

1 AN ACT concerning local government.

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

4 Section 3. The Downstate Public Transportation Act is  
5 amended by changing Section 2-7 and adding Section 2-15.3 as  
6 follows:

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

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

9 (a) Any Metro-East Transit District participant shall, no  
10 later than 60 days following the end of each quarter of any  
11 fiscal year, file with the Department on forms provided by the  
12 Department for that purpose, a report of the actual operating  
13 deficit experienced during that quarter. The Department shall,  
14 upon receipt of the quarterly report, determine whether the  
15 operating deficits were incurred in conformity with the program  
16 of proposed expenditures approved by the Department pursuant to  
17 Section 2-11. Any Metro-East District may either monthly or  
18 quarterly for any fiscal year file a request for the  
19 participant's eligible share, as allocated in accordance with  
20 Section 2-6, of the amounts transferred into the Metro-East  
21 Public Transportation Fund.

22 (b) Each participant other than any Metro-East Transit  
23 District participant shall, 30 days before the end of each

1 quarter, file with the Department on forms provided by the  
2 Department for such purposes a report of the projected eligible  
3 operating expenses to be incurred in the next quarter and 30  
4 days before the third and fourth quarters of any fiscal year a  
5 statement of actual eligible operating expenses incurred in the  
6 preceding quarters. Except as otherwise provided in subsection  
7 (b-5), within 45 days of receipt by the Department of such  
8 quarterly report, the Comptroller shall order paid and the  
9 Treasurer shall pay from the Downstate Public Transportation  
10 Fund to each participant an amount equal to one-third of such  
11 participant's eligible operating expenses; provided, however,  
12 that in Fiscal Year 1997, the amount paid to each participant  
13 from the Downstate Public Transportation Fund shall be an  
14 amount equal to 47% of such participant's eligible operating  
15 expenses and shall be increased to 49% in Fiscal Year 1998, 51%  
16 in Fiscal Year 1999, 53% in Fiscal Year 2000, 55% in Fiscal  
17 Years 2001 through 2007, and 65% in Fiscal Year 2008 and  
18 thereafter; however, in any year that a participant receives  
19 funding under subsection (i) of Section 2705-305 of the  
20 Department of Transportation Law (20 ILCS 2705/2705-305), that  
21 participant shall be eligible only for assistance equal to the  
22 following percentage of its eligible operating expenses: 42% in  
23 Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year  
24 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and  
25 thereafter. Any such payment for the third and fourth quarters  
26 of any fiscal year shall be adjusted to reflect actual eligible

1 operating expenses for preceding quarters of such fiscal year.  
2 However, no participant shall receive an amount less than that  
3 which was received in the immediate prior year, provided in the  
4 event of a shortfall in the fund those participants receiving  
5 less than their full allocation pursuant to Section 2-6 of this  
6 Article shall be the first participants to receive an amount  
7 not less than that received in the immediate prior year.

8 (b-5) (Blank.)

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

18 (b-15) Beginning on July 1, 2007, and for each fiscal year  
19 thereafter, each participant shall maintain a minimum local  
20 share contribution (from farebox and all other local revenues)  
21 equal to the actual amount provided in Fiscal Year 2006 or, for  
22 new recipients, an amount equivalent to the local share  
23 provided in the first year of participation. The local share  
24 contribution shall be reduced by an amount equal to the total  
25 amount of lost revenue for services provided under Section  
26 2-15.2 and Section 2-15.3 of this Act.

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

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

21 (Source: P.A. 94-70, eff. 6-22-05; 95-708, eff. 1-18-08.)

22 (30 ILCS 740/2-15.3 new)

23 Sec. 2-15.3. Transit services for disabled individuals.  
24 Notwithstanding any law to the contrary, no later than 60 days  
25 following the effective date of this amendatory Act of the 95th

1 General Assembly, all fixed route public transportation  
2 services provided by, or under grant or purchase of service  
3 contract of, any participant shall be provided without charge  
4 to all disabled persons who meet the income eligibility  
5 limitation set forth in subsection (a-5) of Section 4 of the  
6 Senior Citizens and Disabled Persons Property Tax Relief and  
7 Pharmaceutical Assistance Act, under such procedures as shall  
8 be prescribed by the participant. The Department on Aging shall  
9 furnish all information reasonably necessary to determine  
10 eligibility, including updated lists of individuals who are  
11 eligible for services without charge under this Section.

12 Section 5. The Illinois Pension Code is amended by changing  
13 Section 22-101B as follows:

14 (40 ILCS 5/22-101B)

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

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

23 (b) Effective 90 days after the effective date of this  
24 amendatory Act of the 95th General Assembly, a Retiree Health

1 Care Trust is established for the purpose of providing health  
2 care benefits to eligible retirees and their dependents and  
3 survivors in accordance with the terms and conditions set forth  
4 in this Section 22-101B. The Retiree Health Care Trust shall be  
5 solely responsible for providing health care benefits to  
6 eligible retirees and their dependents and survivors by no  
7 later than July 1, 2009, but no earlier than January 1, 2009.

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

26 Any person appointed as a trustee of the board shall

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

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

17          (2) The Board of Trustees shall establish and  
18          administer a health care benefit program for eligible  
19          retirees and their dependents and survivors. The health  
20          care benefit program for eligible retirees and their  
21          dependents and survivors shall not contain any plan which  
22          provides for more than 90% coverage for in-network services  
23          or 70% coverage for out-of-network services after any  
24          deductible has been paid.

25          (3) The Retiree Health Care Trust shall be administered  
26          by the Board of Trustees according to the following

1 requirements:

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

13 (ii) The Board of Trustees shall establish and  
14 maintain an appropriate funding reserve level which  
15 shall not be less than the amount of incurred and  
16 unreported claims plus 12 months of expected claims and  
17 administrative expenses.

18 (iii) The Board of Trustees shall make an annual  
19 assessment of the funding levels of the Retiree Health  
20 Care Trust and shall submit a report to the Auditor  
21 General at least 90 days prior to the end of the fiscal  
22 year. The report shall provide the following:

23 (A) the actuarial present value of projected  
24 benefits expected to be paid to current and future  
25 retirees and their dependents and survivors;

26 (B) the actuarial present value of projected



1 contributions and trust income plus assets;

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

4 (D) an assessment of whether the actuarial  
5 present value of projected benefits expected to be  
6 paid to current and future retirees and their  
7 dependents and survivors exceeds or is less than  
8 the actuarial present value of projected  
9 contributions and trust income plus assets in  
10 excess of the reserve required by subsection  
11 (b) (3) (ii).

12 If the actuarial present value of projected  
13 benefits expected to be paid to current and future  
14 retirees and their dependents and survivors exceeds  
15 the actuarial present value of projected contributions  
16 and trust income plus assets in excess of the reserve  
17 required by subsection (b) (3) (ii), then the report  
18 shall provide a plan of increases in employee, retiree,  
19 dependent, or survivor contribution levels, decreases  
20 in benefit levels, or both, which is projected to cure  
21 the shortfall over a period of not more than 10 years.  
22 If the actuarial present value of projected benefits  
23 expected to be paid to current and future retirees and  
24 their dependents and survivors is less than the  
25 actuarial present value of projected contributions and  
26 trust income plus assets in excess of the reserve

1 required by subsection (b) (3) (ii), then the report may  
2 provide a plan of decreases in employee, retiree,  
3 dependent, or survivor contribution levels, increases  
4 in benefit levels, or both, to the extent of the  
5 surplus.

6 (iv) The Auditor General shall review the report  
7 and plan provided in subsection (b) (3) (iii) and issue a  
8 determination within 90 days after receiving the  
9 report and plan, with a copy of such determination  
10 provided to the General Assembly and the Regional  
11 Transportation Authority, as follows:

12 (A) In the event of a projected shortfall, if  
13 the Auditor General determines that the  
14 assumptions stated in the report are not  
15 unreasonable in the aggregate and that the plan of  
16 increases in employee, retiree, dependent, or  
17 survivor contribution levels, decreases in benefit  
18 levels, or both, is reasonably projected to cure  
19 the shortfall over a period of not more than 10  
20 years, then the Board of Trustees shall implement  
21 the plan. If the Auditor General determines that  
22 the assumptions stated in the report are  
23 unreasonable in the aggregate, or that the plan of  
24 increases in employee, retiree, dependent, or  
25 survivor contribution levels, decreases in benefit  
26 levels, or both, is not reasonably projected to

1           cure the shortfall over a period of not more than  
2           10 years, then the Board of Trustees shall not  
3           implement the plan, the Auditor General shall  
4           explain the basis for such determination to the  
5           Board of Trustees, and the Auditor General may make  
6           recommendations as to an alternative report and  
7           plan.

8           (B) In the event of a projected surplus, if the  
9           Auditor General determines that the assumptions  
10          stated in the report are not unreasonable in the  
11          aggregate and that the plan of decreases in  
12          employee, retiree, dependent, or survivor  
13          contribution levels, increases in benefit levels,  
14          or both, is not unreasonable in the aggregate, then  
15          the Board of Trustees shall implement the plan. If  
16          the Auditor General determines that the  
17          assumptions stated in the report are unreasonable  
18          in the aggregate, or that the plan of decreases in  
19          employee, retiree, dependent, or survivor  
20          contribution levels, increases in benefit levels,  
21          or both, is unreasonable in the aggregate, then the  
22          Board of Trustees shall not implement the plan, the  
23          Auditor General shall explain the basis for such  
24          determination to the Board of Trustees, and the  
25          Auditor General may make recommendations as to an  
26          alternative report and plan.

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

14 (4) For any retiree who first retires effective on or  
15 after January 18, 2008 ~~the effective date of this~~  
16 ~~amendatory Act of the 95th General Assembly,~~ to be eligible  
17 for retiree health care benefits upon retirement, the  
18 retiree must be at least 55 years of age, retire with 10 or  
19 more years of continuous service and satisfy the  
20 preconditions established by Public Act 95-708 ~~this~~  
21 ~~amendatory Act~~ in addition to any rules or regulations  
22 promulgated by the Board of Trustees. Notwithstanding the  
23 foregoing, any retiree who retired prior to the effective  
24 date of this amendatory Act with 25 years or more of  
25 continuous service, or who retires within 90 days after the  
26 effective date of this amendatory Act or by January 1,

1        2009, whichever is later, with 25 years or more of  
2        continuous service, shall be eligible for retiree health  
3        care benefits upon retirement. This paragraph (4) shall not  
4        apply to a disability allowance.

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

21            (6) Effective January 18, 2008 ~~30 days after the~~  
22       ~~establishment of the Retiree Health Care Trust,~~ all  
23       employees of the Authority shall contribute to the Retiree  
24       Health Care Trust in an amount not less than 3% of  
25       compensation.

26            (7) No earlier than January 1, 2009 and no later than

1 July 1, 2009 as the Retiree Health Care Trust becomes  
2 solely responsible for providing health care benefits to  
3 eligible retirees and their dependents and survivors in  
4 accordance with subsection (b) of this Section 22-101B, the  
5 Authority shall not have any obligation to provide health  
6 care to current or future retirees and their dependents or  
7 survivors. Employees, retirees, dependents, and survivors  
8 who are required to make contributions to the Retiree  
9 Health Care Trust shall make contributions at the level set  
10 by the Board of Trustees pursuant to the requirements of  
11 this Section 22-101B.

12 (Source: P.A. 95-708, eff. 1-18-08.)

13 Section 10. If and only if the provisions of House Bill 656  
14 of the 95th General Assembly become law, the Counties Code is  
15 amended by adding Section 6-34000 as follows:

16 (55 ILCS 5/6-34000 new)

17 Sec. 6-34000. Report on funds received under the Regional  
18 Transportation Authority Act. If the Board of the Regional  
19 Transportation Authority adopts an ordinance under Section  
20 4.03 of the Regional Transportation Authority Act imposing a  
21 retailers' occupation tax and a service occupation tax at the  
22 rate of 0.75% in the counties of DuPage, Kane, Lake, McHenry,  
23 and Will, then the County Boards of DuPage, Kane, Lake,  
24 McHenry, and Will counties shall each report to the General

1 Assembly and the Commission on Government Forecasting and  
2 Accountability by March 1 of the year following the adoption of  
3 the ordinance and March 1 of each year thereafter. That report  
4 shall include the total amounts received by the County under  
5 subsection (n) of Section 4.03 of the Regional Transportation  
6 Authority Act and the expenditures and obligations of the  
7 County using those funds during the previous calendar year.

8 Section 15. The Metropolitan Transit Authority Act is  
9 amended by adding Section 52 as follows:

10 (70 ILCS 3605/52 new)

11 Sec. 52. Transit services for disabled individuals.  
12 Notwithstanding any law to the contrary, no later than 60 days  
13 following the effective date of this amendatory Act of the 95th  
14 General Assembly, all fixed route public transportation  
15 services provided by, or under grant or purchase of service  
16 contract of, the Board shall be provided without charge to all  
17 disabled persons who meet the income eligibility limitation set  
18 forth in subsection (a-5) of Section 4 of the Senior Citizens  
19 and Disabled Persons Property Tax Relief and Pharmaceutical  
20 Assistance Act, under such procedures as shall be prescribed by  
21 the Board. The Department on Aging shall furnish all  
22 information reasonably necessary to determine eligibility,  
23 including updated lists of individuals who are eligible for  
24 services without charge under this Section.

1 Section 20. The Local Mass Transit District Act is amended  
2 by adding Section 8.7 as follows:

3 (70 ILCS 3610/8.7 new)

4 Sec. 8.7. Transit services for disabled individuals.  
5 Notwithstanding any law to the contrary, no later than 60 days  
6 following the effective date of this amendatory Act of the 95th  
7 General Assembly, all fixed route public transportation  
8 services provided by, or under grant or purchase of service  
9 contract of, any District shall be provided without charge to  
10 all disabled persons who meet the income eligibility limitation  
11 set forth in subsection (a-5) of Section 4 of the Senior  
12 Citizens and Disabled Persons Property Tax Relief and  
13 Pharmaceutical Assistance Act, under such procedures as shall  
14 be prescribed by the District. The Department on Aging shall  
15 furnish all information reasonably necessary to determine  
16 eligibility, including updated lists of individuals who are  
17 eligible for services without charge under this Section.

18 Section 25. The Regional Transportation Authority Act is  
19 amended by changing Sections 3A.02, 3A.05, 3A.12, 4.01, 4.09,  
20 and 5.01 and adding Sections 3A.16 and 3B.15 as follows:

21 (70 ILCS 3615/3A.02) (from Ch. 111 2/3, par. 703A.02)

22 Sec. 3A.02. Suburban Bus Board. The governing body of the



1 Suburban Bus Division shall be a board consisting of 13 ~~12~~  
2 directors appointed as follows:

3 (a) Six Directors appointed by the members of the Cook  
4 County Board elected from that part of Cook County outside of  
5 Chicago, or in the event such Board of Commissioners becomes  
6 elected from single member districts, by those Commissioners  
7 elected from districts, a majority of the residents of which  
8 reside outside of Chicago from the chief executive officers of  
9 the municipalities, of that portion of Cook County outside of  
10 Chicago. Provided however, that:

11 (i) One of the Directors shall be the chief executive  
12 officer of a municipality within the area of the Northwest  
13 Region defined in Section 3A.13;

14 (ii) One of the Directors shall be the chief executive  
15 officer of a municipality within the area of the North Central  
16 Region defined in Section 3A.13;

17 (iii) One of the Directors shall be the chief executive  
18 officer of a municipality within the area of the North Shore  
19 Region defined in Section 3A.13;

20 (iv) One of the Directors shall be the chief executive  
21 officer of a municipality within the area of the Central Region  
22 defined in Section 3A.13;

23 (v) One of the Directors shall be the chief executive  
24 officer of a municipality within the area of the Southwest  
25 Region defined in Section 3A.13;

26 (vi) One of the Directors shall be the chief executive

1 officer of a municipality within the area of the South Region  
2 defined in Section 3A.13;

3 (b) One Director by the Chairman of the Kane County Board  
4 who shall be a chief executive officer of a municipality within  
5 Kane County;

6 (c) One Director by the Chairman of the Lake County Board  
7 who shall be a chief executive officer of a municipality within  
8 Lake County;

9 (d) One Director by the Chairman of the DuPage County Board  
10 who shall be a chief executive officer of a municipality within  
11 DuPage County;

12 (e) One Director by the Chairman of the McHenry County  
13 Board who shall be a chief executive officer of a municipality  
14 within McHenry County;

15 (f) One Director by the Chairman of the Will County Board  
16 who shall be a chief executive officer of a municipality within  
17 Will County;

18 (g) The Commissioner of the Mayor's Office for People with  
19 Disabilities, from the City of Chicago, who shall serve as an  
20 ex-officio member; and

21 (h) ~~(g)~~ The Chairman by the Governor for the initial term,  
22 and thereafter by a majority of the Chairmen of the DuPage,  
23 Kane, Lake, McHenry and Will County Boards and the members of  
24 the Cook County Board elected from that part of Cook County  
25 outside of Chicago, or in the event such Board of Commissioners  
26 is elected from single member districts, by those Commissioners

1 elected from districts, a majority of the electors of which  
2 reside outside of Chicago; and who after the effective date of  
3 this amendatory Act of the 95th General Assembly may not be a  
4 resident of the City of Chicago.

5 Each appointment made under paragraphs (a) through (g) and  
6 under Section 3A.03 shall be certified by the appointing  
7 authority to the Suburban Bus Board which shall maintain the  
8 certifications as part of the official records of the Suburban  
9 Bus Board; provided that the initial appointments shall be  
10 certified to the Secretary of State, who shall transmit the  
11 certifications to the Suburban Bus Board following its  
12 organization.

13 For the purposes of this Section, "chief executive officer  
14 of a municipality" includes a former chief executive officer of  
15 a municipality within the specified Region or County, provided  
16 that the former officer continues to reside within such Region  
17 or County.

18 (Source: P.A. 84-1246.)

19 (70 ILCS 3615/3A.05) (from Ch. 111 2/3, par. 703A.05)

20 Sec. 3A.05. Appointment of officers and employees. The  
21 Suburban Bus Board shall appoint an Executive Director who  
22 shall be the chief executive officer of the Division,  
23 appointed, retained or dismissed with the concurrence of 9 ~~8~~ of  
24 the directors of the Suburban Bus Board. The Executive Director  
25 shall appoint, retain and employ officers, attorneys, agents,

1 engineers, employees and shall organize the staff, shall  
2 allocate their functions and duties, fix compensation and  
3 conditions of employment, and consistent with the policies of  
4 and direction from the Suburban Bus Board take all actions  
5 necessary to achieve its purposes, fulfill its  
6 responsibilities and carry out its powers, and shall have such  
7 other powers and responsibilities as the Suburban Bus Board  
8 shall determine. The Executive Director shall be an individual  
9 of proven transportation and management skills and may not be a  
10 member of the Suburban Bus Board. The Division may employ its  
11 own professional management personnel to provide professional  
12 and technical expertise concerning its purposes and powers and  
13 to assist it in assessing the performance of transportation  
14 agencies in the metropolitan region.

15 No unlawful discrimination, as defined and prohibited in  
16 the Illinois Human Rights Act, shall be made in any term or  
17 aspect of employment nor shall there be discrimination based  
18 upon political reasons or factors. The Suburban Bus Board shall  
19 establish regulations to insure that its discharges shall not  
20 be arbitrary and that hiring and promotion are based on merit.

21 The Division shall be subject to the "Illinois Human Rights  
22 Act", as now or hereafter amended, and the remedies and  
23 procedure established thereunder. The Suburban Bus Board shall  
24 file an affirmative action program for employment by it with  
25 the Department of Human Rights to ensure that applicants are  
26 employed and that employees are treated during employment,

1 without regard to unlawful discrimination. Such affirmative  
2 action program shall include provisions relating to hiring,  
3 upgrading, demotion, transfer, recruitment, recruitment  
4 advertising, selection for training and rates of pay or other  
5 forms of compensation.

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

7 (70 ILCS 3615/3A.12) (from Ch. 111 2/3, par. 703A.12)

8 Sec. 3A.12. Working Cash Borrowing. The Suburban Bus Board  
9 with the affirmative vote of 9 ~~8~~ of its Directors may demand  
10 and direct the Board of the Authority to issue Working Cash  
11 Notes at such time and in such amounts and having such  
12 maturities as the Suburban Bus Board deems proper, provided  
13 however any such borrowing shall have been specifically  
14 identified in the budget of the Suburban Bus Board as approved  
15 by the Board of the Authority. Provided further, that the  
16 Suburban Bus Board may not demand and direct the Board of the  
17 Authority to have issued and have outstanding at any time in  
18 excess of \$5,000,000 in Working Cash Notes.

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

20 (70 ILCS 3615/3A.16 new)

21 Sec. 3A.16. Transit services for disabled individuals.  
22 Notwithstanding any law to the contrary, no later than 60 days  
23 following the effective date of this amendatory Act of the 95th  
24 General Assembly, all fixed route public transportation

1 services provided by, or under grant or purchase of service  
2 contract of, the Suburban Bus Board shall be provided without  
3 charge to all disabled persons who meet the income eligibility  
4 limitation set forth in subsection (a-5) of Section 4 of the  
5 Senior Citizens and Disabled Persons Property Tax Relief and  
6 Pharmaceutical Assistance Act, under such procedures as shall  
7 be prescribed by the Board. The Department on Aging shall  
8 furnish all information reasonably necessary to determine  
9 eligibility, including updated lists of individuals who are  
10 eligible for services without charge under this Section.

11 (70 ILCS 3615/3B.15 new)

12 Sec. 3B.15. Transit services for disabled individuals.  
13 Notwithstanding any law to the contrary, no later than 60 days  
14 following the effective date of this amendatory Act of the 95th  
15 General Assembly, all fixed route public transportation  
16 services provided by, or under grant or purchase of service  
17 contract of, the Commuter Rail Board shall be provided without  
18 charge to all disabled persons who meet the income eligibility  
19 limitation set forth in subsection (a-5) of Section 4 of the  
20 Senior Citizens and Disabled Persons Property Tax Relief and  
21 Pharmaceutical Assistance Act, under such procedures as shall  
22 be prescribed by the Board. The Department on Aging shall  
23 furnish all information reasonably necessary to determine  
24 eligibility, including updated lists of individuals who are  
25 eligible for services without charge under this Section.

1 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

2 Sec. 4.01. Budget and Program.

3 (a) The Board shall control the finances of the Authority.

4 It shall by ordinance adopted by the affirmative vote of at  
5 least 12 of its then Directors (i) appropriate money to perform  
6 the Authority's purposes and provide for payment of debts and  
7 expenses of the Authority, (ii) take action with respect to the  
8 budget and two-year financial plan of each Service Board, as  
9 provided in Section 4.11, and (iii) adopt an Annual Budget and  
10 Two-Year Financial Plan for the Authority that includes the  
11 annual budget and two-year financial plan of each Service Board  
12 that has been approved by the Authority. The Annual Budget and  
13 Two-Year Financial Plan shall contain a statement of the funds  
14 estimated to be on hand for the Authority and each Service  
15 Board at the beginning of the fiscal year, the funds estimated  
16 to be received from all sources for such year, the estimated  
17 expenses and obligations of the Authority and each Service  
18 Board for all purposes, including expenses for contributions to  
19 be made with respect to pension and other employee benefits,  
20 and the funds estimated to be on hand at the end of such year.  
21 The fiscal year of the Authority and each Service Board shall  
22 begin on January 1st and end on the succeeding December 31st.  
23 By July 1st of each year the Director of the Illinois  
24 Governor's Office of Management and Budget (formerly Bureau of  
25 the Budget) shall submit to the Authority an estimate of

1 revenues for the next fiscal year of the Authority to be  
2 collected from the taxes imposed by the Authority and the  
3 amounts to be available in the Public Transportation Fund and  
4 the Regional Transportation Authority Occupation and Use Tax  
5 Replacement Fund and the amounts otherwise to be appropriated  
6 by the State to the Authority for its purposes. The Authority  
7 shall file a copy of its Annual Budget and Two-Year Financial  
8 Plan with the General Assembly and the Governor after its  
9 adoption. Before the proposed Annual Budget and Two-Year  
10 Financial Plan is adopted, the Authority shall hold at least  
11 one public hearing thereon in the metropolitan region, and  
12 shall meet with the county board or its designee of each of the  
13 several counties in the metropolitan region. After conducting  
14 such hearings and holding such meetings and after making such  
15 changes in the proposed Annual Budget and Two-Year Financial  
16 Plan as the Board deems appropriate, the Board shall adopt its  
17 annual appropriation and Annual Budget and Two-Year Financial  
18 Plan ordinance. The ordinance may be adopted only upon the  
19 affirmative votes of 12 of its then Directors. The ordinance  
20 shall appropriate such sums of money as are deemed necessary to  
21 defray all necessary expenses and obligations of the Authority,  
22 specifying purposes and the objects or programs for which  
23 appropriations are made and the amount appropriated for each  
24 object or program. Additional appropriations, transfers  
25 between items and other changes in such ordinance may be made  
26 from time to time by the Board upon the affirmative votes of 12



1 of its then Directors.

2 (b) The Annual Budget and Two-Year Financial Plan shall  
3 show a balance between anticipated revenues from all sources  
4 and anticipated expenses including funding of operating  
5 deficits or the discharge of encumbrances incurred in prior  
6 periods and payment of principal and interest when due, and  
7 shall show cash balances sufficient to pay with reasonable  
8 promptness all obligations and expenses as incurred.

9 The Annual Budget and Two-Year Financial Plan must show:

10 (i) that the level of fares and charges for mass  
11 transportation provided by, or under grant or purchase of  
12 service contracts of, the Service Boards is sufficient to  
13 cause the aggregate of all projected fare revenues from  
14 such fares and charges received in each fiscal year to  
15 equal at least 50% of the aggregate costs of providing such  
16 public transportation in such fiscal year. "Fare revenues"  
17 include the proceeds of all fares and charges for services  
18 provided, contributions received in connection with public  
19 transportation from units of local government other than  
20 the Authority, except for contributions received by the  
21 Chicago Transit Authority from a real estate transfer tax  
22 imposed under subsection (i) of Section 8-3-19 of the  
23 Illinois Municipal Code, and from the State pursuant to  
24 subsection (i) of Section 2705-305 of the Department of  
25 Transportation Law (20 ILCS 2705/2705-305), and all other  
26 operating revenues properly included consistent with

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

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

18 (ii) that the level of fares charged for ADA  
19 paratransit services is sufficient to cause the aggregate  
20 of all projected revenues from such fares charged and  
21 received in each fiscal year to equal at least 10% of the  
22 aggregate costs of providing such ADA paratransit  
23 services. ~~in fiscal years 2007 and 2008 and at least 12% of~~  
24 ~~the aggregate costs of providing such ADA paratransit~~  
25 ~~services in fiscal years 2009 and thereafter; for For~~  
26 purposes of this Act, the percentages in this subsection

1 (b) (ii) shall be referred to as the "system generated ADA  
2 paratransit services revenue recovery ratio". For purposes  
3 of the system generated ADA paratransit services revenue  
4 recovery ratio, "costs" shall include all items properly  
5 included as operating costs consistent with generally  
6 accepted accounting principles. However, the Board may  
7 exclude from costs an amount that does not exceed the  
8 allowable "capital costs of contracting" for ADA  
9 paratransit services pursuant to the Federal Transit  
10 Administration guidelines for the Urbanized Area Formula  
11 Program.

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

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

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

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

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

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

1 Act, the Board shall employ staff which shall: (1) propose for  
2 adoption by the Board of the Authority rules for the Service  
3 Boards that establish (i) forms and schedules to be used and  
4 information required to be provided with respect to a five-year  
5 capital program, annual budgets, and two-year financial plans  
6 and regular reporting of actual results against adopted budgets  
7 and financial plans, (ii) financial practices to be followed in  
8 the budgeting and expenditure of public funds, (iii)  
9 assumptions and projections that must be followed in preparing  
10 and submitting its annual budget and two-year financial plan or  
11 a five-year capital program; (2) evaluate for the Board public  
12 transportation programs operated or proposed by the Service  
13 Boards and transportation agencies in terms of the goals and  
14 objectives set out in the Strategic Plan; (3) keep the Board  
15 and the public informed of the extent to which the Service  
16 Boards and transportation agencies are meeting the goals and  
17 objectives adopted by the Authority in the Strategic Plan; and  
18 (4) assess the efficiency or adequacy of public transportation  
19 services provided by a Service Board and make recommendations  
20 for change in that service to the end that the moneys available  
21 to the Authority may be expended in the most economical manner  
22 possible with the least possible duplication.

23 (g) All Service Boards, transportation agencies,  
24 comprehensive planning agencies, including the Chicago  
25 Metropolitan Agency for Planning, or transportation planning  
26 agencies in the metropolitan region shall furnish to the

1 Authority such information pertaining to public transportation  
2 or relevant for plans therefor as it may from time to time  
3 require. The Executive Director, or his or her designee, shall,  
4 for the purpose of securing any such information necessary or  
5 appropriate to carry out any of the powers and responsibilities  
6 of the Authority under this Act, have access to, and the right  
7 to examine, all books, documents, papers or records of a  
8 Service Board or any transportation agency receiving funds from  
9 the Authority or Service Board, and such Service Board or  
10 transportation agency shall comply with any request by the  
11 Executive Director, or his or her designee, within 30 days or  
12 an extended time provided by the Executive Director.

13 (h) No Service Board shall undertake any capital  
14 improvement which is not identified in the Five-Year Capital  
15 Program.

16 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08.)

17 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

18 Sec. 4.09. Public Transportation Fund and the Regional  
19 Transportation Authority Occupation and Use Tax Replacement  
20 Fund.

21 (a) (1) As soon as possible after the first day of each  
22 month, beginning July 1, 1984, upon certification of the  
23 Department of Revenue, the Comptroller shall order transferred  
24 and the Treasurer shall transfer from the General Revenue Fund  
25 to a special fund in the State Treasury to be known as the



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

1 tax imposed by the Authority at the rate of 1% in Cook County,  
2 and (iii) one-third of the proceeds of any tax imposed by the  
3 Authority at the rate of 0.75% in the Counties of DuPage, Kane,  
4 Lake, McHenry, and Will, all pursuant to Section 4.03, and 25%  
5 of the net revenue realized from any tax imposed by the  
6 Authority pursuant to Section 4.03.1, and 25% of the amounts  
7 deposited into the Regional Transportation Authority tax fund  
8 created by Section 4.03 of this Act from the County and Mass  
9 Transit District Fund as provided in Section 6z-20 of the State  
10 Finance Act, and 25% of the amounts deposited into the Regional  
11 Transportation Authority Occupation and Use Tax Replacement  
12 Fund from the State and Local Sales Tax Reform Fund as provided  
13 in Section 6z-17 of the State Finance Act. As used in this  
14 Section, net revenue realized for a month shall be the revenue  
15 collected by the State pursuant to Sections 4.03 and 4.03.1  
16 during the previous month from within the metropolitan region,  
17 less the amount paid out during that same month as refunds to  
18 taxpayers for overpayment of liability in the metropolitan  
19 region under Sections 4.03 and 4.03.1.

20 (2) On the first day of the month following the effective  
21 date of this amendatory Act of the 95th General Assembly and  
22 each month thereafter, upon certification by the Department of  
23 Revenue, the Comptroller shall order transferred and the  
24 Treasurer shall transfer from the General Revenue Fund to the  
25 Public Transportation Fund an amount equal to 5% of the net  
26 revenue, before the deduction of the serviceman and retailer

1 discounts pursuant to Section 9 of the Service Occupation Tax  
2 Act and Section 3 of the Retailers' Occupation Tax Act,  
3 realized from any tax imposed by the Authority pursuant to  
4 Sections 4.03 and 4.03.1 and certified by the Department of  
5 Revenue under Section 4.03(n) of this Act to be paid to the  
6 Authority and 5% of the amounts deposited into the Regional  
7 Transportation Authority tax fund created by Section 4.03 of  
8 this Act from the County and Mass Transit District Fund as  
9 provided in Section 6z-20 of the State Finance Act, and 5% of  
10 the amounts deposited into the Regional Transportation  
11 Authority Occupation and Use Tax Replacement Fund from the  
12 State and Local Sales Tax Reform Fund as provided in Section  
13 6z-17 of the State Finance Act, and 5% of the revenue realized  
14 by the Chicago Transit Authority as financial assistance from  
15 the City of Chicago from the proceeds of any tax imposed by the  
16 City of Chicago under Section 8-3-19 of the Illinois Municipal  
17 Code.

18 (3) As soon as possible after the first day of January,  
19 2009 and each month thereafter, upon certification of the  
20 Department of Revenue with respect to the taxes collected under  
21 Section 4.03, the Comptroller shall order transferred and the  
22 Treasurer shall transfer from the General Revenue Fund to the  
23 Public Transportation Fund an amount equal to 25% of the net  
24 revenue, before the deduction of the serviceman and retailer  
25 discounts pursuant to Section 9 of the Service Occupation Tax  
26 Act and Section 3 of the Retailers' Occupation Tax Act,

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

14 (b) (1) All moneys deposited in the Public Transportation  
15 Fund and the Regional Transportation Authority Occupation and  
16 Use Tax Replacement Fund, whether deposited pursuant to this  
17 Section or otherwise, are allocated to the Authority. The  
18 Comptroller, as soon as possible after each monthly transfer  
19 provided in this Section and after each deposit into the Public  
20 Transportation Fund, shall order the Treasurer to pay to the  
21 Authority out of the Public Transportation Fund the amount so  
22 transferred or deposited. Any Additional State Assistance and  
23 Additional Financial Assistance paid to the Authority under  
24 this Section shall be expended by the Authority for its  
25 purposes as provided in this Act. The balance of the amounts  
26 paid to the Authority from the Public Transportation Fund shall

1 be expended by the Authority as provided in Section 4.03.3. The  
2 Comptroller, as soon as possible after each deposit into the  
3 Regional Transportation Authority Occupation and Use Tax  
4 Replacement Fund provided in this Section and Section 6z-17 of  
5 the State Finance Act, shall order the Treasurer to pay to the  
6 Authority out of the Regional Transportation Authority  
7 Occupation and Use Tax Replacement Fund the amount so  
8 deposited. Such amounts paid to the Authority may be expended  
9 by it for its purposes as provided in this Act. The provisions  
10 directing the distributions from the Public Transportation  
11 Fund and the Regional Transportation Authority Occupation and  
12 Use Tax Replacement Fund provided for in this Section shall  
13 constitute an irrevocable and continuing appropriation of all  
14 amounts as provided herein. The State Treasurer and State  
15 Comptroller are hereby authorized and directed to make  
16 distributions as provided in this Section. (2) Provided,  
17 however, no moneys deposited under subsection (a) of this  
18 Section shall be paid from the Public Transportation Fund to  
19 the Authority or its assignee for any fiscal year until the  
20 Authority has certified to the Governor, the Comptroller, and  
21 the Mayor of the City of Chicago that it has adopted for that  
22 fiscal year an Annual Budget and Two-Year Financial Plan  
23 meeting the requirements in Section 4.01(b).

24 (c) In recognition of the efforts of the Authority to  
25 enhance the mass transportation facilities under its control,  
26 the State shall provide financial assistance ("Additional

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

7	1990	\$5,000,000;
8	1991	\$5,000,000;
9	1992	\$10,000,000;
10	1993	\$10,000,000;
11	1994	\$20,000,000;
12	1995	\$30,000,000;
13	1996	\$40,000,000;
14	1997	\$50,000,000;
15	1998	\$55,000,000; and
16	each year thereafter	\$55,000,000.

17 (c-5) The State shall provide financial assistance  
18 ("Additional Financial Assistance") in addition to the  
19 Additional State Assistance provided by subsection (c) and the  
20 amounts transferred to the Authority from the General Revenue  
21 Fund under subsection (a) of this Section. Additional Financial  
22 Assistance provided by this subsection shall be calculated as  
23 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	2000	\$0;
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1           2001                   \$16,000,000;  
2           2002                   \$35,000,000;  
3           2003                   \$54,000,000;  
4           2004                   \$73,000,000;  
5           2005                   \$93,000,000; and  
6           each year thereafter   \$100,000,000.

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

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

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

22           (3) Its debt service savings during the preceding State  
23 fiscal year from refunding or advance refunding of bonds or  
24 notes issued under subdivisions (g)(2) and (g)(3) of  
25 Section 4.04.

26           (4) The amount of interest, if any, earned by the

1 Authority during the previous State fiscal year on the  
2 proceeds of bonds or notes issued pursuant to subdivisions  
3 (g) (2) and (g) (3) of Section 4.04, other than refunding or  
4 advance refunding bonds or notes.

5 The certification shall include a specific schedule of debt  
6 service payments, including the date and amount of each payment  
7 for all outstanding bonds or notes and an estimated schedule of  
8 anticipated debt service for all bonds and notes it intends to  
9 issue, if any, during that State fiscal year, including the  
10 estimated date and estimated amount of each payment.

11 Immediately upon the issuance of bonds for which an  
12 estimated schedule of debt service payments was prepared, the  
13 Authority shall file an amended certification with respect to  
14 item (2) above, to specify the actual schedule of debt service  
15 payments, including the date and amount of each payment, for  
16 the remainder of the State fiscal year.

17 On the first day of each month of the State fiscal year in  
18 which there are bonds outstanding with respect to which the  
19 certification is made, the State Comptroller shall order  
20 transferred and the State Treasurer shall transfer from the  
21 General Revenue Fund to the Public Transportation Fund the  
22 Additional State Assistance and Additional Financial  
23 Assistance in an amount equal to the aggregate of (i)  
24 one-twelfth of the sum of the amounts certified under items (1)  
25 and (3) above less the amount certified under item (4) above,  
26 plus (ii) the amount required to pay debt service on bonds and



1 notes issued during the fiscal year, if any, divided by the  
2 number of months remaining in the fiscal year after the date of  
3 issuance, or some smaller portion as may be necessary under  
4 subsection (c) or (c-5) of this Section for the relevant State  
5 fiscal year, plus (iii) any cumulative deficiencies in  
6 transfers for prior months, until an amount equal to the sum of  
7 the amounts certified under items (1) and (3) above, plus the  
8 actual debt service certified under item (2) above, less the  
9 amount certified under item (4) above, has been transferred;  
10 except that these transfers are subject to the following  
11 limits:

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

21 (B) In no event shall the total transfers in any State  
22 fiscal year relating to outstanding bonds and notes issued  
23 by the Authority under subdivision (g)(3) of Section 4.04  
24 exceed the lesser of the annual maximum amount specified in  
25 subsection (c-5) or the sum of the amounts certified under  
26 items (1) and (3) above, plus the actual debt service

1 certified under item (2) above, less the amount certified  
2 under item (4) above, with respect to those bonds and  
3 notes.

4 The term "outstanding" does not include bonds or notes for  
5 which refunding or advance refunding bonds or notes have been  
6 issued.

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

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

22 (g) Within 6 months of the end of each fiscal year, the  
23 Authority shall determine:

24 (i) whether the aggregate of all system generated  
25 revenues for public transportation in the metropolitan  
26 region which is provided by, or under grant or purchase of

1 service contracts with, the Service Boards equals 50% of  
2 the aggregate of all costs of providing such public  
3 transportation. "System generated revenues" include all  
4 the proceeds of fares and charges for services provided,  
5 contributions received in connection with public  
6 transportation from units of local government other than  
7 the Authority, except for contributions received by the  
8 Chicago Transit Authority from a real estate transfer tax  
9 imposed under subsection (i) of Section 8-3-19 of the  
10 Illinois Municipal Code, and from the State pursuant to  
11 subsection (i) of Section 2705-305 of the Department of  
12 Transportation Law (20 ILCS 2705/2705-305), and all other  
13 revenues properly included consistent with generally  
14 accepted accounting principles but may not include: the  
15 proceeds from any borrowing, and, beginning with the 2007  
16 fiscal year, all revenues and receipts, including but not  
17 limited to fares and grants received from the federal,  
18 State or any unit of local government or other entity,  
19 derived from providing ADA paratransit service pursuant to  
20 Section 2.30 of the Regional Transportation Authority Act.  
21 "Costs" include all items properly included as operating  
22 costs consistent with generally accepted accounting  
23 principles, including administrative costs, but do not  
24 include: depreciation; payment of principal and interest  
25 on bonds, notes or other evidences of obligations for  
26 borrowed money of the Authority; payments with respect to

1 public transportation facilities made pursuant to  
2 subsection (b) of Section 2.20; any payments with respect  
3 to rate protection contracts, credit enhancements or  
4 liquidity agreements made under Section 4.14; any other  
5 cost as to which it is reasonably expected that a cash  
6 expenditure will not be made; costs for passenger security  
7 including grants, contracts, personnel, equipment and  
8 administrative expenses, except in the case of the Chicago  
9 Transit Authority, in which case the term does not include  
10 costs spent annually by that entity for protection against  
11 crime as required by Section 27a of the Metropolitan  
12 Transit Authority Act; the costs of Debt Service paid by  
13 the Chicago Transit Authority, as defined in Section 12c of  
14 the Metropolitan Transit Authority Act, or bonds or notes  
15 issued pursuant to that Section; the payment by the  
16 Commuter Rail Division of debt service on bonds issued  
17 pursuant to Section 3B.09; expenses incurred by the  
18 Suburban Bus Division for the cost of new public  
19 transportation services funded from grants pursuant to  
20 Section 2.01e of this amendatory Act of the 95th General  
21 Assembly for a period of 2 years from the date of  
22 initiation of each such service; costs as exempted by the  
23 Board for projects pursuant to Section 2.09 of this Act;  
24 or, beginning with the 2007 fiscal year, expenses related  
25 to providing ADA paratransit service pursuant to Section  
26 2.30 of the Regional Transportation Authority Act; or in

1 fiscal years 2008 through 2012 inclusive, costs in the  
2 amount of \$200,000,000 in fiscal year 2008, reducing by  
3 \$40,000,000 in each fiscal year thereafter until this  
4 exemption is eliminated. If said system generated revenues  
5 are less than 50% of said costs, the Board shall remit an  
6 amount equal to the amount of the deficit to the State. The  
7 Treasurer shall deposit any such payment in the General  
8 Revenue Fund; and

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

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

1 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08.)

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

3 Sec. 5.01. Hearings and Citizen Participation.

4 (a) The Authority shall provide for and encourage  
5 participation by the public in the development and review of  
6 public transportation policy, and in the process by which major  
7 decisions significantly affecting the provision of public  
8 transportation are made. The Authority shall coordinate such  
9 public participation processes with the Chicago Metropolitan  
10 Agency for Planning to the extent practicable.

11 (b) The Authority shall hold such public hearings as may be  
12 required by this Act or as the Authority may deem appropriate  
13 to the performance of any of its functions. The Authority shall  
14 coordinate such public hearings with the Chicago Metropolitan  
15 Agency for Planning to the extent practicable.

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

21 (i) the construction or acquisition of any public  
22 transportation facility, the aggregate cost of which  
23 exceeds \$5 million; and

24 (ii) the extension of, or major addition to services  
25 provided by the Authority or by any transportation agency

1           pursuant to a purchase of service agreement with the  
2           Authority.

3           (d) Unless such items are specifically provided for in the  
4           annual budget and program which has been the subject of public  
5           hearing, as provided in Section 4.01 of this Act, the Board  
6           shall hold public hearings at which citizens may be heard prior  
7           to the providing for or allowing, by means of any purchase of  
8           service agreement or any grant pursuant to Section 2.02 of this  
9           Act, ~~any general increase or series of increases in fares or~~  
10          ~~charges for public transportation, whether by the Authority or~~  
11          ~~by any transportation agency, which increase or series of~~  
12          ~~increases within any twelve months affects more than 25% of the~~  
13          ~~consumers of service of the Authority or of the transportation~~  
14          ~~agency;~~ or so providing for or allowing any discontinuance of  
15          any public transportation route, or major portion thereof,  
16          which has been in service for more than a year.

17          (e) At least twenty days prior notice of any public  
18          hearing, as required in this Section, shall be given by public  
19          advertisement in a newspaper of general circulation in the  
20          metropolitan region.

21          (e-5) With respect to any increase in fares or charges for  
22          public transportation, whether by the Authority or by any  
23          Service Board or transportation agency, a public hearing must  
24          be held in each county in which the fare increase takes effect.  
25          Notice of the public hearing shall be given at least 20 days  
26          prior to the hearing and at least 30 days prior to the

1 effective date of any fare increase. Notice shall be given by  
2 public advertisement in a newspaper of general circulation in  
3 the metropolitan region and must also be sent to the Governor  
4 and to each member of the General Assembly whose district  
5 overlaps in whole or in part with the area in which the  
6 increase takes effect. The notice must state the date, time,  
7 and place of the hearing and must contain a description of the  
8 proposed increase. The notice must also specify how interested  
9 persons may obtain copies of any reports, resolutions, or  
10 certificates describing the basis upon which the increase was  
11 calculated.

12 (f) The Authority may designate one or more Directors or  
13 may appoint one or more hearing officers to preside over any  
14 hearing pursuant to this Act. The Authority shall have the  
15 power in connection with any such hearing to issue subpoenas to  
16 require the attendance of witnesses and the production of  
17 documents, and the Authority may apply to any circuit court in  
18 the State to require compliance with such subpoenas.

19 (g) The Authority may require any Service Board to hold one  
20 or more public hearings with respect to any item described in  
21 paragraphs (c), ~~and~~ (d), and (e-5) of this Section 5.01,  
22 notwithstanding whether such item has been the subject of a  
23 public hearing under this Section 5.01 or Section 2.01 or 4.01  
24 of this Act.

25 (Source: P.A. 95-708, eff. 1-18-08.)

26 Section 99. Effective date. This Act takes effect upon



1 becoming law.