



Rep. Julie Hamos

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LRB095 13515 HLH 39195 a

1 AMENDMENT TO SENATE BILL 572

2 AMENDMENT NO. _____. Amend Senate Bill 572 by replacing
3 everything after the enacting clause with the following:

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

1 notes;

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

6 (C) no bond or note shall mature later than
7 December 31, 2039;

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

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

1 the final maturity of bonds or notes that it proposes
2 to issue under Section 12c of the Metropolitan Transit
3 Authority Act.

4 (2) The Board of Trustees of the Retirement Plan for
5 Chicago Transit Authority Employees shall submit a
6 certification that the Retirement Plan for Chicago Transit
7 Authority Employees is operating in accordance with all
8 applicable legal and contractual requirements, including
9 the following:

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

13 (B) contribution levels for employees and the
14 Authority have been established according to the
15 requirements of Section 22-101(d) of the Illinois
16 Pension Code.

17 (3) Actuarial Report. The Board of Trustees of the
18 Retirement Plan for Chicago Transit Authority Employees
19 shall submit an actuarial report prepared by an enrolled
20 actuary setting forth:

21 (A) the method of valuation and the underlying
22 assumptions;

23 (B) a comparison of the debt service schedules of
24 the bonds or notes proposed to be issued to the
25 Retirement Plan's current unfunded actuarial accrued
26 liability amortization schedule, as required by

1 Section 22-101(e) of the Illinois Pension Code, using
2 the projected interest cost of the bond or note issue
3 as the discount rate to calculate the estimated net
4 present value savings;

5 (C) the amount of the estimated net present value
6 savings comparing the true interest cost of the
7 bonds or notes with the actuarial investment
8 return assumption of the Retirement Plan; and

9 (D) a certification that the net proceeds of the
10 bonds or notes, together with anticipated earnings
11 on contributions and deposits, will be sufficient
12 to reasonably conclude on an actuarial basis that
13 the total retirement assets of the Retirement Plan
14 will not be less than 90% of its liabilities by the
15 end of fiscal year 2058.

16 (4) 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 Retirement Plan for Chicago
20 Transit Authority Employees and the Chicago Transit
21 Authority. The independent advisor shall not act as
22 underwriter or receive a legal, consulting, or other fee
23 related to the issuance of any bond or notes issued by the
24 Authority pursuant to Section 12c of the Metropolitan
25 Transit Authority Act except compensation due for the
26 preparation of the financial analysis.

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

3 (A) it is legally authorized to issue the bonds or
4 notes;

5 (B) scheduled annual payments of principal and
6 interest on the bonds and notes to be issued meets the
7 requirements of Section 12c(b)(5) of the Metropolitan
8 Transit Authority Act;

9 (C) no bond or note shall mature later than
10 December 31, 2039;

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

19 (E) it has entered into an intergovernmental
20 agreement with the City of Chicago under which the City
21 of Chicago will provide financial assistance to the
22 Authority in an amount equal to the net receipts, after
23 fees for costs of collection, from a tax on the
24 privilege of transferring title to real estate in the
25 City of Chicago in an amount up to \$1.50 per \$500 of
26 value or fraction thereof under the provisions of

1 Section 8-3-19 of the Illinois Municipal Code, which
2 agreement shall be for a term expiring no earlier than
3 the final maturity of bonds or notes that it proposes
4 to issue under Section 12c of the Metropolitan Transit
5 Authority Act.

6 (6) The Board of Trustees of the Retiree Health Care
7 Trust shall submit a certification that the Retiree Health
8 Care Trust has been established in accordance with all
9 applicable legal requirements, including the following:

10 (A) the Retiree Health Care Trust has been
11 established and a Trust document is in effect to govern
12 the Retiree Health Care Trust;

13 (B) the members of the Board of Trustees of the
14 Retiree Health Care Trust have been appointed
15 according to the requirements of Section 22-101B(b) (1)
16 of the Illinois Pension Code;

17 (C) a health care benefit program for eligible
18 retirees and their dependents and survivors has been
19 established by the Board of Trustees according to the
20 requirements of Section 22-101B(b) (2) of the Illinois
21 Pension Code;

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

26 (E) contribution levels have been established for

1 employees of the Authority according to the
2 requirements of Section 22-101B(b) (6) of the Illinois
3 Pension Code.

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

7 (A) the method of valuation and the underlying
8 assumptions;

9 (B) a comparison of the projected interest cost of
10 the bonds or notes proposed to be issued with the
11 actuarial investment return assumption of the Retiree
12 Health Care Trust; and

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

23 (8) The Authority shall submit a financial analysis
24 prepared by an independent advisor. The financial analysis
25 must include a determination that the issuance of bonds is
26 in the best interest of the Retiree Health Care Trust and

1 the Chicago Transit Authority. The independent advisor
2 shall not act as underwriter or receive a legal,
3 consulting, or other fee related to the issuance of any
4 bond or notes issued by the Authority pursuant to Section
5 12c of the Metropolitan Transit Authority Act except
6 compensation due for the preparation of the financial
7 analysis.

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

1 until it receives the report from the Auditor General
2 indicating the above requirements have been met.

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

25 (d) In fulfilling this duty, after receiving the
26 information submitted pursuant to Section 3-2.3(a), the

1 Auditor General may request additional information and support
2 pertaining to the data and conclusions contained in the
3 submitted documents and the Authority, the Board of Trustees of
4 the Retirement Plan and the Board of Trustees of the Retiree
5 Health Care Trust shall cooperate with the Auditor General and
6 provide additional information as requested in a timely manner.
7 The Auditor General may also request from the Regional
8 Transportation Authority an analysis of the information
9 submitted by the Authority relating to the sources of funds to
10 be utilized for payment of the proposed bonds or notes of the
11 Authority. The Auditor General's report shall not be in the
12 nature of a post-audit or examination and shall not lead to the
13 issuance of an opinion as that term is defined in generally
14 accepted government auditing standards.

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

20 (1) the most recent audit or examination of the
21 Retirement Plan;

22 (2) an annual statement containing the information
23 specified in Section 1A-109 of the Illinois Pension Code;
24 and

25 (3) a complete actuarial statement applicable to the
26 prior plan year, which may be the annual report of an

1 enrolled actuary retained by the Retirement Plan specified
2 in Section 22-101(e) of the Illinois Pension Code.

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

8 (f) The Auditor General shall annually examine the
9 information submitted pursuant to Section 22-101B(b)(3)(iii)
10 of the Illinois Pension Code and shall prepare the
11 determination specified in Section 22-101B(b)(3)(iv) of the
12 Illinois Pension Code.

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

1 cooperate with and assist the Auditor General in the conduct of
2 his review.

3 (h) The Auditor General shall submit a bill to the
4 Authority for costs associated with the examinations and
5 reports specified in subsections (b) and (c) of this Section
6 3-2.3, which the Authority shall reimburse in a timely manner.
7 The costs associated with the examinations and reports which
8 are reimbursed by the Authority shall constitute a cost of
9 issuance of the bonds or notes under Section 12c(b) (1) and (2)
10 of the Metropolitan Transit Authority Act. The amount received
11 shall be deposited into the fund or funds from which such costs
12 were paid by the Auditor General. The Auditor General shall
13 submit a bill to the Retirement Plan for Chicago Transit
14 Authority Employees for costs associated with the examinations
15 and reports specified in subsection (e) of this Section, which
16 the Retirement Plan for Chicago Transit Authority Employees
17 shall reimburse in a timely manner. The amount received shall
18 be deposited into the fund or funds from which such costs were
19 paid by the Auditor General. The Auditor General shall submit a
20 bill to the Retiree Health Care Trust for costs associated with
21 the determination specified in subsection (f) of this Section,
22 which the Retiree Health Care Trust shall reimburse in a timely
23 manner. The amount received shall be deposited into the fund or
24 funds from which such costs were paid by the Auditor General.

25 Section 6. The State Finance Act is amended by adding

1 Section 5.675 as follows:

2 (30 ILCS 105/5.675 new)

3 Sec. 5.675. The Downstate Transit Improvement Fund.

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

7 (30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

8 Sec. 2-2.04. "Eligible operating expenses" means all
9 expenses required for public transportation, including
10 employee wages and benefits, materials, fuels, supplies,
11 rental of facilities, taxes other than income taxes, payment
12 made for debt service (including principal and interest) on
13 publicly owned equipment or facilities, and any other
14 expenditure which is an operating expense according to standard
15 accounting practices for the providing of public
16 transportation. Eligible operating expenses shall not include
17 allowances: (a) for depreciation whether funded or unfunded;
18 (b) for amortization of any intangible costs; (c) for debt
19 service on capital acquired with the assistance of capital
20 grant funds provided by the State of Illinois; (d) for profits
21 or return on investment; (e) for excessive payment to
22 associated entities; (f) for Comprehensive Employment Training
23 Act expenses; (g) for costs reimbursed under Sections 6 and 8

1 of the "Urban Mass Transportation Act of 1964", as amended; (h)
2 for entertainment expenses; (i) for charter expenses; (j) for
3 fines and penalties; (k) for charitable donations; (l) for
4 interest expense on long term borrowing and debt retirement
5 other than on publicly owned equipment or facilities; (m) for
6 income taxes; or (n) for such other expenses as the Department
7 may determine consistent with federal Department of
8 Transportation regulations or requirements. In consultation
9 with participants, the Department shall, by October 2008,
10 promulgate or update rules, pursuant to the Illinois
11 Administrative Procedure Act, concerning eligible expenses to
12 ensure consistent application of the Act, and the Department
13 shall provide written copies of those rules to all eligible
14 recipients. The Department shall review this process in the
15 same manner no less frequently than every 5 years.

16 With respect to participants other than any Metro-East
17 Transit District participant and those receiving federal
18 research development and demonstration funds pursuant to
19 Section 6 of the "Urban Mass Transportation Act of 1964", as
20 amended, during the fiscal year ending June 30, 1979, the
21 maximum eligible operating expenses for any such participant in
22 any fiscal year after Fiscal Year 1980 shall be the amount
23 appropriated for such participant for the fiscal year ending
24 June 30, 1980, plus in each year a 10% increase over the
25 maximum established for the preceding fiscal year. For Fiscal
26 Year 1980 the maximum eligible operating expenses for any such

1 participant shall be the amount of projected operating expenses
2 upon which the appropriation for such participant for Fiscal
3 Year 1980 is based.

4 With respect to participants receiving federal research
5 development and demonstration operating assistance funds for
6 operating assistance pursuant to Section 6 of the "Urban Mass
7 Transportation Act of 1964", as amended, during the fiscal year
8 ending June 30, 1979, the maximum eligible operating expenses
9 for any such participant in any fiscal year after Fiscal Year
10 1980 shall not exceed such participant's eligible operating
11 expenses for the fiscal year ending June 30, 1980, plus in each
12 year a 10% increase over the maximum established for the
13 preceding fiscal year. For Fiscal Year 1980, the maximum
14 eligible operating expenses for any such participant shall be
15 the eligible operating expenses incurred during such fiscal
16 year, or projected operating expenses upon which the
17 appropriation for such participant for the Fiscal Year 1980 is
18 based; whichever is less.

19 With respect to all participants other than any Metro-East
20 Transit District participant, the maximum eligible operating
21 expenses for any such participant in any fiscal year after
22 Fiscal Year 1985 (except Fiscal Year 2008 and Fiscal Year 2009)
23 shall be the amount appropriated for such participant for the
24 fiscal year ending June 30, 1985, plus in each year a 10%
25 increase over the maximum established for the preceding year.
26 For Fiscal Year 1985, the maximum eligible operating expenses

1 for any such participant shall be the amount of projected
2 operating expenses upon which the appropriation for such
3 participant for Fiscal Year 1985 is based.

4 With respect to any mass transit district participant that
5 has increased its district boundaries by annexing counties
6 since 1998 and is maintaining a level of local financial
7 support, including all income and revenues, equal to or greater
8 than the level in the State fiscal year ending June 30, 2001,
9 the maximum eligible operating expenses for any State fiscal
10 year after 2002 (except State fiscal years ~~year~~ 2006 through
11 2009) shall be the amount appropriated for that participant for
12 the State fiscal year ending June 30, 2002, plus, in each State
13 fiscal year, a 10% increase over the preceding State fiscal
14 year. For State fiscal year 2002, the maximum eligible
15 operating expenses for any such participant shall be the amount
16 of projected operating expenses upon which the appropriation
17 for that participant for State fiscal year 2002 is based. For
18 that participant, eligible operating expenses for State fiscal
19 year 2002 in excess of the eligible operating expenses for the
20 State fiscal year ending June 30, 2001, plus 10%, must be
21 attributed to the provision of services in the newly annexed
22 counties.

23 With respect to a participant that receives an initial
24 appropriation in State fiscal year 2002 or thereafter, the
25 maximum eligible operating expenses for any State fiscal year
26 after 2003 (except State fiscal years ~~year~~ 2006 through 2009)

1 shall be the amount appropriated for that participant for the
2 State fiscal year in which it received its initial
3 appropriation, plus, in each year, a 10% increase over the
4 preceding year. For the initial State fiscal year in which a
5 participant received an appropriation, the maximum eligible
6 operating expenses for any such participant shall be the amount
7 of projected operating expenses upon which the appropriation
8 for that participant for that State fiscal year is based.

9 With respect to the District serving primarily the counties
10 of Monroe and St. Clair, beginning July 1, 2005, the St. Clair
11 County Transit District shall no longer be included for new
12 appropriation funding purposes as part of the Metro-East Public
13 Transportation Fund and instead shall be included for new
14 appropriation funding purposes as part of the Downstate Public
15 Transportation Fund; provided, however, that nothing herein
16 shall alter the eligibility of that District for previously
17 appropriated funds to which it would otherwise be entitled.

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

19 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

20 Sec. 2-3. (a) As soon as possible after the first day of
21 each month, beginning July 1, 1984, upon certification of the
22 Department of Revenue, the Comptroller shall order
23 transferred, and the Treasurer shall transfer, from the General
24 Revenue Fund to a special fund in the State Treasury which is
25 hereby created, to be known as the "Downstate Public

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

1 State pursuant to such Acts during the previous month from
2 persons incurring municipal or county retailers' or service
3 occupation tax liability for the benefit of any municipality or
4 county located wholly within the boundaries of a participant,
5 less the amount paid out during that same month as refunds or
6 credit memoranda to taxpayers for overpayment of liability
7 under such Acts for the benefit of any municipality or county
8 located wholly within the boundaries of a participant.

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

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

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

17 (b-6) As soon as possible after the first day of each
18 month, beginning in fiscal year 2009, upon certification of the
19 Department of Revenue, the Comptroller shall order
20 transferred, and the Treasurer shall transfer, from the General
21 Revenue Fund to the Metro-East Public Transportation Fund, an
22 amount equal to 3/32 of 80% of the net revenue realized from
23 within the boundaries of Madison County under the State Tax
24 Acts specified in subsection (a) of this Section.

25 (c) The Department shall certify to the Department of
26 Revenue the eligible participants under this Article and the

1 territorial boundaries of such participants for the purposes of
2 the Department of Revenue in subsections (a) and (b) of this
3 Section.

4 (d) For the purposes of this Article the Department shall
5 include in its annual request for appropriation of ordinary and
6 contingent expenses an amount equal to the sum total funds
7 projected to be paid to the participants pursuant to Section
8 2-7.

9 ~~(e) In addition to any other permitted use of moneys in the
10 Fund, and notwithstanding any restriction on the use of the
11 Fund, moneys in the Downstate Public Transportation Fund may be
12 transferred to the General Revenue Fund as authorized by Public
13 Act 87-14. The General Assembly finds that an excess of moneys
14 existed in the Fund on July 30, 1991, and the Governor's order
15 of July 30, 1991, and the Governor's order of July 30, 1991,
16 requesting the Comptroller and Treasurer to transfer an amount
17 from the Fund to the General Revenue Fund is hereby validated.~~

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

19 (30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

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

21 (a) Any Metro-East Transit District participant shall, no
22 later than 60 days following the end of each quarter of any
23 fiscal year, file with the Department on forms provided by the
24 Department for that purpose, a report of the actual operating
25 deficit experienced during that quarter. The Department shall,

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

9 (b) Each participant other than any Metro-East Transit
10 District participant shall, 30 days before the end of each
11 quarter, file with the Department on forms provided by the
12 Department for such purposes a report of the projected eligible
13 operating expenses to be incurred in the next quarter and 30
14 days before the third and fourth quarters of any fiscal year a
15 statement of actual eligible operating expenses incurred in the
16 preceding quarters. Except as otherwise provided in subsection
17 (b-5), within 45 days of receipt by the Department of such
18 quarterly report, the Comptroller shall order paid and the
19 Treasurer shall pay from the Downstate Public Transportation
20 Fund to each participant an amount equal to one-third of such
21 participant's eligible operating expenses; provided, however,
22 that in Fiscal Year 1997, the amount paid to each participant
23 from the Downstate Public Transportation Fund shall be an
24 amount equal to 47% of such participant's eligible operating
25 expenses and shall be increased to 49% in Fiscal Year 1998, 51%
26 in Fiscal Year 1999, 53% in Fiscal Year 2000, ~~and~~ 55% in Fiscal

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

18 (b-5) (Blank.) ~~With respect to the District serving~~
19 ~~primarily the counties of Monroe and St. Clair, beginning July~~
20 ~~1, 2005 and each fiscal year thereafter, the District may, as~~
21 ~~an alternative to the provisions of subsection (b) of Section~~
22 ~~2-7, file a request with the Department for a monthly payment~~
23 ~~of 1/12 of the amount appropriated to the District for that~~
24 ~~fiscal year; except that, for the final month of the fiscal~~
25 ~~year, the District's request shall be in an amount such that~~
26 ~~the total payments made to the District in that fiscal year do~~

1 ~~not exceed the lesser of (i) 55% of the District's eligible~~
2 ~~operating expenses for that fiscal year or (ii) the total~~
3 ~~amount appropriated to the District for that fiscal year.~~

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

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

19 (b-20) Any participant in the Downstate Public
20 Transportation Fund may use State operating assistance
21 pursuant to this Section to provide transportation services
22 within any county that is contiguous to its territorial
23 boundaries as defined by the Department and subject to
24 Departmental approval. Any such contiguous-area service
25 provided by a participant after July 1, 2007 must meet the
26 requirements of subsection (a) of Section 2-5.1.

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

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

14 (30 ILCS 740/2-15) (from Ch. 111 2/3, par. 675.1)

15 Sec. 2-15. Except as otherwise provided in this Section,
16 all funds which remain in the Downstate Public Transportation
17 Fund or the Metro-East Public Transportation Fund after the
18 payment of the fourth quarterly payment to participants other
19 than Metro-East Transit District participants and the last
20 monthly payment to Metro-East Transit participants in each
21 fiscal year shall be transferred (i) to the General Revenue
22 Fund through fiscal year 2008 and (ii) to the Downstate Transit
23 Improvement Fund for fiscal year 2009 and each fiscal year
24 thereafter. Transfers shall be made no later than 90 days
25 following the end of such fiscal year. The Department shall use

1 moneys in the Downstate Transit Improvement Fund to make
2 competitive capital grants to the participants of the
3 respective funds. However, such amount as the Department
4 determines to be necessary for (1) allocation to participants
5 for the purposes of Section 2-7 for the first quarter of the
6 succeeding fiscal year and (2) an amount equal to 2% of the
7 total allocations to participants in the fiscal year just ended
8 to be used for the purpose of audit adjustments shall be
9 retained in such Funds to be used by the Department for such
10 purposes.

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

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

14 (40 ILCS 5/22-101) (from Ch. 108 1/2, par. 22-101)

15 Sec. 22-101. Retirement plan for Chicago Transit Authority
16 Employees. ~~Metropolitan Transit Authority (CTA) Pension Fund.~~

17 (a) There shall be established and maintained by the
18 Authority created by the "Metropolitan Transit Authority Act",
19 approved April 12, 1945, as amended, (referred to in this
20 Section as the "Authority") a financially sound pension and
21 retirement system adequate to provide for all payments when due
22 under such established system or as modified from time to time
23 by ordinance of the Chicago Transit Board or collective
24 bargaining agreement. For this purpose, the Board must make

1 contributions to the established system as required under this
2 Section and may make any additional contributions provided for
3 by Board ordinance or collective bargaining agreement. The
4 participating employees shall make such periodic payments to
5 the established system as required under this Section and may
6 make any additional contributions provided for ~~may be~~
7 ~~determined~~ by Board ordinance or collective bargaining
8 agreement. ~~The Board, in lieu of social security payments~~
9 ~~required to be paid by private corporations engaged in similar~~
10 ~~activity, shall make payments into such established system at~~
11 ~~least equal in amount to the amount so required to be paid by~~
12 ~~such private corporations.~~

13 Provisions shall be made by the Board for all ~~Board~~
14 ~~members,~~ officers and employees of the Authority appointed
15 pursuant to the "Metropolitan Transit Authority Act" to become,
16 subject to reasonable rules and regulations, participants
17 ~~members or beneficiaries~~ of the pension or retirement system
18 with uniform rights, privileges, obligations and status as to
19 the class in which such officers and employees belong. The
20 terms, conditions and provisions of any pension or retirement
21 system or of any amendment or modification thereof affecting
22 employees who are members of any labor organization may be
23 established, amended or modified by agreement with such labor
24 organization, provided the terms, conditions and provisions
25 must be consistent with this Act, the annual funding levels for
26 the retirement system established by law must be met and the

1 benefits paid to future participants in the system may not
2 exceed the benefit ceilings set for future participants under
3 this Act and the contribution levels required by the Authority
4 and its employees may not be less than the contribution levels
5 established under this Act ~~but must be consistent with the~~
6 ~~requirements of this Section.~~

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

24 Any person appointed as a trustee of the board shall
25 qualify by taking an oath of office that he or she will
26 diligently and honestly administer the affairs of the system

1 and will not knowingly violate or willfully permit the
2 violation of any of the provisions of law applicable to the
3 Plan, including Sections 1-109, 1-109.1, 1-109.2, 1-110,
4 1-111, 1-114, and 1-115 of the Illinois Pension Code.

5 Each trustee shall cast individual votes, and a majority
6 vote shall be final and binding upon all interested parties.
7 Each trustee shall have the rights, privileges, authority, and
8 obligations as are usual and customary for such fiduciaries.

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

19 (c) All individuals who were previously participants in the
20 Retirement Plan for Chicago Transit Authority Employees shall
21 remain participants, and shall receive the same benefits
22 established by the Retirement Plan for Chicago Transit
23 Authority Employees, except as provided in this amendatory Act
24 or by subsequent legislative enactment or amendment to the
25 Retirement Plan. For Authority employees hired on or after
26 January 1, 2008, the Retirement Plan for Chicago Transit

1 Authority Employees shall be the exclusive retirement plan and
2 such employees shall not be eligible for any supplemental plan,
3 except for a deferred compensation plan funded only by employee
4 contributions.

5 For all Authority employees who are first hired on or after
6 January 1, 2008 and are participants in the Retirement Plan for
7 Chicago Transit Authority Employees, the following terms,
8 conditions and provisions with respect to retirement shall be
9 applicable:

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

13 (2) Such participant shall be eligible for a reduced
14 retirement allowance for life upon the attainment of age 55
15 with 10 years of continuous service.

16 (3) For the purpose of determining the retirement
17 allowance to be paid to a retiring employee, the term
18 "Continuous Service" as used in the Retirement Plan for
19 Chicago Transit Authority Employees shall also be deemed to
20 include all pension credit for service with any retirement
21 system established under Article 8 or Article 11 of this
22 Code, provided that the employee forfeits and relinquishes
23 all pension credit under Article 8 or Article 11 of this
24 Code, and the contribution required under this subsection
25 is made by the employee. The Retirement Plan's actuary
26 shall determine the contribution paid by the employee as an

1 amount equal to the normal cost of the benefit accrued, had
2 the service been rendered as a member, plus interest per
3 annum from the time such service was rendered until the
4 date the payment is made.

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

10 (e) (1) Beginning January 1, 2009 the Authority shall make
11 contributions to the Retirement Plan in an amount equal to
12 twelve percent (12%) of compensation and participating
13 employees shall make contributions to the Retirement Plan in an
14 amount equal to six percent (6%) of compensation. These
15 contributions may be paid by the Authority and participating
16 employees on a payroll or other periodic basis, but shall in
17 any case be paid to the Retirement Plan at least monthly.

18 (2) For the period ending December 31, 2039, the amount
19 paid by the Authority in any year with respect to debt service
20 on bonds issued for the purposes of funding a contribution to
21 the Retirement Plan under Section 12c of the Metropolitan
22 Transit Authority Act, other than debt service paid with the
23 proceeds of bonds or notes issued by the Authority for any year
24 after calendar year 2008, shall be treated as a credit against
25 the amount of required contribution to the Retirement Plan by
26 the Authority under subsection (e) (1) for the following year up

1 to an amount not to exceed 6% of compensation paid by the
2 Authority in that following year.

3 (3) By September 15 of each year beginning in 2009 and
4 ending on December 31, 2038, on the basis of a report prepared
5 by an enrolled actuary retained by the Plan, the Board of
6 Trustees of the Retirement Plan shall determine the estimated
7 funded ratio of the total assets of the Retirement Plan to its
8 total actuarially determined liabilities. A report containing
9 that determination and the actuarial assumptions on which it is
10 based shall be filed with the Authority, the representatives of
11 its participating employees, the Auditor General of the State
12 of Illinois, and the Regional Transportation Authority. If the
13 funded ratio is projected to decline below 60% in any year
14 before 2039, the Board of Trustees shall also determine the
15 increased contribution required each year as a level percentage
16 of payroll over the years remaining until 2039 using the
17 projected unit credit actuarial cost method so the funded ratio
18 does not decline below 60% and include that determination in
19 its report. If the actual funded ratio declines below 60% in
20 any year prior to 2039, the Board of Trustees shall also
21 determine the increased contribution required each year as a
22 level percentage of payroll during the years after the then
23 current year using the projected unit credit actuarial cost
24 method so the funded ratio is projected to reach at least 60%
25 no later than 10 years after the then current year and include
26 that determination in its report. Within 60 days after

1 receiving the report, the Auditor General shall review the
2 determination and the assumptions on which it is based, and if
3 he finds that the determination and the assumptions on which it
4 is based are unreasonable in the aggregate, he shall issue a
5 new determination of the funded ratio, the assumptions on which
6 it is based and the increased contribution required each year
7 as a level percentage of payroll over the years remaining until
8 2039 using the projected unit credit actuarial cost method so
9 the funded ratio does not decline below 60%, or, in the event
10 of an actual decline below 60%, so the funded ratio is
11 projected to reach 60% by no later than 10 years after the then
12 current year. If the Board of Trustees or the Auditor General
13 determine that an increased contribution is required to meet
14 the funded ratio required by the subsection, effective January
15 1 following the determination or 30 days after such
16 determination, whichever is later, one-third of the increased
17 contribution shall be paid by participating employees and
18 two-thirds by the Authority, in addition to the contributions
19 required by this subsection (1).

20 (4) For the period beginning 2039, the minimum contribution
21 to the Retirement Plan for each fiscal year shall be an amount
22 determined by the Board of Trustees of the Retirement Plan to
23 be sufficient to bring the total assets of the Retirement Plan
24 up to 90% of its total actuarial liabilities by the end of
25 2058. Participating employees shall be responsible for
26 one-third of the required contribution and the Authority shall

1 be responsible for two-thirds of the required contribution. In
2 making these determinations, the Board of Trustees shall
3 calculate the required contribution each year as a level
4 percentage of payroll over the years remaining to and including
5 fiscal year 2058 using the projected unit credit actuarial cost
6 method. A report containing that determination and the
7 actuarial assumptions on which it is based shall be filed by
8 September 15 of each year with the Authority, the
9 representatives of its participating employees, the Auditor
10 General of the State of Illinois and the Regional
11 Transportation Authority. If the funded ratio is projected to
12 fail to reach 90% by December 31, 2058, the Board of Trustees
13 shall also determine the increased contribution required each
14 year as a level percentage of payroll over the years remaining
15 until December 31, 2058 using the projected unit credit
16 actuarial cost method so the funded ratio will meet 90% by
17 December 31, 2058 and include that determination in its report.
18 Within 60 days after receiving the report, the Auditor General
19 shall review the determination and the assumptions on which it
20 is based and if he finds that the determination and the
21 assumptions on which it is based are unreasonable in the
22 aggregate, he shall issue a new determination of the funded
23 ratio, the assumptions on which it is based and the increased
24 contribution required each year as a level percentage of
25 payroll over the years remaining until December 31, 2058 using
26 the projected unit credit actuarial cost method so the funded

1 ratio reaches no less than 90% by December 31, 2058. If the
2 Board of Trustees or the Auditor General determine that an
3 increased contribution is required to meet the funded ratio
4 required by this subsection, effective January 1 following the
5 determination or 30 days after such determination, whichever is
6 later, one-third of the increased contribution shall be paid by
7 participating employees and two-thirds by the Authority, in
8 addition to the contributions required by subsection (e) (1).

9 (5) Beginning in 2059, the minimum contribution for each
10 year shall be the amount needed to maintain the total assets of
11 the Retirement Plan at 90% of the total actuarial liabilities
12 of the Plan, and the contribution shall be funded two-thirds by
13 the Authority and one-third by the participating employees in
14 accordance with this subsection.

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

19 (g) The Board of Trustees shall certify to the Governor,
20 the General Assembly, the Auditor General, the Board of the
21 Regional Transportation Authority, and the Authority at least
22 90 days prior to the end of each fiscal year the amount of the
23 required contributions to the retirement system for the next
24 retirement system fiscal year under this Section. The
25 certification shall include a copy of the actuarial
26 recommendations upon which it is based. In addition, copies of

1 the certification shall be sent to the Commission on Government
2 Forecasting and Accountability and the Mayor of Chicago.

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

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

11 (B) One and seventy-five hundredths percent (1.75%) of
12 his "Average Annual Compensation in the highest four (4)
13 completed Plan Years" for each year (including fractions
14 thereof to completed calendar months) of continuous
15 service as provided for in the retirement Plan for Chicago
16 Transit Authority employees.

17 Provided, however that:

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

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

26 (B) One and eighty hundredths percent (1.80%) of his

1 "Average Annual Compensation in the highest four (4)
2 completed Plan Years" for each year (including fractions
3 thereof to completed calendar months) of continuous
4 service as provided for in the retirement Plan for Chicago
5 Transit Authority employees.

6 Provided, however that:

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

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

15 (B) One and eighty-five hundredths percent (1.85%) of
16 his "Average Annual Compensation in the highest four (4)
17 completed Plan Years" for each year (including fractions
18 thereof to completed calendar months) of continuous
19 service as provided for in the retirement Plan for Chicago
20 Transit Authority employees.

21 Provided, however that:

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

26 (A) One percent (1%) of his "Average Annual

1 Compensation in the highest four (4) completed Plan Years"
2 for each full year of continuous service from the date of
3 original employment to the effective date of the Plan; plus
4 (B) Two percent (2%) of his "Average Annual
5 Compensation in the highest four (4) completed Plan Years"
6 for each year (including fractions thereof to completed
7 calendar months) of continuous service as provided for in
8 the retirement Plan for Chicago Transit Authority
9 employees.

10 Provided, however that:

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

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

19 (B) Two and fifteen hundredths percent (2.15%) of his
20 "Average Annual Compensation in the highest four (4)
21 completed Plan Years" for each year (including fractions
22 thereof to completed calendar months) of continuous
23 service as provided for in the retirement Plan for Chicago
24 Transit Authority employees.

25 The changes made by this amendatory Act of the 95th General
26 Assembly, to the extent that they affect the rights or

1 privileges of Authority employees that are currently the
2 subject of collective bargaining, have been agreed to between
3 the authorized representatives of these employees and of the
4 Authority prior to enactment of this amendatory Act, as
5 evidenced by a Memorandum of Understanding between these
6 representatives that will be filed with the Secretary of State
7 Index Department and designated as "95-GA-C05". The General
8 Assembly finds and declares that those changes are consistent
9 with 49 U.S.C. 5333(b) (also known as Section 13(c) of the
10 Federal Transit Act) because of this agreement between
11 authorized representatives of these employees and of the
12 Authority, and that any future amendments to the provisions of
13 this amendatory Act of the 95th General Assembly, to the extent
14 those amendments would affect the rights and privileges of
15 Authority employees that are currently the subject of
16 collective bargaining, would be consistent with 49 U.S.C.
17 5333(b) if and only if those amendments were agreed to between
18 these authorized representatives prior to enactment.

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

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

24 (2) For the purposes of this Section, the Funded Ratio
25 shall be the Adjusted Assets divided by the Actuarial
26 Accrued Liability developed in accordance with Statement

1 #25 promulgated by the Government Accounting Standards
2 Board and the actuarial assumptions described in the Plan.
3 The Adjusted Assets shall be calculated based on the
4 methodology described in the Plan.

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

8 ~~(b) Beginning January 1, 2009, the Authority shall make~~
9 ~~contributions to the retirement system in an amount which,~~
10 ~~together with the contributions of participants, interest~~
11 ~~earned on investments, and other income, will meet the cost of~~
12 ~~maintaining and administering the retirement plan in~~
13 ~~accordance with applicable actuarial recommendations and~~
14 ~~assumptions and the requirements of this Section. These~~
15 ~~contributions may be paid on a payroll or other periodic basis,~~
16 ~~but shall in any case be paid at least monthly.~~

17 ~~For retirement system fiscal years 2009 through 2058, the~~
18 ~~minimum contribution to the retirement system to be made by the~~
19 ~~Authority for each fiscal year shall be an amount determined~~
20 ~~jointly by the Authority and the trustee of the retirement~~
21 ~~system to be sufficient to bring the total assets of the~~
22 ~~retirement system up to 90% of its total actuarial liabilities~~
23 ~~by the end of fiscal year 2058. In making these determinations,~~
24 ~~the required Authority contribution shall be calculated each~~
25 ~~year as a level percentage of payroll over the years remaining~~
26 ~~to and including fiscal year 2058 and shall be determined under~~

1 ~~the projected unit credit actuarial cost method. Beginning in~~
2 ~~retirement system fiscal year 2059, the minimum Authority~~
3 ~~contribution for each fiscal year shall be the amount needed to~~
4 ~~maintain the total assets of the retirement system at 90% of~~
5 ~~the total actuarial liabilities of the system.~~

6 ~~For purposes of determining employer contributions and~~
7 ~~actuarial liabilities under this subsection, contributions and~~
8 ~~liabilities relating to health care benefits shall not be~~
9 ~~included. As used in this Section, "retirement system fiscal~~
10 ~~year" means the calendar year, or such other plan year as may~~
11 ~~be defined from time to time in the agreement known as the~~
12 ~~Retirement Plan for Chicago Transit Authority Employees, or its~~
13 ~~successor agreement.~~

14 ~~(c) The Authority and the trustee shall jointly certify to~~
15 ~~the Governor, the General Assembly, and the Board of the~~
16 ~~Regional Transportation Authority on or before November 15 of~~
17 ~~2008 and of each year thereafter the amount of the required~~
18 ~~Authority contributions to the retirement system for the next~~
19 ~~retirement system fiscal year under subsection (b). The~~
20 ~~certification shall include a copy of the actuarial~~
21 ~~recommendations upon which it is based. In addition, copies of~~
22 ~~the certification shall be sent to the Commission on Government~~
23 ~~Forecasting and Accountability, the Mayor of Chicago, the~~
24 ~~Chicago City Council, and the Cook County Board.~~

25 ~~(d) The Authority shall take all actions lawfully available~~
26 ~~to it to separate the funding of health care benefits for~~

1 ~~retirees and their dependents and survivors from the funding~~
2 ~~for its retirement system. The Authority shall endeavor to~~
3 ~~achieve this separation as soon as possible, and in any event~~
4 ~~no later than January 1, 2009.~~

5 ~~(c) This amendatory Act of the 94th General Assembly does~~
6 ~~not affect or impair the right of either the Authority or its~~
7 ~~employees to collectively bargain the amount or level of~~
8 ~~employee contributions to the retirement system.~~

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

10 (40 ILCS 5/22-101B new)

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

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

19 (b) Effective January 1, 2008, a Retiree Health Care Trust
20 is established for the purpose of providing health care
21 benefits to eligible retirees and their dependents and
22 survivors in accordance with the terms and conditions set forth
23 in this Section 22-101B. The Retiree Health Care Trust shall be
24 solely responsible for providing health care benefits to
25 eligible retirees and their dependents and survivors by no

1 later than January 1, 2009, but no earlier than July 1, 2008.

2 (1) The Board of Trustees shall consist of 7 members
3 appointed as follows: (i) 3 trustees shall be appointed by
4 the Chicago Transit Board; (ii) one trustee shall be
5 appointed by an organization representing the highest
6 number of Chicago Transit Authority participants; (iii)
7 one trustee shall be appointed by an organization
8 representing the second-highest number of Chicago Transit
9 Authority participants; (iv) one trustee shall be
10 appointed by the recognized coalition representatives of
11 participants who are not represented by an organization
12 with the highest or second-highest number of Chicago
13 Transit Authority participants; and (v) one trustee shall
14 be selected by the Regional Transportation Authority Board
15 of Directors, and the trustee shall be a professional
16 fiduciary who has experience in the area of collectively
17 bargained retiree health plans. Trustees shall serve until
18 a successor has been appointed and qualified, or until
19 resignation, death, incapacity, or disqualification.

20 Any person appointed as a trustee of the board shall
21 qualify by taking an oath of office that he or she will
22 diligently and honestly administer the affairs of the
23 system, and will not knowingly violate or willfully permit
24 the violation of any of the provisions of law applicable to
25 the Plan, including Sections 1-109, 1-109.1, 1-109.2,
26 1-110, 1-111, 1-114, and 1-115 of Article 1 of the Illinois

1 Pension Code.

2 Each trustee shall cast individual votes, and a
3 majority vote shall be final and binding upon all
4 interested parties. Each trustee shall have the rights,
5 privileges, authority and obligations as are usual and
6 customary for such fiduciaries.

7 (2) The Board of Trustees shall establish and
8 administer a health care benefit program for eligible
9 retirees and their dependents and survivors. The health
10 care benefit program for eligible retirees and their
11 dependents and survivors shall not contain any plan which
12 provides for more than 90% coverage for in-network services
13 or 70% coverage for out-of-network services after any
14 deductible has been paid.

15 (3) The Retiree Health Care Trust shall be administered
16 by the Board of Trustees according to the following
17 requirements:

18 (i) The Board of Trustees may cause amounts on
19 deposit in the Retiree Health Care Trust to be invested
20 in those investments that are permitted investments
21 for the investment of moneys held under any one or more
22 of the pension or retirement systems of the State, any
23 unit of local government or school district, or any
24 agency or instrumentality thereof, and may be placed
25 under investment management of the Illinois State
26 Board of Investment, which is hereby authorized to

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

3 (ii) The Board of Trustees shall establish and
4 maintain an appropriate funding reserve level which
5 shall not be less than the amount of incurred and
6 unreported claims plus 12 months of expected claims and
7 administrative expenses.

8 (iii) The Board of Trustees shall make an annual
9 assessment of the funding levels of the Retiree Health
10 Care Trust and shall submit a report to the Auditor
11 General at least 90 days prior to the end of the fiscal
12 year. The report shall provide the following:

13 (A) the actuarial present value of projected
14 benefits expected to be paid to current and future
15 retirees and their dependents and survivors;

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

18 (C) the reserve required by subsection
19 (b) (3) (ii); and

20 (D) an assessment of whether the actuarial
21 present value of projected benefits expected to be
22 paid to current and future retirees and their
23 dependents and survivors exceeds or is less than
24 the actuarial present value of projected
25 contributions and trust income plus assets in
26 excess of the reserve required by subsection

1 (b) (3) (ii).

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

12 If the actuarial present value of projected benefits
13 expected to be paid to current and future retirees and
14 their dependents and survivors is less than the
15 actuarial present value of projected contributions and
16 trust income plus assets in excess of the reserve
17 required by subsection (b) (3) (ii), then the report may
18 provide a plan of decreases in employee, retiree,
19 dependent, or survivor contribution levels, increases
20 in benefit levels, or both, to the extent of the
21 surplus.

22 (iv) The Auditor General shall review the report
23 and plan provided in subsection (b) (3) (iii) and issue a
24 determination within 90 days after receiving the
25 report and plan, with a copy of such determination
26 provided to the General Assembly and the Regional

1 Transportation Authority, as follows:

2 (A) In the event of a projected shortfall, if
3 the Auditor General determines that the
4 assumptions stated in the report are not
5 unreasonable in the aggregate and that the plan of
6 increases in employee, retiree, dependent, or
7 survivor contribution levels, decreases in benefit
8 levels, or both, is reasonably projected to cure
9 the shortfall over a period of not more than 10
10 years, then the Board of Trustees shall implement
11 the plan. If the Auditor General determines that
12 the assumptions stated in the report are
13 unreasonable in the aggregate, or that the plan of
14 increases in employee, retiree, dependent, or
15 survivor contribution levels, decreases in benefit
16 levels, or both, is not reasonably projected to
17 cure the shortfall over a period of not more than
18 10 years, then the Board of Trustees shall not
19 implement the plan, the Auditor General shall
20 explain the basis for such determination to the
21 Board of Trustees, and the Auditor General may make
22 recommendations as to an alternative report and
23 plan.

24 (B) In the event of a projected surplus, if the
25 Auditor General determines that the assumptions
26 stated in the report are not unreasonable in the

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

17 (C) The Board of Trustees shall submit an
18 alternative report and plan within 45 days after
19 receiving a rejection determination by the Auditor
20 General. A determination by the Auditor General on
21 any alternative report and plan submitted by the
22 Board of Trustees shall be made within 90 days
23 after receiving the alternative report and plan,
24 and shall be accepted or rejected according to the
25 requirements of this subsection (b)(3)(iv). The
26 Board of Trustees shall continue to submit

1 alternative reports and plans to the Auditor
2 General, as necessary, until a favorable
3 determination is made by the Auditor General.

4 (4) For any retiree who first retires effective January
5 1, 2008 or thereafter, to be eligible for retiree health
6 care benefits upon retirement, the retiree must be at least
7 55 years of age, retire with 10 or more years of continuous
8 service and satisfy the preconditions established by this
9 amendatory Act in addition to any rules or regulations
10 promulgated by the Board of Trustees.

11 (5) Effective July 1, 2008, the aggregate amount of
12 retiree, dependent and survivor contributions to the cost
13 of their health care benefits shall not exceed more than
14 45% of the total cost of such benefits. The Board of
15 Trustees shall have the discretion to provide different
16 contribution levels for retirees, dependents and survivors
17 based on their years of service, level of coverage or
18 Medicare eligibility, provided that the total contribution
19 from all retirees, dependents, and survivors shall be not
20 more than 45% of the total cost of such benefits. The term
21 "total cost of such benefits" for purposes of this
22 subsection shall be the total amount expended by the
23 retiree health benefit program in the prior plan year, as
24 calculated and certified in writing by the Retiree Health
25 Care Trust's enrolled actuary to be appointed and paid for
26 by the Board of Trustees.

1 (6) Effective January 1, 2008, all employees of the
2 Authority shall contribute to the Retiree Health Care Trust
3 in an amount not less than 3% of compensation.

4 (7) No earlier than July 1, 2008 and no later than
5 January 1, 2009 as the Retiree Health Care Trust becomes
6 solely responsible for providing health care benefits to
7 eligible retirees and their dependents and survivors in
8 accordance with subsection (b) of this Section 22-101B, the
9 Authority shall not have any obligation to provide health
10 care to current or future retirees and their dependents or
11 survivors. The Authority, its employees, and the retirees,
12 dependents and survivors who are required to make
13 contributions to the Retiree Health Care Trust shall make
14 contributions at the level set by the Board of Trustees
15 pursuant to the requirements of this Section 22-101B.

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

18 (65 ILCS 5/8-3-19)

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

20 (a) After the effective date of this amendatory Act of the
21 93rd General Assembly and subject to this Section, a home rule
22 municipality may impose or increase a tax or other fee on the
23 privilege of transferring title to real estate, on the
24 privilege of transferring a beneficial interest in real

1 property, and on the privilege of transferring a controlling
2 interest in a real estate entity, as the terms "beneficial
3 interest", "controlling interest", and "real estate entity"
4 are defined in Article 31 of the Property Tax Code. Such a tax
5 or other fee shall hereafter be referred to as a real estate
6 transfer tax.

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

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

19 A public hearing on a resolution to submit to
20 referendum the question of a proposed (increased) real
21 estate transfer tax for (legal name of the municipality) in
22 an amount of (rate) to be paid by the buyer (seller) of the
23 real estate transferred will be held on (date) at (time) at
24 (location). The current rate of real estate transfer tax
25 imposed by (name of municipality) is (rate).

26 Any person desiring to appear at the public hearing and

1 present testimony to the taxing district may do so.

2 (c) A notice that includes any information not specified
3 and required by this Section is an invalid notice. All hearings
4 shall be open to the public. At the public hearing, the
5 corporate authorities of the municipality shall explain the
6 reasons for the proposed or increased real estate transfer tax
7 and shall permit persons desiring to be heard an opportunity to
8 present testimony within reasonable time limits determined by
9 the corporate authorities. A copy of the proposed ordinance
10 shall be made available to the general public for inspection
11 before the public hearing.

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

26 (e) The home rule municipality shall, by resolution,

1 provide for submission of the proposition to the voters. The
2 home rule municipality shall certify the resolution and the
3 proposition to the proper election officials in accordance with
4 the general election law. If the proposition is to impose a new
5 real estate transfer tax, it shall be in substantially the
6 following form: "Shall (name of municipality) impose a real
7 estate transfer tax at a rate of (rate) to be paid by the buyer
8 (seller) of the real estate transferred, with the revenue of
9 the proposed transfer tax to be used for (purpose)?" If the
10 proposition is to increase an existing real estate transfer
11 tax, it shall be in the following form: "Shall (name of
12 municipality) impose a real estate transfer tax increase of
13 (percent increase) to establish a new transfer tax rate of
14 (rate) to be paid by the buyer (seller) of the real estate
15 transferred? The current rate of the real estate transfer tax
16 is (rate), and the revenue is used for (purpose). The revenue
17 from the increase is to be used for (purpose)."

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

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

24 (g) A home rule municipality may not impose real estate
25 transfer taxes other than as authorized by this Section. This
26 Section is a denial and limitation of home rule powers and

1 functions under subsection (g) of Section 6 of Article VII of
2 the Illinois Constitution.

3 (h) Notwithstanding subsection (g) of this Section, any
4 real estate transfer taxes adopted by a municipality at any
5 time prior to January 17, 1997 (the effective date of Public
6 Act 89-701) and any amendments to any existing real estate
7 transfer tax ordinance adopted after that date, in accordance
8 with the law in effect at the time of the adoption of the
9 amendments, are not preempted by this amendatory Act of the
10 93rd General Assembly.

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

1 report with the Department each month certifying the amount
2 paid to the Chicago Transit Authority in the previous month
3 from the proceeds of such tax.

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

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

8 (70 ILCS 3605/12c new)

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

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

22 (b) (1) After its receipt of a certified copy of a report of
23 the Auditor General of the State of Illinois meeting the
24 requirements of Section 3-2.3 of the Illinois State Auditing

1 Act, the Authority may issue \$1,227,000,000 aggregate original
2 principal amount of bonds and notes. After payment of the costs
3 of issuance and necessary deposits to funds and accounts
4 established with respect to debt service, the net proceeds of
5 such bonds or notes shall be deposited only in the Retirement
6 Plan for Chicago Transit Authority Employees and used only for
7 the purposes required by Section 22-101 of the Illinois Pension
8 Code. Provided that no less than \$1,000,000,000 has been
9 deposited in the Retirement Plan, remaining proceeds of bonds
10 issued under this subparagraph (b) (1) may be used to pay costs
11 of issuance and make necessary deposits to funds and accounts
12 with respect to debt service for bonds and notes issued under
13 this subparagraph or subparagraph (b) (2).

14 (2) After its receipt of a certified copy of a report of
15 the Auditor General of the State of Illinois meeting the
16 requirements of Section 3-2.3 of the Illinois State Auditing
17 Act, the Authority may issue \$553,000,000 aggregate original
18 principal amount of bonds and notes. After payment of the costs
19 of issuance and necessary deposits to funds and accounts
20 established with respect to debt service, the net proceeds of
21 such bonds or notes shall be deposited only in the Retiree
22 Health Care Trust and used only for the purposes required by
23 Section 22-101B of the Illinois Pension Code. Provided that no
24 less than \$450,000,000 has been deposited in the Retiree Health
25 Care Trust, remaining proceeds of bonds issued under this
26 subparagraph (b) (2) may be used to pay costs of issuance and

1 make necessary deposits to funds and accounts with respect to
2 debt service for bonds and notes issued under this subparagraph
3 or subparagraph (b) (1).

4 (3) In addition, refunding bonds are authorized to be
5 issued for the purpose of refunding outstanding bonds or notes
6 issued under this Section 12c.

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

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

1 after calendar year 2011 is not more than 115% of debt service
2 in any other full year after calendar year 2011 during the term
3 of the bonds or notes. For the purposes of this subsection (b),
4 with respect to bonds and notes that bear interest at a
5 variable rate, interest shall be assumed at a rate equal to the
6 rate for United States Treasury Securities - State and Local
7 Government Series for the same maturity, plus 75 basis points.
8 If the Authority enters into a Swap with a counterparty
9 requiring the Authority to pay a fixed interest rate on a
10 notional amount, and the Authority has made a determination
11 that such Swap was entered into for the purpose of providing
12 substitute interest payments for variable interest rate bonds
13 or notes of a particular maturity or maturities in a principal
14 amount equal to the notional amount of the Swap, then during
15 the term of the Swap for purposes of any calculation of
16 interest payable on such bonds or notes, the interest rate on
17 the bonds or notes of such maturity or maturities shall be
18 determined as if such bonds or notes bore interest at the fixed
19 interest rate payable by the Authority under such Swap.

20 (6) No bond or note issued under this Section 12c shall
21 mature later than December 31, 2039.

22 (c) The Chicago Transit Board shall provide for the
23 issuance of bonds or notes as authorized in this Section 12c by
24 the adoption of an ordinance. The ordinance, together with the
25 bonds or notes, shall constitute a contract among the
26 Authority, the owners from time to time of the bonds or notes,

1 any bond trustee with respect to the bonds or notes, any
2 related credit enhancer and any provider of any related Swaps.

3 (d) The Authority is authorized to cause the proceeds of
4 the bonds or notes, and any interest or investment earnings on
5 the bonds or notes, and of any Swaps, to be invested until the
6 proceeds and any interest or investment earnings have been
7 deposited with the Retirement Plan or the Retiree Health Care
8 Trust.

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

1 specific pledge or assignment of and lien on or security
2 interest in amounts to be paid to the Authority by the Regional
3 Transportation Authority from the proceeds of any tax levied by
4 the Regional Transportation Authority under Section 4.03 of the
5 Regional Transportation Authority Act and allocated to the
6 Authority under the provisions of Section 4.03.3 of that Act
7 and direct payment thereof to the bond trustee for payment of
8 Debt Service with respect to the bonds or notes, subject to the
9 provisions of existing lease agreements of the Authority with
10 any public building commission. The authorizing ordinance may
11 also provide a specific pledge or assignment of and lien on or
12 security interest in and direct payment to the trustee of all
13 or a portion of the moneys otherwise payable to the Authority
14 from the City of Chicago pursuant to an intergovernmental
15 agreement with the Authority to provide financial assistance to
16 the Authority. Any such pledge, assignment, lien or security
17 interest for the benefit of owners of bonds or notes shall be
18 valid and binding from the time the bonds or notes are issued,
19 without any physical delivery or further act, and shall be
20 valid and binding as against and prior to the claims of all
21 other parties having claims of any kind against the Authority
22 or any other person, irrespective of whether such other parties
23 have notice of such pledge, assignment, lien or security
24 interest, all as provided in the Local Government Debt Reform
25 Act, as it may be amended from time to time. The bonds or notes
26 of the Authority issued pursuant to this Section 12c shall have

1 such priority of payment and as to their claim for payment from
2 particular sources of funds, including their priority with
3 respect to obligations of the Authority issued under other
4 Sections of this Act, all as shall be provided in the
5 ordinances authorizing the issuance of the bonds or notes. The
6 ordinance authorizing the issuance of any bonds or notes under
7 this Section may provide for the creation of, deposits in, and
8 regulation and disposition of sinking fund or reserve accounts
9 relating to those bonds or notes and related agreements. The
10 ordinance authorizing the issuance of any such bonds or notes
11 authorized under this Section 12c may contain provisions for
12 the creation of a separate fund to provide for the payment of
13 principal of and interest on those bonds or notes and related
14 agreements. The ordinance may also provide limitations on the
15 issuance of additional bonds or notes of the Authority.

16 (f) Bonds or notes issued under this Section 12c shall not
17 constitute an indebtedness of the Regional Transportation
18 Authority, the State of Illinois, or of any other political
19 subdivision of or municipality within the State, except the
20 Authority.

21 (g) The ordinance of the Chicago Transit Board authorizing
22 the issuance of bonds or notes pursuant to this Section 12c may
23 provide for the appointment of a corporate trustee (which may
24 be any trust company or bank having the powers of a trust
25 company within Illinois) with respect to bonds or notes issued
26 pursuant to this Section 12c. The ordinance shall prescribe the

1 rights, duties, and powers of the trustee to be exercised for
2 the benefit of the Authority and the protection of the owners
3 of bonds or notes issued pursuant to this Section 12c. The
4 ordinance may provide for the trustee to hold in trust, invest
5 and use amounts in funds and accounts created as provided by
6 the ordinance with respect to the bonds or notes in accordance
7 with this Section 12c. The Authority may apply, as it shall
8 determine, any amounts received upon the sale of the bonds or
9 notes to pay any Debt Service on the bonds or notes. The
10 ordinance may provide for a trust indenture to set forth terms
11 of, sources of payment for and security for the bonds and
12 notes.

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

1 these pledges and agreements of the State of Illinois in any
2 contract with owners of bonds or notes issued pursuant to this
3 Section 12c.

4 (i) For purposes of this Section, "Debt Service" with
5 respect to bonds or notes includes, without limitation,
6 principal (at maturity or upon mandatory redemption),
7 redemption premium, interest, periodic, upfront, and
8 termination payments on Swaps, fees for bond insurance or other
9 credit enhancement, liquidity facilities, the funding of bond
10 or note reserves, bond trustee fees, and all other costs of
11 providing for the security or payment of the bonds or notes.

12 (j) The Authority shall adopt a procurement program with
13 respect to contracts relating to the following service
14 providers in connection with the issuance of debt for the
15 benefit of the Retirement Plan for Chicago Transit Authority
16 Employees: underwriters, bond counsel, financial advisors, and
17 accountants. The program shall include goals for the payment of
18 not less than 30% of the total dollar value of the fees from
19 these contracts to minority owned businesses and female owned
20 businesses as defined in the Business Enterprise for
21 Minorities, Females, and Persons with Disabilities Act. The
22 Authority shall conduct outreach to minority owned businesses
23 and female owned businesses. Outreach shall include, but is not
24 limited to, advertisements in periodicals and newspapers,
25 mailings, and other appropriate media. The Authority shall
26 submit to the General Assembly a comprehensive report that

1 shall include, at a minimum, the details of the procurement
2 plan, outreach efforts, and the results of the efforts to
3 achieve goals for the payment of fees. The service providers
4 selected by the Authority pursuant to such program shall not be
5 subject to approval by the Regional Transportation Authority,
6 and the Regional Transportation Authority's approval pursuant
7 to subsection (e) of this Section 12c related to the issuance
8 of debt shall not be based in any way on the service providers
9 selected by the Authority pursuant to this Section.

10 (k) No person holding an elective office in this State,
11 holding a seat in the General Assembly, serving as a director,
12 trustee, officer, or employee of the Regional Transportation
13 Authority or the Chicago Transit Authority, including the
14 spouse or minor child of that person, may receive a legal,
15 banking, consulting, or other fee related to the issuance of
16 any bond issued by the Chicago Transit Authority pursuant to
17 this Section.

18 (70 ILCS 3605/15) (from Ch. 111 2/3, par. 315)

19 Sec. 15. The Authority shall have power to apply for and
20 accept grants and loans from the Federal Government or any
21 agency or instrumentality thereof, from the State, or from any
22 county, municipal corporation or other political subdivision
23 of the State to be used for any of the purposes of the
24 Authority, including, but not by way of limitation, grants and
25 loans in aid of mass transportation and for studies in mass

1 transportation, and may provide matching funds when necessary
2 to qualify for such grants or loans. The Authority may enter
3 into any agreement with the Federal Government, the State, and
4 any county, municipal corporation or other political
5 subdivision of the State in relation to such grants or loans;
6 provided that such agreement does not conflict with any of the
7 provisions of any trust agreement securing the payment of bonds
8 or certificates of the Authority.

9 The Authority may also accept from the state, or from any
10 county or other political subdivision, or from any municipal
11 corporation, or school district, or school authorities, grants
12 or other funds authorized by law to be paid to the Authority
13 for any of the purposes of this Act.

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

15 (70 ILCS 3605/28a) (from Ch. 111 2/3, par. 328a)

16 Sec. 28a. (a) The Board may deal with and enter into
17 written contracts with the employees of the Authority through
18 accredited representatives of such employees or
19 representatives of any labor organization authorized to act for
20 such employees, concerning wages, salaries, hours, working
21 conditions and pension or retirement provisions; provided,
22 nothing herein shall be construed to permit hours of labor in
23 excess of those provided by law or to permit working conditions
24 prohibited by law. In case of dispute over wages, salaries,
25 hours, working conditions, or pension or retirement provisions

1 the Board may arbitrate any question or questions and may agree
2 with such accredited representatives or labor organization
3 that the decision of a majority of any arbitration board shall
4 be final, provided each party shall agree in advance to pay
5 half of the expense of such arbitration.

6 No contract or agreement shall be made with any labor
7 organization, association, group or individual for the
8 employment of members of such organization, association, group
9 or individual for the construction, improvement, maintenance,
10 operation or administration of any property, plant or
11 facilities under the jurisdiction of the Authority, where such
12 organization, association, group or individual denies on the
13 ground of race, creed, color, sex, religion, physical or mental
14 handicap unrelated to ability, or national origin membership
15 and equal opportunities for employment to any citizen of
16 Illinois.

17 (b) (1) The provisions of this paragraph (b) apply to
18 collective bargaining agreements (including extensions and
19 amendments of existing agreements) entered into on or after
20 January 1, 1984.

21 (2) The Board shall deal with and enter into written
22 contracts with their employees, through accredited
23 representatives of such employees authorized to act for such
24 employees concerning wages, salaries, hours, working
25 conditions, and pension or retirement provisions about which a
26 collective bargaining agreement has been entered prior to the

1 effective date of this amendatory Act of 1983. Any such
2 agreement of the Authority shall provide that the agreement may
3 be reopened if the amended budget submitted pursuant to Section
4 2.18a of the Regional Transportation Authority Act is not
5 approved by the Board of the Regional Transportation Authority.
6 The agreement may not include a provision requiring the payment
7 of wage increases based on changes in the Consumer Price Index.
8 The Board shall not have the authority to enter into collective
9 bargaining agreements with respect to inherent management
10 rights, which include such areas of discretion or policy as the
11 functions of the employer, standards of services, its overall
12 budget, the organizational structure and selection of new
13 employees and direction of personnel. Employers, however,
14 shall be required to bargain collectively with regard to policy
15 matters directly affecting wages, hours and terms and
16 conditions of employment, as well as the impact thereon upon
17 request by employee representatives. To preserve the rights of
18 employers and exclusive representatives which have established
19 collective bargaining relationships or negotiated collective
20 bargaining agreements prior to the effective date of this
21 amendatory Act of 1983, employers shall be required to bargain
22 collectively with regard to any matter concerning wages, hours
23 or conditions of employment about which they have bargained
24 prior to the effective date of this amendatory Act of 1983.

25 (3) The collective bargaining agreement may not include a
26 prohibition on the use of part-time operators on any service

1 operated by or funded by the Board, except where prohibited by
2 federal law.

3 (4) Within 30 days of the signing of any such collective
4 bargaining agreement, the Board shall determine the costs of
5 each provision of the agreement, prepare an amended budget
6 incorporating the costs of the agreement, and present the
7 amended budget to the Board of the Regional Transportation
8 Authority for its approval under Section 4.11 of the Regional
9 Transportation Act. The Board of the Regional Transportation
10 Authority may approve the amended budget by an affirmative vote
11 of 12 ~~two-thirds~~ of its then Directors. If the budget is not
12 approved by the Board of the Regional Transportation Authority,
13 the agreement may be reopened and its terms may be
14 renegotiated. Any amended budget which may be prepared
15 following renegotiation shall be presented to the Board of the
16 Regional Transportation Authority for its approval in like
17 manner.

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

19 (70 ILCS 3605/34) (from Ch. 111 2/3, par. 334)

20 Sec. 34. Budget and Program. The Authority, subject to the
21 powers of the Regional Transportation Authority in Section 4.11
22 of the Regional Transportation Authority Act, shall control the
23 finances of the Authority. It shall by ordinance appropriate
24 money to perform the Authority's purposes and provide for
25 payment of debts and expenses of the Authority. Each year the

1 Authority shall prepare and publish a comprehensive annual
2 budget and five-year capital program document, and a financial
3 plan for the 2 years thereafter describing the state of the
4 Authority and presenting for the forthcoming fiscal year and
5 the two following years the Authority's plans for such
6 operations and capital expenditures as it intends to undertake
7 and the means by which it intends to finance them. The proposed
8 budget, ~~and~~ financial plan, and five-year capital program shall
9 be based on the Regional Transportation Authority's estimate of
10 funds to be made available to the Authority by or through the
11 Regional Transportation Authority and shall conform in all
12 respects to the requirements established by the Regional
13 Transportation Authority. The proposed ~~program and~~ budget, and
14 financial plan, and five-year capital program shall contain a
15 statement of the funds estimated to be on hand at the beginning
16 of the fiscal year, the funds estimated to be received from all
17 sources for such year and the funds estimated to be on hand at
18 the end of such year. ~~After adoption of the Regional~~
19 ~~Transportation Authority's first Five Year Program, as~~
20 ~~provided in Section 2.01 of the Regional Transportation~~
21 ~~Authority Act, the proposed program and budget shall~~
22 ~~specifically identify any respect in which the recommended~~
23 ~~program deviates from the Regional Transportation Authority's~~
24 ~~then existing Five Year Program, giving the reasons for such~~
25 ~~deviation.~~ The proposed ~~program and~~ budget, financial plan, and
26 five-year capital program shall be available at no cost for

1 public inspection at the Authority's main office and at the
2 Regional Transportation Authority's main office at least 3
3 weeks prior to any public hearing. Before the proposed budget,
4 ~~and program and financial plan,~~ and five-year capital program
5 are submitted to the Regional Transportation Authority, the
6 Authority shall hold at least one public hearing thereon in
7 each of the counties in which the Authority provides service.
8 All Board members of the Authority shall attend a majority of
9 the public hearings unless reasonable cause is given for their
10 absence. After the public hearings, the Board of the Authority
11 shall hold at least one meeting for consideration of the
12 proposed program and budget with the Cook County Board. After
13 conducting such hearings and holding such meetings and after
14 making such changes in the proposed ~~program and budget,~~
15 financial plan, and five-year capital program as the Board
16 deems appropriate, it shall adopt an annual budget ordinance at
17 least by November 15th preceding the beginning of each fiscal
18 year. The budget,
19 ~~and program,~~ and financial plan,
20 five-year capital program shall then be submitted to the
21 Regional Transportation Authority as provided in Section 4.11
22 of the Regional Transportation Authority Act. In the event that
23 the Board of the Regional Transportation Authority determines
24 that the budget,
25 ~~and program,~~ and financial plan,
26 capital program do not meet the standards of said Section 4.11,
the Board of the Authority shall make such changes as are
necessary to meet such requirements and adopt an amended budget

1 ordinance. The amended budget ordinance shall be resubmitted to
2 the Regional Transportation Authority pursuant to said Section
3 4.11. The ordinance shall appropriate such sums of money as are
4 deemed necessary to defray all necessary expenses and
5 obligations of the Authority, specifying purposes and the
6 objects or programs for which appropriations are made and the
7 amount appropriated for each object or program. Additional
8 appropriations, transfers between items and other changes in
9 such ordinance which do not alter the basis upon which the
10 balanced budget determination was made by the Regional
11 Transportation Authority may be made from time to time by the
12 Board.

13 The budget shall:

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

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

23 (iii) provide for a level of fares or charges and
24 operating or administrative costs for the public
25 transportation provided by or subject to the jurisdiction
26 of the Board sufficient to allow the Board to meet its

1 required system generated revenue recovery ratio as
2 determined in accordance with subsection (a) of Section
3 4.11 of the Regional Transportation Authority Act;

4 (iv) be based upon and employ assumptions and
5 projections which are reasonable and prudent;

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

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

12 (vii) be consistent with the goals and objectives
13 adopted by the Regional Transportation Authority in the
14 Strategic Plan.

15 The Board shall establish a fiscal operating year. At least
16 thirty days prior to the beginning of the first full fiscal
17 year after the creation of the Authority, and annually
18 thereafter, the Board shall cause to be prepared a tentative
19 budget which shall include all operation and maintenance
20 expense for the ensuing fiscal year. The tentative budget shall
21 be considered by the Board and, subject to any revision and
22 amendments as may be determined, shall be adopted prior to the
23 first day of the ensuing fiscal year as the budget for that
24 year. No expenditures for operations and maintenance in excess
25 of the budget shall be made during any fiscal year except by
26 the affirmative vote of at least five members of the Board. It

1 shall not be necessary to include in the annual budget any
2 statement of necessary expenditures for pensions or retirement
3 annuities, or for interest or principal payments on bonds or
4 certificates, or for capital outlays, but it shall be the duty
5 of the Board to make provision for payment of same from
6 appropriate funds. The Board may not alter its fiscal year
7 without the prior approval of the Board of the Regional
8 Transportation Authority.

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

10 (70 ILCS 3605/46) (from Ch. 111 2/3, par. 346)

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

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

1 (70 ILCS 3605/50 new)

2 Sec. 50. Disadvantaged Business Enterprise Contracting and
3 Equal Employment Opportunity Programs. The Authority shall, as
4 soon as is practicable but in no event later than two years
5 after the effective date of this amendatory Act of the 95th
6 General Assembly, establish and maintain a disadvantaged
7 business enterprise contracting program designed to ensure
8 non-discrimination in the award and administration of
9 contracts not covered under a federally mandated disadvantaged
10 business enterprise program. The program shall establish
11 narrowly tailored goals for the participation of disadvantaged
12 business enterprises as the Authority determines appropriate.
13 The goals shall be based on demonstrable evidence of the
14 availability of ready, willing, and able disadvantaged
15 business enterprises relative to all businesses ready,
16 willing, and able to participate on the program's contracts.
17 The program shall require the Authority to monitor the progress
18 of the contractors' obligations with respect to the program's
19 goals. Nothing in this program shall conflict with or interfere
20 with the maintenance or operation of, or compliance with, any
21 federally mandated disadvantaged business enterprise program.

22 The Authority shall establish and maintain a program
23 designed to promote equal employment opportunity. Each year, no
24 later than October 1, the Authority shall report to the General
25 Assembly on the number of employees of the Authority and the

1 number of employees who have designated themselves as members
2 of a minority group and gender.

3 Each year no later than October 1, and starting no later
4 than the October 1 after the establishment of the disadvantageded
5 business enterprise contracting program, the Authority shall
6 submit a report with respect to such program to the General
7 Assembly. In addition, no later than October 1 of each year,
8 the Authority shall submit a copy of its federally mandated
9 semi-annual Uniform Report of Disadvantaged Business
10 Enterprises Awards or Commitments and Payments to the General
11 Assembly.

12 Section 17. The Local Mass Transit District Act is amended
13 by changing Section 3.1 as follows:

14 (70 ILCS 3610/3.1) (from Ch. 111 2/3, par. 353.1)

15 Sec. 3.1. Also in the manner provided in this Act as
16 amended, a "Local Mass Transit District" may be created with
17 boundary to enclose a unit area of contiguous land, to be known
18 as the "participating area". Such a "participating area" may be
19 organized as a district under this Act without regard to
20 boundaries of counties or other political subdivisions or
21 municipal corporations.

22 (a) Any 500 or more legal voters who are residents within
23 such "participating area" may file a petition in the circuit
24 court of the county where the proposed district or a major part

1 thereof is located, asking that the question of creating such
2 district be submitted under this Act by referendum to the
3 voters residing within the proposed district. By their power of
4 attorney signed by them and filed in the cause the petitioners
5 may authorize a committee of their number named by the
6 petitioners, to conduct and pursue the cause for them to a
7 conclusion. Such petition shall define the boundaries of the
8 proposed district, shall indicate distances to nearest mass
9 transportation lines in each direction, naming them, shall have
10 attached a fair map of the proposed district, and shall suggest
11 a name for the proposed district.

12 (b) The circuit clerk shall present to the circuit judge
13 any petition so filed in the court. The judge shall enter an
14 order of record to set a date, hour and place for judicial
15 hearing on the petition. That order shall include instructions
16 to the circuit clerk to give notice by newspaper publication to
17 be made and completed at least 20 days before the hearing is to
18 be held, in 2 or more newspapers published or circulating
19 generally among the people residing within the proposed
20 district. The circuit clerk shall prepare that notice and cause
21 such publication notice to be given as directed.

22 (c) After proof of such newspaper publication of notice has
23 been made and filed in the cause and shown to the court in full
24 accord with the prior order, the circuit judge shall hear all
25 persons who attend and so request, as to location and boundary
26 and name for the proposed district. After the hearing on such

1 petition is completed, the circuit court by an order of record,
2 shall determine and establish the location, name and boundary
3 for such proposed district, and shall order the proposition
4 submitted at an election in accordance with the general
5 election law to the voters resident within such proposed
6 district. The circuit clerk shall certify the proposition to
7 the proper election officials who shall submit the proposition
8 in accordance with the general election law.

9 (d) The county clerk shall canvass the ballots and other
10 returns from such referendum, and prepare a full certification
11 of the result and shall file same in the cause pending in the
12 circuit court. When the vote is in favor of the creation of
13 such district as determined by the court order, a true map of
14 such district shall be filed with such report in the circuit
15 court.

16 (e) When the vote is in favor of creation of such district,
17 the circuit court by an order of record shall confirm the
18 result of election. If the district is wholly contained within
19 a single county the presiding officer of the county board with
20 the advice and consent of the county board shall appoint 5
21 trustees, not more than 3 of whom shall be affiliated with the
22 same political party, to govern the district and serve one each
23 for 1, 2, 3, 4 and 5 years respectively; upon the expiration of
24 the term of a trustee who is in office on the effective date of
25 this amendatory Act of 1989, the successor shall, at the time
26 of the appointment, and thereafter at all times while serving

1 as trustee, be a resident of the Mass Transit District for
2 which such person is appointed as trustee. If a trustee removes
3 his residence to a place outside of the District, a trustee
4 shall be appointed in the same manner as herein provided to
5 take the place of the trustee who so removed his residence. If
6 however the district is located in more than one county, the
7 number of trustees who are residents of a county shall be in
8 proportion, as nearly as practicable, to the number of
9 residents of the district who reside in that county in relation
10 to the total population of the district.

11 Upon the expiration of the term of a trustee who is in
12 office on the effective date of this amendatory Act of 1975,
13 the successor shall be a resident of whichever county is
14 entitled to such representation in order to bring about the
15 proportional representation required herein, and he shall be
16 appointed by the county board of that county, or in the case of
17 a home rule county as defined by Article VII, Section 6 of the
18 Constitution of 1970, the chief executive officer of that
19 county, with the advice and consent of the county board in
20 accordance with the provisions previously enumerated.
21 Successors shall serve 5 year overlapping terms.

22 Thereafter, each trustee shall be succeeded by a resident
23 of the same county who shall be appointed by the same
24 appointing authority; however, the provisions of the preceding
25 paragraph shall apply to the appointment of the successor to
26 each trustee who is in office at the time of the publication of

1 each decennial Federal census of population.

2 (f) Upon the creation of such district, the circuit clerk
3 shall prepare and certify a copy of the final court order
4 confirming the referendum creating the district, and a
5 duplicate of the map of such district, from the record of the
6 circuit court, and shall file the same with the county clerk
7 for recording in his office as "Certificate of Incorporation"
8 for the district. The county clerk shall cause a duplicate of
9 such "Certificate of Incorporation" to be filed in the office
10 of the Secretary of State of Illinois.

11 (g) The Board of Trustees of such "Local Mass Transit
12 District" shall have and exercise all the powers and shall
13 perform all the duties of any Board of Trustees of any district
14 created under this Act, as now or hereafter amended.

15 (h) The circuit court shall require the petitioners to post
16 a surety bond for the payment of all costs and expenses of such
17 proceeding and such referendum. When a district is created, the
18 circuit court shall order the district to pay or reimburse
19 others for all such costs and expenses. The surety bond shall
20 not be released until complete receipts for all such costs and
21 expenses have been filed in the cause and fully audited by the
22 circuit and county clerks.

23 (i) If the District is wholly contained within a single
24 county, the County Board of such county may, by resolution,
25 provide that, effective upon the next appointment of a Trustee,
26 after the effective date of this amendatory Act of 1989, that

1 the Board of Trustees of such Mass Transit District shall be
2 comprised of 7 Trustees, with no more than 4 members of the
3 same political party. This Subsection shall not apply to any
4 Mass Transit District in the State which receives funding in
5 whole or in part from the Regional Transportation Authority or
6 any of its service boards.

7 (j) The Board of a district whose participating area: (i)
8 is entirely within a single county; and (ii) when created, was
9 defined by township boundaries may, by an ordinance adopted by
10 the affirmative vote of two-thirds of the members of the Board,
11 provide that the participating area of the district be
12 coterminous and expand with the boundaries of the townships
13 that originally established the district's participating area.
14 The Board shall hold at least one public hearing on the
15 proposed ordinance and shall give notice of any such hearing by
16 newspaper publication to be made at least 20 days before the
17 hearing in 2 or more newspapers published or circulated
18 generally among persons residing in the townships of the
19 district. If the Board approves an ordinance under this
20 subsection, the secretary of the district's Board shall file a
21 certified copy of the ordinance with the County Clerk of the
22 county in which the district is located. A district formed
23 under this Section and meeting the requirements of this
24 subsection shall be entitled to make its boundaries coterminous
25 with the boundaries of the townships regardless of when the
26 district was formed. If such an ordinance is adopted, the

1 district's boundaries shall encompass all areas located within
2 the townships at the time of the adoption of the ordinance and
3 all areas that become part of the townships at a future date.
4 Nothing in this subsection shall allow expansion of a district
5 into an area that is already a part of another local mass
6 transit district.

7 (Source: P.A. 86-472.)

8 Section 20. The Regional Transportation Authority Act is
9 amended by changing Sections 1.02, 2.01, 2.04, 2.05, 2.09,
10 2.12, 2.14, 2.18a, 2.30, 3.01, 3.03, 3.04, 3.05, 3A.10, 3A.11,
11 3A.14, 3B.02, 3B.03, 3B.05, 3B.07, 3B.09, 3B.10, 3B.11, 3B.12,
12 3B.13, 4.01, 4.02, 4.02a, 4.02b, 4.03, 4.04, 4.09, 4.11, 4.13,
13 4.14, and 5.01 and by adding Section 2.01a, 2.01b, 2.01c,
14 2.01d, 2.01e, 2.12b, 2.31, and 4.03.3 as follows:

15 (70 ILCS 3615/1.02) (from Ch. 111 2/3, par. 701.02)

16 Sec. 1.02. Findings and Purpose. (a) The General Assembly
17 finds;

18 (i) Public transportation is, as provided in Section 7 of
19 Article XIII of the Illinois Constitution, an essential public
20 purpose for which public funds may be expended and that Section
21 authorizes the State to provide financial assistance to units
22 of local government for distribution to providers of public
23 transportation. There is an urgent need to reform and continue
24 a unit of local government to assure the proper management of

1 public transportation and to receive and distribute State or
2 federal operating assistance and to raise and distribute
3 revenues for local operating assistance. System generated
4 revenues are not adequate for such service and a public need
5 exists to provide for, aid and assist public transportation in
6 the northeastern area of the State, consisting of Cook, DuPage,
7 Kane, Lake, McHenry and Will Counties.

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

21 (iii) Because system generated receipts are not presently
22 adequate, public transportation facilities and services in the
23 northeastern area are in grave financial condition. With
24 existing methods of financing, coordination and management,
25 and relative convenience of automobiles, such public
26 transportation facilities are not providing adequate public

1 transportation to insure the public health, safety and welfare.

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

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

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

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

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

20 (iii) To meet the urgent needs of the people of the
21 metropolitan region that such an emergency be averted and to
22 provide financially sound methods of managing the provision of
23 public transportation services in the northeastern area of the
24 State, it is necessary, while maintaining and continuing the
25 existing Authority, to modify the powers and responsibilities
26 of the Authority, to reallocate responsibility for operating

1 decisions, to change the composition and appointment of the
2 Board of Directors thereof, and to immediately establish a new
3 Board of Directors.

4 (c) The General Assembly further finds in connection with
5 this amendatory Act of the 95th General Assembly:

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

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

19 (d) ~~(e)~~ It is the purpose of this Act to provide for, aid
20 and assist public transportation in the northeastern area of
21 the State without impairing the overall quality of existing
22 public transportation by providing for the creation of a single
23 authority responsive to the people and elected officials of the
24 area and with the power and competence to develop, implement,
25 and enforce plans that promote adequate, efficient, and
26 coordinated public transportation, provide financial review of

1 the providers of public transportation in the metropolitan
2 region and facilitate public transportation provided by
3 Service Boards which is attractive and economical to users,
4 comprehensive, coordinated among its various elements,
5 economical, safe, efficient and coordinated with area and State
6 plans.

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

8 (70 ILCS 3615/2.01) (from Ch. 111 2/3, par. 702.01)

9 Sec. 2.01. General Allocation of Responsibility for Public
10 Transportation. Provision of Public Transportation — Review
11 and Program.

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

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

19 (ii) set goals, objectives, and standards for the
20 Authority, the Service Boards, and transportation
21 agencies;

22 (iii) develop performance measures to inform the
23 public about the extent to which the provision of public
24 transportation in the metropolitan region meets those
25 goals, objectives, and standards;

1 (iv) allocate operating and capital funds made
2 available to support public transportation in the
3 metropolitan region;

4 (v) provide financial oversight of the Service Boards;
5 and

6 (vi) coordinate the provision of public transportation
7 and the investment in public transportation facilities to
8 enhance the integration of public transportation
9 throughout the metropolitan region, all as provided in this
10 Act.

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

1 ~~throughout the metropolitan region.~~

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

24 ~~(c) The Authority shall, in consultation with the Service~~
25 ~~Boards, each year prepare and, by ordinance, adopt, after~~
26 ~~public hearings held in each county in the metropolitan region,~~

1 ~~a Five Year Program to inform the public and government~~
2 ~~officials of the Authority's objectives and program for~~
3 ~~operations and capital development during the forthcoming~~
4 ~~five year period. The Five Year Program shall set forth the~~
5 ~~standards of service which the public may expect; each Service~~
6 ~~Board's plans for coordinating routes and service of the~~
7 ~~various transportation agencies; the anticipated expense of~~
8 ~~providing public transportation at standards of service then~~
9 ~~existing and under alternative operating programs; the nature,~~
10 ~~location and expense of anticipated capital improvements~~
11 ~~exceeding \$250,000, by specific item and by fiscal year; and~~
12 ~~such demographic and other data developed by planning and other~~
13 ~~related agencies, as the Authority shall consider pertinent to~~
14 ~~the Service Boards' decisions as to levels and nature of~~
15 ~~service, including without limitation the patterns of~~
16 ~~population density and growth, projected commercial and~~
17 ~~residential development, environmental factors and the~~
18 ~~availability of alternative modes of transportation. The~~
19 ~~Five Year Program shall be adopted on the affirmative votes of~~
20 ~~9 of the then Directors.~~

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

22 (70 ILCS 3615/2.01a new)

23 Sec. 2.01a. Strategic Plan.

24 (a) By the affirmative vote of at least 12 of its then
25 Directors, the Authority shall adopt a Strategic Plan, no less

1 than every 5 years, after consultation with the Service Boards
2 and after holding a minimum of 3 public hearings in Cook County
3 and one public hearing in each of the other counties in the
4 region. The Executive Director of the Authority shall review
5 the Strategic Plan on an ongoing basis and make recommendations
6 to the Board of the Authority with respect to any update or
7 amendment of the Strategic Plan. The Strategic Plan shall
8 describe the specific actions to be taken by the Authority and
9 the Service Boards to provide adequate, efficient, and
10 coordinated public transportation.

11 (b) The Strategic Plan shall identify goals and objectives
12 with respect to:

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

15 (ii) coordination of public transportation services
16 and the investment in public transportation facilities to
17 enhance the integration of public transportation
18 throughout the metropolitan region;

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

1 (iv) improvements in public transportation facilities
2 to bring those facilities into a state of good repair,
3 enhancements that attract ridership and improve customer
4 service, and expansions needed to serve areas with
5 sufficient demand for public transportation;

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

14 (vi) the financial viability of the public
15 transportation system, including both operating and
16 capital programs;

17 (vii) limiting road congestion within the metropolitan
18 region and enhancing transit options to improve mobility;
19 and

20 (viii) such other goals and objectives that advance the
21 policy of the State to provide adequate, efficient, and
22 coordinated public transportation in the metropolitan
23 region.

24 (c) The Strategic Plan shall establish the process and
25 criteria by which proposals for capital improvements by a
26 Service Board or a transportation agency will be evaluated by

1 the Authority for inclusion in the Five-Year Capital Program,
2 which may include criteria for:

3 (i) allocating funds among maintenance, enhancement,
4 and expansion improvements;

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

7 (iii) projects intended to improve or enhance
8 ridership or customer service;

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

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

14 (vi) other criteria that advance the goals and
15 objectives of the Strategic Plan.

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

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

25 (ii) ridership data;

26 (iii) equipment failure rates;

1 (iv) employee and customer safety; and

2 (v) customer satisfaction.

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

16 (e) The Strategic Plan shall identify innovations to
17 improve the delivery of public transportation and the
18 construction of public transportation facilities.

19 (f) The Strategic Plan shall describe the expected
20 financial condition of public transportation in the
21 metropolitan region prospectively over a 10-year period, which
22 may include information about the cash position and all known
23 obligations of the Authority and the Service Boards including
24 operating expenditures, debt service, contributions for
25 payment of pension and other post-employment benefits, the
26 expected revenues from fares, tax receipts, grants from the

1 federal, State, and local governments for operating and capital
2 purposes and issuance of debt, the availability of working
3 capital, and the resources needed to achieve the goals and
4 objectives described in the Strategic Plan.

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

18 (h) The Authority may adopt, by the affirmative vote of at
19 least 12 of its then Directors, sub-regional or corridor plans
20 for specific geographic areas of the metropolitan region in
21 order to improve the adequacy, efficiency, and coordination of
22 existing, or the delivery of new, public transportation. Such
23 plans may also address areas outside the metropolitan region
24 that may impact public transportation utilization in the
25 metropolitan region. In preparing a sub-regional or corridor
26 plan, the Authority may identify changes in operating practices

1 or capital investment in the sub-region or corridor that could
2 increase ridership, reduce costs, improve coordination, or
3 enhance transit-oriented development. The Authority shall
4 consult with any affected Service Boards in the preparation of
5 any sub-regional or corridor plans.

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

1 (70 ILCS 3615/2.01b new)

2 Sec. 2.01b. The Five-Year Capital Program. By the
3 affirmative vote of at least 12 of its then Directors, the
4 Authority, after consultation with the Service Boards and after
5 holding a minimum of 3 public hearings in Cook County and one
6 public hearing in each of the other counties in the
7 metropolitan region, shall each year adopt a Five-Year Capital
8 Program that shall include each capital improvement to be
9 undertaken by or on behalf of a Service Board provided that the
10 Authority finds that the improvement meets any criteria for
11 capital improvements contained in the Strategic Plan, is not
12 inconsistent with any sub-regional or corridor plan adopted by
13 the Authority, and can be funded within amounts available with
14 respect to the capital and operating costs of such improvement.
15 In reviewing proposals for improvements to be included in a
16 Five-Year Capital Program, the Authority may give priority to
17 improvements that are intended to bring public transportation
18 facilities into a state of good repair. The Five-Year Capital
19 Program shall also identify capital improvements to be
20 undertaken by a Service Board, a transportation agency, or a
21 unit of local government and funded by the Authority from
22 amounts in the Innovation, Coordination, and Enhancement Fund,
23 provided that no improvement that is included in the Five-Year
24 Capital Program as of the effective date of this amendatory Act
25 of the 95th General Assembly may receive funding from the
26 Innovation, Coordination, and Enhancement Fund. Before

1 adopting a Five-Year Capital Program, the Authority shall
2 consult with the Chicago Metropolitan Agency for Planning
3 regarding the consistency of the Five-Year Capital Program with
4 the Regional Comprehensive Plan adopted pursuant to the
5 Regional Planning Act.

6 (70 ILCS 3615/2.01c new)

7 Sec. 2.01c. Innovation, Coordination, and Enhancement
8 Fund.

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

1 Fund, such funds may only be used to enhance the coordination
2 and integration of public transportation and develop and
3 implement innovations to improve the quality and delivery of
4 public transportation.

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

21 (70 ILCS 3615/2.01d new)

22 Sec. 2.01d. ADA Paratransit Fund. The Authority shall
23 establish an ADA Paratransit Fund and, each year, deposit into
24 that Fund the amounts directed by Section 4.03.3 of this Act.
25 The amounts on deposit in the Fund and interest and other

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

23 (70 ILCS 3615/2.01e new)

24 Sec. 2.01e. Suburban Community Mobility Fund. The
25 Authority shall establish a Suburban Community Mobility Fund

1 and, each year, deposit into that Fund the amounts directed by
2 Section 4.03.3 of this Act. The amounts on deposit in the Fund
3 and interest and other earnings on those amounts shall be used
4 by the Authority to make grants to the Suburban Bus Board for
5 the purpose of operating transit services, other than
6 traditional fixed-route services, that enhance suburban
7 mobility, including, but not limited to, demand-responsive
8 transit services, ride sharing, van pooling, service
9 coordination, centralized dispatching and call taking, reverse
10 commuting, service restructuring, and bus rapid transit.
11 Revenues from and costs of services provided by the Suburban
12 Bus Board with moneys from the Suburban Community Mobility Fund
13 shall be included in the Annual Budget and Two-Year Financial
14 Program of the Suburban Bus Board and shall be subject to all
15 budgetary and financial requirements under this Act.

16 (70 ILCS 3615/2.04) (from Ch. 111 2/3, par. 702.04)

17 Sec. 2.04. Fares and Nature of Service.

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

1 with the provisions in Section 4.11(b)(5), the Board may
2 consistent with the terms of any purchase of service contract
3 provide for the level and nature of fares to be made for such
4 services under the jurisdiction of that Service Board, and the
5 nature and standards of public transportation to be so
6 provided.

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

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

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

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

20 (70 ILCS 3615/2.05) (from Ch. 111 2/3, par. 702.05)

21 Sec. 2.05. Centralized Services; Acquisition and
22 Construction.

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

1 requesting.

2 (b) The Authority may at the request of two or more Service
3 Boards perform other centralized services such as ridership
4 information and transfers between services under the
5 jurisdiction of the Service Boards where such centralized
6 services financially benefit the region as a whole. Provided,
7 however, that the Board may require transfers only upon an
8 affirmative vote of 12 ~~9~~ of its then Directors.

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

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

25 (d) The Authority shall, after consulting with the Service
26 Boards, develop regionally coordinated and consolidated sales,

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

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

10 (70 ILCS 3615/2.09) (from Ch. 111 2/3, par. 702.09)

11 Sec. 2.09. Research and Development.

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

1 farebox recovery ratio or system generated revenues recovery
2 ratio requirements of Sections 3A.10, 3B.10, 4.01(b), 4.09 and
3 4.11 of this Act and Section 34 of the Metropolitan Transit
4 Authority Act during the Authority's fiscal year which begins
5 January 1, 1986 and ends December 31, 1986, provided that the
6 cost of any item authorized herein must be specifically
7 approved within the budget adopted pursuant to Sections 4.01
8 and 4.11 of this Act for that fiscal year.

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

1 public transportation facilities.

2 (c) The Suburban Bus Division and the Authority shall
3 cooperate in the development, funding, and operation of
4 programs to enhance access to job markets for residents in
5 southeast suburban Cook County.

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

7 (70 ILCS 3615/2.12) (from Ch. 111 2/3, par. 702.12)

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

24 (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
26 and, if approved by the affirmative vote of at least 9 of the

1 then Directors of the Authority, shall be final and shall be
2 implemented by any affected Service Board and transportation
3 agency within the time frame required by the determination.

4 (70 ILCS 3615/2.14) (from Ch. 111 2/3, par. 702.14)

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

1 metropolitan region.

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

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

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

20 (70 ILCS 3615/2.18a) (from Ch. 111 2/3, par. 702.18a)

21 Sec. 2.18a. (a) The provisions of this Section apply to
22 collective bargaining agreements (including extensions and
23 amendments to existing agreements) between Service Boards or
24 transportation agencies subject to the jurisdiction of Service
25 Boards and their employees, which are entered into after

1 January 1, 1984.

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

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

10 (70 ILCS 3615/2.30)

11 Sec. 2.30. Paratransit services.

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

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

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

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

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

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

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

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

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

26 (6) provide for performance standards for all ADA

1 paratransit service transportation carriers, with
2 consideration of door-to-door service;

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

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

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

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

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

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

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

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

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

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

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

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

17 (70 ILCS 3615/2.31 new)

18 Sec. 2.31. Disadvantaged Business Enterprise Contracting
19 and Equal Employment Opportunity Programs. The Authority and
20 each Service Board shall, as soon as is practicable but in no
21 event later than two years after the effective date of this
22 amendatory Act of the 95th General Assembly, establish and
23 maintain a disadvantaged business enterprise contracting
24 program designed to ensure non-discrimination in the award and
25 administration of contracts not covered under a federally

1 mandated disadvantaged business enterprise program. The
2 program shall establish narrowly tailored goals for the
3 participation of disadvantaged business enterprises as the
4 Authority and each Service Board determines appropriate. The
5 goals shall be based on demonstrable evidence of the
6 availability of ready, willing, and able disadvantaged
7 business enterprises relative to all businesses ready,
8 willing, and able to participate on the program's contracts.
9 The program shall require the Authority and each Service Board
10 to monitor the progress of the contractors' obligations with
11 respect to the program's goals. Nothing in this program shall
12 conflict with or interfere with the maintenance or operation
13 of, or compliance with, any federally mandated disadvantaged
14 business enterprise program.

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

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

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

6 (70 ILCS 3615/3.01) (from Ch. 111 2/3, par. 703.01)

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

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

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

15 (c) Until January 1, 2008, 3 Directors appointed by the
16 Chairmen of the county boards of DuPage, Kane, Lake, McHenry,
17 and Will Counties, as follows:

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

26 (ii) ~~(d)~~ One Director ~~shall be~~ appointed by the

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

4 (d) After January 1, 2008, 5 Directors appointed by the
5 Chairman of the county boards of DuPage, Kane, Lake and McHenry
6 Counties and the County Executive of Will County, as follows:

7 (i) One Director appointed jointly by the Chairmen of
8 the Kane County Board and the McHenry County Board. Such
9 Director shall reside in Kane County or McHenry County.
10 Such Director shall be appointed by a weighted vote of the
11 Chairmen of the Kane and McHenry County Boards, with such
12 weighting based on the population of Kane and McHenry
13 Counties in the most recent decennial census.

14 (ii) One Director appointed by the County Executive of
15 Will County with the advice and consent of the Will County
16 Board. Such Director shall reside in Will County.

17 (iii) One Director appointed by the Chairman of the
18 DuPage County Board with the advice and consent of the
19 DuPage County Board. Such Director shall reside in DuPage
20 County.

21 (iv) One Director appointed by the Chairman of the Lake
22 County Board with the advice and consent of the Lake County
23 Board. Such Director shall reside in Lake County.

24 (v) One Director appointed jointly, for a term of 3
25 years, by the Chairman of the DuPage County Board, the
26 Chairman of the Lake County Board, and the County Executive

1 of the Will County Board. Such Director shall reside in
2 DuPage County, Lake County, or Will County.

3 (vi) To implement the changes in appointing authority
4 under this subparagraph (d) the three Directors appointed
5 under subparagraph (c) and residing in Lake County, DuPage
6 County, and Kane County respectively shall each continue to
7 serve as Director until the expiration of their respective
8 term of office and until his or her successor is appointed
9 and qualified or a vacancy occurs in the office. Thereupon,
10 the appointment shall be made by the officials given
11 appointing authority with respect to the Director whose
12 term has expired or office has become vacant.

13 (e) ~~The~~ Before January 1, 1987, for the term expiring July
14 ~~1, 1989, the~~ Chairman shall be appointed ~~by the Governor.~~
15 ~~Thereafter the Chairman shall be appointed~~ by the other 12
16 Directors by the affirmative votes of at least 9 of the then
17 ~~with the concurrence of three fourths of such~~ Directors. Upon
18 the expiration or vacancy of the term of the Chairman then
19 serving upon the effective date of this amendatory Act of the
20 95th General Assembly, the Chairman shall be appointed by the
21 other Directors, by the affirmative vote of at least 11 of the
22 then Directors. The chairman shall not be appointed from among
23 the other Directors. The chairman shall be a resident of the
24 metropolitan region.

25 (f) Except as otherwise provided by this Act no Director
26 shall, while serving as such, be an officer, a member of the

1 Board of Directors or Trustees or an employee of any Service
2 Board or transportation agency, or be an employee of the State
3 of Illinois or any department or agency thereof, or of any unit
4 of local government or receive any compensation from any
5 elected or appointed office under the Constitution and laws of
6 Illinois; except that a Director may be a member of a school
7 board.

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

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

1 ~~considered as representing the City of Chicago for purposes of~~
2 ~~this paragraph.~~

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

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

9 (70 ILCS 3615/3.03) (from Ch. 111 2/3, par. 703.03)

10 Sec. 3.03. Terms, vacancies. Each Director, ~~including the~~
11 ~~Chairman, shall be appointed for an initial term as provided~~
12 ~~for in Section 3.10 of this Act. Thereafter, each Director~~
13 shall hold office for a term of 5 years, and until his
14 successor has been appointed and has qualified, except the
15 Director appointed under Section 3.01(d)(v) shall hold office
16 for a term of 3 years, and until his successor has been
17 appointed and has qualified. A vacancy shall occur upon
18 resignation, death, conviction of a felony, or removal from
19 office of a Director. Any Director may be removed from office
20 upon concurrence of not less than 11 ~~9~~ Directors, on a formal
21 finding of incompetence, neglect of duty, or malfeasance in
22 office. Within 30 days after the office of any member becomes
23 vacant for any reason, the appointing authorities of such
24 member shall make an appointment to fill the vacancy. A vacancy
25 shall be filled for the unexpired term.

1 Whenever ~~After October 1, 1984, whenever~~ a vacancy for a
2 Director, except as to the Chairman or those Directors
3 appointed by ~~the Governor or~~ the Mayor of the City of Chicago,
4 exists for longer than 4 months, the new Director shall be
5 chosen by election by all legislative members in the General
6 Assembly representing the affected area. In order to qualify as
7 a voting legislative member in this matter, the affected area
8 must be more than 50% of the geographic area of the legislative
9 district.

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

11 (70 ILCS 3615/3.04) (from Ch. 111 2/3, par. 703.04)

12 Sec. 3.04. Compensation. Each Director, excluding
13 ~~including~~ the Chairman, ~~except for the Chairman of the Chicago~~
14 ~~Transit Authority who shall not be compensated by the~~
15 ~~Authority,~~ shall be compensated at the rate of \$25,000 per
16 year. The Chairman shall be compensated at the rate of \$50,000
17 per year.

18 Officers of the Authority shall not be required to comply
19 with the requirements of "An Act requiring certain custodians
20 of public moneys to file and publish statements of the receipts
21 and disbursements thereof", approved June 24, 1919, as now or
22 hereafter amended.

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

24 (70 ILCS 3615/3.05) (from Ch. 111 2/3, par. 703.05)

1 Sec. 3.05. Meetings. The Board shall prescribe the times
2 and places for meetings and the manner in which special
3 meetings may be called. The Board shall comply in all respects
4 with the "Open Meetings Act", approved July 11, 1957, as now or
5 hereafter amended. All records, documents and papers of the
6 Authority, other than those relating to matters concerning
7 which closed sessions of the Board may be held, shall be
8 available for public examination, subject to such reasonable
9 regulations as the Board may adopt.

10 A majority of the Directors holding office shall constitute
11 a quorum for the conduct of business. Except as otherwise
12 provided in this Act, the affirmative votes of at least 9 ~~7~~
13 Directors shall be necessary for approving any contract or
14 agreement, adopting any rule or regulation, and any other
15 action required by this Act to be taken by resolution or
16 ordinance.

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

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

20 (70 ILCS 3615/3A.10) (from Ch. 111 2/3, par. 703A.10)

21 Sec. 3A.10. Budget and Program. The Suburban Bus Board,
22 subject to the powers of the Authority in Section 4.11, shall
23 control the finances of the Division. It shall by ordinance
24 appropriate money to perform the Division's purposes and
25 provide for payment of debts and expenses of the Division. Each

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

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

1 transfers between items and other changes in such ordinance
2 which do not alter the basis upon which the balanced budget
3 determination was made by the Board of the Authority may be
4 made from time to time by the Suburban Bus 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 Suburban Bus Board sufficient to allow the Suburban
19 Bus Board to meet its required system generated revenues
20 recovery ratio and, beginning with the 2007 fiscal year,
21 its system generated ADA paratransit services revenue
22 recovery ratio;

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

25 (v) have been prepared in accordance with sound
26 financial practices as determined by the Board of the

1 Authority; ~~and~~

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

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

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

9 (70 ILCS 3615/3A.11) (from Ch. 111 2/3, par. 703A.11)

10 Sec. 3A.11. Citizens Advisory Board. The Suburban Bus Board
11 shall establish a citizens advisory board composed of 10
12 residents of those portions of the metropolitan region in which
13 the Suburban Bus Board provides service who have an interest in
14 public transportation. The members of the advisory board shall
15 be named for 2 year terms, shall select one of their members to
16 serve as chairman and shall serve without compensation. The
17 citizens advisory board shall meet with the Suburban Bus Board
18 at least quarterly and advise the Suburban Bus Board of the
19 impact of its policies and programs on the communities it
20 serves. Appointments to the citizens advisory board should, to
21 the greatest extent possible, reflect the ethnic, cultural, and
22 geographic diversity of all persons residing within the
23 Suburban Bus Board's jurisdiction.

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

1 (70 ILCS 3615/3A.14) (from Ch. 111 2/3, par. 703A.14)

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

6 (b) The Suburban Bus Board shall deal with and enter into
7 written contracts with their employees, through accredited
8 representatives of such employees authorized to act for such
9 employees concerning wages, salaries, hours, working
10 conditions, and pension or retirement provisions about which a
11 collective bargaining agreement has been entered prior to the
12 effective date of this amendatory Act of 1983. Any such
13 agreement of the Suburban Bus Board shall provide that the
14 agreement may be reopened if the amended budget submitted
15 pursuant to Section 2.18a of this Act is not approved by the
16 Board of the Authority. The agreement may not include a
17 provision requiring the payment of wage increases based on
18 changes in the Consumer Price Index. The Suburban Bus Board
19 shall not have the authority to enter collective bargaining
20 agreements with respect to inherent management rights, which
21 include such areas of discretion or policy as the functions of
22 the employer, standards of services, its overall budget, the
23 organizational structure and selection of new employees and
24 direction of personnel. Employers, however, shall be required
25 to bargain collectively with regard to policy matters directly
26 affecting wages, hours and terms and conditions of employment,

1 as well as the impact thereon, upon request by employee
2 representatives. To preserve the rights of employers and
3 exclusive representatives which have established collective
4 bargaining relationships or negotiated collective bargaining
5 agreements prior to the effective date of this amendatory Act
6 of 1983, employers shall be required to bargain collectively
7 with regard to any matter concerning wages, hours or conditions
8 of employment about which they have bargained prior to the
9 effective date of this amendatory Act of 1983.

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

14 (d) Within 30 days of the signing of any such collective
15 bargaining agreement, the Suburban Bus Board shall determine
16 the costs of each provision of the agreement, prepare an
17 amended budget incorporating the costs of the agreement, and
18 present the amended budget to the Board of the Authority for
19 its approval under Section 4.11. The Board may approve the
20 amended budget by an affirmative vote of 12 ~~9~~ of its then
21 Directors. If the budget is not approved by the Board of the
22 Authority, the agreement may be reopened and its terms may be
23 renegotiated. Any amended budget which may be prepared
24 following renegotiation shall be presented to the Board of the
25 Authority for its approval in like manner.

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

1 (70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

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

3 (a) Until January 1, 2008, the ~~The~~ governing body of the
4 Commuter Rail Division shall be a board consisting of 7
5 directors appointed pursuant to Sections 3B.03 and 3B.04, as
6 follows:

7 (1) ~~(a)~~ One director shall be appointed by the Chairman
8 of the Board of DuPage County with the advice and consent
9 of the County Board of DuPage County and shall reside in
10 DuPage County. †

11 (2) ~~(b)~~ Two directors appointed by the Chairmen of the
12 County Boards of Kane, Lake, McHenry and Will Counties with
13 the concurrence of not less than a majority of the chairmen
14 from such counties, from nominees by the Chairmen. Each
15 such chairman may nominate not more than two persons for
16 each position. Each such director shall reside in a county
17 in the metropolitan region other than Cook or DuPage
18 County.

19 (3) ~~(c)~~ Three directors appointed by the members of the
20 Cook County Board elected from that part of Cook County
21 outside of Chicago, or, in the event such Board of
22 Commissioners becomes elected from single member
23 districts, by those Commissioners elected from districts,
24 a majority of the residents of which reside outside
25 Chicago. In either case, such appointment shall be with the

1 concurrence of four such Commissioners. Each such director
2 shall reside in that part of Cook County outside Chicago.

3 (4) ~~(d)~~ One director appointed by the Mayor of the City
4 of Chicago, with the advice and consent of the City Council
5 of the City of Chicago. Such director shall reside in the
6 City of Chicago.

7 (5) The chairman shall be appointed by the directors,
8 from the members of the board, with the concurrence of 5 of
9 such directors.

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

14 (1) One Director shall be appointed by the Chairman of
15 the DuPage County Board with the advice and consent of the
16 DuPage County Board and shall reside in DuPage County. To
17 implement the changes in appointing authority under this
18 Section, upon the expiration of the term of or vacancy in
19 office of the Director appointed under item (1) of
20 subsection (a) of this Section who resides in DuPage
21 County, a Director shall be appointed under this
22 subparagraph.

23 (2) One Director shall be appointed by the Chairman of
24 the McHenry County Board with advice and consent of the
25 McHenry County Board and shall reside in McHenry County. To
26 implement the change in appointing authority under this

1 Section, upon the expiration of the term of or vacancy in
2 office of the Director appointed under item (2) of
3 subsection (a) of this Section who resides in McHenry
4 County, a Director shall be appointed under this
5 subparagrah.

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

14 (4) One Director shall be appointed by the Chairman of
15 the Lake County Board with the advice and consent of the
16 Lake County Board and shall reside in Lake County.

17 (5) One Director shall be appointed by the Chairman of
18 the Kane County Board with the advice and consent of the
19 Kane County Board and shall reside in Kane County.

20 (6) One Director shall be appointed by the Mayor of the
21 City of Chicago with the advice and consent of the City
22 Council of the City of Chicago and shall reside in the City
23 of Chicago. To implement the changes in appointing
24 authority under this Section, upon the expiration of the
25 term of or vacancy in office of the Director appointed
26 under item (4) of subsection (a) of this Section who

1 resides in the City of Chicago, a Director shall be
2 appointed under this subparagraph.

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

5 (i) One Director who resides in Cook County outside
6 of the City of Chicago, appointed by the President of
7 the Cook County Board with the advice and consent of a
8 majority of the members of the Cook County Board
9 elected from districts, a majority of the electors of
10 which reside outside Chicago.

11 (ii) One Director who resides in Cook County,
12 outside of the City of Chicago and north of Devon
13 Avenue. To implement the changes in appointing
14 authority under this Section, upon the expiration of
15 the term of or vacancy in office of the Director
16 appointed under paragraph (3) of subsection (a) of this
17 Section who resides in the geographic area described in
18 this subparagraph, a Director shall be appointed under
19 this subparagraph.

20 (iii) One Director who resides in Cook County,
21 outside of the City of Chicago, south of Devon Avenue,
22 and north of Interstate 55, and in addition the Village
23 of Summit.

24 (iv) One Director who resides in Cook County,
25 outside of the City of Chicago, south of Interstate 55,
26 and west of Interstate 57, excluding the communities of

1 Summit, Dixmoor, Posen, Robbins, Midlothian, and Oak
2 Forest. To implement the changes in appointing
3 authority under this Section, upon the expiration of
4 the term of or vacancy in office of the Director
5 appointed under paragraph (3) of subsection (a) of this
6 Section who resides in the geographic area described in
7 this subparagraph and whose term of office had not
8 expired as of August 1, 2007, a Director shall be
9 appointed under this subparagraph.

10 (v) One Director who resides in Cook County,
11 outside of the City of Chicago, east of Interstate 57,
12 and, in addition, the communities of Dixmoor, Posen,
13 Robbins, Midlothian and Oak Forest. To implement the
14 changes in appointing authority under this Section,
15 upon the expiration of the term of or vacancy in office
16 of the Director appointed under paragraph (3) of
17 subsection (a) of this Section who resides in the
18 geographic area described in this subparagraph and
19 whose term of office had expired as of August 1, 2007,
20 a Director shall be appointed under this subparagraph.

21 (vi) The Directors identified under the provisions
22 of subparagraphs (ii) through (v) of this paragraph (7)
23 shall be appointed by the members of the Cook County
24 Board elected from districts, the majority of the
25 electors of which are located in Cook County outside of
26 the City of Chicago. Each individual Director shall be

1 appointed by those members of the Cook County Board
2 described in the preceding sentence whose Board
3 districts overlap in whole or in part with the
4 geographic territory described in the relevant
5 subparagraph. The vote of County Board members
6 eligible to appoint directors under the provisions of
7 this paragraph (7) shall be weighted by the number of
8 electors residing in those portions of their Board
9 districts within the geographic territory described in
10 the relevant subparagraph (ii) through (v) of this
11 paragraph (7). In the event that the geographic
12 territory of an election precinct overlaps with more
13 than one of the geographic territories described in
14 subparagraphs (ii) through (v) of this paragraph (7),
15 then for purposes of establishing the weighted vote in
16 this subparagraph (vi) the electors for such precinct
17 shall be allocated to the geographic territory in which
18 the majority of the electors in that precinct reside.

19 (8) The chairman shall be appointed by the directors,
20 from the members of the board, with the concurrence of 7 of
21 such directors. To implement the changes in appointing
22 authority under this Section, upon the expiration of the
23 term of or vacancy in office of the Chairman appointed
24 under item (5) of subsection (a) of this Section, a
25 Chairman shall be appointed under this subparagraph.

26 (c) No director, while serving as such, shall be an

1 officer, a member of the board of directors or trustee or an
2 employee of any transportation agency, or be an employee of the
3 State of Illinois or any department or agency thereof, or of
4 any unit of local government or receive any compensation from
5 any elected or appointed office under the Constitution and laws
6 of Illinois.

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

15 ~~Appointments to the Commuter Rail Board shall be~~
16 ~~apportioned so as to represent the City of Chicago, that part~~
17 ~~of Cook County outside of the City of Chicago, and DuPage~~
18 ~~County and that part of the metropolitan region other than Cook~~
19 ~~and DuPage Counties based on morning boardings of the services~~
20 ~~provided by the Commuter Rail Division as certified to the~~
21 ~~Board of the Authority by the Commuter Rail Board, provided~~
22 ~~however that the Mayor of the City of Chicago shall appoint no~~
23 ~~fewer than 1 member of the Commuter Rail Board. Within two~~
24 ~~years after each federal decennial census, the Board of the~~
25 ~~Authority shall review the composition of the Commuter Rail~~
26 ~~Board and, if change is needed to comply with this requirement,~~

1 ~~shall provide for the necessary reapportionment by July 1 of~~
2 ~~the second year after such census. Insofar as may be~~
3 ~~practicable, the changes in board membership necessary to~~
4 ~~achieve this purpose shall take effect as appropriate members~~
5 ~~terms expire, no member's term being reduced by reason of such~~
6 ~~revision of the composition of the Commuter Rail Board.~~

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

8 (70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

9 Sec. 3B.03. Terms, Vacancies. Each ~~The initial term of the~~
10 ~~director appointed pursuant to subdivision (a) of Section 3B.02~~
11 ~~and the initial term of one of the directors appointed pursuant~~
12 ~~to subdivision (b) of Section 3B.02 shall expire on June 30,~~
13 ~~1985; the initial term of one of the directors appointed~~
14 ~~pursuant to subdivision (b) of Section 3B.02 and the initial~~
15 ~~term of one of the directors appointed pursuant to subdivision~~
16 ~~(c) of Section 3B.02 shall expire on June 30, 1986; the initial~~
17 ~~terms of two of the directors appointed pursuant to subdivision~~
18 ~~(c) of Section 3B.02 shall expire on June 30, 1987; the initial~~
19 ~~term of the director appointed pursuant to subdivision (d) of~~
20 ~~Section 3B.02 shall expire on June 30, 1988. Thereafter, each~~
21 ~~director shall be appointed for a term of 4 years, and until~~
22 ~~his successor has been appointed and qualified. A vacancy shall~~
23 ~~occur upon the resignation, death, conviction of a felony, or~~
24 ~~removal from office of a director. Any director may be removed~~
25 ~~from office upon the concurrence of not less than 6 directors,~~

1 on a formal finding of incompetence, neglect of duty, or
2 malfeasance in office. Within 30 days after the office of any
3 director becomes vacant for any reason, the appropriate
4 appointing authorities of such director, as provided in Section
5 3B.02, shall make an appointment to fill the vacancy. A vacancy
6 shall be filled for the unexpired term.

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

8 (70 ILCS 3615/3B.05) (from Ch. 111 2/3, par. 703B.05)

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

1 and technical expertise concerning its purposes and powers and
2 to assist it in assessing the performance of transportation
3 agencies in the metropolitan region.

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

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

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

23 (70 ILCS 3615/3B.07) (from Ch. 111 2/3, par. 703B.07)

24 Sec. 3B.07. Meetings. The Commuter Rail Board shall
25 prescribe the times and places for meetings and the manner in

1 which special meetings may be called. The Commuter Rail Board
2 shall comply in all respects with the "Open Meetings Act", as
3 now or hereafter amended. All records, documents and papers of
4 the Commuter Rail Division, other than those relating to
5 matters concerning which closed sessions of the Commuter Rail
6 Board may be held, shall be available for public examination,
7 subject to such reasonable regulations as the board may adopt.

8 A majority of the members shall constitute a quorum for the
9 conduct of business. The affirmative votes of at least a
10 majority of the 4 members shall be necessary for any action
11 required by this Act to be taken by ordinance.

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

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

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

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

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

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

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

1 Rail Board may not pledge as security for such bonds the
2 moneys, if any, that the Commuter Rail Board receives from the
3 Regional Transportation Authority pursuant to Section
4 4.03.3(f) of the Regional Transportation Authority Act. The
5 bonds shall bear interest at a rate not to exceed the maximum
6 rate authorized by the Bond Authorization Act and shall mature
7 at such time or times not exceeding 30 years from their
8 respective dates, provided that the bonds shall have
9 approximately equal debt service payments in each year, with
10 the first principal or mandatory redemption payment being no
11 later than the fiscal year after their initial issuance. The
12 maximum principal amount of the bonds that may be issued and
13 outstanding at any time may not exceed \$1,000,000,000. The
14 bonds shall have all the qualities of negotiable instruments
15 under the laws of this State. To secure the payment of any or
16 all of such bonds and for the purpose of setting forth the
17 covenants and undertakings of the Commuter Rail Board in
18 connection with the issuance thereof and the issuance of any
19 additional bonds payable from such revenue or income as well as
20 the use and application of the revenue or income received by
21 the Commuter Rail Board, the Commuter Rail Board may execute
22 and deliver a trust agreement or agreements; provided that no
23 lien upon any physical property of the Commuter Rail Board
24 shall be created thereby. A remedy for any breach or default of
25 the terms of any such trust agreement by the Commuter Rail
26 Board may be by mandamus proceedings in any court of competent

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

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

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

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

25 (d) Within 30 days of the signing of any such collective
26 bargaining agreement, the Commuter Rail 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. 84-1308.)

12 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

13 Sec. 4.01. Budget and Program.

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

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

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

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

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

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

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

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

1 ~~\$5,000,000~~ annually for passenger security including
2 grants, contracts, personnel, equipment and administrative
3 expenses, except in the case of the Chicago Transit
4 Authority, in which case the term does not include costs
5 spent annually by that entity for protection against crime
6 as required by Section 27a of the Metropolitan Transit
7 Authority Act; the payment by the Chicago Transit Authority
8 of Debt Service, as defined in Section 12c of the
9 Metropolitan Transit Authority Act, on bonds or notes
10 issued pursuant to that Section; the payment by the
11 Commuter Rail Division of debt service on bonds issued
12 pursuant to Section 3B.09; expenses incurred by the
13 Suburban Bus Division for the cost of new public
14 transportation services funded from grants pursuant to
15 Section 2.01e of this amendatory Act of the 95th General
16 Assembly for a period of 2 years from the date of
17 initiation of each such service; costs as exempted by the
18 Board for projects pursuant to Section 2.09 of this Act;
19 or, beginning with the 2007 fiscal year, expenses related
20 to providing ADA paratransit service pursuant to Section
21 2.30 of the Regional Transportation Authority Act; and in
22 fiscal years 2008 through 2017 inclusive, costs in the
23 amount of \$200,000,000 in fiscal year 2008, reducing by
24 \$20,000,000 in each fiscal year thereafter until this
25 exemption is eliminated; and

26 (ii) that the level of fares charged for ADA

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

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

1 rate protection contracts, credit enhancements or liquidity
2 agreements made pursuant to Section 4.14.

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

1 proceeds of the taxes collected within the Counties of DuPage,
2 Kane, Lake, McHenry and Will shall be allocated 70% to the
3 Commuter Rail Board and 30% to the Suburban Bus Board.

4 (e) 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. Moneys received by the Authority on
8 account of transfers to the Regional Transportation Authority
9 Occupation and Use Tax Replacement Fund from the State and
10 Local Sales Tax Reform Fund shall be allocated among the
11 Authority and the Service Boards as follows: 15% of such moneys
12 shall be retained by the Authority and the remaining 85% shall
13 be transferred to the Service Boards as soon as may be
14 practicable after the Authority receives payment. Moneys which
15 are distributable to the Service Boards pursuant to the
16 preceding sentence shall be allocated among the Service Boards
17 on the basis of each Service Board's distribution ratio. The
18 term "distribution ratio" means, for purposes of this
19 subsection (e) of this Section 4.01, the ratio of the total
20 amount distributed to a Service Board pursuant to subsection
21 (d) of Section 4.01 for the immediately preceding calendar year
22 to the total amount distributed to all of the Service Boards
23 pursuant to subsection (d) of Section 4.01 for the immediately
24 preceding calendar year.

25 (f) To carry out its duties and responsibilities under this
26 Act, further and accomplish the preparation of the annual

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

1 that the moneys ~~monies~~ available to the Authority may be
2 expended in the most economical manner possible with the least
3 possible duplication.

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

26 (h) No Service Board shall undertake any capital

1 improvement which is not identified in the Five-Year Capital
2 Program.

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

4 (70 ILCS 3615/4.02) (from Ch. 111 2/3, par. 704.02)

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

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

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

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

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

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

1 ~~Board the amount to which it is entitled under Section~~
2 ~~4.01(d);~~

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

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

25 ~~(4) Beginning January 1, 2009, before making any~~
26 ~~payments, transfers, or expenditures under this subsection~~

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

4 (Source: P.A. 94-839, eff. 6-6-06; revised 8-3-06.)

5 (70 ILCS 3615/4.02a)

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

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

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

25 (c) Whenever the Authority acts or determines that it is

1 required to act under subsection (b), it shall so notify the
2 Chicago Transit Authority, the Mayor of Chicago, the Governor,
3 the Auditor General of the State of Illinois, and the General
4 Assembly.

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

6 (70 ILCS 3615/4.02b)

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

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

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

23 (c) Whenever the Authority acts or determines that it is
24 required to act under subsection (b), it shall so notify the
25 affected Service Board, the Mayor of Chicago, the Governor, the

1 Auditor General of the State of Illinois, and the General
2 Assembly.

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

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

14 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

15 Sec. 4.03. Taxes.

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

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

20 (c) In connection with the tax imposed under paragraph (b)
21 of this Section the Board may impose a tax upon the privilege
22 of using in the metropolitan region motor fuel for the
23 operation of a motor vehicle upon public highways, the tax to
24 be at a rate not in excess of the rate of tax imposed under
25 paragraph (b) of this Section. The Board may provide for
26 details of the tax.

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

21 (e) The Board may impose a Regional Transportation
22 Authority Retailers' Occupation Tax upon all persons engaged in
23 the business of selling tangible personal property at retail in
24 the metropolitan region. In Cook County the tax rate shall be
25 1.25% ~~1%~~ of the gross receipts from sales of food for human
26 consumption that is to be consumed off the premises where it is

1 sold (other than alcoholic beverages, soft drinks and food that
2 has been prepared for immediate consumption) and prescription
3 and nonprescription medicines, drugs, medical appliances and
4 insulin, urine testing materials, syringes and needles used by
5 diabetics, and 1% ~~3/4%~~ of the gross receipts from other taxable
6 sales made in the course of that business. In DuPage, Kane,
7 Lake, McHenry, and Will Counties, the tax rate shall be 0.75%
8 ~~1/4%~~ of the gross receipts from all taxable sales made in the
9 course of that business. The tax imposed under this Section and
10 all civil penalties that may be assessed as an incident thereof
11 shall be collected and enforced by the State Department of
12 Revenue. The Department shall have full power to administer and
13 enforce this Section; to collect all taxes and penalties so
14 collected in the manner hereinafter provided; and to determine
15 all rights to credit memoranda arising on account of the
16 erroneous payment of tax or penalty hereunder. In the
17 administration of, and compliance with this Section, the
18 Department and persons who are subject to this Section shall
19 have the same rights, remedies, privileges, immunities, powers
20 and duties, and be subject to the same conditions,
21 restrictions, limitations, penalties, exclusions, exemptions
22 and definitions of terms, and employ the same modes of
23 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
24 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
25 therein other than the State rate of tax), 2c, 3 (except as to
26 the disposition of taxes and penalties collected), 4, 5, 5a,

1 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
2 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
3 Section 3-7 of the Uniform Penalty and Interest Act, as fully
4 as if those provisions were set forth herein.

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

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

20 If a tax is imposed under this subsection (e), a tax shall
21 also be imposed under subsections (f) and (g) of this Section.

22 For the purpose of determining whether a tax authorized
23 under this Section is applicable, a retail sale by a producer
24 of coal or other mineral mined in Illinois, is a sale at retail
25 at the place where the coal or other mineral mined in Illinois
26 is extracted from the earth. This paragraph does not apply to

1 coal or other mineral when it is delivered or shipped by the
2 seller to the purchaser at a point outside Illinois so that the
3 sale is exempt under the Federal Constitution as a sale in
4 interstate or foreign commerce.

5 No tax shall be imposed or collected under this subsection
6 on the sale of a motor vehicle in this State to a resident of
7 another state if that motor vehicle will not be titled in this
8 State.

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

14 (f) If a tax has been imposed under paragraph (e), a
15 Regional Transportation Authority Service Occupation Tax shall
16 also be imposed upon all persons engaged, in the metropolitan
17 region in the business of making sales of service, who as an
18 incident to making the sales of service, transfer tangible
19 personal property within the metropolitan region, either in the
20 form of tangible personal property or in the form of real
21 estate as an incident to a sale of service. In Cook County, the
22 tax rate shall be: (1) 1.25% ~~1%~~ of the serviceman's cost price
23 of food prepared for immediate consumption and transferred
24 incident to a sale of service subject to the service occupation
25 tax by an entity licensed under the Hospital Licensing Act or
26 the Nursing Home Care Act that is located in the metropolitan

1 region; (2) 1.25% ~~1%~~ of the selling price of food for human
2 consumption that is to be consumed off the premises where it is
3 sold (other than alcoholic beverages, soft drinks and food that
4 has been prepared for immediate consumption) and prescription
5 and nonprescription medicines, drugs, medical appliances and
6 insulin, urine testing materials, syringes and needles used by
7 diabetics; and (3) 1% ~~3/4%~~ of the selling price from other
8 taxable sales of tangible personal property transferred. In
9 DuPage, Kane, Lake, McHenry and Will Counties the rate shall be
10 0.75% ~~1/4%~~ of the selling price of all tangible personal
11 property transferred.

12 The tax imposed under this paragraph and all civil
13 penalties that may be assessed as an incident thereof shall be
14 collected and enforced by the State Department of Revenue. The
15 Department shall have full power to administer and enforce this
16 paragraph; to collect all taxes and penalties due hereunder; to
17 dispose of taxes and penalties collected in the manner
18 hereinafter provided; and to determine all rights to credit
19 memoranda arising on account of the erroneous payment of tax or
20 penalty hereunder. In the administration of and compliance with
21 this paragraph, the Department and persons who are subject to
22 this paragraph shall have the same rights, remedies,
23 privileges, immunities, powers and duties, and be subject to
24 the same conditions, restrictions, limitations, penalties,
25 exclusions, exemptions and definitions of terms, and employ the
26 same modes of procedure, as are prescribed in Sections 1a-1, 2,

1 2a, 3 through 3-50 (in respect to all provisions therein other
2 than the State rate of tax), 4 (except that the reference to
3 the State shall be to the Authority), 5, 7, 8 (except that the
4 jurisdiction to which the tax shall be a debt to the extent
5 indicated in that Section 8 shall be the Authority), 9 (except
6 as to the disposition of taxes and penalties collected, and
7 except that the returned merchandise credit for this tax may
8 not be taken against any State tax), 10, 11, 12 (except the
9 reference therein to Section 2b of the Retailers' Occupation
10 Tax Act), 13 (except that any reference to the State shall mean
11 the Authority), the first paragraph of Section 15, 16, 17, 18,
12 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
13 the Uniform Penalty and Interest Act, as fully as if those
14 provisions were set forth herein.

15 Persons subject to any tax imposed under the authority
16 granted in this paragraph may reimburse themselves for their
17 serviceman's tax liability hereunder by separately stating the
18 tax as an additional charge, that charge may be stated in
19 combination in a single amount with State tax that servicemen
20 are authorized to collect under the Service Use Tax Act, under
21 any bracket schedules the Department may prescribe.

22 Whenever the Department determines that a refund should be
23 made under this paragraph to a claimant instead of issuing a
24 credit memorandum, the Department shall notify the State
25 Comptroller, who shall cause the warrant to be drawn for the
26 amount specified, and to the person named in the notification

1 from the Department. The refund shall be paid by the State
2 Treasurer out of the Regional Transportation Authority tax fund
3 established under paragraph (n) of this Section.

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

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

1 transmitted to the Department by way of the State agency with
2 which, or the State officer with whom, the tangible personal
3 property must be titled or registered if the Department and the
4 State agency or State officer determine that this procedure
5 will expedite the processing of applications for title or
6 registration.

7 The Department shall have full power to administer and
8 enforce this paragraph; to collect all taxes, penalties and
9 interest due hereunder; to dispose of taxes, penalties and
10 interest collected in the manner hereinafter provided; and to
11 determine all rights to credit memoranda or refunds arising on
12 account of the erroneous payment of tax, penalty or interest
13 hereunder. In the administration of and compliance with this
14 paragraph, the Department and persons who are subject to this
15 paragraph shall have the same rights, remedies, privileges,
16 immunities, powers and duties, and be subject to the same
17 conditions, restrictions, limitations, penalties, exclusions,
18 exemptions and definitions of terms and employ the same modes
19 of procedure, as are prescribed in Sections 2 (except the
20 definition of "retailer maintaining a place of business in this
21 State"), 3 through 3-80 (except provisions pertaining to the
22 State rate of tax, and except provisions concerning collection
23 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
24 19 (except the portions pertaining to claims by retailers and
25 except the last paragraph concerning refunds), 20, 21 and 22 of
26 the Use Tax Act, and are not inconsistent with this paragraph,

1 as fully as if those provisions were set forth herein.

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 order 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 (h) The Authority may impose a replacement vehicle tax of
11 \$50 on any passenger car as defined in Section 1-157 of the
12 Illinois Vehicle Code purchased within the metropolitan region
13 by or on behalf of an insurance company to replace a passenger
14 car of an insured person in settlement of a total loss claim.
15 The tax imposed may not become effective before the first day
16 of the month following the passage of the ordinance imposing
17 the tax and receipt of a certified copy of the ordinance by the
18 Department of Revenue. The Department of Revenue shall collect
19 the tax for the Authority in accordance with Sections 3-2002
20 and 3-2003 of the Illinois Vehicle Code.

21 The Department shall immediately pay over to the State
22 Treasurer, ex officio, as trustee, all taxes collected
23 hereunder. On or before the 25th day of each calendar month,
24 the Department shall prepare and certify to the Comptroller the
25 disbursement of stated sums of money to the Authority. The
26 amount to be paid to the Authority shall be the amount

1 collected hereunder during the second preceding calendar month
2 by the Department, less any amount determined by the Department
3 to be necessary for the payment of refunds. Within 10 days
4 after receipt by the Comptroller of the disbursement
5 certification to the Authority provided for in this Section to
6 be given to the Comptroller by the Department, the Comptroller
7 shall cause the orders to be drawn for that amount in
8 accordance with the directions contained in the certification.

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

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

20 (k) The provisions of any tax imposed under paragraph (c)
21 of this Section shall conform as closely as may be practicable
22 to the provisions of the Use Tax Act, including without
23 limitation conformity as to penalties with respect to the tax
24 imposed and as to the powers of the State Department of Revenue
25 to promulgate and enforce rules and regulations relating to the
26 administration and enforcement of the provisions of the tax

1 imposed. The taxes shall be imposed only on use within the
2 metropolitan region and at rates as provided in the paragraph.

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

17 (m) Any ordinance imposing or discontinuing any tax under
18 this Section shall be adopted and a certified copy thereof
19 filed with the Department on or before June 1, whereupon the
20 Department of Revenue shall proceed to administer and enforce
21 this Section on behalf of the Regional Transportation Authority
22 as of September 1 next following such adoption and filing.
23 Beginning January 1, 1992, an ordinance or resolution imposing
24 or discontinuing the tax hereunder shall be adopted and a
25 certified copy thereof filed with the Department on or before
26 the first day of July, whereupon the Department shall proceed

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

20 (n) The State Department of Revenue shall, upon collecting
21 any taxes as provided in this Section, pay the taxes over to
22 the State Treasurer as trustee for the Authority. The taxes
23 shall be held in a trust fund outside the State Treasury. On or
24 before the 25th day of each calendar month, the State
25 Department of Revenue shall prepare and certify to the
26 Comptroller of the State of Illinois and ~~the amount to be paid~~

1 ~~to the Authority, which shall be the then balance in the fund,~~
2 ~~less any amount determined by the Department to be necessary~~
3 ~~for the payment of refunds. The State Department of Revenue~~
4 shall also certify to the Authority (i) the amount of taxes
5 collected in each County other than Cook County in the
6 metropolitan region, (ii) ~~less the amount necessary for the~~
7 ~~payment of refunds to taxpayers in the County. With regard to~~
8 ~~the County of Cook, the certification shall specify the amount~~
9 of taxes collected within the City of Chicago, less the amount
10 ~~necessary for the payment of refunds to taxpayers in the City~~
11 ~~of Chicago~~ and (iii) the amount collected in that portion of
12 Cook County outside of Chicago, each amount less the amount
13 necessary for the payment of refunds to taxpayers located in
14 those areas described in items (i), (ii), and (iii) in that
15 ~~portion of Cook County outside of Chicago.~~ Within 10 days after
16 receipt by the Comptroller of the certification of the amounts
17 ~~amount to be paid to the Authority,~~ the Comptroller shall cause
18 an order to be drawn for the payment of two-thirds of the
19 amounts certified in item (i) of this subsection to the
20 Authority and one-third of the amounts certified in item (i) of
21 this subsection to the respective counties other than Cook
22 County and the amount certified in items (ii) and (iii) of this
23 subsection to the Authority ~~for the amount in accordance with~~
24 ~~the direction in the certification.~~

25 In addition to the disbursement required by the preceding
26 paragraph, an allocation shall be made in July 1991 and each

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

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

19 (p) At no time shall a public transportation tax or motor
20 vehicle parking tax authorized under paragraphs (b), (c) and
21 (d) of this Section be in effect at the same time as any
22 retailers' occupation, use or service occupation tax
23 authorized under paragraphs (e), (f) and (g) of this Section is
24 in effect.

25 Any taxes imposed under the authority provided in
26 paragraphs (b), (c) and (d) shall remain in effect only until

1 the time as any tax authorized by paragraphs (e), (f) or (g) of
2 this Section are imposed and becomes effective. Once any tax
3 authorized by paragraphs (e), (f) or (g) is imposed the Board
4 may not reimpose taxes as authorized in paragraphs (b), (c) and
5 (d) of the Section unless any tax authorized by paragraphs (e),
6 (f) or (g) of this Section becomes ineffective by means other
7 than an ordinance of the Board.

8 (q) Any existing rights, remedies and obligations
9 (including enforcement by the Regional Transportation
10 Authority) arising under any tax imposed under paragraphs (b),
11 (c) or (d) of this Section shall not be affected by the
12 imposition of a tax under paragraphs (e), (f) or (g) of this
13 Section.

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

16 (70 ILCS 3615/4.03.3 new)

17 Sec. 4.03.3. Distribution of Revenues. This Section
18 applies only after the Department begins administering and
19 enforcing an increased tax under Section 4.03(m) as authorized
20 by this amendatory Act of the 95th General Assembly. After
21 providing for payment of its obligations with respect to bonds
22 and notes issued under the provisions of Section 4.04 and
23 obligations related to those bonds and notes, the Authority
24 shall disburse the remaining proceeds from taxes it has
25 received from the Department of Revenue under this Article IV

1 and the remaining proceeds it has received from the State under
2 Section 4.09(a) as follows:

3 (a) With respect to taxes imposed by the Authority under
4 Section 4.03, after withholding 15% of 80% of the receipts from
5 those taxes collected in Cook County at a rate of 1.25%, 15% of
6 75% of the receipts from those taxes collected in Cook County
7 at the rate of 1%, 15% of one-half of the receipts from those
8 taxes collected in DuPage, Kane, Lake, McHenry, and Will
9 Counties, and 15% of money received by the Authority from the
10 Regional Transportation Authority Occupation and Use Tax
11 Replacement Fund, the Board shall allocate the proceeds and
12 money remaining to the Service Boards as follows:

13 (1) an amount equal to (i) 85% of 80% of the receipts
14 from those taxes collected within the City of Chicago at a
15 rate of 1.25%, (ii) 85% of 75% of the receipts from those
16 taxes collected in the City of Chicago at the rate of 1%,
17 and (iii) 85% of the money received by the Authority on
18 account of transfers to the Regional Transportation
19 Authority Occupation and Use Tax Replacement Fund from the
20 County and Mass Transit District Fund attributable to
21 retail sales within the City of Chicago shall be allocated
22 to the Chicago Transit Authority;

23 (2) an amount equal to (i) 85% of 80% of the receipts
24 from those taxes collected within Cook County outside of
25 the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of
26 the receipts from those taxes collected within Cook County

1 outside the City of Chicago at a rate of 1%, and (iii) 85%
2 of the money received by the Authority on account of
3 transfers to the Regional Transportation Authority
4 Occupation and Use Tax Replacement Fund from the County and
5 Mass Transit District Fund attributable to retail sales
6 within Cook County outside of the City of Chicago shall be
7 allocated 30% to the Chicago Transit Authority, 55% to the
8 Commuter Rail Board, and 15% to the Suburban Bus Board; and

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

13 (b) Moneys received by the Authority on account of
14 transfers to the Regional Transportation Authority Occupation
15 and Use Tax Replacement Fund from the State and Local Sales Tax
16 Reform Fund shall be allocated among the Authority and the
17 Service Boards as follows: 15% of such moneys shall be retained
18 by the Authority and the remaining 85% shall be transferred to
19 the Service Boards as soon as may be practicable after the
20 Authority receives payment. Moneys which are distributable to
21 the Service Boards pursuant to the preceding sentence shall be
22 allocated among the Service Boards on the basis of each Service
23 Board's distribution ratio. The term "distribution ratio"
24 means, for purposes of this subsection (b), the ratio of the
25 total amount distributed to a Service Board pursuant to
26 subsection (a) of Section 4.03.3 for the immediately preceding

1 calendar year to the total amount distributed to all of the
2 Service Boards pursuant to subsection (a) of Section 4.03.3 for
3 the immediately preceding calendar year.

4 (c) (i) 20% of the receipts from those taxes collected in
5 Cook County under Section 4.03 at the rate of 1.25%, (ii) 25%
6 of the receipts from those taxes collected in Cook County under
7 Section 4.03 at the rate of 1%, (iii) 50% of the receipts from
8 those taxes collected in DuPage, Kane, Lake, McHenry, and Will
9 Counties under Section 4.03, and (iv) amounts received from the
10 State under Section 4.09 (a) (2) and items (i), (ii), and (iii)
11 of Section 4.09 (a) (3) shall be allocated as follows: in 2008,
12 \$100,000,000 shall be deposited in the ADA Paratransit Fund
13 described in Section 2.01d, \$20,000,000 shall be deposited in
14 the Suburban Community Mobility Fund described in Section
15 2.01e, and \$10,000,000 shall be deposited in the Innovation,
16 Coordination and Enhancement Fund described in Section 2.01c,
17 and the balance shall be allocated 48% to the Chicago Transit
18 Authority, 39% to the Commuter Rail Board, and 13% to the
19 Suburban Bus Board; and in 2009 and each year thereafter, the
20 amounts deposited in the ADA Paratransit Fund, the Suburban
21 Community Mobility Fund and the Innovation, Coordination and
22 Enhancement Fund respectively shall equal the amount deposited
23 in the previous year increased or decreased by the percentage
24 growth or decline in revenues received by the Authority from
25 taxes imposed under Section 4.03 in the previous year, and the
26 balance shall be allocated 48% to the Chicago Transit

1 Authority, 39% to the Commuter Rail Board and 13% to the
2 Suburban bus Board.

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

6 (e) With respect to those taxes collected in DuPage, Kane,
7 Lake, McHenry, and Will Counties and paid directly to the
8 counties under Section 4.03, the County Board of each county
9 shall use those amounts to fund operating and capital costs of
10 public transportation services or facilities or to fund
11 operating, capital, right-of-way, construction, and
12 maintenance costs of other transportation purposes, including
13 road, bridge, public safety, and transit purposes intended to
14 improve mobility or reduce congestion in the county. The
15 receipt of funding by such counties pursuant to this paragraph
16 shall not be used as the basis for reducing any funds that such
17 counties would otherwise have received from the State of
18 Illinois, any agency or instrumentality thereof, the
19 Authority, or the Service Boards.

20 (f) The Authority by ordinance adopted by 12 of its then
21 Directors shall apportion to the Service Boards funds provided
22 by the State of Illinois under Section 4.09(a)(1) as it shall
23 determine and shall make payment of the amounts to each Service
24 Board as soon as may be practicable upon their receipt provided
25 the Authority has adopted a balanced budget as required by
26 Section 4.01 and further provided the Service Board is in

1 compliance with the requirements in Section 4.11.

2 (g) Beginning January 1, 2009, before making any payments,
3 transfers, or expenditures under this Section to a Service
4 Board, the Authority must first comply with Section 4.02a or
5 4.02b of this Act, whichever may be applicable.

6 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

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

8 (a) The Authority shall have the continuing power to borrow
9 money and to issue its negotiable bonds or notes as provided in
10 this Section. Unless otherwise indicated in this Section, the
11 term "notes" also includes bond anticipation notes, which are
12 notes which by their terms provide for their payment from the
13 proceeds of bonds thereafter to be issued. Bonds or notes of
14 the Authority may be issued for any or all of the following
15 purposes: to pay costs to the Authority or a Service Board of
16 constructing or acquiring any public transportation facilities
17 (including funds and rights relating thereto, as provided in
18 Section 2.05 of this Act); to repay advances to the Authority
19 or a Service Board made for such purposes; to pay other
20 expenses of the Authority or a Service Board incident to or
21 incurred in connection with such construction or acquisition;
22 to provide funds for any transportation agency to pay principal
23 of or interest or redemption premium on any bonds or notes,
24 whether as such amounts become due or by earlier redemption,
25 issued prior to the date of this amendatory Act by such

1 transportation agency to construct or acquire public
2 transportation facilities or to provide funds to purchase such
3 bonds or notes; and to provide funds for any transportation
4 agency to construct or acquire any public transportation
5 facilities, to repay advances made for such purposes, and to
6 pay other expenses incident to or incurred in connection with
7 such construction or acquisition; and to provide funds for
8 payment of obligations, including the funding of reserves,
9 under any self-insurance plan or joint self-insurance pool or
10 entity.

11 In addition to any other borrowing as may be authorized by
12 this Section, the Authority may issue its notes, from time to
13 time, in anticipation of tax receipts of the Authority or of
14 other revenues or receipts of the Authority, in order to
15 provide money for the Authority or the Service Boards to cover
16 any cash flow deficit which the Authority or a Service Board
17 anticipates incurring. Any such notes are referred to in this
18 Section as "Working Cash Notes". No Working Cash Notes shall be
19 issued for a term of longer than 24 ~~18~~ months. Proceeds of
20 Working Cash Notes may be used to pay day to day operating
21 expenses of the Authority or the Service Boards, consisting of
22 wages, salaries and fringe benefits, professional and
23 technical services (including legal, audit, engineering and
24 other consulting services), office rental, furniture, fixtures
25 and equipment, insurance premiums, claims for self-insured
26 amounts under insurance policies, public utility obligations

1 for telephone, light, heat and similar items, travel expenses,
2 office supplies, postage, dues, subscriptions, public hearings
3 and information expenses, fuel purchases, and payments of
4 grants and payments under purchase of service agreements for
5 operations of transportation agencies, prior to the receipt by
6 the Authority or a Service Board from time to time of funds for
7 paying such expenses. In addition to any Working Cash Notes
8 that the Board of the Authority may determine to issue, the
9 Suburban Bus Board, the Commuter Rail Board or the Board of the
10 Chicago Transit Authority may demand and direct that the
11 Authority issue its Working Cash Notes in such amounts and
12 having such maturities as the Service Board may determine.

13 Notwithstanding any other provision of this Act, any
14 amounts necessary to pay principal of and interest on any
15 Working Cash Notes issued at the demand and direction of a
16 Service Board or any Working Cash Notes the proceeds of which
17 were used for the direct benefit of a Service Board or any
18 other Bonds or Notes of the Authority the proceeds of which
19 were used for the direct benefit of a Service Board shall
20 constitute a reduction of the amount of any other funds
21 provided by the Authority to that Service Board. The Authority
22 shall, after deducting any costs of issuance, tender the net
23 proceeds of any Working Cash Notes issued at the demand and
24 direction of a Service Board to such Service Board as soon as
25 may be practicable after the proceeds are received. The
26 Authority may also issue notes or bonds to pay, refund or

1 redeem any of its notes and bonds, including to pay redemption
2 premiums or accrued interest on such bonds or notes being
3 renewed, paid or refunded, and other costs in connection
4 therewith. The Authority may also utilize the proceeds of any
5 such bonds or notes to pay the legal, financial, administrative
6 and other expenses of such authorization, issuance, sale or
7 delivery of bonds or notes or to provide or increase a debt
8 service reserve fund with respect to any or all of its bonds or
9 notes. The Authority may also issue and deliver its bonds or
10 notes in exchange for any public transportation facilities,
11 (including funds and rights relating thereto, as provided in
12 Section 2.05 of this Act) or in exchange for outstanding bonds
13 or notes of the Authority, including any accrued interest or
14 redemption premium thereon, without advertising or submitting
15 such notes or bonds for public bidding.

16 (b) The ordinance providing for the issuance of any such
17 bonds or notes shall fix the date or dates of maturity, the
18 dates on which interest is payable, any sinking fund account or
19 reserve fund account provisions and all other details of such
20 bonds or notes and may provide for such covenants or agreements
21 necessary or desirable with regard to the issue, sale and
22 security of such bonds or notes. The rate or rates of interest
23 on its bonds or notes may be fixed or variable and the
24 Authority shall determine or provide for the determination of
25 the rate or rates of interest of its bonds or notes issued
26 under this Act in an ordinance adopted by the Authority prior

1 to the issuance thereof, none of which rates of interest shall
2 exceed that permitted in the Bond Authorization Act. Interest
3 may be payable at such times as are provided for by the Board.
4 Bonds and notes issued under this Section may be issued as
5 serial or term obligations, shall be of such denomination or
6 denominations and form, including interest coupons to be
7 attached thereto, be executed in such manner, shall be payable
8 at such place or places and bear such date as the Authority
9 shall fix by the ordinance authorizing such bond or note and
10 shall mature at such time or times, within a period not to
11 exceed forty years from the date of issue, and may be
12 redeemable prior to maturity with or without premium, at the
13 option of the Authority, upon such terms and conditions as the
14 Authority shall fix by the ordinance authorizing the issuance
15 of such bonds or notes. No bond anticipation note or any
16 renewal thereof shall mature at any time or times exceeding 5
17 years from the date of the first issuance of such note. The
18 Authority may provide for the registration of bonds or notes in
19 the name of the owner as to the principal alone or as to both
20 principal and interest, upon such terms and conditions as the
21 Authority may determine. The ordinance authorizing bonds or
22 notes may provide for the exchange of such bonds or notes which
23 are fully registered, as to both principal and interest, with
24 bonds or notes which are registerable as to principal only. All
25 bonds or notes issued under this Section by the Authority other
26 than those issued in exchange for property or for bonds or

1 notes of the Authority shall be sold at a price which may be at
2 a premium or discount but such that the interest cost
3 (excluding any redemption premium) to the Authority of the
4 proceeds of an issue of such bonds or notes, computed to stated
5 maturity according to standard tables of bond values, shall not
6 exceed that permitted in the Bond Authorization Act. The
7 Authority shall notify the Governor's Office of Management and
8 Budget and the State Comptroller at least 30 days before any
9 bond sale and shall file with the Governor's Office of
10 Management and Budget and the State Comptroller a certified
11 copy of any ordinance authorizing the issuance of bonds at or
12 before the issuance of the bonds. After December 31, 1994, any
13 such bonds or notes shall be sold to the highest and best
14 bidder on sealed bids as the Authority shall deem. As such
15 bonds or notes are to be sold the Authority shall advertise for
16 proposals to purchase the bonds or notes which advertisement
17 shall be published at least once in a daily newspaper of
18 general circulation published in the metropolitan region at
19 least 10 days before the time set for the submission of bids.
20 The Authority shall have the right to reject any or all bids.
21 Notwithstanding any other provisions of this Section, Working
22 Cash Notes or bonds or notes to provide funds for
23 self-insurance or a joint self-insurance pool or entity may be
24 sold either upon competitive bidding or by negotiated sale
25 (without any requirement of publication of intention to
26 negotiate the sale of such Notes), as the Board shall determine

1 by ordinance adopted with the affirmative votes of at least 7
2 Directors. In case any officer whose signature appears on any
3 bonds, notes or coupons authorized pursuant to this Section
4 shall cease to be such officer before delivery of such bonds or
5 notes, such signature shall nevertheless be valid and
6 sufficient for all purposes, the same as if such officer had
7 remained in office until such delivery. Neither the Directors
8 of the Authority nor any person executing any bonds or notes
9 thereof shall be liable personally on any such bonds or notes
10 or coupons by reason of the issuance thereof.

11 (c) All bonds or notes of the Authority issued pursuant to
12 this Section shall be general obligations of the Authority to
13 which shall be pledged the full faith and credit of the
14 Authority, as provided in this Section. Such bonds or notes
15 shall be secured as provided in the authorizing ordinance,
16 which may, notwithstanding any other provision of this Act,
17 include in addition to any other security, a specific pledge or
18 assignment of and lien on or security interest in any or all
19 tax receipts of the Authority and on any or all other revenues
20 or moneys of the Authority from whatever source, which may by
21 law be utilized for debt service purposes and a specific pledge
22 or assignment of and lien on or security interest in any funds
23 or accounts established or provided for by the ordinance of the
24 Authority authorizing the issuance of such bonds or notes. Any
25 such pledge, assignment, lien or security interest for the
26 benefit of holders of bonds or notes of the Authority shall be

1 valid and binding from the time the bonds or notes are issued
2 without any physical delivery or further act and shall be valid
3 and binding as against and prior to the claims of all other
4 parties having claims of any kind against the Authority or any
5 other person irrespective of whether such other parties have
6 notice of such pledge, assignment, lien or security interest.
7 The obligations of the Authority incurred pursuant to this
8 Section shall be superior to and have priority over any other
9 obligations of the Authority.

10 The Authority may provide in the ordinance authorizing the
11 issuance of any bonds or notes issued pursuant to this Section
12 for the creation of, deposits in, and regulation and
13 disposition of sinking fund or reserve accounts relating to
14 such bonds or notes. The ordinance authorizing the issuance of
15 any bonds or notes pursuant to this Section may contain
16 provisions as part of the contract with the holders of the
17 bonds or notes, for the creation of a separate fund to provide
18 for the payment of principal and interest on such bonds or
19 notes and for the deposit in such fund from any or all the tax
20 receipts of the Authority and from any or all such other moneys
21 or revenues of the Authority from whatever source which may by
22 law be utilized for debt service purposes, all as provided in
23 such ordinance, of amounts to meet the debt service
24 requirements on such bonds or notes, including principal and
25 interest, and any sinking fund or reserve fund account
26 requirements as may be provided by such ordinance, and all

1 expenses incident to or in connection with such fund and
2 accounts or the payment of such bonds or notes. Such ordinance
3 may also provide limitations on the issuance of additional
4 bonds or notes of the Authority. No such bonds or notes of the
5 Authority shall constitute a debt of the State of Illinois.
6 Nothing in this Act shall be construed to enable the Authority
7 to impose any ad valorem tax on property.

8 (d) The ordinance of the Authority authorizing the issuance
9 of any bonds or notes may provide additional security for such
10 bonds or notes by providing for appointment of a corporate
11 trustee (which may be any trust company or bank having the
12 powers of a trust company within the state) with respect to
13 such bonds or notes. The ordinance shall prescribe the rights,
14 duties and powers of the trustee to be exercised for the
15 benefit of the Authority and the protection of the holders of
16 such bonds or notes. The ordinance may provide for the trustee
17 to hold in trust, invest and use amounts in funds and accounts
18 created as provided by the ordinance with respect to the bonds
19 or notes. The ordinance may provide for the assignment and
20 direct payment to the trustee of any or all amounts produced
21 from the sources provided in Section 4.03 and Section 4.09 of
22 this Act and provided in Section 6z-17 of "An Act in relation
23 to State finance", approved June 10, 1919, as amended. Upon
24 receipt of notice of any such assignment, the Department of
25 Revenue and the Comptroller of the State of Illinois shall
26 thereafter, notwithstanding the provisions of Section 4.03 and

1 Section 4.09 of this Act and Section 6z-17 of "An Act in
2 relation to State finance", approved June 10, 1919, as amended,
3 provide for such assigned amounts to be paid directly to the
4 trustee instead of the Authority, all in accordance with the
5 terms of the ordinance making the assignment. The ordinance
6 shall provide that amounts so paid to the trustee which are not
7 required to be deposited, held or invested in funds and
8 accounts created by the ordinance with respect to bonds or
9 notes or used for paying bonds or notes to be paid by the
10 trustee to the Authority.

11 (e) Any bonds or notes of the Authority issued pursuant to
12 this Section shall constitute a contract between the Authority
13 and the holders from time to time of such bonds or notes. In
14 issuing any bond or note, the Authority may include in the
15 ordinance authorizing such issue a covenant as part of the
16 contract with the holders of the bonds or notes, that as long
17 as such obligations are outstanding, it shall make such
18 deposits, as provided in paragraph (c) of this Section. It may
19 also so covenant that it shall impose and continue to impose
20 taxes, as provided in Section 4.03 of this Act and in addition
21 thereto as subsequently authorized by law, sufficient to make
22 such deposits and pay the principal and interest and to meet
23 other debt service requirements of such bonds or notes as they
24 become due. A certified copy of the ordinance authorizing the
25 issuance of any such obligations shall be filed at or prior to
26 the issuance of such obligations with the Comptroller of the

1 State of Illinois and the Illinois Department of Revenue.

2 (f) The State of Illinois pledges to and agrees with the
3 holders of the bonds and notes of the Authority issued pursuant
4 to this Section that the State will not limit or alter the
5 rights and powers vested in the Authority by this Act so as to
6 impair the terms of any contract made by the Authority with
7 such holders or in any way impair the rights and remedies of
8 such holders until such bonds and notes, together with interest
9 thereon, with interest on any unpaid installments of interest,
10 and all costs and expenses in connection with any action or
11 proceedings by or on behalf of such holders, are fully met and
12 discharged. In addition, the State pledges to and agrees with
13 the holders of the bonds and notes of the Authority issued
14 pursuant to this Section that the State will not limit or alter
15 the basis on which State funds are to be paid to the Authority
16 as provided in this Act, or the use of such funds, so as to
17 impair the terms of any such contract. The Authority is
18 authorized to include these pledges and agreements of the State
19 in any contract with the holders of bonds or notes issued
20 pursuant to this Section.

21 (g) (1) Except as provided in subdivisions (g)(2) and
22 (g)(3) of Section 4.04 of this Act, the Authority shall not
23 at any time issue, sell or deliver any bonds or notes
24 (other than Working Cash Notes) pursuant to this Section
25 4.04 which will cause it to have issued and outstanding at
26 any time in excess of \$800,000,000 of such bonds and notes

1 (other than Working Cash Notes). The Authority shall not at
2 any time issue, sell, or deliver any Working Cash Notes
3 pursuant to this Section that will cause it to have issued
4 and outstanding at any time in excess of \$100,000,000.
5 Notwithstanding the foregoing, before January 1, 2009, the
6 Authority may issue and have outstanding an additional
7 \$300,000,000 in Working Cash Notes, provided that no such
8 note shall mature later than December 31, 2010. ~~The~~
9 ~~Authority shall not at any time issue, sell or deliver any~~
10 ~~Working Cash Notes pursuant to this Section which will~~
11 ~~cause it to have issued and outstanding at any time in~~
12 ~~excess of \$100,000,000 of Working Cash Notes.~~ Bonds or
13 notes which are being paid or retired by such issuance,
14 sale or delivery of bonds or notes, and bonds or notes for
15 which sufficient funds have been deposited with the paying
16 agency of such bonds or notes to provide for payment of
17 principal and interest thereon or to provide for the
18 redemption thereof, all pursuant to the ordinance
19 authorizing the issuance of such bonds or notes, shall not
20 be considered to be outstanding for the purposes of the
21 first two sentences of this subsection.

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

26 \$100,000,000 is authorized to be issued on or after

1 January 1, 1990;

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

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

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

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

10 the aggregate total authorization of bonds and notes
11 for Strategic Capital Improvement Projects as of January 1,
12 1994, shall be \$500,000,000.

13 The Authority is also authorized to issue, sell, and
14 deliver bonds or notes in such amounts as are necessary to
15 provide for the refunding or advance refunding of bonds or
16 notes issued for Strategic Capital Improvement Projects
17 under this subdivision (g)(2), provided that no such
18 refunding bond or note shall mature later than the final
19 maturity date of the series of bonds or notes being
20 refunded, and provided further that the debt service
21 requirements for such refunding bonds or notes in the
22 current or any future fiscal year shall not exceed the debt
23 service requirements for that year on the refunded bonds or
24 notes.

25 (3) In addition to the authority provided by paragraphs
26 (1) and (2), the Authority is authorized to issue, sell,

1 and deliver bonds or notes for Strategic Capital
2 Improvement Projects approved pursuant to Section 4.13 as
3 follows:

4 \$260,000,000 is authorized to be issued on or after
5 January 1, 2000;

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

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

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

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

14 the aggregate total authorization of bonds and notes
15 for Strategic Capital Improvement Projects pursuant to
16 this paragraph (3) as of January 1, 2004 shall be
17 \$1,300,000,000.

18 The Authority is also authorized to issue, sell, and
19 deliver bonds or notes in such amounts as are necessary to
20 provide for the refunding or advance refunding of bonds or
21 notes issued for Strategic Capital Improvement projects
22 under this subdivision (g)(3), provided that no such
23 refunding bond or note shall mature later than the final
24 maturity date of the series of bonds or notes being
25 refunded, and provided further that the debt service
26 requirements for such refunding bonds or notes in the

1 current or any future fiscal year shall not exceed the debt
2 service requirements for that year on the refunded bonds or
3 notes.

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

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

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

14 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

15 Sec. 4.09. Public Transportation Fund and the Regional
16 Transportation Authority Occupation and Use Tax Replacement
17 Fund.

18 (a) (1) ~~(a) As soon as possible after the first day of each~~
19 ~~month, beginning November 1, 1983, the Comptroller shall order~~
20 ~~transferred and the Treasurer shall transfer from the General~~
21 ~~Revenue Fund to a special fund in the State Treasury, to be~~
22 ~~known as the "Public Transportation Fund" \$9,375,000 for each~~
23 ~~month remaining in State fiscal year 1984.~~ As soon as possible
24 after the first day of each month, beginning July 1, 1984, upon
25 certification of the Department of Revenue, the Comptroller

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

26 (2) On the first day of the month following the effective

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

16 (3) As soon as possible after the first day of January,
17 2009 and each month thereafter, upon certification of the
18 Department of Revenue with respect to the taxes collected under
19 Section 4.03, the Comptroller shall order transferred and the
20 Treasurer shall transfer from the General Revenue Fund to the
21 Public Transportation Fund an amount equal to 25% of the net
22 revenue, before the deduction of the serviceman and retailer
23 discounts pursuant to Section 9 of the Service Occupation Tax
24 Act and Section 3 of the Retailers' Occupation Tax Act,
25 realized from (i) 20% of the proceeds of any tax imposed by the
26 Authority at a rate of 1.25% in Cook County, (ii) 25% of the

1 proceeds of any tax imposed by the Authority at the rate of 1%
2 in Cook County, and (iii) one-third of the proceeds of any tax
3 imposed by the Authority at the rate of 0.75% in the Counties
4 of DuPage, Kane, Lake, McHenry, and Will, all pursuant to
5 Section 4.03, and (iv) 25% of the revenue realized by the
6 Chicago Transit Authority as financial assistance from the City
7 of Chicago from the proceeds of any tax imposed by the City
8 under Section 8-3-19 of the Municipal Code.

9 (b) (1) All moneys deposited in the Public Transportation
10 Fund and the Regional Transportation Authority Occupation and
11 Use Tax Replacement Fund, whether deposited pursuant to this
12 Section or otherwise, are allocated to the Authority. Pursuant
13 to appropriation, the Comptroller, as soon as possible after
14 each monthly transfer provided in this Section and after each
15 deposit into the Public Transportation Fund, shall order the
16 Treasurer to pay to the Authority out of the Public
17 Transportation Fund the amount so transferred or deposited. Any
18 additional State assistance and additional financial
19 assistance paid to the Authority under this Section shall be
20 expended by the Authority for its purposes as provided in this
21 Act. The balance of the amounts paid to the Authority from the
22 Public Transportation Fund shall be expended by the Authority
23 as provided in Section 4.03.3. ~~Such amounts paid to the~~
24 ~~Authority may be expended by it for its purposes as provided in~~
25 ~~this Act.~~ Subject to appropriation to the Department of
26 Revenue, the Comptroller, as soon as possible after each

1 deposit into the Regional Transportation Authority Occupation
2 and Use Tax Replacement Fund provided in this Section and
3 Section 6z-17 of the State Finance Act, shall order the
4 Treasurer to pay to the Authority out of the Regional
5 Transportation Authority Occupation and Use Tax Replacement
6 Fund the amount so deposited. Such amounts paid to the
7 Authority may be expended by it for its purposes as provided in
8 this Act. (2) Provided, however, no moneys deposited under
9 subsection (a) of this Section shall be paid from the Public
10 Transportation Fund to the Authority or its assignee for any
11 fiscal year ~~beginning after the effective date of this~~
12 ~~amendatory Act of 1983~~ until the Authority has certified to the
13 Governor, the Comptroller, and the Mayor of the City of Chicago
14 that it has adopted for that fiscal year an Annual Budget and
15 Two-Year Financial Plan ~~a budget and financial plan~~ meeting the
16 requirements in Section 4.01(b).

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

26 1990

\$5,000,000;

1	1991	\$5,000,000;
2	1992	\$10,000,000;
3	1993	\$10,000,000;
4	1994	\$20,000,000;
5	1995	\$30,000,000;
6	1996	\$40,000,000;
7	1997	\$50,000,000;
8	1998	\$55,000,000; and
9	each year thereafter	\$55,000,000.

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

19	2000	\$0;
20	2001	\$16,000,000;
21	2002	\$35,000,000;
22	2003	\$54,000,000;
23	2004	\$73,000,000;
24	2005	\$93,000,000; and
25	each year thereafter	\$100,000,000.

26 (d) Beginning with State fiscal year 1990 and continuing

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

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

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

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

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

24 The certification shall include a specific schedule of debt
25 service payments, including the date and amount of each payment
26 for all outstanding bonds or notes and an estimated schedule of

1 anticipated debt service for all bonds and notes it intends to
2 issue, if any, during that State fiscal year, including the
3 estimated date and estimated amount of each payment.

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

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

1 actual debt service certified under item (2) above, less the
2 amount certified under item (4) above, has been transferred;
3 except that these transfers are subject to the following
4 limits:

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

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

23 The term "outstanding" does not include bonds or notes for
24 which refunding or advance refunding bonds or notes have been
25 issued.

26 (e) Neither Additional State Assistance nor Additional

1 Financial Assistance may be pledged, either directly or
2 indirectly as general revenues of the Authority, as security
3 for any bonds issued by the Authority. The Authority may not
4 assign its right to receive Additional State Assistance or
5 Additional Financial Assistance, or direct payment of
6 Additional State Assistance or Additional Financial
7 Assistance, to a trustee or any other entity for the payment of
8 debt service on its bonds.

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

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

18 (i) whether the aggregate of all system generated
19 revenues for public transportation in the metropolitan
20 region which is provided by, or under grant or purchase of
21 service contracts with, the Service Boards equals 50% of
22 the aggregate of all costs of providing such public
23 transportation. "System generated revenues" include all
24 the proceeds of fares and charges for services provided,
25 contributions received in connection with public
26 transportation from units of local government other than

1 the Authority, except for contributions received by the
2 Chicago Transit Authority from a real estate transfer tax
3 imposed under subsection (i) of Section 8-3-19 of the
4 Illinois Municipal Code, and from the State pursuant to
5 subsection (i) of Section 2705-305 of the Department of
6 Transportation Law (20 ILCS 2705/2705-305), and all other
7 revenues properly included consistent with generally
8 accepted accounting principles but may not include: the
9 proceeds from any borrowing, and, beginning with the 2007
10 fiscal year, all revenues and receipts, including but not
11 limited to fares and grants received from the federal,
12 State or any unit of local government or other entity,
13 derived from providing ADA paratransit service pursuant to
14 Section 2.30 of the Regional Transportation Authority Act.
15 "Costs" include all items properly included as operating
16 costs consistent with generally accepted accounting
17 principles, including administrative costs, but do not
18 include: depreciation; payment of principal and interest
19 on bonds, notes or other evidences of obligations for
20 borrowed money of the Authority; payments with respect to
21 public transportation facilities made pursuant to
22 subsection (b) of Section 2.20; any payments with respect
23 to rate protection contracts, credit enhancements or
24 liquidity agreements made under Section 4.14; any other
25 cost as to which it is reasonably expected that a cash
26 expenditure will not be made; costs ~~up to \$5,000,000~~

1 ~~annually~~ for passenger security including grants,
2 contracts, personnel, equipment and administrative
3 expenses, except in the case of the Chicago Transit
4 Authority, in which case the term does not include costs
5 spent annually by that entity for protection against crime
6 as required by Section 27a of the Metropolitan Transit
7 Authority Act; the costs of Debt Service paid by the
8 Chicago Transit Authority, as defined in Section 12c of the
9 Metropolitan Transit Authority Act, or bonds or notes
10 issued pursuant to that Section; the payment by the
11 Commuter Rail Division of debt service on bonds issued
12 pursuant to Section 3B.09; expenses incurred by the
13 Suburban Bus Division for the cost of new public
14 transportation services funded from grants pursuant to
15 Section 2.01e of this amendatory Act of the 95th General
16 Assembly for a period of 2 years from the date of
17 initiation of each such service; costs as exempted by the
18 Board for projects pursuant to Section 2.09 of this Act;
19 or, beginning with the 2007 fiscal year, expenses related
20 to providing ADA paratransit service pursuant to Section
21 2.30 of the Regional Transportation Authority Act; or in
22 fiscal years 2008 through 2017 inclusive, costs in the
23 amount of \$200,000,000 in fiscal year 2008, reducing by
24 \$20,000,000 in each fiscal year thereafter until this
25 exemption is eliminated. If said system generated revenues
26 are less than 50% of said costs, the Board shall remit an

1 amount equal to the amount of the deficit to the State. The
2 Treasurer shall deposit any such payment in the General
3 Revenue Fund; and

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

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

22 (Source: P.A. 94-370, eff. 7-29-05.)"; and

23 (70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

24 Sec. 4.11. Budget Review Powers.

25 (a) ~~The provisions of this Section shall only be applicable~~

1 ~~to financial periods beginning after December 31, 1983. The~~
2 ~~Transition Board shall adopt a timetable governing the~~
3 ~~certification of estimates and any submissions required under~~
4 ~~this Section for fiscal year 1984 which shall control over the~~
5 ~~provisions of this Act.~~ Based upon estimates which shall be
6 given to the Authority by the Director of the Governor's Office
7 of Management and Budget (formerly Bureau of the Budget) of the
8 receipts to be received by the Authority from the taxes imposed
9 by the Authority and the authorized estimates of amounts to be
10 available from State and other sources to the Service Boards,
11 and the times at which such receipts and amounts will be
12 available, the Board shall, not later than the next preceding
13 September 15th prior to the beginning of the Authority's next
14 fiscal year, advise each Service Board of the amounts estimated
15 by the Board to be available for such Service Board during such
16 fiscal year and the two following fiscal years and the times at
17 which such amounts will be available. The Board shall, at the
18 same time, also advise each Service Board of its required
19 system generated revenues recovery ratio for the next fiscal
20 year which shall be the percentage of the aggregate costs of
21 providing public transportation by or under jurisdiction of
22 that Service Board which must be recovered from system
23 generated revenues. The Board shall, at the same time,
24 beginning with the 2007 fiscal year, also advise each Service
25 Board that provides ADA paratransit services of its required
26 system generated ADA paratransit services revenue recovery

1 ratio for the next fiscal year which shall be the percentage of
2 the aggregate costs of providing ADA paratransit services by or
3 under jurisdiction of that Service Board which must be
4 recovered from fares charged for such services, except that
5 such required system generated ADA paratransit services
6 revenue recovery ratio shall not exceed the minimum percentage
7 established pursuant to Section 4.01(b)(ii) of this Act. In
8 determining a Service Board's system generated revenue
9 recovery ratio, the Board shall consider the historical system
10 generated revenues recovery ratio for the services subject to
11 the jurisdiction of that Service Board. The Board shall not
12 increase a Service Board's system generated revenues recovery
13 ratio for the next fiscal year over such ratio for the current
14 fiscal year disproportionately or prejudicially to increases
15 in such ratios for other Service Boards. The Board may, by
16 ordinance, provide that (i) the cost of research and
17 development projects in the fiscal year beginning January 1,
18 1986 and ending December 31, 1986 conducted pursuant to Section
19 2.09 of this Act, ~~and (ii) up to \$5,000,000 annually of the~~
20 ~~costs for passenger security, and (iii) expenditures of amounts~~
21 granted to a Service Board from the Innovation, Coordination,
22 and Enhancement Fund for operating purposes may be exempted
23 from the farebox recovery ratio or the system generated
24 revenues recovery ratio of the Chicago Transit Authority, the
25 Suburban Bus Board, and the Commuter Rail Board, or any of
26 them. During fiscal years 2008 through 2017, the Board may also

1 allocate the exemption of \$200,000,000 and the reducing amounts
2 of costs provided by this amendatory Act of the 95th General
3 Assembly from the farebox recovery ratio or system generated
4 revenues recovery ratio of each Service Board. For the fiscal
5 year beginning January 1, 1986 and ending December 31, 1986,
6 and for the fiscal year beginning January 1, 1987 and ending
7 December 31, 1987, the Board shall, by ordinance, provide that:
8 (1) the amount of a grant, pursuant to Section 2705-310 of the
9 Department of Transportation Law (20 ILCS 2705/2705-310), from
10 the Department of Transportation for the cost of services for
11 the mobility limited provided by the Chicago Transit Authority,
12 and (2) the amount of a grant, pursuant to Section 2705-310 of
13 the Department of Transportation Law (20 ILCS 2705/2705-310),
14 from the Department of Transportation for the cost of services
15 for the mobility limited by the Suburban Bus Board or the
16 Commuter Rail Board, be exempt from the farebox recovery ratio
17 or the system generated revenues recovery ratio.

18 (b) (1) Not later than the next preceding November 15 prior
19 to the commencement of such fiscal year, each Service Board
20 shall submit to the Authority its proposed budget for such
21 fiscal year and its proposed financial plan for the two
22 following fiscal years. Such budget and financial plan shall
23 (i) be prepared in the format, follow the financial and
24 budgetary practices, and be based on any assumptions and
25 projections required by the Authority and (ii) not project or
26 assume a receipt of revenues from the Authority in amounts

1 greater than those set forth in the estimates provided by the
2 Authority pursuant to subsection (a) of this Section.

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

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

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

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

23 (iii) ~~(iv)~~ such budget and plan provide for a level of
24 fares or charges and operating or administrative costs for
25 the public transportation provided by or subject to the
26 jurisdiction of such Service Board sufficient to allow the

1 Service Board to meet its required system generated revenue
2 recovery ratio and, beginning with the 2007 fiscal year,
3 system generated ADA paratransit services revenue recovery
4 ratio;

5 (iv) ~~(v)~~ such budget and plan are based upon and employ
6 assumptions and projections which are reasonable and
7 prudent;

8 (v) ~~(vi)~~ such budget and plan have been prepared in
9 accordance with sound financial practices as determined by
10 the Board; ~~and~~

11 (vi) ~~(vii)~~ such budget and plan meet such other
12 financial, budgetary, or fiscal requirements that the
13 Board may by rule or regulation establish; ~~and~~ ~~—~~

14 (vii) such budget and plan are consistent with the
15 goals and objectives adopted by the Authority in the
16 Strategic Plan.

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

25 (4) Unless the Board by an affirmative vote of 12 ~~9~~ of the
26 then Directors determines that the budget and financial plan of

1 a Service Board meets the criteria specified in clauses (i)
2 ~~(ii)~~ through (vii) of subparagraph (2) of this paragraph (b),
3 the Board shall not release to that Service Board any funds for
4 the periods covered by such budget and financial plan after
5 February 1, except 75% of ~~for~~ the cash proceeds of taxes
6 imposed by the Authority under Section 4.03 and Section 4.03.1
7 which are allocated to the Service Board under Section 4.03.3
8 and received by the Authority after February 1 shall be
9 released to the Service Board. The remainder of any cash
10 proceeds of taxes imposed by the Authority under Section 4.03
11 and Section 4.03.1 that are allocated to the Service Board
12 under Section 4.01 shall be released to the Service Board only
13 upon approval of a budget and financial plan under this Section
14 or adoption of a budget and financial plan on behalf of the
15 Service Board by the Authority ~~4.01.~~

16 (5) If the Board has not found that the budget and
17 financial plan of a Service Board meets the criteria specified
18 in clauses (i) through (vii) of subparagraph (2) of this
19 paragraph (b), the Board, by the affirmative vote of at least
20 12 of its then Directors, shall ~~shall, five working days after~~
21 ~~the start of the Service Board's fiscal year~~ adopt a budget and
22 financial plan meeting such criteria for that Service Board.

23 (c)(1) If the Board shall at any time have received a
24 revised estimate, or revises any estimate the Board has made,
25 pursuant to this Section of the receipts to be collected by the
26 Authority which, in the judgment of the Board, requires a

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

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

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

1 in clauses (i) ~~(ii)~~ through (vii) of subparagraph (2) of
2 paragraph (b) of this Section, the Board shall not release any
3 monies to that Service Board, except 75% of the cash proceeds
4 of taxes imposed by the Authority under Section 4.03 or 4.03.1
5 which are allocated to the Service Board under Section 4.03.3
6 ~~4.01~~. If the Service Board submits a revised financial plan and
7 budget which plan and budget shows that the criteria will be
8 met within a four quarter period, the Board shall continue to
9 release funds to the Service Board. The Board by the
10 affirmative vote of at least 12 ~~a 9 vote~~ of its then Directors
11 may require a Service Board to submit a revised financial plan
12 and budget which shows that the criteria will be met in a time
13 period less than four quarters.

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

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

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

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

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

7 (70 ILCS 3615/4.13) (from Ch. 111 2/3, par. 704.13)

8 Sec. 4.13. Annual Capital Improvement Plan.

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

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

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

1 (iii) a certification that, as of September 30 of the
2 preceding calendar year or any later date, the balance of
3 all federal capital grant funds and all other funds to be
4 used as matching funds therefor which were committed to or
5 possessed by the Authority or a Service Board but which had
6 not been obligated was less than \$350,000,000, or a greater
7 amount as authorized in writing by the Governor (for
8 purposes of this subsection (a), "obligated" means
9 committed to be paid by the Authority or a Service Board
10 under a contract with a nongovernmental entity in
11 connection with the performance of a project or committed
12 under a force account plan approved by the federal
13 government);

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

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

23 (vi) a long-range summary of the Strategic Capital
24 Improvement Program describing the projects to be funded
25 through the Program with respect to project cost, category,
26 location, and implementing entity, and presenting a

1 financial plan including an estimated time schedule for
2 obligating funds for the performance of approved projects,
3 issuing bonds, expending bond proceeds and paying debt
4 service throughout the duration of the Program; and

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

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

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

1 Projects issued under Section 4.04 of this Act.

2 (d) The Governor may approve the Plan for which approval is
3 requested. The Governor's approval is limited to the amount of
4 the project cost stated in the Plan. The Governor shall not
5 approve the Plan in a calendar year if the Authority is unable
6 to make the certifications required under items (ii), (iii) and
7 (iv) of subsection (a). In no event shall the Governor approve
8 the Plan for projects in an aggregate amount exceeding the
9 proceeds of bonds or notes for Strategic Capital Improvement
10 Projects issued under Section 4.04 of this Act.

11 (e) With respect to capital improvements, only those
12 capital improvements which are in a Plan approved by the
13 Governor shall be financed with the proceeds of bonds or notes
14 issued for Strategic Capital Improvement Projects.

15 (f) Before the Authority or a Service Board obligates any
16 funds for a project for which the Authority or Service Board
17 intends to use the proceeds of bonds or notes for Strategic
18 Capital Improvement Projects, but which project is not included
19 in an approved Plan, the Authority must notify the Governor of
20 the intended obligation. No project costs incurred prior to
21 approval of the Plan including that project may be paid from
22 the proceeds of bonds or notes for Strategic Capital
23 Improvement Projects issued under Section 4.04 of this Act.

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

25 (70 ILCS 3615/4.14) (from Ch. 111 2/3, par. 704.14)

1 Sec. 4.14. Rate Protection Contract. "Rate Protection
2 Contract" means interest rate price exchange agreements;
3 currency exchange agreements; forward payment conversion
4 agreements; contracts providing for payment or receipt of funds
5 based on levels of, or changes in, interest rates, currency
6 exchange rates, stock or other indices; contracts to exchange
7 cash flows or a series of payments; contracts, including
8 without limitation, interest rate caps; interest rate floor;
9 interest rate locks; interest rate collars; rate of return
10 guarantees or assurances, to manage payment, currency, rate,
11 spread or similar exposure; the obligation, right, or option to
12 issue, put, lend, sell, grant a security interest in, buy,
13 borrow or otherwise acquire, a bond, note or other security or
14 interest therein as an investment, as collateral, as a hedge,
15 or otherwise as a source or assurance of payment to or by the
16 Authority or as a reduction of the Authority's or an obligor's
17 risk exposure; repurchase agreements; securities lending
18 agreements; and other agreements or arrangements similar to the
19 foregoing.

20 Notwithstanding any provision in Section 2.20 (a) (ii) of
21 this Act to the contrary, in connection with or incidental to
22 the issuance by the Authority of its bonds or notes under the
23 provisions of Section 4.04 or the exercise of its powers under
24 subsection (b) of Section 2.20, the Authority, for its own
25 benefit or for the benefit of the holders of its obligations or
26 their trustee, may enter into rate protection contracts. The

1 Authority may enter into rate protection contracts only
2 pursuant to a determination by a vote of 12 ~~9~~ of the then
3 Directors that the terms of the contracts and any related
4 agreements reduce the risk of loss to the Authority, or
5 protect, preserve or enhance the value of its assets, or
6 provide compensation to the Authority for losses resulting from
7 changes in interest rates. The Authority's obligations under
8 any rate protection contract or credit enhancement or liquidity
9 agreement shall not be considered bonds or notes for purposes
10 of this Act. For purposes of this Section a rate protection
11 contract is a contract determined by the Authority as necessary
12 or appropriate to permit it to manage payment, currency or
13 interest rate risks or levels.

14 (Source: P.A. 87-764.)

15 (70 ILCS 3615/5.01) (from Ch. 111 2/3, par. 705.01)

16 Sec. 5.01. Hearings and Citizen Participation.

17 (a) The Authority shall provide for and encourage
18 participation by the public in the development and review of
19 public transportation policy, and in the process by which major
20 decisions significantly affecting the provision of public
21 transportation are made. The Authority shall coordinate such
22 public participation processes with the Chicago Metropolitan
23 Agency for Planning to the extent practicable.

24 (b) The Authority shall hold such public hearings as may be
25 required by this Act or as the Authority may deem appropriate

1 to the performance of any of its functions. The Authority shall
2 coordinate such public hearings with the Chicago Metropolitan
3 Agency for Planning to the extent practicable.

4 (c) Unless such items are specifically provided for either
5 in the Five-Year Capital Program or in the annual budget
6 program which has been the subject of public hearings as
7 provided in Sections 2.01 or 4.01 of this Act, the Board shall
8 hold public hearings at which citizens may be heard prior to:

9 (i) the construction or acquisition of any public
10 transportation facility, the aggregate cost of which exceeds \$5
11 million; and

12 (ii) the extension of, or major addition to services
13 provided by the Authority or by any transportation agency
14 pursuant to a purchase of service agreement with the Authority.

15 (d) Unless such items are specifically provided for in the
16 annual budget and program which has been the subject of public
17 hearing, as provided in Section 4.01 of this Act, the Board
18 shall hold public hearings at which citizens may be heard prior
19 to the providing for or allowing, by means of any purchase of
20 service agreement or any grant pursuant to Section 2.02 of this
21 Act, any general increase or series of increases in fares or
22 charges for public transportation, whether by the Authority or
23 by any transportation agency, which increase or series of
24 increases within any twelve months affects more than 25% of the
25 consumers of service of the Authority or of the transportation
26 agency; or so providing for or allowing any discontinuance of

1 any public transportation route, or major portion thereof,
2 which has been in service for more than a year.

3 (e) At least twenty days prior notice of any public
4 hearing, as required in this Section, shall be given by public
5 advertisement in a newspaper of general circulation in the
6 metropolitan region.

7 (f) The Authority may designate one or more Directors or
8 may appoint one or more hearing officers to preside over any
9 hearing pursuant to this Act. The Authority shall have the
10 power in connection with any such hearing to issue subpoenas to
11 require the attendance of witnesses and the production of
12 documents, and the Authority may apply to any circuit court in
13 the State to require compliance with such subpoenas.

14 (g) The Authority may require any Service Board to hold one
15 or more public hearings with respect to any item described in
16 paragraphs (c) and (d) of this Section 5.01, notwithstanding
17 whether such item has been the subject of a public hearing
18 under this Section 5.01 or Section 2.01 or 4.01 of this Act.

19 (Source: P.A. 78-3rd S.S.-5.)

20 (70 ILCS 3615/2.12a rep.)

21 (70 ILCS 3615/3.09 rep.)

22 (70 ILCS 3615/3.10 rep.)

23 Section 25. The Regional Transportation Authority Act is
24 amended by repealing Sections 2.12a, 3.09, and 3.10.

1 Section 97. Severability. The provisions of this Act are
2 severable under Section 1.31 of the Statute on Statutes.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".