



**Filed: 5/18/2005**

09400HB1663ham002

LRB094 03106 BDD 46806 a

1 AMENDMENT TO HOUSE BILL 1663

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1663 by replacing  
3 everything after the enacting clause with the following:

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

1 subsection (c).

2 (c) No later than January 1, 2006, the Authority, in  
3 collaboration with the Suburban Bus Board and the Chicago  
4 Transit Authority, shall develop a plan for the provision of  
5 ADA paratransit services and submit such plan to the Federal  
6 Transit Administration for approval. Approval of such plan by  
7 the Authority shall require the affirmative votes of 9 of the  
8 then Directors. The Suburban Bus Board, the Chicago Transit  
9 Authority and the Authority shall comply with the requirements  
10 of the Americans with Disabilities Act of 1990 and its  
11 implementing regulations in developing and approving such plan  
12 including, without limitation, consulting with individuals  
13 with disabilities and groups representing them in the  
14 community, and providing adequate opportunity for public  
15 comment and public hearings. The plan shall include the  
16 contents required for a paratransit plan pursuant to the  
17 Americans with Disabilities Act of 1990 and its implementing  
18 regulations. The plan shall also include, without limitation,  
19 provisions to:

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

24 (2) transfer the appropriate ADA paratransit services,  
25 management, personnel, service contracts and assets from  
26 the Chicago Transit Authority to the Authority or the  
27 Suburban Bus Board, as necessary, by no later than July 1,  
28 2006, except that this date may be extended to the extent  
29 necessary to obtain approval from the Federal Transit  
30 Administration of the plan prepared pursuant to this  
31 subsection (c);

32 (3) provide for consistent policies throughout the  
33 metropolitan region for scheduling of ADA paratransit  
34 service trips to and from destinations, with consideration

1 of scheduling of return trips on a "will-call" open-ended  
2 basis upon request of the rider, if practicable, and with  
3 consideration of an increased number of trips available by  
4 subscription service than are available as of the effective  
5 date of this amendatory Act;

6 (4) provide that service contracts and rates, entered  
7 into or set after the approval by the Federal Transit  
8 Administration of the plan prepared pursuant to subsection  
9 (c) of this Section, with private carriers and taxicabs for  
10 ADA paratransit service are procured by means of an open  
11 procurement process;

12 (5) provide for fares, fare collection and billing  
13 procedures for ADA paratransit services throughout the  
14 metropolitan region;

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

18 (7) provide, in cooperation with the Illinois  
19 Department of Transportation, the Illinois Department of  
20 Public Aid and other appropriate public agencies and  
21 private entities, for the application and receipt of  
22 grants, including, without limitation, reimbursement from  
23 Medicaid or other programs for ADA paratransit services;

24 (8) provide for a system of dispatch of ADA paratransit  
25 services transportation carriers throughout the  
26 metropolitan region, with consideration of county-based  
27 dispatch systems already in place as of the effective date  
28 of this amendatory Act;

29 (9) provide for a process of determining eligibility  
30 for ADA paratransit services that complies with the  
31 Americans with Disabilities Act of 1990 and its  
32 implementing regulations;

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

1           (11) provide for the creation of one or more ADA  
2           advisory boards, or the reconstitution of the existing ADA  
3           advisory boards for the Service Boards, to represent the  
4           diversity of individuals with disabilities in the  
5           metropolitan region and to provide appropriate ongoing  
6           input from individuals with disabilities into the  
7           operation of ADA paratransit services.

8           (d) All revisions and annual updates to the ADA paratransit  
9           services plan developed pursuant to subsection (c) of this  
10           Section, or certifications of continued compliance in lieu of  
11           plan updates, that are required to be provided to the Federal  
12           Transit Administration shall be developed by the Authority, in  
13           collaboration with the Suburban Bus Board and the Chicago  
14           Transit Authority, and the Authority shall submit such  
15           revision, update or certification to the Federal Transit  
16           Administration for approval. Approval of such revisions,  
17           updates or certifications by the Authority shall require the  
18           affirmative votes of 9 of the then Directors.

19           (e) The Illinois Department of Transportation, the  
20           Illinois Department of Public Aid, the Authority, the Suburban  
21           Bus Board and the Chicago Transit Authority shall enter into  
22           intergovernmental agreements as may be necessary to provide  
23           funding and accountability for, and implementation of, the  
24           requirements of this Section.

25           (f) By no later than April 1, 2007, the Authority shall  
26           develop and submit to the General Assembly and the Governor a  
27           funding plan for ADA paratransit services. Approval of such  
28           plan by the Authority shall require the affirmative votes of 9  
29           of the then Directors. The funding plan shall, at a minimum,  
30           contain an analysis of the current costs of providing ADA  
31           paratransit services, projections of the long-term costs of  
32           providing ADA paratransit services, identification of and  
33           recommendations for possible cost efficiencies in providing  
34           ADA paratransit services, and identification of and

1 recommendations for possible funding sources for providing ADA  
2 paratransit services. The Illinois Department of  
3 Transportation, the Illinois Department of Public Aid, the  
4 Suburban Bus Board, the Chicago Transit Authority and other  
5 State and local public agencies as appropriate shall cooperate  
6 with the Authority in the preparation of such funding plan.

7 (g) Any funds derived from the federal Medicaid program for  
8 reimbursement of the costs of providing ADA paratransit  
9 services within the metropolitan region shall be directed to  
10 the Authority and shall be used to pay for or reimburse the  
11 costs of providing such services.

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

15 (70 ILCS 3615/3A.08) (from Ch. 111 2/3, par. 703A.08)

16 Sec. 3A.08. Jurisdiction. Any public transportation by  
17 bus within the metropolitan region, other than public  
18 transportation by commuter rail or public transportation  
19 provided by the Chicago Transit Authority pursuant to  
20 agreements in effect on the effective date of this amendatory  
21 Act of 1983 or in the City of Chicago and any ADA paratransit  
22 services provided pursuant to Section 2.30 of the Regional  
23 Transportation Authority Act, shall be subject to the  
24 jurisdiction of the Suburban Bus Board.

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

26 (70 ILCS 3615/3A.09) (from Ch. 111 2/3, par. 703A.09)

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

32 (a) to cooperate with the Regional Transportation

1 Authority in the exercise by the Regional Transportation  
2 Authority of all the powers granted it by such Act;

3 (b) to receive funds from the Regional Transportation  
4 Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and 4.10  
5 of the "Regional Transportation Authority Act", all as provided  
6 in the "Regional Transportation Authority Act";

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

16 (d) to perform all functions necessary for the provision of  
17 paratransit services under Section 2.30 of this Act.

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

19 (70 ILCS 3615/3A.10) (from Ch. 111 2/3, par. 703A.10)

20 Sec. 3A.10. Budget and Program. The Suburban Bus Board,  
21 subject to the powers of the Authority in Section 4.11, shall  
22 control the finances of the Division. It shall by ordinance  
23 appropriate money to perform the Division's purposes and  
24 provide for payment of debts and expenses of the Division. Each  
25 year the Suburban Bus Board shall prepare and publish a  
26 comprehensive annual budget and program document, and a  
27 financial plan for the 2 years thereafter describing the state  
28 of the Division and presenting for the forthcoming fiscal year  
29 and the 2 following years the Suburban Bus Board's plans for  
30 such operations and capital expenditures as it intends to  
31 undertake and the means by which it intends to finance them.  
32 The proposed budget and financial plan shall be based on the  
33 Authority's estimate of funds to be made available to the

1 Suburban Bus Board by or through the Authority and shall  
2 conform in all respects to the requirements established by the  
3 Authority. The proposed program and budget shall contain a  
4 statement of the funds estimated to be on hand at the beginning  
5 of the fiscal year, the funds estimated to be received from all  
6 sources for such year and the funds estimated to be on hand at  
7 the end of such year. After adoption of the Authority's first  
8 Five-Year Program, as provided in Section 2.01 of this Act, the  
9 proposed program and budget shall specifically identify any  
10 respect in which the recommended program deviates from the  
11 Authority's then existing Five-Year Program, giving the  
12 reasons for such deviation. The fiscal year of the Division  
13 shall be the same as the fiscal year of the Authority. Before  
14 the proposed budget and program and financial plan are  
15 submitted to the Authority, the Suburban Bus Board shall hold  
16 at least one public hearing thereon in each of the counties in  
17 the metropolitan region in which the Division provides service.  
18 The Suburban Bus Board shall hold at least one meeting for  
19 consideration of the proposed program and budget with the  
20 county board of each of the several counties in the  
21 metropolitan region in which the Division provides service.  
22 After conducting such hearings and holding such meetings and  
23 after making such changes in the proposed program and budget as  
24 the Suburban Bus Board deems appropriate, it shall adopt an  
25 annual budget ordinance at least by November 15 next preceding  
26 the beginning of each fiscal year. The budget and program, and  
27 financial plan shall then be submitted to the Authority as  
28 provided in Section 4.11. In the event that the Board of the  
29 Authority determines that the budget and program, and financial  
30 plan do not meet the standards of Section 4.11, the Suburban  
31 Bus Board shall make such changes as are necessary to meet such  
32 requirements and adopt an amended budget ordinance. The amended  
33 budget ordinance shall be resubmitted to the Authority pursuant  
34 to Section 4.11. The ordinance shall appropriate such sums of

1 money as are deemed necessary to defray all necessary expenses  
2 and obligations of the Division, specifying purposes and the  
3 objects or programs for which appropriations are made and the  
4 amount appropriated for each object or program. Additional  
5 appropriations, transfers between items and other changes in  
6 such ordinance which do not alter the basis upon which the  
7 balanced budget determination was made by the Board of the  
8 Authority may be made from time to time by the Suburban Bus  
9 Board.

10 The budget shall:

11 (i) show a balance between (A) anticipated revenues from  
12 all sources including operating subsidies and (B) the costs of  
13 providing the services specified and of funding any operating  
14 deficits or encumbrances incurred in prior periods, including  
15 provision for payment when due of principal and interest on  
16 outstanding indebtedness;

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

20 (iii) provide for a level of fares or charges and operating  
21 or administrative costs for the public transportation provided  
22 by or subject to the jurisdiction of the Suburban Bus Board  
23 sufficient to allow the Suburban Bus Board to meet its required  
24 system generated revenues recovery ratio and, beginning with  
25 the 2007 fiscal year, its system generated ADA paratransit  
26 services revenue recovery ratio;

27 (iv) be based upon and employ assumptions and projections  
28 which are reasonable and prudent;

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

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

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



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 appropriate money to perform the  
5 Authority's purposes and provide for payment of debts and  
6 expenses of the Authority. Each year the Authority shall  
7 prepare and publish a comprehensive annual budget and program  
8 document describing the state of the Authority and presenting  
9 for the forthcoming fiscal year the Authority's plans for such  
10 operations and capital expenditures as the Authority intends to  
11 undertake and the means by which it intends to finance them.

12 The proposed program and budget shall contain a statement of  
13 the funds estimated to be on hand at the beginning of the  
14 fiscal year, the funds estimated to be received from all  
15 sources for such year and the funds estimated to be on hand at  
16 the end of such year. After adoption of the Authority's first  
17 Five-Year Program, as provided in Section 2.01 of this Act, the  
18 proposed program and budget shall specifically identify any  
19 respect in which the recommended program deviates from the  
20 Authority's then existing Five-Year Program, giving the  
21 reasons for such deviation. The fiscal year of the Authority  
22 shall begin on January 1st and end on the succeeding December  
23 31st except that the fiscal year that began October 1, 1982,  
24 shall end December 31, 1983. By July 1st 1981 and July 1st of  
25 each year thereafter the Director of the Illinois Governor's  
26 Office of Management and Budget (formerly Bureau of the Budget)  
27 shall submit to the Authority an estimate of revenues for the  
28 next fiscal year to be collected from the taxes imposed by the  
29 Authority and the amounts to be available in the Public  
30 Transportation Fund and the Regional Transportation Authority  
31 Occupation and Use Tax Replacement Fund. For the fiscal year  
32 ending on December 31, 1983, the Board shall report its results  
33 from operations and financial condition to the General Assembly

1 and the Governor by January 31. For the fiscal year beginning  
2 January 1, 1984, and thereafter, the budget and program shall  
3 be presented to the General Assembly and the Governor not later  
4 than the preceding December 31st. Before the proposed budget  
5 and program is adopted, the Authority shall hold at least one  
6 public hearing thereon in the metropolitan region. The Board  
7 shall hold at least one meeting for consideration of the  
8 proposed program and budget with the county board of each of  
9 the several counties in the metropolitan region. After  
10 conducting such hearings and holding such meetings and after  
11 making such changes in the proposed program and budget as the  
12 Board deems appropriate, the Board shall adopt its annual  
13 budget ordinance. The ordinance may be adopted only upon the  
14 affirmative votes of 9 of its then Directors. The ordinance  
15 shall appropriate such sums of money as are deemed necessary to  
16 defray all necessary expenses and obligations of the Authority,  
17 specifying purposes and the objects or programs for which  
18 appropriations are made and the amount appropriated for each  
19 object or program. Additional appropriations, transfers  
20 between items and other changes in such ordinance may be made  
21 from time to time by the Board upon the affirmative votes of 9  
22 of its then Directors.

23 (b) The budget shall show a balance between anticipated  
24 revenues from all sources and anticipated expenses including  
25 funding of operating deficits or the discharge of encumbrances  
26 incurred in prior periods and payment of principal and interest  
27 when due, and shall show cash balances sufficient to pay with  
28 reasonable promptness all obligations and expenses as  
29 incurred.

30 The annual budget and financial plan must show:

31 (i) that the level of fares and charges for mass  
32 transportation provided by, or under grant or purchase of  
33 service contracts of, the Service Boards is sufficient to  
34 cause the aggregate of all projected fare revenues from

1 such fares and charges received in each fiscal year to  
2 equal at least 50% of the aggregate costs of providing such  
3 public transportation in such fiscal year. "Fare revenues"  
4 include the proceeds of all fares and charges for services  
5 provided, contributions received in connection with public  
6 transportation from units of local government other than  
7 the Authority and from the State pursuant to subsection (i)  
8 of Section 2705-305 of the Department of Transportation Law  
9 (20 ILCS 2705/2705-305), and all other operating revenues  
10 properly included consistent with generally accepted  
11 accounting principles but do not include: the proceeds of  
12 any borrowings, and, beginning with the 2007 fiscal year,  
13 all revenues and receipts, including but not limited to  
14 fares and grants received from the federal, State or any  
15 unit of local government or other entity, derived from  
16 providing ADA paratransit service pursuant to Section 2.30  
17 of the Regional Transportation Authority Act. "Costs"  
18 include all items properly included as operating costs  
19 consistent with generally accepted accounting principles,  
20 including administrative costs, but do not include:  
21 depreciation; payment of principal and interest on bonds,  
22 notes or other evidences of obligation for borrowed money  
23 issued by the Authority; payments with respect to public  
24 transportation facilities made pursuant to subsection (b)  
25 of Section 2.20 of this Act; any payments with respect to  
26 rate protection contracts, credit enhancements or  
27 liquidity agreements made under Section 4.14; any other  
28 cost to which it is reasonably expected that a cash  
29 expenditure will not be made; costs up to \$5,000,000  
30 annually for passenger security including grants,  
31 contracts, personnel, equipment and administrative  
32 expenses, except in the case of the Chicago Transit  
33 Authority, in which case the term does not include costs  
34 spent annually by that entity for protection against crime

1 as required by Section 27a of the Metropolitan Transit  
2 Authority Act; ~~or~~ costs as exempted by the Board for  
3 projects pursuant to Section 2.09 of this Act; or,  
4 beginning with the 2007 fiscal year, expenses related to  
5 providing ADA paratransit service pursuant to Section 2.30  
6 of the Regional Transportation Authority Act; and

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

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

1 agreements made pursuant to Section 4.14.

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

26 (e) Moneys received by the Authority on account of  
27 transfers to the Regional Transportation Authority Occupation  
28 and Use Tax Replacement Fund from the State and Local Sales Tax  
29 Reform Fund shall be allocated among the Authority and the  
30 Service Boards as follows: 15% of such moneys shall be retained  
31 by the Authority and the remaining 85% shall be transferred to  
32 the Service Boards as soon as may be practicable after the  
33 Authority receives payment. Moneys which are distributable to  
34 the Service Boards pursuant to the preceding sentence shall be

1 allocated among the Service Boards on the basis of each Service  
2 Board's distribution ratio. The term "distribution ratio"  
3 means, for purposes of this subsection (e) of this Section  
4 4.01, the ratio of the total amount distributed to a Service  
5 Board pursuant to subsection (d) of Section 4.01 for the  
6 immediately preceding calendar year to the total amount  
7 distributed to all of the Service Boards pursuant to subsection  
8 (d) of Section 4.01 for the immediately preceding calendar  
9 year.

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

1 agency or Service Board pertaining to public transportation or  
2 relevant for plans therefor.

3 (Source: P.A. 91-51, eff. 6-30-99; 91-239, eff. 1-1-00; revised  
4 8-23-03.)

5 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

6 Sec. 4.09. Public Transportation Fund and the Regional  
7 Transportation Authority Occupation and Use Tax Replacement  
8 Fund.

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



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

10	1990	\$5,000,000;
11	1991	\$5,000,000;
12	1992	\$10,000,000;
13	1993	\$10,000,000;
14	1994	\$20,000,000;
15	1995	\$30,000,000;
16	1996	\$40,000,000;
17	1997	\$50,000,000;
18	1998	\$55,000,000; and
19	each year thereafter	\$55,000,000.

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

29	2000	\$0;
30	2001	\$16,000,000;
31	2002	\$35,000,000;
32	2003	\$54,000,000;
33	2004	\$73,000,000;
34	2005	\$93,000,000; and

1           each year thereafter     \$100,000,000.

2           (d) Beginning with State fiscal year 1990 and continuing  
3 for each State fiscal year thereafter, the Authority shall  
4 annually certify to the State Comptroller and State Treasurer,  
5 separately with respect to each of subdivisions (g)(2) and  
6 (g)(3) of Section 4.04 of this Act, the following amounts:

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

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

17           (3) Its debt service savings during the preceding State  
18 fiscal year from refunding or advance refunding of bonds or  
19 notes issued under subdivisions (g)(2) and (g)(3) of  
20 Section 4.04.

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

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

32           Immediately upon the issuance of bonds for which an  
33 estimated schedule of debt service payments was prepared, the  
34 Authority shall file an amended certification with respect to

1 item (2) above, to specify the actual schedule of debt service  
2 payments, including the date and amount of each payment, for  
3 the remainder of the State fiscal year.

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

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

34 (B) In no event shall the total transfers in any State

1 fiscal year relating to outstanding bonds and notes issued  
2 by the Authority under subdivision (g)(3) of Section 4.04  
3 exceed the lesser of the annual maximum amount specified in  
4 subsection (c-5) or the sum of the amounts certified under  
5 items (1) and (3) above, plus the actual debt service  
6 certified under item (2) above, less the amount certified  
7 under item (4) above, with respect to those bonds and  
8 notes.

9 The term "outstanding" does not include bonds or notes for  
10 which refunding or advance refunding bonds or notes have been  
11 issued.

12 (e) Neither Additional State Assistance nor Additional  
13 Financial Assistance may be pledged, either directly or  
14 indirectly as general revenues of the Authority, as security  
15 for any bonds issued by the Authority. The Authority may not  
16 assign its right to receive Additional State Assistance or  
17 Additional Financial Assistance, or direct payment of  
18 Additional State Assistance or Additional Financial  
19 Assistance, to a trustee or any other entity for the payment of  
20 debt service on its bonds.

21 (f) The certification required under subsection (d) with  
22 respect to outstanding bonds and notes of the Authority shall  
23 be filed as early as practicable before the beginning of the  
24 State fiscal year to which it relates. The certification shall  
25 be revised as may be necessary to accurately state the debt  
26 service requirements of the Authority.

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

30 (i) whether the aggregate of all system generated  
31 revenues for public transportation in the metropolitan  
32 region which is provided by, or under grant or purchase of  
33 service contracts with, the Service Boards equals 50% of  
34 the aggregate of all costs of providing such public

1 transportation. "System generated revenues" include all  
2 the proceeds of fares and charges for services provided,  
3 contributions received in connection with public  
4 transportation from units of local government other than  
5 the Authority and from the State pursuant to subsection (i)  
6 of Section 2705-305 of the Department of Transportation Law  
7 (20 ILCS 2705/2705-305), and all other revenues properly  
8 included consistent with generally accepted accounting  
9 principles but may not include: the proceeds from any  
10 borrowing, and, beginning with the 2007 fiscal year, all  
11 revenues and receipts, including but not limited to fares  
12 and grants received from the federal, State or any unit of  
13 local government or other entity, derived from providing  
14 ADA paratransit service pursuant to Section 2.30 of the  
15 Regional Transportation Authority Act. "Costs" include all  
16 items properly included as operating costs consistent with  
17 generally accepted accounting principles, including  
18 administrative costs, but do not include: depreciation;  
19 payment of principal and interest on bonds, notes or other  
20 evidences of obligations for borrowed money of the  
21 Authority; payments with respect to public transportation  
22 facilities made pursuant to subsection (b) of Section 2.20;  
23 any payments with respect to rate protection contracts,  
24 credit enhancements or liquidity agreements made under  
25 Section 4.14; any other cost as to which it is reasonably  
26 expected that a cash expenditure will not be made; costs up  
27 to \$5,000,000 annually for passenger security including  
28 grants, contracts, personnel, equipment and administrative  
29 expenses, except in the case of the Chicago Transit  
30 Authority, in which case the term does not include costs  
31 spent annually by that entity for protection against crime  
32 as required by Section 27a of the Metropolitan Transit  
33 Authority Act; ~~or~~ costs as exempted by the Board for  
34 projects pursuant to Section 2.09 of this Act; or,

1 beginning with the 2007 fiscal year, expenses related to  
2 providing ADA paratransit service pursuant to Section 2.30  
3 of the Regional Transportation Authority Act. If said  
4 system generated revenues are less than 50% of said costs,  
5 the Board shall remit an amount equal to the amount of the  
6 deficit to the State. The Treasurer shall deposit any such  
7 payment in the General Revenue Fund; and.

8 (ii) whether, beginning with the 2007 fiscal year, the  
9 aggregate of all fares charged and received for ADA  
10 paratransit services equals the system generated ADA  
11 paratransit services revenue recovery ratio percentage of  
12 the aggregate of all costs of providing such ADA  
13 paratransit services.

14 (h) If the Authority makes any payment to the State under  
15 paragraph (g), the Authority shall reduce the amount provided  
16 to a Service Board from funds transferred under paragraph (a)  
17 in proportion to the amount by which that Service Board failed  
18 to meet its required system generated revenues recovery ratio.  
19 A Service Board which is affected by a reduction in funds under  
20 this paragraph shall submit to the Authority concurrently with  
21 its next due quarterly report a revised budget incorporating  
22 the reduction in funds. The revised budget must meet the  
23 criteria specified in clauses (i) through (vi) of Section  
24 4.11(b)(2). The Board shall review and act on the revised  
25 budget as provided in Section 4.11(b)(3).

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

28 (70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

29 Sec. 4.11. Budget Review Powers.

30 (a) The provisions of this Section shall only be applicable  
31 to financial periods beginning after December 31, 1983. The  
32 Transition Board shall adopt a timetable governing the  
33 certification of estimates and any submissions required under

1 this Section for fiscal year 1984 which shall control over the  
2 provisions of this Act. Based upon estimates which shall be  
3 given to the Authority by the Director of the ~~Illinois~~  
4 Governor's Office of Management and Budget (formerly Bureau of  
5 the Budget) of the receipts to be received by the Authority  
6 from the taxes imposed by the Authority and the authorized  
7 estimates of amounts to be available from State and other  
8 sources to the Service Boards, and the times at which such  
9 receipts and amounts will be available, the Board shall, not  
10 later than the next preceding September 15th prior to the  
11 beginning of the Authority's next fiscal year, advise each  
12 Service Board of the amounts estimated by the Board to be  
13 available for such Service Board during such fiscal year and  
14 the two following fiscal years and the times at which such  
15 amounts will be available. The Board shall, at the same time,  
16 also advise each Service Board of its required system generated  
17 revenues recovery ratio for the next fiscal year which shall be  
18 the percentage of the aggregate costs of providing public  
19 transportation by or under jurisdiction of that Service Board  
20 which must be recovered from system generated revenues. The  
21 Board shall, at the same time, beginning with the 2007 fiscal  
22 year, also advise each Service Board that provides ADA  
23 paratransit services of its required system generated ADA  
24 paratransit services revenue recovery ratio for the next fiscal  
25 year which shall be the percentage of the aggregate costs of  
26 providing ADA paratransit services by or under jurisdiction of  
27 that Service Board which must be recovered from fares charged  
28 for such services, except that such required system generated  
29 ADA paratransit services revenue recovery ratio shall not  
30 exceed the minimum percentage established pursuant to Section  
31 4.01(b)(ii) of this Act. In determining a Service Board's  
32 system generated revenue recovery ratio, the Board shall  
33 consider the historical system generated revenues recovery  
34 ratio for the services subject to the jurisdiction of that

1 Service Board. The Board shall not increase a Service Board's  
2 system generated revenues recovery ratio for the next fiscal  
3 year over such ratio for the current fiscal year  
4 disproportionately or prejudicially to increases in such  
5 ratios for other Service Boards. The Board may, by ordinance,  
6 provide that (i) the cost of research and development projects  
7 in the fiscal year beginning January 1, 1986 and ending  
8 December 31, 1986 conducted pursuant to Section 2.09 of this  
9 Act, and (ii) up to \$5,000,000 annually of the costs for  
10 passenger security, may be exempted from the farebox recovery  
11 ratio or the system generated revenues recovery ratio of the  
12 Chicago Transit Authority, the Suburban Bus Board, and the  
13 Commuter Rail Board, or any of them. For the fiscal year  
14 beginning January 1, 1986 and ending December 31, 1986, and for  
15 the fiscal year beginning January 1, 1987 and ending December  
16 31, 1987, the Board shall, by ordinance, provide that: (1) the  
17 amount of a grant, pursuant to Section 2705-310 of the  
18 Department of Transportation Law (20 ILCS 2705/2705-310), from  
19 the Department of Transportation for the cost of services for  
20 the mobility limited provided by the Chicago Transit Authority,  
21 and (2) the amount of a grant, pursuant to Section 2705-310 of  
22 the Department of Transportation Law (20 ILCS 2705/2705-310),  
23 from the Department of Transportation for the cost of services  
24 for the mobility limited by the Suburban Bus Board or the  
25 Commuter Rail Board, be exempt from the farebox recovery ratio  
26 or the system generated revenues recovery ratio.

27 (b)(1) Not later than the next preceding November 15 prior  
28 to the commencement of such fiscal year, each Service Board  
29 shall submit to the Authority its proposed budget for such  
30 fiscal year and its proposed financial plan for the two  
31 following fiscal years. Such budget and financial plan shall  
32 not project or assume a receipt of revenues from the Authority  
33 in amounts greater than those set forth in the estimates  
34 provided by the Authority pursuant to subsection (a) of this



1 Section.

2 (2) The Board shall review the proposed budget and  
3 financial plan submitted by each Service Board, and shall adopt  
4 a consolidated budget and financial plan. The Board shall  
5 approve the budget and plan if:

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

10 (ii) such budget and plan show a balance between (A)  
11 anticipated revenues from all sources including operating  
12 subsidies and (B) the costs of providing the services  
13 specified and of funding any operating deficits or  
14 encumbrances incurred in prior periods, including  
15 provision for payment when due of principal and interest on  
16 outstanding indebtedness;

17 (iii) such budget and plan show cash balances including  
18 the proceeds of any anticipated cash flow borrowing  
19 sufficient to pay with reasonable promptness all costs and  
20 expenses as incurred;

21 (iv) such budget and plan provide for a level of fares  
22 or charges and operating or administrative costs for the  
23 public transportation provided by or subject to the  
24 jurisdiction of such Service Board sufficient to allow the  
25 Service Board to meet its required system generated revenue  
26 recovery ratio and, beginning with the 2007 fiscal year,  
27 system generated ADA paratransit services revenue recovery  
28 ratio;

29 (v) such budget and plan are based upon and employ  
30 assumptions and projections which are reasonable and  
31 prudent;

32 (vi) such budget and plan have been prepared in  
33 accordance with sound financial practices as determined by  
34 the Board; and

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

4           (3) In determining whether the budget and financial plan  
5           provide a level of fares or charges sufficient to allow a  
6           Service Board to meet its required system generated revenue  
7           recovery ratio and, beginning with the 2007 fiscal year, system  
8           generated ADA paratransit services revenue recovery ratio  
9           under clause (iv) in subparagraph (2), the Board shall allow a  
10          Service Board to carry over cash from farebox revenues to  
11          subsequent fiscal years.

12          (4) Unless the Board by an affirmative vote of 9 of the  
13          then Directors determines that the budget and financial plan of  
14          a Service Board meets the criteria specified in clauses (ii)  
15          through (vii) of subparagraph (2) of this paragraph (b), the  
16          Board shall not release to that Service Board any funds for the  
17          periods covered by such budget and financial plan except for  
18          the proceeds of taxes imposed by the Authority under Section  
19          4.03 which are allocated to the Service Board under Section  
20          4.01.

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

27          (c)(1) If the Board shall at any time have received a  
28          revised estimate, or revises any estimate the Board has made,  
29          pursuant to this Section of the receipts to be collected by the  
30          Authority which, in the judgment of the Board, requires a  
31          change in the estimates on which the budget of any Service  
32          Board is based, the Board shall advise the affected Service  
33          Board of such revised estimates, and such Service Board shall  
34          within 30 days after receipt of such advice submit a revised

1 budget incorporating such revised estimates. If the revised  
2 estimates require, in the judgment of the Board, that the  
3 system generated revenues recovery ratio of one or more Service  
4 Boards be revised in order to allow the Authority to meet its  
5 required ratio, the Board shall advise any such Service Board  
6 of its revised ratio and such Service Board shall within 30  
7 days after receipt of such advice submit a revised budget  
8 incorporating such revised estimates or ratio.

9 (2) Each Service Board shall, within such period after the  
10 end of each fiscal quarter as shall be specified by the Board,  
11 report to the Authority its financial condition and results of  
12 operations and the financial condition and results of  
13 operations of the public transportation services subject to its  
14 jurisdiction, as at the end of and for such quarter. If in the  
15 judgment of the Board such condition and results are not  
16 substantially in accordance with such Service Board's budget  
17 for such period, the Board shall so advise such Service Board  
18 and such Service Board shall within the period specified by the  
19 Board submit a revised budget incorporating such results.

20 (3) If the Board shall determine that a revised budget  
21 submitted by a Service Board pursuant to subparagraph (1) or  
22 (2) of this paragraph (c) does not meet the criteria specified  
23 in clauses (ii) through (vii) of subparagraph (2) of paragraph  
24 (b) of this Section, the Board shall not release any monies to  
25 that Service Board except the proceeds of taxes imposed by the  
26 Authority under Section 4.03 or 4.03.1 which are allocated to  
27 the Service Board under Section 4.01. If the Service Board  
28 submits a revised financial plan and budget which plan and  
29 budget shows that the criteria will be met within a four  
30 quarter period, the Board shall continue to release funds to  
31 the Service Board. The Board by a 9 vote of its then Directors  
32 may require a Service Board to submit a revised financial plan  
33 and budget which shows that the criteria will be met in a time  
34 period less than four quarters.

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

21 (e) Whenever this Section requires the Board to make  
22 determinations with respect to estimates, budgets or financial  
23 plans, or rules or regulations with respect thereto such  
24 determinations shall be made upon the affirmative vote of at  
25 least 9 of the then Directors and shall be incorporated in a  
26 written report of the Board and such report shall be submitted  
27 within 10 days after such determinations are made to the  
28 Governor, the Mayor of Chicago (if such determinations relate  
29 to the Chicago Transit Authority), and the Auditor General of  
30 Illinois.

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

32 Section 99. Effective date. This Act takes effect upon  
33 becoming law."