



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2453

by Rep. Al Riley

SYNOPSIS AS INTRODUCED:

70 ILCS 3615/3B.10
70 ILCS 3615/5.01

from Ch. 111 2/3, par. 703B.10
from Ch. 111 2/3, par. 705.01

Amends the Regional Transportation Authority Act. Requires both the Mass Transit Committee in the House of Representatives and the Transportation Committee in the Senate to hold a public hearing regarding any increase in the revenue recovery ratio or any increase in fares or charges for public transportation. Provides notification requirements for both. Effective immediately.

LRB098 10097 OMW 40256 b

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 3B.10 and 5.01 as follows:

6 (70 ILCS 3615/3B.10) (from Ch. 111 2/3, par. 703B.10)

7 Sec. 3B.10. Budget and Program. The Commuter Rail Board,
8 subject to the powers of the Authority in Section 4.11, shall
9 control the finances of the Division. It shall by ordinance
10 appropriate money to perform the Division's purposes and
11 provide for payment of debts and expenses of the Division. Each
12 year the Commuter Rail Board shall prepare and publish a
13 comprehensive annual budget and proposed five-year capital
14 program document, and a financial plan for the two years
15 thereafter describing the state of the Division and presenting
16 for the forthcoming fiscal year and the two following years the
17 Commuter Rail Board's plans for such operations and capital
18 expenditures as the Commuter Rail Board intends to undertake
19 and the means by which it intends to finance them. The proposed
20 budget, financial plan, and five-year capital program shall be
21 based on the Authority's estimate of funds to be made available
22 to the Commuter Rail Board by or through the Authority and
23 shall conform in all respects to the requirements established

1 by the Authority. The proposed budget, financial plan, and
2 five-year capital program shall contain a statement of the
3 funds estimated to be on hand at the beginning of the fiscal
4 year, the funds estimated to be received from all sources for
5 such year and the funds estimated to be on hand at the end of
6 such year. The fiscal year of the Division shall be the same as
7 the fiscal year of the Authority.

8 Before the proposed budget, financial plan, and five-year
9 capital program are submitted to the Authority, the Commuter
10 Rail Board shall hold at least one public hearing thereon in
11 each of the counties in the metropolitan region in which the
12 Division provides service. The Commuter Rail Board shall hold
13 at least one meeting for consideration of the proposed budget,
14 financial plan, and five-year capital plan with the county
15 board of each of the several counties in the metropolitan
16 region in which the Division provides service. In addition,
17 both the Mass Transit Committee in the House of Representatives
18 and the Transportation Committee in the Senate shall hold a
19 public hearing regarding any increase in the revenue recovery
20 ratio. Notice of the public hearing shall be given at least 20
21 days prior to the hearings. Notice shall be given by public
22 advertisement in a newspaper of general circulation in the
23 metropolitan region, shall state the date, time, and place of
24 the hearings, and shall contain a description of the proposed
25 increase. The notice shall also specify how interested persons
26 may obtain copies of any reports, resolutions, or certificates

1 describing the basis upon which the increase was calculated.

2 After conducting such hearings and holding such meetings
3 and after making such changes in the proposed budget, financial
4 plan, and five-year capital plan as the Commuter Rail Board
5 deems appropriate, the board shall adopt its annual budget
6 ordinance at least by November 15 next preceding the beginning
7 of each fiscal year. The budget, financial plan, and five-year
8 capital program shall then be submitted to the Authority as
9 provided in Section 4.11. In the event that the Board of the
10 Authority determines that the budget and program, and financial
11 plan do not meet the standards of Section 4.11, the Commuter
12 Rail Board shall make such changes as are necessary to meet
13 such requirements and adopt an amended budget ordinance. The
14 amended budget ordinance shall be resubmitted to the Authority
15 pursuant to Section 4.11. The ordinance shall appropriate such
16 sums of money as are deemed necessary to defray all necessary
17 expenses and obligations of the Division, specifying purposes
18 and the objects or programs for which appropriations are made
19 and the amount appropriated for each object or program.
20 Additional appropriations, transfers between items and other
21 changes in such ordinance which do not alter the basis upon
22 which the balanced budget determination was made by the Board
23 of the Authority may be made from time to time by the Commuter
24 Rail Board.

25 The budget shall:

26 (i) show a balance between (A) anticipated revenues

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

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

9 (iii) provide for a level of fares or charges for the
10 public transportation provided by or subject to the
11 jurisdiction of such Commuter Rail Board sufficient to
12 allow the Commuter Rail Board to meet its required system
13 generated revenue recovery ratio;

14 (iv) be based upon and employ assumptions and
15 projections which the Board of the Authority finds to be
16 reasonable and prudent;

17 (v) have been prepared in accordance with sound
18 financial practices as determined by the Board of the
19 Authority;

20 (vi) meet such other uniform financial, budgetary, or
21 fiscal requirements that the Board of the Authority may by
22 rule or regulation establish; and

23 (vii) be consistent with the goals and objectives
24 adopted by the Regional Transportation Authority in the
25 Strategic Plan.

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

1 (70 ILCS 3615/5.01) (from Ch. 111 2/3, par. 705.01)

2 Sec. 5.01. Hearings and Citizen Participation.

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

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

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

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

23 (ii) the extension of, or major addition to services
24 provided by the Authority or by any transportation agency
25 pursuant to a purchase of service agreement with the

1 Authority.

2 (d) Unless such items are specifically provided for in the
3 annual budget and program which has been the subject of public
4 hearing, as provided in Section 4.01 of this Act, the Board
5 shall hold public hearings at which citizens may be heard prior
6 to the providing for or allowing, by means of any purchase of
7 service agreement or any grant pursuant to Section 2.02 of this
8 Act, or so providing for or allowing any discontinuance of any
9 public transportation route, or major portion thereof, which
10 has been in service for more than a year.

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

15 (e-5) With respect to any increase in fares or charges for
16 public transportation, whether by the Authority or by any
17 Service Board or transportation agency, a public hearing must
18 be held in each county in which the fare increase takes effect.
19 Notice of the public hearing shall be given at least 20 days
20 prior to the hearing and at least 30 days prior to the
21 effective date of any fare increase. Notice shall be given by
22 public advertisement in a newspaper of general circulation in
23 the metropolitan region and must also be sent to the Governor
24 and to each member of the General Assembly whose district
25 overlaps in whole or in part with the area in which the
26 increase takes effect. The notice must state the date, time,

1 and place of the hearing and must contain a description of the
2 proposed increase. The notice must also specify how interested
3 persons may obtain copies of any reports, resolutions, or
4 certificates describing the basis upon which the increase was
5 calculated.

6 In addition, both the Mass Transit Committee in the House
7 of Representatives and the Transportation Committee in the
8 Senate shall hold a public hearing regarding any increase in
9 fares or charges for public transportation. Notice of the
10 public hearing shall be given at least 20 days prior to the
11 hearings and at least 30 days prior to the effective date of
12 any fare increase. Notice shall be given by public
13 advertisement in a newspaper of general circulation in the
14 metropolitan region and shall also be sent to the Governor and
15 to each member of the General Assembly whose district overlaps
16 in whole or in part with the area in which the increase takes
17 effect. The notice shall state the date, time, and place of the
18 hearings and shall contain a description of the proposed
19 increase. The notice shall also specify how interested persons
20 may obtain copies of any reports, resolutions, or certificates
21 describing the basis upon which the increase was calculated.

22 (f) The Authority may designate one or more Directors or
23 may appoint one or more hearing officers to preside over any
24 hearing pursuant to this Act. The Authority shall have the
25 power in connection with any such hearing to issue subpoenas to
26 require the attendance of witnesses and the production of

1 documents, and the Authority may apply to any circuit court in
2 the State to require compliance with such subpoenas.

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

9 (Source: P.A. 95-708, eff. 1-18-08; 95-906, eff. 8-26-08.)

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