



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4585

by Rep. Michael W. Tryon - Ed Sullivan, Jr.

#### SYNOPSIS AS INTRODUCED:

70 ILCS 3615/2.01d	
70 ILCS 3615/2.01e	
70 ILCS 3615/2.30	
70 ILCS 3615/3A.08	from Ch. 111 2/3, par. 703A.08
70 ILCS 3615/3A.09	from Ch. 111 2/3, par. 703A.09
70 ILCS 3615/4.03.3	

Amends the Regional Transportation Authority Act. Provides that beginning January 1, 2010, the Chicago Transit Authority is responsible for and must coordinate the provision of ADA paratransit services within the City of Chicago (now, Suburban Bus Board provides ADA paratransit services within the City of Chicago). Makes conforming changes. Changes the name of the Suburban Community Mobility Fund to the Metropolitan Mobility Fund. Effective immediately.

LRB096 13338 RLJ 28028 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Regional Transportation Authority Act is  
5 amended by changing Sections 2.01d, 2.01e, 2.30, 3A.08, 3A.09,  
6 and 4.03.3 as follows:

7 (70 ILCS 3615/2.01d)

8 Sec. 2.01d. ADA Paratransit Fund. The Authority shall  
9 establish an ADA Paratransit Fund and, each year, deposit into  
10 that Fund the amounts directed by Section 4.03.3 of this Act  
11 and any funds received from the State pursuant to  
12 appropriations for the purpose of funding ADA paratransit  
13 services. The amounts on deposit in the Fund and interest and  
14 other earnings on those amounts shall be used by the Authority  
15 to make grants to the Suburban Bus Board and the Chicago  
16 Transit Authority for ADA paratransit services provided  
17 pursuant to plans approved by the Authority under Section 2.30  
18 of this Act. Funds received by the Suburban Bus Board or the  
19 Chicago Transit Authority from the Authority's ADA Paratransit  
20 Fund shall be used only to provide ADA paratransit services to  
21 individuals who are determined to be eligible for such services  
22 by the Authority under the Americans with Disabilities Act of  
23 1990 and its implementing regulations. Revenues from and costs

1 of services provided by the Suburban Bus Board or the Chicago  
2 Transit Authority with grants made under this Section shall be  
3 included in the Annual Budget and Two-Year Financial Program of  
4 the Suburban Bus Board or the Chicago Transit Authority and  
5 shall be subject to all budgetary and financial requirements  
6 under this Act that apply to ADA paratransit services.  
7 Beginning in 2008, the Executive Director shall, no later than  
8 August 15 of each year, provide to the Board a written  
9 determination of the projected annual costs of ADA paratransit  
10 services that are required to be provided pursuant to the  
11 Americans with Disabilities Act of 1990 and its implementing  
12 regulations. The Authority shall conduct triennial financial,  
13 compliance, and performance audits of ADA paratransit services  
14 to assist in this determination.

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

16 (70 ILCS 3615/2.01e)

17 Sec. 2.01e. Metropolitan ~~Suburban Community~~ Mobility Fund.  
18 The Authority shall establish a Metropolitan ~~Suburban~~  
19 ~~Community~~ Mobility Fund and, each year, deposit into that Fund  
20 the amounts directed by Section 4.03.3 of this Act. The amounts  
21 on deposit in the Fund and interest and other earnings on those  
22 amounts shall be used by the Authority to make grants to the  
23 Suburban Bus Board and the Chicago Transit Authority for the  
24 purpose of operating transit services, other than traditional  
25 fixed-route services, that enhance metropolitan ~~suburban~~

1 mobility, including, but not limited to, demand-responsive  
2 transit services, ride sharing, van pooling, service  
3 coordination, centralized dispatching and call taking, reverse  
4 commuting, service restructuring, and bus rapid transit.  
5 Revenues from and costs of services provided by the Suburban  
6 Bus Board or the Chicago Transit Authority with moneys from the  
7 Metropolitan Suburban Community Mobility Fund shall be  
8 included in the Annual Budget and Two-Year Financial Program of  
9 the Suburban Bus Board or the Chicago Transit Authority and  
10 shall be subject to all budgetary and financial requirements  
11 under this Act.

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

13 (70 ILCS 3615/2.30)

14 Sec. 2.30. Paratransit services.

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

23 (b) Beginning July 1, 2005, the Authority is responsible  
24 for the funding, from amounts on deposit in the ADA Paratransit  
25 Fund established under Section 2.01d of this Act, financial

1 review and oversight of all ADA paratransit services that are  
2 provided by the Authority or by any of the Service Boards. The  
3 Suburban Bus Board shall operate or provide for the operation  
4 of all ADA paratransit services until January 1, 2010 ~~by no~~  
5 ~~later than July 1, 2006, except that this date may be extended~~  
6 ~~to the extent necessary to obtain approval from the Federal~~  
7 ~~Transit Administration of the plan prepared pursuant to~~  
8 ~~subsection (c).~~ Beginning January 1, 2010, the Chicago Transit  
9 Authority shall operate or provide for the operation of ADA  
10 paratransit services within the City of Chicago.

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

1 regulations. The plan shall also include, without limitation,  
2 provisions to:

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

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

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

23 (4) provide that service contracts and rates, entered  
24 into or set after the approval by the Federal Transit  
25 Administration of the plan prepared pursuant to subsection  
26 (c) of this Section, with private carriers and taxicabs for

1 ADA paratransit service are procured by means of an open  
2 procurement process;

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

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

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

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

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

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

26 (11) provide for the creation of one or more ADA

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

7 (c-5) Effective January 1, 2010, the Suburban Bus Board  
8 must transfer the appropriate ADA paratransit services,  
9 management, personnel, service contracts, and assets to the  
10 Chicago Transit Authority for the provision of ADA paratransit  
11 services within the City of Chicago.

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

23 (e) The Illinois Department of Transportation, the  
24 Illinois Department of Public Aid, the Authority, the Suburban  
25 Bus Board and the Chicago Transit Authority shall enter into  
26 intergovernmental agreements as may be necessary to provide



1 funding and accountability for, and implementation of, the  
2 requirements of this Section.

3 (f) By no later than April 1, 2007, the Authority shall  
4 develop and submit to the General Assembly and the Governor a  
5 funding plan for ADA paratransit services. Approval of such  
6 plan by the Authority shall require the affirmative votes of 12  
7 of the then Directors. The funding plan shall, at a minimum,  
8 contain an analysis of the current costs of providing ADA  
9 paratransit services, projections of the long-term costs of  
10 providing ADA paratransit services, identification of and  
11 recommendations for possible cost efficiencies in providing  
12 ADA paratransit services, and identification of and  
13 recommendations for possible funding sources for providing ADA  
14 paratransit services. The Illinois Department of  
15 Transportation, the Illinois Department of Public Aid, the  
16 Suburban Bus Board, the Chicago Transit Authority and other  
17 State and local public agencies as appropriate shall cooperate  
18 with the Authority in the preparation of such funding plan.

19 (g) Any funds derived from the federal Medicaid program for  
20 reimbursement of the costs of providing ADA paratransit  
21 services within the metropolitan region shall be directed to  
22 the Authority and shall be used to pay for or reimburse the  
23 costs of providing such services.

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

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

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

3 Sec. 3A.08. Jurisdiction. Any public transportation by bus  
4 within the metropolitan region, other than public  
5 transportation by commuter rail or public transportation  
6 provided by the Chicago Transit Authority pursuant to  
7 agreements in effect on the effective date of this amendatory  
8 Act of 1983 or in the City of Chicago and any ADA paratransit  
9 services provided pursuant to Section 2.30 of the Regional  
10 Transportation Authority Act, shall be subject to the  
11 jurisdiction of the Suburban Bus Board. Beginning on January 1,  
12 2010, ADA paratransit services provided pursuant to Section  
13 2.30 of the Regional Transportation Authority Act within the  
14 City of Chicago shall be subject to the jurisdiction of the  
15 Chicago Transit Authority.

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

17 (70 ILCS 3615/3A.09) (from Ch. 111 2/3, par. 703A.09)

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

23 (a) to cooperate with the Regional Transportation  
24 Authority in the exercise by the Regional Transportation

1 Authority of all the powers granted it by such Act;

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

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

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

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

19 (70 ILCS 3615/4.03.3)

20 Sec. 4.03.3. Distribution of Revenues. This Section  
21 applies only after the Department begins administering and  
22 enforcing an increased tax under Section 4.03(m) as authorized  
23 by this amendatory Act of the 95th General Assembly. After  
24 providing for payment of its obligations with respect to bonds  
25 and notes issued under the provisions of Section 4.04 and

1 obligations related to those bonds and notes, the Authority  
2 shall disburse the remaining proceeds from taxes it has  
3 received from the Department of Revenue under this Article IV  
4 and the remaining proceeds it has received from the State under  
5 Section 4.09(a) as follows:

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

18 (1) an amount equal to (i) 85% of 80% of the receipts  
19 from those taxes collected within the City of Chicago at a  
20 rate of 1.25%, (ii) 85% of 75% of the receipts from those  
21 taxes collected in the City of Chicago at the rate of 1%,  
22 and (iii) 85% of the money received by the Authority on  
23 account of transfers to the Regional Transportation  
24 Authority Occupation and Use Tax Replacement Fund or to the  
25 Regional Transportation Authority tax fund created in  
26 Section 4.03(n) from the County and Mass Transit District

1 Fund attributable to retail sales within the City of  
2 Chicago shall be allocated to the Chicago Transit  
3 Authority;

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

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

22 (b) Moneys received by the Authority on account of  
23 transfers to the Regional Transportation Authority Occupation  
24 and Use Tax Replacement Fund from the State and Local Sales Tax  
25 Reform Fund shall be allocated among the Authority and the  
26 Service Boards as follows: 15% of such moneys shall be retained

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

13 (c) (i) 20% of the receipts from those taxes collected in  
14 Cook County under Section 4.03 at the rate of 1.25%, (ii) 25%  
15 of the receipts from those taxes collected in Cook County under  
16 Section 4.03 at the rate of 1%, (iii) 50% of the receipts from  
17 those taxes collected in DuPage, Kane, Lake, McHenry, and Will  
18 Counties under Section 4.03, and (iv) amounts received from the  
19 State under Section 4.09 (a) (2) and items (i), (ii), and (iii)  
20 of Section 4.09 (a) (3) shall be allocated as follows: in 2008,  
21 \$100,000,000 shall be deposited in the ADA Paratransit Fund  
22 described in Section 2.01d, \$20,000,000 shall be deposited in  
23 the Metropolitan ~~Suburban Community~~ Mobility Fund described in  
24 Section 2.01e, and \$10,000,000 shall be deposited in the  
25 Innovation, Coordination and Enhancement Fund described in  
26 Section 2.01c, and the balance shall be allocated 48% to the

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

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

15 (e) With respect to those taxes collected in DuPage, Kane,  
16 Lake, McHenry, and Will Counties and paid directly to the  
17 counties under Section 4.03, the County Board of each county  
18 shall use those amounts to fund operating and capital costs of  
19 public safety and public transportation services or facilities  
20 or to fund operating, capital, right-of-way, construction, and  
21 maintenance costs of other transportation purposes, including  
22 road, bridge, public safety, and transit purposes intended to  
23 improve mobility or reduce congestion in the county. The  
24 receipt of funding by such counties pursuant to this paragraph  
25 shall not be used as the basis for reducing any funds that such  
26 counties would otherwise have received from the State of

1 Illinois, any agency or instrumentality thereof, the  
2 Authority, or the Service Boards.

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

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

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

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.