



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 2571

2 AMENDMENT NO. _____. Amend Senate Bill 2571, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 High-Speed Rail Authority Act.

7 Section 5. Creation. The High-Speed Rail Authority is
8 created as an Illinois political subdivision, municipal
9 corporation, and unit of local government.

10 Section 10. Board; compensation. The Authority shall be
11 governed by a 9-member board of directors consisting of members
12 appointed by the Governor, with the advice and consent of the
13 Senate, as follows: one member from the Metro East region, one
14 member from the central Illinois region, one member from the
15 northern Illinois region outside of the collar counties (Lake,

1 McHenry, DuPage, Kane, and Will counties), 2 members from the
2 collar counties, 2 members from suburban Cook County (outside
3 of the City of Chicago), and 2 members from the City of
4 Chicago. Each member must have experience in at least one of
5 the following areas (i) the management of large infrastructure
6 projects, (ii) finance, or (iii) the transportation industry.
7 At least 3 of the members must have technical qualifications,
8 professional standing, and demonstrated knowledge in railroad
9 transportation. The Board members shall serve without
10 compensation, but may be reimbursed for actual expenses
11 incurred by them in the performance of their duties.

12 Section 15. Terms, vacancies, and removal.

13 (a) Of the initial directors, 5 shall be appointed for a
14 2-year term and 4 shall be appointed for a 4-year term.
15 Thereafter, directors shall serve for a 4-year term. Directors
16 shall hold office until their respective successors have been
17 appointed and qualified.

18 (b) A vacancy in office shall occur upon a director's
19 resignation, death, or disqualification under the laws of this
20 State or the laws of the United States. A vacancy shall be
21 filled by the Governor for the remainder of the term.

22 Section 20. Meetings; quorum.

23 (a) As soon as practical after the effective date of this
24 Act, the Board shall organize for the transaction of business.

1 The Board may organize and conduct business when a majority of
2 the members have been appointed. The Board shall prescribe the
3 time and place for meetings, the manner in which special
4 meetings may be called, the notice that must be given to
5 directors of any meeting of the Board, and the notice that must
6 be given to the public of meetings of the Board. The Board
7 shall promulgate the by-laws of the Authority. Five directors
8 constitute a quorum for the transaction of business.

9 (b) All substantive action of the Board shall be by
10 resolution. The concurrence of at least 5 directors is
11 necessary for the adoption of any resolution. No action may be
12 taken by the Board until at least a majority of the directors
13 have been appointed and qualified.

14 Section 25. Chairperson; officers. A chairperson shall be
15 selected from the Board members by a majority vote of the Board
16 members. The chairperson shall preside at the meetings of the
17 Board and shall be entitled to vote on all matters. The Board
18 shall select a vice-chairperson (who shall preside in the
19 chairperson's absence), and may provide for other officers of
20 the Authority as deemed to be necessary. Except as otherwise
21 provided in this Section, officers of the Authority may, but
22 need not, be directors.

23 Section 27. Conflict of interest. No member of the Board or
24 employee of the Authority may have a private financial interest

1 in or profit from any contract, work, or business of the
2 Authority.

3 Section 30. Executive director. The Board must appoint an
4 executive director to serve as the chief administrative officer
5 of the Authority. The executive director must be a licensed
6 engineer with experience managing large infrastructure
7 projects, preferably high-speed rail projects.

8 Section 35. Powers of the Authority.

9 (a) The Authority has the power:

10 (1) to sue and be sued;

11 (2) to plan, design, build, operate, maintain, and
12 finance new electrified track, designed primarily for
13 trains capable of traveling at speeds in excess of 150
14 miles per hour, for a high-speed rail network;

15 (3) to enter into public-private partnerships with
16 global high-speed rail operators to design, build,
17 operate, maintain, and finance a high-speed rail network;
18 and

19 (4) to enter into intergovernmental agreements with
20 the State, any other state, the United States government,
21 any agency or instrumentality of the United States, any
22 unit of local government located within the territory of
23 the Authority, or any other unit of government to the
24 extent allowed by Section 10 of Article VII of the Illinois

1 Constitution and the Intergovernmental Cooperation Act for
2 the following purposes: (i) to build tracks to connect to
3 the State's high-speed rail network, (ii) to enter into
4 public-private partnerships to design, build, operate,
5 maintain, and finance extensions of the high-speed rail
6 network outside of the State, (iii) to develop plans and to
7 engage in ridership or revenue analysis for extensions
8 outside of the State, or (iv) for any other purpose that
9 advances the creation of a high-speed rail network that
10 serves Illinois residents.

11 (b) The Authority does not have the power to impose taxes.

12 Section 40. Duties of the Authority. The Authority must
13 perform the following functions:

14 (1) develop a high-speed rail system that includes O'Hare
15 Airport and coordinates with existing and planned intercity
16 rail, commuter rail, intercity bus, aviation systems, and other
17 transit systems;

18 (2) develop a 5-year, 10-year, and 20-year plan for
19 developing a high-speed rail network that includes O'Hare
20 Airport and coordinates with existing and planned intercity
21 rail, commuter rail, intercity bus, aviation systems, and other
22 transit systems;

23 (3) comply with all State and federal laws concerning labor
24 and rail safety;

25 (4) seek the advice and consultation of potential private

1 operators of a high-speed rail system, including without
2 limitation Amtrak, in the planning, designing, building,
3 operating, and maintaining of a high-speed rail system;

4 (5) engage in alternatives analysis to determine multiple
5 routes connecting O'Hare Airport, downtown Chicago, and
6 downstate Illinois during the first planning stage of the
7 high-speed rail system;

8 (6) establish a Disadvantaged Business Enterprise (DBE)
9 program;

10 (7) create an ethics policy for the Authority;

11 (8) require that the prevailing wage be paid by all
12 contractors; and

13 (9) establish a Buy American policy.

14 Section 45. Acceptance of grants, loans, and
15 appropriations. The Authority has the power to apply for and
16 accept grants, loans, advances, and appropriations from the
17 federal government, the State, any other unit of government, or
18 any other legal entity to be used for the purposes of the
19 Authority, and to enter into any agreement in relation to the
20 grants, loans, advances, and appropriations.

21 Section 50. Existing track. The Authority has no power to
22 regulate existing track owned by railroads, except if the
23 Authority enters into a contract with a railroad providing the
24 Authority access to the track or the power to regulate the

1 track.

2 Section 55. Planning committee. A high-speed rail planning
3 committee shall advise the Authority in the development,
4 construction, and operation of a high-speed rail network. The
5 planning committee shall consist of one representative
6 designated by each of the following: the Illinois Department of
7 Transportation, Illinois Commerce Commission, Chicago
8 Transportation Authority, Regional Transportation Authority,
9 Metra, Metrolink, City of Chicago, City of Rockford, City of
10 Kankakee, City of Springfield, City of Bloomington, City of
11 Normal, City of Joliet, City of Urbana, City of Champaign, City
12 of Decatur, Metropolitan Pier and Exposition Authority,
13 Illinois AFL-CIO, Federal Railroad Administration, Amtrak, and
14 each Class 1 railroad carrier operating within the State. The
15 planning committee shall meet for the first time no later than
16 60 days after the effective date of this Act.

17 Section 60. Support; procurement. The Illinois State Toll
18 Highway Authority must provide support to the Authority,
19 including without limitation financing expertise, engineering
20 expertise, procurement expertise, personnel management, and
21 any other support to assure the Authority's efficient use of
22 transportation related resources. The following employees of
23 the Illinois State Toll Highway Authority shall serve in the
24 same capacity for the Authority until the Board, by ordinance,

1 approves the hiring of its own personnel for the positions: the
2 General Counsel, Chief of Finance, Chief of Administration,
3 Chief of Engineering, Chief of Procurement, Chief of
4 Information Technology, and General Manager of Investigations
5 and Audit.

6 Except for the procurement of electric power, the Illinois
7 State Toll Highway Authority shall manage the procurement
8 process for the Authority.

9 Section 65. Procurement of electric power. The Illinois
10 Power Agency must procure electric power for the High-Speed
11 Rail Authority at the lowest possible cost.

12 Section 70. Borrowing money; revenue bonds.

13 (a) The Authority has the continuing power to borrow money
14 and issue revenue bonds without referendum approval for the
15 purposes of this Act and for acquiring necessary cash working
16 funds. For the purpose of evidencing the obligation of the
17 Authority to repay any money borrowed, the Authority may, by
18 ordinances adopted by the Board from time to time, issue and
19 dispose of its interest bearing revenue bonds, notes, or
20 certificates and may also from time to time issue and dispose
21 of its interest bearing revenue bonds, notes, or certificates
22 to refund any bonds, notes, or certificates at maturity or by
23 redemption provisions or at any time before maturity with the
24 consent of the holders thereof.

1 (b) All bonds, notes, and certificates shall be payable
2 solely from the revenues or income to be derived from the
3 high-speed rail system; may bear any date or dates; may mature
4 at any time or times not exceeding 40 years from their
5 respective dates; may bear interest at any rate or rates
6 payable semiannually; may be in any form; may carry any
7 registration privileges; may be executed in any manner; may be
8 payable at any place or places; may be made subject to
9 redemption in any manner and upon any terms, with or without
10 premium that is stated on the face thereof; may be
11 authenticated in any manner; and may contain any terms and
12 covenants as may be provided in the ordinance. The holder or
13 holders of any bonds, notes, certificates, or interest coupons
14 appertaining to the bonds, notes, and certificates issued by
15 the Authority may bring civil actions to compel the performance
16 and observance by the Authority or any of its officers, agents,
17 or employees of any contract or covenant made by the Authority
18 with the holders of those bonds, notes, certificates, or
19 interest coupons and to compel the Authority and any of its
20 officers, agents, or employees to perform any duties required
21 to be performed for the benefit of the holders of any bonds,
22 notes, certificates, or interest coupons by the provision in
23 the ordinance authorizing their issuance, and to enjoin the
24 Authority and any of its officers, agents, or employees from
25 taking any action in conflict with any contract or covenant.
26 Notwithstanding the form and tenor of any bonds, notes, or

1 certificates and in the absence of any express recital on the
2 face thereof that it is nonnegotiable, all bonds, notes, and
3 certificates shall be negotiable instruments. Pending the
4 preparation and execution of any bonds, notes, or certificates,
5 temporary bonds, notes, or certificates may be issued with or
6 without interest coupons as may be provided by ordinance.

7 (c) The bonds, notes, or certificates shall be sold by the
8 Board in any manner that the Board shall determine, except that
9 if issued to bear interest at the minimum rate permitted by the
10 Bond Authorization Act, the bonds shall be sold for not less
11 than par and accrued interest and except that the selling price
12 of bonds bearing interest at a rate less than the maximum rate
13 permitted in that Act shall be such that the interest cost to
14 the Authority of the money received from the bond sale shall
15 not exceed such maximum rate annually computed to absolute
16 maturity of the bonds or certificates according to standard
17 tables of bond values.

18 (d) From and after the issue of any bonds, notes, or
19 certificates as provided in this Section, it shall be the duty
20 of the Board to fix and establish rates, charges, and fees for
21 the use of facilities acquired, constructed, reconstructed,
22 extended, or improved with the proceeds derived from the sale
23 of the bonds, notes, or certificates sufficient at all times
24 with other revenues of the Authority, if any, to pay (i) the
25 cost of maintaining, repairing, regulating, and operating the
26 high-speed rail system and (ii) the bonds, notes, or

1 certificates and interest thereon as they shall become due, all
2 sinking fund requirements, and all other requirements provided
3 by the ordinance authorizing the issuance of the bonds, notes,
4 or certificates or as provided by any trust agreement executed
5 to secure payment thereof.

6 To secure the payment of any or all of bonds, notes, or
7 certificates and for the purpose of setting forth the covenants
8 and undertaking of the Authority in connection with the
9 issuance of those bonds, notes, or certificates and the
10 issuance of any additional bonds, notes, or certificates
11 payable from revenue income to be derived from the high-speed
12 rail system, the Authority may execute and deliver a trust
13 agreement or agreements. A lien upon any physical property of
14 the Authority may be created by the trust agreement. A remedy
15 for any breach or default of the terms of any trust agreement
16 by the Authority may be by mandamus proceedings in the circuit
17 court to compel performance and compliance with the agreement,
18 but the trust agreement may prescribe by whom or on whose
19 behalf the action may be instituted.

20 Section 75. Bonds not obligations of the State or
21 Authority. Under no circumstances shall any bonds, notes, or
22 certificates issued by the Authority or any other obligation of
23 the Authority be or become an indebtedness or obligation of the
24 State or of any other political subdivision of or municipality
25 within the State, nor shall any bond, note, certificate, or

1 obligation be or become an indebtedness of the Authority within
2 the purview of any constitutional limitation or provision. It
3 shall be plainly stated on the face of each bond, note, and
4 certificate that it does not constitute an indebtedness or
5 obligation but is payable solely from the revenues or income of
6 the Authority.

7 Section 80. Severability. The provisions of this Act are
8 severable under Section 1.31 of the Statute on Statutes.

9 Section 90. The Toll Highway Act is amended by changing
10 Section 16.3 as follows:

11 (605 ILCS 10/16.3)

12 Sec. 16.3. Duties. Consistent with general law, the
13 Authority shall:

14 (a) set goals for the award of contracts to
15 disadvantaged businesses and attempt to meet the goals;

16 (b) attempt to identify disadvantaged businesses that
17 provide or have the potential to provide supplies,
18 materials, equipment, or services to the Authority;

19 (c) give disadvantaged businesses full access to the
20 Authority's contact bidding process, inform the businesses
21 about the process, offer the businesses assistance
22 concerning the process, and identify and take all
23 reasonable steps to remove barriers to the businesses'

1 participation in the process; ~~and~~

2 (d) provide support to the High-Speed Rail Authority as
3 set forth in Section 60 of the High-Speed Rail Authority
4 Act; and

5 (e) manage the procurement process for the High-Speed
6 Rail Authority as set forth in Section 60 of the High-Speed
7 Rail Authority Act.

8 (Source: P.A. 94-636, eff. 8-22-05.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."