

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 3A.08, 3A.09, 3A.10, 4.01, 4.09  
6 and 4.11 and by adding Section 2.30 as follows:

7 (70 ILCS 3615/2.30 new)

8 Sec. 2.30. Paratransit services.

9 (a) For purposes of this Act, "ADA paratransit services"  
10 shall mean those comparable or specialized transportation  
11 services provided by, or under grant or purchase of service  
12 contracts of, the Service Boards to individuals with  
13 disabilities who are unable to use fixed route transportation  
14 systems and who are determined to be eligible, for some or all  
15 of their trips, for such services under the Americans with  
16 Disabilities Act of 1990 and its implementing regulations.

17 (b) Beginning July 1, 2005, the Authority is responsible  
18 for the funding, financial review and oversight of all ADA  
19 paratransit services that are provided by the Authority or by  
20 any of the Service Boards. The Suburban Bus Board shall operate  
21 or provide for the operation of all ADA paratransit services by  
22 no later than July 1, 2006, except that this date may be  
23 extended to the extent necessary to obtain approval from the  
24 Federal Transit Administration of the plan prepared pursuant to  
25 subsection (c).

26 (c) No later than January 1, 2006, the Authority, in  
27 collaboration with the Suburban Bus Board and the Chicago  
28 Transit Authority, shall develop a plan for the provision of  
29 ADA paratransit services and submit such plan to the Federal  
30 Transit Administration for approval. Approval of such plan by  
31 the Authority shall require the affirmative votes of 9 of the  
32 then Directors. The Suburban Bus Board, the Chicago Transit

1 Authority and the Authority shall comply with the requirements  
2 of the Americans with Disabilities Act of 1990 and its  
3 implementing regulations in developing and approving such plan  
4 including, without limitation, consulting with individuals  
5 with disabilities and groups representing them in the  
6 community, and providing adequate opportunity for public  
7 comment and public hearings. The plan shall include the  
8 contents required for a paratransit plan pursuant to the  
9 Americans with Disabilities Act of 1990 and its implementing  
10 regulations. The plan shall also include, without limitation,  
11 provisions to:

12 (1) maintain, at a minimum, the levels of ADA  
13 paratransit service that are required to be provided by the  
14 Service Boards pursuant to the Americans with Disabilities  
15 Act of 1990 and its implementing regulations;

16 (2) transfer the appropriate ADA paratransit services,  
17 management, personnel, service contracts and assets from  
18 the Chicago Transit Authority to the Authority or the  
19 Suburban Bus Board, as necessary, by no later than July 1,  
20 2006, except that this date may be extended to the extent  
21 necessary to obtain approval from the Federal Transit  
22 Administration of the plan prepared pursuant to this  
23 subsection (c);

24 (3) provide for consistent policies throughout the  
25 metropolitan region for scheduling of ADA paratransit  
26 service trips to and from destinations, with consideration  
27 of scheduling of return trips on a "will-call" open-ended  
28 basis upon request of the rider, if practicable, and with  
29 consideration of an increased number of trips available by  
30 subscription service than are available as of the effective  
31 date of this amendatory Act;

32 (4) provide that service contracts and rates, entered  
33 into or set after the approval by the Federal Transit  
34 Administration of the plan prepared pursuant to subsection  
35 (c) of this Section, with private carriers and taxicabs for  
36 ADA paratransit service are procured by means of an open

1 procurement process;

2 (5) provide for fares, fare collection and billing  
3 procedures for ADA paratransit services throughout the  
4 metropolitan region;

5 (6) provide for performance standards for all ADA  
6 paratransit service transportation carriers, with  
7 consideration of door-to-door service;

8 (7) provide, in cooperation with the Illinois  
9 Department of Transportation, the Illinois Department of  
10 Public Aid and other appropriate public agencies and  
11 private entities, for the application and receipt of  
12 grants, including, without limitation, reimbursement from  
13 Medicaid or other programs for ADA paratransit services;

14 (8) provide for a system of dispatch of ADA paratransit  
15 services transportation carriers throughout the  
16 metropolitan region, with consideration of county-based  
17 dispatch systems already in place as of the effective date  
18 of this amendatory Act;

19 (9) provide for a process of determining eligibility  
20 for ADA paratransit services that complies with the  
21 Americans with Disabilities Act of 1990 and its  
22 implementing regulations;

23 (10) provide for consideration of innovative methods  
24 to provide and fund ADA paratransit services; and

25 (11) provide for the creation of one or more ADA  
26 advisory boards, or the reconstitution of the existing ADA  
27 advisory boards for the Service Boards, to represent the  
28 diversity of individuals with disabilities in the  
29 metropolitan region and to provide appropriate ongoing  
30 input from individuals with disabilities into the  
31 operation of ADA paratransit services.

32 (d) All revisions and annual updates to the ADA paratransit  
33 services plan developed pursuant to subsection (c) of this  
34 Section, or certifications of continued compliance in lieu of  
35 plan updates, that are required to be provided to the Federal  
36 Transit Administration shall be developed by the Authority, in

1 collaboration with the Suburban Bus Board and the Chicago  
2 Transit Authority, and the Authority shall submit such  
3 revision, update or certification to the Federal Transit  
4 Administration for approval. Approval of such revisions,  
5 updates or certifications by the Authority shall require the  
6 affirmative votes of 9 of the then Directors.

7 (e) The Illinois Department of Transportation, the  
8 Illinois Department of Public Aid, the Authority, the Suburban  
9 Bus Board and the Chicago Transit Authority shall enter into  
10 intergovernmental agreements as may be necessary to provide  
11 funding and accountability for, and implementation of, the  
12 requirements of this Section.

13 (f) By no later than April 1, 2007, the Authority shall  
14 develop and submit to the General Assembly and the Governor a  
15 funding plan for ADA paratransit services. Approval of such  
16 plan by the Authority shall require the affirmative votes of 9  
17 of the then Directors. The funding plan shall, at a minimum,  
18 contain an analysis of the current costs of providing ADA  
19 paratransit services, projections of the long-term costs of  
20 providing ADA paratransit services, identification of and  
21 recommendations for possible cost efficiencies in providing  
22 ADA paratransit services, and identification of and  
23 recommendations for possible funding sources for providing ADA  
24 paratransit services. The Illinois Department of  
25 Transportation, the Illinois Department of Public Aid, the  
26 Suburban Bus Board, the Chicago Transit Authority and other  
27 State and local public agencies as appropriate shall cooperate  
28 with the Authority in the preparation of such funding plan.

29 (g) Any funds derived from the federal Medicaid program for  
30 reimbursement of the costs of providing ADA paratransit  
31 services within the metropolitan region shall be directed to  
32 the Authority and shall be used to pay for or reimburse the  
33 costs of providing such services.

34 (h) Nothing in this amendatory Act shall be construed to  
35 conflict with the requirements of the Americans with  
36 Disabilities Act of 1990 and its implementing regulations.

1 (70 ILCS 3615/3A.08) (from Ch. 111 2/3, par. 703A.08)

2 Sec. 3A.08. Jurisdiction. Any public transportation by  
3 bus within the metropolitan region, other than public  
4 transportation by commuter rail or public transportation  
5 provided by the Chicago Transit Authority pursuant to  
6 agreements in effect on the effective date of this amendatory  
7 Act of 1983 or in the City of Chicago and any ADA paratransit  
8 services provided pursuant to Section 2.30 of the Regional  
9 Transportation Authority Act, shall be subject to the  
10 jurisdiction of the Suburban Bus Board.

11 (Source: P.A. 83-886.)

12 (70 ILCS 3615/3A.09) (from Ch. 111 2/3, par. 703A.09)

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

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

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

25 (c) to receive financial grants from the Regional  
26 Transportation Authority or a Service Board, as defined in the  
27 "Regional Transportation Authority Act", upon such terms and  
28 conditions as shall be set forth in a grant contract between  
29 either the Division and the Regional Transportation Authority  
30 or the Division and another Service Board, which contract or  
31 agreement may be for such number of years or duration as the  
32 parties agree, all as provided in the "Regional Transportation  
33 Authority Act; and "

34 (d) to perform all functions necessary for the provision of

1 paratransit services under Section 2.30 of this Act.

2 (Source: P.A. 83-885; 83-886.)

3 (70 ILCS 3615/3A.10) (from Ch. 111 2/3, par. 703A.10)

4 Sec. 3A.10. Budget and Program. The Suburban Bus Board,  
5 subject to the powers of the Authority in Section 4.11, shall  
6 control the finances of the Division. It shall by ordinance  
7 appropriate money to perform the Division's purposes and  
8 provide for payment of debts and expenses of the Division. Each  
9 year the Suburban Bus Board shall prepare and publish a  
10 comprehensive annual budget and program document, and a  
11 financial plan for the 2 years thereafter describing the state  
12 of the Division and presenting for the forthcoming fiscal year  
13 and the 2 following years the Suburban Bus Board's plans for  
14 such operations and capital expenditures as it intends to  
15 undertake and the means by which it intends to finance them.  
16 The proposed budget and financial plan shall be based on the  
17 Authority's estimate of funds to be made available to the  
18 Suburban Bus Board by or through the Authority and shall  
19 conform in all respects to the requirements established by the  
20 Authority. The proposed program and budget shall contain a  
21 statement of the funds estimated to be on hand at the beginning  
22 of the fiscal year, the funds estimated to be received from all  
23 sources for such year and the funds estimated to be on hand at  
24 the end of such year. After adoption of the Authority's first  
25 Five-Year Program, as provided in Section 2.01 of this Act, the  
26 proposed program and budget shall specifically identify any  
27 respect in which the recommended program deviates from the  
28 Authority's then existing Five-Year Program, giving the  
29 reasons for such deviation. The fiscal year of the Division  
30 shall be the same as the fiscal year of the Authority. Before  
31 the proposed budget and program and financial plan are  
32 submitted to the Authority, the Suburban Bus Board shall hold  
33 at least one public hearing thereon in each of the counties in  
34 the metropolitan region in which the Division provides service.  
35 The Suburban Bus Board shall hold at least one meeting for

1 consideration of the proposed program and budget with the  
2 county board of each of the several counties in the  
3 metropolitan region in which the Division provides service.  
4 After conducting such hearings and holding such meetings and  
5 after making such changes in the proposed program and budget as  
6 the Suburban Bus Board deems appropriate, it shall adopt an  
7 annual budget ordinance at least by November 15 next preceding  
8 the beginning of each fiscal year. The budget and program, and  
9 financial plan shall then be submitted to the Authority as  
10 provided in Section 4.11. In the event that the Board of the  
11 Authority determines that the budget and program, and financial  
12 plan do not meet the standards of Section 4.11, the Suburban  
13 Bus Board shall make such changes as are necessary to meet such  
14 requirements and adopt an amended budget ordinance. The amended  
15 budget ordinance shall be resubmitted to the Authority pursuant  
16 to Section 4.11. The ordinance shall appropriate such sums of  
17 money as are deemed necessary to defray all necessary expenses  
18 and obligations of the Division, specifying purposes and the  
19 objects or programs for which appropriations are made and the  
20 amount appropriated for each object or program. Additional  
21 appropriations, transfers between items and other changes in  
22 such ordinance which do not alter the basis upon which the  
23 balanced budget determination was made by the Board of the  
24 Authority may be made from time to time by the Suburban Bus  
25 Board.

26 The budget shall:

27 (i) show a balance between (A) anticipated revenues from  
28 all sources including operating subsidies and (B) the costs of  
29 providing the services specified and of funding any operating  
30 deficits or encumbrances incurred in prior periods, including  
31 provision for payment when due of principal and interest on  
32 outstanding indebtedness;

33 (ii) show cash balances including the proceeds of any  
34 anticipated cash flow borrowing sufficient to pay with  
35 reasonable promptness all costs and expenses as incurred;

36 (iii) provide for a level of fares or charges and operating

1 or administrative costs for the public transportation provided  
2 by or subject to the jurisdiction of the Suburban Bus Board  
3 sufficient to allow the Suburban Bus Board to meet its required  
4 system generated revenues recovery ratio and, beginning with  
5 the 2007 fiscal year, its system generated ADA paratransit  
6 services revenue recovery ratio;

7 (iv) be based upon and employ assumptions and projections  
8 which are reasonable and prudent;

9 (v) have been prepared in accordance with sound financial  
10 practices as determined by the Board of the Authority; and

11 (vi) meet such other uniform financial, budgetary, or  
12 fiscal requirements that the Board of the Authority may by rule  
13 or regulation establish.

14 (Source: P.A. 83-886.)

15 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

16 Sec. 4.01. Budget and Program.

17 (a) The Board shall control the finances of the Authority.  
18 It shall by ordinance appropriate money to perform the  
19 Authority's purposes and provide for payment of debts and  
20 expenses of the Authority. Each year the Authority shall  
21 prepare and publish a comprehensive annual budget and program  
22 document describing the state of the Authority and presenting  
23 for the forthcoming fiscal year the Authority's plans for such  
24 operations and capital expenditures as the Authority intends to  
25 undertake and the means by which it intends to finance them.  
26 The proposed program and budget shall contain a statement of  
27 the funds estimated to be on hand at the beginning of the  
28 fiscal year, the funds estimated to be received from all  
29 sources for such year and the funds estimated to be on hand at  
30 the end of such year. After adoption of the Authority's first  
31 Five-Year Program, as provided in Section 2.01 of this Act, the  
32 proposed program and budget shall specifically identify any  
33 respect in which the recommended program deviates from the  
34 Authority's then existing Five-Year Program, giving the  
35 reasons for such deviation. The fiscal year of the Authority



1 shall begin on January 1st and end on the succeeding December  
2 31st except that the fiscal year that began October 1, 1982,  
3 shall end December 31, 1983. By July 1st 1981 and July 1st of  
4 each year thereafter the Director of the Illinois Governor's  
5 Office of Management and Budget (formerly Bureau of the Budget)  
6 shall submit to the Authority an estimate of revenues for the  
7 next fiscal year to be collected from the taxes imposed by the  
8 Authority and the amounts to be available in the Public  
9 Transportation Fund and the Regional Transportation Authority  
10 Occupation and Use Tax Replacement Fund. For the fiscal year  
11 ending on December 31, 1983, the Board shall report its results  
12 from operations and financial condition to the General Assembly  
13 and the Governor by January 31. For the fiscal year beginning  
14 January 1, 1984, and thereafter, the budget and program shall  
15 be presented to the General Assembly and the Governor not later  
16 than the preceding December 31st. Before the proposed budget  
17 and program is adopted, the Authority shall hold at least one  
18 public hearing thereon in the metropolitan region. The Board  
19 shall hold at least one meeting for consideration of the  
20 proposed program and budget with the county board of each of  
21 the several counties in the metropolitan region. After  
22 conducting such hearings and holding such meetings and after  
23 making such changes in the proposed program and budget as the  
24 Board deems appropriate, the Board shall adopt its annual  
25 budget ordinance. The ordinance may be adopted only upon the  
26 affirmative votes of 9 of its then Directors. The ordinance  
27 shall appropriate such sums of money as are deemed necessary to  
28 defray all necessary expenses and obligations of the Authority,  
29 specifying purposes and the objects or programs for which  
30 appropriations are made and the amount appropriated for each  
31 object or program. Additional appropriations, transfers  
32 between items and other changes in such ordinance may be made  
33 from time to time by the Board upon the affirmative votes of 9  
34 of its then Directors.

35 (b) The budget shall show a balance between anticipated  
36 revenues from all sources and anticipated expenses including

1 funding of operating deficits or the discharge of encumbrances  
2 incurred in prior periods and payment of principal and interest  
3 when due, and shall show cash balances sufficient to pay with  
4 reasonable promptness all obligations and expenses as  
5 incurred.

6 The annual budget and financial plan must show:

7 (i) that the level of fares and charges for mass  
8 transportation provided by, or under grant or purchase of  
9 service contracts of, the Service Boards is sufficient to  
10 cause the aggregate of all projected fare revenues from  
11 such fares and charges received in each fiscal year to  
12 equal at least 50% of the aggregate costs of providing such  
13 public transportation in such fiscal year. "Fare revenues"  
14 include the proceeds of all fares and charges for services  
15 provided, contributions received in connection with public  
16 transportation from units of local government other than  
17 the Authority and from the State pursuant to subsection (i)  
18 of Section 2705-305 of the Department of Transportation Law  
19 (20 ILCS 2705/2705-305), and all other operating revenues  
20 properly included consistent with generally accepted  
21 accounting principles but do not include: the proceeds of  
22 any borrowings, and, beginning with the 2007 fiscal year,  
23 all revenues and receipts, including but not limited to  
24 fares and grants received from the federal, State or any  
25 unit of local government or other entity, derived from  
26 providing ADA paratransit service pursuant to Section 2.30  
27 of the Regional Transportation Authority Act. "Costs"  
28 include all items properly included as operating costs  
29 consistent with generally accepted accounting principles,  
30 including administrative costs, but do not include:  
31 depreciation; payment of principal and interest on bonds,  
32 notes or other evidences of obligation for borrowed money  
33 issued by the Authority; payments with respect to public  
34 transportation facilities made pursuant to subsection (b)  
35 of Section 2.20 of this Act; any payments with respect to  
36 rate protection contracts, credit enhancements or

1 liquidity agreements made under Section 4.14; any other  
2 cost to which it is reasonably expected that a cash  
3 expenditure will not be made; costs up to \$5,000,000  
4 annually for passenger security including grants,  
5 contracts, personnel, equipment and administrative  
6 expenses, except in the case of the Chicago Transit  
7 Authority, in which case the term does not include costs  
8 spent annually by that entity for protection against crime  
9 as required by Section 27a of the Metropolitan Transit  
10 Authority Act; ~~or~~ costs as exempted by the Board for  
11 projects pursuant to Section 2.09 of this Act; or,  
12 beginning with the 2007 fiscal year, expenses related to  
13 providing ADA paratransit service pursuant to Section 2.30  
14 of the Regional Transportation Authority Act; and

15 (ii) that the level of fares charged for ADA  
16 paratransit services is sufficient to cause the aggregate  
17 of all projected revenues from such fares charged and  
18 received in each fiscal year to equal at least 10% of the  
19 aggregate costs of providing such ADA paratransit services  
20 in fiscal years 2007 and 2008 and at least 12% of the  
21 aggregate costs of providing such ADA paratransit services  
22 in fiscal years 2009 and thereafter; for purposes of this  
23 Act, the percentages in this subsection (b)(ii) shall be  
24 referred to as the "system generated ADA paratransit  
25 services revenue recovery ratio".

26 (c) The actual administrative expenses of the Authority for  
27 the fiscal year commencing January 1, 1985 may not exceed  
28 \$5,000,000. The actual administrative expenses of the  
29 Authority for the fiscal year commencing January 1, 1986, and  
30 for each fiscal year thereafter shall not exceed the maximum  
31 administrative expenses for the previous fiscal year plus 5%.  
32 "Administrative expenses" are defined for purposes of this  
33 Section as all expenses except: (1) capital expenses and  
34 purchases of the Authority on behalf of the Service Boards; (2)  
35 payments to Service Boards; and (3) payment of principal and  
36 interest on bonds, notes or other evidence of obligation for

1 borrowed money issued by the Authority; (4) costs for passenger  
2 security including grants, contracts, personnel, equipment and  
3 administrative expenses; (5) payments with respect to public  
4 transportation facilities made pursuant to subsection (b) of  
5 Section 2.20 of this Act; and (6) any payments with respect to  
6 rate protection contracts, credit enhancements or liquidity  
7 agreements made pursuant to Section 4.14.

8 (d) After withholding 15% of the proceeds of any tax  
9 imposed by the Authority and 15% of money received by the  
10 Authority from the Regional Transportation Authority  
11 Occupation and Use Tax Replacement Fund, the Board shall  
12 allocate the proceeds and money remaining to the Service Boards  
13 as follows: (1) an amount equal to 85% of the proceeds of those  
14 taxes collected within the City of Chicago and 85% of the money  
15 received by the Authority on account of transfers to the  
16 Regional Transportation Authority Occupation and Use Tax  
17 Replacement Fund from the County and Mass Transit District Fund  
18 attributable to retail sales within the City of Chicago shall  
19 be allocated to the Chicago Transit Authority; (2) an amount  
20 equal to 85% of the proceeds of those taxes collected within  
21 Cook County outside the City of Chicago and 85% of the money  
22 received by the Authority on account of transfers to the  
23 Regional Transportation Authority Occupation and Use Tax  
24 Replacement Fund from the County and Mass Transit District Fund  
25 attributable to retail sales within Cook County outside of the  
26 city of Chicago shall be allocated 30% to the Chicago Transit  
27 Authority, 55% to the Commuter Rail Board and 15% to the  
28 Suburban Bus Board; and (3) an amount equal to 85% of the  
29 proceeds of the taxes collected within the Counties of DuPage,  
30 Kane, Lake, McHenry and Will shall be allocated 70% to the  
31 Commuter Rail Board and 30% to the Suburban Bus Board.

32 (e) Moneys received by the Authority on account of  
33 transfers to the Regional Transportation Authority Occupation  
34 and Use Tax Replacement Fund from the State and Local Sales Tax  
35 Reform Fund shall be allocated among the Authority and the  
36 Service Boards as follows: 15% of such moneys shall be retained

1 by the Authority and the remaining 85% shall be transferred to  
2 the Service Boards as soon as may be practicable after the  
3 Authority receives payment. Moneys which are distributable to  
4 the Service Boards pursuant to the preceding sentence shall be  
5 allocated among the Service Boards on the basis of each Service  
6 Board's distribution ratio. The term "distribution ratio"  
7 means, for purposes of this subsection (e) of this Section  
8 4.01, the ratio of the total amount distributed to a Service  
9 Board pursuant to subsection (d) of Section 4.01 for the  
10 immediately preceding calendar year to the total amount  
11 distributed to all of the Service Boards pursuant to subsection  
12 (d) of Section 4.01 for the immediately preceding calendar  
13 year.

14 To further and accomplish the preparation of the annual  
15 budget and program as well as the Five-Year Program provided  
16 for in Section 2.01 of this Act and to make such interim  
17 management decisions as may be necessary, the Board shall  
18 employ staff which shall: (1) evaluate for the Board public  
19 transportation programs operated or proposed by transportation  
20 agencies in terms of goals, costs and relative priorities; (2)  
21 keep the Board informed of the public transportation programs  
22 and accomplishments of such transportation agencies; and (3)  
23 coordinate the development and implementation of public  
24 transportation programs to the end that the monies available to  
25 the Authority may be expended in the most economical manner  
26 possible with the least possible duplication. Under such  
27 regulations as the Board may prescribe, all Service Boards,  
28 transportation agencies, comprehensive planning agencies or  
29 transportation planning agencies in the metropolitan region  
30 shall furnish to the Board such information pertaining to  
31 public transportation or relevant for plans therefor as it may  
32 from time to time require, upon payment to any such agency or  
33 Service Board of the reasonable additional cost of its so  
34 providing such information except as may otherwise be provided  
35 by agreement with the Authority, and the Board or any duly  
36 authorized employee of the Board shall, for the purpose of

1 securing such information, have access to, and the right to  
2 examine, all books, documents, papers or records of any such  
3 agency or Service Board pertaining to public transportation or  
4 relevant for plans therefor.

5 (Source: P.A. 91-51, eff. 6-30-99; 91-239, eff. 1-1-00; revised  
6 8-23-03.)

7 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

8 Sec. 4.09. Public Transportation Fund and the Regional  
9 Transportation Authority Occupation and Use Tax Replacement  
10 Fund.

11 (a) As soon as possible after the first day of each month,  
12 beginning November 1, 1983, the Comptroller shall order  
13 transferred and the Treasurer shall transfer from the General  
14 Revenue Fund to a special fund in the State Treasury, to be  
15 known as the "Public Transportation Fund" \$9,375,000 for each  
16 month remaining in State fiscal year 1984. As soon as possible  
17 after the first day of each month, beginning July 1, 1984, upon  
18 certification of the Department of Revenue, the Comptroller  
19 shall order transferred and the Treasurer shall transfer from  
20 the General Revenue Fund to the Public Transportation Fund an  
21 amount equal to 25% of the net revenue, before the deduction of  
22 the serviceman and retailer discounts pursuant to Section 9 of  
23 the Service Occupation Tax Act and Section 3 of the Retailers'  
24 Occupation Tax Act, realized from any tax imposed by the  
25 Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the  
26 amounts deposited into the Regional Transportation Authority  
27 tax fund created by Section 4.03 of this Act, from the County  
28 and Mass Transit District Fund as provided in Section 6z-20 of  
29 the State Finance Act and 25% of the amounts deposited into the  
30 Regional Transportation Authority Occupation and Use Tax  
31 Replacement Fund from the State and Local Sales Tax Reform Fund  
32 as provided in Section 6z-17 of the State Finance Act. Net  
33 revenue realized for a month shall be the revenue collected by  
34 the State pursuant to Sections 4.03 and 4.03.1 during the  
35 previous month from within the metropolitan region, less the

1 amount paid out during that same month as refunds to taxpayers  
2 for overpayment of liability in the metropolitan region under  
3 Sections 4.03 and 4.03.1.

4 (b) (1) All moneys deposited in the Public Transportation  
5 Fund and the Regional Transportation Authority Occupation  
6 and Use Tax Replacement Fund, whether deposited pursuant to  
7 this Section or otherwise, are allocated to the Authority.  
8 Pursuant to appropriation, the Comptroller, as soon as  
9 possible after each monthly transfer provided in this  
10 Section and after each deposit into the Public  
11 Transportation Fund, shall order the Treasurer to pay to  
12 the Authority out of the Public Transportation Fund the  
13 amount so transferred or deposited. Such amounts paid to  
14 the Authority may be expended by it for its purposes as  
15 provided in this Act.

16 Subject to appropriation to the Department of Revenue,  
17 the Comptroller, as soon as possible after each deposit  
18 into the Regional Transportation Authority Occupation and  
19 Use Tax Replacement Fund provided in this Section and  
20 Section 6z-17 of the State Finance Act, shall order the  
21 Treasurer to pay to the Authority out of the Regional  
22 Transportation Authority Occupation and Use Tax  
23 Replacement Fund the amount so deposited. Such amounts paid  
24 to the Authority may be expended by it for its purposes as  
25 provided in this Act.

26 (2) Provided, however, no moneys deposited under  
27 subsection (a) of this Section shall be paid from the  
28 Public Transportation Fund to the Authority or its assignee  
29 for any fiscal year beginning after the effective date of  
30 this amendatory Act of 1983 until the Authority has  
31 certified to the Governor, the Comptroller, and the Mayor  
32 of the City of Chicago that it has adopted for that fiscal  
33 year a budget and financial plan meeting the requirements  
34 in Section 4.01(b).

35 (c) In recognition of the efforts of the Authority to  
36 enhance the mass transportation facilities under its control,

1 the State shall provide financial assistance ("Additional  
 2 State Assistance") in excess of the amounts transferred to the  
 3 Authority from the General Revenue Fund under subsection (a) of  
 4 this Section. Additional State Assistance shall be calculated  
 5 as provided in subsection (d), but shall in no event exceed the  
 6 following specified amounts with respect to the following State  
 7 fiscal years:

8	1990	\$5,000,000;
9	1991	\$5,000,000;
10	1992	\$10,000,000;
11	1993	\$10,000,000;
12	1994	\$20,000,000;
13	1995	\$30,000,000;
14	1996	\$40,000,000;
15	1997	\$50,000,000;
16	1998	\$55,000,000; and
17	each year thereafter	\$55,000,000.

18 (c-5) The State shall provide financial assistance  
 19 ("Additional Financial Assistance") in addition to the  
 20 Additional State Assistance provided by subsection (c) and the  
 21 amounts transferred to the Authority from the General Revenue  
 22 Fund under subsection (a) of this Section. Additional Financial  
 23 Assistance provided by this subsection shall be calculated as  
 24 provided in subsection (d), but shall in no event exceed the  
 25 following specified amounts with respect to the following State  
 26 fiscal years:

27	2000	\$0;
28	2001	\$16,000,000;
29	2002	\$35,000,000;
30	2003	\$54,000,000;
31	2004	\$73,000,000;
32	2005	\$93,000,000; and
33	each year thereafter	\$100,000,000.

34 (d) Beginning with State fiscal year 1990 and continuing  
 35 for each State fiscal year thereafter, the Authority shall  
 36 annually certify to the State Comptroller and State Treasurer,



1 separately with respect to each of subdivisions (g)(2) and  
2 (g)(3) of Section 4.04 of this Act, the following amounts:

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

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

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

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

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

28 Immediately upon the issuance of bonds for which an  
29 estimated schedule of debt service payments was prepared, the  
30 Authority shall file an amended certification with respect to  
31 item (2) above, to specify the actual schedule of debt service  
32 payments, including the date and amount of each payment, for  
33 the remainder of the State fiscal year.

34 On the first day of each month of the State fiscal year in  
35 which there are bonds outstanding with respect to which the  
36 certification is made, the State Comptroller shall order

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

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

28 (B) In no event shall the total transfers in any State  
29 fiscal year relating to outstanding bonds and notes issued  
30 by the Authority under subdivision (g)(3) of Section 4.04  
31 exceed the lesser of the annual maximum amount specified in  
32 subsection (c-5) or the sum of the amounts certified under  
33 items (1) and (3) above, plus the actual debt service  
34 certified under item (2) above, less the amount certified  
35 under item (4) above, with respect to those bonds and  
36 notes.

1           The term "outstanding" does not include bonds or notes for  
2           which refunding or advance refunding bonds or notes have been  
3           issued.

4           (e) Neither Additional State Assistance nor Additional  
5           Financial Assistance may be pledged, either directly or  
6           indirectly as general revenues of the Authority, as security  
7           for any bonds issued by the Authority. The Authority may not  
8           assign its right to receive Additional State Assistance or  
9           Additional Financial Assistance, or direct payment of  
10          Additional State Assistance or Additional Financial  
11          Assistance, to a trustee or any other entity for the payment of  
12          debt service on its bonds.

13          (f) The certification required under subsection (d) with  
14          respect to outstanding bonds and notes of the Authority shall  
15          be filed as early as practicable before the beginning of the  
16          State fiscal year to which it relates. The certification shall  
17          be revised as may be necessary to accurately state the debt  
18          service requirements of the Authority.

19          (g) Within 6 months of the end of the 3 month period ending  
20          December 31, 1983, and each fiscal year thereafter, the  
21          Authority shall determine:

22                 (i) whether the aggregate of all system generated  
23                 revenues for public transportation in the metropolitan  
24                 region which is provided by, or under grant or purchase of  
25                 service contracts with, the Service Boards equals 50% of  
26                 the aggregate of all costs of providing such public  
27                 transportation. "System generated revenues" include all  
28                 the proceeds of fares and charges for services provided,  
29                 contributions received in connection with public  
30                 transportation from units of local government other than  
31                 the Authority and from the State pursuant to subsection (i)  
32                 of Section 2705-305 of the Department of Transportation Law  
33                 (20 ILCS 2705/2705-305), and all other revenues properly  
34                 included consistent with generally accepted accounting  
35                 principles but may not include: the proceeds from any  
36                 borrowing, and, beginning with the 2007 fiscal year, all

1 revenues and receipts, including but not limited to fares  
2 and grants received from the federal, State or any unit of  
3 local government or other entity, derived from providing  
4 ADA paratransit service pursuant to Section 2.30 of the  
5 Regional Transportation Authority Act. "Costs" include all  
6 items properly included as operating costs consistent with  
7 generally accepted accounting principles, including  
8 administrative costs, but do not include: depreciation;  
9 payment of principal and interest on bonds, notes or other  
10 evidences of obligations for borrowed money of the  
11 Authority; payments with respect to public transportation  
12 facilities made pursuant to subsection (b) of Section 2.20;  
13 any payments with respect to rate protection contracts,  
14 credit enhancements or liquidity agreements made under  
15 Section 4.14; any other cost as to which it is reasonably  
16 expected that a cash expenditure will not be made; costs up  
17 to \$5,000,000 annually for passenger security including  
18 grants, contracts, personnel, equipment and administrative  
19 expenses, except in the case of the Chicago Transit  
20 Authority, in which case the term does not include costs  
21 spent annually by that entity for protection against crime  
22 as required by Section 27a of the Metropolitan Transit  
23 Authority Act; ~~or~~ costs as exempted by the Board for  
24 projects pursuant to Section 2.09 of this Act; or,  
25 beginning with the 2007 fiscal year, expenses related to  
26 providing ADA paratransit service pursuant to Section 2.30  
27 of the Regional Transportation Authority Act. If said  
28 system generated revenues are less than 50% of said costs,  
29 the Board shall remit an amount equal to the amount of the  
30 deficit to the State. The Treasurer shall deposit any such  
31 payment in the General Revenue Fund; ~~and-~~

32 (ii) whether, beginning with the 2007 fiscal year, the  
33 aggregate of all fares charged and received for ADA  
34 paratransit services equals the system generated ADA  
35 paratransit services revenue recovery ratio percentage of  
36 the aggregate of all costs of providing such ADA

1           paratransit services.

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

14           (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-239,  
15 eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

16           (70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

17           Sec. 4.11. Budget Review Powers.

18           (a) The provisions of this Section shall only be applicable  
19 to financial periods beginning after December 31, 1983. The  
20 Transition Board shall adopt a timetable governing the  
21 certification of estimates and any submissions required under  
22 this Section for fiscal year 1984 which shall control over the  
23 provisions of this Act. Based upon estimates which shall be  
24 given to the Authority by the Director of the ~~Illinois~~  
25 Governor's Office of Management and Budget (formerly Bureau of  
26 the Budget) of the receipts to be received by the Authority  
27 from the taxes imposed by the Authority and the authorized  
28 estimates of amounts to be available from State and other  
29 sources to the Service Boards, and the times at which such  
30 receipts and amounts will be available, the Board shall, not  
31 later than the next preceding September 15th prior to the  
32 beginning of the Authority's next fiscal year, advise each  
33 Service Board of the amounts estimated by the Board to be  
34 available for such Service Board during such fiscal year and  
35 the two following fiscal years and the times at which such

1 amounts will be available. The Board shall, at the same time,  
2 also advise each Service Board of its required system generated  
3 revenues recovery ratio for the next fiscal year which shall be  
4 the percentage of the aggregate costs of providing public  
5 transportation by or under jurisdiction of that Service Board  
6 which must be recovered from system generated revenues. The  
7 Board shall, at the same time, beginning with the 2007 fiscal  
8 year, also advise each Service Board that provides ADA  
9 paratransit services of its required system generated ADA  
10 paratransit services revenue recovery ratio for the next fiscal  
11 year which shall be the percentage of the aggregate costs of  
12 providing ADA paratransit services by or under jurisdiction of  
13 that Service Board which must be recovered from fares charged  
14 for such services, except that such required system generated  
15 ADA paratransit services revenue recovery ratio shall not  
16 exceed the minimum percentage established pursuant to Section  
17 4.01(b)(ii) of this Act. In determining a Service Board's  
18 system generated revenue recovery ratio, the Board shall  
19 consider the historical system generated revenues recovery  
20 ratio for the services subject to the jurisdiction of that  
21 Service Board. The Board shall not increase a Service Board's  
22 system generated revenues recovery ratio for the next fiscal  
23 year over such ratio for the current fiscal year  
24 disproportionately or prejudicially to increases in such  
25 ratios for other Service Boards. The Board may, by ordinance,  
26 provide that (i) the cost of research and development projects  
27 in the fiscal year beginning January 1, 1986 and ending  
28 December 31, 1986 conducted pursuant to Section 2.09 of this  
29 Act, and (ii) up to \$5,000,000 annually of the costs for  
30 passenger security, may be exempted from the farebox recovery  
31 ratio or the system generated revenues recovery ratio of the  
32 Chicago Transit Authority, the Suburban Bus Board, and the  
33 Commuter Rail Board, or any of them. For the fiscal year  
34 beginning January 1, 1986 and ending December 31, 1986, and for  
35 the fiscal year beginning January 1, 1987 and ending December  
36 31, 1987, the Board shall, by ordinance, provide that: (1) the

1 amount of a grant, pursuant to Section 2705-310 of the  
2 Department of Transportation Law (20 ILCS 2705/2705-310), from  
3 the Department of Transportation for the cost of services for  
4 the mobility limited provided by the Chicago Transit Authority,  
5 and (2) the amount of a grant, pursuant to Section 2705-310 of  
6 the Department of Transportation Law (20 ILCS 2705/2705-310),  
7 from the Department of Transportation for the cost of services  
8 for the mobility limited by the Suburban Bus Board or the  
9 Commuter Rail Board, be exempt from the farebox recovery ratio  
10 or the system generated revenues recovery ratio.

11 (b) (1) Not later than the next preceding November 15 prior  
12 to the commencement of such fiscal year, each Service Board  
13 shall submit to the Authority its proposed budget for such  
14 fiscal year and its proposed financial plan for the two  
15 following fiscal years. Such budget and financial plan shall  
16 not project or assume a receipt of revenues from the Authority  
17 in amounts greater than those set forth in the estimates  
18 provided by the Authority pursuant to subsection (a) of this  
19 Section.

20 (2) The Board shall review the proposed budget and  
21 financial plan submitted by each Service Board, and shall adopt  
22 a consolidated budget and financial plan. The Board shall  
23 approve the budget and plan if:

24 (i) the Board has approved the proposed budget and cash  
25 flow plan for such fiscal year of each Service Board,  
26 pursuant to the conditions set forth in clauses (ii)  
27 through (vii) of this paragraph;

28 (ii) such budget and plan show a balance between (A)  
29 anticipated revenues from all sources including operating  
30 subsidies and (B) the costs of providing the services  
31 specified and of funding any operating deficits or  
32 encumbrances incurred in prior periods, including  
33 provision for payment when due of principal and interest on  
34 outstanding indebtedness;

35 (iii) such budget and plan show cash balances including  
36 the proceeds of any anticipated cash flow borrowing

1 sufficient to pay with reasonable promptness all costs and  
2 expenses as incurred;

3 (iv) such budget and plan provide for a level of fares  
4 or charges and operating or administrative costs for the  
5 public transportation provided by or subject to the  
6 jurisdiction of such Service Board sufficient to allow the  
7 Service Board to meet its required system generated revenue  
8 recovery ratio and, beginning with the 2007 fiscal year,  
9 system generated ADA paratransit services revenue recovery  
10 ratio;

11 (v) such budget and plan are based upon and employ  
12 assumptions and projections which are reasonable and  
13 prudent;

14 (vi) such budget and plan have been prepared in  
15 accordance with sound financial practices as determined by  
16 the Board; and

17 (vii) such budget and plan meet such other financial,  
18 budgetary, or fiscal requirements that the Board may by  
19 rule or regulation establish.

20 (3) In determining whether the budget and financial plan  
21 provide a level of fares or charges sufficient to allow a  
22 Service Board to meet its required system generated revenue  
23 recovery ratio and, beginning with the 2007 fiscal year, system  
24 generated ADA paratransit services revenue recovery ratio  
25 under clause (iv) in subparagraph (2), the Board shall allow a  
26 Service Board to carry over cash from farebox revenues to  
27 subsequent fiscal years.

28 (4) Unless the Board by an affirmative vote of 9 of the  
29 then Directors determines that the budget and financial plan of  
30 a Service Board meets the criteria specified in clauses (ii)  
31 through (vii) of subparagraph (2) of this paragraph (b), the  
32 Board shall not release to that Service Board any funds for the  
33 periods covered by such budget and financial plan except for  
34 the proceeds of taxes imposed by the Authority under Section  
35 4.03 which are allocated to the Service Board under Section  
36 4.01.



1           (5) If the Board has not found that the budget and  
2 financial plan of a Service Board meets the criteria specified  
3 in clauses (i) through (vii) of subparagraph (2) of this  
4 paragraph (b), the Board shall, five working days after the  
5 start of the Service Board's fiscal year adopt a budget and  
6 financial plan meeting such criteria for that Service Board.

7           (c)(1) If the Board shall at any time have received a  
8 revised estimate, or revises any estimate the Board has made,  
9 pursuant to this Section of the receipts to be collected by the  
10 Authority which, in the judgment of the Board, requires a  
11 change in the estimates on which the budget of any Service  
12 Board is based, the Board shall advise the affected Service  
13 Board of such revised estimates, and such Service Board shall  
14 within 30 days after receipt of such advice submit a revised  
15 budget incorporating such revised estimates. If the revised  
16 estimates require, in the judgment of the Board, that the  
17 system generated revenues recovery ratio of one or more Service  
18 Boards be revised in order to allow the Authority to meet its  
19 required ratio, the Board shall advise any such Service Board  
20 of its revised ratio and such Service Board shall within 30  
21 days after receipt of such advice submit a revised budget  
22 incorporating such revised estimates or ratio.

23           (2) Each Service Board shall, within such period after the  
24 end of each fiscal quarter as shall be specified by the Board,  
25 report to the Authority its financial condition and results of  
26 operations and the financial condition and results of  
27 operations of the public transportation services subject to its  
28 jurisdiction, as at the end of and for such quarter. If in the  
29 judgment of the Board such condition and results are not  
30 substantially in accordance with such Service Board's budget  
31 for such period, the Board shall so advise such Service Board  
32 and such Service Board shall within the period specified by the  
33 Board submit a revised budget incorporating such results.

34           (3) If the Board shall determine that a revised budget  
35 submitted by a Service Board pursuant to subparagraph (1) or  
36 (2) of this paragraph (c) does not meet the criteria specified

1 in clauses (ii) through (vii) of subparagraph (2) of paragraph  
2 (b) of this Section, the Board shall not release any monies to  
3 that Service Board except the proceeds of taxes imposed by the  
4 Authority under Section 4.03 or 4.03.1 which are allocated to  
5 the Service Board under Section 4.01. If the Service Board  
6 submits a revised financial plan and budget which plan and  
7 budget shows that the criteria will be met within a four  
8 quarter period, the Board shall continue to release funds to  
9 the Service Board. The Board by a 9 vote of its then Directors  
10 may require a Service Board to submit a revised financial plan  
11 and budget which shows that the criteria will be met in a time  
12 period less than four quarters.

13 (d) All budgets and financial plans, financial statements,  
14 audits and other information presented to the Authority  
15 pursuant to this Section or which may be required by the Board  
16 to permit it to monitor compliance with the provisions of this  
17 Section shall be prepared and presented in such manner and  
18 frequency and in such detail as shall have been prescribed by  
19 the Board, shall be prepared on both an accrual and cash flow  
20 basis as specified by the Board, and shall identify and  
21 describe the assumptions and projections employed in the  
22 preparation thereof to the extent required by the Board. Except  
23 when the Board adopts a budget and a financial plan for a  
24 Service Board under paragraph (b) (5), a Service Board shall  
25 provide for such levels of transportation services and fares or  
26 charges therefor as it deems appropriate and necessary in the  
27 preparation of a budget and financial plan meeting the criteria  
28 set forth in clauses (ii) through (vii) of subparagraph (2) of  
29 paragraph (b) of this Section. The Board shall have access to  
30 and the right to examine and copy all books, documents, papers,  
31 records, or other source data of a Service Board relevant to  
32 any information submitted pursuant to this Section.

33 (e) Whenever this Section requires the Board to make  
34 determinations with respect to estimates, budgets or financial  
35 plans, or rules or regulations with respect thereto such  
36 determinations shall be made upon the affirmative vote of at

1 least 9 of the then Directors and shall be incorporated in a  
2 written report of the Board and such report shall be submitted  
3 within 10 days after such determinations are made to the  
4 Governor, the Mayor of Chicago (if such determinations relate  
5 to the Chicago Transit Authority), and the Auditor General of  
6 Illinois.

7 (Source: P.A. 91-239, eff. 1-1-00; revised 8-23-03.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.