



Sen. Dan Kotowski

Filed: 5/1/2012

09700HB4036sam001

LRB097 16965 KMW 69006 a

1 AMENDMENT TO HOUSE BILL 4036

2 AMENDMENT NO. _____. Amend House Bill 4036 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regional Transportation Authority Act is
5 amended by changing Sections 2.01a, 2.01b, 3A.09, 4.02, and
6 4.11 as follows:

7 (70 ILCS 3615/2.01a)

8 Sec. 2.01a. Strategic Plan.

9 (a) By the affirmative vote of at least 12 of its then
10 Directors, the Authority shall adopt a Strategic Plan, no less
11 than every 5 years, after consultation with the Service Boards
12 and after holding a minimum of 3 public hearings in Cook County
13 and one public hearing in each of the other counties in the
14 region. The Executive Director of the Authority shall review
15 the Strategic Plan on an ongoing basis and make recommendations
16 to the Board of the Authority with respect to any update or

1 amendment of the Strategic Plan. The Strategic Plan shall
2 describe the specific actions to be taken by the Authority and
3 the Service Boards to provide adequate, efficient, and
4 coordinated public transportation.

5 (b) The Strategic Plan shall identify goals and objectives
6 with respect to:

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

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

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

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

26 (v) access for transit-dependent populations,

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

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

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

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

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

23 (i) allocating funds among maintenance, enhancement,
24 and expansion improvements;

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

1 (iii) projects intended to improve or enhance
2 ridership or customer service;

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

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

8 (vi) other criteria that advance the goals and
9 objectives of the Strategic Plan.

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

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

19 (ii) ridership data;

20 (iii) equipment failure rates;

21 (iv) employee and customer safety; and

22 (v) customer satisfaction.

23 The Service Boards and transportation agencies that
24 receive funding from the Authority or Service Boards shall
25 prepare, publish, and submit to the Authority such reports with
26 regard to these standards and measurements in the frequency and

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

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

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

25 (g) In developing the Strategic Plan, the Authority shall
26 rely on such demographic and other data, forecasts, and

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

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

26 (i) If the Authority determines, by the affirmative vote of

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

20 (j) Nothing in this Section shall be construed to impose
21 any limitation on the Chicago Transit Authority's borrowing
22 authority pursuant to Section 12 of the Metropolitan Transit
23 Authority Act.

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

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

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

5 Nothing in this Section shall be construed to impose any
6 limitation on the Chicago Transit Authority's borrowing
7 authority pursuant to Section 12 of the Metropolitan Transit
8 Authority Act.

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

10 (70 ILCS 3615/3A.09) (from Ch. 111 2/3, par. 703A.09)

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

16 (a) to cooperate with the Regional Transportation
17 Authority in the exercise by the Regional Transportation
18 Authority of all the powers granted it by such Act;

19 (b) to receive funds from the Regional Transportation
20 Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and
21 4.10 of the Regional Transportation Authority Act, all as
22 provided in the Regional Transportation Authority Act;

23 (c) to receive financial grants from the Regional
24 Transportation Authority or a Service Board, as defined in
25 the Regional Transportation Authority Act, upon such terms

1 and conditions as shall be set forth in a grant contract
2 between either the Division and the Regional
3 Transportation Authority or the Division and another
4 Service Board, which contract or agreement may be for such
5 number of years or duration as the parties agree, all as
6 provided in the Regional Transportation Authority Act; ~~and~~

7 (d) to perform all functions necessary for the
8 provision of paratransit services under Section 2.30 of
9 this Act; and -

10 (e) to borrow money for the purposes of: (i)
11 constructing a new garage in the northwestern Cook County
12 suburbs at an estimated cost of \$60,000,000, (ii)
13 converting the South Cook garage in Markham to a Compressed
14 Natural Gas facility at an estimated cost of \$12,000,000,
15 (iii) constructing a new paratransit garage in DuPage
16 County at an estimated cost of \$25,000,000, and (iv)
17 expanding the North Shore garage in Evanston to accommodate
18 additional indoor bus parking at an estimated cost of
19 \$3,000,000. For the purpose of evidencing the obligation of
20 the Suburban Bus Board to repay any money borrowed as
21 provided in this subsection, the Suburban Bus Board may
22 issue revenue bonds from time to time pursuant to ordinance
23 adopted by the Suburban Bus Board; provided that the
24 Suburban Bus Board may not issue bonds for the purpose of
25 financing the acquisition, construction, or improvement of
26 any facility other than those listed in this subsection

1 (e). All such bonds shall be payable solely from the
2 revenues or income or any other funds that the Suburban Bus
3 Board may receive, provided that the Suburban Bus Board may
4 not pledge as security for such bonds the moneys, if any,
5 that the Suburban Bus Board receives from the Regional
6 Transportation Authority pursuant to Section 4.03.3(f) of
7 the Regional Transportation Authority Act. The bonds shall
8 bear interest at a rate not to exceed the maximum rate
9 authorized by the Bond Authorization Act and shall mature
10 at such time or times not exceeding 25 years from their
11 respective dates. Bonds issued pursuant to this paragraph
12 must be issued with scheduled principal or mandatory
13 redemption payments in equal amounts in each fiscal year
14 over the term of the bonds, with the first principal or
15 mandatory redemption payment scheduled within the fiscal
16 year in which bonds are issued or within the next
17 succeeding fiscal year. At least 25%, based on total
18 principal amount, of all bonds authorized pursuant to this
19 Section shall be sold pursuant to notice of sale and public
20 bid. No more than 75%, based on total principal amount, of
21 all bonds authorized pursuant to this Section shall be sold
22 by negotiated sale. The maximum principal amount of the
23 bonds that may be issued may not exceed \$100,000,000. The
24 bonds shall have all the qualities of negotiable
25 instruments under the laws of this State. To secure the
26 payment of any or all of such bonds and for the purpose of

1 setting forth the covenants and undertakings of the
2 Suburban Bus Board in connection with the issuance thereof
3 and the issuance of any additional bonds payable from such
4 revenue or income as well as the use and application of the
5 revenue or income received by the Suburban Bus Board, the
6 Suburban Bus Board may execute and deliver a trust
7 agreement or agreements; provided that no lien upon any
8 physical property of the Suburban Bus Board shall be
9 created thereby. A remedy for any breach or default of the
10 terms of any such trust agreement by the Suburban Bus Board
11 may be by mandamus proceedings in any court of competent
12 jurisdiction to compel performance and compliance
13 therewith, but the trust agreement may prescribe by whom or
14 on whose behalf such action may be instituted. Under no
15 circumstances shall any bonds issued by the Suburban Bus
16 Board or any other obligation of the Suburban Bus Board in
17 connection with the issuance of such bonds be or become an
18 indebtedness or obligation of the State of Illinois, the
19 Regional Transportation Authority, or any other political
20 subdivision of or municipality within the State, nor shall
21 any such bonds or obligations be or become an indebtedness
22 of the Suburban Bus Board within the purview of any
23 constitutional limitation or provision, and it shall be
24 plainly stated on the face of each bond that it does not
25 constitute such an indebtedness or obligation but is
26 payable solely from the revenues or income as aforesaid.

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

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

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

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

20 (b) The Authority shall be the primary public body in the
21 metropolitan region with authority to apply for and receive any
22 grants, loans or other funds relating to public transportation
23 programs from the State of Illinois or any department or agency
24 thereof, or from the federal government or any department or
25 agency thereof. Any unit of local government, Service Board or

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

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

21 (d) Nothing in this Section shall be construed to impose
22 any limitation on the Chicago Transit Authority's borrowing
23 authority pursuant to Section 12 of the Metropolitan Transit
24 Authority Act.

25 (Source: P.A. 94-839, eff. 6-6-06; 95-331, eff. 8-21-07;
26 95-708, eff. 1-18-08.)

1 (70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

2 Sec. 4.11. Budget Review Powers.

3 (a) Based upon estimates which shall be given to the
4 Authority by the Director of the Governor's Office of
5 Management and Budget (formerly Bureau of the Budget) of the
6 receipts to be received by the Authority from the taxes imposed
7 by the Authority and the authorized estimates of amounts to be
8 available from State and other sources to the Service Boards,
9 and the times at which such receipts and amounts will be
10 available, the Board shall, not later than the next preceding
11 September 15th prior to the beginning of the Authority's next
12 fiscal year, advise each Service Board of the amounts estimated
13 by the Board to be available for such Service Board during such
14 fiscal year and the two following fiscal years and the times at
15 which such amounts will be available. The Board shall, at the
16 same time, also advise each Service Board of its required
17 system generated revenues recovery ratio for the next fiscal
18 year which shall be the percentage of the aggregate costs of
19 providing public transportation by or under jurisdiction of
20 that Service Board which must be recovered from system
21 generated revenues. The Board shall, at the same time, consider
22 the written determination of the Executive Director, made
23 pursuant to Section 2.01d, of the costs of ADA paratransit
24 services that are required to be provided under the federal
25 Americans with Disabilities Act of 1990 and its implementing

1 regulations, and shall amend the current year budgets of the
2 Authority and the Service Boards to provide for additional
3 funding for the provision of ADA paratransit services, if
4 needed. The Board shall, at the same time, beginning with the
5 2007 fiscal year, also advise each Service Board that provides
6 ADA paratransit services of its required system generated ADA
7 paratransit services revenue recovery ratio for the next fiscal
8 year which shall be the percentage of the aggregate costs of
9 providing ADA paratransit services by or under jurisdiction of
10 that Service Board which must be recovered from fares charged
11 for such services, except that such required system generated
12 ADA paratransit services revenue recovery ratio shall not
13 exceed the minimum percentage established pursuant to Section
14 4.01(b)(ii) of this Act. In determining a Service Board's
15 system generated revenue recovery ratio, the Board shall
16 consider the historical system generated revenues recovery
17 ratio for the services subject to the jurisdiction of that
18 Service Board. The Board shall not increase a Service Board's
19 system generated revenues recovery ratio for the next fiscal
20 year over such ratio for the current fiscal year
21 disproportionately or prejudicially to increases in such
22 ratios for other Service Boards. The Board may, by ordinance,
23 provide that (i) the cost of research and development projects
24 in the fiscal year beginning January 1, 1986 and ending
25 December 31, 1986 conducted pursuant to Section 2.09 of this
26 Act, (ii) the costs for passenger security, and (iii)

1 expenditures of amounts granted to a Service Board from the
2 Innovation, Coordination, and Enhancement Fund for operating
3 purposes may be exempted from the farebox recovery ratio or the
4 system generated revenues recovery ratio of the Chicago Transit
5 Authority, the Suburban Bus Board, and the Commuter Rail Board,
6 or any of them. During fiscal years 2008 through 2012, the
7 Board may also allocate the exemption of \$200,000,000 and the
8 reducing amounts of costs provided by this amendatory Act of
9 the 95th General Assembly from the farebox recovery ratio or
10 system generated revenues recovery ratio of each Service Board.

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

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

26 (i) such budget and plan show a balance between (A)

1 anticipated revenues from all sources including operating
2 subsidies and (B) the costs of providing the services
3 specified and of funding any operating deficits or
4 encumbrances incurred in prior periods, including
5 provision for payment when due of principal and interest on
6 outstanding indebtedness;

7 (ii) such budget and plan show cash balances including
8 the proceeds of any anticipated cash flow borrowing
9 sufficient to pay with reasonable promptness all costs and
10 expenses as incurred;

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

19 (iv) such budget and plan are based upon and employ
20 assumptions and projections which are reasonable and
21 prudent;

22 (v) such budget and plan have been prepared in
23 accordance with sound financial practices as determined by
24 the Board;

25 (vi) such budget and plan meet such other financial,
26 budgetary, or fiscal requirements that the Board may by

1 rule or regulation establish; and

2 (vii) such budget and plan are consistent with the
3 goals and objectives adopted by the Authority in the
4 Strategic Plan.

5 (3) (Blank).

6 (4) Unless the Board by an affirmative vote of 12 of the
7 then Directors determines that the budget and financial plan of
8 a Service Board meets the criteria specified in clauses (i)
9 through (vii) of subparagraph (2) of this paragraph (b), the
10 Board shall withhold from that Service Board 25% of the cash
11 proceeds of taxes imposed by the Authority under Section 4.03
12 and Section 4.03.1 and received after February 1 and 25% of the
13 amounts transferred to the Authority from the Public
14 Transportation Fund under Section 4.09(a) (but not including
15 Section 4.09(a)(3)(iv)) after February 1 that the Board has
16 estimated to be available to that Service Board under Section
17 4.11(a). Such funding shall be released to the Service Board
18 only upon approval of a budget and financial plan under this
19 Section or adoption of a budget and financial plan on behalf of
20 the Service Board by the Authority.

21 (5) If the Board has not found that the budget and
22 financial plan of a Service Board meets the criteria specified
23 in clauses (i) through (vii) of subparagraph (2) of this
24 paragraph (b), the Board, by the affirmative vote of at least
25 12 of its then Directors, shall adopt a budget and financial
26 plan meeting such criteria for that Service Board.

1 (c) (1) If the Board shall at any time have received a
2 revised estimate, or revises any estimate the Board has made,
3 pursuant to this Section of the receipts to be collected by the
4 Authority which, in the judgment of the Board, requires a
5 change in the estimates on which the budget of any Service
6 Board is based, the Board shall advise the affected Service
7 Board of such revised estimates, and such Service Board shall
8 within 30 days after receipt of such advice submit a revised
9 budget incorporating such revised estimates. If the revised
10 estimates require, in the judgment of the Board, that the
11 system generated revenues recovery ratio of one or more Service
12 Boards be revised in order to allow the Authority to meet its
13 required ratio, the Board shall advise any such Service Board
14 of its revised ratio and such Service Board shall within 30
15 days after receipt of such advice submit a revised budget
16 incorporating such revised estimates or ratio.

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

1 Board submit a revised budget incorporating such results.

2 (3) If the Board shall determine that a revised budget
3 submitted by a Service Board pursuant to subparagraph (1) or
4 (2) of this paragraph (c) does not meet the criteria specified
5 in clauses (i) through (vii) of subparagraph (2) of paragraph
6 (b) of this Section, the Board shall withhold from that Service
7 Board 25% of the cash proceeds of taxes imposed by the
8 Authority under Section 4.03 or 4.03.1 and received by the
9 Authority after February 1 and 25% of the amounts transferred
10 to the Authority from the Public Transportation Fund under
11 Section 4.09(a) (but not including Section 4.09(a)(3)(iv))
12 after February 1 that the Board has estimated to be available
13 to that Service Board under Section 4.11(a). If the Service
14 Board submits a revised financial plan and budget which plan
15 and budget shows that the criteria will be met within a four
16 quarter period, the Board shall release any such withheld funds
17 to the Service Board. The Board by the affirmative vote of at
18 least 12 of its then Directors may require a Service Board to
19 submit a revised financial plan and budget which shows that the
20 criteria will be met in a time period less than four quarters.

21 (d) All budgets and financial plans, financial statements,
22 audits and other information presented to the Authority
23 pursuant to this Section or which may be required by the Board
24 to permit it to monitor compliance with the provisions of this
25 Section shall be prepared and presented in such manner and
26 frequency and in such detail as shall have been prescribed by

1 the Board, shall be prepared on both an accrual and cash flow
2 basis as specified by the Board, shall present such information
3 as the Authority shall prescribe that fairly presents the
4 condition of any pension plan or trust for health care benefits
5 with respect to retirees established by the Service Board and
6 describes the plans of the Service Board to meet the
7 requirements of Sections 4.02a and 4.02b, and shall identify
8 and describe the assumptions and projections employed in the
9 preparation thereof to the extent required by the Board. If the
10 Executive Director certifies that a Service Board has not
11 presented its budget and two-year financial plan in conformity
12 with the rules adopted by the Authority under the provisions of
13 Section 4.01(f) and this subsection (d), and such certification
14 is accepted by the affirmative vote of at least 12 of the then
15 Directors of the Authority, the Authority shall not distribute
16 to that Service Board any funds for operating purposes in
17 excess of the amounts distributed for such purposes to the
18 Service Board in the previous fiscal year. Except when the
19 Board adopts a budget and a financial plan for a Service Board
20 under paragraph (b) (5), a Service Board shall provide for such
21 levels of transportation services and fares or charges therefor
22 as it deems appropriate and necessary in the preparation of a
23 budget and financial plan meeting the criteria set forth in
24 clauses (i) through (vii) of subparagraph (2) of paragraph (b)
25 of this Section. The Authority shall have access to and the
26 right to examine and copy all books, documents, papers,

1 records, or other source data of a Service Board relevant to
2 any information submitted pursuant to this Section.

3 (e) Whenever this Section requires the Board to make
4 determinations with respect to estimates, budgets or financial
5 plans, or rules or regulations with respect thereto such
6 determinations shall be made upon the affirmative vote of at
7 least 12 of the then Directors and shall be incorporated in a
8 written report of the Board and such report shall be submitted
9 within 10 days after such determinations are made to the
10 Governor, the Mayor of Chicago (if such determinations relate
11 to the Chicago Transit Authority), and the Auditor General of
12 Illinois.

13 (f) Nothing in this Section shall be construed to impose
14 any limitation on the Chicago Transit Authority's borrowing
15 authority pursuant to Section 12 of the Metropolitan Transit
16 Authority Act.

17 (Source: P.A. 97-399, eff. 8-16-11.)".