

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois State Auditing Act is amended by
5 adding Section 3-2.3 as follows:

6 (30 ILCS 5/3-2.3 new)

7 Sec. 3-2.3. Report on Chicago Transit Authority.

8 (a) No less than 60 days prior to the issuance of bonds or
9 notes by the Chicago Transit Authority (referred to as the
10 "Authority" in this Section) pursuant to Section 12c of the
11 Metropolitan Transit Authority Act, the following
12 documentation shall be submitted to the Auditor General and the
13 Regional Transportation Authority:

14 (1) Retirement Plan Documentation. The Authority shall
15 submit a certification that:

16 (A) it is legally authorized to issue the bonds or
17 notes;

18 (B) scheduled annual payments of principal and
19 interest on the bonds and notes to be issued meet the
20 requirements of Section 12c(b)(5) of the Metropolitan
21 Transit Authority Act;

22 (C) no bond or note shall mature later than
23 December 31, 2040;

1 (D) after payment of costs of issuance and
2 necessary deposits to funds and accounts established
3 with respect to debt service on the bonds or notes, the
4 net bond and note proceeds (exclusive of any proceeds
5 to be used to refund outstanding bonds or notes) will
6 be deposited in the Retirement Plan for Chicago Transit
7 Authority Employees and used only for the purposes
8 required by Section 22-101 of the Illinois Pension
9 Code; and

10 (E) it has entered into an intergovernmental
11 agreement with the City of Chicago under which the City
12 of Chicago will provide financial assistance to the
13 Authority in an amount equal to the net receipts, after
14 fees for costs of collection, from a tax on the
15 privilege of transferring title to real estate in the
16 City of Chicago in an amount up to \$1.50 per \$500 of
17 value or fraction thereof under the provisions of
18 Section 8-3-19 of the Illinois Municipal Code, which
19 agreement shall be for a term expiring no earlier than
20 the final maturity of bonds or notes that it proposes
21 to issue under Section 12c of the Metropolitan Transit
22 Authority Act.

23 (2) The Board of Trustees of the Retirement Plan for
24 Chicago Transit Authority Employees shall submit a
25 certification that the Retirement Plan for Chicago Transit
26 Authority Employees is operating in accordance with all

1 applicable legal and contractual requirements, including
2 the following:

3 (A) the members of a new Board of Trustees have
4 been appointed according to the requirements of
5 Section 22-101(b) of the Illinois Pension Code; and

6 (B) contribution levels for employees and the
7 Authority have been established according to the
8 requirements of Section 22-101(d) of the Illinois
9 Pension Code.

10 (3) Actuarial Report. The Board of Trustees of the
11 Retirement Plan for Chicago Transit Authority Employees
12 shall submit an actuarial report prepared by an enrolled
13 actuary setting forth:

14 (A) the method of valuation and the underlying
15 assumptions;

16 (B) a comparison of the debt service schedules of
17 the bonds or notes proposed to be issued to the
18 Retirement Plan's current unfunded actuarial accrued
19 liability amortization schedule, as required by
20 Section 22-101(e) of the Illinois Pension Code, using
21 the projected interest cost of the bond or note issue
22 as the discount rate to calculate the estimated net
23 present value savings;

24 (C) the amount of the estimated net present value
25 savings comparing the true interest cost of the bonds
26 or notes with the actuarial investment return

1 assumption of the Retirement Plan; and

2 (D) a certification that the net proceeds of the
3 bonds or notes, together with anticipated earnings on
4 contributions and deposits, will be sufficient to
5 reasonably conclude on an actuarial basis that the
6 total retirement assets of the Retirement Plan will not
7 be less than 90% of its liabilities by the end of
8 fiscal year 2059.

9 (4) The Authority shall submit a financial analysis
10 prepared by an independent advisor. The financial analysis
11 must include a determination that the issuance of bonds is
12 in the best interest of the Retirement Plan for Chicago
13 Transit Authority Employees and the Chicago Transit
14 Authority. The independent advisor shall not act as
15 underwriter or receive a legal, consulting, or other fee
16 related to the issuance of any bond or notes issued by the
17 Authority pursuant to Section 12c of the Metropolitan
18 Transit Authority Act except compensation due for the
19 preparation of the financial analysis.

20 (5) Retiree Health Care Trust Documentation. The
21 Authority shall submit a certification that:

22 (A) it is legally authorized to issue the bonds or
23 notes;

24 (B) scheduled annual payments of principal and
25 interest on the bonds and notes to be issued meets the
26 requirements of Section 12c(b)(5) of the Metropolitan

1 Transit Authority Act;

2 (C) no bond or note shall mature later than
3 December 31, 2040;

4 (D) after payment of costs of issuance and
5 necessary deposits to funds and accounts established
6 with respect to debt service on the bonds or notes, the
7 net bond and note proceeds (exclusive of any proceeds
8 to be used to refund outstanding bonds or notes) will
9 be deposited in the Retiree Health Care Trust and used
10 only for the purposes required by Section 22-101B of
11 the Illinois Pension Code; and

12 (E) it has entered into an intergovernmental
13 agreement with the City of Chicago under which the City
14 of Chicago will provide financial assistance to the
15 Authority in an amount equal to the net receipts, after
16 fees for costs of collection, from a tax on the
17 privilege of transferring title to real estate in the
18 City of Chicago in an amount up to \$1.50 per \$500 of
19 value or fraction thereof under the provisions of
20 Section 8-3-19 of the Illinois Municipal Code, which
21 agreement shall be for a term expiring no earlier than
22 the final maturity of bonds or notes that it proposes
23 to issue under Section 12c of the Metropolitan Transit
24 Authority Act.

25 (6) The Board of Trustees of the Retiree Health Care
26 Trust shall submit a certification that the Retiree Health

1 Care Trust has been established in accordance with all
2 applicable legal requirements, including the following:

3 (A) the Retiree Health Care Trust has been
4 established and a Trust document is in effect to govern
5 the Retiree Health Care Trust;

6 (B) the members of the Board of Trustees of the
7 Retiree Health Care Trust have been appointed
8 according to the requirements of Section 22-101B(b) (1)
9 of the Illinois Pension Code;

10 (C) a health care benefit program for eligible
11 retirees and their dependents and survivors has been
12 established by the Board of Trustees according to the
13 requirements of Section 22-101B(b) (2) of the Illinois
14 Pension Code;

15 (D) contribution levels have been established for
16 retirees, dependents and survivors according to the
17 requirements of Section 22-101B(b) (5) of the Illinois
18 Pension Code; and

19 (E) contribution levels have been established for
20 employees of the Authority according to the
21 requirements of Section 22-101B(b) (6) of the Illinois
22 Pension Code.

23 (7) Actuarial Report. The Board of Trustees of the
24 Retiree Health Care Trust shall submit an actuarial report
25 prepared by an enrolled actuary setting forth:

26 (A) the method of valuation and the underlying

1 assumptions;

2 (B) a comparison of the projected interest cost of
3 the bonds or notes proposed to be issued with the
4 actuarial investment return assumption of the Retiree
5 Health Care Trust; and

6 (C) a certification that the net proceeds of the
7 bonds or notes, together with anticipated earnings on
8 contributions and deposits, will be sufficient to
9 adequately fund the actuarial present value of
10 projected benefits expected to be paid under the
11 Retiree Health Care Trust, or a certification of the
12 increases in contribution levels and decreases in
13 benefit levels that would be required in order to cure
14 any funding shortfall over a period of not more than 10
15 years.

16 (8) The Authority shall submit a financial analysis
17 prepared by an independent advisor. The financial analysis
18 must include a determination that the issuance of bonds is
19 in the best interest of the Retiree Health Care Trust and
20 the Chicago Transit Authority. The independent advisor
21 shall not act as underwriter or receive a legal,
22 consulting, or other fee related to the issuance of any
23 bond or notes issued by the Authority pursuant to Section
24 12c of the Metropolitan Transit Authority Act except
25 compensation due for the preparation of the financial
26 analysis.

1 (b) The Auditor General shall examine the information
2 submitted pursuant to Section 3-2.3(a)(1) through (4) and
3 submit a report to the General Assembly, the Legislative Audit
4 Commission, the Governor, the Regional Transportation
5 Authority and the Authority indicating whether (i) the required
6 certifications by the Authority and the Board of Trustees of
7 the Retirement Plan have been made, and (ii) the actuarial
8 reports have been provided, the reports include all required
9 information, the assumptions underlying those reports are not
10 unreasonable in the aggregate, and the reports appear to comply
11 with all pertinent professional standards, including those
12 issued by the Actuarial Standards Board. The Auditor General
13 shall submit such report no later than 60 days after receiving
14 the information required to be submitted by the Authority and
15 the Board of Trustees of the Retirement Plan. Any bonds or
16 notes issued by the Authority under item (1) of subsection (b)
17 of Section 12c of the Metropolitan Transit Authority Act shall
18 be issued within 120 days after receiving such report from the
19 Auditor General. The Authority may not issue bonds or notes
20 until it receives the report from the Auditor General
21 indicating the above requirements have been met.

22 (c) The Auditor General shall examine the information
23 submitted pursuant to Section 3-2.3(a)(5) through (8) and
24 submit a report to the General Assembly, the Legislative Audit
25 Commission, the Governor, the Regional Transportation
26 Authority and the Authority indicating whether (i) the required

1 certifications by the Authority and the Board of Trustees of
2 the Retiree Health Care Trust have been made, and (ii) the
3 actuarial reports have been provided, the reports include all
4 required information, the assumptions underlying those reports
5 are not unreasonable in the aggregate, and the reports appear
6 to comply with all pertinent professional standards, including
7 those issued by the Actuarial Standards Board. The Auditor
8 General shall submit such report no later than 60 days after
9 receiving the information required to be submitted by the
10 Authority and the Board of Trustees of the Retiree Health Care
11 Trust. Any bonds or notes issued by the Authority under item
12 (2) of subsection (b) of Section 12c of the Metropolitan
13 Transit Authority Act shall be issued within 120 days after
14 receiving such report from the Auditor General. The Authority
15 may not issue bonds or notes until it receives a report from
16 the Auditor General indicating the above requirements have been
17 met.

18 (d) In fulfilling this duty, after receiving the
19 information submitted pursuant to Section 3-2.3(a), the
20 Auditor General may request additional information and support
21 pertaining to the data and conclusions contained in the
22 submitted documents and the Authority, the Board of Trustees of
23 the Retirement Plan and the Board of Trustees of the Retiree
24 Health Care Trust shall cooperate with the Auditor General and
25 provide additional information as requested in a timely manner.
26 The Auditor General may also request from the Regional

1 Transportation Authority an analysis of the information
2 submitted by the Authority relating to the sources of funds to
3 be utilized for payment of the proposed bonds or notes of the
4 Authority. The Auditor General's report shall not be in the
5 nature of a post-audit or examination and shall not lead to the
6 issuance of an opinion as that term is defined in generally
7 accepted government auditing standards.

8 (e) Annual Retirement Plan Submission to Auditor General.
9 The Board of Trustees of the Retirement Plan for Chicago
10 Transit Authority Employees established by Section 22-101 of
11 the Illinois Pension Code shall provide the following documents
12 to the Auditor General annually no later than September 30:

13 (1) the most recent audit or examination of the
14 Retirement Plan;

15 (2) an annual statement containing the information
16 specified in Section 1A-109 of the Illinois Pension Code;
17 and

18 (3) a complete actuarial statement applicable to the
19 prior plan year, which may be the annual report of an
20 enrolled actuary retained by the Retirement Plan specified
21 in Section 22-101(e) of the Illinois Pension Code.

22 The Auditor General shall annually examine the information
23 provided pursuant to this subsection and shall submit a report
24 of the analysis thereof to the General Assembly, including the
25 report specified in Section 22-101(e) of the Illinois Pension
26 Code.

1 (f) The Auditor General shall annually examine the
2 information submitted pursuant to Section 22-101B(b)(3)(iii)
3 of the Illinois Pension Code and shall prepare the
4 determination specified in Section 22-101B(b)(3)(iv) of the
5 Illinois Pension Code.

6 (g) In fulfilling the duties under Sections 3-2.3(e) and
7 (f) the Auditor General may request additional information and
8 support pertaining to the data and conclusions contained in the
9 submitted documents and the Authority, the Board of Trustees of
10 the Retirement Plan and the Board of Trustees of the Retiree
11 Health Care Trust shall cooperate with the Auditor General and
12 provide additional information as requested in a timely manner.
13 The Auditor General's review shall not be in the nature of a
14 post-audit or examination and shall not lead to the issuance of
15 an opinion as that term is defined in generally accepted
16 government auditing standards. Upon request of the Auditor
17 General, the Commission on Government Forecasting and
18 Accountability and the Public Pension Division of the Illinois
19 Department of Financial and Professional Regulation shall
20 cooperate with and assist the Auditor General in the conduct of
21 his review.

22 (h) The Auditor General shall submit a bill to the
23 Authority for costs associated with the examinations and
24 reports specified in subsections (b) and (c) of this Section
25 3-2.3, which the Authority shall reimburse in a timely manner.
26 The costs associated with the examinations and reports which

1 are reimbursed by the Authority shall constitute a cost of
2 issuance of the bonds or notes under Section 12c(b)(1) and (2)
3 of the Metropolitan Transit Authority Act. The amount received
4 shall be deposited into the fund or funds from which such costs
5 were paid by the Auditor General. The Auditor General shall
6 submit a bill to the Retirement Plan for Chicago Transit
7 Authority Employees for costs associated with the examinations
8 and reports specified in subsection (e) of this Section, which
9 the Retirement Plan for Chicago Transit Authority Employees
10 shall reimburse in a timely manner. The amount received shall
11 be deposited into the fund or funds from which such costs were
12 paid by the Auditor General. The Auditor General shall submit a
13 bill to the Retiree Health Care Trust for costs associated with
14 the determination specified in subsection (f) of this Section,
15 which the Retiree Health Care Trust shall reimburse in a timely
16 manner. The amount received shall be deposited into the fund or
17 funds from which such costs were paid by the Auditor General.

18 Section 6. The State Finance Act is amended by adding
19 Section 5.708 and by changing Section 6z-17 as follows:

20 (30 ILCS 105/5.708 new)

21 Sec. 5.708. The Downstate Transit Improvement Fund.

22 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

23 Sec. 6z-17. Of the money paid into the State and Local

1 Sales Tax Reform Fund: (i) subject to appropriation to the
 2 Department of Revenue, Municipalities having 1,000,000 or more
 3 inhabitants shall receive 20% and may expend such amount to
 4 fund and establish a program for developing and coordinating
 5 public and private resources targeted to meet the affordable
 6 housing needs of low-income and very low-income households
 7 within such municipality, (ii) 10% shall be transferred into
 8 the Regional Transportation Authority Occupation and Use Tax
 9 Replacement Fund, a special fund in the State treasury which is
 10 hereby created, (iii) subject to appropriation to the
 11 Department of Transportation, The Madison County ~~Metro East~~
 12 Mass Transit District shall receive .6%, (iv) the following
 13 amounts, plus any cumulative deficiency in such transfers for
 14 prior months, shall be transferred monthly into the Build
 15 Illinois Fund and credited to the Build Illinois Bond Account
 16 therein:

17 Fiscal Year	Amount
18 1990	\$2,700,000
19 1991	1,850,000
20 1992	2,750,000
21 1993	2,950,000

22 From Fiscal Year 1994 through Fiscal Year 2025 the transfer
 23 shall total \$3,150,000 monthly, plus any cumulative deficiency
 24 in such transfers for prior months, and (v) the remainder of
 25 the money paid into the State and Local Sales Tax Reform Fund
 26 shall be transferred into the Local Government Distributive

1 Fund and, except for municipalities with 1,000,000 or more
2 inhabitants which shall receive no portion of such remainder,
3 shall be distributed, subject to appropriation, in the manner
4 provided by Section 2 of "An Act in relation to State revenue
5 sharing with local government entities", approved July 31,
6 1969, as now or hereafter amended. Municipalities with more
7 than 50,000 inhabitants according to the 1980 U.S. Census and
8 located within the Metro East Mass Transit District receiving
9 funds pursuant to provision (v) of this paragraph may expend
10 such amounts to fund and establish a program for developing and
11 coordinating public and private resources targeted to meet the
12 affordable housing needs of low-income and very low-income
13 households within such municipality.

14 (Source: P.A. 91-51, eff. 6-30-99.)

15 Section 7. The Downstate Public Transportation Act is
16 amended by changing Sections 2-2.04, 2-3, 2-6, 2-7, and 2-15 as
17 follows:

18 (30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

19 Sec. 2-2.04. "Eligible operating expenses" means all
20 expenses required for public transportation, including
21 employee wages and benefits, materials, fuels, supplies,
22 rental of facilities, taxes other than income taxes, payment
23 made for debt service (including principal and interest) on
24 publicly owned equipment or facilities, and any other

1 expenditure which is an operating expense according to standard
2 accounting practices for the providing of public
3 transportation. Eligible operating expenses shall not include
4 allowances: (a) for depreciation whether funded or unfunded;
5 (b) for amortization of any intangible costs; (c) for debt
6 service on capital acquired with the assistance of capital
7 grant funds provided by the State of Illinois; (d) for profits
8 or return on investment; (e) for excessive payment to
9 associated entities; (f) for Comprehensive Employment Training
10 Act expenses; (g) for costs reimbursed under Sections 6 and 8
11 of the "Urban Mass Transportation Act of 1964", as amended; (h)
12 for entertainment expenses; (i) for charter expenses; (j) for
13 fines and penalties; (k) for charitable donations; (l) for
14 interest expense on long term borrowing and debt retirement
15 other than on publicly owned equipment or facilities; (m) for
16 income taxes; or (n) for such other expenses as the Department
17 may determine consistent with federal Department of
18 Transportation regulations or requirements. In consultation
19 with participants, the Department shall, by October 2008,
20 promulgate or update rules, pursuant to the Illinois
21 Administrative Procedure Act, concerning eligible expenses to
22 ensure consistent application of the Act, and the Department
23 shall provide written copies of those rules to all eligible
24 recipients. The Department shall review this process in the
25 same manner no less frequently than every 5 years.

26 With respect to participants other than any Metro-East

1 Transit District participant and those receiving federal
2 research development and demonstration funds pursuant to
3 Section 6 of the "Urban Mass Transportation Act of 1964", as
4 amended, during the fiscal year ending June 30, 1979, the
5 maximum eligible operating expenses for any such participant in
6 any fiscal year after Fiscal Year 1980 shall be the amount
7 appropriated for such participant for the fiscal year ending
8 June 30, 1980, plus in each year a 10% increase over the
9 maximum established for the preceding fiscal year. For Fiscal
10 Year 1980 the maximum eligible operating expenses for any such
11 participant shall be the amount of projected operating expenses
12 upon which the appropriation for such participant for Fiscal
13 Year 1980 is based.

14 With respect to participants receiving federal research
15 development and demonstration operating assistance funds for
16 operating assistance pursuant to Section 6 of the "Urban Mass
17 Transportation Act of 1964", as amended, during the fiscal year
18 ending June 30, 1979, the maximum eligible operating expenses
19 for any such participant in any fiscal year after Fiscal Year
20 1980 shall not exceed such participant's eligible operating
21 expenses for the fiscal year ending June 30, 1980, plus in each
22 year a 10% increase over the maximum established for the
23 preceding fiscal year. For Fiscal Year 1980, the maximum
24 eligible operating expenses for any such participant shall be
25 the eligible operating expenses incurred during such fiscal
26 year, or projected operating expenses upon which the

1 appropriation for such participant for the Fiscal Year 1980 is
2 based; whichever is less.

3 With respect to all participants other than any Metro-East
4 Transit District participant, the maximum eligible operating
5 expenses for any such participant in any fiscal year after
6 Fiscal Year 1985 (except Fiscal Year 2008 and Fiscal Year 2009)
7 shall be the amount appropriated for such participant for the
8 fiscal year ending June 30, 1985, plus in each year a 10%
9 increase over the maximum established for the preceding year.
10 For Fiscal Year 1985, the maximum eligible operating expenses
11 for any such participant shall be the amount of projected
12 operating expenses upon which the appropriation for such
13 participant for Fiscal Year 1985 is based.

14 With respect to any mass transit district participant that
15 has increased its district boundaries by annexing counties
16 since 1998 and is maintaining a level of local financial
17 support, including all income and revenues, equal to or greater
18 than the level in the State fiscal year ending June 30, 2001,
19 the maximum eligible operating expenses for any State fiscal
20 year after 2002 (except State fiscal years ~~year~~ 2006 through
21 2009) shall be the amount appropriated for that participant for
22 the State fiscal year ending June 30, 2002, plus, in each State
23 fiscal year, a 10% increase over the preceding State fiscal
24 year. For State fiscal year 2002, the maximum eligible
25 operating expenses for any such participant shall be the amount
26 of projected operating expenses upon which the appropriation

1 for that participant for State fiscal year 2002 is based. For
2 that participant, eligible operating expenses for State fiscal
3 year 2002 in excess of the eligible operating expenses for the
4 State fiscal year ending June 30, 2001, plus 10%, must be
5 attributed to the provision of services in the newly annexed
6 counties.

7 With respect to a participant that receives an initial
8 appropriation in State fiscal year 2002 or thereafter, the
9 maximum eligible operating expenses for any State fiscal year
10 after 2003 (except State fiscal years ~~year~~ 2006 through 2009)
11 shall be the amount appropriated for that participant for the
12 State fiscal year in which it received its initial
13 appropriation, plus, in each year, a 10% increase over the
14 preceding year. For the initial State fiscal year in which a
15 participant received an appropriation, the maximum eligible
16 operating expenses for any such participant shall be the amount
17 of projected operating expenses upon which the appropriation
18 for that participant for that State fiscal year is based.

19 With respect to the District serving primarily the counties
20 of Monroe and St. Clair, beginning July 1, 2005, the St. Clair
21 County Transit District shall no longer be included for new
22 appropriation funding purposes as part of the Metro-East Public
23 Transportation Fund and instead shall be included for new
24 appropriation funding purposes as part of the Downstate Public
25 Transportation Fund; provided, however, that nothing herein
26 shall alter the eligibility of that District for previously

1 appropriated funds to which it would otherwise be entitled.

2 With respect to the District serving primarily Madison
3 County, beginning July 1, 2008, the Madison County Transit
4 District shall no longer be included for new appropriation
5 funding purposes as part of the Metro-East Public
6 Transportation Fund and instead shall be included for new
7 appropriation funding purposes as part of the Downstate Public
8 Transportation Fund; provided, however, that nothing herein
9 shall alter the eligibility of that District for previously
10 appropriated funds to which it would otherwise be entitled.

11 With respect to the fiscal year beginning July 1, 2007, and
12 thereafter, the following shall be included for new
13 appropriation funding purposes as part of the Downstate Public
14 Transportation Fund: Bond County; Bureau County; Coles County;
15 Edgar County; Stephenson County and the City of Freeport; Henry
16 County; Jo Daviess County; Kankakee and McLean Counties; Peoria
17 County; Piatt County; Shelby County; Tazewell and Woodford
18 Counties; Vermilion County; Williamson County; and Kendall
19 County.

20 (Source: P.A. 94-70, eff. 6-22-05.)

21 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

22 Sec. 2-3. (a) As soon as possible after the first day of
23 each month, beginning July 1, 1984, upon certification of the
24 Department of Revenue, the Comptroller shall order
25 transferred, and the Treasurer shall transfer, from the General

1 Revenue Fund to a special fund in the State Treasury which is
2 hereby created, to be known as the "Downstate Public
3 Transportation Fund", an amount equal to 2/32 (beginning July
4 1, 2005, 3/32) of the net revenue realized from the "Retailers'
5 Occupation Tax Act", as now or hereafter amended, the "Service
6 Occupation Tax Act", as now or hereafter amended, the "Use Tax
7 Act", as now or hereafter amended, and the "Service Use Tax
8 Act", as now or hereafter amended, from persons incurring
9 municipal or county retailers' or service occupation tax
10 liability for the benefit of any municipality or county located
11 wholly within the boundaries of each participant other than any
12 Metro-East Transit District participant certified pursuant to
13 subsection (c) of this Section during the preceding month,
14 except that the Department shall pay into the Downstate Public
15 Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80%
16 of the net revenue realized under the State tax Acts named
17 above within any municipality or county located wholly within
18 the boundaries of each participant, other than any Metro-East
19 participant, for tax periods beginning on or after January 1,
20 1990; ~~provided, however, that beginning with fiscal year 1985,~~
21 ~~the transfers into the Downstate Public Transportation Fund~~
22 ~~during any fiscal year shall not exceed the annual~~
23 ~~appropriation from the Downstate Public Transportation Fund~~
24 ~~for that year. The Department of Transportation shall notify~~
25 ~~the Department of Revenue and the Comptroller at the beginning~~
26 ~~of each fiscal year of the amount of the annual appropriation~~

1 ~~from the Downstate Public Transportation Fund.~~ Net revenue
2 realized for a month shall be the revenue collected by the
3 State pursuant to such Acts during the previous month from
4 persons incurring municipal or county retailers' or service
5 occupation tax liability for the benefit of any municipality or
6 county located wholly within the boundaries of a participant,
7 less the amount paid out during that same month as refunds or
8 credit memoranda to taxpayers for overpayment of liability
9 under such Acts for the benefit of any municipality or county
10 located wholly within the boundaries of a participant.

11 (b) As soon as possible after the first day of each month,
12 beginning July 1, 1989, upon certification of the Department of
13 Revenue, the Comptroller shall order transferred, and the
14 Treasurer shall transfer, from the General Revenue Fund to a
15 special fund in the State Treasury which is hereby created, to
16 be known as the "Metro-East Public Transportation Fund", an
17 amount equal to $2/32$ of the net revenue realized, as above,
18 from within the boundaries of Madison, Monroe, and St. Clair
19 Counties, except that the Department shall pay into the
20 Metro-East Public Transportation Fund $2/32$ of 80% of the net
21 revenue realized under the State tax Acts specified in
22 subsection (a) of this Section within the boundaries of
23 Madison, Monroe and St. Clair Counties for tax periods
24 beginning on or after January 1, 1990. A local match equivalent
25 to an amount which could be raised by a tax levy at the rate of
26 .05% on the assessed value of property within the boundaries of

1 Madison County is required annually to cause a total of 2/32 of
2 the net revenue to be deposited in the Metro-East Public
3 Transportation Fund. Failure to raise the required local match
4 annually shall result in only 1/32 being deposited into the
5 Metro-East Public Transportation Fund after July 1, 1989, or
6 1/32 of 80% of the net revenue realized for tax periods
7 beginning on or after January 1, 1990.

8 (b-5) As soon as possible after the first day of each
9 month, beginning July 1, 2005, upon certification of the
10 Department of Revenue, the Comptroller shall order
11 transferred, and the Treasurer shall transfer, from the General
12 Revenue Fund to the Downstate Public Transportation Fund, an
13 amount equal to 3/32 of 80% of the net revenue realized from
14 within the boundaries of Monroe and St. Clair Counties under
15 the State Tax Acts specified in subsection (a) of this Section
16 and provided further that, beginning July 1, 2005, the
17 provisions of subsection (b) shall no longer apply with respect
18 to such tax receipts from Monroe and St. Clair Counties.

19 (b-6) As soon as possible after the first day of each
20 month, beginning July 1, 2008, upon certification by the
21 Department of Revenue, the Comptroller shall order transferred
22 and the Treasurer shall transfer, from the General Revenue Fund
23 to the Downstate Public Transportation Fund, an amount equal to
24 3/32 of 80% of the net revenue realized from within the
25 boundaries of Madison County under the State Tax Acts specified
26 in subsection (a) of this Section and provided further that,

1 beginning July 1, 2008, the provisions of subsection (b) shall
2 no longer apply with respect to such tax receipts from Madison
3 County.

4 (c) The Department shall certify to the Department of
5 Revenue the eligible participants under this Article and the
6 territorial boundaries of such participants for the purposes of
7 the Department of Revenue in subsections (a) and (b) of this
8 Section.

9 (d) For the purposes of this Article, beginning in fiscal
10 year 2009 the General Assembly shall appropriate ~~the Department~~
11 ~~shall include in its annual request for appropriation of~~
12 ~~ordinary and contingent expenses~~ an amount from the Downstate
13 Public Transportation Fund equal to the sum total funds
14 projected to be paid to the participants pursuant to Section
15 2-7. If the General Assembly fails to make appropriations
16 sufficient to cover the amounts projected to be paid pursuant
17 to Section 2-7, this Act shall constitute an irrevocable and
18 continuing appropriation from the Downstate Public
19 Transportation Fund of all amounts necessary for those
20 purposes.

21 ~~(e) In addition to any other permitted use of moneys in the~~
22 ~~Fund, and notwithstanding any restriction on the use of the~~
23 ~~Fund, moneys in the Downstate Public Transportation Fund may be~~
24 ~~transferred to the General Revenue Fund as authorized by Public~~
25 ~~Act 87-14. The General Assembly finds that an excess of moneys~~
26 ~~existed in the Fund on July 30, 1991, and the Governor's order~~

1 ~~of July 30, 1991, and the Governor's order of July 30, 1991,~~
2 ~~requesting the Comptroller and Treasurer to transfer an amount~~
3 ~~from the Fund to the General Revenue Fund is hereby validated.~~

4 (Source: P.A. 94-70, eff. 6-22-05.)

5 (30 ILCS 740/2-6) (from Ch. 111 2/3, par. 666)

6 Sec. 2-6. Allocation of funds.

7 (a) With respect to all participants other than any
8 Metro-East Transit District participant, the Department shall
9 allocate the funds to be made available to each participant
10 under this Article for the following fiscal year and shall
11 notify the chief official of each participant not later than
12 the first day of the fiscal year of this amount. For Fiscal
13 Year 1975, notification shall be made not later than January 1,
14 1975, of the amount of such allocation. In determining the
15 allocation for each participant, the Department shall estimate
16 the funds available to the participant from the Downstate
17 Public Transportation Fund for the purposes of this Article
18 during the succeeding fiscal year, and shall allocate to each
19 participant the amount attributable to it which shall be the
20 amount paid into the Downstate Public Transportation Fund under
21 Section 2-3 from within its boundaries. Said allocations may be
22 exceeded for participants receiving assistance equal to
23 one-third of their eligible operating expenses, only if an
24 allocation is less than one-third of such participant's
25 eligible operating expenses, provided, however, that no other

1 participant is denied its one-third of eligible operating
2 expenses. Beginning in Fiscal Year 1997, said allocation may be
3 exceeded for participants receiving assistance equal to the
4 percentage of their eligible operating expenses provided for in
5 paragraph (b) of Section 2-7, only if allocation is less than
6 the percentage of such participant's eligible operating
7 expenses provided for in paragraph (b) of Section 2-7, provided
8 however, that no other participant is denied its percentage of
9 eligible operating expenses.

10 (b) With regard to any Metro-East Transit District
11 organized under the Local Mass Transit District Act and serving
12 one or more of the Counties of Madison, Monroe and St. Clair
13 during Fiscal Year 1989, the Department shall allocate the
14 funds to be made available to each participant for the
15 following and succeeding fiscal years and shall notify the
16 chief official of each participant not later than the first day
17 of the fiscal year of this amount. Beginning July 1, 2005, and
18 ending June 30, 2008, the Department shall allocate the amount
19 paid into the Metro-East Public Transportation Fund to the
20 District serving primarily the County of Madison.

21 (Source: P.A. 94-70, eff. 6-22-05.)

22 (30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

23 Sec. 2-7. Quarterly reports; annual audit.

24 (a) Any Metro-East Transit District participant shall, no
25 later than 60 days following the end of each quarter of any

1 fiscal year, file with the Department on forms provided by the
2 Department for that purpose, a report of the actual operating
3 deficit experienced during that quarter. The Department shall,
4 upon receipt of the quarterly report, determine whether the
5 operating deficits were incurred in conformity with the program
6 of proposed expenditures approved by the Department pursuant to
7 Section 2-11. Any Metro-East District may either monthly or
8 quarterly for any fiscal year file a request for the
9 participant's eligible share, as allocated in accordance with
10 Section 2-6, of the amounts transferred into the Metro-East
11 Public Transportation Fund.

12 (b) Each participant other than any Metro-East Transit
13 District participant shall, 30 days before the end of each
14 quarter, file with the Department on forms provided by the
15 Department for such purposes a report of the projected eligible
16 operating expenses to be incurred in the next quarter and 30
17 days before the third and fourth quarters of any fiscal year a
18 statement of actual eligible operating expenses incurred in the
19 preceding quarters. Except as otherwise provided in subsection
20 (b-5), within 45 days of receipt by the Department of such
21 quarterly report, the Comptroller shall order paid and the
22 Treasurer shall pay from the Downstate Public Transportation
23 Fund to each participant an amount equal to one-third of such
24 participant's eligible operating expenses; provided, however,
25 that in Fiscal Year 1997, the amount paid to each participant
26 from the Downstate Public Transportation Fund shall be an

1 amount equal to 47% of such participant's eligible operating
2 expenses and shall be increased to 49% in Fiscal Year 1998, 51%
3 in Fiscal Year 1999, 53% in Fiscal Year 2000, ~~and~~ 55% in Fiscal
4 Years Year 2001 through 2007, and 65% in Fiscal Year 2008 and
5 thereafter; however, in any year that a participant receives
6 funding under subsection (i) of Section 2705-305 of the
7 Department of Transportation Law (20 ILCS 2705/2705-305), that
8 participant shall be eligible only for assistance equal to the
9 following percentage of its eligible operating expenses: 42% in
10 Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year
11 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and
12 thereafter. Any such payment for the third and fourth quarters
13 of any fiscal year shall be adjusted to reflect actual eligible
14 operating expenses for preceding quarters of such fiscal year.
15 However, no participant shall receive an amount less than that
16 which was received in the immediate prior year, provided in the
17 event of a shortfall in the fund those participants receiving
18 less than their full allocation pursuant to Section 2-6 of this
19 Article shall be the first participants to receive an amount
20 not less than that received in the immediate prior year.

21 (b-5) (Blank.) ~~With respect to the District serving~~
22 ~~primarily the counties of Monroe and St. Clair, beginning July~~
23 ~~1, 2005 and each fiscal year thereafter, the District may, as~~
24 ~~an alternative to the provisions of subsection (b) of Section~~
25 ~~2-7, file a request with the Department for a monthly payment~~
26 ~~of 1/12 of the amount appropriated to the District for that~~

~~fiscal year; except that, for the final month of the fiscal year, the District's request shall be in an amount such that the total payments made to the District in that fiscal year do not exceed the lesser of (i) 55% of the District's eligible operating expenses for that fiscal year or (ii) the total amount appropriated to the District for that fiscal year.~~

(b-10) On July 1, 2008, each participant shall receive an appropriation in an amount equal to 65% of its fiscal year 2008 eligible operating expenses adjusted by the annual 10% increase required by Section 2-2.04 of this Act. In no case shall any participant receive an appropriation that is less than its fiscal year 2008 appropriation. Every fiscal year thereafter, each participant's appropriation shall increase by 10% over the appropriation established for the preceding fiscal year as required by Section 2-2.04 of this Act.

(b-15) Beginning on July 1, 2007, and for each fiscal year thereafter, each participant shall maintain a minimum local share contribution (from farebox and all other local revenues) equal to the actual amount provided in Fiscal Year 2006 or, for new recipients, an amount equivalent to the local share provided in the first year of participation.

(b-20) Any participant in the Downstate Public Transportation Fund may use State operating assistance pursuant to this Section to provide transportation services within any county that is contiguous to its territorial boundaries as defined by the Department and subject to

1 Departmental approval. Any such contiguous-area service
2 provided by a participant after July 1, 2007 must meet the
3 requirements of subsection (a) of Section 2-5.1.

4 (c) No later than 180 days following the last day of the
5 Fiscal Year each participant shall provide the Department with
6 an audit prepared by a Certified Public Accountant covering
7 that Fiscal Year. For those participants other than a
8 Metro-East Transit District, any discrepancy between the
9 grants paid and the percentage of the eligible operating
10 expenses provided for by paragraph (b) of this Section shall be
11 reconciled by appropriate payment or credit. In the case of any
12 Metro-East Transit District, any amount of payments from the
13 Metro-East Public Transportation Fund which exceed the
14 eligible deficit of the participant shall be reconciled by
15 appropriate payment or credit.

16 (Source: P.A. 94-70, eff. 6-22-05.)

17 (30 ILCS 740/2-15) (from Ch. 111 2/3, par. 675.1)

18 Sec. 2-15. Except as otherwise provided in this Section,
19 all funds which remain in the Downstate Public Transportation
20 Fund or the Metro-East Public Transportation Fund after the
21 payment of the fourth quarterly payment to participants other
22 than Metro-East Transit District participants and the last
23 monthly payment to Metro-East Transit participants in each
24 fiscal year shall be transferred (i) to the General Revenue
25 Fund through fiscal year 2008 and (ii) to the Downstate Transit

1 Improvement Fund for fiscal year 2009 and each fiscal year
2 thereafter. Transfers shall be made no later than 90 days
3 following the end of such fiscal year. Beginning fiscal year
4 2010, all moneys each year in the Downstate Transit Improvement
5 Fund, held solely for the benefit of the participants in the
6 Downstate Public Transportation Fund and shall be appropriated
7 to the Department to make competitive capital grants to the
8 participants of the respective funds. However, such amount as
9 the Department determines to be necessary for (1) allocation to
10 participants for the purposes of Section 2-7 for the first
11 quarter of the succeeding fiscal year and (2) an amount equal
12 to 2% of the total allocations to participants in the fiscal
13 year just ended to be used for the purpose of audit adjustments
14 shall be retained in such Funds to be used by the Department
15 for such purposes.

16 (Source: P.A. 86-590.)

17 Section 8. The Illinois Pension Code is amended by changing
18 Section 22-101 and by adding Section 22-101B as follows:

19 (40 ILCS 5/22-101) (from Ch. 108 1/2, par. 22-101)

20 Sec. 22-101. Retirement Plan for Chicago Transit Authority
21 Employees. ~~Metropolitan Transit Authority (CTA) Pension Fund.~~

22 (a) There shall be established and maintained by the
23 Authority created by the "Metropolitan Transit Authority Act",
24 approved April 12, 1945, as amended, (referred to in this

1 Section as the "Authority") a financially sound pension and
2 retirement system adequate to provide for all payments when due
3 under such established system or as modified from time to time
4 by ordinance of the Chicago Transit Board or collective
5 bargaining agreement. For this purpose, the Board must make
6 contributions to the established system as required under this
7 Section and may make any additional contributions provided for
8 by Board ordinance or collective bargaining agreement. The
9 participating employees shall make such periodic payments to
10 the established system as required under this Section and may
11 make any additional contributions provided for ~~may be~~
12 ~~determined~~ by Board ordinance or collective bargaining
13 agreement. ~~The Board, in lieu of social security payments~~
14 ~~required to be paid by private corporations engaged in similar~~
15 ~~activity, shall make payments into such established system at~~
16 ~~least equal in amount to the amount so required to be paid by~~
17 ~~such private corporations.~~

18 Provisions shall be made by the Board for all ~~Board~~
19 ~~members,~~ officers and employees of the Authority appointed
20 pursuant to the "Metropolitan Transit Authority Act" to become,
21 subject to reasonable rules and regulations, participants
22 ~~members or beneficiaries~~ of the pension or retirement system
23 with uniform rights, privileges, obligations and status as to
24 the class in which such officers and employees belong. The
25 terms, conditions and provisions of any pension or retirement
26 system or of any amendment or modification thereof affecting

1 employees who are members of any labor organization may be
2 established, amended or modified by agreement with such labor
3 organization, provided the terms, conditions and provisions
4 must be consistent with this Act, the annual funding levels for
5 the retirement system established by law must be met and the
6 benefits paid to future participants in the system may not
7 exceed the benefit ceilings set for future participants under
8 this Act and the contribution levels required by the Authority
9 and its employees may not be less than the contribution levels
10 established under this Act ~~but must be consistent with the~~
11 ~~requirements of this Section.~~

12 (b) The Board of Trustees shall consist of 11 members
13 appointed as follows: (i) 5 trustees shall be appointed by the
14 Chicago Transit Board; (ii) 3 trustees shall be appointed by an
15 organization representing the highest number of Chicago
16 Transit Authority participants; (iii) one trustee shall be
17 appointed by an organization representing the second-highest
18 number of Chicago Transit Authority participants; (iv) one
19 trustee shall be appointed by the recognized coalition
20 representatives of participants who are not represented by an
21 organization with the highest or second-highest number of
22 Chicago Transit Authority participants; and (v) one trustee
23 shall be selected by the Regional Transportation Authority
24 Board of Directors, and the trustee shall be a professional
25 fiduciary who has experience in the area of collectively
26 bargained pension plans. Trustees shall serve until a successor

1 has been appointed and qualified, or until resignation, death,
2 incapacity, or disqualification.

3 Any person appointed as a trustee of the board shall
4 qualify by taking an oath of office that he or she will
5 diligently and honestly administer the affairs of the system
6 and will not knowingly violate or willfully permit the
7 violation of any of the provisions of law applicable to the
8 Plan, including Sections 1-109, 1-109.1, 1-109.2, 1-110,
9 1-111, 1-114, and 1-115 of the Illinois Pension Code.

10 Each trustee shall cast individual votes, and a majority
11 vote shall be final and binding upon all interested parties,
12 provided that the Board of Trustees may require a supermajority
13 vote with respect to the investment of the assets of the
14 Retirement Plan, and may set forth that requirement in the
15 Retirement Plan documents, by-laws, or rules of the Board of
16 Trustees. Each trustee shall have the rights, privileges,
17 authority, and obligations as are usual and customary for such
18 fiduciaries.

19 The Board of Trustees may cause amounts on deposit in the
20 Retirement Plan to be invested in those investments that are
21 permitted investments for the investment of moneys held under
22 any one or more of the pension or retirement systems of the
23 State, any unit of local government or school district, or any
24 agency or instrumentality thereof. The Board, by a vote of at
25 least two-thirds of the trustees, may transfer investment
26 management to the Illinois State Board of Investment, which is

1 hereby authorized to manage these investments when so requested
2 by the Board of Trustees.

3 (c) All individuals who were previously participants in the
4 Retirement Plan for Chicago Transit Authority Employees shall
5 remain participants, and shall receive the same benefits
6 established by the Retirement Plan for Chicago Transit
7 Authority Employees, except as provided in this amendatory Act
8 or by subsequent legislative enactment or amendment to the
9 Retirement Plan. For Authority employees hired on or after the
10 effective date of this amendatory Act of the 95th General
11 Assembly, the Retirement Plan for Chicago Transit Authority
12 Employees shall be the exclusive retirement plan and such
13 employees shall not be eligible for any supplemental plan,
14 except for a deferred compensation plan funded only by employee
15 contributions.

16 For all Authority employees who are first hired on or after
17 the effective date of this amendatory Act of the 95th General
18 Assembly and are participants in the Retirement Plan for
19 Chicago Transit Authority Employees, the following terms,
20 conditions and provisions with respect to retirement shall be
21 applicable:

22 (1) Such participant shall be eligible for an unreduced
23 retirement allowance for life upon the attainment of age 64
24 with 25 years of continuous service.

25 (2) Such participant shall be eligible for a reduced
26 retirement allowance for life upon the attainment of age 55

1 with 10 years of continuous service.

2 (3) For the purpose of determining the retirement
3 allowance to be paid to a retiring employee, the term
4 "Continuous Service" as used in the Retirement Plan for
5 Chicago Transit Authority Employees shall also be deemed to
6 include all pension credit for service with any retirement
7 system established under Article 8 or Article 11 of this
8 Code, provided that the employee forfeits and relinquishes
9 all pension credit under Article 8 or Article 11 of this
10 Code, and the contribution required under this subsection
11 is made by the employee. The Retirement Plan's actuary
12 shall determine the contribution paid by the employee as an
13 amount equal to the normal cost of the benefit accrued, had
14 the service been rendered as an employee, plus interest per
15 annum from the time such service was rendered until the
16 date the payment is made.

17 (d) From the effective date of this amendatory Act through
18 December 31, 2008, all participating employees shall
19 contribute to the Retirement Plan in an amount not less than 6%
20 of compensation, and the Authority shall contribute to the
21 Retirement Plan in an amount not less than 12% of compensation.

22 (e) (1) Beginning January 1, 2009 the Authority shall make
23 contributions to the Retirement Plan in an amount equal to
24 twelve percent (12%) of compensation and participating
25 employees shall make contributions to the Retirement Plan in an
26 amount equal to six percent (6%) of compensation. These

1 contributions may be paid by the Authority and participating
2 employees on a payroll or other periodic basis, but shall in
3 any case be paid to the Retirement Plan at least monthly.

4 (2) For the period ending December 31, 2040, the amount
5 paid by the Authority in any year with respect to debt service
6 on bonds issued for the purposes of funding a contribution to
7 the Retirement Plan under Section 12c of the Metropolitan
8 Transit Authority Act, other than debt service paid with the
9 proceeds of bonds or notes issued by the Authority for any year
10 after calendar year 2008, shall be treated as a credit against
11 the amount of required contribution to the Retirement Plan by
12 the Authority under subsection (e) (1) for the following year up
13 to an amount not to exceed 6% of compensation paid by the
14 Authority in that following year.

15 (3) By September 15 of each year beginning in 2009 and
16 ending on December 31, 2039, on the basis of a report prepared
17 by an enrolled actuary retained by the Plan, the Board of
18 Trustees of the Retirement Plan shall determine the estimated
19 funded ratio of the total assets of the Retirement Plan to its
20 total actuarially determined liabilities. A report containing
21 that determination and the actuarial assumptions on which it is
22 based shall be filed with the Authority, the representatives of
23 its participating employees, the Auditor General of the State
24 of Illinois, and the Regional Transportation Authority. If the
25 funded ratio is projected to decline below 60% in any year
26 before 2040, the Board of Trustees shall also determine the

1 increased contribution required each year as a level percentage
2 of payroll over the years remaining until 2040 using the
3 projected unit credit actuarial cost method so the funded ratio
4 does not decline below 60% and include that determination in
5 its report. If the actual funded ratio declines below 60% in
6 any year prior to 2040, the Board of Trustees shall also
7 determine the increased contribution required each year as a
8 level percentage of payroll during the years after the then
9 current year using the projected unit credit actuarial cost
10 method so the funded ratio is projected to reach at least 60%
11 no later than 10 years after the then current year and include
12 that determination in its report. Within 60 days after
13 receiving the report, the Auditor General shall review the
14 determination and the assumptions on which it is based, and if
15 he finds that the determination and the assumptions on which it
16 is based are unreasonable in the aggregate, he shall issue a
17 new determination of the funded ratio, the assumptions on which
18 it is based and the increased contribution required each year
19 as a level percentage of payroll over the years remaining until
20 2040 using the projected unit credit actuarial cost method so
21 the funded ratio does not decline below 60%, or, in the event
22 of an actual decline below 60%, so the funded ratio is
23 projected to reach 60% by no later than 10 years after the then
24 current year. If the Board of Trustees or the Auditor General
25 determine that an increased contribution is required to meet
26 the funded ratio required by the subsection, effective January

1 1 following the determination or 30 days after such
2 determination, whichever is later, one-third of the increased
3 contribution shall be paid by participating employees and
4 two-thirds by the Authority, in addition to the contributions
5 required by this subsection (1).

6 (4) For the period beginning 2040, the minimum contribution
7 to the Retirement Plan for each fiscal year shall be an amount
8 determined by the Board of Trustees of the Retirement Plan to
9 be sufficient to bring the total assets of the Retirement Plan
10 up to 90% of its total actuarial liabilities by the end of
11 2059. Participating employees shall be responsible for
12 one-third of the required contribution and the Authority shall
13 be responsible for two-thirds of the required contribution. In
14 making these determinations, the Board of Trustees shall
15 calculate the required contribution each year as a level
16 percentage of payroll over the years remaining to and including
17 fiscal year 2059 using the projected unit credit actuarial cost
18 method. A report containing that determination and the
19 actuarial assumptions on which it is based shall be filed by
20 September 15 of each year with the Authority, the
21 representatives of its participating employees, the Auditor
22 General of the State of Illinois and the Regional
23 Transportation Authority. If the funded ratio is projected to
24 fail to reach 90% by December 31, 2059, the Board of Trustees
25 shall also determine the increased contribution required each
26 year as a level percentage of payroll over the years remaining

1 until December 31, 2059 using the projected unit credit
2 actuarial cost method so the funded ratio will meet 90% by
3 December 31, 2059 and include that determination in its report.
4 Within 60 days after receiving the report, the Auditor General
5 shall review the determination and the assumptions on which it
6 is based and if he finds that the determination and the
7 assumptions on which it is based are unreasonable in the
8 aggregate, he shall issue a new determination of the funded
9 ratio, the assumptions on which it is based and the increased
10 contribution required each year as a level percentage of
11 payroll over the years remaining until December 31, 2059 using
12 the projected unit credit actuarial cost method so the funded
13 ratio reaches no less than 90% by December 31, 2059. If the
14 Board of Trustees or the Auditor General determine that an
15 increased contribution is required to meet the funded ratio
16 required by this subsection, effective January 1 following the
17 determination or 30 days after such determination, whichever is
18 later, one-third of the increased contribution shall be paid by
19 participating employees and two-thirds by the Authority, in
20 addition to the contributions required by subsection (e) (1).

21 (5) Beginning in 2060, the minimum contribution for each
22 year shall be the amount needed to maintain the total assets of
23 the Retirement Plan at 90% of the total actuarial liabilities
24 of the Plan, and the contribution shall be funded two-thirds by
25 the Authority and one-third by the participating employees in
26 accordance with this subsection.

1 (f) The Authority shall take the steps necessary to comply
2 with Section 414(h) (2) of the Internal Revenue Code of 1986, as
3 amended, to permit the pick-up of employee contributions under
4 subsections (d) and (e) on a tax-deferred basis.

5 (g) The Board of Trustees shall certify to the Governor,
6 the General Assembly, the Auditor General, the Board of the
7 Regional Transportation Authority, and the Authority at least
8 90 days prior to the end of each fiscal year the amount of the
9 required contributions to the retirement system for the next
10 retirement system fiscal year under this Section. The
11 certification shall include a copy of the actuarial
12 recommendations upon which it is based. In addition, copies of
13 the certification shall be sent to the Commission on Government
14 Forecasting and Accountability and the Mayor of Chicago.

15 (h) (1) As to an employee who first becomes entitled to a
16 retirement allowance commencing on or after November 30, 1989,
17 the retirement allowance shall be the amount determined in
18 accordance with the following formula:

19 (A) One percent (1%) of his "Average Annual
20 Compensation in the highest four (4) completed Plan Years"
21 for each full year of continuous service from the date of
22 original employment to the effective date of the Plan; plus

23 (B) One and seventy-five hundredths percent (1.75%) of
24 his "Average Annual Compensation in the highest four (4)
25 completed Plan Years" for each year (including fractions
26 thereof to completed calendar months) of continuous

1 service as provided for in the Retirement Plan for Chicago
2 Transit Authority Employees.

3 Provided, however that:

4 (2) As to an employee who first becomes entitled to a
5 retirement allowance commencing on or after January 1, 1993,
6 the retirement allowance shall be the amount determined in
7 accordance with the following formula:

8 (A) One percent (1%) of his "Average Annual
9 Compensation in the highest four (4) completed Plan Years"
10 for each full year of continuous service from the date of
11 original employment to the effective date of the Plan; plus

12 (B) One and eighty hundredths percent (1.80%) of his
13 "Average Annual Compensation in the highest four (4)
14 completed Plan Years" for each year (including fractions
15 thereof to completed calendar months) of continuous
16 service as provided for in the Retirement Plan for Chicago
17 Transit Authority Employees.

18 Provided, however that:

19 (3) As to an employee who first becomes entitled to a
20 retirement allowance commencing on or after January 1, 1994,
21 the retirement allowance shall be the amount determined in
22 accordance with the following formula:

23 (A) One percent (1%) of his "Average Annual
24 Compensation in the highest four (4) completed Plan Years"
25 for each full year of continuous service from the date of
26 original employment to the effective date of the Plan; plus

1 (B) One and eighty-five hundredths percent (1.85%) of
2 his "Average Annual Compensation in the highest four (4)
3 completed Plan Years" for each year (including fractions
4 thereof to completed calendar months) of continuous
5 service as provided for in the Retirement Plan for Chicago
6 Transit Authority Employees.

7 Provided, however that:

8 (4) As to an employee who first becomes entitled to a
9 retirement allowance commencing on or after January 1, 2000,
10 the retirement allowance shall be the amount determined in
11 accordance with the following formula:

12 (A) One percent (1%) of his "Average Annual
13 Compensation in the highest four (4) completed Plan Years"
14 for each full year of continuous service from the date of
15 original employment to the effective date of the Plan; plus

16 (B) Two percent (2%) of his "Average Annual
17 Compensation in the highest four (4) completed Plan Years"
18 for each year (including fractions thereof to completed
19 calendar months) of continuous service as provided for in
20 the Retirement Plan for Chicago Transit Authority
21 Employees.

22 Provided, however that:

23 (5) As to an employee who first becomes entitled to a
24 retirement allowance commencing on or after January 1, 2001,
25 the retirement allowance shall be the amount determined in
26 accordance with the following formula:

1 (A) One percent (1%) of his "Average Annual
2 Compensation in the highest four (4) completed Plan Years"
3 for each full year of continuous service from the date of
4 original employment to the effective date of the Plan; plus

5 (B) Two and fifteen hundredths percent (2.15%) of his
6 "Average Annual Compensation in the highest four (4)
7 completed Plan Years" for each year (including fractions
8 thereof to completed calendar months) of continuous
9 service as provided for in the Retirement Plan for Chicago
10 Transit Authority Employees.

11 The changes made by this amendatory Act of the 95th General
12 Assembly, to the extent that they affect the rights or
13 privileges of Authority employees that are currently the
14 subject of collective bargaining, have been agreed to between
15 the authorized representatives of these employees and of the
16 Authority prior to enactment of this amendatory Act, as
17 evidenced by a Memorandum of Understanding between these
18 representatives that will be filed with the Secretary of State
19 Index Department and designated as "95-GA-C05". The General
20 Assembly finds and declares that those changes are consistent
21 with 49 U.S.C. 5333(b) (also known as Section 13(c) of the
22 Federal Transit Act) because of this agreement between
23 authorized representatives of these employees and of the
24 Authority, and that any future amendments to the provisions of
25 this amendatory Act of the 95th General Assembly, to the extent
26 those amendments would affect the rights and privileges of

1 Authority employees that are currently the subject of
2 collective bargaining, would be consistent with 49 U.S.C.
3 5333(b) if and only if those amendments were agreed to between
4 these authorized representatives prior to enactment.

5 (i) Early retirement incentive plan; funded ratio.

6 (1) Beginning on the effective date of this Section, no
7 early retirement incentive shall be offered to
8 participants of the Plan unless the Funded Ratio of the
9 Plan is at least 80% or more.

10 (2) For the purposes of this Section, the Funded Ratio
11 shall be the Adjusted Assets divided by the Actuarial
12 Accrued Liability developed in accordance with Statement
13 #25 promulgated by the Government Accounting Standards
14 Board and the actuarial assumptions described in the Plan.
15 The Adjusted Assets shall be calculated based on the
16 methodology described in the Plan.

17 (j) Nothing in this amendatory Act of the 95th General
18 Assembly shall impair the rights or privileges of Authority
19 employees under any other law.

20 ~~(b) Beginning January 1, 2009, the Authority shall make~~
21 ~~contributions to the retirement system in an amount which,~~
22 ~~together with the contributions of participants, interest~~
23 ~~earned on investments, and other income, will meet the cost of~~
24 ~~maintaining and administering the retirement plan in~~
25 ~~accordance with applicable actuarial recommendations and~~
26 ~~assumptions and the requirements of this Section. These~~

1 ~~contributions may be paid on a payroll or other periodic basis,~~
2 ~~but shall in any case be paid at least monthly.~~

3 ~~For retirement system fiscal years 2009 through 2058, the~~
4 ~~minimum contribution to the retirement system to be made by the~~
5 ~~Authority for each fiscal year shall be an amount determined~~
6 ~~jointly by the Authority and the trustee of the retirement~~
7 ~~system to be sufficient to bring the total assets of the~~
8 ~~retirement system up to 90% of its total actuarial liabilities~~
9 ~~by the end of fiscal year 2058. In making these determinations,~~
10 ~~the required Authority contribution shall be calculated each~~
11 ~~year as a level percentage of payroll over the years remaining~~
12 ~~to and including fiscal year 2058 and shall be determined under~~
13 ~~the projected unit credit actuarial cost method. Beginning in~~
14 ~~retirement system fiscal year 2059, the minimum Authority~~
15 ~~contribution for each fiscal year shall be the amount needed to~~
16 ~~maintain the total assets of the retirement system at 90% of~~
17 ~~the total actuarial liabilities of the system.~~

18 ~~For purposes of determining employer contributions and~~
19 ~~actuarial liabilities under this subsection, contributions and~~
20 ~~liabilities relating to health care benefits shall not be~~
21 ~~included. As used in this Section, "retirement system fiscal~~
22 ~~year" means the calendar year, or such other plan year as may~~
23 ~~be defined from time to time in the agreement known as the~~
24 ~~Retirement Plan for Chicago Transit Authority Employees, or its~~
25 ~~successor agreement.~~

26 ~~(c) The Authority and the trustee shall jointly certify to~~

1 ~~the Governor, the General Assembly, and the Board of the~~
2 ~~Regional Transportation Authority on or before November 15 of~~
3 ~~2008 and of each year thereafter the amount of the required~~
4 ~~Authority contributions to the retirement system for the next~~
5 ~~retirement system fiscal year under subsection (b). The~~
6 ~~certification shall include a copy of the actuarial~~
7 ~~recommendations upon which it is based. In addition, copies of~~
8 ~~the certification shall be sent to the Commission on Government~~
9 ~~Forecasting and Accountability, the Mayor of Chicago, the~~
10 ~~Chicago City Council, and the Cook County Board.~~

11 ~~(d) The Authority shall take all actions lawfully available~~
12 ~~to it to separate the funding of health care benefits for~~
13 ~~retirees and their dependents and survivors from the funding~~
14 ~~for its retirement system. The Authority shall endeavor to~~
15 ~~achieve this separation as soon as possible, and in any event~~
16 ~~no later than January 1, 2009.~~

17 ~~(e) This amendatory Act of the 94th General Assembly does~~
18 ~~not affect or impair the right of either the Authority or its~~
19 ~~employees to collectively bargain the amount or level of~~
20 ~~employee contributions to the retirement system.~~

21 (Source: P.A. 94-839, eff. 6-6-06.)

22 (40 ILCS 5/22-101B new)

23 Sec. 22-101B. Health Care Benefits.

24 (a) The Chicago Transit Authority (hereinafter referred to
25 in this Section as the "Authority") shall take all actions

1 lawfully available to it to separate the funding of health care
2 benefits for retirees and their dependents and survivors from
3 the funding for its retirement system. The Authority shall
4 endeavor to achieve this separation as soon as possible, and in
5 any event no later than July 1, 2009.

6 (b) Effective 90 days after the effective date of this
7 amendatory Act of the 95th General Assembly, a Retiree Health
8 Care Trust is established for the purpose of providing health
9 care benefits to eligible retirees and their dependents and
10 survivors in accordance with the terms and conditions set forth
11 in this Section 22-101B. The Retiree Health Care Trust shall be
12 solely responsible for providing health care benefits to
13 eligible retirees and their dependents and survivors by no
14 later than July 1, 2009, but no earlier than January 1, 2009.

15 (1) The Board of Trustees shall consist of 7 members
16 appointed as follows: (i) 3 trustees shall be appointed by
17 the Chicago Transit Board; (ii) one trustee shall be
18 appointed by an organization representing the highest
19 number of Chicago Transit Authority participants; (iii)
20 one trustee shall be appointed by an organization
21 representing the second-highest number of Chicago Transit
22 Authority participants; (iv) one trustee shall be
23 appointed by the recognized coalition representatives of
24 participants who are not represented by an organization
25 with the highest or second-highest number of Chicago
26 Transit Authority participants; and (v) one trustee shall

1 be selected by the Regional Transportation Authority Board
2 of Directors, and the trustee shall be a professional
3 fiduciary who has experience in the area of collectively
4 bargained retiree health plans. Trustees shall serve until
5 a successor has been appointed and qualified, or until
6 resignation, death, incapacity, or disqualification.

7 Any person appointed as a trustee of the board shall
8 qualify by taking an oath of office that he or she will
9 diligently and honestly administer the affairs of the
10 system, and will not knowingly violate or willfully permit
11 the violation of any of the provisions of law applicable to
12 the Plan, including Sections 1-109, 1-109.1, 1-109.2,
13 1-110, 1-111, 1-114, and 1-115 of Article 1 of the Illinois
14 Pension Code.

15 Each trustee shall cast individual votes, and a
16 majority vote shall be final and binding upon all
17 interested parties, provided that the Board of Trustees may
18 require a supermajority vote with respect to the investment
19 of the assets of the Retiree Health Care Trust, and may set
20 forth that requirement in the trust agreement or by-laws of
21 the Board of Trustees. Each trustee shall have the rights,
22 privileges, authority and obligations as are usual and
23 customary for such fiduciaries.

24 (2) The Board of Trustees shall establish and
25 administer a health care benefit program for eligible
26 retirees and their dependents and survivors. The health

1 care benefit program for eligible retirees and their
2 dependents and survivors shall not contain any plan which
3 provides for more than 90% coverage for in-network services
4 or 70% coverage for out-of-network services after any
5 deductible has been paid.

6 (3) The Retiree Health Care Trust shall be administered
7 by the Board of Trustees according to the following
8 requirements:

9 (i) The Board of Trustees may cause amounts on
10 deposit in the Retiree Health Care Trust to be invested
11 in those investments that are permitted investments
12 for the investment of moneys held under any one or more
13 of the pension or retirement systems of the State, any
14 unit of local government or school district, or any
15 agency or instrumentality thereof. The Board, by a vote
16 of at least two-thirds of the trustees, may transfer
17 investment management to the Illinois State Board of
18 Investment, which is hereby authorized to manage these
19 investments when so requested by the Board of Trustees.

20 (ii) The Board of Trustees shall establish and
21 maintain an appropriate funding reserve level which
22 shall not be less than the amount of incurred and
23 unreported claims plus 12 months of expected claims and
24 administrative expenses.

25 (iii) The Board of Trustees shall make an annual
26 assessment of the funding levels of the Retiree Health

1 Care Trust and shall submit a report to the Auditor
2 General at least 90 days prior to the end of the fiscal
3 year. The report shall provide the following:

4 (A) the actuarial present value of projected
5 benefits expected to be paid to current and future
6 retirees and their dependents and survivors;

7 (B) the actuarial present value of projected
8 contributions and trust income plus assets;

9 (C) the reserve required by subsection
10 (b) (3) (ii); and

11 (D) an assessment of whether the actuarial
12 present value of projected benefits expected to be
13 paid to current and future retirees and their
14 dependents and survivors exceeds or is less than
15 the actuarial present value of projected
16 contributions and trust income plus assets in
17 excess of the reserve required by subsection
18 (b) (3) (ii).

19 If the actuarial present value of projected
20 benefits expected to be paid to current and future
21 retirees and their dependents and survivors exceeds
22 the actuarial present value of projected contributions
23 and trust income plus assets in excess of the reserve
24 required by subsection (b) (3) (ii), then the report
25 shall provide a plan of increases in employee, retiree,
26 dependent, or survivor contribution levels, decreases

1 in benefit levels, or both, which is projected to cure
2 the shortfall over a period of not more than 10 years.
3 If the actuarial present value of projected benefits
4 expected to be paid to current and future retirees and
5 their dependents and survivors is less than the
6 actuarial present value of projected contributions and
7 trust income plus assets in excess of the reserve
8 required by subsection (b) (3) (ii), then the report may
9 provide a plan of decreases in employee, retiree,
10 dependent, or survivor contribution levels, increases
11 in benefit levels, or both, to the extent of the
12 surplus.

13 (iv) The Auditor General shall review the report
14 and plan provided in subsection (b) (3) (iii) and issue a
15 determination within 90 days after receiving the
16 report and plan, with a copy of such determination
17 provided to the General Assembly and the Regional
18 Transportation Authority, as follows:

19 (A) In the event of a projected shortfall, if
20 the Auditor General determines that the
21 assumptions stated in the report are not
22 unreasonable in the aggregate and that the plan of
23 increases in employee, retiree, dependent, or
24 survivor contribution levels, decreases in benefit
25 levels, or both, is reasonably projected to cure
26 the shortfall over a period of not more than 10

1 years, then the Board of Trustees shall implement
2 the plan. If the Auditor General determines that
3 the assumptions stated in the report are
4 unreasonable in the aggregate, or that the plan of
5 increases in employee, retiree, dependent, or
6 survivor contribution levels, decreases in benefit
7 levels, or both, is not reasonably projected to
8 cure the shortfall over a period of not more than
9 10 years, then the Board of Trustees shall not
10 implement the plan, the Auditor General shall
11 explain the basis for such determination to the
12 Board of Trustees, and the Auditor General may make
13 recommendations as to an alternative report and
14 plan.

15 (B) In the event of a projected surplus, if the
16 Auditor General determines that the assumptions
17 stated in the report are not unreasonable in the
18 aggregate and that the plan of decreases in
19 employee, retiree, dependent, or survivor
20 contribution levels, increases in benefit levels,
21 or both, is not unreasonable in the aggregate, then
22 the Board of Trustees shall implement the plan. If
23 the Auditor General determines that the
24 assumptions stated in the report are unreasonable
25 in the aggregate, or that the plan of decreases in
26 employee, retiree, dependent, or survivor

1 contribution levels, increases in benefit levels,
2 or both, is unreasonable in the aggregate, then the
3 Board of Trustees shall not implement the plan, the
4 Auditor General shall explain the basis for such
5 determination to the Board of Trustees, and the
6 Auditor General may make recommendations as to an
7 alternative report and plan.

8 (C) The Board of Trustees shall submit an
9 alternative report and plan within 45 days after
10 receiving a rejection determination by the Auditor
11 General. A determination by the Auditor General on
12 any alternative report and plan submitted by the
13 Board of Trustees shall be made within 90 days
14 after receiving the alternative report and plan,
15 and shall be accepted or rejected according to the
16 requirements of this subsection (b)(3)(iv). The
17 Board of Trustees shall continue to submit
18 alternative reports and plans to the Auditor
19 General, as necessary, until a favorable
20 determination is made by the Auditor General.

21 (4) For any retiree who first retires effective on or
22 after the effective date of this amendatory Act of the 95th
23 General Assembly, to be eligible for retiree health care
24 benefits upon retirement, the retiree must be at least 55
25 years of age, retire with 10 or more years of continuous
26 service and satisfy the preconditions established by this

1 amendatory Act in addition to any rules or regulations
2 promulgated by the Board of Trustees. This paragraph (4)
3 shall not apply to a disability allowance.

4 (5) Effective January 1, 2009, the aggregate amount of
5 retiree, dependent and survivor contributions to the cost
6 of their health care benefits shall not exceed more than
7 45% of the total cost of such benefits. The Board of
8 Trustees shall have the discretion to provide different
9 contribution levels for retirees, dependents and survivors
10 based on their years of service, level of coverage or
11 Medicare eligibility, provided that the total contribution
12 from all retirees, dependents, and survivors shall be not
13 more than 45% of the total cost of such benefits. The term
14 "total cost of such benefits" for purposes of this
15 subsection shall be the total amount expended by the
16 retiree health benefit program in the prior plan year, as
17 calculated and certified in writing by the Retiree Health
18 Care Trust's enrolled actuary to be appointed and paid for
19 by the Board of Trustees.

20 (6) Effective 30 days after the establishment of the
21 Retiree Health Care Trust, all employees of the Authority
22 shall contribute to the Retiree Health Care Trust in an
23 amount not less than 3% of compensation.

24 (7) No earlier than January 1, 2009 and no later than
25 July 1, 2009 as the Retiree Health Care Trust becomes
26 solely responsible for providing health care benefits to

1 eligible retirees and their dependents and survivors in
2 accordance with subsection (b) of this Section 22-101B, the
3 Authority shall not have any obligation to provide health
4 care to current or future retirees and their dependents or
5 survivors. Employees, retirees, dependents, and survivors
6 who are required to make contributions to the Retiree
7 Health Care Trust shall make contributions at the level set
8 by the Board of Trustees pursuant to the requirements of
9 this Section 22-101B.

10 Section 10. The Illinois Municipal Code is amended by
11 changing Section 8-3-19 as follows:

12 (65 ILCS 5/8-3-19)

13 Sec. 8-3-19. Home rule real estate transfer taxes.

14 (a) After the effective date of this amendatory Act of the
15 93rd General Assembly and subject to this Section, a home rule
16 municipality may impose or increase a tax or other fee on the
17 privilege of transferring title to real estate, on the
18 privilege of transferring a beneficial interest in real
19 property, and on the privilege of transferring a controlling
20 interest in a real estate entity, as the terms "beneficial
21 interest", "controlling interest", and "real estate entity"
22 are defined in Article 31 of the Property Tax Code. Such a tax
23 or other fee shall hereafter be referred to as a real estate
24 transfer tax.

1 (b) Before adopting a resolution to submit the question of
2 imposing or increasing a real estate transfer tax to
3 referendum, the corporate authorities shall give public notice
4 of and hold a public hearing on the intent to submit the
5 question to referendum. This hearing may be part of a regularly
6 scheduled meeting of the corporate authorities. The notice
7 shall be published not more than 30 nor less than 10 days prior
8 to the hearing in a newspaper of general circulation within the
9 municipality. The notice shall be published in the following
10 form:

11 Notice of Proposed (Increased) Real Estate Transfer
12 Tax for (commonly known name of municipality).

13 A public hearing on a resolution to submit to
14 referendum the question of a proposed (increased) real
15 estate transfer tax for (legal name of the municipality) in
16 an amount of (rate) to be paid by the buyer (seller) of the
17 real estate transferred will be held on (date) at (time) at
18 (location). The current rate of real estate transfer tax
19 imposed by (name of municipality) is (rate).

20 Any person desiring to appear at the public hearing and
21 present testimony to the taxing district may do so.

22 (c) A notice that includes any information not specified
23 and required by this Section is an invalid notice. All hearings
24 shall be open to the public. At the public hearing, the
25 corporate authorities of the municipality shall explain the
26 reasons for the proposed or increased real estate transfer tax

1 and shall permit persons desiring to be heard an opportunity to
2 present testimony within reasonable time limits determined by
3 the corporate authorities. A copy of the proposed ordinance
4 shall be made available to the general public for inspection
5 before the public hearing.

6 (d) Except as provided in subsection (i), no ~~no~~ home rule
7 municipality shall impose a new real estate transfer tax after
8 the effective date of this amendatory Act of 1996 without prior
9 approval by referendum. Except as provided in subsection (i),
10 no ~~no~~ home rule municipality shall impose an increase of the
11 rate of a current real estate transfer tax without prior
12 approval by referendum. A home rule municipality may impose a
13 new real estate transfer tax or may increase an existing real
14 estate transfer tax with prior referendum approval. The
15 referendum shall be conducted as provided in subsection (e). An
16 existing ordinance or resolution imposing a real estate
17 transfer tax may be amended without approval by referendum if
18 the amendment does not increase the rate of the tax or add
19 transactions on which the tax is imposed.

20 (e) The home rule municipality shall, by resolution,
21 provide for submission of the proposition to the voters. The
22 home rule municipality shall certify the resolution and the
23 proposition to the proper election officials in accordance with
24 the general election law. If the proposition is to impose a new
25 real estate transfer tax, it shall be in substantially the
26 following form: "Shall (name of municipality) impose a real

1 estate transfer tax at a rate of (rate) to be paid by the buyer
2 (seller) of the real estate transferred, with the revenue of
3 the proposed transfer tax to be used for (purpose)?". If the
4 proposition is to increase an existing real estate transfer
5 tax, it shall be in the following form: "Shall (name of
6 municipality) impose a real estate transfer tax increase of
7 (percent increase) to establish a new transfer tax rate of
8 (rate) to be paid by the buyer (seller) of the real estate
9 transferred? The current rate of the real estate transfer tax
10 is (rate), and the revenue is used for (purpose). The revenue
11 from the increase is to be used for (purpose).".

12 If a majority of the electors voting on the proposition
13 vote in favor of it, the municipality may impose or increase
14 the municipal real estate transfer tax or fee.

15 (f) Nothing in this amendatory Act of 1996 shall limit the
16 purposes for which real estate transfer tax revenues may be
17 collected or expended.

18 (g) A home rule municipality may not impose real estate
19 transfer taxes other than as authorized by this Section. This
20 Section is a denial and limitation of home rule powers and
21 functions under subsection (g) of Section 6 of Article VII of
22 the Illinois Constitution.

23 (h) Notwithstanding subsection (g) of this Section, any
24 real estate transfer taxes adopted by a municipality at any
25 time prior to January 17, 1997 (the effective date of Public
26 Act 89-701) and any amendments to any existing real estate

1 transfer tax ordinance adopted after that date, in accordance
2 with the law in effect at the time of the adoption of the
3 amendments, are not preempted by this amendatory Act of the
4 93rd General Assembly.

5 (i) Within 6 months after the effective date of this
6 amendatory Act of the 95th General Assembly, by ordinance
7 adopted without a referendum, a home rule municipality with a
8 population in excess of 1,000,000 may increase the rate of an
9 existing real estate transfer tax by a rate of up to \$1.50 for
10 each \$500 of value or fraction thereof, or in the alternative
11 may impose a real estate transfer tax at a rate of up to \$1.50
12 for each \$500 of value or fraction thereof, which may be on the
13 buyer or seller of real estate, or jointly and severally on
14 both, for the sole purpose of providing financial assistance to
15 the Chicago Transit Authority. All amounts collected under such
16 supplemental tax, after fees for costs of collection, shall be
17 provided to the Chicago Transit Authority pursuant to an
18 intergovernmental agreement as promptly as practicable upon
19 their receipt. Such municipality shall file a copy of any
20 ordinance imposing or increasing such tax with the Illinois
21 Department of Revenue and shall file a report with the
22 Department each month certifying the amount paid to the Chicago
23 Transit Authority in the previous month from the proceeds of
24 such tax.

25 (Source: P.A. 93-657, eff. 6-1-04.)

1 Section 15. The Metropolitan Transit Authority Act is
2 amended by changing Sections 15, 28a, 34, and 46 and by adding
3 Sections 12c and 50 as follows:

4 (70 ILCS 3605/12c new)

5 Sec. 12c. Retiree Benefits Bonds and Notes.

6 (a) In addition to all other bonds or notes that it is
7 authorized to issue, the Authority is authorized to issue its
8 bonds or notes for the purposes of providing funds for the
9 Authority to make the deposits described in Section 12c(b)(1)
10 and (2), for refunding any bonds authorized to be issued under
11 this Section, as well as for the purposes of paying costs of
12 issuance, obtaining bond insurance or other credit enhancement
13 or liquidity facilities, paying costs of obtaining related
14 swaps as authorized in the Bond Authorization Act ("Swaps"),
15 providing a debt service reserve fund, paying Debt Service (as
16 defined in paragraph (i) of this Section 12c), and paying all
17 other costs related to any such bonds or notes.

18 (b)(1) After its receipt of a certified copy of a report of
19 the Auditor General of the State of Illinois meeting the
20 requirements of Section 3-2.3 of the Illinois State Auditing
21 Act, the Authority may issue \$1,348,550,000 aggregate original
22 principal amount of bonds and notes. After payment of the costs
23 of issuance and necessary deposits to funds and accounts
24 established with respect to debt service, the net proceeds of
25 such bonds or notes shall be deposited only in the Retirement

1 Plan for Chicago Transit Authority Employees and used only for
2 the purposes required by Section 22-101 of the Illinois Pension
3 Code. Provided that no less than \$1,110,500,000 has been
4 deposited in the Retirement Plan, remaining proceeds of bonds
5 issued under this subparagraph (b) (1) may be used to pay costs
6 of issuance and make necessary deposits to funds and accounts
7 with respect to debt service for bonds and notes issued under
8 this subparagraph or subparagraph (b) (2).

9 (2) After its receipt of a certified copy of a report of
10 the Auditor General of the State of Illinois meeting the
11 requirements of Section 3-2.3 of the Illinois State Auditing
12 Act, the Authority may issue \$639,680,000 aggregate original
13 principal amount of bonds and notes. After payment of the costs
14 of issuance and necessary deposits to funds and accounts
15 established with respect to debt service, the net proceeds of
16 such bonds or notes shall be deposited only in the Retiree
17 Health Care Trust and used only for the purposes required by
18 Section 22-101B of the Illinois Pension Code. Provided that no
19 less than \$528,800,000 has been deposited in the Retiree Health
20 Care Trust, remaining proceeds of bonds issued under this
21 subparagraph (b) (2) may be used to pay costs of issuance and
22 make necessary deposits to funds and accounts with respect to
23 debt service for bonds and notes issued under this subparagraph
24 or subparagraph (b) (1).

25 (3) In addition, refunding bonds are authorized to be
26 issued for the purpose of refunding outstanding bonds or notes

1 issued under this Section 12c.

2 (4) The bonds or notes issued under 12c(b)(1) shall be
3 issued as soon as practicable after the Auditor General issues
4 the report provided in Section 3-2.3(b) of the Illinois State
5 Auditing Act. The bonds or notes issued under 12c(b)(2) shall
6 be issued as soon as practicable after the Auditor General
7 issues the report provided in Section 3-2.3(c) of the Illinois
8 State Auditing Act.

9 (5) With respect to bonds and notes issued under
10 subparagraph (b), scheduled aggregate annual payments of
11 interest or deposits into funds and accounts established for
12 the purpose of such payment shall commence within one year
13 after the bonds and notes are issued. With respect to principal
14 and interest, scheduled aggregate annual payments of principal
15 and interest or deposits into funds and accounts established
16 for the purpose of such payment shall be not less than 70% in
17 2009, 80% in 2010, and 90% in 2011, respectively, of scheduled
18 payments or deposits of principal and interest in 2012 and
19 shall be substantially equal beginning in 2012 and each year
20 thereafter. For purposes of this subparagraph (b),
21 "substantially equal" means that debt service in any full year
22 after calendar year 2011 is not more than 115% of debt service
23 in any other full year after calendar year 2011 during the term
24 of the bonds or notes. For the purposes of this subsection (b),
25 with respect to bonds and notes that bear interest at a
26 variable rate, interest shall be assumed at a rate equal to the

1 rate for United States Treasury Securities - State and Local
2 Government Series for the same maturity, plus 75 basis points.
3 If the Authority enters into a Swap with a counterparty
4 requiring the Authority to pay a fixed interest rate on a
5 notional amount, and the Authority has made a determination
6 that such Swap was entered into for the purpose of providing
7 substitute interest payments for variable interest rate bonds
8 or notes of a particular maturity or maturities in a principal
9 amount equal to the notional amount of the Swap, then during
10 the term of the Swap for purposes of any calculation of
11 interest payable on such bonds or notes, the interest rate on
12 the bonds or notes of such maturity or maturities shall be
13 determined as if such bonds or notes bore interest at the fixed
14 interest rate payable by the Authority under such Swap.

15 (6) No bond or note issued under this Section 12c shall
16 mature later than December 31, 2040.

17 (c) The Chicago Transit Board shall provide for the
18 issuance of bonds or notes as authorized in this Section 12c by
19 the adoption of an ordinance. The ordinance, together with the
20 bonds or notes, shall constitute a contract among the
21 Authority, the owners from time to time of the bonds or notes,
22 any bond trustee with respect to the bonds or notes, any
23 related credit enhancer and any provider of any related Swaps.

24 (d) The Authority is authorized to cause the proceeds of
25 the bonds or notes, and any interest or investment earnings on
26 the bonds or notes, and of any Swaps, to be invested until the

1 proceeds and any interest or investment earnings have been
2 deposited with the Retirement Plan or the Retiree Health Care
3 Trust.

4 (e) Bonds or notes issued pursuant to this Section 12c may
5 be general obligations of the Authority, to which shall be
6 pledged the full faith and credit of the Authority, or may be
7 obligations payable solely from particular sources of funds all
8 as may be provided in the authorizing ordinance. The
9 authorizing ordinance for the bonds and notes, whether or not
10 general obligations of the Authority, may provide for the Debt
11 Service (as defined in paragraph (i) of this Section 12c) to
12 have a claim for payment from particular sources of funds,
13 including, without limitation, amounts to be paid to the
14 Authority or a bond trustee. The authorizing ordinance may
15 provide for the means by which the bonds or notes (and any
16 related Swaps) may be secured, which may include, a pledge of
17 any revenues or funds of the Authority from whatever source
18 which may by law be utilized for paying Debt Service. In
19 addition to any other security, upon the written approval of
20 the Regional Transportation Authority by the affirmative vote
21 of 12 of its then Directors, the ordinance may provide a
22 specific pledge or assignment of and lien on or security
23 interest in amounts to be paid to the Authority by the Regional
24 Transportation Authority and direct payment thereof to the bond
25 trustee for payment of Debt Service with respect to the bonds
26 or notes, subject to the provisions of existing lease

1 agreements of the Authority with any public building
2 commission. The authorizing ordinance may also provide a
3 specific pledge or assignment of and lien on or security
4 interest in and direct payment to the trustee of all or a
5 portion of the moneys otherwise payable to the Authority from
6 the City of Chicago pursuant to an intergovernmental agreement
7 with the Authority to provide financial assistance to the
8 Authority. Any such pledge, assignment, lien or security
9 interest for the benefit of owners of bonds or notes shall be
10 valid and binding from the time the bonds or notes are issued,
11 without any physical delivery or further act, and shall be
12 valid and binding as against and prior to the claims of all
13 other parties having claims of any kind against the Authority
14 or any other person, irrespective of whether such other parties
15 have notice of such pledge, assignment, lien or security
16 interest, all as provided in the Local Government Debt Reform
17 Act, as it may be amended from time to time. The bonds or notes
18 of the Authority issued pursuant to this Section 12c shall have
19 such priority of payment and as to their claim for payment from
20 particular sources of funds, including their priority with
21 respect to obligations of the Authority issued under other
22 Sections of this Act, all as shall be provided in the
23 ordinances authorizing the issuance of the bonds or notes. The
24 ordinance authorizing the issuance of any bonds or notes under
25 this Section may provide for the creation of, deposits in, and
26 regulation and disposition of sinking fund or reserve accounts

1 relating to those bonds or notes and related agreements. The
2 ordinance authorizing the issuance of any such bonds or notes
3 authorized under this Section 12c may contain provisions for
4 the creation of a separate fund to provide for the payment of
5 principal of and interest on those bonds or notes and related
6 agreements. The ordinance may also provide limitations on the
7 issuance of additional bonds or notes of the Authority.

8 (f) Bonds or notes issued under this Section 12c shall not
9 constitute an indebtedness of the Regional Transportation
10 Authority, the State of Illinois, or of any other political
11 subdivision of or municipality within the State, except the
12 Authority.

13 (g) The ordinance of the Chicago Transit Board authorizing
14 the issuance of bonds or notes pursuant to this Section 12c may
15 provide for the appointment of a corporate trustee (which may
16 be any trust company or bank having the powers of a trust
17 company within Illinois) with respect to bonds or notes issued
18 pursuant to this Section 12c. The ordinance shall prescribe the
19 rights, duties, and powers of the trustee to be exercised for
20 the benefit of the Authority and the protection of the owners
21 of bonds or notes issued pursuant to this Section 12c. The
22 ordinance may provide for the trustee to hold in trust, invest
23 and use amounts in funds and accounts created as provided by
24 the ordinance with respect to the bonds or notes in accordance
25 with this Section 12c. The Authority may apply, as it shall
26 determine, any amounts received upon the sale of the bonds or

1 notes to pay any Debt Service on the bonds or notes. The
2 ordinance may provide for a trust indenture to set forth terms
3 of, sources of payment for and security for the bonds and
4 notes.

5 (h) The State of Illinois pledges to and agrees with the
6 owners of the bonds or notes issued pursuant to Section 12c
7 that the State of Illinois will not limit the powers vested in
8 the Authority by this Act to pledge and assign its revenues and
9 funds as security for the payment of the bonds or notes, or
10 vested in the Regional Transportation Authority by the Regional
11 Transportation Authority Act or this Act, so as to materially
12 impair the payment obligations of the Authority under the terms
13 of any contract made by the Authority with those owners or to
14 materially impair the rights and remedies of those owners until
15 those bonds or notes, together with interest and any redemption
16 premium, and all costs and expenses in connection with any
17 action or proceedings by or on behalf of such owners are fully
18 met and discharged. The Authority is authorized to include
19 these pledges and agreements of the State of Illinois in any
20 contract with owners of bonds or notes issued pursuant to this
21 Section 12c.

22 (i) For purposes of this Section, "Debt Service" with
23 respect to bonds or notes includes, without limitation,
24 principal (at maturity or upon mandatory redemption),
25 redemption premium, interest, periodic, upfront, and
26 termination payments on Swaps, fees for bond insurance or other

1 credit enhancement, liquidity facilities, the funding of bond
2 or note reserves, bond trustee fees, and all other costs of
3 providing for the security or payment of the bonds or notes.

4 (j) The Authority shall adopt a procurement program with
5 respect to contracts relating to the following service
6 providers in connection with the issuance of debt for the
7 benefit of the Retirement Plan for Chicago Transit Authority
8 Employees: underwriters, bond counsel, financial advisors, and
9 accountants. The program shall include goals for the payment of
10 not less than 30% of the total dollar value of the fees from
11 these contracts to minority owned businesses and female owned
12 businesses as defined in the Business Enterprise for
13 Minorities, Females, and Persons with Disabilities Act. The
14 Authority shall conduct outreach to minority owned businesses
15 and female owned businesses. Outreach shall include, but is not
16 limited to, advertisements in periodicals and newspapers,
17 mailings, and other appropriate media. The Authority shall
18 submit to the General Assembly a comprehensive report that
19 shall include, at a minimum, the details of the procurement
20 plan, outreach efforts, and the results of the efforts to
21 achieve goals for the payment of fees. The service providers
22 selected by the Authority pursuant to such program shall not be
23 subject to approval by the Regional Transportation Authority,
24 and the Regional Transportation Authority's approval pursuant
25 to subsection (e) of this Section 12c related to the issuance
26 of debt shall not be based in any way on the service providers

1 selected by the Authority pursuant to this Section.

2 (k) No person holding an elective office in this State,
3 holding a seat in the General Assembly, serving as a director,
4 trustee, officer, or employee of the Regional Transportation
5 Authority or the Chicago Transit Authority, including the
6 spouse or minor child of that person, may receive a legal,
7 banking, consulting, or other fee related to the issuance of
8 any bond issued by the Chicago Transit Authority pursuant to
9 this Section.

10 (70 ILCS 3605/15) (from Ch. 111 2/3, par. 315)

11 Sec. 15. The Authority shall have power to apply for and
12 accept grants and loans from the Federal Government or any
13 agency or instrumentality thereof, from the State, or from any
14 county, municipal corporation or other political subdivision
15 of the State to be used for any of the purposes of the
16 Authority, including, but not by way of limitation, grants and
17 loans in aid of mass transportation and for studies in mass
18 transportation, and may provide matching funds when necessary
19 to qualify for such grants or loans. The Authority may enter
20 into any agreement with the Federal Government, the State, and
21 any county, municipal corporation or other political
22 subdivision of the State in relation to such grants or loans;
23 provided that such agreement does not conflict with any of the
24 provisions of any trust agreement securing the payment of bonds
25 or certificates of the Authority.

1 The Authority may also accept from the state, or from any
2 county or other political subdivision, or from any municipal
3 corporation, or school district, or school authorities, grants
4 or other funds authorized by law to be paid to the Authority
5 for any of the purposes of this Act.

6 (Source: Laws 1961, p. 3135.)

7 (70 ILCS 3605/28a) (from Ch. 111 2/3, par. 328a)

8 Sec. 28a. (a) The Board may deal with and enter into
9 written contracts with the employees of the Authority through
10 accredited representatives of such employees or
11 representatives of any labor organization authorized to act for
12 such employees, concerning wages, salaries, hours, working
13 conditions and pension or retirement provisions; provided,
14 nothing herein shall be construed to permit hours of labor in
15 excess of those provided by law or to permit working conditions
16 prohibited by law. In case of dispute over wages, salaries,
17 hours, working conditions, or pension or retirement provisions
18 the Board may arbitrate any question or questions and may agree
19 with such accredited representatives or labor organization
20 that the decision of a majority of any arbitration board shall
21 be final, provided each party shall agree in advance to pay
22 half of the expense of such arbitration.

23 No contract or agreement shall be made with any labor
24 organization, association, group or individual for the
25 employment of members of such organization, association, group

1 or individual for the construction, improvement, maintenance,
2 operation or administration of any property, plant or
3 facilities under the jurisdiction of the Authority, where such
4 organization, association, group or individual denies on the
5 ground of race, creed, color, sex, religion, physical or mental
6 handicap unrelated to ability, or national origin membership
7 and equal opportunities for employment to any citizen of
8 Illinois.

9 (b)(1) The provisions of this paragraph (b) apply to
10 collective bargaining agreements (including extensions and
11 amendments of existing agreements) entered into on or after
12 January 1, 1984.

13 (2) The Board shall deal with and enter into written
14 contracts with their employees, through accredited
15 representatives of such employees authorized to act for such
16 employees concerning wages, salaries, hours, working
17 conditions, and pension or retirement provisions about which a
18 collective bargaining agreement has been entered prior to the
19 effective date of this amendatory Act of 1983. Any such
20 agreement of the Authority shall provide that the agreement may
21 be reopened if the amended budget submitted pursuant to Section
22 2.18a of the Regional Transportation Authority Act is not
23 approved by the Board of the Regional Transportation Authority.
24 The agreement may not include a provision requiring the payment
25 of wage increases based on changes in the Consumer Price Index.
26 The Board shall not have the authority to enter into collective

1 bargaining agreements with respect to inherent management
2 rights, which include such areas of discretion or policy as the
3 functions of the employer, standards of services, its overall
4 budget, the organizational structure and selection of new
5 employees and direction of personnel. Employers, however,
6 shall be required to bargain collectively with regard to policy
7 matters directly affecting wages, hours and terms and
8 conditions of employment, as well as the impact thereon upon
9 request by employee representatives. To preserve the rights of
10 employers and exclusive representatives which have established
11 collective bargaining relationships or negotiated collective
12 bargaining agreements prior to the effective date of this
13 amendatory Act of 1983, employers shall be required to bargain
14 collectively with regard to any matter concerning wages, hours
15 or conditions of employment about which they have bargained
16 prior to the effective date of this amendatory Act of 1983.

17 (3) The collective bargaining agreement may not include a
18 prohibition on the use of part-time operators on any service
19 operated by or funded by the Board, except where prohibited by
20 federal law.

21 (4) Within 30 days of the signing of any such collective
22 bargaining agreement, the Board shall determine the costs of
23 each provision of the agreement, prepare an amended budget
24 incorporating the costs of the agreement, and present the
25 amended budget to the Board of the Regional Transportation
26 Authority for its approval under Section 4.11 of the Regional

1 Transportation Act. The Board of the Regional Transportation
2 Authority may approve the amended budget by an affirmative vote
3 of 12 ~~two-thirds~~ of its then Directors. If the budget is not
4 approved by the Board of the Regional Transportation Authority,
5 the agreement may be reopened and its terms may be
6 renegotiated. Any amended budget which may be prepared
7 following renegotiation shall be presented to the Board of the
8 Regional Transportation Authority for its approval in like
9 manner.

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

11 (70 ILCS 3605/34) (from Ch. 111 2/3, par. 334)

12 Sec. 34. Budget and Program. The Authority, subject to the
13 powers of the Regional Transportation Authority in Section 4.11
14 of the Regional Transportation Authority Act, shall control the
15 finances of the Authority. It shall by ordinance appropriate
16 money to perform the Authority's purposes and provide for
17 payment of debts and expenses of the Authority. Each year the
18 Authority shall prepare and publish a comprehensive annual
19 budget and five-year capital program document, and a financial
20 plan for the 2 years thereafter describing the state of the
21 Authority and presenting for the forthcoming fiscal year and
22 the two following years the Authority's plans for such
23 operations and capital expenditures as it intends to undertake
24 and the means by which it intends to finance them. The proposed
25 budget, ~~and~~ financial plan, and five-year capital program shall

1 be based on the Regional Transportation Authority's estimate of
2 funds to be made available to the Authority by or through the
3 Regional Transportation Authority and shall conform in all
4 respects to the requirements established by the Regional
5 Transportation Authority. The proposed ~~program and~~ budget, financial plan, and five-year capital program shall contain a
6 statement of the funds estimated to be on hand at the beginning
7 of the fiscal year, the funds estimated to be received from all
8 sources for such year and the funds estimated to be on hand at
9 the end of such year. ~~After adoption of the Regional~~
10 ~~Transportation Authority's first Five-Year Program, as~~
11 ~~provided in Section 2.01 of the Regional Transportation~~
12 ~~Authority Act, the proposed program and budget shall~~
13 ~~specifically identify any respect in which the recommended~~
14 ~~program deviates from the Regional Transportation Authority's~~
15 ~~then existing Five Year Program, giving the reasons for such~~
16 ~~deviation.~~ The proposed ~~program and~~ budget, financial plan, and
17 five-year capital program shall be available at no cost for
18 public inspection at the Authority's main office and at the
19 Regional Transportation Authority's main office at least 3
20 weeks prior to any public hearing. Before the proposed budget, and program and financial plan, and five-year capital program
21 ~~and program and~~ financial plan, and five-year capital program
22 are submitted to the Regional Transportation Authority, the
23 Authority shall hold at least one public hearing thereon in
24 each of the counties in which the Authority provides service.
25 All Board members of the Authority shall attend a majority of
26

1 the public hearings unless reasonable cause is given for their
2 absence. After the public hearings, the Board of the Authority
3 shall hold at least one meeting for consideration of the
4 proposed program and budget with the Cook County Board. After
5 conducting such hearings and holding such meetings and after
6 making such changes in the proposed ~~program and~~ budget,
7 financial plan, and five-year capital program as the Board
8 deems appropriate, it shall adopt an annual budget ordinance at
9 least by November 15th preceding the beginning of each fiscal
10 year. The budget, ~~and program, and~~ financial plan, and
11 five-year capital program shall then be submitted to the
12 Regional Transportation Authority as provided in Section 4.11
13 of the Regional Transportation Authority Act. In the event that
14 the Board of the Regional Transportation Authority determines
15 that the budget, ~~and program, and~~ financial plan, and five-year
16 capital program do not meet the standards of said Section 4.11,
17 the Board of the Authority shall make such changes as are
18 necessary to meet such requirements and adopt an amended budget
19 ordinance. The amended budget ordinance shall be resubmitted to
20 the Regional Transportation Authority pursuant to said Section
21 4.11. The ordinance shall appropriate such sums of money as are
22 deemed necessary to defray all necessary expenses and
23 obligations of the Authority, specifying purposes and the
24 objects or programs for which appropriations are made and the
25 amount appropriated for each object or program. Additional
26 appropriations, transfers between items and other changes in

1 such ordinance which do not alter the basis upon which the
2 balanced budget determination was made by the Regional
3 Transportation Authority may be made from time to time by the
4 Board.

5 The budget shall:

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

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

15 (iii) provide for a level of fares or charges and
16 operating or administrative costs for the public
17 transportation provided by or subject to the jurisdiction
18 of the Board sufficient to allow the Board to meet its
19 required system generated revenue recovery ratio as
20 determined in accordance with subsection (a) of Section
21 4.11 of the Regional Transportation Authority Act;

22 (iv) be based upon and employ assumptions and
23 projections which are reasonable and prudent;

24 (v) have been prepared in accordance with sound
25 financial practices as determined by the Board of the
26 Regional Transportation Authority; ~~and~~

1 (vi) meet such other financial, budgetary, or fiscal
2 requirements that the Board of the Regional Transportation
3 Authority may by rule or regulation establish; and -

4 (vii) be consistent with the goals and objectives
5 adopted by the Regional Transportation Authority in the
6 Strategic Plan.

7 The Board shall establish a fiscal operating year. At least
8 thirty days prior to the beginning of the first full fiscal
9 year after the creation of the Authority, and annually
10 thereafter, the Board shall cause to be prepared a tentative
11 budget which shall include all operation and maintenance
12 expense for the ensuing fiscal year. The tentative budget shall
13 be considered by the Board and, subject to any revision and
14 amendments as may be determined, shall be adopted prior to the
15 first day of the ensuing fiscal year as the budget for that
16 year. No expenditures for operations and maintenance in excess
17 of the budget shall be made during any fiscal year except by
18 the affirmative vote of at least five members of the Board. It
19 shall not be necessary to include in the annual budget any
20 statement of necessary expenditures for pensions or retirement
21 annuities, or for interest or principal payments on bonds or
22 certificates, or for capital outlays, but it shall be the duty
23 of the Board to make provision for payment of same from
24 appropriate funds. The Board may not alter its fiscal year
25 without the prior approval of the Board of the Regional
26 Transportation Authority.

1 (Source: P.A. 87-1249.)

2 (70 ILCS 3605/46) (from Ch. 111 2/3, par. 346)

3 Sec. 46. Citizens Advisory Board. The Board shall establish
4 a citizens advisory board composed of 11 residents of those
5 portions of the metropolitan region in which the Authority
6 provides service who have an interest in public transportation,
7 one of whom shall be at least 65 years of age. The members of
8 the advisory board shall be named for 2 year terms, shall
9 select one of their members to serve as chairman and shall
10 serve without compensation. The citizens advisory board shall
11 meet with Board at least quarterly and advise the Board of the
12 impact of its policies and programs on the communities it
13 serves. Appointments to the citizens advisory board should, to
14 the greatest extent possible, reflect the ethnic, cultural, and
15 geographic diversity of all persons residing within the
16 metropolitan region in which the Authority provides service.

17 (Source: P.A. 87-226.)

18 (70 ILCS 3605/50 new)

19 Sec. 50. Disadvantaged Business Enterprise Contracting and
20 Equal Employment Opportunity Programs. The Authority shall, as
21 soon as is practicable but in no event later than two years
22 after the effective date of this amendatory Act of the 95th
23 General Assembly, establish and maintain a disadvantaged
24 business enterprise contracting program designed to ensure

1 non-discrimination in the award and administration of
2 contracts not covered under a federally mandated disadvantaged
3 business enterprise program. The program shall establish
4 narrowly tailored goals for the participation of disadvantaged
5 business enterprises as the Authority determines appropriate.
6 The goals shall be based on demonstrable evidence of the
7 availability of ready, willing, and able disadvantaged
8 business enterprises relative to all businesses ready,
9 willing, and able to participate on the program's contracts.
10 The program shall require the Authority to monitor the progress
11 of the contractors' obligations with respect to the program's
12 goals. Nothing in this program shall conflict with or interfere
13 with the maintenance or operation of, or compliance with, any
14 federally mandated disadvantaged business enterprise program.

15 The Authority shall establish and maintain a program
16 designed to promote equal employment opportunity. Each year, no
17 later than October 1, the Authority shall report to the General
18 Assembly on the number of employees of the Authority and the
19 number of employees who have designated themselves as members
20 of a minority group and gender.

21 Each year no later than October 1, and starting no later
22 than the October 1 after the establishment of the disadvantaged
23 business enterprise contracting program, the Authority shall
24 submit a report with respect to such program to the General
25 Assembly. In addition, no later than October 1 of each year,
26 the Authority shall submit a copy of its federally mandated

1 semi-annual Uniform Report of Disadvantaged Business
2 Enterprises Awards or Commitments and Payments to the General
3 Assembly.

4 Section 20. The Regional Transportation Authority Act is
5 amended by changing Sections 1.02, 2.01, 2.04, 2.05, 2.09,
6 2.12, 2.14, 2.18a, 2.30, 3.01, 3.03, 3.05, 3A.10, 3A.11, 3A.14,
7 3B.02, 3B.03, 3B.05, 3B.07, 3B.09, 3B.10, 3B.11, 3B.12, 3B.13,
8 4.01, 4.02, 4.02a, 4.02b, 4.03, 4.04, 4.09, 4.11, 4.13, 4.14,
9 and 5.01 and by adding Sections 2.01a, 2.01b, 2.01c, 2.01d,
10 2.01e, 2.12b, 2.31, and 4.03.3 as follows:

11 (70 ILCS 3615/1.02) (from Ch. 111 2/3, par. 701.02)

12 Sec. 1.02. Findings and Purpose. (a) The General Assembly
13 finds;

14 (i) Public transportation is, as provided in Section 7 of
15 Article XIII of the Illinois Constitution, an essential public
16 purpose for which public funds may be expended and that Section
17 authorizes the State to provide financial assistance to units
18 of local government for distribution to providers of public
19 transportation. There is an urgent need to reform and continue
20 a unit of local government to assure the proper management of
21 public transportation and to receive and distribute State or
22 federal operating assistance and to raise and distribute
23 revenues for local operating assistance. System generated
24 revenues are not adequate for such service and a public need

1 exists to provide for, aid and assist public transportation in
2 the northeastern area of the State, consisting of Cook, DuPage,
3 Kane, Lake, McHenry and Will Counties.

4 (ii) Comprehensive and coordinated regional public
5 transportation is essential to the public health, safety and
6 welfare. It is essential to economic well-being, maintenance of
7 full employment, conservation of sources of energy and land for
8 open space and reduction of traffic congestion and for
9 providing and maintaining a healthful environment for the
10 benefit of present and future generations in the metropolitan
11 region. Public transportation improves the mobility of the
12 public and improves access to jobs, commercial facilities,
13 schools and cultural attractions. Public transportation
14 decreases air pollution and other environmental hazards
15 resulting from excessive use of automobiles and allows for more
16 efficient land use and planning.

17 (iii) Because system generated receipts are not presently
18 adequate, public transportation facilities and services in the
19 northeastern area are in grave financial condition. With
20 existing methods of financing, coordination and management,
21 and relative convenience of automobiles, such public
22 transportation facilities are not providing adequate public
23 transportation to insure the public health, safety and welfare.

24 (iv) Additional commitments to the ~~special~~ public
25 transportation needs ~~problems~~ of the disabled ~~handicapped~~, the
26 economically disadvantaged, and the elderly are necessary.

1 (v) To solve these problems, it is necessary to provide for
2 the creation of a regional transportation authority with the
3 powers necessary to insure adequate public transportation.

4 (b) The General Assembly further finds, in connection with
5 this amendatory Act of 1983:

6 (i) Substantial, recurring deficits in the operations of
7 public transportation services subject to the jurisdiction of
8 the Regional Transportation Authority and periodic cash
9 shortages have occurred either of which could bring about a
10 loss of public transportation services throughout the
11 metropolitan region at any time;

12 (ii) A substantial or total loss of public transportation
13 services or any segment thereof would create an emergency
14 threatening the safety and well-being of the people in the
15 northeastern area of the State; and

16 (iii) To meet the urgent needs of the people of the
17 metropolitan region that such an emergency be averted and to
18 provide financially sound methods of managing the provision of
19 public transportation services in the northeastern area of the
20 State, it is necessary, while maintaining and continuing the
21 existing Authority, to modify the powers and responsibilities
22 of the Authority, to reallocate responsibility for operating
23 decisions, to change the composition and appointment of the
24 Board of Directors thereof, and to immediately establish a new
25 Board of Directors.

26 (c) The General Assembly further finds in connection with

1 this amendatory Act of the 95th General Assembly:

2 (i) The economic vitality of northeastern Illinois
3 requires regionwide and systemwide efforts to increase
4 ridership on the transit systems, constrain road congestion
5 within the metropolitan region, and allocate resources for
6 transportation so as to assist in the development of an
7 adequate, efficient, and coordinated regional transportation
8 system that is in a state of good repair.

9 (ii) To achieve the purposes of this amendatory Act of the
10 95th General Assembly, the powers and duties of the Authority
11 must be enhanced to improve overall planning and coordination,
12 to achieve an integrated and efficient regional transit system,
13 to advance the mobility of transit users, and to increase
14 financial transparency of the Authority and the Service Boards.

15 (d) ~~(e)~~ It is the purpose of this Act to provide for, aid
16 and assist public transportation in the northeastern area of
17 the State without impairing the overall quality of existing
18 public transportation by providing for the creation of a single
19 authority responsive to the people and elected officials of the
20 area and with the power and competence to develop, implement,
21 and enforce plans that promote adequate, efficient, and
22 coordinated public transportation, provide financial review of
23 the providers of public transportation in the metropolitan
24 region and facilitate public transportation provided by
25 Service Boards which is attractive and economical to users,
26 comprehensive, coordinated among its various elements,

1 economical, safe, efficient and coordinated with area and State
2 plans.

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

4 (70 ILCS 3615/2.01) (from Ch. 111 2/3, par. 702.01)

5 Sec. 2.01. General Allocation of Responsibility for Public
6 Transportation. Provision of Public Transportation — Review
7 and Program.

8 (a) In order to accomplish the its purposes as set forth in
9 this Act, the responsibility for planning, operating, and
10 funding public transportation in the metropolitan region shall
11 be allocated as described in this Act. The Authority shall:

12 (i) adopt plans that implement the public policy of the
13 State to provide adequate, efficient, and coordinated
14 public transportation throughout the metropolitan region;

15 (ii) set goals, objectives, and standards for the
16 Authority, the Service Boards, and transportation
17 agencies;

18 (iii) develop performance measures to inform the
19 public about the extent to which the provision of public
20 transportation in the metropolitan region meets those
21 goals, objectives, and standards;

22 (iv) allocate operating and capital funds made
23 available to support public transportation in the
24 metropolitan region;

25 (v) provide financial oversight of the Service Boards;

1 and
2 (vi) coordinate the provision of public transportation
3 and the investment in public transportation facilities to
4 enhance the integration of public transportation
5 throughout the metropolitan region, all as provided in this
6 Act.

7 The ~~the~~ Service Boards shall, on a continuing basis
8 determine the level, nature and kind of public transportation
9 which should be provided for the metropolitan region in order
10 to meet the plans, goals, objectives, and standards adopted by
11 the Authority. The Service Boards may provide public
12 transportation by purchasing such service from transportation
13 agencies through purchase of service agreements, by grants to
14 such agencies or by operating such service, all pursuant to
15 this Act and the "Metropolitan Transit Authority Act", as now
16 or hereafter amended. Certain of its actions to implement the
17 responsibilities allocated to the Authority in this subsection
18 (a) shall be taken in 3 public documents adopted by the
19 affirmative vote of at least 12 of its then Directors: A
20 Strategic Plan; a Five-Year Capital Program; and an Annual
21 Budget and Two-Year Financial Plan. ~~The Authority shall~~
22 ~~establish a policy to provide adequate public transportation~~
23 ~~throughout the metropolitan region.~~

24 (b) The Authority shall subject the operating and capital
25 plans and expenditures of the Service Boards in the
26 metropolitan region with regard to public transportation to

1 continuing review so that the Authority may budget and expend
2 its funds with maximum effectiveness and efficiency. The
3 Authority shall conduct audits of each of the Service Boards no
4 less than every 5 years. Such audits may include management,
5 performance, financial, and infrastructure condition audits.
6 The Authority may conduct management, performance, financial,
7 and infrastructure condition audits of transportation agencies
8 that receive funds from the Authority. The Authority may direct
9 a Service Board to conduct any such audit of a transportation
10 agency that receives funds from such Service Board, and the
11 Service Board shall comply with such request to the extent it
12 has the right to do so. These audits of the Service Boards or
13 transportation agencies may be project or service specific
14 audits to evaluate their achievement of the goals and
15 objectives of that project or service and their compliance with
16 any applicable requirements. ~~Certain of its recommendations in~~
17 ~~this regard shall be set forth in 2 public documents, the~~
18 ~~Five Year Program provided for in this Section and an Annual~~
19 ~~Budget and Program provided for in Section 4.01.~~

20 ~~(c) The Authority shall, in consultation with the Service~~
21 ~~Boards, each year prepare and, by ordinance, adopt, after~~
22 ~~public hearings held in each county in the metropolitan region,~~
23 ~~a Five Year Program to inform the public and government~~
24 ~~officials of the Authority's objectives and program for~~
25 ~~operations and capital development during the forthcoming~~
26 ~~five year period. The Five Year Program shall set forth the~~

1 ~~standards of service which the public may expect; each Service~~
2 ~~Board's plans for coordinating routes and service of the~~
3 ~~various transportation agencies; the anticipated expense of~~
4 ~~providing public transportation at standards of service then~~
5 ~~existing and under alternative operating programs; the nature,~~
6 ~~location and expense of anticipated capital improvements~~
7 ~~exceeding \$250,000, by specific item and by fiscal year; and~~
8 ~~such demographic and other data developed by planning and other~~
9 ~~related agencies, as the Authority shall consider pertinent to~~
10 ~~the Service Boards' decisions as to levels and nature of~~
11 ~~service, including without limitation the patterns of~~
12 ~~population density and growth, projected commercial and~~
13 ~~residential development, environmental factors and the~~
14 ~~availability of alternative modes of transportation. The~~
15 ~~Five Year Program shall be adopted on the affirmative votes of~~
16 ~~9 of the then Directors.~~

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

18 (70 ILCS 3615/2.01a new)

19 Sec. 2.01a. Strategic Plan.

20 (a) By the affirmative vote of at least 12 of its then
21 Directors, the Authority shall adopt a Strategic Plan, no less
22 than every 5 years, after consultation with the Service Boards
23 and after holding a minimum of 3 public hearings in Cook County
24 and one public hearing in each of the other counties in the
25 region. The Executive Director of the Authority shall review

1 the Strategic Plan on an ongoing basis and make recommendations
2 to the Board of the Authority with respect to any update or
3 amendment of the Strategic Plan. The Strategic Plan shall
4 describe the specific actions to be taken by the Authority and
5 the Service Boards to provide adequate, efficient, and
6 coordinated public transportation.

7 (b) The Strategic Plan shall identify goals and objectives
8 with respect to:

9 (i) increasing ridership and passenger miles on public
10 transportation funded by the Authority;

11 (ii) coordination of public transportation services
12 and the investment in public transportation facilities to
13 enhance the integration of public transportation
14 throughout the metropolitan region;

15 (iii) coordination of fare and transfer policies to
16 promote transfers by riders among Service Boards,
17 transportation agencies, and public transportation modes,
18 which may include goals and objectives for development of a
19 universal fare instrument that riders may use
20 interchangeably on all public transportation funded by the
21 Authority, and methods to be used to allocate revenues from
22 transfers;

23 (iv) improvements in public transportation facilities
24 to bring those facilities into a state of good repair,
25 enhancements that attract ridership and improve customer
26 service, and expansions needed to serve areas with

1 sufficient demand for public transportation;

2 (v) access for transit-dependent populations,
3 including access by low-income communities to places of
4 employment, utilizing analyses provided by the Chicago
5 Metropolitan Agency for Planning regarding employment and
6 transportation availability, and giving consideration to
7 the location of employment centers in each county and the
8 availability of public transportation at off-peak hours
9 and on weekends;

10 (vi) the financial viability of the public
11 transportation system, including both operating and
12 capital programs;

13 (vii) limiting road congestion within the metropolitan
14 region and enhancing transit options to improve mobility;
15 and

16 (viii) such other goals and objectives that advance the
17 policy of the State to provide adequate, efficient, and
18 coordinated public transportation in the metropolitan
19 region.

20 (c) The Strategic Plan shall establish the process and
21 criteria by which proposals for capital improvements by a
22 Service Board or a transportation agency will be evaluated by
23 the Authority for inclusion in the Five-Year Capital Program,
24 which may include criteria for:

25 (i) allocating funds among maintenance, enhancement,
26 and expansion improvements;

1 (ii) projects to be funded from the Innovation,
2 Coordination, and Enhancement Fund;

3 (iii) projects intended to improve or enhance
4 ridership or customer service;

5 (iv) design and location of station or transit
6 improvements intended to promote transfers, increase
7 ridership, and support transit-oriented land development;

8 (v) assessing the impact of projects on the ability to
9 operate and maintain the existing transit system; and

10 (vi) other criteria that advance the goals and
11 objectives of the Strategic Plan.

12 (d) The Strategic Plan shall establish performance
13 standards and measurements regarding the adequacy, efficiency,
14 and coordination of public transportation services in the
15 region and the implementation of the goals and objectives in
16 the Strategic Plan. At a minimum, such standards and measures
17 shall include customer-related performance data measured by
18 line, route, or sub-region, as determined by the Authority, on
19 the following:

20 (i) travel times and on-time performance;

21 (ii) ridership data;

22 (iii) equipment failure rates;

23 (iv) employee and customer safety; and

24 (v) customer satisfaction.

25 The Service Boards and transportation agencies that
26 receive funding from the Authority or Service Boards shall

1 prepare, publish, and submit to the Authority such reports with
2 regard to these standards and measurements in the frequency and
3 form required by the Authority; however, the frequency of such
4 reporting shall be no less than annual. The Service Boards
5 shall publish such reports on their respective websites. The
6 Authority shall compile and publish such reports on its
7 website. Such performance standards and measures shall not be
8 used as the basis for disciplinary action against any employee
9 of the Authority or Service Boards, except to the extent the
10 employment and disciplinary practices of the Authority or
11 Service Board provide for such action.

12 (e) The Strategic Plan shall identify innovations to
13 improve the delivery of public transportation and the
14 construction of public transportation facilities.

15 (f) The Strategic Plan shall describe the expected
16 financial condition of public transportation in the
17 metropolitan region prospectively over a 10-year period, which
18 may include information about the cash position and all known
19 obligations of the Authority and the Service Boards including
20 operating expenditures, debt service, contributions for
21 payment of pension and other post-employment benefits, the
22 expected revenues from fares, tax receipts, grants from the
23 federal, State, and local governments for operating and capital
24 purposes and issuance of debt, the availability of working
25 capital, and the resources needed to achieve the goals and
26 objectives described in the Strategic Plan.

1 (g) In developing the Strategic Plan, the Authority shall
2 rely on such demographic and other data, forecasts, and
3 assumptions developed by the Chicago Metropolitan Agency for
4 Planning with respect to the patterns of population density and
5 growth, projected commercial and residential development, and
6 environmental factors, within the metropolitan region and in
7 areas outside the metropolitan region that may impact public
8 transportation utilization in the metropolitan region. Before
9 adopting or amending any Strategic Plan, the Authority shall
10 consult with the Chicago Metropolitan Agency for Planning
11 regarding the consistency of the Strategic Plan with the
12 Regional Comprehensive Plan adopted pursuant to the Regional
13 Planning Act.

14 (h) The Authority may adopt, by the affirmative vote of at
15 least 12 of its then Directors, sub-regional or corridor plans
16 for specific geographic areas of the metropolitan region in
17 order to improve the adequacy, efficiency, and coordination of
18 existing, or the delivery of new, public transportation. Such
19 plans may also address areas outside the metropolitan region
20 that may impact public transportation utilization in the
21 metropolitan region. In preparing a sub-regional or corridor
22 plan, the Authority may identify changes in operating practices
23 or capital investment in the sub-region or corridor that could
24 increase ridership, reduce costs, improve coordination, or
25 enhance transit-oriented development. The Authority shall
26 consult with any affected Service Boards in the preparation of

1 any sub-regional or corridor plans.

2 (i) If the Authority determines, by the affirmative vote of
3 at least 12 of its then Directors, that, with respect to any
4 proposed new public transportation service or facility, (i)
5 multiple Service Boards or transportation agencies are
6 potential service providers and (ii) the public transportation
7 facilities to be constructed or purchased to provide that
8 service have an expected construction cost of more than
9 \$25,000,000, the Authority shall have sole responsibility for
10 conducting any alternatives analysis and preliminary
11 environmental assessment required by federal or State law.
12 Nothing in this subparagraph (i) shall prohibit a Service Board
13 from undertaking alternatives analysis and preliminary
14 environmental assessment for any public transportation service
15 or facility identified in items (i) and (ii) above that is
16 included in the Five-Year Capital Program as of the effective
17 date of this amendatory Act of the 95th General Assembly;
18 however, any expenditure related to any such public
19 transportation service or facility must be included in a
20 Five-Year Capital Program under the requirements of Sections
21 2.01b and 4.02 of this Act.

22 (70 ILCS 3615/2.01b new)

23 Sec. 2.01b. The Five-Year Capital Program. By the
24 affirmative vote of at least 12 of its then Directors, the
25 Authority, after consultation with the Service Boards and after

1 holding a minimum of 3 public hearings in Cook County and one
2 public hearing in each of the other counties in the
3 metropolitan region, shall each year adopt a Five-Year Capital
4 Program that shall include each capital improvement to be
5 undertaken by or on behalf of a Service Board provided that the
6 Authority finds that the improvement meets any criteria for
7 capital improvements contained in the Strategic Plan, is not
8 inconsistent with any sub-regional or corridor plan adopted by
9 the Authority, and can be funded within amounts available with
10 respect to the capital and operating costs of such improvement.
11 In reviewing proposals for improvements to be included in a
12 Five-Year Capital Program, the Authority may give priority to
13 improvements that are intended to bring public transportation
14 facilities into a state of good repair. The Five-Year Capital
15 Program shall also identify capital improvements to be
16 undertaken by a Service Board, a transportation agency, or a
17 unit of local government and funded by the Authority from
18 amounts in the Innovation, Coordination, and Enhancement Fund,
19 provided that no improvement that is included in the Five-Year
20 Capital Program as of the effective date of this amendatory Act
21 of the 95th General Assembly may receive funding from the
22 Innovation, Coordination, and Enhancement Fund. Before
23 adopting a Five-Year Capital Program, the Authority shall
24 consult with the Chicago Metropolitan Agency for Planning
25 regarding the consistency of the Five-Year Capital Program with
26 the Regional Comprehensive Plan adopted pursuant to the

1 Regional Planning Act.

2 (70 ILCS 3615/2.01c new)

3 Sec. 2.01c. Innovation, Coordination, and Enhancement
4 Fund.

5 (a) The Authority shall establish an Innovation,
6 Coordination, and Enhancement Fund and each year deposit into
7 the Fund the amounts directed by Section 4.03.3 of this Act.
8 Amounts on deposit in such Fund and interest and other earnings
9 on those amounts may be used by the Authority, upon the
10 affirmative vote of 12 of its then Directors, and after a
11 public participation process, for operating or capital grants
12 or loans to Service Boards, transportation agencies, or units
13 of local government that advance the goals and objectives
14 identified by the Authority in its Strategic Plan, provided
15 that no improvement that has been included in a Five-Year
16 Capital Program as of the effective date of this amendatory Act
17 of the 95th General Assembly may receive any funding from the
18 Innovation, Coordination, and Enhancement Fund. Unless the
19 Board has determined by a vote of 12 of its then Directors that
20 an emergency exists requiring the use of some or all of the
21 funds then in the Innovation, Coordination, and Enhancement
22 Fund, such funds may only be used to enhance the coordination
23 and integration of public transportation and develop and
24 implement innovations to improve the quality and delivery of
25 public transportation.

1 (b) Any grantee that receives funds from the Innovation,
2 Coordination, and Enhancement Fund for the operation of
3 eligible programs must (i) implement such programs within one
4 year of receipt of such funds and (ii) within 2 years following
5 commencement of any program utilizing such funds, determine
6 whether it is desirable to continue the program, and upon such
7 a determination, either incorporate such program into its
8 annual operating budget and capital program or discontinue such
9 program. No additional funds from the Innovation,
10 Coordination, and Enhancement Fund may be distributed to a
11 grantee for any individual program beyond 2 years unless the
12 Authority by the affirmative vote of at least 12 of its then
13 Directors waives this limitation. Any such waiver will be with
14 regard to an individual program and with regard to a one
15 year-period, and any further waivers for such individual
16 program require a subsequent vote of the Board.

17 (70 ILCS 3615/2.01d new)

18 Sec. 2.01d. ADA Paratransit Fund. The Authority shall
19 establish an ADA Paratransit Fund and, each year, deposit into
20 that Fund the amounts directed by Section 4.03.3 of this Act
21 and any funds received from the State pursuant to
22 appropriations for the purpose of funding ADA paratransit
23 services. The amounts on deposit in the Fund and interest and
24 other earnings on those amounts shall be used by the Authority
25 to make grants to the Suburban Bus Board for ADA paratransit

1 services provided pursuant to plans approved by the Authority
2 under Section 2.30 of this Act. Funds received by the Suburban
3 Bus Board from the Authority's ADA Paratransit Fund shall be
4 used only to provide ADA paratransit services to individuals
5 who are determined to be eligible for such services by the
6 Authority under the Americans with Disabilities Act of 1990 and
7 its implementing regulations. Revenues from and costs of
8 services provided by the Suburban Bus Board with grants made
9 under this Section shall be included in the Annual Budget and
10 Two-Year Financial Program of the Suburban Bus Board and shall
11 be subject to all budgetary and financial requirements under
12 this Act that apply to ADA paratransit services. Beginning in
13 2008, the Executive Director shall, no later than August 15 of
14 each year, provide to the Board a written determination of the
15 projected annual costs of ADA paratransit services that are
16 required to be provided pursuant to the Americans with
17 Disabilities Act of 1990 and its implementing regulations. The
18 Authority shall conduct triennial financial, compliance, and
19 performance audits of ADA paratransit services to assist in
20 this determination.

21 (70 ILCS 3615/2.01e new)

22 Sec. 2.01e. Suburban Community Mobility Fund. The
23 Authority shall establish a Suburban Community Mobility Fund
24 and, each year, deposit into that Fund the amounts directed by
25 Section 4.03.3 of this Act. The amounts on deposit in the Fund

1 and interest and other earnings on those amounts shall be used
2 by the Authority to make grants to the Suburban Bus Board for
3 the purpose of operating transit services, other than
4 traditional fixed-route services, that enhance suburban
5 mobility, including, but not limited to, demand-responsive
6 transit services, ride sharing, van pooling, service
7 coordination, centralized dispatching and call taking, reverse
8 commuting, service restructuring, and bus rapid transit.
9 Revenues from and costs of services provided by the Suburban
10 Bus Board with moneys from the Suburban Community Mobility Fund
11 shall be included in the Annual Budget and Two-Year Financial
12 Program of the Suburban Bus Board and shall be subject to all
13 budgetary and financial requirements under this Act.

14 (70 ILCS 3615/2.04) (from Ch. 111 2/3, par. 702.04)

15 Sec. 2.04. Fares and Nature of Service.

16 (a) Whenever a Service Board provides any public
17 transportation by operating public transportation facilities,
18 the Service Board shall provide for the level and nature of
19 fares or charges to be made for such services, and the nature
20 and standards of public transportation to be so provided that
21 meet the goals and objectives adopted by the Authority in the
22 Strategic Plan. Provided, however that if the Board adopts a
23 budget and financial plan for a Service Board in accordance
24 with the provisions in Section 4.11(b)(5), the Board may
25 consistent with the terms of any purchase of service contract

1 provide for the level and nature of fares to be made for such
2 services under the jurisdiction of that Service Board, and the
3 nature and standards of public transportation to be so
4 provided.

5 (b) Whenever a Service Board provides any public
6 transportation pursuant to grants made after June 30, 1975, to
7 transportation agencies for operating expenses (other than
8 with regard to experimental programs) or pursuant to any
9 purchase of service agreement, the purchase of service
10 agreement or grant contract shall provide for the level and
11 nature of fares or charges to be made for such services, and
12 the nature and standards of public transportation to be so
13 provided. A Service Board shall require all transportation
14 agencies with which it contracts, or from which it purchases
15 transportation services or to which it makes grants to provide
16 half fare transportation for their student riders if any of
17 such agencies provide for half fare transportation to their
18 student riders.

19 (c) In so providing for the fares or charges and the nature
20 and standards of public transportation, any purchase of service
21 agreements or grant contracts shall provide, among other
22 matters, for the terms or cost of transfers or interconnections
23 between different modes of transportation and different public
24 transportation agencies, schedules or routes of such service,
25 changes which may be made in such service, the nature and
26 condition of the facilities used in providing service, the

1 manner of collection and disposition of fares or charges, the
2 records and reports to be kept and made concerning such
3 service, ~~and~~ for interchangeable tickets or other coordinated
4 or uniform methods of collection of charges, and shall further
5 require that the transportation agency comply with any
6 determination made by the Board of the Authority under and
7 subject to the provisions of Section 2.12b of this Act. In
8 regard to any such service, the Authority and the Service
9 Boards shall give attention to and may undertake programs to
10 promote use of public transportation and to provide coordinated
11 ticket sales and passenger information. In the case of a grant
12 to a transportation agency which remains subject to Illinois
13 Commerce Commission supervision and regulation, the Service
14 Boards shall exercise the powers set forth in this Section in a
15 manner consistent with such supervision and regulation by the
16 Illinois Commerce Commission.

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

18 (70 ILCS 3615/2.05) (from Ch. 111 2/3, par. 702.05)

19 Sec. 2.05. Centralized Services; Acquisition and
20 Construction.

21 (a) The Authority may at the request of two or more Service
22 Boards, serve, or designate a Service Board to serve, as a
23 centralized purchasing agent for the Service Boards so
24 requesting.

25 (b) The Authority may at the request of two or more Service

1 Boards perform other centralized services such as ridership
2 information and transfers between services under the
3 jurisdiction of the Service Boards where such centralized
4 services financially benefit the region as a whole. Provided,
5 however, that the Board may require transfers only upon an
6 affirmative vote of 12 ~~9~~ of its then Directors.

7 (c) A Service Board or the Authority may for the benefit of
8 a Service Board, to meet its purposes, construct or acquire any
9 public transportation facility for use by a Service Board or
10 for use by any transportation agency and may acquire any such
11 facilities from any transportation agency, including also
12 without limitation any reserve funds, employees' pension or
13 retirement funds, special funds, franchises, licenses,
14 patents, permits and papers, documents and records of the
15 agency. In connection with any such acquisition from a
16 transportation agency the Authority may assume obligations of
17 the transportation agency with regard to such facilities or
18 property or public transportation operations of such agency.

19 In connection with any construction or acquisition, the
20 Authority shall make relocation payments as may be required by
21 federal law or by the requirements of any federal agency
22 authorized to administer any federal program of aid.

23 (d) The Authority shall, after consulting with the Service
24 Boards, develop regionally coordinated and consolidated sales,
25 marketing, advertising, and public information programs that
26 promote the use and coordination of, and transfers among,

1 public transportation services in the metropolitan region. The
2 Authority shall develop and adopt, with the affirmative vote of
3 at least 12 of its then Directors, rules and regulations for
4 the Authority and the Service Boards regarding such programs to
5 ensure that the Service Boards' independent programs conform
6 with the Authority's regional programs.

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

8 (70 ILCS 3615/2.09) (from Ch. 111 2/3, par. 702.09)

9 Sec. 2.09. Research and Development.

10 (a) The Authority and the Service Boards shall study public
11 transportation problems and developments; encourage
12 experimentation in developing new public transportation
13 technology, financing methods, and management procedures;
14 conduct, in cooperation with other public and private agencies,
15 studies and demonstration and development projects to test and
16 develop methods for improving public transportation, for
17 reducing its costs to users or for increasing public use; and
18 conduct, sponsor, and participate in other studies and
19 experiments, which may include fare demonstration programs,
20 useful to achieving the purposes of this Act. The cost for any
21 such item authorized by this Section may be exempted by the
22 Board in a budget ordinance from the "costs" included in
23 determining that the Authority and its service boards meet the
24 farebox recovery ratio or system generated revenues recovery
25 ratio requirements of Sections 3A.10, 3B.10, 4.01(b), 4.09 and

1 4.11 of this Act and Section 34 of the Metropolitan Transit
2 Authority Act during the Authority's fiscal year which begins
3 January 1, 1986 and ends December 31, 1986, provided that the
4 cost of any item authorized herein must be specifically
5 approved within the budget adopted pursuant to Sections 4.01
6 and 4.11 of this Act for that fiscal year.

7 (b) To improve public transportation service in areas of
8 the metropolitan region with limited access to commuter rail
9 service, the Authority and the Suburban Bus Division shall
10 evaluate the feasibility of implementing new bus rapid transit
11 services using the expressway and tollway systems in the
12 metropolitan region. The Illinois Department of Transportation
13 and the Illinois Toll Highway Authority shall work
14 cooperatively with the Authority and the Suburban Bus Division
15 in that evaluation and in the implementation of bus rapid
16 transit services. The Authority and the Suburban Bus Division,
17 in cooperation with the Illinois Department of Transportation,
18 shall develop a bus rapid transit demonstration project on
19 Interstate 55 located in Will, DuPage, and Cook Counties. This
20 demonstration project shall test and refine approaches to bus
21 rapid transit operations in the expressway or tollway shoulder
22 or regular travel lanes and shall investigate technology
23 options that facilitate the shared use of the transit lane and
24 provide revenue for financing construction and operation of
25 public transportation facilities.

26 (c) The Suburban Bus Division and the Authority shall

1 cooperate in the development, funding, and operation of
2 programs to enhance access to job markets for residents in
3 south suburban Cook County. Beginning in 2008, the Authority
4 shall allocate to the Suburban Bus Division an amount not less
5 than \$3,750,000, and beginning in 2009 an amount not less than
6 \$7,500,000 annually for the costs of such programs.

7 (Source: P.A. 84-939.)

8 (70 ILCS 3615/2.12) (from Ch. 111 2/3, par. 702.12)

9 Sec. 2.12. Coordination with Planning Agencies. The
10 Authority and the Service Boards shall cooperate with the
11 various public agencies charged with responsibility for
12 long-range or comprehensive planning for the metropolitan
13 region. The Authority shall utilize the official forecasts and
14 plans of the Chicago Metropolitan Agency for Planning in
15 developing the Strategic Plan and the Five-Year Capital
16 Program. The Authority and the Service Boards shall, prior to
17 the adoption of any Strategic Plan, as provided in Section
18 2.01a of this Act, or the adoption of any Five-Year Capital
19 Program, as provided in ~~paragraph (b) of Section 2.01b 2.01~~ of
20 this Act, submit its proposals to such agencies for review and
21 comment. The Authority and the Service Boards may make use of
22 existing studies, surveys, plans, data and other materials in
23 the possession of any State agency or department, any planning
24 agency or any unit of local government.

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

1 (70 ILCS 3615/2.12b new)

2 Sec. 2.12b. Coordination of Fares and Service. Upon the
3 request of a Service Board, the Executive Director of the
4 Authority may, upon the affirmative vote of 9 of the then
5 Directors of the Authority, intervene in any matter involving
6 (i) a dispute between Service Boards or a Service Board and a
7 transportation agency providing service on behalf of a Service
8 Board with respect to the terms of transfer between, and the
9 allocation of revenues from fares and charges for,
10 transportation services provided by the parties or (ii) a
11 dispute between 2 Service Boards with respect to coordination
12 of service, route duplication, or a change in service. Any
13 Service Board or transportation agency involved in such dispute
14 shall meet with the Executive Director, cooperate in good faith
15 to attempt to resolve the dispute, and provide any books,
16 records, and other information requested by the Executive
17 Director. If the Executive Director is unable to mediate a
18 resolution of any dispute, he or she may provide a written
19 determination recommending a change in the fares or charges or
20 the allocation of revenues for such service or directing a
21 change in the nature or provider of service that is the subject
22 of the dispute. The Executive Director shall base such
23 determination upon the goals and objectives of the Strategic
24 Plan established pursuant to Section 2.01a(b). Such
25 determination shall be presented to the Board of the Authority

1 and, if approved by the affirmative vote of at least 9 of the
2 then Directors of the Authority, shall be final and shall be
3 implemented by any affected Service Board and transportation
4 agency within the time frame required by the determination.

5 (70 ILCS 3615/2.14) (from Ch. 111 2/3, par. 702.14)

6 Sec. 2.14. Appointment of Officers and Employees. The
7 Authority may appoint, retain and employ officers, attorneys,
8 agents, engineers and employees. The officers shall include an
9 Executive Director, who shall be the chief executive officer of
10 the Authority, appointed by the Chairman with the concurrence
11 of 11 ~~9~~ of the other then Directors of the Board. The Executive
12 Director shall organize the staff of the Authority, shall
13 allocate their functions and duties, shall transfer such staff
14 to the Suburban Bus Division and the Commuter Rail Division as
15 is sufficient to meet their purposes, shall fix compensation
16 and conditions of employment of the staff of the Authority, and
17 consistent with the policies of and direction from the Board,
18 take all actions necessary to achieve its purposes, fulfill its
19 responsibilities and carry out its powers, and shall have such
20 other powers and responsibilities as the Board shall determine.
21 The Executive Director must be an individual of proven
22 transportation and management skills and may not be a member of
23 the Board. The Authority may employ its own professional
24 management personnel to provide professional and technical
25 expertise concerning its purposes and powers and to assist it

1 in assessing the performance of the Service Boards in the
2 metropolitan region.

3 No unlawful discrimination, as defined and prohibited in
4 the Illinois Human Rights Act, shall be made in any term or
5 aspect of employment nor shall there be discrimination based
6 upon political reasons or factors. The Authority shall
7 establish regulations to insure that its discharges shall not
8 be arbitrary and that hiring and promotion are based on merit.

9 The Authority shall be subject to the "Illinois Human
10 Rights Act", as now or hereafter amended, and the remedies and
11 procedure established thereunder. The Authority shall file an
12 affirmative action program for employment by it with the
13 Department of Human Rights to ensure that applicants are
14 employed and that employees are treated during employment,
15 without regard to unlawful discrimination. Such affirmative
16 action program shall include provisions relating to hiring,
17 upgrading, demotion, transfer, recruitment, recruitment
18 advertising, selection for training and rates of pay or other
19 forms of compensation.

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

21 (70 ILCS 3615/2.18a) (from Ch. 111 2/3, par. 702.18a)

22 Sec. 2.18a. (a) The provisions of this Section apply to
23 collective bargaining agreements (including extensions and
24 amendments to existing agreements) between Service Boards or
25 transportation agencies subject to the jurisdiction of Service

1 Boards and their employees, which are entered into after
2 January 1, 1984.

3 (b) The Authority shall approve amended budgets prepared by
4 Service Boards which incorporate the costs of collective
5 bargaining agreements between Service Boards and their
6 employees. The Authority shall approve such an amended budget
7 provided that it determines by the affirmative vote of 12 ~~9~~ of
8 its then members that the amended budget meets the standards
9 established in Section 4.11.

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

11 (70 ILCS 3615/2.30)

12 Sec. 2.30. Paratransit services.

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

21 (b) Beginning July 1, 2005, the Authority is responsible
22 for the funding, from amounts on deposit in the ADA Paratransit
23 Fund established under Section 2.01d of this Act, financial
24 review and oversight of all ADA paratransit services that are
25 provided by the Authority or by any of the Service Boards. The

1 Suburban Bus Board shall operate or provide for the operation
2 of all ADA paratransit services by no later than July 1, 2006,
3 except that this date may be extended to the extent necessary
4 to obtain approval from the Federal Transit Administration of
5 the plan prepared pursuant to subsection (c).

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

- 24 (1) maintain, at a minimum, the levels of ADA
25 paratransit service that are required to be provided by the
26 Service Boards pursuant to the Americans with Disabilities

1 Act of 1990 and its implementing regulations;

2 (2) transfer the appropriate ADA paratransit services,
3 management, personnel, service contracts and assets from
4 the Chicago Transit Authority to the Authority or the
5 Suburban Bus Board, as necessary, by no later than July 1,
6 2006, except that this date may be extended to the extent
7 necessary to obtain approval from the Federal Transit
8 Administration of the plan prepared pursuant to this
9 subsection (c);

10 (3) provide for consistent policies throughout the
11 metropolitan region for scheduling of ADA paratransit
12 service trips to and from destinations, with consideration
13 of scheduling of return trips on a "will-call" open-ended
14 basis upon request of the rider, if practicable, and with
15 consideration of an increased number of trips available by
16 subscription service than are available as of the effective
17 date of this amendatory Act;

18 (4) provide that service contracts and rates, entered
19 into or set after the approval by the Federal Transit
20 Administration of the plan prepared pursuant to subsection
21 (c) of this Section, with private carriers and taxicabs for
22 ADA paratransit service are procured by means of an open
23 procurement process;

24 (5) provide for fares, fare collection and billing
25 procedures for ADA paratransit services throughout the
26 metropolitan region;

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

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

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

15 (9) provide for a process of determining eligibility
16 for ADA paratransit services that complies with the
17 Americans with Disabilities Act of 1990 and its
18 implementing regulations;

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

21 (11) provide for the creation of one or more ADA
22 advisory boards, or the reconstitution of the existing ADA
23 advisory boards for the Service Boards, to represent the
24 diversity of individuals with disabilities in the
25 metropolitan region and to provide appropriate ongoing
26 input from individuals with disabilities into the

1 operation of ADA paratransit services.

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

13 (e) The Illinois Department of Transportation, the
14 Illinois Department of Public Aid, the Authority, the Suburban
15 Bus Board and the Chicago Transit Authority shall enter into
16 intergovernmental agreements as may be necessary to provide
17 funding and accountability for, and implementation of, the
18 requirements of this Section.

19 (f) By no later than April 1, 2007, the Authority shall
20 develop and submit to the General Assembly and the Governor a
21 funding plan for ADA paratransit services. Approval of such
22 plan by the Authority shall require the affirmative votes of 12
23 ~~9~~ of the then Directors. The funding plan shall, at a minimum,
24 contain an analysis of the current costs of providing ADA
25 paratransit services, projections of the long-term costs of
26 providing ADA paratransit services, identification of and

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

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

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

17 (Source: P.A. 94-370, eff. 7-29-05.)

18 (70 ILCS 3615/2.31 new)

19 Sec. 2.31. Disadvantaged Business Enterprise Contracting
20 and Equal Employment Opportunity Programs. The Authority and
21 each Service Board shall, as soon as is practicable but in no
22 event later than two years after the effective date of this
23 amendatory Act of the 95th General Assembly, establish and
24 maintain a disadvantaged business enterprise contracting
25 program designed to ensure non-discrimination in the award and

1 administration of contracts not covered under a federally
2 mandated disadvantaged business enterprise program. The
3 program shall establish narrowly tailored goals for the
4 participation of disadvantaged business enterprises as the
5 Authority and each Service Board determines appropriate. The
6 goals shall be based on demonstrable evidence of the
7 availability of ready, willing, and able disadvantaged
8 business enterprises relative to all businesses ready,
9 willing, and able to participate on the program's contracts.
10 The program shall require the Authority and each Service Board
11 to monitor the progress of the contractors' obligations with
12 respect to the program's goals. Nothing in this program shall
13 conflict with or interfere with the maintenance or operation
14 of, or compliance with, any federally mandated disadvantaged
15 business enterprise program.

16 The Authority and each Service Board shall establish and
17 maintain a program designed to promote equal employment
18 opportunity. Each year, no later than October 1, the Authority
19 and each Service Board shall report to the General Assembly on
20 the number of their respective employees and the number of
21 their respective employees who have designated themselves as
22 members of a minority group and gender.

23 Each year no later than October 1, and starting no later
24 than the October 1 after the establishment of their
25 disadvantaged business enterprise contracting programs, the
26 Authority and each Service Board shall submit a report with

1 respect to such program to the General Assembly. In addition,
2 each year no later than October 1, the Authority and each
3 Service Board shall submit a copy of its federally mandated
4 semi-annual Uniform Report of Disadvantaged Business
5 Enterprises Awards or Commitments and Payments to the General
6 Assembly.

7 (70 ILCS 3615/3.01) (from Ch. 111 2/3, par. 703.01)

8 Sec. 3.01. Board of Directors. ~~The~~ ~~Upon expiration of the~~
9 ~~term of the members of the Transition Board as provided for in~~
10 ~~Section 3.09,~~ the corporate authorities and governing body of
11 the Authority shall be a Board consisting of 13 Directors until
12 April 1, 2008, and 16 Directors thereafter, appointed as
13 follows:

14 (a) Four Directors appointed by the Mayor of the City of
15 Chicago, with the advice and consent of the City Council of the
16 City of Chicago, and, only until April 1, 2008, a fifth
17 director who shall be the Chairman of the Chicago Transit
18 Authority. After April 1, 2008, the Mayor of the City of
19 Chicago, with the advice and consent of the City Council of the
20 City of Chicago, shall appoint a fifth Director. The Directors
21 appointed by the Mayor of the City of Chicago shall not be the
22 Chairman or a Director of the Chicago Transit Authority. Each
23 such Director shall reside in the City of Chicago ~~except the~~
24 ~~Chairman of the Chicago Transit Authority who shall reside~~
25 ~~within the metropolitan area as defined in the Metropolitan~~

1 ~~Transit Authority Act.~~

2 (b) Four Directors appointed by the votes of a majority of
3 the members of the Cook County Board elected from ~~that part of~~
4 ~~Cook County outside of Chicago, or, in the event such Board of~~
5 ~~Commissioners becomes elected from single member districts, by~~
6 ~~those Commissioners elected from~~ districts, a majority of the
7 electors of which reside outside Chicago. After April 1, 2008,
8 a fifth Director appointed by the President of the Cook County
9 Board with the advice and consent of the members of the Cook
10 County Board. ~~In either case, such appointment shall be with~~
11 ~~the concurrence of four such Commissioners.~~ Each ~~such~~ Director
12 appointed under this subparagraph shall reside in that part of
13 Cook County outside Chicago.

14 (c) Until April 1, 2008, 3 Directors appointed by the
15 Chairmen of the County Boards of DuPage, Kane, Lake, McHenry,
16 and Will Counties, as follows:

17 (i) Two Directors appointed by the Chairmen of the
18 county boards of Kane, Lake, McHenry and Will Counties,
19 with the concurrence of not less than a majority of the
20 Chairmen from such counties, from nominees by the Chairmen.
21 Each such Chairman may nominate not more than 2 persons for
22 each position. Each such Director shall reside in a county
23 in the metropolitan region other than Cook or DuPage
24 Counties.

25 (ii) ~~(d)~~ One Director ~~shall be~~ appointed by the
26 Chairman of the ~~Board of~~ DuPage County Board with the

1 advice and consent of the ~~County Board of~~ DuPage County
2 Board. Such Director ~~and~~ shall reside in DuPage County.

3 (d) After April 1, 2008, 5 Directors appointed by the
4 Chairmen of the County Boards of DuPage, Kane, Lake and McHenry
5 Counties and the County Executive of Will County, as follows:

6 (i) One Director appointed by the Chairman of the Kane
7 County Board with the advice and consent of the Kane County
8 Board. Such Director shall reside in Kane County.

9 (ii) One Director appointed by the County Executive of
10 Will County with the advice and consent of the Will County
11 Board. Such Director shall reside in Will County.

12 (iii) One Director appointed by the Chairman of the
13 DuPage County Board with the advice and consent of the
14 DuPage County Board. Such Director shall reside in DuPage
15 County.

16 (iv) One Director appointed by the Chairman of the Lake
17 County Board with the advice and consent of the Lake County
18 Board. Such Director shall reside in Lake County.

19 (v) One Director appointed by the Chairman of the
20 McHenry County Board with the advice and consent of the
21 McHenry County Board. Such Director shall reside in McHenry
22 County.

23 (vi) To implement the changes in appointing authority
24 under this subparagraph (d) the three Directors appointed
25 under subparagraph (c) and residing in Lake County, DuPage
26 County, and Kane County respectively shall each continue to

1 serve as Director until the expiration of their respective
2 term of office and until his or her successor is appointed
3 and qualified or a vacancy occurs in the office. Thereupon,
4 the appointment shall be made by the officials given
5 appointing authority with respect to the Director whose
6 term has expired or office has become vacant.

7 (e) The Chairman serving on the effective date of this
8 amendatory Act of the 95th General Assembly shall continue to
9 serve as Chairman until the expiration of his or her term of
10 office and until his or her successor is appointed and
11 qualified or a vacancy occurs in the office ~~Before January 1,~~
12 ~~1987, for the term expiring July 1, 1989, the Chairman shall be~~
13 ~~appointed by the Governor. Thereafter the Chairman shall be~~
14 ~~appointed by the other 12 Directors with the concurrence of~~
15 ~~three-fourths of such Directors.~~ Upon the expiration or vacancy
16 of the term of the Chairman then serving upon the effective
17 date of this amendatory Act of the 95th General Assembly, the
18 Chairman shall be appointed by the other Directors, by the
19 affirmative vote of at least 11 of the then Directors with at
20 least 2 affirmative votes from Directors who reside in the City
21 of Chicago, at least 2 affirmative votes from Directors who
22 reside in Cook County outside the City of Chicago, and at least
23 2 affirmative votes from Directors who reside in the Counties
24 of DuPage, Lake, Will, Kane, or McHenry. The chairman shall not
25 be appointed from among the other Directors. The chairman shall
26 be a resident of the metropolitan region.

1 (f) Except as otherwise provided by this Act no Director
2 shall, while serving as such, be an officer, a member of the
3 Board of Directors or Trustees or an employee of any Service
4 Board or transportation agency, or be an employee of the State
5 of Illinois or any department or agency thereof, or of any unit
6 of local government or receive any compensation from any
7 elected or appointed office under the Constitution and laws of
8 Illinois; except that a Director may be a member of a school
9 board.

10 (g) Each appointment made under this Section and under
11 Section 3.03 shall be certified by the appointing authority to
12 the Board, which shall maintain the certifications as part of
13 the official records of the Authority, ~~provided that the~~
14 ~~initial appointments shall be certified to the Secretary of~~
15 ~~State, who shall transmit the certifications to the Board~~
16 ~~following its organization. All appointments made by the~~
17 ~~Governor shall be made with the advice and consent of the~~
18 ~~Senate.~~

19 (h) (Blank). ~~The Board of Directors shall be so appointed~~
20 ~~as to represent the City of Chicago, that part of Cook County~~
21 ~~outside the City of Chicago, and that part of the metropolitan~~
22 ~~region outside Cook County on the one man one vote basis. After~~
23 ~~each Federal decennial census the General Assembly shall review~~
24 ~~the composition of the Board and, if a change is needed to~~
25 ~~comply with this requirement, shall provide for the necessary~~
26 ~~revision by July 1 of the third year after such census.~~

1 ~~Provided, however, that the Chairman of the Chicago Transit~~
2 ~~Authority shall be a Director of the Authority and shall be~~
3 ~~considered as representing the City of Chicago for purposes of~~
4 ~~this paragraph.~~

5 ~~Insofar as may be practicable, the changes in Board~~
6 ~~membership necessary to achieve this purpose shall take effect~~
7 ~~as appropriate members terms expire, no member's term being~~
8 ~~reduced by reason of such revision of the composition of the~~
9 ~~Board.~~

10 (Source: P.A. 83-1417.)

11 (70 ILCS 3615/3.03) (from Ch. 111 2/3, par. 703.03)

12 Sec. 3.03. Terms, vacancies. Each Director, ~~including the~~
13 ~~Chairman, shall be appointed for an initial term as provided~~
14 ~~for in Section 3.10 of this Act. Thereafter, each Director~~
15 shall hold office for a term of 5 years, and until his
16 successor has been appointed and has qualified. A vacancy shall
17 occur upon resignation, death, conviction of a felony, or
18 removal from office of a Director. Any Director may be removed
19 from office upon concurrence of not less than 11 ~~9~~ Directors,
20 on a formal finding of incompetence, neglect of duty, or
21 malfeasance in office. Within 30 days after the office of any
22 member becomes vacant for any reason, the appointing
23 authorities of such member shall make an appointment to fill
24 the vacancy. A vacancy shall be filled for the unexpired term.

25 Whenever ~~After October 1, 1984, whenever~~ a vacancy for a

1 Director, except as to the Chairman or those Directors
2 appointed by ~~the Governor or~~ the Mayor of the City of Chicago,
3 exists for longer than 4 months, the new Director shall be
4 chosen by election by all legislative members in the General
5 Assembly representing the affected area. In order to qualify as
6 a voting legislative member in this matter, the affected area
7 must be more than 50% of the geographic area of the legislative
8 district.

9 (Source: P.A. 86-1475.)

10 (70 ILCS 3615/3.05) (from Ch. 111 2/3, par. 703.05)

11 Sec. 3.05. Meetings. The Board shall prescribe the times
12 and places for meetings and the manner in which special
13 meetings may be called. The Board shall comply in all respects
14 with the "Open Meetings Act", approved July 11, 1957, as now or
15 hereafter amended. All records, documents and papers of the
16 Authority, other than those relating to matters concerning
17 which closed sessions of the Board may be held, shall be
18 available for public examination, subject to such reasonable
19 regulations as the Board may adopt.

20 A majority of the Directors holding office shall constitute
21 a quorum for the conduct of business. Except as otherwise
22 provided in this Act, the affirmative votes of at least 9 ~~7~~
23 Directors shall be necessary for approving any contract or
24 agreement, adopting any rule or regulation, and any other
25 action required by this Act to be taken by resolution or

1 ordinance.

2 The Board shall meet with the Regional Citizens Advisory
3 Board at least once every 4 months.

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

5 (70 ILCS 3615/3A.10) (from Ch. 111 2/3, par. 703A.10)

6 Sec. 3A.10. Budget and Program. The Suburban Bus Board,
7 subject to the powers of the Authority in Section 4.11, shall
8 control the finances of the Division. It shall by ordinance
9 appropriate money to perform the Division's purposes and
10 provide for payment of debts and expenses of the Division. Each
11 year the Suburban Bus Board shall prepare and publish a
12 comprehensive annual budget and proposed five-year capital
13 program document, and a financial plan for the 2 years
14 thereafter describing the state of the Division and presenting
15 for the forthcoming fiscal year and the 2 following years the
16 Suburban Bus Board's plans for such operations and capital
17 expenditures as it intends to undertake and the means by which
18 it intends to finance them. The proposed budget, ~~and~~ financial
19 plan, and five-year capital program shall be based on the
20 Authority's estimate of funds to be made available to the
21 Suburban Bus Board by or through the Authority and shall
22 conform in all respects to the requirements established by the
23 Authority. The proposed ~~program and~~ budget, financial plan, and
24 five-year capital program shall contain a statement of the
25 funds estimated to be on hand at the beginning of the fiscal

1 year, the funds estimated to be received from all sources for
2 such year and the funds estimated to be on hand at the end of
3 such year. ~~After adoption of the Authority's first Five-Year~~
4 ~~Program, as provided in Section 2.01 of this Act, the proposed~~
5 ~~program and budget shall specifically identify any respect in~~
6 ~~which the recommended program deviates from the Authority's~~
7 ~~then existing Five Year Program, giving the reasons for such~~
8 ~~deviation.~~ The fiscal year of the Division shall be the same as
9 the fiscal year of the Authority. Before the proposed budget,
10 ~~and program and financial plan,~~ and five-year capital program
11 are submitted to the Authority, the Suburban Bus Board shall
12 hold at least one public hearing thereon in each of the
13 counties in the metropolitan region in which the Division
14 provides service. The Suburban Bus Board shall hold at least
15 one meeting for consideration of the proposed ~~program and~~
16 ~~budget,~~ financial plan, and five-year capital program with the
17 county board of each of the several counties in the
18 metropolitan region in which the Division provides service.
19 After conducting such hearings and holding such meetings and
20 after making such changes in the proposed ~~program and~~ budget,
21 financial plan, and five-year capital program as the Suburban
22 Bus Board deems appropriate, it shall adopt an annual budget
23 ordinance at least by November 15 next preceding the beginning
24 of each fiscal year. The budget, ~~and program, and~~ financial
25 ~~plan,~~ and five-year capital program shall then be submitted to
26 the Authority as provided in Section 4.11. In the event that

1 the Board of the Authority determines that the budget ~~and~~
2 ~~program,~~ and financial plan do not meet the standards of
3 Section 4.11, the Suburban Bus Board shall make such changes as
4 are necessary to meet such requirements and adopt an amended
5 budget ordinance. The amended budget ordinance shall be
6 resubmitted to the Authority pursuant to Section 4.11. The
7 ordinance shall appropriate such sums of money as are deemed
8 necessary to defray all necessary expenses and obligations of
9 the Division, specifying purposes and the objects or programs
10 for which appropriations are made and the amount appropriated
11 for each object or program. Additional appropriations,
12 transfers between items and other changes in such ordinance
13 which do not alter the basis upon which the balanced budget
14 determination was made by the Board of the Authority may be
15 made from time to time by the Suburban Bus Board.

16 The budget shall:

17 (i) show a balance between (A) anticipated revenues
18 from all sources including operating subsidies and (B) the
19 costs of providing the services specified and of funding
20 any operating deficits or encumbrances incurred in prior
21 periods, including provision for payment when due of
22 principal and interest on outstanding indebtedness;

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

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

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

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

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

13 (vi) meet such other uniform financial, budgetary, or
14 fiscal requirements that the Board of the Authority may by
15 rule or regulation establish; and -

16 (vii) be consistent with the goals and objectives
17 adopted by the Regional Transportation Authority in the
18 Strategic Plan.

19 (Source: P.A. 94-370, eff. 7-29-05.)

20 (70 ILCS 3615/3A.11) (from Ch. 111 2/3, par. 703A.11)

21 Sec. 3A.11. Citizens Advisory Board. The Suburban Bus Board
22 shall establish a citizens advisory board composed of 10
23 residents of those portions of the metropolitan region in which
24 the Suburban Bus Board provides service who have an interest in
25 public transportation. The members of the advisory board shall

1 be named for 2 year terms, shall select one of their members to
2 serve as chairman and shall serve without compensation. The
3 citizens advisory board shall meet with the Suburban Bus Board
4 at least quarterly and advise the Suburban Bus Board of the
5 impact of its policies and programs on the communities it
6 serves. Appointments to the citizens advisory board should, to
7 the greatest extent possible, reflect the ethnic, cultural, and
8 geographic diversity of all persons residing within the
9 Suburban Bus Board's jurisdiction.

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

11 (70 ILCS 3615/3A.14) (from Ch. 111 2/3, par. 703A.14)

12 Sec. 3A.14. Labor. (a) The provisions of this Section apply
13 to collective bargaining agreements (including extensions and
14 amendments of existing agreements) entered into on or after
15 January 1, 1984.

16 (b) The Suburban Bus Board shall deal with and enter into
17 written contracts with their employees, through accredited
18 representatives of such employees authorized to act for such
19 employees concerning wages, salaries, hours, working
20 conditions, and pension or retirement provisions about which a
21 collective bargaining agreement has been entered prior to the
22 effective date of this amendatory Act of 1983. Any such
23 agreement of the Suburban Bus Board shall provide that the
24 agreement may be reopened if the amended budget submitted
25 pursuant to Section 2.18a of this Act is not approved by the

1 Board of the Authority. The agreement may not include a
2 provision requiring the payment of wage increases based on
3 changes in the Consumer Price Index. The Suburban Bus Board
4 shall not have the authority to enter collective bargaining
5 agreements with respect to inherent management rights, which
6 include such areas of discretion or policy as the functions of
7 the employer, standards of services, its overall budget, the
8 organizational structure and selection of new employees and
9 direction of personnel. Employers, however, shall be required
10 to bargain collectively with regard to policy matters directly
11 affecting wages, hours and terms and conditions of employment,
12 as well as the impact thereon, upon request by employee
13 representatives. To preserve the rights of employers and
14 exclusive representatives which have established collective
15 bargaining relationships or negotiated collective bargaining
16 agreements prior to the effective date of this amendatory Act
17 of 1983, employers shall be required to bargain collectively
18 with regard to any matter concerning wages, hours or conditions
19 of employment about which they have bargained prior to the
20 effective date of this amendatory Act of 1983.

21 (c) The collective bargaining agreement may not include a
22 prohibition on the use of part-time operators on any service
23 operated by the Suburban Bus Board except where prohibited by
24 federal law.

25 (d) Within 30 days of the signing of any such collective
26 bargaining agreement, the Suburban Bus Board shall determine

1 the costs of each provision of the agreement, prepare an
2 amended budget incorporating the costs of the agreement, and
3 present the amended budget to the Board of the Authority for
4 its approval under Section 4.11. The Board may approve the
5 amended budget by an affirmative vote of 12 ~~9~~ of its then
6 Directors. If the budget is not approved by the Board of the
7 Authority, the agreement may be reopened and its terms may be
8 renegotiated. Any amended budget which may be prepared
9 following renegotiation shall be presented to the Board of the
10 Authority for its approval in like manner.

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

12 (70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

13 Sec. 3B.02. Commuter Rail Board.

14 (a) Until April 1, 2008, the ~~The~~ governing body of the
15 Commuter Rail Division shall be a board consisting of 7
16 directors appointed pursuant to Sections 3B.03 and 3B.04, as
17 follows:

18 (1) ~~(a)~~ One director shall be appointed by the Chairman
19 of the Board of DuPage County with the advice and consent
20 of the County Board of DuPage County and shall reside in
21 DuPage County. ~~†~~

22 (2) ~~(b)~~ Two directors appointed by the Chairmen of the
23 County Boards of Kane, Lake, McHenry and Will Counties with
24 the concurrence of not less than a majority of the chairmen
25 from such counties, from nominees by the Chairmen. Each

1 such chairman may nominate not more than two persons for
2 each position. Each such director shall reside in a county
3 in the metropolitan region other than Cook or DuPage
4 County.

5 (3) ~~(e)~~ Three directors appointed by the members of the
6 Cook County Board elected from that part of Cook County
7 outside of Chicago, or, in the event such Board of
8 Commissioners becomes elected from single member
9 districts, by those Commissioners elected from districts,
10 a majority of the residents of which reside outside
11 Chicago. In either case, such appointment shall be with the
12 concurrence of four such Commissioners. Each such director
13 shall reside in that part of Cook County outside Chicago.

14 (4) ~~(d)~~ One director appointed by the Mayor of the City
15 of Chicago, with the advice and consent of the City Council
16 of the City of Chicago. Such director shall reside in the
17 City of Chicago.

18 (5) The chairman shall be appointed by the directors,
19 from the members of the board, with the concurrence of 5 of
20 such directors.

21 (b) After April 1, 2008 the governing body of the Commuter
22 Rail Division shall be a board consisting of 11 directors
23 appointed, pursuant to Sections 3B.03 and 3B.04, as follows:

24 (1) One Director shall be appointed by the Chairman of
25 the DuPage County Board with the advice and consent of the
26 DuPage County Board and shall reside in DuPage County. To

1 implement the changes in appointing authority under this
2 Section, upon the expiration of the term of or vacancy in
3 office of the Director appointed under item (1) of
4 subsection (a) of this Section who resides in DuPage
5 County, a Director shall be appointed under this
6 subparagraph.

7 (2) One Director shall be appointed by the Chairman of
8 the McHenry County Board with the advice and consent of the
9 McHenry County Board and shall reside in McHenry County. To
10 implement the change in appointing authority under this
11 Section, upon the expiration of the term of or vacancy in
12 office of the Director appointed under item (2) of
13 subsection (a) of this Section who resides in McHenry
14 County, a Director shall be appointed under this
15 subparagraph.

16 (3) One Director shall be appointed by the Will County
17 Executive with the advice and consent of the Will County
18 Board and shall reside in Will County. To implement the
19 change in appointing authority under this Section, upon the
20 expiration of the term of or vacancy in office of the
21 Director appointed under item (2) of subsection (a) of this
22 Section who resides in Will County, a Director shall be
23 appointed under this subparagraph.

24 (4) One Director shall be appointed by the Chairman of
25 the Lake County Board with the advice and consent of the
26 Lake County Board and shall reside in Lake County.

1 (5) One Director shall be appointed by the Chairman of
2 the Kane County Board with the advice and consent of the
3 Kane County Board and shall reside in Kane County.

4 (6) One Director shall be appointed by the Mayor of the
5 City of Chicago with the advice and consent of the City
6 Council of the City of Chicago and shall reside in the City
7 of Chicago. To implement the changes in appointing
8 authority under this Section, upon the expiration of the
9 term of or vacancy in office of the Director appointed
10 under item (4) of subsection (a) of this Section who
11 resides in the City of Chicago, a Director shall be
12 appointed under this subparagraph.

13 (7) Five Directors residing in Cook County outside of
14 the City of Chicago, as follows:

15 (i) One Director who resides in Cook County outside
16 of the City of Chicago, appointed by the President of
17 the Cook County Board with the advice and consent of
18 the members of the Cook County Board.

19 (ii) One Director who resides in the township of
20 Barrington, Palatine, Wheeling, Hanover, Schaumburg,
21 or Elk Grove. To implement the changes in appointing
22 authority under this Section, upon the expiration of
23 the term of or vacancy in office of the Director
24 appointed under paragraph (3) of subsection (a) of this
25 Section who resides in the geographic area described in
26 this subparagraph, a Director shall be appointed under

1 this subparagraph.

2 (iii) One Director who resides in the township of
3 Northfield, New Trier, Maine, Niles, Evanston, Leyden,
4 Norwood Park, River Forest, or Oak Park.

5 (iv) One Director who resides in the township of
6 Proviso, Riverside, Berwyn, Cicero, Lyons, Stickney,
7 Lemont, Palos, or Orland. To implement the changes in
8 appointing authority under this Section, upon the
9 expiration of the term of or vacancy in office of the
10 Director appointed under paragraph (3) of subsection
11 (a) of this Section who resides in the geographic area
12 described in this subparagraph and whose term of office
13 had not expired as of August 1, 2007, a Director shall
14 be appointed under this subparagraph.

15 (v) One Director who resides in the township of
16 Worth, Calumet, Bremen, Thornton, Rich, or Bloom. To
17 implement the changes in appointing authority under
18 this Section, upon the expiration of the term of or
19 vacancy in office of the Director appointed under
20 paragraph (3) of subsection (a) of this Section who
21 resides in the geographic area described in this
22 subparagraph and whose term of office had expired as of
23 August 1, 2007, a Director shall be appointed under
24 this subparagraph.

25 (vi) The Directors identified under the provisions
26 of subparagraphs (ii) through (v) of this paragraph (7)

1 shall be appointed by the members of the Cook County
2 Board. Each individual Director shall be appointed by
3 those members of the Cook County Board whose Board
4 districts overlap in whole or in part with the
5 geographic territory described in the relevant
6 subparagraph. The vote of County Board members
7 eligible to appoint directors under the provisions of
8 subparagraphs (ii) through (v) of this paragraph (7)
9 shall be weighted by the number of electors residing in
10 those portions of their Board districts within the
11 geographic territory described in the relevant
12 subparagraph (ii) through (v) of this paragraph (7).

13 (8) The Chairman shall be appointed by the Directors,
14 from the members of the Board, with the concurrence of 8 of
15 such Directors. To implement the changes in appointing
16 authority under this Section, upon the expiration of the
17 term of or vacancy in office of the Chairman appointed
18 under item (5) of subsection (a) of this Section, a
19 Chairman shall be appointed under this subparagraph.

20 (c) No director, while serving as such, shall be an
21 officer, a member of the board of directors or trustee or an
22 employee of any transportation agency, or be an employee of the
23 State of Illinois or any department or agency thereof, or of
24 any unit of local government or receive any compensation from
25 any elected or appointed office under the Constitution and laws
26 of Illinois.

1 (d) Each appointment made under subsections (a) and (b) of
2 this Section paragraphs (a) through (d) and under Section 3B.03
3 shall be certified by the appointing authority to the Commuter
4 Rail Board which shall maintain the certifications as part of
5 the official records of the Commuter Rail Board, ~~provided that~~
6 ~~the initial appointments shall be certified to the Secretary of~~
7 ~~State, who shall transmit the certifications to the Commuter~~
8 ~~Rail Board following its organization.~~

9 ~~Appointments to the Commuter Rail Board shall be~~
10 ~~apportioned so as to represent the City of Chicago, that part~~
11 ~~of Cook County outside of the City of Chicago, and DuPage~~
12 ~~County and that part of the metropolitan region other than Cook~~
13 ~~and DuPage Counties based on morning boardings of the services~~
14 ~~provided by the Commuter Rail Division as certified to the~~
15 ~~Board of the Authority by the Commuter Rail Board, provided~~
16 ~~however that the Mayor of the City of Chicago shall appoint no~~
17 ~~fewer than 1 member of the Commuter Rail Board. Within two~~
18 ~~years after each federal decennial census, the Board of the~~
19 ~~Authority shall review the composition of the Commuter Rail~~
20 ~~Board and, if change is needed to comply with this requirement,~~
21 ~~shall provide for the necessary reapportionment by July 1 of~~
22 ~~the second year after such census. Insofar as may be~~
23 ~~practicable, the changes in board membership necessary to~~
24 ~~achieve this purpose shall take effect as appropriate members~~
25 ~~terms expire, no member's term being reduced by reason of such~~
26 ~~revision of the composition of the Commuter Rail Board.~~

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

2 (70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

3 Sec. 3B.03. Terms, Vacancies. Each ~~The initial term of the~~
4 ~~director appointed pursuant to subdivision (a) of Section 3B.02~~
5 ~~and the initial term of one of the directors appointed pursuant~~
6 ~~to subdivision (b) of Section 3B.02 shall expire on June 30,~~
7 ~~1985; the initial term of one of the directors appointed~~
8 ~~pursuant to subdivision (b) of Section 3B.02 and the initial~~
9 ~~term of one of the directors appointed pursuant to subdivision~~
10 ~~(c) of Section 3B.02 shall expire on June 30, 1986; the initial~~
11 ~~terms of two of the directors appointed pursuant to subdivision~~
12 ~~(c) of Section 3B.02 shall expire on June 30, 1987; the initial~~
13 ~~term of the director appointed pursuant to subdivision (d) of~~
14 ~~Section 3B.02 shall expire on June 30, 1988. Thereafter, each~~
15 director shall be appointed for a term of 4 years, and until
16 his successor has been appointed and qualified. A vacancy shall
17 occur upon the resignation, death, conviction of a felony, or
18 removal from office of a director. Any director may be removed
19 from office upon the concurrence of not less than 8 ~~6~~
20 directors, on a formal finding of incompetence, neglect of
21 duty, or malfeasance in office. Within 30 days after the office
22 of any director becomes vacant for any reason, the appropriate
23 appointing authorities of such director, as provided in Section
24 3B.02, shall make an appointment to fill the vacancy. A vacancy
25 shall be filled for the unexpired term.

1 (Source: P.A. 84-939.)

2 (70 ILCS 3615/3B.05) (from Ch. 111 2/3, par. 703B.05)

3 Sec. 3B.05. Appointment of officers and employees. The
4 Commuter Rail Board shall appoint an Executive Director who
5 shall be the chief executive officer of the Division,
6 appointed, retained or dismissed with the concurrence of § 6 of
7 the directors of the Commuter Rail Board. The Executive
8 Director shall appoint, retain and employ officers, attorneys,
9 agents, engineers, employees and shall organize the staff,
10 shall allocate their functions and duties, fix compensation and
11 conditions of employment, and consistent with the policies of
12 and direction from the Commuter Rail Board take all actions
13 necessary to achieve its purposes, fulfill its
14 responsibilities and carry out its powers, and shall have such
15 other powers and responsibilities as the Commuter Rail Board
16 shall determine. The Executive Director shall be an individual
17 of proven transportation and management skills and may not be a
18 member of the Commuter Rail Board. The Division may employ its
19 own professional management personnel to provide professional
20 and technical expertise concerning its purposes and powers and
21 to assist it in assessing the performance of transportation
22 agencies in the metropolitan region.

23 No unlawful discrimination, as defined and prohibited in
24 the Illinois Human Rights Act, shall be made in any term or
25 aspect of employment nor shall there be discrimination based

1 upon political reasons or factors. The Commuter Rail Board
2 shall establish regulations to insure that its discharges shall
3 not be arbitrary and that hiring and promotion are based on
4 merit.

5 The Division shall be subject to the "Illinois Human Rights
6 Act", as now or hereafter amended, and the remedies and
7 procedure established thereunder. The Commuter Rail Board
8 shall file an affirmative action program for employment by it
9 with the Department of Human Rights to ensure that applicants
10 are employed and that employees are treated during employment,
11 without regard to unlawful discrimination. Such affirmative
12 action program shall include provisions relating to hiring,
13 upgrading, demotion, transfer, recruitment, recruitment
14 advertising, selection for training and rates of pay or other
15 forms of compensation.

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

17 (70 ILCS 3615/3B.07) (from Ch. 111 2/3, par. 703B.07)

18 Sec. 3B.07. Meetings. The Commuter Rail Board shall
19 prescribe the times and places for meetings and the manner in
20 which special meetings may be called. The Commuter Rail Board
21 shall comply in all respects with the "Open Meetings Act", as
22 now or hereafter amended. All records, documents and papers of
23 the Commuter Rail Division, other than those relating to
24 matters concerning which closed sessions of the Commuter Rail
25 Board may be held, shall be available for public examination,

1 subject to such reasonable regulations as the board may adopt.

2 A majority of the members shall constitute a quorum for the
3 conduct of business. The affirmative votes of at least 6 4
4 members shall be necessary for any action required by this Act
5 to be taken by ordinance.

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

7 (70 ILCS 3615/3B.09) (from Ch. 111 2/3, par. 703B.09)

8 Sec. 3B.09. General Powers. In addition to any powers
9 elsewhere provided to the Commuter Rail Board, it shall have
10 all of the powers specified in Section 2.20 of this Act except
11 for the powers specified in Section 2.20(a)(v). The Board shall
12 also have the power:

13 (a) to cooperate with the Regional Transportation
14 Authority in the exercise by the Regional Transportation
15 Authority of all the powers granted it by such Act;

16 (b) to receive funds from the Regional Transportation
17 Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and 4.10
18 of the "Regional Transportation Authority Act", all as provided
19 in the "Regional Transportation Authority Act"; ~~and~~

20 (c) to receive financial grants from the Regional
21 Transportation Authority or a Service Board, as defined in the
22 "Regional Transportation Authority Act", upon such terms and
23 conditions as shall be set forth in a grant contract between
24 either the Division and the Regional Transportation Authority
25 or the Division and another Service Board, which contract or

1 agreement may be for such number of years or duration as the
2 parties may agree, all as provided in the "Regional
3 Transportation Authority Act"; ~~and~~

4 (d) to borrow money for the purpose of acquiring,
5 constructing, reconstructing, extending, or improving any
6 Public Transportation Facilities (as defined in Section 1.03 of
7 the Regional Transportation Authority Act) operated by or to be
8 operated by or on behalf of the Commuter Rail Division. For the
9 purpose of evidencing the obligation of the Commuter Rail Board
10 to repay any money borrowed as provided in this subsection, the
11 Commuter Rail Board may issue revenue bonds from time to time
12 pursuant to ordinance adopted by the Commuter Rail Board,
13 subject to the approval of the Regional Transportation
14 Authority of each such issuance by the affirmative vote of 12
15 of its then Directors; provided that the Commuter Rail Board
16 may not issue bonds for the purpose of financing the
17 acquisition, construction, or improvement of a corporate
18 headquarters building. All such bonds shall be payable solely
19 from the revenues or income or any other funds that the
20 Commuter Rail Board may receive, provided that the Commuter
21 Rail Board may not pledge as security for such bonds the
22 moneys, if any, that the Commuter Rail Board receives from the
23 Regional Transportation Authority pursuant to Section
24 4.03.3(f) of the Regional Transportation Authority Act. The
25 bonds shall bear interest at a rate not to exceed the maximum
26 rate authorized by the Bond Authorization Act and shall mature

1 at such time or times not exceeding 25 years from their
2 respective dates. Bonds issued pursuant to this paragraph must
3 be issued with scheduled principal or mandatory redemption
4 payments in equal amounts in each fiscal year over the term of
5 the bonds, with the first principal or mandatory redemption
6 payment scheduled within the fiscal year in which bonds are
7 issued or within the next succeeding fiscal year. At least 25%,
8 based on total principal amount, of all bonds authorized
9 pursuant to this Section shall be sold pursuant to notice of
10 sale and public bid. No more than 75%, based on total principal
11 amount, of all bonds authorized pursuant to this Section shall
12 be sold by negotiated sale. The maximum principal amount of the
13 bonds that may be issued and outstanding at any time may not
14 exceed \$1,000,000,000. The bonds shall have all the qualities
15 of negotiable instruments under the laws of this State. To
16 secure the payment of any or all of such bonds and for the
17 purpose of setting forth the covenants and undertakings of the
18 Commuter Rail Board in connection with the issuance thereof and
19 the issuance of any additional bonds payable from such revenue
20 or income as well as the use and application of the revenue or
21 income received by the Commuter Rail Board, the Commuter Rail
22 Board may execute and deliver a trust agreement or agreements;
23 provided that no lien upon any physical property of the
24 Commuter Rail Board shall be created thereby. A remedy for any
25 breach or default of the terms of any such trust agreement by
26 the Commuter Rail Board may be by mandamus proceedings in any

1 court of competent jurisdiction to compel performance and
2 compliance therewith, but the trust agreement may prescribe by
3 whom or on whose behalf such action may be instituted. Under no
4 circumstances shall any bonds issued by the Commuter Rail Board
5 or any other obligation of the Commuter Rail Board in
6 connection with the issuance of such bonds be or become an
7 indebtedness or obligation of the State of Illinois, the
8 Regional Transportation Authority, or any other political
9 subdivision of or municipality within the State, nor shall any
10 such bonds or obligations be or become an indebtedness of the
11 Commuter Rail Board within the purview of any constitutional
12 limitation or provision, and it shall be plainly stated on the
13 face of each bond that it does not constitute such an
14 indebtedness or obligation but is payable solely from the
15 revenues or income as aforesaid.

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

17 (70 ILCS 3615/3B.10) (from Ch. 111 2/3, par. 703B.10)

18 Sec. 3B.10. Budget and Program. The Commuter Rail Board,
19 subject to the powers of the Authority in Section 4.11, shall
20 control the finances of the Division. It shall by ordinance
21 appropriate money to perform the Division's purposes and
22 provide for payment of debts and expenses of the Division. Each
23 year the Commuter Rail Board shall prepare and publish a
24 comprehensive annual budget and proposed five-year capital
25 program document, and a financial plan for the two years

1 thereafter describing the state of the Division and presenting
2 for the forthcoming fiscal year and the two following years the
3 Commuter Rail Board's plans for such operations and capital
4 expenditures as the Commuter Rail Board intends to undertake
5 and the means by which it intends to finance them. The proposed
6 budget, ~~and financial plan,~~ and five-year capital program shall
7 be based on the Authority's estimate of funds to be made
8 available to the Commuter Rail Board by or through the
9 Authority and shall conform in all respects to the requirements
10 established by the Authority. The proposed ~~program and budget,~~
11 financial plan, and five-year capital program shall contain a
12 statement of the funds estimated to be on hand at the beginning
13 of the fiscal year, the funds estimated to be received from all
14 sources for such year and the funds estimated to be on hand at
15 the end of such year. ~~After adoption of the Authority's first
16 Five Year Program, as provided in Section 2.01 of this Act, the
17 proposed program and budget shall specifically identify any
18 respect in which the recommended program deviates from the
19 Authority's then existing Five Year Program, giving the
20 reasons for such deviation.~~ The fiscal year of the Division
21 shall be the same as the fiscal year of the Authority. Before
22 the proposed budget, ~~and program and~~ financial plan, and
23 five-year capital program are submitted to the Authority, the
24 Commuter Rail Board shall hold at least one public hearing
25 thereon in each of the counties in the metropolitan region in
26 which the Division provides service. The Commuter Rail Board

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

1 Authority may be made from time to time by the Commuter Rail
2 Board.

3 The budget shall:

4 (i) show a balance between (A) anticipated revenues from
5 all sources including operating subsidies and (B) the costs of
6 providing the services specified and of funding any operating
7 deficits or encumbrances incurred in prior periods, including
8 provision for payment when due of principal and interest on
9 outstanding indebtedness;

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

13 (iii) provide for a level of fares or charges for the
14 public transportation provided by or subject to the
15 jurisdiction of such Commuter Rail Board sufficient to allow
16 the Commuter Rail Board to meet its required system generated
17 revenue recovery ratio;

18 (iv) be based upon and employ assumptions and projections
19 which the Board of the Authority finds to be reasonable and
20 prudent;

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

23 (vi) meet such other uniform financial, budgetary, or
24 fiscal requirements that the Board of the Authority may by rule
25 or regulation establish; and -

26 (vii) be consistent with the goals and objectives adopted

1 by the Regional Transportation Authority in the Strategic Plan.

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

3 (70 ILCS 3615/3B.11) (from Ch. 111 2/3, par. 703B.11)

4 Sec. 3B.11. Citizens Advisory Board. The Commuter Rail
5 Board shall establish a citizens advisory board composed of ten
6 residents of those portions of the metropolitan region in which
7 the Commuter Rail Board provides service who have an interest
8 in public transportation. The members of the advisory board
9 shall be named for two year terms, shall select one of their
10 members to serve as chairman and shall serve without
11 compensation. The citizens advisory board shall meet with the
12 Commuter Rail Board at least quarterly and advise the Commuter
13 Rail Board of the impact of its policies and programs on the
14 communities it serves. Appointments to the citizens advisory
15 board should, to the greatest extent possible, reflect the
16 ethnic, cultural, and geographic diversity of all persons
17 residing within the Commuter Rail Division's jurisdiction.

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

19 (70 ILCS 3615/3B.12) (from Ch. 111 2/3, par. 703B.12)

20 Sec. 3B.12. Working Cash Borrowing. The Commuter Rail Board
21 with the affirmative vote of 7 ~~5~~ of its Directors may demand
22 and direct the Board of the Authority to issue Working Cash
23 Notes at such time and in such amounts and having such
24 maturities as the Commuter Rail Board deems proper, provided

1 however any such borrowing shall have been specifically
2 identified in the budget of the Commuter Rail Board as approved
3 by the Board of the Authority. Provided further, that the
4 Commuter Rail Board may not demand and direct the Board of the
5 Authority to have issued and have outstanding at any time in
6 excess of \$20,000,000 in Working Cash Notes.

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

8 (70 ILCS 3615/3B.13) (from Ch. 111 2/3, par. 703B.13)

9 Sec. 3B.13. Labor.

10 (a) The provisions of this Section apply to collective
11 bargaining agreements (including extensions and amendments of
12 existing agreements) entered into on or after January 1, 1984.
13 This Section does not apply to collective bargaining agreements
14 that are subject to the provisions of the Railway Labor Act, as
15 now or hereafter amended.

16 (b) The Commuter Rail Board shall deal with and enter into
17 written contracts with their employees, through accredited
18 representatives of such employees authorized to act for such
19 employees concerning wages, salaries, hours, working
20 conditions, and pension or retirement provisions about which a
21 collective bargaining agreement has been entered prior to the
22 effective date of this amendatory Act of 1983. Any such
23 agreement of the Commuter Rail Board shall provide that the
24 agreement may be reopened if the amended budget submitted
25 pursuant to Section 2.18a of this Act is not approved by the

1 Board of the Authority. The agreement may not include a
2 provision requiring the payment of wage increases based on
3 changes in the Consumer Price Index. The Commuter Rail Board
4 shall not have the authority to enter collective bargaining
5 agreements with respect to inherent management rights which
6 include such areas of discretion or policy as the functions of
7 the employer, standards of services, its overall budget, the
8 organizational structure and selection of new employees and
9 direction of personnel. Employers, however, shall be required
10 to bargain collectively with regard to policy matters directly
11 affecting wages, hours and terms and conditions of employment,
12 as well as the impact thereon, upon request by employee
13 representatives. To preserve the rights of the Commuter Rail
14 Board and exclusive representatives which have established
15 collective bargaining relationships or negotiated collective
16 bargaining agreements prior to the effective date of this
17 amendatory Act of 1983, the Commuter Rail Board shall be
18 required to bargain collectively with regard to any matter
19 concerning wages, hours or conditions of employment about which
20 they have bargained prior to the effective date of this
21 amendatory Act of 1983.

22 (c) The collective bargaining agreement may not include a
23 prohibition on the use of part-time operators on any service
24 operated by the Commuter Rail Board except where prohibited by
25 federal law.

26 (d) Within 30 days of the signing of any such collective

1 bargaining agreement, the Commuter Rail Board shall determine
2 the costs of each provision of the agreement, prepare an
3 amended budget incorporating the costs of the agreement, and
4 present the amended budget to the Board of the Authority for
5 its approval under Section 4.11. The Board may approve the
6 amended budget by an affirmative vote of 12 ~~9~~ of its then
7 Directors. If the budget is not approved by the Board of the
8 Authority, the agreement may be reopened and its terms may be
9 renegotiated. Any amended budget which may be prepared
10 following renegotiation shall be presented to the Board of the
11 Authority for its approval in like manner.

12 (Source: P.A. 84-1308.)

13 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

14 Sec. 4.01. Budget and Program.

15 (a) The Board shall control the finances of the Authority.
16 It shall by ordinance adopted by the affirmative vote of at
17 least 12 of its then Directors (i) appropriate money to perform
18 the Authority's purposes and provide for payment of debts and
19 expenses of the Authority, (ii) take action with respect to the
20 budget and two-year financial plan of each Service Board, as
21 provided in Section 4.11, and (iii) adopt an Annual Budget and
22 Two-Year Financial Plan for the Authority that includes the
23 annual budget and two-year financial plan of each Service Board
24 that has been approved by the Authority. ~~Each year the~~
25 ~~Authority shall prepare and publish a comprehensive annual~~

1 ~~budget and program document describing the state of the~~
2 ~~Authority and presenting for the forthcoming fiscal year the~~
3 ~~Authority's plans for such operations and capital expenditures~~
4 ~~as the Authority intends to undertake and the means by which it~~
5 ~~intends to finance them.~~ The Annual Budget and Two-Year
6 Financial Plan ~~proposed program and budget~~ shall contain a
7 statement of the funds estimated to be on hand for the
8 Authority and each Service Board at the beginning of the fiscal
9 year, the funds estimated to be received from all sources for
10 such year, the estimated expenses and obligations of the
11 Authority and each Service Board for all purposes, including
12 expenses for contributions to be made with respect to pension
13 and other employee benefits, and the funds estimated to be on
14 hand at the end of such year. ~~After adoption of the Authority's~~
15 ~~first Five Year Program, as provided in Section 2.01 of this~~
16 ~~Act, the proposed program and budget shall specifically~~
17 ~~identify any respect in which the recommended program deviates~~
18 ~~from the Authority's then existing Five Year Program, giving~~
19 ~~the reasons for such deviation.~~ The fiscal year of the
20 Authority and each Service Board shall begin on January 1st and
21 end on the succeeding December 31st ~~except that the fiscal year~~
22 ~~that began October 1, 1982, shall end December 31, 1983.~~ By
23 ~~July 1st 1981 and~~ July 1st of each year ~~thereafter~~ the Director
24 of the Illinois Governor's Office of Management and Budget
25 (formerly Bureau of the Budget) shall submit to the Authority
26 an estimate of revenues for the next fiscal year of the

1 Authority to be collected from the taxes imposed by the
2 Authority and the amounts to be available in the Public
3 Transportation Fund and the Regional Transportation Authority
4 Occupation and Use Tax Replacement Fund and the amounts
5 otherwise to be appropriated by the State to the Authority for
6 its purposes. The Authority shall file a copy of its Annual
7 Budget and Two-Year Financial Plan with ~~For the fiscal year~~
8 ~~ending on December 31, 1983, the Board shall report its results~~
9 ~~from operations and financial condition to the General Assembly~~
10 ~~and the Governor by January 31. For the fiscal year beginning~~
11 ~~January 1, 1984, and thereafter, the budget and program shall~~
12 ~~be presented to the General Assembly and the Governor~~ after its
13 adoption ~~not later than the preceding December 31st.~~ Before the
14 proposed Annual Budget and Two-Year Financial Plan ~~budget and~~
15 ~~program~~ is adopted, the Authority shall hold at least one
16 public hearing thereon in the metropolitan region, and shall
17 meet . ~~The Board shall hold at least one meeting for~~
18 ~~consideration of the proposed program and budget~~ with the
19 county board or its designee of each of the several counties in
20 the metropolitan region. After conducting such hearings and
21 holding such meetings and after making such changes in the
22 proposed Annual Budget and Two-Year Financial Plan ~~program and~~
23 ~~budget~~ as the Board deems appropriate, the Board shall adopt
24 its annual appropriation and Annual Budget and Two-Year
25 Financial Plan ~~budget~~ ordinance. The ordinance may be adopted
26 only upon the affirmative votes of 12 ~~9~~ of its then Directors.

1 The ordinance shall appropriate such sums of money as are
2 deemed necessary to defray all necessary expenses and
3 obligations of the Authority, specifying purposes and the
4 objects or programs for which appropriations are made and the
5 amount appropriated for each object or program. Additional
6 appropriations, transfers between items and other changes in
7 such ordinance may be made from time to time by the Board upon
8 the affirmative votes of 12 ~~9~~ of its then Directors.

9 (b) The Annual Budget and Two-Year Financial Plan ~~budget~~
10 shall show a balance between anticipated revenues from all
11 sources and anticipated expenses including funding of
12 operating deficits or the discharge of encumbrances incurred in
13 prior periods and payment of principal and interest when due,
14 and shall show cash balances sufficient to pay with reasonable
15 promptness all obligations and expenses as incurred.

16 The Annual Budget and Two-Year Financial Plan ~~annual budget~~
17 ~~and financial plan~~ must show:

18 (i) that the level of fares and charges for mass
19 transportation provided by, or under grant or purchase of
20 service contracts of, the Service Boards is sufficient to
21 cause the aggregate of all projected fare revenues from
22 such fares and charges received in each fiscal year to
23 equal at least 50% of the aggregate costs of providing such
24 public transportation in such fiscal year. "Fare revenues"
25 include the proceeds of all fares and charges for services
26 provided, contributions received in connection with public

1 transportation from units of local government other than
2 the Authority, except for contributions received by the
3 Chicago Transit Authority from a real estate transfer tax
4 imposed under subsection (i) of Section 8-3-19 of the
5 Illinois Municipal Code, and from the State pursuant to
6 subsection (i) of Section 2705-305 of the Department of
7 Transportation Law (20 ILCS 2705/2705-305), and all other
8 operating revenues properly included consistent with
9 generally accepted accounting principles but do not
10 include: the proceeds of any borrowings, and, beginning
11 with the 2007 fiscal year, all revenues and receipts,
12 including but not limited to fares and grants received from
13 the federal, State or any unit of local government or other
14 entity, derived from providing ADA paratransit service
15 pursuant to Section 2.30 of the Regional Transportation
16 Authority Act. "Costs" include all items properly included
17 as operating costs consistent with generally accepted
18 accounting principles, including administrative costs, but
19 do not include: depreciation; payment of principal and
20 interest on bonds, notes or other evidences of obligation
21 for borrowed money issued by the Authority; payments with
22 respect to public transportation facilities made pursuant
23 to subsection (b) of Section 2.20 of this Act; any payments
24 with respect to rate protection contracts, credit
25 enhancements or liquidity agreements made under Section
26 4.14; any other cost to which it is reasonably expected

1 that a cash expenditure will not be made; costs ~~up to~~
2 ~~\$5,000,000 annually~~ for passenger security including
3 grants, contracts, personnel, equipment and administrative
4 expenses, except in the case of the Chicago Transit
5 Authority, in which case the term does not include costs
6 spent annually by that entity for protection against crime
7 as required by Section 27a of the Metropolitan Transit
8 Authority Act; the payment by the Chicago Transit Authority
9 of Debt Service, as defined in Section 12c of the
10 Metropolitan Transit Authority Act, on bonds or notes
11 issued pursuant to that Section; the payment by the
12 Commuter Rail Division of debt service on bonds issued
13 pursuant to Section 3B.09; expenses incurred by the
14 Suburban Bus Division for the cost of new public
15 transportation services funded from grants pursuant to
16 Section 2.01e of this amendatory Act of the 95th General
17 Assembly for a period of 2 years from the date of
18 initiation of each such service; costs as exempted by the
19 Board for projects pursuant to Section 2.09 of this Act;
20 or, beginning with the 2007 fiscal year, expenses related
21 to providing ADA paratransit service pursuant to Section
22 2.30 of the Regional Transportation Authority Act; and in
23 fiscal years 2008 through 2012 inclusive, costs in the
24 amount of \$200,000,000 in fiscal year 2008, reducing by
25 \$40,000,000 in each fiscal year thereafter until this
26 exemption is eliminated; and

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

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

1 Section 2.20 of this Act; and (6) any payments with respect to
2 rate protection contracts, credit enhancements or liquidity
3 agreements made pursuant to Section 4.14.

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

1 Suburban Bus Board; and (3) an amount equal to 85% of the
2 proceeds of the taxes collected within the Counties of DuPage,
3 Kane, Lake, McHenry and Will shall be allocated 70% to the
4 Commuter Rail Board and 30% to the Suburban Bus Board.

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

26 (f) To carry out its duties and responsibilities under this

1 ~~Act, further and accomplish the preparation of the annual~~
2 ~~budget and program as well as the Five-Year Program provided~~
3 ~~for in Section 2.01 of this Act and to make such interim~~
4 ~~management decisions as may be necessary,~~ the Board shall
5 employ staff which shall: (1) propose for adoption by the Board
6 of the Authority rules for the Service Boards that establish
7 (i) forms and schedules to be used and information required to
8 be provided with respect to a five-year capital program, annual
9 budgets, and two-year financial plans and regular reporting of
10 actual results against adopted budgets and financial plans,
11 (ii) financial practices to be followed in the budgeting and
12 expenditure of public funds, (iii) assumptions and projections
13 that must be followed in preparing and submitting its annual
14 budget and two-year financial plan or a five-year capital
15 program; (2) evaluate for the Board public transportation
16 programs operated or proposed by the Service Boards and
17 transportation agencies in terms of the goals and objectives
18 set out in the Strategic Plan , ~~costs and relative priorities;~~
19 (3) (2) keep the Board and the public informed of the extent to
20 which the Service Boards and transportation agencies are
21 meeting the goals and objectives adopted by the Authority in
22 the Strategic Plan ~~public transportation programs and~~
23 ~~accomplishments of such transportation agencies;~~ and (4)
24 assess the efficiency or adequacy of public transportation
25 services provided by a Service Board and make recommendations
26 for change in that service ~~(3) coordinate the development and~~

1 ~~implementation of public transportation programs~~ to the end
2 that the moneys ~~monies~~ available to the Authority may be
3 expended in the most economical manner possible with the least
4 possible duplication.

5 (g) All ~~Under such regulations as the Board may prescribe,~~
6 ~~all~~ Service Boards, transportation agencies, comprehensive
7 planning agencies, including the Chicago Metropolitan Agency
8 for Planning, or transportation planning agencies in the
9 metropolitan region shall furnish to the Authority ~~Board~~ such
10 information pertaining to public transportation or relevant
11 for plans therefor as it may from time to time require. The
12 Executive Director, or his or her designee, ~~upon payment to any~~
13 ~~such agency or Service Board of the reasonable additional cost~~
14 ~~of its so providing such information except as may otherwise be~~
15 ~~provided by agreement with the Authority, and the Board or any~~
16 ~~duly authorized employee of the Board~~ shall, for the purpose of
17 securing any such information necessary or appropriate to carry
18 out any of the powers and responsibilities of the Authority
19 under this Act, have access to, and the right to examine, all
20 books, documents, papers or records of a Service Board or any
21 transportation such agency receiving funds from the Authority
22 or Service Board, and such Service Board or transportation
23 agency shall comply with any request by the Executive Director,
24 or his or her designee, within 30 days or an extended time
25 provided by the Executive Director ~~pertaining to public~~
26 ~~transportation or relevant for plans therefor.~~

1 (h) No Service Board shall undertake any capital
2 improvement which is not identified in the Five-Year Capital
3 Program.

4 (Source: P.A. 94-370, eff. 7-29-05.)

5 (70 ILCS 3615/4.02) (from Ch. 111 2/3, par. 704.02)

6 Sec. 4.02. Federal, State and Other Funds.

7 (a) The Authority shall have the power to apply for,
8 receive and expend grants, loans or other funds from the State
9 of Illinois or any department or agency thereof, from any unit
10 of local government, from the federal government or any
11 department or agency thereof, for use in connection with any of
12 the powers or purposes of the Authority as set forth in this
13 Act. The Authority shall have power to make such studies as may
14 be necessary and to enter into contracts or agreements with the
15 State of Illinois or any department or agency thereof, with any
16 unit of local government, or with the federal government or any
17 department or agency thereof, concerning such grants, loans or
18 other funds, or any conditions relating thereto, including
19 obligations to repay such funds. The Authority may make such
20 covenants concerning such grants, loans and funds as it deems
21 proper and necessary in carrying out its responsibilities,
22 purposes and powers as provided in this Act.

23 (b) The Authority shall be the primary public body in the
24 metropolitan region with authority to apply for and receive any
25 grants, loans or other funds relating to public transportation

1 programs from the State of Illinois or any department or agency
2 thereof, or from the federal government or any department or
3 agency thereof. Any unit of local government, Service Board or
4 transportation agency may apply for and receive any such
5 federal or state capital grants, loans or other funds,
6 provided, however that a Service Board may not apply for or
7 receive any grant or loan which is not identified in the
8 Five-Year Capital Program. Any Service Board, unit of local
9 government or transportation agency shall notify the Authority
10 prior to making any such application and shall file a copy
11 thereof with the Authority. Nothing in this Section shall be
12 construed to impose any limitation on the ability of the State
13 of Illinois or any department or agency thereof, any unit of
14 local government or Service Board or transportation agency to
15 make any grants or to enter into any agreement or contract with
16 the National Rail Passenger Corporation. Nor shall anything in
17 this Section impose any limitation on the ability of any school
18 district to apply for or receive any grant, loan or other funds
19 for transportation of school children.

20 (c) The Authority shall provide to the Service Board any
21 monies received relating to public transportation services
22 under the jurisdiction of the Service Boards as provided in
23 Section 4.03.3 of this Act. ~~follows:~~

24 ~~(1) As soon as may be practicable after the Authority~~
25 ~~receives payment, under Section 4.03(m) or Section~~
26 ~~4.03.1(d), of the proceeds of those taxes levied by the~~

1 ~~Authority, the Authority shall transfer to each Service~~
2 ~~Board the amount to which it is entitled under Section~~
3 ~~4.01(d).~~

4 ~~(2) The Authority by ordinance adopted by 9 of its then~~
5 ~~Directors shall establish a formula apportioning any~~
6 ~~federal funds for operating assistance purposes the~~
7 ~~Authority receives to each Service Board. In establishing~~
8 ~~the formula, the Board shall consider, among other factors:~~
9 ~~ridership levels, the efficiency with which the service is~~
10 ~~provided, the degree of transit dependence of the area~~
11 ~~served and the cost of service. That portion of any federal~~
12 ~~funds for operating assistance received by the Authority~~
13 ~~shall be paid to each Service Board as soon as may be~~
14 ~~practicable upon their receipt provided the Authority has~~
15 ~~adopted a balanced budget as required by Section 4.01 and~~
16 ~~further provided that the Service Boards are in compliance~~
17 ~~with the requirements in Section 4.11.~~

18 ~~(3) The Authority by ordinance adopted by 9 of its then~~
19 ~~Directors shall apportion to the Service Boards funds~~
20 ~~provided by the State of Illinois under Section 4.09 and~~
21 ~~shall make payment of said funds to each Service Board as~~
22 ~~soon as may be practicable upon their receipt provided the~~
23 ~~Authority has adopted a balanced budget as required by~~
24 ~~Section 4.01 and further provided the Service Board is in~~
25 ~~compliance with the requirements in Section 4.11.~~

26 ~~(4) Beginning January 1, 2009, before making any~~

1 ~~payments, transfers, or expenditures under this subsection~~
2 ~~to a Service Board, the Authority must first comply with~~
3 ~~Section 4.02a or 4.02b of this Act, whichever may be~~
4 ~~applicable.~~

5 (Source: P.A. 94-839, eff. 6-6-06; 95-331, eff. 8-21-07.)

6 (70 ILCS 3615/4.02a)

7 Sec. 4.02a. Chicago Transit Authority contributions to
8 pension funds.

9 (a) The Authority shall continually review the Chicago
10 Transit Authority's payment of the required contributions to
11 its retirement system under Section 22-101 of the Illinois
12 Pension Code.

13 (b) Beginning January 1, 2009, if at any time the Authority
14 determines that the Chicago Transit Authority's payment of any
15 portion of the required contributions to its retirement system
16 under Section 22-101 of the Illinois Pension Code is more than
17 one month overdue, it shall as soon as possible pay the amount
18 of those overdue contributions to the Board of Trustees ~~trustee~~
19 of the Retirement Plan ~~retirement system~~ on behalf of the
20 Chicago Transit Authority out of moneys otherwise payable to
21 the Chicago Transit Authority under ~~subsection (c) of~~ Section
22 4.03.3 ~~4.02~~ of this Act. The Authority shall thereafter have no
23 liability to the Chicago Transit Authority for amounts paid to
24 the Board of Trustees ~~trustee~~ of the Retirement Plan ~~retirement~~
25 ~~system~~ under this Section.

1 (c) Whenever the Authority acts or determines that it is
2 required to act under subsection (b), it shall so notify the
3 Chicago Transit Authority, the Mayor of Chicago, the Governor,
4 the Auditor General of the State of Illinois, and the General
5 Assembly.

6 (Source: P.A. 94-839, eff. 6-6-06.)

7 (70 ILCS 3615/4.02b)

8 Sec. 4.02b. Other contributions to pension funds.

9 (a) The Authority shall continually review the payment of
10 the required employer contributions to affected pension plans
11 under Section 22-103 of the Illinois Pension Code.

12 (b) Beginning January 1, 2009, if at any time the Authority
13 determines that the Commuter Rail Board's or Suburban Bus
14 Board's payment of any portion of the required contributions to
15 an affected pension plan under Section 22-103 of the Illinois
16 Pension Code is more than one month overdue, it shall as soon
17 as possible pay the amount of those overdue contributions to
18 the trustee of the affected pension plan on behalf of that
19 Service Board out of moneys otherwise payable to that Service
20 Board under Section 4.03.3 ~~subsection (c) of Section 4.02~~ of
21 this Act. The Authority shall thereafter have no liability to
22 the Service Board for amounts paid to the trustee of the
23 affected pension plan under this Section.

24 (c) Whenever the Authority acts or determines that it is
25 required to act under subsection (b), it shall so notify the

1 affected Service Board, the Mayor of Chicago, the Governor, the
2 Auditor General of the State of Illinois, and the General
3 Assembly.

4 (d) Beginning January 1, 2009, if the Authority fails to
5 pay to an affected pension fund within 30 days after it is due
6 any employer contribution that it is required to make as a
7 contributing employer under Section 22-103 of the Illinois
8 Pension Code, it shall promptly so notify the Commission on
9 Government Forecasting and Accountability, the Mayor of
10 Chicago, the Governor, and the General Assembly, and it shall
11 promptly pay the overdue amount out of the first money
12 available to the Authority for its administrative expenses, as
13 that term is defined in Section 4.01(c).

14 (Source: P.A. 94-839, eff. 6-6-06.)

15 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

16 Sec. 4.03. Taxes.

17 (a) In order to carry out any of the powers or purposes of
18 the Authority, the Board may by ordinance adopted with the
19 concurrence of 12 ~~9~~ of the then Directors, impose throughout
20 the metropolitan region any or all of the taxes provided in
21 this Section. Except as otherwise provided in this Act, taxes
22 imposed under this Section and civil penalties imposed incident
23 thereto shall be collected and enforced by the State Department
24 of Revenue. The Department shall have the power to administer
25 and enforce the taxes and to determine all rights for refunds

1 for erroneous payments of the taxes. Nothing in this amendatory
2 Act of the 95th General Assembly is intended to invalidate any
3 taxes currently imposed by the Authority. The increased vote
4 requirements to impose a tax shall only apply to actions taken
5 after the effective date of this amendatory Act of the 95th
6 General Assembly.

7 (b) The Board may impose a public transportation tax upon
8 all persons engaged in the metropolitan region in the business
9 of selling at retail motor fuel for operation of motor vehicles
10 upon public highways. The tax shall be at a rate not to exceed
11 5% of the gross receipts from the sales of motor fuel in the
12 course of the business. As used in this Act, the term "motor
13 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
14 The Board may provide for details of the tax. The provisions of
15 any tax shall conform, as closely as may be practicable, to the
16 provisions of the Municipal Retailers Occupation Tax Act,
17 including without limitation, conformity to penalties with
18 respect to the tax imposed and as to the powers of the State
19 Department of Revenue to promulgate and enforce rules and
20 regulations relating to the administration and enforcement of
21 the provisions of the tax imposed, except that reference in the
22 Act to any municipality shall refer to the Authority and the
23 tax shall be imposed only with regard to receipts from sales of
24 motor fuel in the metropolitan region, at rates as limited by
25 this Section.

26 (c) In connection with the tax imposed under paragraph (b)

1 of this Section the Board may impose a tax upon the privilege
2 of using in the metropolitan region motor fuel for the
3 operation of a motor vehicle upon public highways, the tax to
4 be at a rate not in excess of the rate of tax imposed under
5 paragraph (b) of this Section. The Board may provide for
6 details of the tax.

7 (d) The Board may impose a motor vehicle parking tax upon
8 the privilege of parking motor vehicles at off-street parking
9 facilities in the metropolitan region at which a fee is
10 charged, and may provide for reasonable classifications in and
11 exemptions to the tax, for administration and enforcement
12 thereof and for civil penalties and refunds thereunder and may
13 provide criminal penalties thereunder, the maximum penalties
14 not to exceed the maximum criminal penalties provided in the
15 Retailers' Occupation Tax Act. The Authority may collect and
16 enforce the tax itself or by contract with any unit of local
17 government. The State Department of Revenue shall have no
18 responsibility for the collection and enforcement unless the
19 Department agrees with the Authority to undertake the
20 collection and enforcement. As used in this paragraph, the term
21 "parking facility" means a parking area or structure having
22 parking spaces for more than 2 vehicles at which motor vehicles
23 are permitted to park in return for an hourly, daily, or other
24 periodic fee, whether publicly or privately owned, but does not
25 include parking spaces on a public street, the use of which is
26 regulated by parking meters.

1 (e) The Board may impose a Regional Transportation
2 Authority Retailers' Occupation Tax upon all persons engaged in
3 the business of selling tangible personal property at retail in
4 the metropolitan region. In Cook County the tax rate shall be
5 1.25% ~~1%~~ of the gross receipts from sales of food for human
6 consumption that is to be consumed off the premises where it is
7 sold (other than alcoholic beverages, soft drinks and food that
8 has been prepared for immediate consumption) and prescription
9 and nonprescription medicines, drugs, medical appliances and
10 insulin, urine testing materials, syringes and needles used by
11 diabetics, and 1% ~~3/4%~~ of the gross receipts from other taxable
12 sales made in the course of that business. In DuPage, Kane,
13 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
14 ~~1/4%~~ of the gross receipts from all taxable sales made in the
15 course of that business. The tax imposed under this Section and
16 all civil penalties that may be assessed as an incident thereof
17 shall be collected and enforced by the State Department of
18 Revenue. The Department shall have full power to administer and
19 enforce this Section; to collect all taxes and penalties so
20 collected in the manner hereinafter provided; and to determine
21 all rights to credit memoranda arising on account of the
22 erroneous payment of tax or penalty hereunder. In the
23 administration of, and compliance with this Section, the
24 Department and persons who are subject to this Section shall
25 have the same rights, remedies, privileges, immunities, powers
26 and duties, and be subject to the same conditions,

1 restrictions, limitations, penalties, exclusions, exemptions
2 and definitions of terms, and employ the same modes of
3 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
4 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
5 therein other than the State rate of tax), 2c, 3 (except as to
6 the disposition of taxes and penalties collected), 4, 5, 5a,
7 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
8 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
9 Section 3-7 of the Uniform Penalty and Interest Act, as fully
10 as if those provisions were set forth herein.

11 Persons subject to any tax imposed under the authority
12 granted in this Section may reimburse themselves for their
13 seller's tax liability hereunder by separately stating the tax
14 as an additional charge, which charge may be stated in
15 combination in a single amount with State taxes that sellers
16 are required to collect under the Use Tax Act, under any
17 bracket schedules the Department may prescribe.

18 Whenever the Department determines that a refund should be
19 made under this Section to a claimant instead of issuing a
20 credit memorandum, the Department shall notify the State
21 Comptroller, who shall cause the warrant to be drawn for the
22 amount specified, and to the person named, in the notification
23 from the Department. The refund shall be paid by the State
24 Treasurer out of the Regional Transportation Authority tax fund
25 established under paragraph (n) of this Section.

26 If a tax is imposed under this subsection (e), a tax shall

1 also be imposed under subsections (f) and (g) of this Section.

2 For the purpose of determining whether a tax authorized
3 under this Section is applicable, a retail sale by a producer
4 of coal or other mineral mined in Illinois, is a sale at retail
5 at the place where the coal or other mineral mined in Illinois
6 is extracted from the earth. This paragraph does not apply to
7 coal or other mineral when it is delivered or shipped by the
8 seller to the purchaser at a point outside Illinois so that the
9 sale is exempt under the Federal Constitution as a sale in
10 interstate or foreign commerce.

11 No tax shall be imposed or collected under this subsection
12 on the sale of a motor vehicle in this State to a resident of
13 another state if that motor vehicle will not be titled in this
14 State.

15 Nothing in this Section shall be construed to authorize the
16 Regional Transportation Authority to impose a tax upon the
17 privilege of engaging in any business that under the
18 Constitution of the United States may not be made the subject
19 of taxation by this State.

20 (f) If a tax has been imposed under paragraph (e), a
21 Regional Transportation Authority Service Occupation Tax shall
22 also be imposed upon all persons engaged, in the metropolitan
23 region in the business of making sales of service, who as an
24 incident to making the sales of service, transfer tangible
25 personal property within the metropolitan region, either in the
26 form of tangible personal property or in the form of real

1 estate as an incident to a sale of service. In Cook County, the
2 tax rate shall be: (1) 1.25% ~~1%~~ of the serviceman's cost price
3 of food prepared for immediate consumption and transferred
4 incident to a sale of service subject to the service occupation
5 tax by an entity licensed under the Hospital Licensing Act or
6 the Nursing Home Care Act that is located in the metropolitan
7 region; (2) 1.25% ~~1%~~ of the selling price of food for human
8 consumption that is to be consumed off the premises where it is
9 sold (other than alcoholic beverages, soft drinks and food that
10 has been prepared for immediate consumption) and prescription
11 and nonprescription medicines, drugs, medical appliances and
12 insulin, urine testing materials, syringes and needles used by
13 diabetics; and (3) 1% ~~3/4%~~ of the selling price from other
14 taxable sales of tangible personal property transferred. In
15 DuPage, Kane, Lake, McHenry and Will Counties the rate shall be
16 0.75% ~~1/4%~~ of the selling price of all tangible personal
17 property transferred.

18 The tax imposed under this paragraph and all civil
19 penalties that may be assessed as an incident thereof shall be
20 collected and enforced by the State Department of Revenue. The
21 Department shall have full power to administer and enforce this
22 paragraph; to collect all taxes and penalties due hereunder; to
23 dispose of taxes and penalties collected in the manner
24 hereinafter provided; and to determine all rights to credit
25 memoranda arising on account of the erroneous payment of tax or
26 penalty hereunder. In the administration of and compliance with

1 this paragraph, the Department and persons who are subject to
2 this paragraph shall have the same rights, remedies,
3 privileges, immunities, powers and duties, and be subject to
4 the same conditions, restrictions, limitations, penalties,
5 exclusions, exemptions and definitions of terms, and employ the
6 same modes of procedure, as are prescribed in Sections 1a-1, 2,
7 2a, 3 through 3-50 (in respect to all provisions therein other
8 than the State rate of tax), 4 (except that the reference to
9 the State shall be to the Authority), 5, 7, 8 (except that the
10 jurisdiction to which the tax shall be a debt to the extent
11 indicated in that Section 8 shall be the Authority), 9 (except
12 as to the disposition of taxes and penalties collected, and
13 except that the returned merchandise credit for this tax may
14 not be taken against any State tax), 10, 11, 12 (except the
15 reference therein to Section 2b of the Retailers' Occupation
16 Tax Act), 13 (except that any reference to the State shall mean
17 the Authority), the first paragraph of Section 15, 16, 17, 18,
18 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
19 the Uniform Penalty and Interest Act, as fully as if those
20 provisions were set forth herein.

21 Persons subject to any tax imposed under the authority
22 granted in this paragraph may reimburse themselves for their
23 serviceman's tax liability hereunder by separately stating the
24 tax as an additional charge, that charge may be stated in
25 combination in a single amount with State tax that servicemen
26 are authorized to collect under the Service Use Tax Act, under

1 any bracket schedules the Department may prescribe.

2 Whenever the Department determines that a refund should be
3 made under this paragraph to a claimant instead of issuing a
4 credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause the warrant to be drawn for the
6 amount specified, and to the person named in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of the Regional Transportation Authority tax fund
9 established under paragraph (n) of this Section.

10 Nothing in this paragraph shall be construed to authorize
11 the Authority to impose a tax upon the privilege of engaging in
12 any business that under the Constitution of the United States
13 may not be made the subject of taxation by the State.

14 (g) If a tax has been imposed under paragraph (e), a tax
15 shall also be imposed upon the privilege of using in the
16 metropolitan region, any item of tangible personal property
17 that is purchased outside the metropolitan region at retail
18 from a retailer, and that is titled or registered with an
19 agency of this State's government. In Cook County the tax rate
20 shall be 1% ~~3/4%~~ of the selling price of the tangible personal
21 property, as "selling price" is defined in the Use Tax Act. In
22 DuPage, Kane, Lake, McHenry and Will counties the tax rate
23 shall be 0.75% ~~1/4%~~ of the selling price of the tangible
24 personal property, as "selling price" is defined in the Use Tax
25 Act. The tax shall be collected from persons whose Illinois
26 address for titling or registration purposes is given as being

1 in the metropolitan region. The tax shall be collected by the
2 Department of Revenue for the Regional Transportation
3 Authority. The tax must be paid to the State, or an exemption
4 determination must be obtained from the Department of Revenue,
5 before the title or certificate of registration for the
6 property may be issued. The tax or proof of exemption may be
7 transmitted to the Department by way of the State agency with
8 which, or the State officer with whom, the tangible personal
9 property must be titled or registered if the Department and the
10 State agency or State officer determine that this procedure
11 will expedite the processing of applications for title or
12 registration.

13 The Department shall have full power to administer and
14 enforce this paragraph; to collect all taxes, penalties and
15 interest due hereunder; to dispose of taxes, penalties and
16 interest collected in the manner hereinafter provided; and to
17 determine all rights to credit memoranda or refunds arising on
18 account of the erroneous payment of tax, penalty or interest
19 hereunder. In the administration of and compliance with this
20 paragraph, the Department and persons who are subject to this
21 paragraph shall have the same rights, remedies, privileges,
22 immunities, powers and duties, and be subject to the same
23 conditions, restrictions, limitations, penalties, exclusions,
24 exemptions and definitions of terms and employ the same modes
25 of procedure, as are prescribed in Sections 2 (except the
26 definition of "retailer maintaining a place of business in this

1 State"), 3 through 3-80 (except provisions pertaining to the
2 State rate of tax, and except provisions concerning collection
3 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
4 19 (except the portions pertaining to claims by retailers and
5 except the last paragraph concerning refunds), 20, 21 and 22 of
6 the Use Tax Act, and are not inconsistent with this paragraph,
7 as fully as if those provisions were set forth herein.

8 Whenever the Department determines that a refund should be
9 made under this paragraph to a claimant instead of issuing a
10 credit memorandum, the Department shall notify the State
11 Comptroller, who shall cause the order to be drawn for the
12 amount specified, and to the person named in the notification
13 from the Department. The refund shall be paid by the State
14 Treasurer out of the Regional Transportation Authority tax fund
15 established under paragraph (n) of this Section.

16 (h) The Authority may impose a replacement vehicle tax of
17 \$50 on any passenger car as defined in Section 1-157 of the
18 Illinois Vehicle Code purchased within the metropolitan region
19 by or on behalf of an insurance company to replace a passenger
20 car of an insured person in settlement of a total loss claim.
21 The tax imposed may not become effective before the first day
22 of the month following the passage of the ordinance imposing
23 the tax and receipt of a certified copy of the ordinance by the
24 Department of Revenue. The Department of Revenue shall collect
25 the tax for the Authority in accordance with Sections 3-2002
26 and 3-2003 of the Illinois Vehicle Code.

1 The Department shall immediately pay over to the State
2 Treasurer, ex officio, as trustee, all taxes collected
3 hereunder. On or before the 25th day of each calendar month,
4 the Department shall prepare and certify to the Comptroller the
5 disbursement of stated sums of money to the Authority. The
6 amount to be paid to the Authority shall be the amount
7 collected hereunder during the second preceding calendar month
8 by the Department, less any amount determined by the Department
9 to be necessary for the payment of refunds. Within 10 days
10 after receipt by the Comptroller of the disbursement
11 certification to the Authority provided for in this Section to
12 be given to the Comptroller by the Department, the Comptroller
13 shall cause the orders to be drawn for that amount in
14 accordance with the directions contained in the certification.

15 (i) The Board may not impose any other taxes except as it
16 may from time to time be authorized by law to impose.

17 (j) A certificate of registration issued by the State
18 Department of Revenue to a retailer under the Retailers'
19 Occupation Tax Act or under the Service Occupation Tax Act
20 shall permit the registrant to engage in a business that is
21 taxed under the tax imposed under paragraphs (b), (e), (f) or
22 (g) of this Section and no additional registration shall be
23 required under the tax. A certificate issued under the Use Tax
24 Act or the Service Use Tax Act shall be applicable with regard
25 to any tax imposed under paragraph (c) of this Section.

26 (k) The provisions of any tax imposed under paragraph (c)

1 of this Section shall conform as closely as may be practicable
2 to the provisions of the Use Tax Act, including without
3 limitation conformity as to penalties with respect to the tax
4 imposed and as to the powers of the State Department of Revenue
5 to promulgate and enforce rules and regulations relating to the
6 administration and enforcement of the provisions of the tax
7 imposed. The taxes shall be imposed only on use within the
8 metropolitan region and at rates as provided in the paragraph.

9 (l) The Board in imposing any tax as provided in paragraphs
10 (b) and (c) of this Section, shall, after seeking the advice of
11 the State Department of Revenue, provide means for retailers,
12 users or purchasers of motor fuel for purposes other than those
13 with regard to which the taxes may be imposed as provided in
14 those paragraphs to receive refunds of taxes improperly paid,
15 which provisions may be at variance with the refund provisions
16 as applicable under the Municipal Retailers Occupation Tax Act.
17 The State Department of Revenue may provide for certificates of
18 registration for users or purchasers of motor fuel for purposes
19 other than those with regard to which taxes may be imposed as
20 provided in paragraphs (b) and (c) of this Section to
21 facilitate the reporting and nontaxability of the exempt sales
22 or uses.

23 (m) Any ordinance imposing or discontinuing any tax under
24 this Section shall be adopted and a certified copy thereof
25 filed with the Department on or before June 1, whereupon the
26 Department of Revenue shall proceed to administer and enforce

1 this Section on behalf of the Regional Transportation Authority
2 as of September 1 next following such adoption and filing.
3 Beginning January 1, 1992, an ordinance or resolution imposing
4 or discontinuing the tax hereunder shall be adopted and a
5 certified copy thereof filed with the Department on or before
6 the first day of July, whereupon the Department shall proceed
7 to administer and enforce this Section as of the first day of
8 October next following such adoption and filing. Beginning
9 January 1, 1993, an ordinance or resolution imposing,
10 increasing, decreasing, or discontinuing the tax hereunder
11 shall be adopted and a certified copy thereof filed with the
12 Department ~~on or before the first day of October,~~ whereupon the
13 Department shall proceed to administer and enforce this Section
14 as of the first day of the first month to occur not less than 60
15 days ~~January next~~ following such adoption and filing. Any
16 ordinance or resolution of the Authority imposing a tax under
17 this Section and in effect on August 1, 2007 shall remain in
18 full force and effect and shall be administered by the
19 Department of Revenue under the terms and conditions and rates
20 of tax established by such ordinance or resolution until the
21 Department begins administering and enforcing an increased tax
22 under this Section as authorized by this amendatory Act of the
23 95th General Assembly. The tax rates authorized by this
24 amendatory Act of the 95th General Assembly are effective only
25 if imposed by ordinance of the Authority.

26 (n) The State Department of Revenue shall, upon collecting

1 any taxes as provided in this Section, pay the taxes over to
2 the State Treasurer as trustee for the Authority. The taxes
3 shall be held in a trust fund outside the State Treasury. On or
4 before the 25th day of each calendar month, the State
5 Department of Revenue shall prepare and certify to the
6 Comptroller of the State of Illinois and ~~the amount to be paid~~
7 ~~to the Authority, which shall be the then balance in the fund,~~
8 ~~less any amount determined by the Department to be necessary~~
9 ~~for the payment of refunds. The State Department of Revenue~~
10 ~~shall also certify~~ to the Authority (i) the amount of taxes
11 collected in each County other than Cook County in the
12 metropolitan region, (ii) ~~less the amount necessary for the~~
13 ~~payment of refunds to taxpayers in the County. With regard to~~
14 ~~the County of Cook, the certification shall specify~~ the amount
15 of taxes collected within the City of Chicago, less the amount
16 ~~necessary for the payment of refunds to taxpayers in the City~~
17 ~~of Chicago~~ and (iii) the amount collected in that portion of
18 Cook County outside of Chicago, each amount less the amount
19 necessary for the payment of refunds to taxpayers located in
20 those areas described in items (i), (ii), and (iii) in that
21 ~~portion of Cook County outside of Chicago.~~ Within 10 days after
22 receipt by the Comptroller of the certification of the amounts
23 ~~amount to be paid to the Authority,~~ the Comptroller shall cause
24 an order to be drawn for the payment of two-thirds of the
25 amounts certified in item (i) of this subsection to the
26 Authority and one-third of the amounts certified in item (i) of

1 this subsection to the respective counties other than Cook
2 County and the amount certified in items (ii) and (iii) of this
3 subsection to the Authority ~~for the amount in accordance with~~
4 ~~the direction in the certification.~~

5 In addition to the disbursement required by the preceding
6 paragraph, an allocation shall be made in July 1991 and each
7 year thereafter to the Regional Transportation Authority. The
8 allocation shall be made in an amount equal to the average
9 monthly distribution during the preceding calendar year
10 (excluding the 2 months of lowest receipts) and the allocation
11 shall include the amount of average monthly distribution from
12 the Regional Transportation Authority Occupation and Use Tax
13 Replacement Fund. The distribution made in July 1992 and each
14 year thereafter under this paragraph and the preceding
15 paragraph shall be reduced by the amount allocated and
16 disbursed under this paragraph in the preceding calendar year.
17 The Department of Revenue shall prepare and certify to the
18 Comptroller for disbursement the allocations made in
19 accordance with this paragraph.

20 (o) Failure to adopt a budget ordinance or otherwise to
21 comply with Section 4.01 of this Act or to adopt a Five-year
22 Capital Program or otherwise to comply with paragraph (b) of
23 Section 2.01 of this Act shall not affect the validity of any
24 tax imposed by the Authority otherwise in conformity with law.

25 (p) At no time shall a public transportation tax or motor
26 vehicle parking tax authorized under paragraphs (b), (c) and

1 (d) of this Section be in effect at the same time as any
2 retailers' occupation, use or service occupation tax
3 authorized under paragraphs (e), (f) and (g) of this Section is
4 in effect.

5 Any taxes imposed under the authority provided in
6 paragraphs (b), (c) and (d) shall remain in effect only until
7 the time as any tax authorized by paragraphs (e), (f) or (g) of
8 this Section are imposed and becomes effective. Once any tax
9 authorized by paragraphs (e), (f) or (g) is imposed the Board
10 may not reimpose taxes as authorized in paragraphs (b), (c) and
11 (d) of the Section unless any tax authorized by paragraphs (e),
12 (f) or (g) of this Section becomes ineffective by means other
13 than an ordinance of the Board.

14 (q) Any existing rights, remedies and obligations
15 (including enforcement by the Regional Transportation
16 Authority) arising under any tax imposed under paragraphs (b),
17 (c) or (d) of this Section shall not be affected by the
18 imposition of a tax under paragraphs (e), (f) or (g) of this
19 Section.

20 (Source: P.A. 92-221, eff. 8-2-01; 92-651, eff. 7-11-02;
21 93-1068, eff. 1-15-05.)

22 (70 ILCS 3615/4.03.3 new)

23 Sec. 4.03.3. Distribution of Revenues. This Section
24 applies only after the Department begins administering and
25 enforcing an increased tax under Section 4.03(m) as authorized

1 by this amendatory Act of the 95th General Assembly. After
2 providing for payment of its obligations with respect to bonds
3 and notes issued under the provisions of Section 4.04 and
4 obligations related to those bonds and notes, the Authority
5 shall disburse the remaining proceeds from taxes it has
6 received from the Department of Revenue under this Article IV
7 and the remaining proceeds it has received from the State under
8 Section 4.09(a) as follows:

9 (a) With respect to taxes imposed by the Authority under
10 Section 4.03, after withholding 15% of 80% of the receipts from
11 those taxes collected in Cook County at a rate of 1.25%, 15% of
12 75% of the receipts from those taxes collected in Cook County
13 at the rate of 1%, 15% of one-half of the receipts from those
14 taxes collected in DuPage, Kane, Lake, McHenry, and Will
15 Counties, and 15% of money received by the Authority from the
16 Regional Transportation Authority Occupation and Use Tax
17 Replacement Fund or from the Regional Transportation Authority
18 tax fund created in Section 4.03(n), the Board shall allocate
19 the proceeds and money remaining to the Service Boards as
20 follows:

21 (1) an amount equal to (i) 85% of 80% of the receipts
22 from those taxes collected within the City of Chicago at a
23 rate of 1.25%, (ii) 85% of 75% of the receipts from those
24 taxes collected in the City of Chicago at the rate of 1%,
25 and (iii) 85% of the money received by the Authority on
26 account of transfers to the Regional Transportation

1 Authority Occupation and Use Tax Replacement Fund or to the
2 Regional Transportation Authority tax fund created in
3 Section 4.03(n) from the County and Mass Transit District
4 Fund attributable to retail sales within the City of
5 Chicago shall be allocated to the Chicago Transit
6 Authority;

7 (2) an amount equal to (i) 85% of 80% of the receipts
8 from those taxes collected within Cook County outside of
9 the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of
10 the receipts from those taxes collected within Cook County
11 outside the City of Chicago at a rate of 1%, and (iii) 85%
12 of the money received by the Authority on account of
13 transfers to the Regional Transportation Authority
14 Occupation and Use Tax Replacement Fund or to the Regional
15 Transportation Authority tax fund created in Section
16 4.03(n) from the County and Mass Transit District Fund
17 attributable to retail sales within Cook County outside of
18 the City of Chicago shall be allocated 30% to the Chicago
19 Transit Authority, 55% to the Commuter Rail Board, and 15%
20 to the Suburban Bus Board; and

21 (3) an amount equal to 85% of one-half of the receipts
22 from the taxes collected within the Counties of DuPage,
23 Kane, Lake, McHenry, and Will shall be allocated 70% to the
24 Commuter Rail Board and 30% to the Suburban Bus Board.

25 (b) Moneys received by the Authority on account of
26 transfers to the Regional Transportation Authority Occupation

1 and Use Tax Replacement Fund from the State and Local Sales Tax
2 Reform Fund shall be allocated among the Authority and the
3 Service Boards as follows: 15% of such moneys shall be retained
4 by the Authority and the remaining 85% shall be transferred to
5 the Service Boards as soon as may be practicable after the
6 Authority receives payment. Moneys which are distributable to
7 the Service Boards pursuant to the preceding sentence shall be
8 allocated among the Service Boards on the basis of each Service
9 Board's distribution ratio. The term "distribution ratio"
10 means, for purposes of this subsection (b), the ratio of the
11 total amount distributed to a Service Board pursuant to
12 subsection (a) of Section 4.03.3 for the immediately preceding
13 calendar year to the total amount distributed to all of the
14 Service Boards pursuant to subsection (a) of Section 4.03.3 for
15 the immediately preceding calendar year.

16 (c) (i) 20% of the receipts from those taxes collected in
17 Cook County under Section 4.03 at the rate of 1.25%, (ii) 25%
18 of the receipts from those taxes collected in Cook County under
19 Section 4.03 at the rate of 1%, (iii) 50% of the receipts from
20 those taxes collected in DuPage, Kane, Lake, McHenry, and Will
21 Counties under Section 4.03, and (iv) amounts received from the
22 State under Section 4.09 (a) (2) and items (i), (ii), and (iii)
23 of Section 4.09 (a) (3) shall be allocated as follows: in 2008,
24 \$100,000,000 shall be deposited in the ADA Paratransit Fund
25 described in Section 2.01d, \$20,000,000 shall be deposited in
26 the Suburban Community Mobility Fund described in Section

1 2.01e, and \$10,000,000 shall be deposited in the Innovation,
2 Coordination and Enhancement Fund described in Section 2.01c,
3 and the balance shall be allocated 48% to the Chicago Transit
4 Authority, 39% to the Commuter Rail Board, and 13% to the
5 Suburban Bus Board; and in 2009 and each year thereafter, the
6 amounts deposited in the ADA Paratransit Fund, the Suburban
7 Community Mobility Fund and the Innovation, Coordination and
8 Enhancement Fund respectively shall equal the amount deposited
9 in the previous year increased or decreased by the percentage
10 growth or decline in revenues received by the Authority from
11 taxes imposed under Section 4.03 in the previous year, and the
12 balance shall be allocated 48% to the Chicago Transit
13 Authority, 39% to the Commuter Rail Board and 13% to the
14 Suburban Bus Board.

15 (d) Amounts received from the State under Section 4.09
16 (a) (3) (iv) shall be distributed 100% to the Chicago Transit
17 Authority.

18 (e) With respect to those taxes collected in DuPage, Kane,
19 Lake, McHenry, and Will Counties and paid directly to the
20 counties under Section 4.03, the County Board of each county
21 shall use those amounts to fund operating and capital costs of
22 public safety and public transportation services or facilities
23 or to fund operating, capital, right-of-way, construction, and
24 maintenance costs of other transportation purposes, including
25 road, bridge, public safety, and transit purposes intended to
26 improve mobility or reduce congestion in the county. The

1 receipt of funding by such counties pursuant to this paragraph
2 shall not be used as the basis for reducing any funds that such
3 counties would otherwise have received from the State of
4 Illinois, any agency or instrumentality thereof, the
5 Authority, or the Service Boards.

6 (f) The Authority by ordinance adopted by 12 of its then
7 Directors shall apportion to the Service Boards funds provided
8 by the State of Illinois under Section 4.09(a)(1) as it shall
9 determine and shall make payment of the amounts to each Service
10 Board as soon as may be practicable upon their receipt provided
11 the Authority has adopted a balanced budget as required by
12 Section 4.01 and further provided the Service Board is in
13 compliance with the requirements in Section 4.11.

14 (g) Beginning January 1, 2009, before making any payments,
15 transfers, or expenditures under this Section to a Service
16 Board, the Authority must first comply with Section 4.02a or
17 4.02b of this Act, whichever may be applicable.

18 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

19 Sec. 4.04. Issuance and Pledge of Bonds and Notes.

20 (a) The Authority shall have the continuing power to borrow
21 money and to issue its negotiable bonds or notes as provided in
22 this Section. Unless otherwise indicated in this Section, the
23 term "notes" also includes bond anticipation notes, which are
24 notes which by their terms provide for their payment from the
25 proceeds of bonds thereafter to be issued. Bonds or notes of

1 the Authority may be issued for any or all of the following
2 purposes: to pay costs to the Authority or a Service Board of
3 constructing or acquiring any public transportation facilities
4 (including funds and rights relating thereto, as provided in
5 Section 2.05 of this Act); to repay advances to the Authority
6 or a Service Board made for such purposes; to pay other
7 expenses of the Authority or a Service Board incident to or
8 incurred in connection with such construction or acquisition;
9 to provide funds for any transportation agency to pay principal
10 of or interest or redemption premium on any bonds or notes,
11 whether as such amounts become due or by earlier redemption,
12 issued prior to the date of this amendatory Act by such
13 transportation agency to construct or acquire public
14 transportation facilities or to provide funds to purchase such
15 bonds or notes; and to provide funds for any transportation
16 agency to construct or acquire any public transportation
17 facilities, to repay advances made for such purposes, and to
18 pay other expenses incident to or incurred in connection with
19 such construction or acquisition; and to provide funds for
20 payment of obligations, including the funding of reserves,
21 under any self-insurance plan or joint self-insurance pool or
22 entity.

23 In addition to any other borrowing as may be authorized by
24 this Section, the Authority may issue its notes, from time to
25 time, in anticipation of tax receipts of the Authority or of
26 other revenues or receipts of the Authority, in order to

1 provide money for the Authority or the Service Boards to cover
2 any cash flow deficit which the Authority or a Service Board
3 anticipates incurring. Any such notes are referred to in this
4 Section as "Working Cash Notes". No Working Cash Notes shall be
5 issued for a term of longer than 24 ~~18~~ months. Proceeds of
6 Working Cash Notes may be used to pay day to day operating
7 expenses of the Authority or the Service Boards, consisting of
8 wages, salaries and fringe benefits, professional and
9 technical services (including legal, audit, engineering and
10 other consulting services), office rental, furniture, fixtures
11 and equipment, insurance premiums, claims for self-insured
12 amounts under insurance policies, public utility obligations
13 for telephone, light, heat and similar items, travel expenses,
14 office supplies, postage, dues, subscriptions, public hearings
15 and information expenses, fuel purchases, and payments of
16 grants and payments under purchase of service agreements for
17 operations of transportation agencies, prior to the receipt by
18 the Authority or a Service Board from time to time of funds for
19 paying such expenses. In addition to any Working Cash Notes
20 that the Board of the Authority may determine to issue, the
21 Suburban Bus Board, the Commuter Rail Board or the Board of the
22 Chicago Transit Authority may demand and direct that the
23 Authority issue its Working Cash Notes in such amounts and
24 having such maturities as the Service Board may determine.

25 Notwithstanding any other provision of this Act, any
26 amounts necessary to pay principal of and interest on any

1 Working Cash Notes issued at the demand and direction of a
2 Service Board or any Working Cash Notes the proceeds of which
3 were used for the direct benefit of a Service Board or any
4 other Bonds or Notes of the Authority the proceeds of which
5 were used for the direct benefit of a Service Board shall
6 constitute a reduction of the amount of any other funds
7 provided by the Authority to that Service Board. The Authority
8 shall, after deducting any costs of issuance, tender the net
9 proceeds of any Working Cash Notes issued at the demand and
10 direction of a Service Board to such Service Board as soon as
11 may be practicable after the proceeds are received. The
12 Authority may also issue notes or bonds to pay, refund or
13 redeem any of its notes and bonds, including to pay redemption
14 premiums or accrued interest on such bonds or notes being
15 renewed, paid or refunded, and other costs in connection
16 therewith. The Authority may also utilize the proceeds of any
17 such bonds or notes to pay the legal, financial, administrative
18 and other expenses of such authorization, issuance, sale or
19 delivery of bonds or notes or to provide or increase a debt
20 service reserve fund with respect to any or all of its bonds or
21 notes. The Authority may also issue and deliver its bonds or
22 notes in exchange for any public transportation facilities,
23 (including funds and rights relating thereto, as provided in
24 Section 2.05 of this Act) or in exchange for outstanding bonds
25 or notes of the Authority, including any accrued interest or
26 redemption premium thereon, without advertising or submitting

1 such notes or bonds for public bidding.

2 (b) The ordinance providing for the issuance of any such
3 bonds or notes shall fix the date or dates of maturity, the
4 dates on which interest is payable, any sinking fund account or
5 reserve fund account provisions and all other details of such
6 bonds or notes and may provide for such covenants or agreements
7 necessary or desirable with regard to the issue, sale and
8 security of such bonds or notes. The rate or rates of interest
9 on its bonds or notes may be fixed or variable and the
10 Authority shall determine or provide for the determination of
11 the rate or rates of interest of its bonds or notes issued
12 under this Act in an ordinance adopted by the Authority prior
13 to the issuance thereof, none of which rates of interest shall
14 exceed that permitted in the Bond Authorization Act. Interest
15 may be payable at such times as are provided for by the Board.
16 Bonds and notes issued under this Section may be issued as
17 serial or term obligations, shall be of such denomination or
18 denominations and form, including interest coupons to be
19 attached thereto, be executed in such manner, shall be payable
20 at such place or places and bear such date as the Authority
21 shall fix by the ordinance authorizing such bond or note and
22 shall mature at such time or times, within a period not to
23 exceed forty years from the date of issue, and may be
24 redeemable prior to maturity with or without premium, at the
25 option of the Authority, upon such terms and conditions as the
26 Authority shall fix by the ordinance authorizing the issuance

1 of such bonds or notes. No bond anticipation note or any
2 renewal thereof shall mature at any time or times exceeding 5
3 years from the date of the first issuance of such note. The
4 Authority may provide for the registration of bonds or notes in
5 the name of the owner as to the principal alone or as to both
6 principal and interest, upon such terms and conditions as the
7 Authority may determine. The ordinance authorizing bonds or
8 notes may provide for the exchange of such bonds or notes which
9 are fully registered, as to both principal and interest, with
10 bonds or notes which are registerable as to principal only. All
11 bonds or notes issued under this Section by the Authority other
12 than those issued in exchange for property or for bonds or
13 notes of the Authority shall be sold at a price which may be at
14 a premium or discount but such that the interest cost
15 (excluding any redemption premium) to the Authority of the
16 proceeds of an issue of such bonds or notes, computed to stated
17 maturity according to standard tables of bond values, shall not
18 exceed that permitted in the Bond Authorization Act. The
19 Authority shall notify the Governor's Office of Management and
20 Budget and the State Comptroller at least 30 days before any
21 bond sale and shall file with the Governor's Office of
22 Management and Budget and the State Comptroller a certified
23 copy of any ordinance authorizing the issuance of bonds at or
24 before the issuance of the bonds. After December 31, 1994, any
25 such bonds or notes shall be sold to the highest and best
26 bidder on sealed bids as the Authority shall deem. As such

1 bonds or notes are to be sold the Authority shall advertise for
2 proposals to purchase the bonds or notes which advertisement
3 shall be published at least once in a daily newspaper of
4 general circulation published in the metropolitan region at
5 least 10 days before the time set for the submission of bids.
6 The Authority shall have the right to reject any or all bids.
7 Notwithstanding any other provisions of this Section, Working
8 Cash Notes or bonds or notes to provide funds for
9 self-insurance or a joint self-insurance pool or entity may be
10 sold either upon competitive bidding or by negotiated sale
11 (without any requirement of publication of intention to
12 negotiate the sale of such Notes), as the Board shall determine
13 by ordinance adopted with the affirmative votes of at least 9 ~~7~~
14 Directors. In case any officer whose signature appears on any
15 bonds, notes or coupons authorized pursuant to this Section
16 shall cease to be such officer before delivery of such bonds or
17 notes, such signature shall nevertheless be valid and
18 sufficient for all purposes, the same as if such officer had
19 remained in office until such delivery. Neither the Directors
20 of the Authority nor any person executing any bonds or notes
21 thereof shall be liable personally on any such bonds or notes
22 or coupons by reason of the issuance thereof.

23 (c) All bonds or notes of the Authority issued pursuant to
24 this Section shall be general obligations of the Authority to
25 which shall be pledged the full faith and credit of the
26 Authority, as provided in this Section. Such bonds or notes

1 shall be secured as provided in the authorizing ordinance,
2 which may, notwithstanding any other provision of this Act,
3 include in addition to any other security, a specific pledge or
4 assignment of and lien on or security interest in any or all
5 tax receipts of the Authority and on any or all other revenues
6 or moneys of the Authority from whatever source, which may by
7 law be utilized for debt service purposes and a specific pledge
8 or assignment of and lien on or security interest in any funds
9 or accounts established or provided for by the ordinance of the
10 Authority authorizing the issuance of such bonds or notes. Any
11 such pledge, assignment, lien or security interest for the
12 benefit of holders of bonds or notes of the Authority shall be
13 valid and binding from the time the bonds or notes are issued
14 without any physical delivery or further act and shall be valid
15 and binding as against and prior to the claims of all other
16 parties having claims of any kind against the Authority or any
17 other person irrespective of whether such other parties have
18 notice of such pledge, assignment, lien or security interest.
19 The obligations of the Authority incurred pursuant to this
20 Section shall be superior to and have priority over any other
21 obligations of the Authority.

22 The Authority may provide in the ordinance authorizing the
23 issuance of any bonds or notes issued pursuant to this Section
24 for the creation of, deposits in, and regulation and
25 disposition of sinking fund or reserve accounts relating to
26 such bonds or notes. The ordinance authorizing the issuance of

1 any bonds or notes pursuant to this Section may contain
2 provisions as part of the contract with the holders of the
3 bonds or notes, for the creation of a separate fund to provide
4 for the payment of principal and interest on such bonds or
5 notes and for the deposit in such fund from any or all the tax
6 receipts of the Authority and from any or all such other moneys
7 or revenues of the Authority from whatever source which may by
8 law be utilized for debt service purposes, all as provided in
9 such ordinance, of amounts to meet the debt service
10 requirements on such bonds or notes, including principal and
11 interest, and any sinking fund or reserve fund account
12 requirements as may be provided by such ordinance, and all
13 expenses incident to or in connection with such fund and
14 accounts or the payment of such bonds or notes. Such ordinance
15 may also provide limitations on the issuance of additional
16 bonds or notes of the Authority. No such bonds or notes of the
17 Authority shall constitute a debt of the State of Illinois.
18 Nothing in this Act shall be construed to enable the Authority
19 to impose any ad valorem tax on property.

20 (d) The ordinance of the Authority authorizing the issuance
21 of any bonds or notes may provide additional security for such
22 bonds or notes by providing for appointment of a corporate
23 trustee (which may be any trust company or bank having the
24 powers of a trust company within the state) with respect to
25 such bonds or notes. The ordinance shall prescribe the rights,
26 duties and powers of the trustee to be exercised for the

1 benefit of the Authority and the protection of the holders of
2 such bonds or notes. The ordinance may provide for the trustee
3 to hold in trust, invest and use amounts in funds and accounts
4 created as provided by the ordinance with respect to the bonds
5 or notes. The ordinance may provide for the assignment and
6 direct payment to the trustee of any or all amounts produced
7 from the sources provided in Section 4.03 and Section 4.09 of
8 this Act and provided in Section 6z-17 of "An Act in relation
9 to State finance", approved June 10, 1919, as amended. Upon
10 receipt of notice of any such assignment, the Department of
11 Revenue and the Comptroller of the State of Illinois shall
12 thereafter, notwithstanding the provisions of Section 4.03 and
13 Section 4.09 of this Act and Section 6z-17 of "An Act in
14 relation to State finance", approved June 10, 1919, as amended,
15 provide for such assigned amounts to be paid directly to the
16 trustee instead of the Authority, all in accordance with the
17 terms of the ordinance making the assignment. The ordinance
18 shall provide that amounts so paid to the trustee which are not
19 required to be deposited, held or invested in funds and
20 accounts created by the ordinance with respect to bonds or
21 notes or used for paying bonds or notes to be paid by the
22 trustee to the Authority.

23 (e) Any bonds or notes of the Authority issued pursuant to
24 this Section shall constitute a contract between the Authority
25 and the holders from time to time of such bonds or notes. In
26 issuing any bond or note, the Authority may include in the

1 ordinance authorizing such issue a covenant as part of the
2 contract with the holders of the bonds or notes, that as long
3 as such obligations are outstanding, it shall make such
4 deposits, as provided in paragraph (c) of this Section. It may
5 also so covenant that it shall impose and continue to impose
6 taxes, as provided in Section 4.03 of this Act and in addition
7 thereto as subsequently authorized by law, sufficient to make
8 such deposits and pay the principal and interest and to meet
9 other debt service requirements of such bonds or notes as they
10 become due. A certified copy of the ordinance authorizing the
11 issuance of any such obligations shall be filed at or prior to
12 the issuance of such obligations with the Comptroller of the
13 State of Illinois and the Illinois Department of Revenue.

14 (f) The State of Illinois pledges to and agrees with the
15 holders of the bonds and notes of the Authority issued pursuant
16 to this Section that the State will not limit or alter the
17 rights and powers vested in the Authority by this Act so as to
18 impair the terms of any contract made by the Authority with
19 such holders or in any way impair the rights and remedies of
20 such holders until such bonds and notes, together with interest
21 thereon, with interest on any unpaid installments of interest,
22 and all costs and expenses in connection with any action or
23 proceedings by or on behalf of such holders, are fully met and
24 discharged. In addition, the State pledges to and agrees with
25 the holders of the bonds and notes of the Authority issued
26 pursuant to this Section that the State will not limit or alter

1 the basis on which State funds are to be paid to the Authority
2 as provided in this Act, or the use of such funds, so as to
3 impair the terms of any such contract. The Authority is
4 authorized to include these pledges and agreements of the State
5 in any contract with the holders of bonds or notes issued
6 pursuant to this Section.

7 (g) (1) Except as provided in subdivisions (g) (2) and
8 (g) (3) of Section 4.04 of this Act, the Authority shall not
9 at any time issue, sell or deliver any bonds or notes
10 (other than Working Cash Notes) pursuant to this Section
11 4.04 which will cause it to have issued and outstanding at
12 any time in excess of \$800,000,000 of such bonds and notes
13 (other than Working Cash Notes). The Authority shall not at
14 any time issue, sell, or deliver any Working Cash Notes
15 pursuant to this Section that will cause it to have issued
16 and outstanding at any time in excess of \$100,000,000.
17 Notwithstanding the foregoing, before July 1, 2009, the
18 Authority may issue, sell, and deliver an additional
19 \$300,000,000 in Working Cash Notes, provided that any such
20 additional notes shall mature on or before June 30, 2011.
21 ~~The Authority shall not at any time issue, sell or deliver~~
22 ~~any Working Cash Notes pursuant to this Section which will~~
23 ~~cause it to have issued and outstanding at any time in~~
24 ~~excess of \$100,000,000 of Working Cash Notes.~~ Bonds or
25 notes which are being paid or retired by such issuance,
26 sale or delivery of bonds or notes, and bonds or notes for

1 which sufficient funds have been deposited with the paying
2 agency of such bonds or notes to provide for payment of
3 principal and interest thereon or to provide for the
4 redemption thereof, all pursuant to the ordinance
5 authorizing the issuance of such bonds or notes, shall not
6 be considered to be outstanding for the purposes of the
7 first two sentences of this subsection.

8 (2) In addition to the authority provided by paragraphs
9 (1) and (3), the Authority is authorized to issue, sell and
10 deliver bonds or notes for Strategic Capital Improvement
11 Projects approved pursuant to Section 4.13 as follows:

12 \$100,000,000 is authorized to be issued on or after
13 January 1, 1990;

14 an additional \$100,000,000 is authorized to be issued
15 on or after January 1, 1991;

16 an additional \$100,000,000 is authorized to be issued
17 on or after January 1, 1992;

18 an additional \$100,000,000 is authorized to be issued
19 on or after January 1, 1993;

20 an additional \$100,000,000 is authorized to be issued
21 on or after January 1, 1994; and

22 the aggregate total authorization of bonds and notes
23 for Strategic Capital Improvement Projects as of January 1,
24 1994, shall be \$500,000,000.

25 The Authority is also authorized to issue, sell, and
26 deliver bonds or notes in such amounts as are necessary to

1 provide for the refunding or advance refunding of bonds or
2 notes issued for Strategic Capital Improvement Projects
3 under this subdivision (g)(2), provided that no such
4 refunding bond or note shall mature later than the final
5 maturity date of the series of bonds or notes being
6 refunded, and provided further that the debt service
7 requirements for such refunding bonds or notes in the
8 current or any future fiscal year shall not exceed the debt
9 service requirements for that year on the refunded bonds or
10 notes.

11 (3) In addition to the authority provided by paragraphs
12 (1) and (2), the Authority is authorized to issue, sell,
13 and deliver bonds or notes for Strategic Capital
14 Improvement Projects approved pursuant to Section 4.13 as
15 follows:

16 \$260,000,000 is authorized to be issued on or after
17 January 1, 2000;

18 an additional \$260,000,000 is authorized to be issued
19 on or after January 1, 2001;

20 an additional \$260,000,000 is authorized to be issued
21 on or after January 1, 2002;

22 an additional \$260,000,000 is authorized to be issued
23 on or after January 1, 2003;

24 an additional \$260,000,000 is authorized to be issued
25 on or after January 1, 2004; and

26 the aggregate total authorization of bonds and notes

1 for Strategic Capital Improvement Projects pursuant to
2 this paragraph (3) as of January 1, 2004 shall be
3 \$1,300,000,000.

4 The Authority is also authorized to issue, sell, and
5 deliver bonds or notes in such amounts as are necessary to
6 provide for the refunding or advance refunding of bonds or
7 notes issued for Strategic Capital Improvement projects
8 under this subdivision (g)(3), provided that no such
9 refunding bond or note shall mature later than the final
10 maturity date of the series of bonds or notes being
11 refunded, and provided further that the debt service
12 requirements for such refunding bonds or notes in the
13 current or any future fiscal year shall not exceed the debt
14 service requirements for that year on the refunded bonds or
15 notes.

16 (h) The Authority, subject to the terms of any agreements
17 with noteholders or bond holders as may then exist, shall have
18 power, out of any funds available therefor, to purchase notes
19 or bonds of the Authority, which shall thereupon be cancelled.

20 (i) In addition to any other authority granted by law, the
21 State Treasurer may, with the approval of the Governor, invest
22 or reinvest, at a price not to exceed par, any State money in
23 the State Treasury which is not needed for current expenditures
24 due or about to become due in Working Cash Notes.

25 (Source: P.A. 94-793, eff. 5-19-06.)

1 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

2 Sec. 4.09. Public Transportation Fund and the Regional
3 Transportation Authority Occupation and Use Tax Replacement
4 Fund.

5 (a) (1) ~~(a) As soon as possible after the first day of each~~
6 ~~month, beginning November 1, 1983, the Comptroller shall order~~
7 ~~transferred and the Treasurer shall transfer from the General~~
8 ~~Revenue Fund to a special fund in the State Treasury, to be~~
9 ~~known as the "Public Transportation Fund" \$9,375,000 for each~~
10 ~~month remaining in State fiscal year 1984.~~ As soon as possible

11 after the first day of each month, beginning July 1, 1984, upon
12 certification of the Department of Revenue, the Comptroller
13 shall order transferred and the Treasurer shall transfer from
14 the General Revenue Fund to a special fund in the State
15 Treasury to be known as the Public Transportation Fund an
16 amount equal to 25% of the net revenue, before the deduction of
17 the serviceman and retailer discounts pursuant to Section 9 of
18 the Service Occupation Tax Act and Section 3 of the Retailers'
19 Occupation Tax Act, realized from any tax imposed by the
20 Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the
21 amounts deposited into the Regional Transportation Authority
22 tax fund created by Section 4.03 of this Act, from the County
23 and Mass Transit District Fund as provided in Section 6z-20 of
24 the State Finance Act and 25% of the amounts deposited into the
25 Regional Transportation Authority Occupation and Use Tax
26 Replacement Fund from the State and Local Sales Tax Reform Fund

1 as provided in Section 6z-17 of the State Finance Act. On the
2 first day of the month following the date that the Department
3 receives revenues from increased taxes under Section 4.03(m) as
4 authorized by this amendatory Act of the 95th General Assembly,
5 in lieu of the transfers authorized in the preceding sentence,
6 upon certification of the Department of Revenue, the
7 Comptroller shall order transferred and the Treasurer shall
8 transfer from the General Revenue Fund to the Public
9 Transportation Fund an amount equal to 25% of the net revenue,
10 before the deduction of the serviceman and retailer discounts
11 pursuant to Section 9 of the Service Occupation Tax Act and
12 Section 3 of the Retailers' Occupation Tax Act, realized from
13 (i) 80% of the proceeds of any tax imposed by the Authority at
14 a rate of 1.25% in Cook County, (ii) 75% of the proceeds of any
15 tax imposed by the Authority at the rate of 1% in Cook County,
16 and (iii) one-third of the proceeds of any tax imposed by the
17 Authority at the rate of 0.75% in the Counties of DuPage, Kane,
18 Lake, McHenry, and Will, all pursuant to Section 4.03, and 25%
19 of the net revenue realized from any tax imposed by the
20 Authority pursuant to Section 4.03.1, and 25% of the amounts
21 deposited into the Regional Transportation Authority tax fund
22 created by Section 4.03 of this Act from the County and Mass
23 Transit District Fund as provided in Section 6z-20 of the State
24 Finance Act, and 25% of the amounts deposited into the Regional
25 Transportation Authority Occupation and Use Tax Replacement
26 Fund from the State and Local Sales Tax Reform Fund as provided

1 in Section 6z-17 of the State Finance Act. As used in this
2 Section, net ~~Net~~ revenue realized for a month shall be the
3 revenue collected by the State pursuant to Sections 4.03 and
4 4.03.1 during the previous month from within the metropolitan
5 region, less the amount paid out during that same month as
6 refunds to taxpayers for overpayment of liability in the
7 metropolitan region under Sections 4.03 and 4.03.1.

8 (2) On the first day of the month following the effective
9 date of this amendatory Act of the 95th General Assembly and
10 each month thereafter, upon certification by the Department of
11 Revenue, the Comptroller shall order transferred and the
12 Treasurer shall transfer from the General Revenue Fund to the
13 Public Transportation Fund an amount equal to 5% of the net
14 revenue, before the deduction of the serviceman and retailer
15 discounts pursuant to Section 9 of the Service Occupation Tax
16 Act and Section 3 of the Retailers' Occupation Tax Act,
17 realized from any tax imposed by the Authority pursuant to
18 Sections 4.03 and 4.03.1 and certified by the Department of
19 Revenue under Section 4.03(n) of this Act to be paid to the
20 Authority and 5% of the revenue realized by the Chicago Transit
21 Authority as financial assistance from the City of Chicago from
22 the proceeds of any tax imposed by the City of Chicago under
23 Section 8-3-19 of the Illinois Municipal Code.

24 (3) As soon as possible after the first day of January,
25 2009 and each month thereafter, upon certification of the
26 Department of Revenue with respect to the taxes collected under

1 Section 4.03, the Comptroller shall order transferred and the
2 Treasurer shall transfer from the General Revenue Fund to the
3 Public Transportation Fund an amount equal to 25% of the net
4 revenue, before the deduction of the serviceman and retailer
5 discounts pursuant to Section 9 of the Service Occupation Tax
6 Act and Section 3 of the Retailers' Occupation Tax Act,
7 realized from (i) 20% of the proceeds of any tax imposed by the
8 Authority at a rate of 1.25% in Cook County, (ii) 25% of the
9 proceeds of any tax imposed by the Authority at the rate of 1%
10 in Cook County, and (iii) one-third of the proceeds of any tax
11 imposed by the Authority at the rate of 0.75% in the Counties
12 of DuPage, Kane, Lake, McHenry, and Will, all pursuant to
13 Section 4.03, and the Comptroller shall order transferred and
14 the Treasurer shall transfer from the General Revenue Fund to
15 the Public Transportation Fund (iv) an amount equal to 25% of
16 the revenue realized by the Chicago Transit Authority as
17 financial assistance from the City of Chicago from the proceeds
18 of any tax imposed by the City of Chicago under Section 8-3-19
19 of the Illinois Municipal Code.

20 (b)(1) All moneys deposited in the Public Transportation
21 Fund and the Regional Transportation Authority Occupation and
22 Use Tax Replacement Fund, whether deposited pursuant to this
23 Section or otherwise, are allocated to the Authority. The
24 ~~Pursuant to appropriation,~~ the Comptroller, as soon as possible
25 after each monthly transfer provided in this Section and after
26 each deposit into the Public Transportation Fund, shall order

1 the Treasurer to pay to the Authority out of the Public
2 Transportation Fund the amount so transferred or deposited. Any
3 Additional State Assistance and Additional Financial
4 Assistance paid to the Authority under this Section shall be
5 expended by the Authority for its purposes as provided in this
6 Act. The balance of the amounts paid to the Authority from the
7 Public Transportation Fund shall be expended by the Authority
8 as provided in Section 4.03.3. The ~~Such amounts paid to the~~
9 ~~Authority may be expended by it for its purposes as provided in~~
10 ~~this Act. Subject to appropriation to the Department of~~
11 ~~Revenue, the~~ Comptroller, as soon as possible after each
12 deposit into the Regional Transportation Authority Occupation
13 and Use Tax Replacement Fund provided in this Section and
14 Section 6z-17 of the State Finance Act, shall order the
15 Treasurer to pay to the Authority out of the Regional
16 Transportation Authority Occupation and Use Tax Replacement
17 Fund the amount so deposited. Such amounts paid to the
18 Authority may be expended by it for its purposes as provided in
19 this Act. The provisions directing the distributions from the
20 Public Transportation Fund and the Regional Transportation
21 Authority Occupation and Use Tax Replacement Fund provided for
22 in this Section shall constitute an irrevocable and continuing
23 appropriation of all amounts as provided herein. The State
24 Treasurer and State Comptroller are hereby authorized and
25 directed to make distributions as provided in this Section. (2)
26 Provided, however, no moneys deposited under subsection (a) of

1 this Section shall be paid from the Public Transportation Fund
2 to the Authority or its assignee for any fiscal year ~~beginning~~
3 ~~after the effective date of this amendatory Act of 1983~~ until
4 the Authority has certified to the Governor, the Comptroller,
5 and the Mayor of the City of Chicago that it has adopted for
6 that fiscal year an Annual Budget and Two-Year Financial Plan ~~a~~
7 ~~budget and financial plan~~ meeting the requirements in Section
8 4.01(b).

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

18	1990	\$5,000,000;
19	1991	\$5,000,000;
20	1992	\$10,000,000;
21	1993	\$10,000,000;
22	1994	\$20,000,000;
23	1995	\$30,000,000;
24	1996	\$40,000,000;
25	1997	\$50,000,000;
26	1998	\$55,000,000; and

1 each year thereafter \$55,000,000.

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

11 2000	\$0;
12 2001	\$16,000,000;
13 2002	\$35,000,000;
14 2003	\$54,000,000;
15 2004	\$73,000,000;
16 2005	\$93,000,000; and
17 each year thereafter	\$100,000,000.

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

23 (1) The amount necessary and required, during the State
24 fiscal year with respect to which the certification is
25 made, to pay its obligations for debt service on all
26 outstanding bonds or notes issued by the Authority under

1 subdivisions (g) (2) and (g) (3) of Section 4.04 of this Act.

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

7 (3) Its debt service savings during the preceding State
8 fiscal year from refunding or advance refunding of bonds or
9 notes issued under subdivisions (g) (2) and (g) (3) of
10 Section 4.04.

11 (4) The amount of interest, if any, earned by the
12 Authority during the previous State fiscal year on the
13 proceeds of bonds or notes issued pursuant to subdivisions
14 (g) (2) and (g) (3) of Section 4.04, other than refunding or
15 advance refunding bonds or notes.

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

22 Immediately upon the issuance of bonds for which an
23 estimated schedule of debt service payments was prepared, the
24 Authority shall file an amended certification with respect to
25 item (2) above, to specify the actual schedule of debt service
26 payments, including the date and amount of each payment, for

1 the remainder of the State fiscal year.

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

23 (A) In no event shall the total transfers in any State
24 fiscal year relating to outstanding bonds and notes issued
25 by the Authority under subdivision (g)(2) of Section 4.04
26 exceed the lesser of the annual maximum amount specified in

1 subsection (c) or the sum of the amounts certified under
2 items (1) and (3) above, plus the actual debt service
3 certified under item (2) above, less the amount certified
4 under item (4) above, with respect to those bonds and
5 notes.

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

15 The term "outstanding" does not include bonds or notes for
16 which refunding or advance refunding bonds or notes have been
17 issued.

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

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

7 (g) Within 6 months of the end of ~~the 3 month period ending~~
8 ~~December 31, 1983,~~ and each fiscal year thereafter, the
9 Authority shall determine:

10 (i) whether the aggregate of all system generated
11 revenues for public transportation in the metropolitan
12 region which is provided by, or under grant or purchase of
13 service contracts with, the Service Boards equals 50% of
14 the aggregate of all costs of providing such public
15 transportation. "System generated revenues" include all
16 the proceeds of fares and charges for services provided,
17 contributions received in connection with public
18 transportation from units of local government other than
19 the Authority, except for contributions received by the
20 Chicago Transit Authority from a real estate transfer tax
21 imposed under subsection (i) of Section 8-3-19 of the
22 Illinois Municipal Code, and from the State pursuant to
23 subsection (i) of Section 2705-305 of the Department of
24 Transportation Law (20 ILCS 2705/2705-305), and all other
25 revenues properly included consistent with generally
26 accepted accounting principles but may not include: the

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

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

22 (ii) whether, beginning with the 2007 fiscal year, the
23 aggregate of all fares charged and received for ADA
24 paratransit services equals the system generated ADA
25 paratransit services revenue recovery ratio percentage of
26 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. 94-370, eff. 7-29-05.)

15 (70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

16 Sec. 4.11. Budget Review Powers.

17 ~~(a) The provisions of this Section shall only be applicable~~
18 ~~to financial periods beginning after December 31, 1983. The~~
19 ~~Transition Board shall adopt a timetable governing the~~
20 ~~certification of estimates and any submissions required under~~
21 ~~this Section for fiscal year 1984 which shall control over the~~
22 ~~provisions of this Act.~~ Based upon estimates which shall be
23 given to the Authority by the Director of the Governor's Office
24 of Management and Budget (formerly Bureau of the Budget) of the
25 receipts to be received by the Authority from the taxes imposed

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

1 recovery ratio, the Board shall consider the historical system
2 generated revenues recovery ratio for the services subject to
3 the jurisdiction of that Service Board. The Board shall not
4 increase a Service Board's system generated revenues recovery
5 ratio for the next fiscal year over such ratio for the current
6 fiscal year disproportionately or prejudicially to increases
7 in such ratios for other Service Boards. The Board may, by
8 ordinance, provide that (i) the cost of research and
9 development projects in the fiscal year beginning January 1,
10 1986 and ending December 31, 1986 conducted pursuant to Section
11 2.09 of this Act, ~~and (ii) up to \$5,000,000 annually of the~~
12 ~~costs for passenger security, and (iii) expenditures of amounts~~
13 granted to a Service Board from the Innovation, Coordination,
14 and Enhancement Fund for operating purposes may be exempted
15 from the farebox recovery ratio or the system generated
16 revenues recovery ratio of the Chicago Transit Authority, the
17 Suburban Bus Board, and the Commuter Rail Board, or any of
18 them. During fiscal years 2008 through 2012, the Board may also
19 allocate the exemption of \$200,000,000 and the reducing amounts
20 of costs provided by this amendatory Act of the 95th General
21 Assembly from the farebox recovery ratio or system generated
22 revenues recovery ratio of each Service Board. ~~For the fiscal~~
23 ~~year beginning January 1, 1986 and ending December 31, 1986,~~
24 ~~and for the fiscal year beginning January 1, 1987 and ending~~
25 ~~December 31, 1987, the Board shall, by ordinance, provide that:~~
26 ~~(1) the amount of a grant, pursuant to Section 2705 310 of the~~

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

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

21 (2) The Board shall review the proposed budget and two-year
22 financial plan submitted by each Service Board, ~~and shall adopt~~
23 ~~a consolidated budget and financial plan.~~ The Board shall
24 approve the budget and two-year financial plan of a Service
25 Board if:

26 ~~(i) the Board has approved the proposed budget and cash~~

1 ~~flow plan for such fiscal year of each Service Board,~~
2 ~~pursuant to the conditions set forth in clauses (ii)~~
3 ~~through (vii) of this paragraph;~~

4 (i) ~~(ii)~~ such budget and plan show a balance between
5 (A) anticipated revenues from all sources including
6 operating subsidies and (B) the costs of providing the
7 services specified and of funding any operating deficits or
8 encumbrances incurred in prior periods, including
9 provision for payment when due of principal and interest on
10 outstanding indebtedness;

11 (ii) ~~(iii)~~ such budget and plan show cash balances
12 including the proceeds of any anticipated cash flow
13 borrowing sufficient to pay with reasonable promptness all
14 costs and expenses as incurred;

15 (iii) ~~(iv)~~ such budget and plan provide for a level of
16 fares or charges and operating or administrative costs for
17 the public transportation provided by or subject to the
18 jurisdiction of such Service Board sufficient to allow the
19 Service Board to meet its required system generated revenue
20 recovery ratio and, beginning with the 2007 fiscal year,
21 system generated ADA paratransit services revenue recovery
22 ratio;

23 (iv) ~~(v)~~ such budget and plan are based upon and employ
24 assumptions and projections which are reasonable and
25 prudent;

26 (v) ~~(vi)~~ such budget and plan have been prepared in

1 accordance with sound financial practices as determined by
2 the Board; ~~and~~

3 (vi) ~~(vii)~~ such budget and plan meet such other
4 financial, budgetary, or fiscal requirements that the
5 Board may by rule or regulation establish; and ~~;~~

6 (vii) such budget and plan are consistent with the
7 goals and objectives adopted by the Authority in the
8 Strategic Plan.

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

17 (4) Unless the Board by an affirmative vote of 12 ~~9~~ of the
18 then Directors determines that the budget and financial plan of
19 a Service Board meets the criteria specified in clauses (i)
20 ~~(ii)~~ through (vii) of subparagraph (2) of this paragraph (b),
21 the Board shall withhold from ~~not release to~~ that Service Board
22 25% of any funds for the periods covered by such budget and
23 financial plan except for the cash proceeds of taxes imposed by
24 the Authority under Section 4.03 and Section 4.03.1 and
25 received after February 1 and 25% of the amounts transferred to
26 the Authority from the Public Transportation Fund under Section

1 4.09(a) (but not including Section 4.09(a)(3)(iv)) after
2 February 1 that the Board has estimated to be available to that
3 Service Board under Section 4.11(a). Such funding shall be
4 released to the Service Board only upon approval of a budget
5 and financial plan under this Section or adoption of a budget
6 and financial plan on behalf of the Service Board by the
7 Authority ~~which are allocated to the Service Board under~~
8 ~~Section 4.01.~~

9 (5) If the Board has not found that the budget and
10 financial plan of a Service Board meets the criteria specified
11 in clauses (i) through (vii) of subparagraph (2) of this
12 paragraph (b), the Board, by the affirmative vote of at least
13 12 of its then Directors, shall ~~shall, five working days after~~
14 ~~the start of the Service Board's fiscal year~~ adopt a budget and
15 financial plan meeting such criteria for that Service Board.

16 (c)(1) If the Board shall at any time have received a
17 revised estimate, or revises any estimate the Board has made,
18 pursuant to this Section of the receipts to be collected by the
19 Authority which, in the judgment of the Board, requires a
20 change in the estimates on which the budget of any Service
21 Board is based, the Board shall advise the affected Service
22 Board of such revised estimates, and such Service Board shall
23 within 30 days after receipt of such advice submit a revised
24 budget incorporating such revised estimates. If the revised
25 estimates require, in the judgment of the Board, that the
26 system generated revenues recovery ratio of one or more Service

1 Boards be revised in order to allow the Authority to meet its
2 required ratio, the Board shall advise any such Service Board
3 of its revised ratio and such Service Board shall within 30
4 days after receipt of such advice submit a revised budget
5 incorporating such revised estimates or ratio.

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

17 (3) If the Board shall determine that a revised budget
18 submitted by a Service Board pursuant to subparagraph (1) or
19 (2) of this paragraph (c) does not meet the criteria specified
20 in clauses (i) ~~(ii)~~ through (vii) of subparagraph (2) of
21 paragraph (b) of this Section, the Board shall withhold from
22 ~~not release any monies to~~ that Service Board 25% of ~~except~~ the
23 cash proceeds of taxes imposed by the Authority under Section
24 4.03 or 4.03.1 and received by the Authority after February 1
25 and 25% of the amounts transferred to the Authority from the
26 Public Transportation Fund under Section 4.09(a) (but not

1 including Section 4.09(a)(3)(iv)) after February 1 that the
2 Board has estimated to be available ~~which are allocated to that~~
3 ~~the~~ Service Board under Section 4.11(a) ~~4.01~~. If the Service
4 Board submits a revised financial plan and budget which plan
5 and budget shows that the criteria will be met within a four
6 quarter period, the Board shall ~~continue to~~ release any such
7 withheld funds to the Service Board. The Board by the
8 affirmative vote of at least 12 ~~a 9 vote~~ of its then Directors
9 may require a Service Board to submit a revised financial plan
10 and budget which shows that the criteria will be met in a time
11 period less than four quarters.

12 (d) All budgets and financial plans, financial statements,
13 audits and other information presented to the Authority
14 pursuant to this Section or which may be required by the Board
15 to permit it to monitor compliance with the provisions of this
16 Section shall be prepared and presented in such manner and
17 frequency and in such detail as shall have been prescribed by
18 the Board, shall be prepared on both an accrual and cash flow
19 basis as specified by the Board, shall present such information
20 as the Authority shall prescribe that fairly presents the
21 condition of any pension plan or trust for health care benefits
22 with respect to retirees established by the Service Board and
23 describes the plans of the Service Board to meet the
24 requirements of Sections 4.02a and 4.02b, and shall identify
25 and describe the assumptions and projections employed in the
26 preparation thereof to the extent required by the Board. If the

1 Executive Director certifies that a Service Board has not
2 presented its budget and two-year financial plan in conformity
3 with the rules adopted by the Authority under the provisions of
4 Section 4.01(f) and this subsection (d), and such certification
5 is accepted by the affirmative vote of at least 12 of the then
6 Directors of the Authority, the Authority shall not distribute
7 to that Service Board any funds for operating purposes in
8 excess of the amounts distributed for such purposes to the
9 Service Board in the previous fiscal year. Except when the
10 Board adopts a budget and a financial plan for a Service Board
11 under paragraph (b) (5), a Service Board shall provide for such
12 levels of transportation services and fares or charges therefor
13 as it deems appropriate and necessary in the preparation of a
14 budget and financial plan meeting the criteria set forth in
15 clauses (i) ~~(ii)~~ through (vii) of subparagraph (2) of paragraph
16 (b) of this Section. The Authority Board shall have access to
17 and the right to examine and copy all books, documents, papers,
18 records, or other source data of a Service Board relevant to
19 any information submitted pursuant to this Section.

20 (e) Whenever this Section requires the Board to make
21 determinations with respect to estimates, budgets or financial
22 plans, or rules or regulations with respect thereto such
23 determinations shall be made upon the affirmative vote of at
24 least 12 ~~9~~ of the then Directors and shall be incorporated in a
25 written report of the Board and such report shall be submitted
26 within 10 days after such determinations are made to the

1 Governor, the Mayor of Chicago (if such determinations relate
2 to the Chicago Transit Authority), and the Auditor General of
3 Illinois.

4 (Source: P.A. 94-370, eff. 7-29-05.)

5 (70 ILCS 3615/4.13) (from Ch. 111 2/3, par. 704.13)

6 Sec. 4.13. Annual Capital Improvement Plan.

7 (a) With respect to each calendar year, the Authority shall
8 prepare as part of its Five Year Program an Annual Capital
9 Improvement Plan (the "Plan") which shall describe its intended
10 development and implementation of the Strategic Capital
11 Improvement Program. The Plan shall include the following
12 information:

13 (i) a list of projects for which approval is sought
14 from the Governor, with a description of each project
15 stating at a minimum the project cost, its category, its
16 location and the entity responsible for its
17 implementation;

18 (ii) a certification by the Authority that the
19 Authority and the Service Boards have applied for all
20 grants, loans and other moneys made available by the
21 federal government or the State of Illinois during the
22 preceding federal and State fiscal years for financing its
23 capital development activities;

24 (iii) a certification that, as of September 30 of the
25 preceding calendar year or any later date, the balance of

1 all federal capital grant funds and all other funds to be
2 used as matching funds therefor which were committed to or
3 possessed by the Authority or a Service Board but which had
4 not been obligated was less than \$350,000,000, or a greater
5 amount as authorized in writing by the Governor (for
6 purposes of this subsection (a), "obligated" means
7 committed to be paid by the Authority or a Service Board
8 under a contract with a nongovernmental entity in
9 connection with the performance of a project or committed
10 under a force account plan approved by the federal
11 government);

12 (iv) a certification that the Authority has adopted a
13 balanced budget with respect to such calendar year under
14 Section 4.01 of this Act;

15 (v) a schedule of all bonds or notes previously issued
16 for Strategic Capital Improvement Projects and all debt
17 service payments to be made with respect to all such bonds
18 and the estimated additional debt service payments through
19 June 30 of the following calendar year expected to result
20 from bonds to be sold prior thereto;

21 (vi) a long-range summary of the Strategic Capital
22 Improvement Program describing the projects to be funded
23 through the Program with respect to project cost, category,
24 location, and implementing entity, and presenting a
25 financial plan including an estimated time schedule for
26 obligating funds for the performance of approved projects,

1 issuing bonds, expending bond proceeds and paying debt
2 service throughout the duration of the Program; and

3 (vii) the source of funding for each project in the
4 Plan. For any project for which full funding has not yet
5 been secured and which is not subject to a federal full
6 funding contract, the Authority must identify alternative,
7 dedicated funding sources available to complete the
8 project. The Governor may waive this requirement on a
9 project by project basis.

10 (b) The Authority shall submit the Plan with respect to any
11 calendar year to the Governor on or before January 15 of that
12 year, or as soon as possible thereafter; provided, however,
13 that the Plan shall be adopted on the affirmative votes of 12 ~~9~~
14 of the then Directors. The Plan may be revised or amended at
15 any time, but any revision in the projects approved shall
16 require the Governor's approval.

17 (c) The Authority shall seek approval from the Governor
18 only through the Plan or an amendment thereto. The Authority
19 shall not request approval of the Plan from the Governor in any
20 calendar year in which it is unable to make the certifications
21 required under items (ii), (iii) and (iv) of subsection (a). In
22 no event shall the Authority seek approval of the Plan from the
23 Governor for projects in an aggregate amount exceeding the
24 proceeds of bonds or notes for Strategic Capital Improvement
25 Projects issued under Section 4.04 of this Act.

26 (d) The Governor may approve the Plan for which approval is

1 requested. The Governor's approval is limited to the amount of
2 the project cost stated in the Plan. The Governor shall not
3 approve the Plan in a calendar year if the Authority is unable
4 to make the certifications required under items (ii), (iii) and
5 (iv) of subsection (a). In no event shall the Governor approve
6 the Plan for projects in an aggregate amount exceeding the
7 proceeds of bonds or notes for Strategic Capital Improvement
8 Projects issued under Section 4.04 of this Act.

9 (e) With respect to capital improvements, only those
10 capital improvements which are in a Plan approved by the
11 Governor shall be financed with the proceeds of bonds or notes
12 issued for Strategic Capital Improvement Projects.

13 (f) Before the Authority or a Service Board obligates any
14 funds for a project for which the Authority or Service Board
15 intends to use the proceeds of bonds or notes for Strategic
16 Capital Improvement Projects, but which project is not included
17 in an approved Plan, the Authority must notify the Governor of
18 the intended obligation. No project costs incurred prior to
19 approval of the Plan including that project may be paid from
20 the proceeds of bonds or notes for Strategic Capital
21 Improvement Projects issued under Section 4.04 of this Act.

22 (Source: P.A. 94-839, eff. 6-6-06.)

23 (70 ILCS 3615/4.14) (from Ch. 111 2/3, par. 704.14)

24 Sec. 4.14. Rate Protection Contract. "Rate Protection
25 Contract" means interest rate price exchange agreements;

1 currency exchange agreements; forward payment conversion
2 agreements; contracts providing for payment or receipt of funds
3 based on levels of, or changes in, interest rates, currency
4 exchange rates, stock or other indices; contracts to exchange
5 cash flows or a series of payments; contracts, including
6 without limitation, interest rate caps; interest rate floor;
7 interest rate locks; interest rate collars; rate of return
8 guarantees or assurances, to manage payment, currency, rate,
9 spread or similar exposure; the obligation, right, or option to
10 issue, put, lend, sell, grant a security interest in, buy,
11 borrow or otherwise acquire, a bond, note or other security or
12 interest therein as an investment, as collateral, as a hedge,
13 or otherwise as a source or assurance of payment to or by the
14 Authority or as a reduction of the Authority's or an obligor's
15 risk exposure; repurchase agreements; securities lending
16 agreements; and other agreements or arrangements similar to the
17 foregoing.

18 Notwithstanding any provision in Section 2.20 (a) (ii) of
19 this Act to the contrary, in connection with or incidental to
20 the issuance by the Authority of its bonds or notes under the
21 provisions of Section 4.04 or the exercise of its powers under
22 subsection (b) of Section 2.20, the Authority, for its own
23 benefit or for the benefit of the holders of its obligations or
24 their trustee, may enter into rate protection contracts. The
25 Authority may enter into rate protection contracts only
26 pursuant to a determination by a vote of 12 ~~9~~ of the then

1 Directors that the terms of the contracts and any related
2 agreements reduce the risk of loss to the Authority, or
3 protect, preserve or enhance the value of its assets, or
4 provide compensation to the Authority for losses resulting from
5 changes in interest rates. The Authority's obligations under
6 any rate protection contract or credit enhancement or liquidity
7 agreement shall not be considered bonds or notes for purposes
8 of this Act. For purposes of this Section a rate protection
9 contract is a contract determined by the Authority as necessary
10 or appropriate to permit it to manage payment, currency or
11 interest rate risks or levels.

12 (Source: P.A. 87-764.)

13 (70 ILCS 3615/5.01) (from Ch. 111 2/3, par. 705.01)

14 Sec. 5.01. Hearings and Citizen Participation.

15 (a) The Authority shall provide for and encourage
16 participation by the public in the development and review of
17 public transportation policy, and in the process by which major
18 decisions significantly affecting the provision of public
19 transportation are made. The Authority shall coordinate such
20 public participation processes with the Chicago Metropolitan
21 Agency for Planning to the extent practicable.

22 (b) The Authority shall hold such public hearings as may be
23 required by this Act or as the Authority may deem appropriate
24 to the performance of any of its functions. The Authority shall
25 coordinate such public hearings with the Chicago Metropolitan

1 Agency for Planning to the extent practicable.

2 (c) Unless such items are specifically provided for either
3 in the Five-Year Capital Program or in the annual budget
4 program which has been the subject of public hearings as
5 provided in Sections 2.01 or 4.01 of this Act, the Board shall
6 hold public hearings at which citizens may be heard prior to:

7 (i) the construction or acquisition of any public
8 transportation facility, the aggregate cost of which exceeds \$5
9 million; and

10 (ii) the extension of, or major addition to services
11 provided by the Authority or by any transportation agency
12 pursuant to a purchase of service agreement with the Authority.

13 (d) Unless such items are specifically provided for in the
14 annual budget and program which has been the subject of public
15 hearing, as provided in Section 4.01 of this Act, the Board
16 shall hold public hearings at which citizens may be heard prior
17 to the providing for or allowing, by means of any purchase of
18 service agreement or any grant pursuant to Section 2.02 of this
19 Act, any general increase or series of increases in fares or
20 charges for public transportation, whether by the Authority or
21 by any transportation agency, which increase or series of
22 increases within any twelve months affects more than 25% of the
23 consumers of service of the Authority or of the transportation
24 agency; or so providing for or allowing any discontinuance of
25 any public transportation route, or major portion thereof,
26 which has been in service for more than a year.

1 (e) At least twenty days prior notice of any public
2 hearing, as required in this Section, shall be given by public
3 advertisement in a newspaper of general circulation in the
4 metropolitan region.

5 (f) The Authority may designate one or more Directors or
6 may appoint one or more hearing officers to preside over any
7 hearing pursuant to this Act. The Authority shall have the
8 power in connection with any such hearing to issue subpoenas to
9 require the attendance of witnesses and the production of
10 documents, and the Authority may apply to any circuit court in
11 the State to require compliance with such subpoenas.

12 (g) The Authority may require any Service Board to hold one
13 or more public hearings with respect to any item described in
14 paragraphs (c) and (d) of this Section 5.01, notwithstanding
15 whether such item has been the subject of a public hearing
16 under this Section 5.01 or Section 2.01 or 4.01 of this Act.

17 (Source: P.A. 78-3rd S.S.-5.)

18 (70 ILCS 3615/2.12a rep.)

19 (70 ILCS 3615/3.09 rep.)

20 (70 ILCS 3615/3.10 rep.)

21 Section 25. The Regional Transportation Authority Act is
22 amended by repealing Sections 2.12a, 3.09, and 3.10.

23 Section 97. Severability. The provisions of this Act are
24 severable under Section 1.31 of the Statute on Statutes.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.