the plant, land, buildings, equipment, vehicles, licenses,
21 franchises, patents, property, service contracts and
22 agreements of every kind and nature. Real property may be so
23 acquired if it is situated within or partially within the area
24 served by the District or if it is outside the area if it is
25 desirable or necessary for the purposes of the District.

1 (c) The Board of Trustees of every District which
2 establishes, provides, or acquires mass transit facilities or
3 services may contract with any person or corporation or public
4 or private entity for the operation or provision thereof upon
5 such terms and conditions as the District shall determine.

6 (d) The Board of Trustees of every District shall have the
7 authority to contract for any and all purposes of the
8 District, including with an interstate transportation
9 authority, or with another local Mass Transit District or any
10 other municipal, public, or private corporation entity in the
11 transportation business including the authority to contract to
12 lease its or otherwise provide land, buildings, and equipment,
13 and other related facilities, improvements, and services, for
14 the carriage of passengers beyond the territorial limits of
15 the District or to subsidize transit operations by a public or
16 private or municipal corporation operating entity providing
17 mass transit facilities.

18 (e) The Board of Trustees of every District shall have the
19 authority to establish, alter and discontinue transportation
20 routes and services and any or all ancillary or supporting
21 facilities and services, and to establish and amend rate
22 schedules for the transportation of persons thereon or for the
23 public or private use thereof which rate schedules shall,
24 together with any grants, receipts or income from other
25 sources, be sufficient to pay the expenses of the District,
26 the repair, maintenance and the safe and adequate operation of

1 its mass transit facilities and public mass transportation
2 system and to fulfill the terms of its debts, undertakings,
3 and obligations.

4 (f) The Board of Trustees of every District shall have
5 perpetual succession and shall have the following powers in
6 addition to any others in this Act granted:

7 (1) to sue and be sued;

8 (2) to adopt and use a seal;

9 (3) to make and execute contracts loans, leases,
10 subleases, installment purchase agreements, contracts,
11 notes and other instruments evidencing financial
12 obligations, and other instruments necessary or convenient
13 in the exercise of its powers;

14 (4) to make, amend and repeal bylaws, rules and
15 regulations not inconsistent with this Act, including
16 rules and regulations proper or necessary to regulate the
17 use, operation, and maintenance of its properties and
18 facilities and to carry into effect the powers granted to
19 the Board of Trustees, with any necessary fines or
20 penalties, such as the suspension of riding privileges or
21 confiscation of fare media, as the Board deems proper;

22 (5) to sell, lease, sublease, license, transfer,
23 convey or otherwise dispose of any of its real or personal
24 property, or interests therein, in whole or in part, at
25 any time upon such terms and conditions as it may
26 determine, with public bidding if the value exceeds \$1,000

1 at negotiated, competitive, public, or private sale;

2 (6) to invest funds, not required for immediate
3 disbursement, in property, agreements, or securities legal
4 for investment of public funds controlled by savings banks
5 under applicable law;

6 (7) to mortgage, pledge, hypothecate or otherwise
7 encumber all or any part of its real or personal property
8 or other assets, or interests therein;

9 (8) to apply for, accept and use grants, loans or
10 other financial assistance from any private entity or
11 municipal, county, State or Federal governmental agency or
12 other public entity;

13 (9) to borrow money from the United States Government
14 or any agency thereof, or from any other public or private
15 source, for the purposes of the District and, as evidence
16 thereof, to issue its revenue bonds, payable solely from
17 the revenue derived from the operation of the District.
18 These bonds may be issued with maturities not exceeding 40
19 years from the date of the bonds, and in such amounts as
20 may be necessary to provide sufficient funds, together
21 with interest, for the purposes of the District. These
22 bonds shall bear interest at a rate of not more than the
23 maximum rate authorized by the Bond Authorization Act, as
24 amended at the time of the making of the contract of sale,
25 payable semi-annually, may be made registerable as to
26 principal, and may be made payable and callable as

1 provided on any interest payment date at a price of par and
2 accrued interest under such terms and conditions as may be
3 fixed by the ordinance authorizing the issuance of the
4 bonds. Bonds issued under this Section are negotiable
5 instruments. They shall be executed by the chairman and
6 members of the Board of Trustees, attested by the
7 secretary, and shall be sealed with the corporate seal of
8 the District. In case any Trustee or officer whose
9 signature appears on the bonds or coupons ceases to hold
10 that office before the bonds are delivered, such officer's
11 signature, shall nevertheless be valid and sufficient for
12 all purposes, the same as though such officer had remained
13 in office until the bonds were delivered. The bonds shall
14 be sold in such manner and upon such terms as the Board of
15 Trustees shall determine, except that the selling price
16 shall be such that the interest cost to the District of the
17 proceeds of the bonds shall not exceed the maximum rate
18 authorized by the Bond Authorization Act, as amended at
19 the time of the making of the contract of sale, payable
20 semi-annually, computed to maturity according to the
21 standard table of bond values.

22 The ordinance shall fix the amount of revenue bonds
23 proposed to be issued, the maturity or maturities, the
24 interest rate, which shall not exceed the maximum rate
25 authorized by the Bond Authorization Act, as amended at
26 the time of the making of the contract of sale, and all the

1 details in connection with the bonds. The ordinance may
2 contain such covenants and restrictions upon the issuance
3 of additional revenue bonds thereafter, which will share
4 equally in the revenue of the District, as may be deemed
5 necessary or advisable for the assurance of the payment of
6 the bonds first issued. Any District may also provide in
7 the ordinance authorizing the issuance of bonds under this
8 Section that the bonds, or such ones thereof as may be
9 specified, shall, to the extent and in the manner
10 prescribed, be subordinated and be junior in standing,
11 with respect to the payment of principal and interest and
12 the security thereof, to such other bonds as are
13 designated in the ordinance.

14 The ordinance shall pledge the revenue derived from
15 the operations of the District for the purpose of paying
16 the cost of operation and maintenance of the District,
17 and, as applicable, providing adequate depreciation funds,
18 and paying the principal of and interest on the bonds of
19 the District issued under this Section;

20 (10) subject to Section 5.1, to levy a tax on property
21 within the District at the rate of not to exceed .25% on
22 the assessed value of such property in the manner provided
23 in the Illinois Municipal Budget Law;

24 (11) to issue tax anticipation warrants;

25 (12) to contract with any school district in this
26 State to provide for the transportation of pupils to and

1 from school within such district pursuant to the
2 provisions of Section 29-15 of the School Code;

3 (13) to provide for the insurance of any property,
4 directors, officers, employees or operations of the
5 District against any risk or hazard, and to self-insure or
6 participate in joint self-insurance pools or entities to
7 insure against such risk or hazard;

8 (14) to use its established funds, personnel, and
9 other resources to acquire, construct, operate, and
10 maintain bikeways and trails. Districts may cooperate with
11 other governmental and private agencies in bikeway and
12 trail programs; and

13 (15) to acquire, own, maintain, construct,
14 reconstruct, improve, repair, operate or lease any
15 light-rail public transportation system, terminal,
16 terminal facility, public airport, or bridge or toll
17 bridge across waters with any city, state, or both.

18 With respect to instruments for the payment of money
19 issued under this Section either before, on, or after June 6,
20 1989 (the effective date of Public Act 86-4), it is and always
21 has been the intention of the General Assembly (i) that the
22 Omnibus Bond Acts are and always have been supplementary
23 grants of power to issue instruments in accordance with the
24 Omnibus Bond Acts, regardless of any provision of this Act
25 that may appear to be or to have been more restrictive than
26 those Acts, (ii) that the provisions of this Section are not a

1 limitation on the supplementary authority granted by the
2 Omnibus Bond Acts, and (iii) that instruments issued under
3 this Section within the supplementary authority granted by the
4 Omnibus Bond Acts are not invalid because of any provision of
5 this Act that may appear to be or to have been more restrictive
6 than those Acts.

7 This Section shall be liberally construed to give effect
8 to its purposes.

9 (Source: P.A. 99-642, eff. 7-28-16.)

10 Section 15. The Regional Transportation Authority Act is
11 amended by changing Section 3A.09 and by adding Section 3B.09c
12 as follows:

13 (70 ILCS 3615/3A.09) (from Ch. 111 2/3, par. 703A.09)

14 Sec. 3A.09. General powers. In addition to any powers
15 elsewhere provided to the Suburban Bus Board, it shall have
16 all of the powers specified in Section 2.20 of this Act except
17 for the powers specified in Section 2.20(a)(v). The Board
18 shall also have the power:

19 (a) to cooperate with the Regional Transportation
20 Authority in the exercise by the Regional Transportation
21 Authority of all the powers granted it by such Act;

22 (b) to receive funds from the Regional Transportation
23 Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and
24 4.10 of the Regional Transportation Authority Act, all as

1 provided in the Regional Transportation Authority Act;

2 (c) to receive financial grants from the Regional
3 Transportation Authority or a Service Board, as defined in
4 the Regional Transportation Authority Act, upon such terms
5 and conditions as shall be set forth in a grant contract
6 between either the Division and the Regional
7 Transportation Authority or the Division and another
8 Service Board, which contract or agreement may be for such
9 number of years or duration as the parties agree, all as
10 provided in the Regional Transportation Authority Act;

11 (d) to perform all functions necessary for the
12 provision of paratransit services under Section 2.30 of
13 this Act; ~~and~~

14 (e) to borrow money for the purposes of: (i)
15 constructing a new garage in the northwestern Cook County
16 suburbs, (ii) converting the South Cook garage in Markham
17 to a Compressed Natural Gas facility, (iii) constructing a
18 new paratransit garage in DuPage County, (iv) expanding
19 the North Shore garage in Evanston to accommodate
20 additional indoor bus parking, and (v) purchasing new
21 transit buses. For the purpose of evidencing the
22 obligation of the Suburban Bus Board to repay any money
23 borrowed as provided in this subsection, the Suburban Bus
24 Board may issue revenue bonds from time to time pursuant
25 to ordinance adopted by the Suburban Bus Board, subject to
26 the approval of the Regional Transportation Authority of

1 each such issuance by the affirmative vote of 12 of its
2 then Directors; provided that the Suburban Bus Board may
3 not issue bonds for the purpose of financing the
4 acquisition, construction, or improvement of any facility
5 other than those listed in this subsection (e). All such
6 bonds shall be payable solely from the revenues or income
7 or any other funds that the Suburban Bus Board may
8 receive, provided that the Suburban Bus Board may not
9 pledge as security for such bonds the moneys, if any, that
10 the Suburban Bus Board receives from the Regional
11 Transportation Authority pursuant to Section 4.03.3(f) of
12 the Regional Transportation Authority Act. The bonds shall
13 bear interest at a rate not to exceed the maximum rate
14 authorized by the Bond Authorization Act and shall mature
15 at such time or times not exceeding 25 years from their
16 respective dates. Bonds issued pursuant to this paragraph
17 must be issued with scheduled principal or mandatory
18 redemption payments in equal amounts in each fiscal year
19 over the term of the bonds, with the first principal or
20 mandatory redemption payment scheduled within the fiscal
21 year in which bonds are issued or within the next
22 succeeding fiscal year. At least 25%, based on total
23 principal amount, of all bonds authorized pursuant to this
24 Section shall be sold pursuant to notice of sale and
25 public bid. No more than 75%, based on total principal
26 amount, of all bonds authorized pursuant to this Section

1 shall be sold by negotiated sale. The maximum principal
2 amount of the bonds that may be issued may not exceed
3 \$100,000,000. The bonds shall have all the qualities of
4 negotiable instruments under the laws of this State. To
5 secure the payment of any or all of such bonds and for the
6 purpose of setting forth the covenants and undertakings of
7 the Suburban Bus Board in connection with the issuance
8 thereof and the issuance of any additional bonds payable
9 from such revenue or income as well as the use and
10 application of the revenue or income received by the
11 Suburban Bus Board, the Suburban Bus Board may execute and
12 deliver a trust agreement or agreements; provided that no
13 lien upon any physical property of the Suburban Bus Board
14 shall be created thereby. A remedy for any breach or
15 default of the terms of any such trust agreement by the
16 Suburban Bus Board may be by mandamus proceedings in any
17 court of competent jurisdiction to compel performance and
18 compliance therewith, but the trust agreement may
19 prescribe by whom or on whose behalf such action may be
20 instituted. Under no circumstances shall any bonds issued
21 by the Suburban Bus Board or any other obligation of the
22 Suburban Bus Board in connection with the issuance of such
23 bonds be or become an indebtedness or obligation of the
24 State of Illinois, the Regional Transportation Authority,
25 or any other political subdivision of or municipality
26 within the State, nor shall any such bonds or obligations

1 be or become an indebtedness of the Suburban Bus Board
2 within the purview of any constitutional limitation or
3 provision, and it shall be plainly stated on the face of
4 each bond that it does not constitute such an indebtedness
5 or obligation but is payable solely from the revenues or
6 income as aforesaid; and -

7 (f) to adopt ordinances and make all rules and
8 regulations proper or necessary to regulate the use,
9 operation, and maintenance of its property and facilities
10 and to carry into effect the powers granted to the
11 Suburban Bus Board, with any necessary fines or penalties,
12 such as the suspension of riding privileges or
13 confiscation of fare media, as the Board deems proper.

14 (Source: P.A. 99-665, eff. 7-29-16.)

15 (70 ILCS 3615/3B.09c new)

16 Sec. 3B.09c. Regulation of the use, operation, and
17 maintenance of property. The Chief of Police of the Metra
18 Police Department may make rules and regulations proper or
19 necessary to regulate the use, operation, and maintenance of
20 the property and facilities of the Commuter Rail Board and to
21 carry into effect the powers granted to the Chief by the
22 Commuter Rail Board, with any necessary fines or penalties,
23 such as the suspension of riding privileges or confiscation of
24 fare media, that the Chief deems proper.