



Sen. Susan Garrett

Filed: 2/22/2012

09700SB3214sam001

LRB097 13024 KMW 66303 a

1 AMENDMENT TO SENATE BILL 3214

2 AMENDMENT NO. _____. Amend Senate Bill 3214 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regional Transportation Authority Act is
5 amended by changing Section 2.20 as follows:

6 (70 ILCS 3615/2.20) (from Ch. 111 2/3, par. 702.20)

7 Sec. 2.20. General Powers.

8 (a) Except as otherwise limited by this Act, the Authority
9 shall also have all powers necessary to meet its
10 responsibilities and to carry out its purposes, including, but
11 not limited to, the following powers:

12 (i) To sue and be sued;

13 (ii) To invest any funds or any monies not required for
14 immediate use or disbursement, as provided in "An Act
15 relating to certain investments of public funds by public
16 agencies", approved July 23, 1943, as now or hereafter

1 amended;

2 (iii) To make, amend and repeal by-laws, rules and
3 regulations, and ordinances not inconsistent with this
4 Act;

5 (iv) To hold, sell, sell by installment contract, lease
6 as lessor, transfer or dispose of such real or personal
7 property as it deems appropriate in the exercise of its
8 powers or to provide for the use thereof by any
9 transportation agency and to mortgage, pledge or otherwise
10 grant security interests in any such property;

11 (v) To enter at reasonable times upon such lands,
12 waters or premises as in the judgment of the Authority may
13 be necessary, convenient or desirable for the purpose of
14 making surveys, soundings, borings and examinations to
15 accomplish any purpose authorized by this Act after having
16 given reasonable notice of such proposed entry to the
17 owners and occupants of such lands, waters or premises, the
18 Authority being liable only for actual damage caused by
19 such activity;

20 (vi) To make and execute all contracts and other
21 instruments necessary or convenient to the exercise of its
22 powers;

23 (vii) To enter into contracts of group insurance for
24 the benefit of its employees and to provide for retirement
25 or pensions or other employee benefit arrangements for such
26 employees, and to assume obligations for pensions or other

1 employee benefit arrangements for employees of
2 transportation agencies, all or part of the facilities of
3 which are acquired by the Authority;

4 (viii) To provide for the insurance of any property,
5 directors, officers, employees or operations of the
6 Authority against any risk or hazard, and to self-insure or
7 participate in joint self-insurance pools or entities to
8 insure against such risk or hazard;

9 (ix) To appear before the Illinois Commerce Commission
10 in all proceedings concerning the Authority, a Service
11 Board or any transportation agency; and

12 (x) To pass all ordinances and make all rules and
13 regulations proper or necessary to regulate the use,
14 operation and maintenance of its property and facilities
15 and, by ordinance, to prescribe fines or penalties for
16 violations thereof. No fine or penalty shall exceed \$1,000
17 per offense. Any ordinance providing for any fine or
18 penalty shall be published in a newspaper of general
19 circulation in the metropolitan region. No such ordinance
20 shall take effect until 10 days after its publication.

21 The Authority may enter into arbitration arrangements,
22 which may be final and binding.

23 The Commuter Rail Board shall continue the separate public
24 corporation, known as the Northeast Illinois Regional Commuter
25 Railroad Corporation, as a separate operating unit to operate
26 on behalf of the Commuter Rail Board commuter railroad

1 facilities, subject at all times to the supervision and
2 direction of the Commuter Rail Board and may, by ordinance,
3 dissolve such Corporation. Such Corporation shall be governed
4 by a Board of Directors which shall consist of the members of
5 the Transition Board until such time as all of the members of
6 the Commuter Rail Board are appointed and qualified and
7 thereafter the members of the Commuter Rail Board. Such
8 Corporation shall have all the powers given the Authority and
9 the Commuter Rail Board under Article II of this Act (other
10 than under Section 2.13) as are delegated to it by ordinance of
11 the Commuter Rail Board with regard to such operation of
12 facilities and the same exemptions, restrictions and
13 limitations as are provided by law with regard to the Authority
14 shall apply to such Corporation. Such Corporation shall be a
15 transportation agency as provided in this Act except for
16 purposes of paragraph (e) of Section 3.01 of this Act.

17 The Authority shall cooperate with the Illinois Commerce
18 Commission and local law enforcement agencies in establishing a
19 two year pilot program in DuPage County to determine the
20 effectiveness of an automated railroad grade crossing
21 enforcement system.

22 (b) In each case in which this Act gives the Authority the
23 power to construct or acquire real or personal property, the
24 Authority shall have the power to acquire such property by
25 contract, purchase, gift, grant, exchange for other property or
26 rights in property, lease (or sublease) or installment or

1 conditional purchase contracts, which leases or contracts may
2 provide for consideration therefor to be paid in annual
3 installments during a period not exceeding 40 years. Property
4 may be acquired subject to such conditions, restrictions,
5 liens, or security or other interests of other parties as the
6 Authority may deem appropriate, and in each case the Authority
7 may acquire a joint, leasehold, easement, license or other
8 partial interest in such property. Any such acquisition may
9 provide for the assumption of, or agreement to pay, perform or
10 discharge outstanding or continuing duties, obligations or
11 liabilities of the seller, lessor, donor or other transferor of
12 or of the trustee with regard to such property. In connection
13 with the acquisition of public transportation equipment,
14 including, but not limited to, rolling stock, vehicles,
15 locomotives, buses or rapid transit equipment, the Authority
16 may also execute agreements concerning such equipment leases,
17 equipment trust certificates, conditional purchase agreements
18 and such other security agreements and may make such agreements
19 and covenants as required, in the form customarily used in such
20 cases appropriate to effect such acquisition. Obligations of
21 the Authority incurred pursuant to this Section shall not be
22 considered bonds or notes within the meaning of Section 4.04 of
23 this Act.

24 (c) The Authority shall assume all costs of rights,
25 benefits and protective conditions to which any employee is
26 entitled under this Act from any transportation agency in the

1 event of the inability of the transportation agency to meet its
2 obligations in relation thereto due to bankruptcy or
3 insolvency, provided that the Authority shall retain the right
4 to proceed against the bankrupt or insolvent transportation
5 agency or its successors, trustees, assigns or debtors for the
6 costs assumed. The Authority may mitigate its liability under
7 this paragraph (c) and under Section 2.16 to the extent of
8 employment and employment benefits which it tenders.

9 (d) The Authority or a Service Board may, for the sole
10 purposes of protecting, managing, and insuring against the risk
11 associated with volatile fuel prices, enter into any option
12 contract, forward contract, futures contract, swap, cap, or
13 collar agreements with price floors or ceilings, or both, for
14 fuel risk management, but only to the extent determined by the
15 Board of Directors or the governing body of a Service Board to
16 be in the best interests of the Authority or Service Board.

17 (Source: P.A. 97-333, eff. 8-12-11.)".