



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5414

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

See Index

Amends State Finance Act, the Downstate Public Transportation Act, the Illinois Pension Code, Metropolitan Transit Authority Act, the Illinois Municipal Code, the Regional Transportation Authority Act, and various other Acts to repeal the provisions of Public Act 95-708 by making changes concerning the governance, taxing authority, finances, and pension obligations of the Regional Transportation Authority and local mass transit districts.

LRB098 14649 HLH 49482 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 (30 ILCS 5/3-2.3 rep.)

5 Section 5. The Illinois State Auditing Act is amended by
6 repealing Section 3-2.3.

7 Section 10. The State Finance Act is amended by changing
8 Section 6z-17 as follows:

9 (30 ILCS 105/6z-17) (from Ch. 127, par. 142z-17)

10 Sec. 6z-17. Of the money paid into the State and Local
11 Sales Tax Reform Fund: (i) subject to appropriation to the
12 Department of Revenue, Municipalities having 1,000,000 or more
13 inhabitants shall receive 20% and may expend such amount to
14 fund and establish a program for developing and coordinating
15 public and private resources targeted to meet the affordable
16 housing needs of low-income and very low-income households
17 within such municipality, (ii) 10% shall be transferred into
18 the Regional Transportation Authority Occupation and Use Tax
19 Replacement Fund, a special fund in the State treasury which is
20 hereby created, (iii) ~~until July 1, 2013,~~ subject to
21 appropriation to the Department of Transportation, the
22 Metro-East ~~Madison County~~ Mass Transit District shall receive

~~.6%, and beginning on July 1, 2013, subject to appropriation to the Department of Revenue, 0.6% shall be distributed each month out of the Fund to the Madison County Mass Transit District,~~

(iv) the following amounts, plus any cumulative deficiency in such transfers for prior months, shall be transferred monthly into the Build Illinois Fund and credited to the Build Illinois Bond Account therein:

Fiscal Year	Amount
1990	\$2,700,000
1991	1,850,000
1992	2,750,000
1993	2,950,000

From Fiscal Year 1994 through Fiscal Year 2025 the transfer shall total \$3,150,000 monthly, plus any cumulative deficiency in such transfers for prior months, and (v) the remainder of the money paid into the State and Local Sales Tax Reform Fund shall be transferred into the Local Government Distributive Fund and, except for municipalities with 1,000,000 or more inhabitants which shall receive no portion of such remainder, shall be distributed, subject to appropriation, in the manner provided by Section 2 of "An Act in relation to State revenue sharing with local government entities", approved July 31, 1969, as now or hereafter amended. Municipalities with more than 50,000 inhabitants according to the 1980 U.S. Census and located within the Metro East Mass Transit District receiving funds pursuant to provision (v) of this paragraph may expend

1 such amounts to fund and establish a program for developing and
2 coordinating public and private resources targeted to meet the
3 affordable housing needs of low-income and very low-income
4 households within such municipality.

5 (Source: P.A. 98-44, eff. 6-28-13.)

6 (30 ILCS 105/5.708 rep.)

7 Section 15. The State Finance Act is amended by repealing
8 Section 5.708.

9 Section 20. The Downstate Public Transportation Act is
10 amended by changing Sections 2-2.04, 2-3, 2-6, 2-7, and 2-15 as
11 follows:

12 (30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

13 Sec. 2-2.04. "Eligible operating expenses" means all
14 expenses required for public transportation, including
15 employee wages and benefits, materials, fuels, supplies,
16 rental of facilities, taxes other than income taxes, payment
17 made for debt service (including principal and interest) on
18 publicly owned equipment or facilities, and any other
19 expenditure which is an operating expense according to standard
20 accounting practices for the providing of public
21 transportation. Eligible operating expenses shall not include
22 allowances: (a) for depreciation whether funded or unfunded;
23 (b) for amortization of any intangible costs; (c) for debt

1 service on capital acquired with the assistance of capital
2 grant funds provided by the State of Illinois; (d) for profits
3 or return on investment; (e) for excessive payment to
4 associated entities; (f) for Comprehensive Employment Training
5 Act expenses; (g) for costs reimbursed under Sections 6 and 8
6 of the "Urban Mass Transportation Act of 1964", as amended; (h)
7 for entertainment expenses; (i) for charter expenses; (j) for
8 fines and penalties; (k) for charitable donations; (l) for
9 interest expense on long term borrowing and debt retirement
10 other than on publicly owned equipment or facilities; (m) for
11 income taxes; or (n) for such other expenses as the Department
12 may determine consistent with federal Department of
13 Transportation regulations or requirements. ~~In consultation~~
14 ~~with participants, the Department shall, by October 2008,~~
15 ~~promulgate or update rules, pursuant to the Illinois~~
16 ~~Administrative Procedure Act, concerning eligible expenses to~~
17 ~~ensure consistent application of the Act, and the Department~~
18 ~~shall provide written copies of those rules to all eligible~~
19 ~~recipients. The Department shall review this process in the~~
20 ~~same manner no less frequently than every 5 years.~~

21 With respect to participants other than any Metro-East
22 Transit District participant and those receiving federal
23 research development and demonstration funds pursuant to
24 Section 6 of the "Urban Mass Transportation Act of 1964", as
25 amended, during the fiscal year ending June 30, 1979, the
26 maximum eligible operating expenses for any such participant in

1 any fiscal year after Fiscal Year 1980 shall be the amount
2 appropriated for such participant for the fiscal year ending
3 June 30, 1980, plus in each year a 10% increase over the
4 maximum established for the preceding fiscal year. For Fiscal
5 Year 1980 the maximum eligible operating expenses for any such
6 participant shall be the amount of projected operating expenses
7 upon which the appropriation for such participant for Fiscal
8 Year 1980 is based.

9 With respect to participants receiving federal research
10 development and demonstration operating assistance funds for
11 operating assistance pursuant to Section 6 of the "Urban Mass
12 Transportation Act of 1964", as amended, during the fiscal year
13 ending June 30, 1979, the maximum eligible operating expenses
14 for any such participant in any fiscal year after Fiscal Year
15 1980 shall not exceed such participant's eligible operating
16 expenses for the fiscal year ending June 30, 1980, plus in each
17 year a 10% increase over the maximum established for the
18 preceding fiscal year. For Fiscal Year 1980, the maximum
19 eligible operating expenses for any such participant shall be
20 the eligible operating expenses incurred during such fiscal
21 year, or projected operating expenses upon which the
22 appropriation for such participant for the Fiscal Year 1980 is
23 based; whichever is less.

24 With respect to all participants other than any Metro-East
25 Transit District participant, the maximum eligible operating
26 expenses for any such participant in any fiscal year after

1 Fiscal Year 1985 ~~(except Fiscal Year 2008 and Fiscal Year 2009)~~
2 shall be the amount appropriated for such participant for the
3 fiscal year ending June 30, 1985, plus in each year a 10%
4 increase over the maximum established for the preceding year.
5 For Fiscal Year 1985, the maximum eligible operating expenses
6 for any such participant shall be the amount of projected
7 operating expenses upon which the appropriation for such
8 participant for Fiscal Year 1985 is based.

9 With respect to any mass transit district participant that
10 has increased its district boundaries by annexing counties
11 since 1998 and is maintaining a level of local financial
12 support, including all income and revenues, equal to or greater
13 than the level in the State fiscal year ending June 30, 2001,
14 the maximum eligible operating expenses for any State fiscal
15 year after 2002 (except State fiscal year ~~years~~ 2006 ~~through~~
16 ~~2009~~) shall be the amount appropriated for that participant for
17 the State fiscal year ending June 30, 2002, plus, in each State
18 fiscal year, a 10% increase over the preceding State fiscal
19 year. For State fiscal year 2002, the maximum eligible
20 operating expenses for any such participant shall be the amount
21 of projected operating expenses upon which the appropriation
22 for that participant for State fiscal year 2002 is based. For
23 that participant, eligible operating expenses for State fiscal
24 year 2002 in excess of the eligible operating expenses for the
25 State fiscal year ending June 30, 2001, plus 10%, must be
26 attributed to the provision of services in the newly annexed

1 counties.

2 With respect to a participant that receives an initial
3 appropriation in State fiscal year 2002 or thereafter, the
4 maximum eligible operating expenses for any State fiscal year
5 after 2003 (except State fiscal year ~~years~~ 2006 ~~through 2009~~)
6 shall be the amount appropriated for that participant for the
7 State fiscal year in which it received its initial
8 appropriation, plus, in each year, a 10% increase over the
9 preceding year. For the initial State fiscal year in which a
10 participant received an appropriation, the maximum eligible
11 operating expenses for any such participant shall be the amount
12 of projected operating expenses upon which the appropriation
13 for that participant for that State fiscal year is based.

14 With respect to the District serving primarily the counties
15 of Monroe and St. Clair, beginning July 1, 2005, the St. Clair
16 County Transit District shall no longer be included for new
17 appropriation funding purposes as part of the Metro-East Public
18 Transportation Fund and instead shall be included for new
19 appropriation funding purposes as part of the Downstate Public
20 Transportation Fund; provided, however, that nothing herein
21 shall alter the eligibility of that District for previously
22 appropriated funds to which it would otherwise be entitled.

23 ~~With respect to the District serving primarily Madison~~
24 ~~County, beginning July 1, 2008, the Madison County Transit~~
25 ~~District shall no longer be included for new appropriation~~
26 ~~funding purposes as part of the Metro East Public~~

1 ~~Transportation Fund and instead shall be included for new~~
2 ~~appropriation funding purposes as part of the Downstate Public~~
3 ~~Transportation Fund; provided, however, that nothing herein~~
4 ~~shall alter the eligibility of that District for previously~~
5 ~~appropriated funds to which it would otherwise be entitled.~~

6 ~~With respect to the fiscal year beginning July 1, 2007, and~~
7 ~~thereafter, the following shall be included for new~~
8 ~~appropriation funding purposes as part of the Downstate Public~~
9 ~~Transportation Fund: Bond County; Bureau County; Coles County;~~
10 ~~Edgar County; Stephenson County and the City of Freeport; Henry~~
11 ~~County; Jo Daviess County; Kankakee and McLean Counties; Peoria~~
12 ~~County; Piatt County; Shelby County; Tazewell and Woodford~~
13 ~~Counties; Vermilion County; Williamson County; and Kendall~~
14 ~~County.~~

15 (Source: P.A. 94-70, eff. 6-22-05; 95-708, eff. 1-18-08.)

16 (30 ILCS 740/2-3) (from Ch. 111 2/3, par. 663)

17 Sec. 2-3. (a) As soon as possible after the first day of
18 each month, beginning July 1, 1984, upon certification of the
19 Department of Revenue, the Comptroller shall order
20 transferred, and the Treasurer shall transfer, from the General
21 Revenue Fund to a special fund in the State Treasury which is
22 hereby created, to be known as the "Downstate Public
23 Transportation Fund", an amount equal to 2/32 (beginning July
24 1, 2005, 3/32) of the net revenue realized from the "Retailers'
25 Occupation Tax Act", as now or hereafter amended, the "Service

1 Occupation Tax Act", as now or hereafter amended, the "Use Tax
2 Act", as now or hereafter amended, and the "Service Use Tax
3 Act", as now or hereafter amended, from persons incurring
4 municipal or county retailers' or service occupation tax
5 liability for the benefit of any municipality or county located
6 wholly within the boundaries of each participant other than any
7 Metro-East Transit District participant certified pursuant to
8 subsection (c) of this Section during the preceding month,
9 except that the Department shall pay into the Downstate Public
10 Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80%
11 of the net revenue realized under the State tax Acts named
12 above within any municipality or county located wholly within
13 the boundaries of each participant, other than any Metro-East
14 participant, for tax periods beginning on or after January 1,
15 1990; provided, however, that beginning with fiscal year 1985
16 through fiscal year 2008, and beginning again in fiscal year
17 2015, the transfers into the Downstate Public Transportation
18 Fund during any fiscal year shall not exceed the annual
19 appropriation from the Downstate Public Transportation Fund
20 for that year. The Department of Transportation shall notify
21 the Department of Revenue and the Comptroller at the beginning
22 of each fiscal year of the amount of the annual appropriation
23 from the Downstate Public Transportation Fund. Net revenue
24 realized for a month shall be the revenue collected by the
25 State pursuant to such Acts during the previous month from
26 persons incurring municipal or county retailers' or service

1 occupation tax liability for the benefit of any municipality or
2 county located wholly within the boundaries of a participant,
3 less the amount paid out during that same month as refunds or
4 credit memoranda to taxpayers for overpayment of liability
5 under such Acts for the benefit of any municipality or county
6 located wholly within the boundaries of a participant.

7 (b) As soon as possible after the first day of each month,
8 beginning July 1, 1989, upon certification of the Department of
9 Revenue, the Comptroller shall order transferred, and the
10 Treasurer shall transfer, from the General Revenue Fund to a
11 special fund in the State Treasury which is hereby created, to
12 be known as the "Metro-East Public Transportation Fund", an
13 amount equal to $2/32$ of the net revenue realized, as above,
14 from within the boundaries of Madison, Monroe, and St. Clair
15 Counties, except that the Department shall pay into the
16 Metro-East Public Transportation Fund $2/32$ of 80% of the net
17 revenue realized under the State tax Acts specified in
18 subsection (a) of this Section within the boundaries of
19 Madison, Monroe and St. Clair Counties for tax periods
20 beginning on or after January 1, 1990. A local match equivalent
21 to an amount which could be raised by a tax levy at the rate of
22 .05% on the assessed value of property within the boundaries of
23 Madison County is required annually to cause a total of $2/32$ of
24 the net revenue to be deposited in the Metro-East Public
25 Transportation Fund. Failure to raise the required local match
26 annually shall result in only $1/32$ being deposited into the

1 Metro-East Public Transportation Fund after July 1, 1989, or
2 1/32 of 80% of the net revenue realized for tax periods
3 beginning on or after January 1, 1990.

4 (b-5) As soon as possible after the first day of each
5 month, beginning July 1, 2005, upon certification of the
6 Department of Revenue, the Comptroller shall order
7 transferred, and the Treasurer shall transfer, from the General
8 Revenue Fund to the Downstate Public Transportation Fund, an
9 amount equal to 3/32 of 80% of the net revenue realized from
10 within the boundaries of Monroe and St. Clair Counties under
11 the State Tax Acts specified in subsection (a) of this Section
12 and provided further that, beginning July 1, 2005, the
13 provisions of subsection (b) shall no longer apply with respect
14 to such tax receipts from Monroe and St. Clair Counties.

15 (b-6) (Blank). ~~As soon as possible after the first day of~~
16 ~~each month, beginning July 1, 2008, upon certification by the~~
17 ~~Department of Revenue, the Comptroller shall order transferred~~
18 ~~and the Treasurer shall transfer, from the General Revenue Fund~~
19 ~~to the Downstate Public Transportation Fund, an amount equal to~~
20 ~~3/32 of 80% of the net revenue realized from within the~~
21 ~~boundaries of Madison County under the State Tax Acts specified~~
22 ~~in subsection (a) of this Section and provided further that,~~
23 ~~beginning July 1, 2008, the provisions of subsection (b) shall~~
24 ~~no longer apply with respect to such tax receipts from Madison~~
25 ~~County.~~

26 (c) The Department shall certify to the Department of

1 Revenue the eligible participants under this Article and the
2 territorial boundaries of such participants for the purposes of
3 the Department of Revenue in subsections (a) and (b) of this
4 Section.

5 (d) For the purposes of this Article the Department shall
6 include in its annual request for appropriation of ordinary and
7 contingent expenses, ~~beginning in fiscal year 2009 the General~~
8 ~~Assembly shall appropriate~~ an amount ~~from the Downstate Public~~
9 ~~Transportation Fund~~ equal to the sum total funds projected to
10 be paid to the participants pursuant to Section 2-7. ~~If the~~
11 ~~General Assembly fails to make appropriations sufficient to~~
12 ~~cover the amounts projected to be paid pursuant to Section 2-7,~~
13 ~~this Act shall constitute an irrevocable and continuing~~
14 ~~appropriation from the Downstate Public Transportation Fund of~~
15 ~~all amounts necessary for those purposes.~~

16 (e) Notwithstanding anything in this Section to the
17 contrary, amounts transferred from the General Revenue Fund to
18 the Downstate Public Transportation Fund pursuant to this
19 Section shall not exceed \$169,000,000 in State fiscal year
20 2012.

21 (f) In addition to any other permitted use of moneys in the
22 Fund, and notwithstanding any restriction on the use of the
23 Fund, moneys in the Downstate Public Transportation Fund may be
24 transferred to the General Revenue Fund as authorized by Public
25 Act 87-14. The General Assembly finds that an excess of moneys
26 existed in the Fund on July 30, 1991, and the Governor's order

1 of July 30, 1991, and the Governor's order of July 30, 1991,
2 requesting the Comptroller and Treasurer to transfer an amount
3 from the Fund to the General Revenue Fund is hereby validated.

4 (Source: P.A. 97-641, eff. 12-19-11.)

5 (30 ILCS 740/2-6) (from Ch. 111 2/3, par. 666)

6 Sec. 2-6. Allocation of funds.

7 (a) With respect to all participants other than any
8 Metro-East Transit District participant, the Department shall
9 allocate the funds to be made available to each participant
10 under this Article for the following fiscal year and shall
11 notify the chief official of each participant not later than
12 the first day of the fiscal year of this amount. For Fiscal
13 Year 1975, notification shall be made not later than January 1,
14 1975, of the amount of such allocation. In determining the
15 allocation for each participant, the Department shall estimate
16 the funds available to the participant from the Downstate
17 Public Transportation Fund for the purposes of this Article
18 during the succeeding fiscal year, and shall allocate to each
19 participant the amount attributable to it which shall be the
20 amount paid into the Downstate Public Transportation Fund under
21 Section 2-3 from within its boundaries. Said allocations may be
22 exceeded for participants receiving assistance equal to
23 one-third of their eligible operating expenses, only if an
24 allocation is less than one-third of such participant's
25 eligible operating expenses, provided, however, that no other

1 participant is denied its one-third of eligible operating
2 expenses. Beginning in Fiscal Year 1997, said allocation may be
3 exceeded for participants receiving assistance equal to the
4 percentage of their eligible operating expenses provided for in
5 paragraph (b) of Section 2-7, only if allocation is less than
6 the percentage of such participant's eligible operating
7 expenses provided for in paragraph (b) of Section 2-7, provided
8 however, that no other participant is denied its percentage of
9 eligible operating expenses.

10 (b) With regard to any Metro-East Transit District
11 organized under the Local Mass Transit District Act and serving
12 one or more of the Counties of Madison, Monroe and St. Clair
13 during Fiscal Year 1989, the Department shall allocate the
14 funds to be made available to each participant for the
15 following and succeeding fiscal years and shall notify the
16 chief official of each participant not later than the first day
17 of the fiscal year of this amount. Beginning July 1, 2005, and
18 ending June 30, 2008, and beginning again on the effective date
19 of this amendatory Act of the 98th General Assembly, the
20 Department shall allocate the amount paid into the Metro-East
21 Public Transportation Fund to the District serving primarily
22 the County of Madison.

23 (Source: P.A. 94-70, eff. 6-22-05; 95-708, eff. 1-18-08.)

24 (30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

25 Sec. 2-7. Quarterly reports; annual audit.

1 (a) Any Metro-East Transit District participant shall, no
2 later than 60 days following the end of each quarter of any
3 fiscal year, file with the Department on forms provided by the
4 Department for that purpose, a report of the actual operating
5 deficit experienced during that quarter. The Department shall,
6 upon receipt of the quarterly report, determine whether the
7 operating deficits were incurred in conformity with the program
8 of proposed expenditures approved by the Department pursuant to
9 Section 2-11. Any Metro-East District may either monthly or
10 quarterly for any fiscal year file a request for the
11 participant's eligible share, as allocated in accordance with
12 Section 2-6, of the amounts transferred into the Metro-East
13 Public Transportation Fund.

14 (b) Each participant other than any Metro-East Transit
15 District participant shall, 30 days before the end of each
16 quarter, file with the Department on forms provided by the
17 Department for such purposes a report of the projected eligible
18 operating expenses to be incurred in the next quarter and 30
19 days before the third and fourth quarters of any fiscal year a
20 statement of actual eligible operating expenses incurred in the
21 preceding quarters. Except as otherwise provided in subsection
22 (b-5), within 45 days of receipt by the Department of such
23 quarterly report, the Comptroller shall order paid and the
24 Treasurer shall pay from the Downstate Public Transportation
25 Fund to each participant an amount equal to one-third of such
26 participant's eligible operating expenses; provided, however,

1 that in Fiscal Year 1997, the amount paid to each participant
2 from the Downstate Public Transportation Fund shall be an
3 amount equal to 47% of such participant's eligible operating
4 expenses and shall be increased to 49% in Fiscal Year 1998, 51%
5 in Fiscal Year 1999, 53% in Fiscal Year 2000, 55% in Fiscal
6 Years 2001 through 2007, and 65% in Fiscal Years ~~Year~~ 2008
7 through 2014 and 55% in Fiscal Year 2015 and thereafter;
8 however, in any year that a participant receives funding under
9 subsection (i) of Section 2705-305 of the Department of
10 Transportation Law (20 ILCS 2705/2705-305), that participant
11 shall be eligible only for assistance equal to the following
12 percentage of its eligible operating expenses: 42% in Fiscal
13 Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year 1999,
14 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and
15 thereafter. Any such payment for the third and fourth quarters
16 of any fiscal year shall be adjusted to reflect actual eligible
17 operating expenses for preceding quarters of such fiscal year.
18 However, no participant shall receive an amount less than that
19 which was received in the immediate prior year, provided in the
20 event of a shortfall in the fund those participants receiving
21 less than their full allocation pursuant to Section 2-6 of this
22 Article shall be the first participants to receive an amount
23 not less than that received in the immediate prior year.

24 (b-5) With respect to the District serving primarily the
25 counties of Monroe and St. Clair, beginning July 1, 2005 and
26 until January 18, 2008 (the effective date of Public Act

1 95-708), and beginning again in Fiscal Year 2015 and each
2 fiscal year thereafter, the District may, as an alternative to
3 the provisions of subsection (b) of Section 2-7, file a request
4 with the Department for a monthly payment of 1/12 of the amount
5 appropriated to the District for that fiscal year; except that,
6 for the final month of the fiscal year, the District's request
7 shall be in an amount such that the total payments made to the
8 District in that fiscal year do not exceed the lesser of (i)
9 55% of the District's eligible operating expenses for that
10 fiscal year or (ii) the total amount appropriated to the
11 District for that fiscal year. (Blank.)

12 (b-10) (Blank). ~~On July 1, 2008, each participant shall~~
13 ~~receive an appropriation in an amount equal to 65% of its~~
14 ~~fiscal year 2008 eligible operating expenses adjusted by the~~
15 ~~annual 10% increase required by Section 2-2.04 of this Act. In~~
16 ~~no case shall any participant receive an appropriation that is~~
17 ~~less than its fiscal year 2008 appropriation. Every fiscal year~~
18 ~~thereafter, each participant's appropriation shall increase by~~
19 ~~10% over the appropriation established for the preceding fiscal~~
20 ~~year as required by Section 2-2.04 of this Act.~~

21 (b-15) (Blank). ~~Beginning on July 1, 2007, and for each~~
22 ~~fiscal year thereafter, each participant shall maintain a~~
23 ~~minimum local share contribution (from farebox and all other~~
24 ~~local revenues) equal to the actual amount provided in Fiscal~~
25 ~~Year 2006 or, for new recipients, an amount equivalent to the~~
26 ~~local share provided in the first year of participation. The~~

1 ~~local share contribution shall be reduced by an amount equal to~~
2 ~~the total amount of lost revenue for services provided under~~
3 ~~Section 2-15.2 and Section 2-15.3 of this Act.~~

4 (b-20) (Blank). ~~Any participant in the Downstate Public~~
5 ~~Transportation Fund may use State operating assistance~~
6 ~~pursuant to this Section to provide transportation services~~
7 ~~within any county that is contiguous to its territorial~~
8 ~~boundaries as defined by the Department and subject to~~
9 ~~Departmental approval. Any such contiguous area service~~
10 ~~provided by a participant after July 1, 2007 must meet the~~
11 ~~requirements of subsection (a) of Section 2-5.1.~~

12 (c) No later than 180 days following the last day of the
13 Fiscal Year each participant shall provide the Department with
14 an audit prepared by a Certified Public Accountant covering
15 that Fiscal Year. For those participants other than a
16 Metro-East Transit District, any discrepancy between the
17 grants paid and the percentage of the eligible operating
18 expenses provided for by paragraph (b) of this Section shall be
19 reconciled by appropriate payment or credit. In the case of any
20 Metro-East Transit District, any amount of payments from the
21 Metro-East Public Transportation Fund which exceed the
22 eligible deficit of the participant shall be reconciled by
23 appropriate payment or credit.

24 (Source: P.A. 94-70, eff. 6-22-05; 95-708, eff. 1-18-08;
25 95-906, eff. 8-26-08.)

1 (30 ILCS 740/2-15) (from Ch. 111 2/3, par. 675.1)

2 Sec. 2-15. Residual fund balance.

3 (a) Except as otherwise provided in this Section, all funds
4 which remain in the Downstate Public Transportation Fund or the
5 Metro-East Public Transportation Fund after the payment of the
6 fourth quarterly payment to participants other than Metro-East
7 Transit District participants and the last monthly payment to
8 Metro-East Transit participants in each fiscal year shall be
9 transferred ~~(i) to the General Revenue Fund through fiscal year~~
10 ~~2008 and (ii) to the Downstate Transit Improvement Fund for~~
11 ~~fiscal year 2009 and each fiscal year thereafter. Transfers~~
12 ~~shall be made~~ no later than 90 days following the end of such
13 fiscal year. ~~Beginning fiscal year 2010, all moneys each year~~
14 ~~in the Downstate Transit Improvement Fund, held solely for the~~
15 ~~benefit of the participants in the Downstate Public~~
16 ~~Transportation Fund and shall be appropriated to the Department~~
17 ~~to make competitive capital grants to the participants of the~~
18 ~~respective funds.~~ However, such amount as the Department
19 determines to be necessary for (1) allocation to participants
20 for the purposes of Section 2-7 for the first quarter of the
21 succeeding fiscal year and (2) an amount equal to 2% of the
22 total allocations to participants in the fiscal year just ended
23 to be used for the purpose of audit adjustments shall be
24 retained in such Funds to be used by the Department for such
25 purposes.

26 (b) Notwithstanding any other provision of law, in addition

1 to any other transfers that may be provided by law, on July 1,
2 2011, or as soon thereafter as practical, the State Comptroller
3 shall direct and the State Treasurer shall transfer the
4 remaining balance from the Metro East Public Transportation
5 Fund into the General Revenue Fund. Upon completion of the
6 transfers, the Metro East Public Transportation Fund is
7 dissolved, and any future deposits due to that Fund and any
8 outstanding obligations or liabilities of that Fund pass to the
9 General Revenue Fund.

10 (Source: P.A. 97-72, eff. 7-1-11.)

11 (30 ILCS 740/2-15.2 rep.)

12 Section 25. The Downstate Public Transportation Act is
13 amended by repealing Section 2-15.2.

14 Section 30. The Illinois Pension Code is amended by
15 changing Section 22-101 as follows:

16 (40 ILCS 5/22-101) (from Ch. 108 1/2, par. 22-101)

17 Sec. 22-101. Metropolitan Transit Authority (CTA) Pension
18 Fund Retirement Plan for Chicago Transit Authority Employees.

19 (a) There shall be established and maintained by the
20 Authority created by the "Metropolitan Transit Authority Act",
21 approved April 12, 1945, as amended, ~~(referred to in this~~
22 ~~Section as the "Authority")~~ a financially sound pension and
23 retirement system adequate to provide for all payments when due

1 under such established system or as modified from time to time
2 by ordinance of the Chicago Transit Board ~~or collective~~
3 ~~bargaining agreement~~. For this purpose, the Board must make
4 contributions to the established system as required under this
5 Section and may make any additional contributions provided for
6 by Board ordinance or collective bargaining agreement. The
7 participating employees shall make such periodic payments to
8 the established system as may be determined ~~required under this~~
9 ~~Section and may make any additional contributions provided for~~
10 by Board ordinance or collective bargaining agreement. The
11 Board, in lieu of social security payments required to be paid
12 by private corporations engaged in similar activity, shall make
13 payments into such established system at least equal in amount
14 to the amount so required to be paid by such private
15 corporations.

16 Provisions shall be made by the Board for all Board
17 members, officers, except those officers who first become
18 members on or after January 1, 2012, and employees of the
19 Authority appointed pursuant to the "Metropolitan Transit
20 Authority Act" to become, subject to reasonable rules and
21 regulations, members or beneficiaries ~~participants~~ of the
22 pension or retirement system with uniform rights, privileges,
23 obligations and status as to the class in which such officers
24 and employees belong. The terms, conditions and provisions of
25 any pension or retirement system or of any amendment or
26 modification thereof affecting employees who are members of any

1 labor organization may be established, amended or modified by
2 agreement with such labor organization, but must be consistent
3 with the requirements of this Section ~~provided the terms,~~
4 ~~conditions and provisions must be consistent with this Act, the~~
5 ~~annual funding levels for the retirement system established by~~
6 ~~law must be met and the benefits paid to future participants in~~
7 ~~the system may not exceed the benefit ceilings set for future~~
8 ~~participants under this Act and the contribution levels~~
9 ~~required by the Authority and its employees may not be less~~
10 ~~than the contribution levels established under this Act.~~

11 (a-5) Beginning July 1, 2015, the Authority shall make
12 contributions to the retirement system in an amount which,
13 together with the contributions of participants, interest
14 earned on investments, and other income, will meet the cost of
15 maintaining and administering the retirement plan in
16 accordance with applicable actuarial recommendations and
17 assumptions and the requirements of this Section. These
18 contributions may be paid on a payroll or other periodic basis,
19 but shall in any case be paid at least monthly.

20 For retirement system fiscal years 2015 through 2058, the
21 minimum contribution to the retirement system to be made by the
22 Authority for each fiscal year shall be an amount determined
23 jointly by the Authority and the trustee of the retirement
24 system to be sufficient to bring the total assets of the
25 retirement system up to 90% of its total actuarial liabilities
26 by the end of fiscal year 2058. In making these determinations,

1 the required Authority contribution shall be calculated each
2 year as a level percentage of payroll over the years remaining
3 to and including fiscal year 2058 and shall be determined under
4 the projected unit credit actuarial cost method. Beginning in
5 retirement system fiscal year 2059, the minimum Authority
6 contribution for each fiscal year shall be the amount needed to
7 maintain the total assets of the retirement system at 90% of
8 the total actuarial liabilities of the system.

9 For purposes of determining employer contributions and
10 actuarial liabilities under this subsection, contributions and
11 liabilities relating to health care benefits shall not be
12 included. As used in this Section, "retirement system fiscal
13 year" means the calendar year, or such other plan year as may
14 be defined from time to time in the agreement known as the
15 Retirement Plan for Chicago Transit Authority Employees, or its
16 successor agreement.

17 (a-10) The Authority and the trustee shall jointly certify
18 to the Governor, the General Assembly, and the Board of the
19 Regional Transportation Authority on or before November 15 each
20 year the amount of the required Authority contributions to the
21 retirement system for the next retirement system fiscal year
22 under subsection (b). The certification shall include a copy of
23 the actuarial recommendations upon which it is based. In
24 addition, copies of the certification shall be sent to the
25 Commission on Government Forecasting and Accountability, the
26 Mayor of Chicago, the Chicago City Council, and the Cook County

1 Board.

2 (a-15) The Authority shall take all actions lawfully
3 available to it to separate the funding of health care benefits
4 for retirees and their dependents and survivors from the
5 funding for its retirement system. The Authority shall endeavor
6 to achieve this separation as soon as possible, and in any
7 event no later than July 1, 2015.

8 (a-20) This amendatory Act of the 98th General Assembly
9 does not affect or impair the right of either the Authority or
10 its employees to collectively bargain the amount or level of
11 employee contributions to the retirement system.

12 ~~(b) (Blank). The Board of Trustees shall consist of 11~~
13 ~~members appointed as follows: (i) 5 trustees shall be appointed~~
14 ~~by the Chicago Transit Board; (ii) 3 trustees shall be~~
15 ~~appointed by an organization representing the highest number of~~
16 ~~Chicago Transit Authority participants; (iii) one trustee~~
17 ~~shall be appointed by an organization representing the~~
18 ~~second highest number of Chicago Transit Authority~~
19 ~~participants; (iv) one trustee shall be appointed by the~~
20 ~~recognized coalition representatives of participants who are~~
21 ~~not represented by an organization with the highest or~~
22 ~~second highest number of Chicago Transit Authority~~
23 ~~participants; and (v) one trustee shall be selected by the~~
24 ~~Regional Transportation Authority Board of Directors, and the~~
25 ~~trustee shall be a professional fiduciary who has experience in~~
26 ~~the area of collectively bargained pension plans. Trustees~~

1 ~~shall serve until a successor has been appointed and qualified,~~
2 ~~or until resignation, death, incapacity, or disqualification.~~

3 ~~Any person appointed as a trustee of the board shall~~
4 ~~qualify by taking an oath of office that he or she will~~
5 ~~diligently and honestly administer the affairs of the system~~
6 ~~and will not knowingly violate or willfully permit the~~
7 ~~violation of any of the provisions of law applicable to the~~
8 ~~Plan, including Sections 1 109, 1 109.1, 1 109.2, 1 110,~~
9 ~~1 111, 1 114, and 1 115 of the Illinois Pension Code.~~

10 ~~Each trustee shall cast individual votes, and a majority~~
11 ~~vote shall be final and binding upon all interested parties,~~
12 ~~provided that the Board of Trustees may require a supermajority~~
13 ~~vote with respect to the investment of the assets of the~~
14 ~~Retirement Plan, and may set forth that requirement in the~~
15 ~~Retirement Plan documents, by laws, or rules of the Board of~~
16 ~~Trustees. Each trustee shall have the rights, privileges,~~
17 ~~authority, and obligations as are usual and customary for such~~
18 ~~fiduciaries.~~

19 ~~The Board of Trustees may cause amounts on deposit in the~~
20 ~~Retirement Plan to be invested in those investments that are~~
21 ~~permitted investments for the investment of moneys held under~~
22 ~~any one or more of the pension or retirement systems of the~~
23 ~~State, any unit of local government or school district, or any~~
24 ~~agency or instrumentality thereof. The Board, by a vote of at~~
25 ~~least two-thirds of the trustees, may transfer investment~~
26 ~~management to the Illinois State Board of Investment, which is~~

1 ~~hereby authorized to manage these investments when so requested~~
2 ~~by the Board of Trustees.~~

3 Notwithstanding any other provision of this Article or any
4 law to the contrary, any person who first becomes a member of
5 the Chicago Transit Board on or after January 1, 2012 shall not
6 be eligible to participate in this Retirement Plan.

7 (c) (Blank). ~~All individuals who were previously~~
8 ~~participants in the Retirement Plan for Chicago Transit~~
9 ~~Authority Employees shall remain participants, and shall~~
10 ~~receive the same benefits established by the Retirement Plan~~
11 ~~for Chicago Transit Authority Employees, except as provided in~~
12 ~~this amendatory Act or by subsequent legislative enactment or~~
13 ~~amendment to the Retirement Plan. For Authority employees hired~~
14 ~~on or after the effective date of this amendatory Act of the~~
15 ~~95th General Assembly, the Retirement Plan for Chicago Transit~~
16 ~~Authority Employees shall be the exclusive retirement plan and~~
17 ~~such employees shall not be eligible for any supplemental plan,~~
18 ~~except for a deferred compensation plan funded only by employee~~
19 ~~contributions.~~

20 ~~For all Authority employees who are first hired on or after~~
21 ~~the effective date of this amendatory Act of the 95th General~~
22 ~~Assembly and are participants in the Retirement Plan for~~
23 ~~Chicago Transit Authority Employees, the following terms,~~
24 ~~conditions and provisions with respect to retirement shall be~~
25 ~~applicable:~~

26 ~~(1) Such participant shall be eligible for an unreduced~~

1 ~~retirement allowance for life upon the attainment of age 64~~
2 ~~with 25 years of continuous service.~~

3 ~~(2) Such participant shall be eligible for a reduced~~
4 ~~retirement allowance for life upon the attainment of age 55~~
5 ~~with 10 years of continuous service.~~

6 ~~(3) For the purpose of determining the retirement~~
7 ~~allowance to be paid to a retiring employee, the term~~
8 ~~"Continuous Service" as used in the Retirement Plan for~~
9 ~~Chicago Transit Authority Employees shall also be deemed to~~
10 ~~include all pension credit for service with any retirement~~
11 ~~system established under Article 8 or Article 11 of this~~
12 ~~Code, provided that the employee forfeits and relinquishes~~
13 ~~all pension credit under Article 8 or Article 11 of this~~
14 ~~Code, and the contribution required under this subsection~~
15 ~~is made by the employee. The Retirement Plan's actuary~~
16 ~~shall determine the contribution paid by the employee as an~~
17 ~~amount equal to the normal cost of the benefit accrued, had~~
18 ~~the service been rendered as an employee, plus interest per~~
19 ~~annum from the time such service was rendered until the~~
20 ~~date the payment is made.~~

21 (d) (Blank). ~~From the effective date of this amendatory Act~~
22 ~~through December 31, 2008, all participating employees shall~~
23 ~~contribute to the Retirement Plan in an amount not less than 6%~~
24 ~~of compensation, and the Authority shall contribute to the~~
25 ~~Retirement Plan in an amount not less than 12% of compensation.~~

26 (e) (Blank). ~~(1) Beginning January 1, 2009 the Authority~~

1 ~~shall make contributions to the Retirement Plan in an amount~~
2 ~~equal to twelve percent (12%) of compensation and participating~~
3 ~~employees shall make contributions to the Retirement Plan in an~~
4 ~~amount equal to six percent (6%) of compensation. These~~
5 ~~contributions may be paid by the Authority and participating~~
6 ~~employees on a payroll or other periodic basis, but shall in~~
7 ~~any case be paid to the Retirement Plan at least monthly.~~

8 ~~(2) For the period ending December 31, 2040, the amount~~
9 ~~paid by the Authority in any year with respect to debt service~~
10 ~~on bonds issued for the purposes of funding a contribution to~~
11 ~~the Retirement Plan under Section 12c of the Metropolitan~~
12 ~~Transit Authority Act, other than debt service paid with the~~
13 ~~proceeds of bonds or notes issued by the Authority for any year~~
14 ~~after calendar year 2008, shall be treated as a credit against~~
15 ~~the amount of required contribution to the Retirement Plan by~~
16 ~~the Authority under subsection (c) (1) for the following year up~~
17 ~~to an amount not to exceed 6% of compensation paid by the~~
18 ~~Authority in that following year.~~

19 ~~(3) By September 15 of each year beginning in 2009 and~~
20 ~~ending on December 31, 2039, on the basis of a report prepared~~
21 ~~by an enrolled actuary retained by the Plan, the Board of~~
22 ~~Trustees of the Retirement Plan shall determine the estimated~~
23 ~~funded ratio of the total assets of the Retirement Plan to its~~
24 ~~total actuarially determined liabilities. A report containing~~
25 ~~that determination and the actuarial assumptions on which it is~~
26 ~~based shall be filed with the Authority, the representatives of~~

1 ~~its participating employees, the Auditor General of the State~~
2 ~~of Illinois, and the Regional Transportation Authority. If the~~
3 ~~funded ratio is projected to decline below 60% in any year~~
4 ~~before 2040, the Board of Trustees shall also determine the~~
5 ~~increased contribution required each year as a level percentage~~
6 ~~of payroll over the years remaining until 2040 using the~~
7 ~~projected unit credit actuarial cost method so the funded ratio~~
8 ~~does not decline below 60% and include that determination in~~
9 ~~its report. If the actual funded ratio declines below 60% in~~
10 ~~any year prior to 2040, the Board of Trustees shall also~~
11 ~~determine the increased contribution required each year as a~~
12 ~~level percentage of payroll during the years after the then~~
13 ~~current year using the projected unit credit actuarial cost~~
14 ~~method so the funded ratio is projected to reach at least 60%~~
15 ~~no later than 10 years after the then current year and include~~
16 ~~that determination in its report. Within 60 days after~~
17 ~~receiving the report, the Auditor General shall review the~~
18 ~~determination and the assumptions on which it is based, and if~~
19 ~~he finds that the determination and the assumptions on which it~~
20 ~~is based are unreasonable in the aggregate, he shall issue a~~
21 ~~new determination of the funded ratio, the assumptions on which~~
22 ~~it is based and the increased contribution required each year~~
23 ~~as a level percentage of payroll over the years remaining until~~
24 ~~2040 using the projected unit credit actuarial cost method so~~
25 ~~the funded ratio does not decline below 60%, or, in the event~~
26 ~~of an actual decline below 60%, so the funded ratio is~~

1 ~~projected to reach 60% by no later than 10 years after the then~~
2 ~~current year. If the Board of Trustees or the Auditor General~~
3 ~~determine that an increased contribution is required to meet~~
4 ~~the funded ratio required by the subsection, effective January~~
5 ~~1 following the determination or 30 days after such~~
6 ~~determination, whichever is later, one third of the increased~~
7 ~~contribution shall be paid by participating employees and~~
8 ~~two thirds by the Authority, in addition to the contributions~~
9 ~~required by this subsection (1).~~

10 ~~(4) For the period beginning 2040, the minimum contribution~~
11 ~~to the Retirement Plan for each fiscal year shall be an amount~~
12 ~~determined by the Board of Trustees of the Retirement Plan to~~
13 ~~be sufficient to bring the total assets of the Retirement Plan~~
14 ~~up to 90% of its total actuarial liabilities by the end of~~
15 ~~2059. Participating employees shall be responsible for~~
16 ~~one third of the required contribution and the Authority shall~~
17 ~~be responsible for two thirds of the required contribution. In~~
18 ~~making these determinations, the Board of Trustees shall~~
19 ~~calculate the required contribution each year as a level~~
20 ~~percentage of payroll over the years remaining to and including~~
21 ~~fiscal year 2059 using the projected unit credit actuarial cost~~
22 ~~method. A report containing that determination and the~~
23 ~~actuarial assumptions on which it is based shall be filed by~~
24 ~~September 15 of each year with the Authority, the~~
25 ~~representatives of its participating employees, the Auditor~~
26 ~~General of the State of Illinois and the Regional~~

1 ~~Transportation Authority. If the funded ratio is projected to~~
2 ~~fail to reach 90% by December 31, 2059, the Board of Trustees~~
3 ~~shall also determine the increased contribution required each~~
4 ~~year as a level percentage of payroll over the years remaining~~
5 ~~until December 31, 2059 using the projected unit credit~~
6 ~~actuarial cost method so the funded ratio will meet 90% by~~
7 ~~December 31, 2059 and include that determination in its report.~~
8 ~~Within 60 days after receiving the report, the Auditor General~~
9 ~~shall review the determination and the assumptions on which it~~
10 ~~is based and if he finds that the determination and the~~
11 ~~assumptions on which it is based are unreasonable in the~~
12 ~~aggregate, he shall issue a new determination of the funded~~
13 ~~ratio, the assumptions on which it is based and the increased~~
14 ~~contribution required each year as a level percentage of~~
15 ~~payroll over the years remaining until December 31, 2059 using~~
16 ~~the projected unit credit actuarial cost method so the funded~~
17 ~~ratio reaches no less than 90% by December 31, 2059. If the~~
18 ~~Board of Trustees or the Auditor General determine that an~~
19 ~~increased contribution is required to meet the funded ratio~~
20 ~~required by this subsection, effective January 1 following the~~
21 ~~determination or 30 days after such determination, whichever is~~
22 ~~later, one third of the increased contribution shall be paid by~~
23 ~~participating employees and two thirds by the Authority, in~~
24 ~~addition to the contributions required by subsection (c) (1).~~

25 ~~(5) Beginning in 2060, the minimum contribution for each~~
26 ~~year shall be the amount needed to maintain the total assets of~~

1 ~~the Retirement Plan at 90% of the total actuarial liabilities~~
2 ~~of the Plan, and the contribution shall be funded two-thirds by~~
3 ~~the Authority and one-third by the participating employees in~~
4 ~~accordance with this subsection.~~

5 (f) (Blank). ~~The Authority shall take the steps necessary~~
6 ~~to comply with Section 414(h)(2) of the Internal Revenue Code~~
7 ~~of 1986, as amended, to permit the pick up of employee~~
8 ~~contributions under subsections (d) and (e) on a tax deferred~~
9 ~~basis.~~

10 (g) (Blank). ~~The Board of Trustees shall certify to the~~
11 ~~Governor, the General Assembly, the Auditor General, the Board~~
12 ~~of the Regional Transportation Authority, and the Authority at~~
13 ~~least 90 days prior to the end of each fiscal year the amount~~
14 ~~of the required contributions to the retirement system for the~~
15 ~~next retirement system fiscal year under this Section. The~~
16 ~~certification shall include a copy of the actuarial~~
17 ~~recommendations upon which it is based. In addition, copies of~~
18 ~~the certification shall be sent to the Commission on Government~~
19 ~~Forecasting and Accountability and the Mayor of Chicago.~~

20 (h) (Blank). ~~(1) As to an employee who first becomes~~
21 ~~entitled to a retirement allowance commencing on or after~~
22 ~~November 30, 1989, the retirement allowance shall be the amount~~
23 ~~determined in accordance with the following formula:~~

24 ~~(A) One percent (1%) of his "Average Annual~~
25 ~~Compensation in the highest four (4) completed Plan Years"~~
26 ~~for each full year of continuous service from the date of~~

1 ~~original employment to the effective date of the Plan; plus~~
2 ~~(B) One and seventy five hundredths percent (1.75%) of~~
3 ~~his "Average Annual Compensation in the highest four (4)~~
4 ~~completed Plan Years" for each year (including fractions~~
5 ~~thereof to completed calendar months) of continuous~~
6 ~~service as provided for in the Retirement Plan for Chicago~~
7 ~~Transit Authority Employees.~~

8 ~~Provided, however that:~~

9 ~~(2) As to an employee who first becomes entitled to a~~
10 ~~retirement allowance commencing on or after January 1, 1993,~~
11 ~~the retirement allowance shall be the amount determined in~~
12 ~~accordance with the following formula:~~

13 ~~(A) One percent (1%) of his "Average Annual~~
14 ~~Compensation in the highest four (4) completed Plan Years"~~
15 ~~for each full year of continuous service from the date of~~
16 ~~original employment to the effective date of the Plan; plus~~

17 ~~(B) One and eighty hundredths percent (1.80%) of his~~
18 ~~"Average Annual Compensation in the highest four (4)~~
19 ~~completed Plan Years" for each year (including fractions~~
20 ~~thereof to completed calendar months) of continuous~~
21 ~~service as provided for in the Retirement Plan for Chicago~~
22 ~~Transit Authority Employees.~~

23 ~~Provided, however that:~~

24 ~~(3) As to an employee who first becomes entitled to a~~
25 ~~retirement allowance commencing on or after January 1, 1994,~~
26 ~~the retirement allowance shall be the amount determined in~~

1 ~~accordance with the following formula:~~

2 ~~(A) One percent (1%) of his "Average Annual~~
3 ~~Compensation in the highest four (4) completed Plan Years"~~
4 ~~for each full year of continuous service from the date of~~
5 ~~original employment to the effective date of the Plan; plus~~

6 ~~(B) One and eighty five hundredths percent (1.85%) of~~
7 ~~his "Average Annual Compensation in the highest four (4)~~
8 ~~completed Plan Years" for each year (including fractions~~
9 ~~thereof to completed calendar months) of continuous~~
10 ~~service as provided for in the Retirement Plan for Chicago~~
11 ~~Transit Authority Employees.~~

12 ~~Provided, however that:~~

13 ~~(4) As to an employee who first becomes entitled to a~~
14 ~~retirement allowance commencing on or after January 1, 2000,~~
15 ~~the retirement allowance shall be the amount determined in~~
16 ~~accordance with the following formula:~~

17 ~~(A) One percent (1%) of his "Average Annual~~
18 ~~Compensation in the highest four (4) completed Plan Years"~~
19 ~~for each full year of continuous service from the date of~~
20 ~~original employment to the effective date of the Plan; plus~~

21 ~~(B) Two percent (2%) of his "Average Annual~~
22 ~~Compensation in the highest four (4) completed Plan Years"~~
23 ~~for each year (including fractions thereof to completed~~
24 ~~calendar months) of continuous service as provided for in~~
25 ~~the Retirement Plan for Chicago Transit Authority~~
26 ~~Employees.~~

1 ~~Provided, however that:~~

2 ~~(5) As to an employee who first becomes entitled to a~~
3 ~~retirement allowance commencing on or after January 1, 2001,~~
4 ~~the retirement allowance shall be the amount determined in~~
5 ~~accordance with the following formula:~~

6 ~~(A) One percent (1%) of his "Average Annual~~
7 ~~Compensation in the highest four (4) completed Plan Years"~~
8 ~~for each full year of continuous service from the date of~~
9 ~~original employment to the effective date of the Plan; plus~~

10 ~~(B) Two and fifteen hundredths percent (2.15%) of his~~
11 ~~"Average Annual Compensation in the highest four (4)~~
12 ~~completed Plan Years" for each year (including fractions~~
13 ~~thereof to completed calendar months) of continuous~~
14 ~~service as provided for in the Retirement Plan for Chicago~~
15 ~~Transit Authority Employees.~~

16 ~~The changes made by this amendatory Act of the 95th General~~
17 ~~Assembly, to the extent that they affect the rights or~~
18 ~~privileges of Authority employees that are currently the~~
19 ~~subject of collective bargaining, have been agreed to between~~
20 ~~the authorized representatives of these employees and of the~~
21 ~~Authority prior to enactment of this amendatory Act, as~~
22 ~~evidenced by a Memorandum of Understanding between these~~
23 ~~representatives that will be filed with the Secretary of State~~
24 ~~Index Department and designated as "95 GA C05". The General~~
25 ~~Assembly finds and declares that those changes are consistent~~
26 ~~with 49 U.S.C. 5333(b) (also known as Section 13(c) of the~~

1 ~~Federal Transit Act) because of this agreement between~~
2 ~~authorized representatives of these employees and of the~~
3 ~~Authority, and that any future amendments to the provisions of~~
4 ~~this amendatory Act of the 95th General Assembly, to the extent~~
5 ~~those amendments would affect the rights and privileges of~~
6 ~~Authority employees that are currently the subject of~~
7 ~~collective bargaining, would be consistent with 49 U.S.C.~~
8 ~~5333(b) if and only if those amendments were agreed to between~~
9 ~~these authorized representatives prior to enactment.~~

10 (i) (Blank). ~~Early retirement incentive plan; funded~~
11 ~~ratio.~~

12 ~~(1) Beginning on the effective date of this Section, no~~
13 ~~early retirement incentive shall be offered to~~
14 ~~participants of the Plan unless the Funded Ratio of the~~
15 ~~Plan is at least 80% or more.~~

16 ~~(2) For the purposes of this Section, the Funded Ratio~~
17 ~~shall be the Adjusted Assets divided by the Actuarial~~
18 ~~Accrued Liability developed in accordance with Statement~~
19 ~~#25 promulgated by the Government Accounting Standards~~
20 ~~Board and the actuarial assumptions described in the Plan.~~
21 ~~The Adjusted Assets shall be calculated based on the~~
22 ~~methodology described in the Plan.~~

23 (j) (Blank). ~~Nothing in this amendatory Act of the 95th~~
24 ~~General Assembly shall impair the rights or privileges of~~
25 ~~Authority employees under any other law.~~

26 (k) Any individual who, on or after August 19, 2011 (the

1 effective date of Public Act 97-442), first becomes a
2 participant of the Retirement Plan shall not be paid any of the
3 benefits provided under this Code if he or she is convicted of
4 a felony relating to, arising out of, or in connection with his
5 or her service as a participant.

6 This subsection (k) shall not operate to impair any
7 contract or vested right acquired before August 19, 2011 (the
8 effective date of Public Act 97-442) under any law or laws
9 continued in this Code, and it shall not preclude the right to
10 refund.

11 (Source: P.A. 97-442, eff. 8-19-11; 97-609, eff. 1-1-12;
12 97-813, eff. 7-13-12.)

13 (40 ILCS 5/22-101B rep.)

14 Section 35. The Illinois Pension Code is amended by
15 repealing Section 22-101B.

16 Section 40. The Illinois Municipal Code is amended by
17 changing Section 8-3-19 as follows:

18 (65 ILCS 5/8-3-19)

19 Sec. 8-3-19. Home rule real estate transfer taxes.

20 (a) After the effective date of this amendatory Act of the
21 93rd General Assembly and subject to this Section, a home rule
22 municipality may impose or increase a tax or other fee on the
23 privilege of transferring title to real estate, on the

1 privilege of transferring a beneficial interest in real
2 property, and on the privilege of transferring a controlling
3 interest in a real estate entity, as the terms "beneficial
4 interest", "controlling interest", and "real estate entity"
5 are defined in Article 31 of the Property Tax Code. Such a tax
6 or other fee shall hereafter be referred to as a real estate
7 transfer tax.

8 (b) Before adopting a resolution to submit the question of
9 imposing or increasing a real estate transfer tax to
10 referendum, the corporate authorities shall give public notice
11 of and hold a public hearing on the intent to submit the
12 question to referendum. This hearing may be part of a regularly
13 scheduled meeting of the corporate authorities. The notice
14 shall be published not more than 30 nor less than 10 days prior
15 to the hearing in a newspaper of general circulation within the
16 municipality. The notice shall be published in the following
17 form:

18 Notice of Proposed (Increased) Real Estate Transfer
19 Tax for (commonly known name of municipality).

20 A public hearing on a resolution to submit to
21 referendum the question of a proposed (increased) real
22 estate transfer tax for (legal name of the municipality) in
23 an amount of (rate) to be paid by the buyer (seller) of the
24 real estate transferred will be held on (date) at (time) at
25 (location). The current rate of real estate transfer tax
26 imposed by (name of municipality) is (rate).

1 Any person desiring to appear at the public hearing and
2 present testimony to the taxing district may do so.

3 (c) A notice that includes any information not specified
4 and required by this Section is an invalid notice. All hearings
5 shall be open to the public. At the public hearing, the
6 corporate authorities of the municipality shall explain the
7 reasons for the proposed or increased real estate transfer tax
8 and shall permit persons desiring to be heard an opportunity to
9 present testimony within reasonable time limits determined by
10 the corporate authorities. A copy of the proposed ordinance
11 shall be made available to the general public for inspection
12 before the public hearing.

13 (d) No ~~Except as provided in subsection (i),~~ no home rule
14 municipality shall impose a new real estate transfer tax after
15 the effective date of this amendatory Act of 1996 without prior
16 approval by referendum. No ~~Except as provided in subsection~~
17 ~~(i),~~ no home rule municipality shall impose an increase of the
18 rate of a current real estate transfer tax without prior
19 approval by referendum. A home rule municipality may impose a
20 new real estate transfer tax or may increase an existing real
21 estate transfer tax with prior referendum approval. The
22 referendum shall be conducted as provided in subsection (e). An
23 existing ordinance or resolution imposing a real estate
24 transfer tax may be amended without approval by referendum if
25 the amendment does not increase the rate of the tax or add
26 transactions on which the tax is imposed.

1 (e) The home rule municipality shall, by resolution,
2 provide for submission of the proposition to the voters. The
3 home rule municipality shall certify the resolution and the
4 proposition to the proper election officials in accordance with
5 the general election law. If the proposition is to impose a new
6 real estate transfer tax, it shall be in substantially the
7 following form: "Shall (name of municipality) impose a real
8 estate transfer tax at a rate of (rate) to be paid by the buyer
9 (seller) of the real estate transferred, with the revenue of
10 the proposed transfer tax to be used for (purpose)?" If the
11 proposition is to increase an existing real estate transfer
12 tax, it shall be in the following form: "Shall (name of
13 municipality) impose a real estate transfer tax increase of
14 (percent increase) to establish a new transfer tax rate of
15 (rate) to be paid by the buyer (seller) of the real estate
16 transferred? The current rate of the real estate transfer tax
17 is (rate), and the revenue is used for (purpose). The revenue
18 from the increase is to be used for (purpose).".

19 If a majority of the electors voting on the proposition
20 vote in favor of it, the municipality may impose or increase
21 the municipal real estate transfer tax or fee.

22 (f) Nothing in this amendatory Act of 1996 shall limit the
23 purposes for which real estate transfer tax revenues may be
24 collected or expended.

25 (g) A home rule municipality may not impose real estate
26 transfer taxes other than as authorized by this Section. This

1 Section is a denial and limitation of home rule powers and
2 functions under subsection (g) of Section 6 of Article VII of
3 the Illinois Constitution.

4 (h) Notwithstanding subsection (g) of this Section, any
5 real estate transfer taxes adopted by a municipality at any
6 time prior to January 17, 1997 (the effective date of Public
7 Act 89-701) and any amendments to any existing real estate
8 transfer tax ordinance adopted after that date, in accordance
9 with the law in effect at the time of the adoption of the
10 amendments, are not preempted by this amendatory Act of the
11 93rd General Assembly.

12 (i) Beginning on the first day of the first month to occur
13 not less than 30 days after the effective date of this
14 amendatory Act of the 98th General Assembly, the real estate
15 transfer tax imposed by a home rule municipality with a
16 population in excess of 1,000,000 shall be reduced by a rate of
17 \$1.50 for each \$500 of value. ~~Within 6 months after the~~
18 ~~effective date of this amendatory Act of the 95th General~~
19 ~~Assembly, by ordinance adopted without a referendum, a home~~
20 ~~rule municipality with a population in excess of 1,000,000 may~~
21 ~~increase the rate of an existing real estate transfer tax by a~~
22 ~~rate of up to \$1.50 for each \$500 of value or fraction thereof,~~
23 ~~or in the alternative may impose a real estate transfer tax at~~
24 ~~a rate of up to \$1.50 for each \$500 of value or fraction~~
25 ~~thereof, which may be on the buyer or seller of real estate, or~~
26 ~~jointly and severally on both, for the sole purpose of~~

1 ~~providing financial assistance to the Chicago Transit~~
2 ~~Authority. All amounts collected under such supplemental tax,~~
3 ~~after fees for costs of collection, shall be provided to the~~
4 ~~Chicago Transit Authority pursuant to an intergovernmental~~
5 ~~agreement as promptly as practicable upon their receipt. Such~~
6 ~~municipality shall file a copy of any ordinance imposing or~~
7 ~~increasing such tax with the Illinois Department of Revenue and~~
8 ~~shall file a report with the Department each month certifying~~
9 ~~the amount paid to the Chicago Transit Authority in the~~
10 ~~previous month from the proceeds of such tax.~~

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

12 Section 45. The Metropolitan Transit Authority Act is
13 amended by changing Sections 15, 28a, 34, and 46 as follows:

14 (70 ILCS 3605/15) (from Ch. 111 2/3, par. 315)

15 Sec. 15. The Authority shall have power to apply for and
16 accept grants and loans from the Federal Government, or any
17 ~~agency or instrumentality thereof, from the State, or from any~~
18 ~~county, municipal corporation or other political subdivision~~
19 ~~of the State~~ to be used for any of the purposes of the
20 Authority, including, but not by way of limitation, grants and
21 loans in aid of mass transportation and for studies in mass
22 transportation, and may provide matching funds when necessary
23 to qualify for such grants or loans. The Authority may enter
24 into any agreement with the Federal Government, ~~the State, and~~

1 ~~any county, municipal corporation or other political~~
2 ~~subdivision of the State~~ in relation to such grants or loans;
3 provided that such agreement does not conflict with any of the
4 provisions of any trust agreement securing the payment of bonds
5 or certificates of the Authority.

6 The Authority may also accept from the state, or from any
7 county or other political subdivision, or from any municipal
8 corporation, or school district, or school authorities, grants
9 or other funds authorized by law to be paid to the Authority
10 for any of the purposes of this Act.

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

12 (70 ILCS 3605/28a) (from Ch. 111 2/3, par. 328a)

13 Sec. 28a. (a) The Board may deal with and enter into
14 written contracts with the employees of the Authority through
15 accredited representatives of such employees or
16 representatives of any labor organization authorized to act for
17 such employees, concerning wages, salaries, hours, working
18 conditions and pension or retirement provisions; provided,
19 nothing herein shall be construed to permit hours of labor in
20 excess of those provided by law or to permit working conditions
21 prohibited by law. In case of dispute over wages, salaries,
22 hours, working conditions, or pension or retirement provisions
23 the Board may arbitrate any question or questions and may agree
24 with such accredited representatives or labor organization
25 that the decision of a majority of any arbitration board shall

1 be final, provided each party shall agree in advance to pay
2 half of the expense of such arbitration.

3 No contract or agreement shall be made with any labor
4 organization, association, group or individual for the
5 employment of members of such organization, association, group
6 or individual for the construction, improvement, maintenance,
7 operation or administration of any property, plant or
8 facilities under the jurisdiction of the Authority, where such
9 organization, association, group or individual denies on the
10 ground of race, creed, color, sex, religion, physical or mental
11 handicap unrelated to ability, or national origin membership
12 and equal opportunities for employment to any citizen of
13 Illinois.

14 (b) (1) The provisions of this paragraph (b) apply to
15 collective bargaining agreements (including extensions and
16 amendments of existing agreements) entered into on or after
17 January 1, 1984.

18 (2) The Board shall deal with and enter into written
19 contracts with their employees, through accredited
20 representatives of such employees authorized to act for such
21 employees concerning wages, salaries, hours, working
22 conditions, and pension or retirement provisions about which a
23 collective bargaining agreement has been entered prior to the
24 effective date of this amendatory Act of 1983. Any such
25 agreement of the Authority shall provide that the agreement may
26 be reopened if the amended budget submitted pursuant to Section

1 2.18a of the Regional Transportation Authority Act is not
2 approved by the Board of the Regional Transportation Authority.
3 The agreement may not include a provision requiring the payment
4 of wage increases based on changes in the Consumer Price Index.
5 The Board shall not have the authority to enter into collective
6 bargaining agreements with respect to inherent management
7 rights, which include such areas of discretion or policy as the
8 functions of the employer, standards of services, its overall
9 budget, the organizational structure and selection of new
10 employees and direction of personnel. Employers, however,
11 shall be required to bargain collectively with regard to policy
12 matters directly affecting wages, hours and terms and
13 conditions of employment, as well as the impact thereon upon
14 request by employee representatives. To preserve the rights of
15 employers and exclusive representatives which have established
16 collective bargaining relationships or negotiated collective
17 bargaining agreements prior to the effective date of this
18 amendatory Act of 1983, employers shall be required to bargain
19 collectively with regard to any matter concerning wages, hours
20 or conditions of employment about which they have bargained
21 prior to the effective date of this amendatory Act of 1983.

22 (3) The collective bargaining agreement may not include a
23 prohibition on the use of part-time operators on any service
24 operated by or funded by the Board, except where prohibited by
25 federal law.

26 (4) Within 30 days of the signing of any such collective

1 bargaining agreement, the Board shall determine the costs of
2 each provision of the agreement, prepare an amended budget
3 incorporating the costs of the agreement, and present the
4 amended budget to the Board of the Regional Transportation
5 Authority for its approval under Section 4.11 of the Regional
6 Transportation Act. The Board of the Regional Transportation
7 Authority may approve the amended budget by an affirmative vote
8 of two-thirds ~~12~~ of its then Directors. If the budget is not
9 approved by the Board of the Regional Transportation Authority,
10 the agreement may be reopened and its terms may be
11 renegotiated. Any amended budget which may be prepared
12 following renegotiation shall be presented to the Board of the
13 Regional Transportation Authority for its approval in like
14 manner.

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

16 (70 ILCS 3605/34) (from Ch. 111 2/3, par. 334)

17 Sec. 34. Budget and Program. The Authority, subject to the
18 powers of the Regional Transportation Authority in Section 4.11
19 of the Regional Transportation Authority Act, shall control the
20 finances of the Authority. It shall by ordinance appropriate
21 money to perform the Authority's purposes and provide for
22 payment of debts and expenses of the Authority. Each year the
23 Authority shall prepare and publish a comprehensive annual
24 budget and ~~five-year capital~~ program document, and a financial
25 plan for the 2 years thereafter describing the state of the

1 Authority and presenting for the forthcoming fiscal year and
2 the two following years the Authority's plans for such
3 operations and capital expenditures as it intends to undertake
4 and the means by which it intends to finance them. The proposed
5 budget and ~~7 financial plan, and five year capital program~~
6 shall be based on the Regional Transportation Authority's
7 estimate of funds to be made available to the Authority by or
8 through the Regional Transportation Authority and shall
9 conform in all respects to the requirements established by the
10 Regional Transportation Authority. The proposed program and
11 ~~budget, financial plan, and five year capital program~~ shall
12 contain a statement of the funds estimated to be on hand at the
13 beginning of the fiscal year, the funds estimated to be
14 received from all sources for such year and the funds estimated
15 to be on hand at the end of such year. After adoption of the
16 Regional Transportation Authority's first Five-Year Program,
17 as provided in Section 2.01 of the Regional Transportation
18 Authority Act, the proposed program and budget shall
19 specifically identify any respect in which the recommended
20 program deviates from the Regional Transportation Authority's
21 then existing Five-Year Program, giving the reasons for such
22 deviation. The proposed program and ~~budget, financial plan, and~~
23 ~~five year capital program~~ shall be available at no cost for
24 public inspection at the Authority's main office and at the
25 Regional Transportation Authority's main office at least 3
26 weeks prior to any public hearing. Before the proposed budget

1 and program, and the, financial plan, ~~and five-year capital~~
2 ~~program~~ are submitted to the Regional Transportation
3 Authority, the Authority shall hold at least one public hearing
4 thereon in each of the counties in which the Authority provides
5 service. All Board members of the Authority shall attend a
6 majority of the public hearings unless reasonable cause is
7 given for their absence. After the public hearings, the Board
8 of the Authority shall hold at least one meeting for
9 consideration of the proposed program and budget with the Cook
10 County Board. After conducting such hearings and holding such
11 meetings and after making such changes in the proposed program
12 and budget, ~~financial plan, and five-year capital program~~ as
13 the Board deems appropriate, it shall adopt an annual budget
14 ordinance at least by November 15th preceding the beginning of
15 each fiscal year. The budget and program, and the, financial
16 plan, ~~and five-year capital program~~ shall then be submitted to
17 the Regional Transportation Authority as provided in Section
18 4.11 of the Regional Transportation Authority Act. In the event
19 that the Board of the Regional Transportation Authority
20 determines that the budget and program, and the, financial
21 plan, ~~and five-year capital program~~ do not meet the standards
22 of said Section 4.11, the Board of the Authority shall make
23 such changes as are necessary to meet such requirements and
24 adopt an amended budget ordinance. The amended budget ordinance
25 shall be resubmitted to the Regional Transportation Authority
26 pursuant to said Section 4.11. The ordinance shall appropriate

1 such sums of money as are deemed necessary to defray all
2 necessary expenses and obligations of the Authority,
3 specifying purposes and the objects or programs for which
4 appropriations are made and the amount appropriated for each
5 object or program. Additional appropriations, transfers
6 between items and other changes in such ordinance which do not
7 alter the basis upon which the balanced budget determination
8 was made by the Regional Transportation Authority may be made
9 from time to time by the Board.

10 The budget shall:

11 (i) show a balance between (A) anticipated revenues
12 from all sources including operating subsidies and (B) the
13 costs of providing the services specified and of funding
14 any operating deficits or encumbrances incurred in prior
15 periods, including provision for payment when due of
16 principal and interest on outstanding indebtedness;

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

20 (iii) provide for a level of fares or charges and
21 operating or administrative costs for the public
22 transportation provided by or subject to the jurisdiction
23 of the Board sufficient to allow the Board to meet its
24 required system generated revenue recovery ratio as
25 determined in accordance with subsection (a) of Section
26 4.11 of the Regional Transportation Authority Act;

1 (iv) be based upon and employ assumptions and
2 projections which are reasonable and prudent;

3 (v) have been prepared in accordance with sound
4 financial practices as determined by the Board of the
5 Regional Transportation Authority;

6 (vi) meet such other financial, budgetary, or fiscal
7 requirements that the Board of the Regional Transportation
8 Authority may by rule or regulation establish; and

9 (vii) (blank). ~~be consistent with the goals and~~
10 ~~objectives adopted by the Regional Transportation~~
11 ~~Authority in the Strategic Plan.~~

12 The Board shall establish a fiscal operating year. At least
13 thirty days prior to the beginning of the first full fiscal
14 year after the creation of the Authority, and annually
15 thereafter, the Board shall cause to be prepared a tentative
16 budget which shall include all operation and maintenance
17 expense for the ensuing fiscal year. The tentative budget shall
18 be considered by the Board and, subject to any revision and
19 amendments as may be determined, shall be adopted prior to the
20 first day of the ensuing fiscal year as the budget for that
21 year. No expenditures for operations and maintenance in excess
22 of the budget shall be made during any fiscal year except by
23 the affirmative vote of at least five members of the Board. It
24 shall not be necessary to include in the annual budget any
25 statement of necessary expenditures for pensions or retirement
26 annuities, or for interest or principal payments on bonds or

1 certificates, or for capital outlays, but it shall be the duty
2 of the Board to make provision for payment of same from
3 appropriate funds. The Board may not alter its fiscal year
4 without the prior approval of the Board of the Regional
5 Transportation Authority.

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

7 (70 ILCS 3605/46) (from Ch. 111 2/3, par. 346)

8 Sec. 46. Citizens Advisory Board. The Board shall establish
9 a citizens advisory board composed of 11 residents of those
10 portions of the metropolitan region in which the Authority
11 provides service who have an interest in public transportation,
12 one of whom shall be at least 65 years of age. The members of
13 the advisory board shall be named for 2 year terms, shall
14 select one of their members to serve as chairman and shall
15 serve without compensation. The citizens advisory board shall
16 meet with Board at least quarterly and advise the Board of the
17 impact of its policies and programs on the communities it
18 serves. ~~Appointments to the citizens advisory board should, to~~
19 ~~the greatest extent possible, reflect the ethnic, cultural, and~~
20 ~~geographic diversity of all persons residing within the~~
21 ~~metropolitan region in which the Authority provides service.~~

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

23 (70 ILCS 3605/12c rep.)

24 (70 ILCS 3605/50 rep.)

1 (70 ILCS 3605/51 rep.)

2 Section 50. The Metropolitan Transit Authority Act is
3 amended by repealing Sections 12c, 50, and 51.

4 (70 ILCS 3610/8.6 rep.)

5 Section 55. The Local Mass Transit District Act is amended
6 by repealing Section 8.6.

7 Section 60. The Regional Transportation Authority Act is
8 amended by changing Sections 1.02, 2.01, 2.04, 2.05, 2.09,
9 2.12, 2.14, 2.18a, 2.30, 3.01, 3.03, 3.05, 3A.09, 3A.10, 3A.11,
10 3A.14, 3B.02, 3B.03, 3B.05, 3B.07, 3B.09, 3B.10, 3B.11, 3B.12,
11 3B.13, 4.01, 4.02, 4.02a, 4.02b, 4.03, 4.04, 4.09, 4.11, 4.13,
12 4.14, and 5.01 as follows:

13 (70 ILCS 3615/1.02) (from Ch. 111 2/3, par. 701.02)

14 Sec. 1.02. Findings and Purpose.

15 (a) The General Assembly finds;

16 (i) Public transportation is, as provided in Section 7
17 of Article XIII of the Illinois Constitution, an essential
18 public purpose for which public funds may be expended and
19 that Section authorizes the State to provide financial
20 assistance to units of local government for distribution to
21 providers of public transportation. There is an urgent need
22 to reform and continue a unit of local government to assure
23 the proper management of public transportation and to

1 receive and distribute State or federal operating
2 assistance and to raise and distribute revenues for local
3 operating assistance. System generated revenues are not
4 adequate for such service and a public need exists to
5 provide for, aid and assist public transportation in the
6 northeastern area of the State, consisting of Cook, DuPage,
7 Kane, Lake, McHenry and Will Counties.

8 (ii) Comprehensive and coordinated regional public
9 transportation is essential to the public health, safety
10 and welfare. It is essential to economic well-being,
11 maintenance of full employment, conservation of sources of
12 energy and land for open space and reduction of traffic
13 congestion and for providing and maintaining a healthful
14 environment for the benefit of present and future
15 generations in the metropolitan region. Public
16 transportation improves the mobility of the public and
17 improves access to jobs, commercial facilities, schools
18 and cultural attractions. Public transportation decreases
19 air pollution and other environmental hazards resulting
20 from excessive use of automobiles and allows for more
21 efficient land use and planning.

22 (iii) Because system generated receipts are not
23 presently adequate, public transportation facilities and
24 services in the northeastern area are in grave financial
25 condition. With existing methods of financing,
26 coordination and management, and relative convenience of

1 automobiles, such public transportation facilities are not
2 providing adequate public transportation to insure the
3 public health, safety and welfare.

4 (iv) Additional commitments to the special public
5 transportation problems ~~needs~~ of the handicapped ~~disabled~~,
6 the economically disadvantaged, and the elderly are
7 necessary.

8 (v) To solve these problems, it is necessary to provide
9 for the creation of a regional transportation authority
10 with the powers necessary to insure adequate public
11 transportation.

12 (b) The General Assembly further finds, in connection with
13 this amendatory Act of 1983:

14 (i) Substantial, recurring deficits in the operations
15 of public transportation services subject to the
16 jurisdiction of the Regional Transportation Authority and
17 periodic cash shortages have occurred either of which could
18 bring about a loss of public transportation services
19 throughout the metropolitan region at any time;

20 (ii) A substantial or total loss of public
21 transportation services or any segment thereof would
22 create an emergency threatening the safety and well-being
23 of the people in the northeastern area of the State; and

24 (iii) To meet the urgent needs of the people of the
25 metropolitan region that such an emergency be averted and
26 to provide financially sound methods of managing the

1 provision of public transportation services in the
2 northeastern area of the State, it is necessary, while
3 maintaining and continuing the existing Authority, to
4 modify the powers and responsibilities of the Authority, to
5 reallocate responsibility for operating decisions, to
6 change the composition and appointment of the Board of
7 Directors thereof, and to immediately establish a new Board
8 of Directors.

9 (c) (Blank). ~~The General Assembly further finds in~~
10 ~~connection with this amendatory Act of the 95th General~~
11 ~~Assembly:~~

12 ~~(i) The economic vitality of northeastern Illinois~~
13 ~~requires regionwide and systemwide efforts to increase~~
14 ~~ridership on the transit systems, constrain road~~
15 ~~congestion within the metropolitan region, and allocate~~
16 ~~resources for transportation so as to assist in the~~
17 ~~development of an adequate, efficient, and coordinated~~
18 ~~regional transportation system that is in a state of good~~
19 ~~repair.~~

20 ~~(ii) To achieve the purposes of this amendatory Act of~~
21 ~~the 95th General Assembly, the powers and duties of the~~
22 ~~Authority must be enhanced to improve overall planning and~~
23 ~~coordination, to achieve an integrated and efficient~~
24 ~~regional transit system, to advance the mobility of transit~~
25 ~~users, and to increase financial transparency of the~~
26 ~~Authority and the Service Boards.~~

1 (d) It is the purpose of this Act to provide for, aid and
2 assist public transportation in the northeastern area of the
3 State without impairing the overall quality of existing public
4 transportation by providing for the creation of a single
5 authority responsive to the people and elected officials of the
6 area and with the power and competence to ~~develop, implement,~~
7 ~~and enforce plans that promote adequate, efficient, and~~
8 ~~coordinated public transportation,~~ provide financial review of
9 the providers of public transportation in the metropolitan
10 region and facilitate public transportation provided by
11 Service Boards which is attractive and economical to users,
12 comprehensive, coordinated among its various elements,
13 economical, safe, efficient and coordinated with area and State
14 plans.

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

16 (70 ILCS 3615/2.01) (from Ch. 111 2/3, par. 702.01)

17 Sec. 2.01. Provision of public transportation; review and
18 program ~~General Allocation of Responsibility for Public~~
19 ~~Transportation.~~

20 (a) In order to accomplish its ~~the~~ purposes as set forth in
21 this Act, the ~~responsibility for planning, operating, and~~
22 ~~funding public transportation in the metropolitan region shall~~
23 ~~be allocated as described in this Act. The Authority shall:~~

24 ~~(i) adopt plans that implement the public policy of the~~
25 ~~State to provide adequate, efficient, and coordinated~~

1 ~~public transportation throughout the metropolitan region;~~

2 ~~(ii) set goals, objectives, and standards for the~~
3 ~~Authority, the Service Boards, and transportation~~
4 ~~agencies;~~

5 ~~(iii) develop performance measures to inform the~~
6 ~~public about the extent to which the provision of public~~
7 ~~transportation in the metropolitan region meets those~~
8 ~~goals, objectives, and standards;~~

9 ~~(iv) allocate operating and capital funds made~~
10 ~~available to support public transportation in the~~
11 ~~metropolitan region;~~

12 ~~(v) provide financial oversight of the Service Boards;~~
13 ~~and~~

14 ~~(vi) coordinate the provision of public transportation~~
15 ~~and the investment in public transportation facilities to~~
16 ~~enhance the integration of public transportation~~
17 ~~throughout the metropolitan region, all as provided in this~~
18 ~~Act.~~

19 ~~The~~ Service Boards shall, on a continuing basis determine
20 the level, nature and kind of public transportation which
21 should be provided for the metropolitan region ~~in order to meet~~
22 ~~the plans, goals, objectives, and standards adopted by the~~
23 ~~Authority.~~ The Service Boards may provide public
24 transportation by purchasing such service from transportation
25 agencies through purchase of service agreements, by grants to
26 such agencies or by operating such service, all pursuant to

1 this Act and the "Metropolitan Transit Authority Act", as now
2 or hereafter amended. The Authority shall establish a policy to
3 provide adequate public transportation throughout the
4 metropolitan region ~~Certain of its actions to implement the~~
5 ~~responsibilities allocated to the Authority in this subsection~~
6 ~~(a) shall be taken in 3 public documents adopted by the~~
7 ~~affirmative vote of at least 12 of its then Directors: A~~
8 ~~Strategic Plan; a Five Year Capital Program; and an Annual~~
9 ~~Budget and Two Year Financial Plan.~~

10 (b) The Authority shall subject the operating and capital
11 plans and expenditures of the Service Boards in the
12 metropolitan region with regard to public transportation to
13 continuing review so that the Authority may budget and expend
14 its funds with maximum effectiveness and efficiency. Certain of
15 its recommendations in this regard shall be set forth in 2
16 public documents, the Five-Year Program provided for in this
17 Section and an Annual Budget and Program provided for in
18 Section 4.01.

19 (c) The Authority shall, in consultation with the Service
20 Boards, each year prepare and, by ordinance, adopt, after
21 public hearings held in each county in the metropolitan region,
22 a Five-Year Program to inform the public and government
23 officials of the Authority's objectives and program for
24 operations and capital development during the forthcoming
25 five-year period. The Five-Year Program shall set forth the
26 standards of service which the public may expect; each Service

1 Board's plans for coordinating routes and service of the
2 various transportation agencies; the anticipated expense of
3 providing public transportation at standards of service then
4 existing and under alternative operating programs; the nature,
5 location and expense of anticipated capital improvements
6 exceeding \$250,000, by specific item and by fiscal year; and
7 such demographic and other data developed by planning and other
8 related agencies, as the Authority shall consider pertinent to
9 the Service Boards' decisions as to levels and nature of
10 service, including without limitation the patterns of
11 population density and growth, projected commercial and
12 residential development, environmental factors and the
13 availability of alternative modes of transportation. The
14 Five-Year Program shall be adopted on the affirmative votes of
15 9 of the then Directors. The Authority shall conduct audits of
16 each of the Service Boards no less than every 5 years. Such
17 audits may include management, performance, financial, and
18 infrastructure condition audits. The Authority may conduct
19 management, performance, financial, and infrastructure
20 condition audits of transportation agencies that receive funds
21 from the Authority. The Authority may direct a Service Board to
22 conduct any such audit of a transportation agency that receives
23 funds from such Service Board, and the Service Board shall
24 comply with such request to the extent it has the right to do
25 so. These audits of the Service Boards or transportation
26 agencies may be project or service specific audits to evaluate

1 ~~their achievement of the goals and objectives of that project~~
2 ~~or service and their compliance with any applicable~~
3 ~~requirements.~~

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

5 (70 ILCS 3615/2.04) (from Ch. 111 2/3, par. 702.04)

6 Sec. 2.04. Fares and Nature of Service.

7 (a) Whenever a Service Board provides any public
8 transportation by operating public transportation facilities,
9 the Service Board shall provide for the level and nature of
10 fares or charges to be made for such services, and the nature
11 and standards of public transportation to be so provided ~~that~~
12 ~~meet the goals and objectives adopted by the Authority in the~~
13 ~~Strategic Plan.~~ Provided, however that if the Board adopts a
14 budget and financial plan for a Service Board in accordance
15 with the provisions in Section 4.11(b)(5), the Board may
16 consistent with the terms of any purchase of service contract
17 provide for the level and nature of fares to be made for such
18 services under the jurisdiction of that Service Board, and the
19 nature and standards of public transportation to be so
20 provided.

21 (b) Whenever a Service Board provides any public
22 transportation pursuant to grants made after June 30, 1975, to
23 transportation agencies for operating expenses (other than
24 with regard to experimental programs) or pursuant to any
25 purchase of service agreement, the purchase of service

1 agreement or grant contract shall provide for the level and
2 nature of fares or charges to be made for such services, and
3 the nature and standards of public transportation to be so
4 provided. A Service Board shall require all transportation
5 agencies with which it contracts, or from which it purchases
6 transportation services or to which it makes grants to provide
7 half fare transportation for their student riders if any of
8 such agencies provide for half fare transportation to their
9 student riders.

10 (c) In so providing for the fares or charges and the nature
11 and standards of public transportation, any purchase of service
12 agreements or grant contracts shall provide, among other
13 matters, for the terms or cost of transfers or interconnections
14 between different modes of transportation and different public
15 transportation agencies, schedules or routes of such service,
16 changes which may be made in such service, the nature and
17 condition of the facilities used in providing service, the
18 manner of collection and disposition of fares or charges, the
19 records and reports to be kept and made concerning such
20 service, and for interchangeable tickets or other coordinated
21 or uniform methods of collection of charges, ~~and shall further~~
22 ~~require that the transportation agency comply with any~~
23 ~~determination made by the Board of the Authority under and~~
24 ~~subject to the provisions of Section 2.12b of this Act.~~ In
25 regard to any such service, the Authority and the Service
26 Boards shall give attention to and may undertake programs to

1 promote use of public transportation and to provide coordinated
2 ticket sales and passenger information. In the case of a grant
3 to a transportation agency which remains subject to Illinois
4 Commerce Commission supervision and regulation, the Service
5 Boards shall exercise the powers set forth in this Section in a
6 manner consistent with such supervision and regulation by the
7 Illinois Commerce Commission.

8 (d) By January 1, 2013, the Authority, in consultation with
9 the Service Boards and the general public, must develop a
10 policy regarding transfer fares on all fixed-route public
11 transportation services provided by the Service Boards. The
12 policy shall also set forth the fare sharing agreements between
13 the Service Boards that apply to interagency fare passes and
14 tickets. The policy established by the Authority shall be
15 submitted to each of the Service Boards for its approval or
16 comments and objection. After receiving the policy, the Service
17 Boards have 90 days to approve or take other action regarding
18 the policy. If all of the Service Boards agree to the policy,
19 then a regional agreement shall be created and signed by each
20 of the Service Boards. The terms of the agreement may be
21 changed upon petition by any of the Service Boards and by
22 agreement of the other Service Boards.

23 (e) By January 1, 2015, the Authority must develop and
24 implement a regional fare payment system. The regional fare
25 payment system must use and conform with established
26 information security industry standards and requirements of

1 the financial industry. The system must allow consumers to use
2 contactless credit cards, debit cards, and prepaid cards to pay
3 for all fixed-route public transportation services. Beginning
4 in 2012 and each year thereafter until 2015, the Authority must
5 submit an annual report to the Governor and General Assembly
6 describing the progress of the Authority and each of the
7 Service Boards in implementing the regional fare payment
8 system. The Authority must adopt rules to implement the
9 requirements set forth in this Section.

10 (Source: P.A. 97-85, eff. 7-7-11.)

11 (70 ILCS 3615/2.05) (from Ch. 111 2/3, par. 702.05)

12 Sec. 2.05. ~~Centralized Services,~~ Acquisition and
13 Construction.

14 (a) The Authority may at the request of two or more Service
15 Boards, serve, or designate a Service Board to serve, as a
16 centralized purchasing agent for the Service Boards so
17 requesting.

18 (b) The Authority may at the request of two or more Service
19 Boards perform other centralized services such as ridership
20 information and transfers between services under the
21 jurisdiction of the Service Boards where such centralized
22 services financially benefit the region as a whole. Provided,
23 however, that the Board may require transfers only upon an
24 affirmative vote of 9 ~~12~~ of its then Directors.

25 (c) A Service Board or the Authority may for the benefit of

1 a Service Board, to meet its purposes, construct or acquire any
2 public transportation facility for use by a Service Board or
3 for use by any transportation agency and may acquire any such
4 facilities from any transportation agency, including also
5 without limitation any reserve funds, employees' pension or
6 retirement funds, special funds, franchises, licenses,
7 patents, permits and papers, documents and records of the
8 agency. In connection with any such acquisition from a
9 transportation agency the Authority may assume obligations of
10 the transportation agency with regard to such facilities or
11 property or public transportation operations of such agency.

12 In connection with any construction or acquisition, the
13 Authority shall make relocation payments as may be required by
14 federal law or by the requirements of any federal agency
15 authorized to administer any federal program of aid.

16 (d) (Blank). ~~The Authority shall, after consulting with the~~
17 ~~Service Boards, develop regionally coordinated and~~
18 ~~consolidated sales, marketing, advertising, and public~~
19 ~~information programs that promote the use and coordination of,~~
20 ~~and transfers among, public transportation services in the~~
21 ~~metropolitan region. The Authority shall develop and adopt,~~
22 ~~with the affirmative vote of at least 12 of its then Directors,~~
23 ~~rules and regulations for the Authority and the Service Boards~~
24 ~~regarding such programs to ensure that the Service Boards'~~
25 ~~independent programs conform with the Authority's regional~~
26 ~~programs.~~

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

2 (70 ILCS 3615/2.09) (from Ch. 111 2/3, par. 702.09)

3 Sec. 2.09. Research and Development.

4 (a) The Authority and the Service Boards shall study public
5 transportation problems and developments; encourage
6 experimentation in developing new public transportation
7 technology, financing methods, and management procedures;
8 conduct, in cooperation with other public and private agencies,
9 studies and demonstration and development projects to test and
10 develop methods for improving public transportation, for
11 reducing its costs to users or for increasing public use; and
12 conduct, sponsor, and participate in other studies and
13 experiments, which may include fare demonstration programs,
14 useful to achieving the purposes of this Act. The cost for any
15 such item authorized by this Section may be exempted by the
16 Board in a budget ordinance from the "costs" included in
17 determining that the Authority and its service boards meet the
18 farebox recovery ratio or system generated revenues recovery
19 ratio requirements of Sections 3A.10, 3B.10, 4.01(b), 4.09 and
20 4.11 of this Act and Section 34 of the Metropolitan Transit
21 Authority Act during the Authority's fiscal year which begins
22 January 1, 1986 and ends December 31, 1986, provided that the
23 cost of any item authorized herein must be specifically
24 approved within the budget adopted pursuant to Sections 4.01
25 and 4.11 of this Act for that fiscal year.

1 (b) (Blank). ~~To improve public transportation service in~~
2 ~~areas of the metropolitan region with limited access to~~
3 ~~commuter rail service, the Authority and the Suburban Bus~~
4 ~~Division shall evaluate the feasibility of implementing new bus~~
5 ~~rapid transit services using the expressway and tollway systems~~
6 ~~in the metropolitan region. The Illinois Department of~~
7 ~~Transportation and the Illinois Toll Highway Authority shall~~
8 ~~work cooperatively with the Authority and the Suburban Bus~~
9 ~~Division in that evaluation and in the implementation of bus~~
10 ~~rapid transit services. The Authority and the Suburban Bus~~
11 ~~Division, in cooperation with the Illinois Department of~~
12 ~~Transportation, shall develop a bus rapid transit~~
13 ~~demonstration project on Interstate 55 located in Will, DuPage,~~
14 ~~and Cook Counties. This demonstration project shall test and~~
15 ~~refine approaches to bus rapid transit operations in the~~
16 ~~expressway or tollway shoulder or regular travel lanes and~~
17 ~~shall investigate technology options that facilitate the~~
18 ~~shared use of the transit lane and provide revenue for~~
19 ~~financing construction and operation of public transportation~~
20 ~~facilities.~~

21 (c) (Blank). ~~The Suburban Bus Division and the Authority~~
22 ~~shall cooperate in the development, funding, and operation of~~
23 ~~programs to enhance access to job markets for residents in~~
24 ~~south suburban Cook County. Beginning in 2008, the Authority~~
25 ~~shall allocate to the Suburban Bus Division an amount not less~~
26 ~~than \$3,750,000, and beginning in 2009 an amount not less than~~

1 ~~\$7,500,000 annually for the costs of such programs.~~

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

3 (70 ILCS 3615/2.12) (from Ch. 111 2/3, par. 702.12)

4 Sec. 2.12. Coordination with Planning Agencies. The
5 Authority and the Service Boards shall cooperate with the
6 various public agencies charged with responsibility for
7 long-range or comprehensive planning for the metropolitan
8 region. ~~The Authority shall utilize the official forecasts and
9 plans of the Chicago Metropolitan Agency for Planning in
10 developing the Strategic Plan and the Five-Year Capital
11 Program.~~ The Authority and the Service Boards shall, prior to
12 the adoption of any ~~Strategic Plan, as provided in Section
13 2.01a of this Act, or the adoption of any Five-Year Capital
14 Program,~~ as provided in subsection (b) of Section 2.01 ~~2.01b~~ of
15 this Act, submit its proposals to such agencies for review and
16 comment. The Authority and the Service Boards may make use of
17 existing studies, surveys, plans, data and other materials in
18 the possession of any State agency or department, any planning
19 agency or any unit of local government.

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

21 (70 ILCS 3615/2.14) (from Ch. 111 2/3, par. 702.14)

22 Sec. 2.14. Appointment of Officers and Employees. The
23 Authority may appoint, retain and employ officers, attorneys,
24 agents, engineers and employees. The officers shall include an

1 Executive Director, who shall be the chief executive officer of
2 the Authority, appointed by the Chairman with the concurrence
3 of 9 ~~11~~ of the ~~other~~ then Directors of the Board. The Executive
4 Director shall organize the staff of the Authority, shall
5 allocate their functions and duties, shall transfer such staff
6 to the Suburban Bus Division and the Commuter Rail Division as
7 is sufficient to meet their purposes, shall fix compensation
8 and conditions of employment of the staff of the Authority, and
9 consistent with the policies of and direction from the Board,
10 take all actions necessary to achieve its purposes, fulfill its
11 responsibilities and carry out its powers, and shall have such
12 other powers and responsibilities as the Board shall determine.
13 The Executive Director must be an individual of proven
14 transportation and management skills and may not be a member of
15 the Board. The Authority may employ its own professional
16 management personnel to provide professional and technical
17 expertise concerning its purposes and powers and to assist it
18 in assessing the performance of the Service Boards in the
19 metropolitan region.

20 No unlawful discrimination, as defined and prohibited in
21 the Illinois Human Rights Act, shall be made in any term or
22 aspect of employment nor shall there be discrimination based
23 upon political reasons or factors. The Authority shall
24 establish regulations to insure that its discharges shall not
25 be arbitrary and that hiring and promotion are based on merit.

26 The Authority shall be subject to the "Illinois Human

1 Rights Act", as now or hereafter amended, and the remedies and
2 procedure established thereunder. The Authority shall file an
3 affirmative action program for employment by it with the
4 Department of Human Rights to ensure that applicants are
5 employed and that employees are treated during employment,
6 without regard to unlawful discrimination. Such affirmative
7 action program shall include provisions relating to hiring,
8 upgrading, demotion, transfer, recruitment, recruitment
9 advertising, selection for training and rates of pay or other
10 forms of compensation.

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

12 (70 ILCS 3615/2.18a) (from Ch. 111 2/3, par. 702.18a)

13 Sec. 2.18a. (a) The provisions of this Section apply to
14 collective bargaining agreements (including extensions and
15 amendments to existing agreements) between Service Boards or
16 transportation agencies subject to the jurisdiction of Service
17 Boards and their employees, which are entered into after
18 January 1, 1984.

19 (b) The Authority shall approve amended budgets prepared by
20 Service Boards which incorporate the costs of collective
21 bargaining agreements between Service Boards and their
22 employees. The Authority shall approve such an amended budget
23 provided that it determines by the affirmative vote of 9 ~~12~~ of
24 its then members that the amended budget meets the standards
25 established in Section 4.11.

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

2 (70 ILCS 3615/2.30)

3 Sec. 2.30. Paratransit services.

4 (a) For purposes of this Act, "ADA paratransit services"
5 shall mean those comparable or specialized transportation
6 services provided by, or under grant or purchase of service
7 contracts of, the Service Boards to individuals with
8 disabilities who are unable to use fixed route transportation
9 systems and who are determined to be eligible, for some or all
10 of their trips, for such services under the Americans with
11 Disabilities Act of 1990 and its implementing regulations.

12 (b) Beginning July 1, 2005, the Authority is responsible
13 for the funding, ~~from amounts on deposit in the ADA Paratransit~~
14 ~~Fund established under Section 2.01d of this Act,~~ financial
15 review and oversight of all ADA paratransit services that are
16 provided by the Authority or by any of the Service Boards. The
17 Suburban Bus Board shall operate or provide for the operation
18 of all ADA paratransit services by no later than July 1, 2006,
19 except that this date may be extended to the extent necessary
20 to obtain approval from the Federal Transit Administration of
21 the plan prepared pursuant to subsection (c).

22 (c) No later than January 1, 2006, the Authority, in
23 collaboration with the Suburban Bus Board and the Chicago
24 Transit Authority, shall develop a plan for the provision of
25 ADA paratransit services and submit such plan to the Federal

1 Transit Administration for approval. Approval of such plan by
2 the Authority shall require the affirmative votes of 9 ~~12~~ of
3 the then Directors. The Suburban Bus Board, the Chicago Transit
4 Authority and the Authority shall comply with the requirements
5 of the Americans with Disabilities Act of 1990 and its
6 implementing regulations in developing and approving such plan
7 including, without limitation, consulting with individuals
8 with disabilities and groups representing them in the
9 community, and providing adequate opportunity for public
10 comment and public hearings. The plan shall include the
11 contents required for a paratransit plan pursuant to the
12 Americans with Disabilities Act of 1990 and its implementing
13 regulations. The plan shall also include, without limitation,
14 provisions to:

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

19 (2) transfer the appropriate ADA paratransit services,
20 management, personnel, service contracts and assets from
21 the Chicago Transit Authority to the Authority or the
22 Suburban Bus Board, as necessary, by no later than July 1,
23 2006, except that this date may be extended to the extent
24 necessary to obtain approval from the Federal Transit
25 Administration of the plan prepared pursuant to this
26 subsection (c);

1 (3) provide for consistent policies throughout the
2 metropolitan region for scheduling of ADA paratransit
3 service trips to and from destinations, with consideration
4 of scheduling of return trips on a "will-call" open-ended
5 basis upon request of the rider, if practicable, and with
6 consideration of an increased number of trips available by
7 subscription service than are available as of the effective
8 date of this amendatory Act;

9 (4) provide that service contracts and rates, entered
10 into or set after the approval by the Federal Transit
11 Administration of the plan prepared pursuant to subsection
12 (c) of this Section, with private carriers and taxicabs for
13 ADA paratransit service are procured by means of an open
14 procurement process;

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

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

21 (7) provide, in cooperation with the Illinois
22 Department of Transportation, the Illinois Department of
23 Public Aid and other appropriate public agencies and
24 private entities, for the application and receipt of
25 grants, including, without limitation, reimbursement from
26 Medicaid or other programs for ADA paratransit services;

1 (8) provide for a system of dispatch of ADA paratransit
2 services transportation carriers throughout the
3 metropolitan region, with consideration of county-based
4 dispatch systems already in place as of the effective date
5 of this amendatory Act;

6 (9) provide for a process of determining eligibility
7 for ADA paratransit services that complies with the
8 Americans with Disabilities Act of 1990 and its
9 implementing regulations;

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

12 (11) provide for the creation of one or more ADA
13 advisory boards, or the reconstitution of the existing ADA
14 advisory boards for the Service Boards, to represent the
15 diversity of individuals with disabilities in the
16 metropolitan region and to provide appropriate ongoing
17 input from individuals with disabilities into the
18 operation of ADA paratransit services.

19 (d) All revisions and annual updates to the ADA paratransit
20 services plan developed pursuant to subsection (c) of this
21 Section, or certifications of continued compliance in lieu of
22 plan updates, that are required to be provided to the Federal
23 Transit Administration shall be developed by the Authority, in
24 collaboration with the Suburban Bus Board and the Chicago
25 Transit Authority, and the Authority shall submit such
26 revision, update or certification to the Federal Transit

1 Administration for approval. Approval of such revisions,
2 updates or certifications by the Authority shall require the
3 affirmative votes of 9 ~~12~~ of the then Directors.

4 (e) The Illinois Department of Transportation, the
5 Illinois Department of Public Aid, the Authority, the Suburban
6 Bus Board and the Chicago Transit Authority shall enter into
7 intergovernmental agreements as may be necessary to provide
8 funding and accountability for, and implementation of, the
9 requirements of this Section.

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

26 (g) Any funds derived from the federal Medicaid program for

1 reimbursement of the costs of providing ADA paratransit
2 services within the metropolitan region shall be directed to
3 the Authority and shall be used to pay for or reimburse the
4 costs of providing such services.

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

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

9 (70 ILCS 3615/3.01) (from Ch. 111 2/3, par. 703.01)

10 Sec. 3.01. Board of Directors. The corporate authorities
11 and governing body of the Authority shall be a Board consisting
12 of ~~13 Directors until April 1, 2008, and~~ 16 Directors until the
13 effective date of this amendatory Act of the 98th General
14 Assembly, and 13 Directors thereafter, appointed as follows:

15 (a) (Blank). ~~Four Directors appointed by the Mayor of the~~
16 ~~City of Chicago, with the advice and consent of the City~~
17 ~~Council of the City of Chicago, and, only until April 1, 2008,~~
18 ~~a fifth director who shall be the Chairman of the Chicago~~
19 ~~Transit Authority. After April 1, 2008, the Mayor of the City~~
20 ~~of Chicago, with the advice and consent of the City Council of~~
21 ~~the City of Chicago, shall appoint a fifth Director. The~~
22 ~~Directors appointed by the Mayor of the City of Chicago shall~~
23 ~~not be the Chairman or a Director of the Chicago Transit~~
24 ~~Authority. Each such Director shall reside in the City of~~
25 ~~Chicago.~~

1 (b) (Blank). ~~Four Directors appointed by the votes of a~~
2 ~~majority of the members of the Cook County Board elected from~~
3 ~~districts, a majority of the electors of which reside outside~~
4 ~~Chicago. After April 1, 2008, a fifth Director appointed by the~~
5 ~~President of the Cook County Board with the advice and consent~~
6 ~~of the members of the Cook County Board. Each Director~~
7 ~~appointed under this subparagraph shall reside in that part of~~
8 ~~Cook County outside Chicago.~~

9 (c) (Blank). ~~Until April 1, 2008, 3 Directors appointed by~~
10 ~~the Chairmen of the County Boards of DuPage, Kane, Lake,~~
11 ~~McHenry, and Will Counties, as follows:~~

12 ~~(i) Two Directors appointed by the Chairmen of the~~
13 ~~county boards of Kane, Lake, McHenry and Will Counties,~~
14 ~~with the concurrence of not less than a majority of the~~
15 ~~Chairmen from such counties, from nominees by the Chairmen.~~
16 ~~Each such Chairman may nominate not more than 2 persons for~~
17 ~~each position. Each such Director shall reside in a county~~
18 ~~in the metropolitan region other than Cook or DuPage~~
19 ~~Counties.~~

20 ~~(ii) One Director appointed by the Chairman of the~~
21 ~~DuPage County Board with the advice and consent of the~~
22 ~~DuPage County Board. Such Director shall reside in DuPage~~
23 ~~County.~~

24 (d) (Blank). ~~After April 1, 2008, 5 Directors appointed by~~
25 ~~the Chairmen of the County Boards of DuPage, Kane, Lake and~~
26 ~~McHenry Counties and the County Executive of Will County, as~~

1 ~~follows:~~

2 ~~(i) One Director appointed by the Chairman of the Kane~~
3 ~~County Board with the advice and consent of the Kane County~~
4 ~~Board. Such Director shall reside in Kane County.~~

5 ~~(ii) One Director appointed by the County Executive of~~
6 ~~Will County with the advice and consent of the Will County~~
7 ~~Board. Such Director shall reside in Will County.~~

8 ~~(iii) One Director appointed by the Chairman of the~~
9 ~~DuPage County Board with the advice and consent of the~~
10 ~~DuPage County Board. Such Director shall reside in DuPage~~
11 ~~County.~~

12 ~~(iv) One Director appointed by the Chairman of the Lake~~
13 ~~County Board with the advice and consent of the Lake County~~
14 ~~Board. Such Director shall reside in Lake County.~~

15 ~~(v) One Director appointed by the Chairman of the~~
16 ~~McHenry County Board with the advice and consent of the~~
17 ~~McHenry County Board. Such Director shall reside in McHenry~~
18 ~~County.~~

19 ~~(vi) To implement the changes in appointing authority~~
20 ~~under this subparagraph (d) the three Directors appointed~~
21 ~~under subparagraph (c) and residing in Lake County, DuPage~~
22 ~~County, and Kane County respectively shall each continue to~~
23 ~~serve as Director until the expiration of their respective~~
24 ~~term of office and until his or her successor is appointed~~
25 ~~and qualified or a vacancy occurs in the office. Thereupon,~~
26 ~~the appointment shall be made by the officials given~~

1 ~~appointing authority with respect to the Director whose~~
2 ~~term has expired or office has become vacant.~~

3 (e) (Blank). ~~The Chairman serving on the effective date of~~
4 ~~this amendatory Act of the 95th General Assembly shall continue~~
5 ~~to serve as Chairman until the expiration of his or her term of~~
6 ~~office and until his or her successor is appointed and~~
7 ~~qualified or a vacancy occurs in the office. Upon the~~
8 ~~expiration or vacancy of the term of the Chairman then serving~~
9 ~~upon the effective date of this amendatory Act of the 95th~~
10 ~~General Assembly, the Chairman shall be appointed by the other~~
11 ~~Directors, by the affirmative vote of at least 11 of the then~~
12 ~~Directors with at least 2 affirmative votes from Directors who~~
13 ~~reside in the City of Chicago, at least 2 affirmative votes~~
14 ~~from Directors who reside in Cook County outside the City of~~
15 ~~Chicago, and at least 2 affirmative votes from Directors who~~
16 ~~reside in the Counties of DuPage, Lake, Will, Kane, or McHenry.~~
17 ~~The chairman shall not be appointed from among the other~~
18 ~~Directors. The chairman shall be a resident of the metropolitan~~
19 ~~region.~~

20 (e-1) Four Directors appointed by the Mayor of the City of
21 Chicago, with the advice and consent of the City Council of the
22 City of Chicago, and a fifth director who shall be the Chairman
23 of the Chicago Transit Authority. Each such Director shall
24 reside in the City of Chicago, except the Chairman of the
25 Chicago Transit Authority who shall reside within the
26 metropolitan area as defined in the Metropolitan Transit

1 Authority Act.

2 (e-2) Four Directors appointed by the members of the Cook
3 County Board elected from that part of Cook County outside of
4 Chicago, or, in the event such Board of Commissioners becomes
5 elected from single member districts, by those Commissioners
6 elected from districts, a majority of the electors of which
7 reside outside Chicago. In either case, such appointment shall
8 be with the concurrence of four such Commissioners. Each such
9 Director shall reside in that part of Cook County outside
10 Chicago.

11 (e-3) Two Directors appointed by the Chairmen of the county
12 boards of Kane, Lake, McHenry and Will Counties, with the
13 concurrence of not less than a majority of the Chairmen from
14 such counties, from nominees by the Chairmen. Each such
15 Chairman may nominate not more than 2 persons for each
16 position. Each such Director shall reside in a county in the
17 metropolitan region other than Cook or DuPage Counties.

18 (e-4) One Director shall be appointed by the Chairman of
19 the Board of DuPage County, with the advice and consent of the
20 County Board of DuPage County. Such Director and shall reside
21 in DuPage County.

22 (e-5) The initial Chairman shall be appointed by the
23 Governor for a term expiring July 1, 2017. Thereafter the
24 Chairman shall be appointed by the other 12 Directors with the
25 concurrence of three-fourths of such Directors. The chairman
26 shall not be appointed from among the other Directors. The

1 chairman shall be a resident of the metropolitan region.

2 (e-6) The initial Directors appointed under subsections
3 (e-1) through (e-4) shall be appointed within 60 days after the
4 effective date of this amendatory Act of the 98th General
5 Assembly. The term of office of each Director holding office on
6 the effective date of this amendatory Act of the 98th General
7 Assembly shall expire upon the appointment of a quorum of the
8 initial Directors appointed under subsections (e-1) through
9 (e-4). Of the initial Directors appointed under subsection
10 (e-1): one shall serve for a term ending on July 1, 2016, one
11 shall serve for a term ending on July 1, 2017, one shall serve
12 for a term ending on July 1, 2018, and one shall serve for a
13 term ending on July 1, 2019. Of the initial Directors appointed
14 under subsection (e-2): one shall serve for a term ending on
15 July 1, 2016, one shall serve for a term ending on July 1,
16 2017, one shall serve for a term ending on July 1, 2018, and
17 one shall serve for a term ending on July 1, 2019. Of the
18 initial Directors appointed under subsection (e-3): one shall
19 serve for a term ending on July 1, 2018 and one shall serve for
20 a term ending on July 1, 2019. The initial Director appointed
21 under subsection (e-4) shall serve for a term ending on July 1,
22 2019.

23 (f) Except as otherwise provided by this Act no Director
24 shall, while serving as such, be an officer, a member of the
25 Board of Directors or Trustees or an employee of any ~~Service~~
26 ~~Board or~~ transportation agency, or be an employee of the State

1 of Illinois or any department or agency thereof, or of any unit
2 of local government or receive any compensation from any
3 elected or appointed office under the Constitution and laws of
4 Illinois; except that a Director may be a member of a school
5 board.

6 (g) Each appointment made under this Section and under
7 Section 3.03 shall be certified by the appointing authority to
8 the Board, which shall maintain the certifications as part of
9 the official records of the Authority; provided that the
10 initial appointments shall be certified to the Secretary of
11 State, who shall transmit the certifications to the Board
12 following its organization. All appointments made by the
13 Governor shall be made with the advice and consent of the
14 Senate.

15 (h) The Board of Directors shall be so appointed as to
16 represent the City of Chicago, that part of Cook County outside
17 the City of Chicago, and that part of the metropolitan region
18 outside Cook County on the one man one vote basis. After each
19 Federal decennial census the General Assembly shall review the
20 composition of the Board and, if a change is needed to comply
21 with this requirement, shall provide for the necessary revision
22 by July 1 of the third year after such census. Provided,
23 however, that the Chairman of the Chicago Transit Authority
24 shall be a Director of the Authority and shall be considered as
25 representing the City of Chicago for purposes of this
26 paragraph.

1 Insofar as may be practicable, the changes in Board
2 membership necessary to achieve this purpose shall take effect
3 as appropriate members terms expire, no member's term being
4 reduced by reason of such revision of the composition of the
5 Board. ~~(Blank).~~

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

7 (70 ILCS 3615/3.03) (from Ch. 111 2/3, par. 703.03)

8 Sec. 3.03. Terms, vacancies. Except as provided in
9 subsection (e-6) of Section 3.01, each ~~Each~~ Director shall hold
10 office for a term of 5 years, and until his successor has been
11 appointed and has qualified. A vacancy shall occur upon
12 resignation, death, conviction of a felony, or removal from
13 office of a Director. Any Director may be removed from office
14 (i) upon concurrence of not less than 6 ~~11~~ Directors, on a
15 formal finding of incompetence, neglect of duty, or malfeasance
16 in office or (ii) by the Governor in response to a summary
17 report received from the Executive Inspector General in
18 accordance with Section 20-50 of the State Officials and
19 Employees Ethics Act, provided he or she has an opportunity to
20 be publicly heard in person or by counsel prior to removal.
21 Within 30 days after the office of any member becomes vacant
22 for any reason, the appointing authorities of such member shall
23 make an appointment to fill the vacancy. A vacancy shall be
24 filled for the unexpired term.

25 Whenever a vacancy for a Director, except as to ~~the~~

1 ~~Chairman or~~ those Directors appointed by the Governor or the
2 Mayor of the City of Chicago, exists for longer than 4 months,
3 the new Director shall be chosen by election by all legislative
4 members in the General Assembly representing the affected area.
5 In order to qualify as a voting legislative member in this
6 matter, the affected area must be more than 50% of the
7 geographic area of the legislative district.

8 (Source: P.A. 95-708, eff. 1-18-08; 96-1528, eff. 7-1-11.)

9 (70 ILCS 3615/3.05) (from Ch. 111 2/3, par. 703.05)

10 Sec. 3.05. Meetings. The Board shall prescribe the times
11 and places for meetings and the manner in which special
12 meetings may be called. The Board shall comply in all respects
13 with the "Open Meetings Act", approved July 11, 1957, as now or
14 hereafter amended. All records, documents and papers of the
15 Authority, other than those relating to matters concerning
16 which closed sessions of the Board may be held, shall be
17 available for public examination, subject to such reasonable
18 regulations as the Board may adopt.

19 A majority of the Directors holding office shall constitute
20 a quorum for the conduct of business. Except as otherwise
21 provided in this Act, the affirmative votes of at least 7 ~~9~~
22 Directors shall be necessary for approving any contract or
23 agreement, adopting any rule or regulation, and any other
24 action required by this Act to be taken by resolution or
25 ordinance.

1 The Board shall meet with the Regional Citizens Advisory
2 Board at least once every 4 months.

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

4 (70 ILCS 3615/3A.09) (from Ch. 111 2/3, par. 703A.09)

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

10 (a) to cooperate with the Regional Transportation
11 Authority in the exercise by the Regional Transportation
12 Authority of all the powers granted it by such Act;

13 (b) to receive funds from the Regional Transportation
14 Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and
15 4.10 of the Regional Transportation Authority Act, all as
16 provided in the Regional Transportation Authority Act;

17 (c) to receive financial grants from the Regional
18 Transportation Authority or a Service Board, as defined in
19 the Regional Transportation Authority Act, upon such terms
20 and conditions as shall be set forth in a grant contract
21 between either the Division and the Regional
22 Transportation Authority or the Division and another
23 Service Board, which contract or agreement may be for such
24 number of years or duration as the parties agree, all as
25 provided in the Regional Transportation Authority Act;

1 (d) to perform all functions necessary for the
2 provision of paratransit services under Section 2.30 of
3 this Act; and

4 (e) to borrow money for the purposes of: (i)
5 constructing a new garage in the northwestern Cook County
6 suburbs at an estimated cost of \$60,000,000, (ii)
7 converting the South Cook garage in Markham to a Compressed
8 Natural Gas facility at an estimated cost of \$12,000,000,
9 (iii) constructing a new paratransit garage in DuPage
10 County at an estimated cost of \$25,000,000, and (iv)
11 expanding the North Shore garage in Evanston to accommodate
12 additional indoor bus parking at an estimated cost of
13 \$3,000,000. For the purpose of evidencing the obligation of
14 the Suburban Bus Board to repay any money borrowed as
15 provided in this subsection, the Suburban Bus Board may
16 issue revenue bonds from time to time pursuant to ordinance
17 adopted by the Suburban Bus Board, subject to the approval
18 of the Regional Transportation Authority of each such
19 issuance by the affirmative vote of 9 ~~12~~ of its then
20 Directors; provided that the Suburban Bus Board may not
21 issue bonds for the purpose of financing the acquisition,
22 construction, or improvement of any facility other than
23 those listed in this subsection (e). All such bonds shall
24 be payable solely from the revenues or income or any other
25 funds that the Suburban Bus Board may receive, provided
26 that the Suburban Bus Board may not pledge as security for

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

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

24 (Source: P.A. 97-770, eff. 1-1-13.)

25 (70 ILCS 3615/3A.10) (from Ch. 111 2/3, par. 703A.10)

1 Sec. 3A.10. Budget and Program. The Suburban Bus Board,
2 subject to the powers of the Authority in Section 4.11, shall
3 control the finances of the Division. It shall by ordinance
4 appropriate money to perform the Division's purposes and
5 provide for payment of debts and expenses of the Division. Each
6 year the Suburban Bus Board shall prepare and publish a
7 comprehensive annual budget and ~~proposed five year capital~~
8 program document, and a financial plan for the 2 years
9 thereafter describing the state of the Division and presenting
10 for the forthcoming fiscal year and the 2 following years the
11 Suburban Bus Board's plans for such operations and capital
12 expenditures as it intends to undertake and the means by which
13 it intends to finance them. The proposed budget and, financial
14 plan, ~~and five year capital program~~ shall be based on the
15 Authority's estimate of funds to be made available to the
16 Suburban Bus Board by or through the Authority and shall
17 conform in all respects to the requirements established by the
18 Authority. The proposed program and budget, ~~financial plan, and~~
19 ~~five year capital program~~ shall contain a statement of the
20 funds estimated to be on hand at the beginning of the fiscal
21 year, the funds estimated to be received from all sources for
22 such year and the funds estimated to be on hand at the end of
23 such year. After adoption of the Authority's first Five-Year
24 Program, as provided in Section 2.01 of this Act, the proposed
25 program and budget shall specifically identify any respect in
26 which the recommended program deviates from the Authority's

1 then existing Five-Year Program, giving the reasons for such
2 deviation. The fiscal year of the Division shall be the same as
3 the fiscal year of the Authority. Before the proposed budget
4 and program, and the 7 financial plan, ~~and five-year capital~~
5 ~~program~~ are submitted to the Authority, the Suburban Bus Board
6 shall hold at least one public hearing thereon in each of the
7 counties in the metropolitan region in which the Division
8 provides service. The Suburban Bus Board shall hold at least
9 one meeting for consideration of the proposed program and
10 ~~budget, financial plan, and five-year capital program~~ with the
11 county board of each of the several counties in the
12 metropolitan region in which the Division provides service.
13 After conducting such hearings and holding such meetings and
14 after making such changes in the proposed program and budget, 7
15 ~~financial plan, and five-year capital program~~ as the Suburban
16 Bus Board deems appropriate, it shall adopt an annual budget
17 ordinance at least by November 15 next preceding the beginning
18 of each fiscal year. The budget, financial plan, and five-year
19 capital program shall then be submitted to the Authority as
20 provided in Section 4.11. In the event that the Board of the
21 Authority determines that the budget and program, and the
22 financial plan, do not meet the standards of Section 4.11, the
23 Suburban Bus Board shall make such changes as are necessary to
24 meet such requirements and adopt an amended budget ordinance.
25 The amended budget ordinance shall be resubmitted to the
26 Authority pursuant to Section 4.11. The ordinance shall

1 appropriate such sums of money as are deemed necessary to
2 defray all necessary expenses and obligations of the Division,
3 specifying purposes and the objects or programs for which
4 appropriations are made and the amount appropriated for each
5 object or program. Additional appropriations, transfers
6 between items and other changes in such ordinance which do not
7 alter the basis upon which the balanced budget determination
8 was made by the Board of the Authority may be made from time to
9 time by the Suburban Bus Board.

10 The budget shall:

11 (i) show a balance between (A) anticipated revenues
12 from all sources including operating subsidies and (B) the
13 costs of providing the services specified and of funding
14 any operating deficits or encumbrances incurred in prior
15 periods, including provision for payment when due of
16 principal and interest on outstanding indebtedness;

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

20 (iii) provide for a level of fares or charges and
21 operating or administrative costs for the public
22 transportation provided by or subject to the jurisdiction
23 of the Suburban Bus Board sufficient to allow the Suburban
24 Bus Board to meet its required system generated revenues
25 recovery ratio and, beginning with the 2007 fiscal year,
26 its system generated ADA paratransit services revenue

1 recovery ratio;

2 (iv) be based upon and employ assumptions and
3 projections which are reasonable and prudent;

4 (v) have been prepared in accordance with sound
5 financial practices as determined by the Board of the
6 Authority;

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

10 (vii) (Blank). ~~be consistent with the goals and~~
11 ~~objectives adopted by the Regional Transportation~~
12 ~~Authority in the Strategic Plan.~~

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

14 (70 ILCS 3615/3A.11) (from Ch. 111 2/3, par. 703A.11)

15 Sec. 3A.11. Citizens Advisory Board. The Suburban Bus Board
16 shall establish a citizens advisory board composed of 10
17 residents of those portions of the metropolitan region in which
18 the Suburban Bus Board provides service who have an interest in
19 public transportation. The members of the advisory board shall
20 be named for 2 year terms, shall select one of their members to
21 serve as chairman and shall serve without compensation. The
22 citizens advisory board shall meet with the Suburban Bus Board
23 at least quarterly and advise the Suburban Bus Board of the
24 impact of its policies and programs on the communities it
25 serves. ~~Appointments to the citizens advisory board should, to~~

1 ~~the greatest extent possible, reflect the ethnic, cultural, and~~
2 ~~geographic diversity of all persons residing within the~~
3 ~~Suburban Bus Board's jurisdiction.~~

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

5 (70 ILCS 3615/3A.14) (from Ch. 111 2/3, par. 703A.14)

6 Sec. 3A.14. Labor.

7 (a) The provisions of this Section apply to collective
8 bargaining agreements (including extensions and amendments of
9 existing agreements) entered into on or after January 1, 1984.

10 (b) The Suburban Bus Board shall deal with and enter into
11 written contracts with their employees, through accredited
12 representatives of such employees authorized to act for such
13 employees concerning wages, salaries, hours, working
14 conditions, and pension or retirement provisions about which a
15 collective bargaining agreement has been entered prior to the
16 effective date of this amendatory Act of 1983. Any such
17 agreement of the Suburban Bus Board shall provide that the
18 agreement may be reopened if the amended budget submitted
19 pursuant to Section 2.18a of this Act is not approved by the
20 Board of the Authority. The agreement may not include a
21 provision requiring the payment of wage increases based on
22 changes in the Consumer Price Index. The Suburban Bus Board
23 shall not have the authority to enter collective bargaining
24 agreements with respect to inherent management rights, which
25 include such areas of discretion or policy as the functions of

1 the employer, standards of services, its overall budget, the
2 organizational structure and selection of new employees and
3 direction of personnel. Employers, however, shall be required
4 to bargain collectively with regard to policy matters directly
5 affecting wages, hours and terms and conditions of employment,
6 as well as the impact thereon, upon request by employee
7 representatives. To preserve the rights of employers and
8 exclusive representatives which have established collective
9 bargaining relationships or negotiated collective bargaining
10 agreements prior to the effective date of this amendatory Act
11 of 1983, employers shall be required to bargain collectively
12 with regard to any matter concerning wages, hours or conditions
13 of employment about which they have bargained prior to the
14 effective date of this amendatory Act of 1983.

15 (c) The collective bargaining agreement may not include a
16 prohibition on the use of part-time operators on any service
17 operated by the Suburban Bus Board except where prohibited by
18 federal law.

19 (d) Within 30 days of the signing of any such collective
20 bargaining agreement, the Suburban Bus Board shall determine
21 the costs of each provision of the agreement, prepare an
22 amended budget incorporating the costs of the agreement, and
23 present the amended budget to the Board of the Authority for
24 its approval under Section 4.11. The Board may approve the
25 amended budget by an affirmative vote of 9 ~~12~~ of its then
26 Directors. If the budget is not approved by the Board of the

1 Authority, the agreement may be reopened and its terms may be
2 renegotiated. Any amended budget which may be prepared
3 following renegotiation shall be presented to the Board of the
4 Authority for its approval in like manner.

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

6 (70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

7 Sec. 3B.02. Commuter Rail Board.

8 (a) Until April 1, 2008, and beginning again on the
9 effective date of this amendatory Act of the 98th General
10 Assembly, the governing body of the Commuter Rail Division
11 shall be a board consisting of 7 directors appointed pursuant
12 to Sections 3B.03 and 3B.04, as follows:

13 (1) One director shall be appointed by the Chairman of
14 the Board of DuPage County with the advice and consent of
15 the County Board of DuPage County and shall reside in
16 DuPage County.

17 (2) Two directors appointed by the Chairmen of the
18 County Boards of Kane, Lake, McHenry and Will Counties with
19 the concurrence of not less than a majority of the chairmen
20 from such counties, from nominees by the Chairmen. Each
21 such chairman may nominate not more than two persons for
22 each position. Each such director shall reside in a county
23 in the metropolitan region other than Cook or DuPage
24 County.

25 (3) Three directors appointed by the members of the

1 Cook County Board elected from that part of Cook County
2 outside of Chicago, or, in the event such Board of
3 Commissioners becomes elected from single member
4 districts, by those Commissioners elected from districts,
5 a majority of the residents of which reside outside
6 Chicago. In either case, such appointment shall be with the
7 concurrence of four such Commissioners. Each such director
8 shall reside in that part of Cook County outside Chicago.

9 (4) One director appointed by the Mayor of the City of
10 Chicago, with the advice and consent of the City Council of
11 the City of Chicago. Such director shall reside in the City
12 of Chicago.

13 (5) The chairman shall be appointed by the directors,
14 from the members of the board, with the concurrence of 5 of
15 such directors.

16 (b) After April 1, 2008 and until the effective date of
17 this amendatory Act of the 98th General Assembly, the governing
18 body of the Commuter Rail Division shall be a board consisting
19 of 11 directors appointed, pursuant to Sections 3B.03 and
20 3B.04, as follows:

21 (1) One Director shall be appointed by the Chairman of
22 the DuPage County Board with the advice and consent of the
23 DuPage County Board and shall reside in DuPage County. To
24 implement the changes in appointing authority under this
25 Section, upon the expiration of the term of or vacancy in
26 office of the Director appointed under item (1) of

1 subsection (a) of this Section who resides in DuPage
2 County, a Director shall be appointed under this
3 subparagraph.

4 (2) One Director shall be appointed by the Chairman of
5 the McHenry County Board with the advice and consent of the
6 McHenry County Board and shall reside in McHenry County. To
7 implement the change in appointing authority under this
8 Section, upon the expiration of the term of or vacancy in
9 office of the Director appointed under item (2) of
10 subsection (a) of this Section who resides in McHenry
11 County, a Director shall be appointed under this
12 subparagraph.

13 (3) One Director shall be appointed by the Will County
14 Executive with the advice and consent of the Will County
15 Board and shall reside in Will County. To implement the
16 change in appointing authority under this Section, upon the
17 expiration of the term of or vacancy in office of the
18 Director appointed under item (2) of subsection (a) of this
19 Section who resides in Will County, a Director shall be
20 appointed under this subparagraph.

21 (4) One Director shall be appointed by the Chairman of
22 the Lake County Board with the advice and consent of the
23 Lake County Board and shall reside in Lake County.

24 (5) One Director shall be appointed by the Chairman of
25 the Kane County Board with the advice and consent of the
26 Kane County Board and shall reside in Kane County.

1 (6) One Director shall be appointed by the Mayor of the
2 City of Chicago with the advice and consent of the City
3 Council of the City of Chicago and shall reside in the City
4 of Chicago. To implement the changes in appointing
5 authority under this Section, upon the expiration of the
6 term of or vacancy in office of the Director appointed
7 under item (4) of subsection (a) of this Section who
8 resides in the City of Chicago, a Director shall be
9 appointed under this subparagraph.

10 (7) Five Directors residing in Cook County outside of
11 the City of Chicago, as follows:

12 (i) One Director who resides in Cook County outside
13 of the City of Chicago, appointed by the President of
14 the Cook County Board with the advice and consent of
15 the members of the Cook County Board.

16 (ii) One Director who resides in the township of
17 Barrington, Palatine, Wheeling, Hanover, Schaumburg,
18 or Elk Grove. To implement the changes in appointing
19 authority under this Section, upon the expiration of
20 the term of or vacancy in office of the Director
21 appointed under paragraph (3) of subsection (a) of this
22 Section who resides in the geographic area described in
23 this subparagraph, a Director shall be appointed under
24 this subparagraph.

25 (iii) One Director who resides in the township of
26 Northfield, New Trier, Maine, Niles, Evanston, Leyden,

1 Norwood Park, River Forest, or Oak Park.

2 (iv) One Director who resides in the township of
3 Proviso, Riverside, Berwyn, Cicero, Lyons, Stickney,
4 Lemont, Palos, or Orland. To implement the changes in
5 appointing authority under this Section, upon the
6 expiration of the term of or vacancy in office of the
7 Director appointed under paragraph (3) of subsection
8 (a) of this Section who resides in the geographic area
9 described in this subparagraph and whose term of office
10 had not expired as of August 1, 2007, a Director shall
11 be appointed under this subparagraph.

12 (v) One Director who resides in the township of
13 Worth, Calumet, Bremen, Thornton, Rich, or Bloom. To
14 implement the changes in appointing authority under
15 this Section, upon the expiration of the term of or
16 vacancy in office of the Director appointed under
17 paragraph (3) of subsection (a) of this Section who
18 resides in the geographic area described in this
19 subparagraph and whose term of office had expired as of
20 August 1, 2007, a Director shall be appointed under
21 this subparagraph.

22 (vi) The Directors identified under the provisions
23 of subparagraphs (ii) through (v) of this paragraph (7)
24 shall be appointed by the members of the Cook County
25 Board. Each individual Director shall be appointed by
26 those members of the Cook County Board whose Board

1 districts overlap in whole or in part with the
2 geographic territory described in the relevant
3 subparagraph. The vote of County Board members
4 eligible to appoint directors under the provisions of
5 subparagraphs (ii) through (v) of this paragraph (7)
6 shall be weighted by the number of electors residing in
7 those portions of their Board districts within the
8 geographic territory described in the relevant
9 subparagraph (ii) through (v) of this paragraph (7).

10 (8) The Chairman shall be appointed by the Directors,
11 from the members of the Board, with the concurrence of 8 of
12 such Directors. To implement the changes in appointing
13 authority under this Section, upon the expiration of the
14 term of or vacancy in office of the Chairman appointed
15 under item (5) of subsection (a) of this Section, a
16 Chairman shall be appointed under this subparagraph.

17 (c) No director, while serving as such, shall be an
18 officer, a member of the board of directors or trustee or an
19 employee of any transportation agency, or be an employee of the
20 State of Illinois or any department or agency thereof, or of
21 any unit of local government or receive any compensation from
22 any elected or appointed office under the Constitution and laws
23 of Illinois.

24 (d) Each appointment made under subsections (a) and (b) of
25 this Section and under Section 3B.03 shall be certified by the
26 appointing authority to the Commuter Rail Board which shall

1 maintain the certifications as part of the official records of
2 the Commuter Rail Board.

3 Appointments to the Commuter Rail Board shall be
4 apportioned so as to represent the City of Chicago, that part
5 of Cook County outside of the City of Chicago, and DuPage
6 County and that part of the metropolitan region other than Cook
7 and DuPage Counties based on morning boardings of the services
8 provided by the Commuter Rail Division as certified to the
9 Board of the Authority by the Commuter Rail Board, provided
10 however that the Mayor of the City of Chicago shall appoint no
11 fewer than 1 member of the Commuter Rail Board. Within two
12 years after each federal decennial census, the Board of the
13 Authority shall review the composition of the Commuter Rail
14 Board and, if change is needed to comply with this requirement,
15 shall provide for the necessary reapportionment by July 1 of
16 the second year after such census. Insofar as may be
17 practicable, the changes in board membership necessary to
18 achieve this purpose shall take effect as appropriate members
19 terms expire, no member's term being reduced by reason of such
20 revision of the composition of the Commuter Rail Board.

21 (e) The initial members appointed under subsection (a) for
22 terms beginning on or after the effective date of this
23 amendatory Act of the 98th General Assembly shall be appointed
24 within 60 days after the effective date of this amendatory Act
25 of the 98th General Assembly. The term of office of each
26 director holding office on the effective date of this

1 amendatory Act of the 98th General Assembly under subsection
2 (b) shall expire upon the appointment of a quorum of the
3 initial directors appointed under subsection (a).

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

5 (70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

6 Sec. 3B.03. Terms, Vacancies. The initial term of the
7 director appointed pursuant to item (1) of subsection (a) of
8 Section 3B.02 and the initial term of one of the directors
9 appointed pursuant to item (2) of subsection (a) of Section
10 3B.02 shall expire on June 30, 2015; the initial term of one of
11 the directors appointed pursuant to item (2) of subsection (a)
12 of Section 3B.02 and the initial term of one of the directors
13 appointed pursuant to item (3) of subsection (a) of Section
14 3B.02 shall expire on June 30, 2016; the initial terms of 2 of
15 the directors appointed pursuant to item (3) of subsection (a)
16 of Section 3B.02 shall expire on June 30, 2017; the initial
17 term of the director appointed pursuant to item (4) of
18 subsection (a) of Section 3B.02 shall expire on June 30, 2018.

19 Thereafter, each ~~Each~~ director shall be appointed for a term of
20 4 years, and until his successor has been appointed and
21 qualified. A vacancy shall occur upon the resignation, death,
22 conviction of a felony, or removal from office of a director.
23 Any director may be removed from office (i) upon the
24 concurrence of not less than 6 ~~5~~ directors, on a formal finding
25 of incompetence, neglect of duty, or malfeasance in office or

1 (ii) by the Governor in response to a summary report received
2 from the Executive Inspector General in accordance with Section
3 20-50 of the State Officials and Employees Ethics Act, provided
4 he or she has an opportunity to be publicly heard in person or
5 by counsel prior to removal. Within 30 days after the office of
6 any director becomes vacant for any reason, the appropriate
7 appointing authorities of such director, as provided in Section
8 3B.02, shall make an appointment to fill the vacancy. A vacancy
9 shall be filled for the unexpired term.

10 (Source: P.A. 95-708, eff. 1-18-08; 96-1528, eff. 7-1-11.)

11 (70 ILCS 3615/3B.05) (from Ch. 111 2/3, par. 703B.05)

12 Sec. 3B.05. Appointment of officers and employees. The
13 Commuter Rail Board shall appoint an Executive Director who
14 shall be the chief executive officer of the Division,
15 appointed, retained or dismissed with the concurrence of 6 ~~8~~ of
16 the directors of the Commuter Rail Board. The Executive
17 Director shall appoint, retain and employ officers, attorneys,
18 agents, engineers, employees and shall organize the staff,
19 shall allocate their functions and duties, fix compensation and
20 conditions of employment, and consistent with the policies of
21 and direction from the Commuter Rail Board take all actions
22 necessary to achieve its purposes, fulfill its
23 responsibilities and carry out its powers, and shall have such
24 other powers and responsibilities as the Commuter Rail Board
25 shall determine. The Executive Director shall be an individual

1 of proven transportation and management skills and may not be a
2 member of the Commuter Rail Board. The Division may employ its
3 own professional management personnel to provide professional
4 and technical expertise concerning its purposes and powers and
5 to assist it in assessing the performance of transportation
6 agencies in the metropolitan region.

7 No unlawful discrimination, as defined and prohibited in
8 the Illinois Human Rights Act, shall be made in any term or
9 aspect of employment nor shall there be discrimination based
10 upon political reasons or factors. The Commuter Rail Board
11 shall establish regulations to insure that its discharges shall
12 not be arbitrary and that hiring and promotion are based on
13 merit.

14 The Division shall be subject to the "Illinois Human Rights
15 Act", as now or hereafter amended, and the remedies and
16 procedure established thereunder. The Commuter Rail Board
17 shall file an affirmative action program for employment by it
18 with the Department of Human Rights to ensure that applicants
19 are employed and that employees are treated during employment,
20 without regard to unlawful discrimination. Such affirmative
21 action program shall include provisions relating to hiring,
22 upgrading, demotion, transfer, recruitment, recruitment
23 advertising, selection for training and rates of pay or other
24 forms of compensation.

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

1 (70 ILCS 3615/3B.07) (from Ch. 111 2/3, par. 703B.07)

2 Sec. 3B.07. Meetings. The Commuter Rail Board shall
3 prescribe the times and places for meetings and the manner in
4 which special meetings may be called. The Commuter Rail Board
5 shall comply in all respects with the "Open Meetings Act", as
6 now or hereafter amended. All records, documents and papers of
7 the Commuter Rail Division, other than those relating to
8 matters concerning which closed sessions of the Commuter Rail
9 Board may be held, shall be available for public examination,
10 subject to such reasonable regulations as the board may adopt.

11 A majority of the members shall constitute a quorum for the
12 conduct of business. The affirmative votes of at least 4 ~~6~~
13 members shall be necessary for any action required by this Act
14 to be taken by ordinance.

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

16 (70 ILCS 3615/3B.09) (from Ch. 111 2/3, par. 703B.09)

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

22 (a) to cooperate with the Regional Transportation
23 Authority in the exercise by the Regional Transportation
24 Authority of all the powers granted it by such Act;

25 (b) to receive funds from the Regional Transportation

1 Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and 4.10
2 of the "Regional Transportation Authority Act", all as provided
3 in the "Regional Transportation Authority Act";

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

13 (d) (blank). ~~to borrow money for the purpose of acquiring,~~
14 ~~constructing, reconstructing, extending, or improving any~~
15 ~~Public Transportation Facilities (as defined in Section 1.03 of~~
16 ~~the Regional Transportation Authority Act) operated by or to be~~
17 ~~operated by or on behalf of the Commuter Rail Division. For the~~
18 ~~purpose of evidencing the obligation of the Commuter Rail Board~~
19 ~~to repay any money borrowed as provided in this subsection, the~~
20 ~~Commuter Rail Board may issue revenue bonds from time to time~~
21 ~~pursuant to ordinance adopted by the Commuter Rail Board,~~
22 ~~subject to the approval of the Regional Transportation~~
23 ~~Authority of each such issuance by the affirmative vote of 12~~
24 ~~of its then Directors; provided that the Commuter Rail Board~~
25 ~~may not issue bonds for the purpose of financing the~~
26 ~~acquisition, construction, or improvement of a corporate~~

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

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

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

1 (70 ILCS 3615/3B.10) (from Ch. 111 2/3, par. 703B.10)

2 Sec. 3B.10. Budget and Program. The Commuter Rail Board,
3 subject to the powers of the Authority in Section 4.11, shall
4 control the finances of the Division. It shall by ordinance
5 appropriate money to perform the Division's purposes and
6 provide for payment of debts and expenses of the Division. Each
7 year the Commuter Rail Board shall prepare and publish a
8 comprehensive annual budget and ~~proposed five year capital~~
9 program document, and a financial plan for the two years
10 thereafter describing the state of the Division and presenting
11 for the forthcoming fiscal year and the two following years the
12 Commuter Rail Board's plans for such operations and capital
13 expenditures as the Commuter Rail Board intends to undertake
14 and the means by which it intends to finance them. The proposed
15 budget and ~~financial plan, and five year capital program~~
16 shall be based on the Authority's estimate of funds to be made
17 available to the Commuter Rail Board by or through the
18 Authority and shall conform in all respects to the requirements
19 established by the Authority. The proposed program and ~~budget,~~
20 ~~financial plan, and five year capital program~~ shall contain a
21 statement of the funds estimated to be on hand at the beginning
22 of the fiscal year, the funds estimated to be received from all
23 sources for such year and the funds estimated to be on hand at
24 the end of such year. After adoption of the Authority's first
25 Five-Year Program, as provided in Section 2.01 of this Act, the
26 proposed program and budget shall specifically identify any

1 respect in which the recommended program deviates from the
2 Authority's then existing Five-Year Program, giving the
3 reasons for such deviation. The fiscal year of the Division
4 shall be the same as the fiscal year of the Authority. Before
5 the proposed budget and program, and the 7 financial plan, ~~and~~
6 ~~five year capital program~~ are submitted to the Authority, the
7 Commuter Rail Board shall hold at least one public hearing
8 thereon in each of the counties in the metropolitan region in
9 which the Division provides service. The Commuter Rail Board
10 shall hold at least one meeting for consideration of the
11 proposed program and budget, ~~financial plan, and five-year~~
12 ~~capital plan~~ with the county board of each of the several
13 counties in the metropolitan region in which the Division
14 provides service. After conducting such hearings and holding
15 such meetings and after making such changes in the proposed
16 program and budget, ~~financial plan, and five year capital plan~~
17 as the Commuter Rail Board deems appropriate, the board shall
18 adopt its annual budget ordinance at least by November 15 next
19 preceding the beginning of each fiscal year. The budget and
20 program, and the financial plan, ~~and five-year capital program~~
21 shall then be submitted to the Authority as provided in Section
22 4.11. In the event that the Board of the Authority determines
23 that the budget and program, and financial plan do not meet the
24 standards of Section 4.11, the Commuter Rail Board shall make
25 such changes as are necessary to meet such requirements and
26 adopt an amended budget ordinance. The amended budget ordinance

1 shall be resubmitted to the Authority pursuant to Section 4.11.
2 The ordinance shall appropriate such sums of money as are
3 deemed necessary to defray all necessary expenses and
4 obligations of the Division, specifying purposes and the
5 objects or programs for which appropriations are made and the
6 amount appropriated for each object or program. Additional
7 appropriations, transfers between items and other changes in
8 such ordinance which do not alter the basis upon which the
9 balanced budget determination was made by the Board of the
10 Authority may be made from time to time by the Commuter Rail
11 Board.

12 The budget shall:

13 (i) show a balance between (A) anticipated revenues
14 from all sources including operating subsidies and (B) the
15 costs of providing the services specified and of funding
16 any operating deficits or encumbrances incurred in prior
17 periods, including provision for payment when due of
18 principal and interest on outstanding indebtedness;

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

22 (iii) provide for a level of fares or charges for the
23 public transportation provided by or subject to the
24 jurisdiction of such Commuter Rail Board sufficient to
25 allow the Commuter Rail Board to meet its required system
26 generated revenue recovery ratio;

1 (iv) be based upon and employ assumptions and
2 projections which the Board of the Authority finds to be
3 reasonable and prudent;

4 (v) have been prepared in accordance with sound
5 financial practices as determined by the Board of the
6 Authority;

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

10 (vii) (blank). ~~be consistent with the goals and~~
11 ~~objectives adopted by the Regional Transportation~~
12 ~~Authority in the Strategic Plan.~~

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

14 (70 ILCS 3615/3B.11) (from Ch. 111 2/3, par. 703B.11)

15 Sec. 3B.11. Citizens Advisory Board. The Commuter Rail
16 Board shall establish a citizens advisory board composed of ten
17 residents of those portions of the metropolitan region in which
18 the Commuter Rail Board provides service who have an interest
19 in public transportation. The members of the advisory board
20 shall be named for two year terms, shall select one of their
21 members to serve as chairman and shall serve without
22 compensation. The citizens advisory board shall meet with the
23 Commuter Rail Board at least quarterly and advise the Commuter
24 Rail Board of the impact of its policies and programs on the
25 communities it serves. ~~Appointments to the citizens advisory~~

1 ~~board should, to the greatest extent possible, reflect the~~
2 ~~ethnic, cultural, and geographic diversity of all persons~~
3 ~~residing within the Commuter Rail Division's jurisdiction.~~

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

5 (70 ILCS 3615/3B.12) (from Ch. 111 2/3, par. 703B.12)

6 Sec. 3B.12. Working Cash Borrowing. The Commuter Rail Board
7 with the affirmative vote of 5 ~~7~~ of its Directors may demand
8 and direct the Board of the Authority to issue Working Cash
9 Notes at such time and in such amounts and having such
10 maturities as the Commuter Rail Board deems proper, provided
11 however any such borrowing shall have been specifically
12 identified in the budget of the Commuter Rail Board as approved
13 by the Board of the Authority. Provided further, that the
14 Commuter Rail Board may not demand and direct the Board of the
15 Authority to have issued and have outstanding at any time in
16 excess of \$20,000,000 in Working Cash Notes.

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

18 (70 ILCS 3615/3B.13) (from Ch. 111 2/3, par. 703B.13)

19 Sec. 3B.13. Labor.

20 (a) The provisions of this Section apply to collective
21 bargaining agreements (including extensions and amendments of
22 existing agreements) entered into on or after January 1, 1984.
23 This Section does not apply to collective bargaining agreements
24 that are subject to the provisions of the Railway Labor Act, as

1 now or hereafter amended.

2 (b) The Commuter Rail Board shall deal with and enter into
3 written contracts with their employees, through accredited
4 representatives of such employees authorized to act for such
5 employees concerning wages, salaries, hours, working
6 conditions, and pension or retirement provisions about which a
7 collective bargaining agreement has been entered prior to the
8 effective date of this amendatory Act of 1983. Any such
9 agreement of the Commuter Rail Board shall provide that the
10 agreement may be reopened if the amended budget submitted
11 pursuant to Section 2.18a of this Act is not approved by the
12 Board of the Authority. The agreement may not include a
13 provision requiring the payment of wage increases based on
14 changes in the Consumer Price Index. The Commuter Rail Board
15 shall not have the authority to enter collective bargaining
16 agreements with respect to inherent management rights which
17 include such areas of discretion or policy as the functions of
18 the employer, standards of services, its overall budget, the
19 organizational structure and selection of new employees and
20 direction of personnel. Employers, however, shall be required
21 to bargain collectively with regard to policy matters directly
22 affecting wages, hours and terms and conditions of employment,
23 as well as the impact thereon, upon request by employee
24 representatives. To preserve the rights of the Commuter Rail
25 Board and exclusive representatives which have established
26 collective bargaining relationships or negotiated collective

1 bargaining agreements prior to the effective date of this
2 amendatory Act of 1983, the Commuter Rail Board shall be
3 required to bargain collectively with regard to any matter
4 concerning wages, hours or conditions of employment about which
5 they have bargained prior to the effective date of this
6 amendatory Act of 1983.

7 (c) The collective bargaining agreement may not include a
8 prohibition on the use of part-time operators on any service
9 operated by the Commuter Rail Board except where prohibited by
10 federal law.

11 (d) Within 30 days of the signing of any such collective
12 bargaining agreement, the Commuter Rail Board shall determine
13 the costs of each provision of the agreement, prepare an
14 amended budget incorporating the costs of the agreement, and
15 present the amended budget to the Board of the Authority for
16 its approval under Section 4.11. The Board may approve the
17 amended budget by an affirmative vote of 9 ~~12~~ of its then
18 Directors. If the budget is not approved by the Board of the
19 Authority, the agreement may be reopened and its terms may be
20 renegotiated. Any amended budget which may be prepared
21 following renegotiation shall be presented to the Board of the
22 Authority for its approval in like manner.

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

24 (70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

25 Sec. 4.01. Budget and Program.

1 (a) The Board shall control the finances of the Authority.
2 It shall by ordinance ~~adopted by the affirmative vote of at~~
3 ~~least 12 of its then Directors (i)~~ appropriate money to perform
4 the Authority's purposes and provide for payment of debts and
5 expenses of the Authority, ~~(ii) take action with respect to the~~
6 ~~budget and two year financial plan of each Service Board, as~~
7 ~~provided in Section 4.11, and (iii) adopt an Annual Budget and~~
8 ~~Two Year Financial Plan for the Authority that includes the~~
9 ~~annual budget and two year financial plan of each Service Board~~
10 ~~that has been approved by the Authority. Each year the~~
11 Authority shall prepare and publish a comprehensive annual
12 budget and program document describing the state of the
13 Authority and presenting for the forthcoming fiscal year the
14 Authority's plans for such operations and capital expenditures
15 as the Authority intends to undertake and the means by which it
16 intends to finance them. The proposed program and budget ~~Annual~~
17 ~~Budget~~ and Two-Year Financial Plan shall contain a statement of
18 the funds estimated to be on hand ~~for the Authority and each~~
19 ~~Service Board~~ at the beginning of the fiscal year, the funds
20 estimated to be received from all sources for such year, ~~the~~
21 ~~estimated expenses and obligations of the Authority and each~~
22 ~~Service Board for all purposes, including expenses for~~
23 ~~contributions to be made with respect to pension and other~~
24 ~~employee benefits,~~ and the funds estimated to be on hand at the
25 end of such year. After adoption of the Authority's first
26 Five-Year Program, as provided in Section 2.01 of this Act, the

1 proposed program and budget shall specifically identify any
2 respect in which the recommended program deviates from the
3 Authority's then existing Five-Year Program, giving the
4 reasons for such deviation. The fiscal year of the Authority
5 ~~and each Service Board~~ shall begin on January 1st and end on
6 the succeeding December 31st. By July 1st of each year the
7 Director of the Illinois Governor's Office of Management and
8 Budget (formerly Bureau of the Budget) shall submit to the
9 Authority an estimate of revenues for the next fiscal year ~~of~~
10 ~~the Authority~~ to be collected from the taxes imposed by the
11 Authority and the amounts to be available in the Public
12 Transportation Fund and the Regional Transportation Authority
13 Occupation and Use Tax Replacement Fund ~~and the amounts~~
14 ~~otherwise to be appropriated by the State to the Authority for~~
15 ~~its purposes.~~ The budget and program shall be presented to The
16 ~~Authority shall file a copy of its Annual Budget and Two Year~~
17 ~~Financial Plan with~~ the General Assembly and the Governor not
18 later than the preceding December 31 ~~after its adoption.~~ Before
19 the proposed budget and program ~~Annual Budget and Two Year~~
20 ~~Financial Plan~~ is adopted, the Authority shall hold at least
21 one public hearing thereon in the metropolitan region. The
22 Board shall had at least one meeting for consideration of the
23 proposed program and budget ~~, and shall meet~~ with the county
24 board ~~or its designee~~ of each of the several counties in the
25 metropolitan region. After conducting such hearings and
26 holding such meetings and after making such changes in the

1 proposed program and budget ~~Annual Budget and Two-Year~~
2 ~~Financial Plan~~ as the Board deems appropriate, the Board shall
3 adopt its annual budget ~~appropriation and Annual Budget and~~
4 ~~Two-Year Financial Plan~~ ordinance. The ordinance may be adopted
5 only upon the affirmative votes of 9 ~~12~~ of its then Directors.
6 The ordinance shall appropriate such sums of money as are
7 deemed necessary to defray all necessary expenses and
8 obligations of the Authority, specifying purposes and the
9 objects or programs for which appropriations are made and the
10 amount appropriated for each object or program. Additional
11 appropriations, transfers between items and other changes in
12 such ordinance may be made from time to time by the Board upon
13 the affirmative votes of 9 ~~12~~ of its then Directors.

14 (b) The budget ~~Annual Budget and Two-Year Financial Plan~~
15 shall show a balance between anticipated revenues from all
16 sources and anticipated expenses including funding of
17 operating deficits or the discharge of encumbrances incurred in
18 prior periods and payment of principal and interest when due,
19 and shall show cash balances sufficient to pay with reasonable
20 promptness all obligations and expenses as incurred.

21 The annual budget and financial plan ~~Annual Budget and~~
22 ~~Two-Year Financial Plan~~ must show:

23 (i) that the level of fares and charges for mass
24 transportation provided by, or under grant or purchase of
25 service contracts of, the Service Boards is sufficient to
26 cause the aggregate of all projected fare revenues from

1 such fares and charges received in each fiscal year to
2 equal at least 50% of the aggregate costs of providing such
3 public transportation in such fiscal year. "Fare revenues"
4 include the proceeds of all fares and charges for services
5 provided, contributions received in connection with public
6 transportation from units of local government other than
7 the Authority, ~~except for contributions received by the~~
8 ~~Chicago Transit Authority from a real estate transfer tax~~
9 ~~imposed under subsection (i) of Section 8-3-19 of the~~
10 ~~Illinois Municipal Code,~~ and from the State pursuant to
11 subsection (i) of Section 2705-305 of the Department of
12 Transportation Law (20 ILCS 2705/2705-305), and all other
13 operating revenues properly included consistent with
14 generally accepted accounting principles but do not
15 include: the proceeds of any borrowings, and, beginning
16 with the 2007 fiscal year, all revenues and receipts,
17 including but not limited to fares and grants received from
18 the federal, State or any unit of local government or other
19 entity, derived from providing ADA paratransit service
20 pursuant to Section 2.30 of the Regional Transportation
21 Authority Act. "Costs" include all items properly included
22 as operating costs consistent with generally accepted
23 accounting principles, including administrative costs, but
24 do not include: depreciation; payment of principal and
25 interest on bonds, notes or other evidences of obligation
26 for borrowed money issued by the Authority; payments with

1 respect to public transportation facilities made pursuant
2 to subsection (b) of Section 2.20 of this Act; any payments
3 with respect to rate protection contracts, credit
4 enhancements or liquidity agreements made under Section
5 4.14; any other cost to which it is reasonably expected
6 that a cash expenditure will not be made; costs up to
7 \$5,000,000 annually for passenger security including
8 grants, contracts, personnel, equipment and administrative
9 expenses, except in the case of the Chicago Transit
10 Authority, in which case the term does not include costs
11 spent annually by that entity for protection against crime
12 as required by Section 27a of the Metropolitan Transit
13 Authority Act; ~~the payment by the Chicago Transit Authority~~
14 ~~of Debt Service, as defined in Section 12c of the~~
15 ~~Metropolitan Transit Authority Act, on bonds or notes~~
16 ~~issued pursuant to that Section; the payment by the~~
17 ~~Commuter Rail Division of debt service on bonds issued~~
18 ~~pursuant to Section 3B.09; expenses incurred by the~~
19 ~~Suburban Bus Division for the cost of new public~~
20 ~~transportation services funded from grants pursuant to~~
21 ~~Section 2.01c of this amendatory Act of the 95th General~~
22 ~~Assembly for a period of 2 years from the date of~~
23 ~~initiation of each such service;~~ costs as exempted by the
24 Board for projects pursuant to Section 2.09 of this Act;
25 or, beginning with the 2007 fiscal year, expenses related
26 to providing ADA paratransit service pursuant to Section

1 2.30 of the Regional Transportation Authority Act; ~~and in~~
2 ~~fiscal years 2008 through 2012 inclusive, costs in the~~
3 ~~amount of \$200,000,000 in fiscal year 2008, reducing by~~
4 ~~\$40,000,000 in each fiscal year thereafter until this~~
5 ~~exemption is eliminated; and~~

6 (ii) that the level of fares charged for ADA
7 paratransit services is sufficient to cause the aggregate
8 of all projected revenues from such fares charged and
9 received in each fiscal year to equal at least 10% of the
10 aggregate costs of providing such ADA paratransit
11 services. For purposes of this Act, the percentages in this
12 subsection (b)(ii) shall be referred to as the "system
13 generated ADA paratransit services revenue recovery
14 ratio". For purposes of the system generated ADA
15 paratransit services revenue recovery ratio, "costs" shall
16 include all items properly included as operating costs
17 consistent with generally accepted accounting principles.
18 However, the Board may exclude from costs an amount that
19 does not exceed the allowable "capital costs of
20 contracting" for ADA paratransit services pursuant to the
21 Federal Transit Administration guidelines for the
22 Urbanized Area Formula Program.

23 (c) The actual administrative expenses of the Authority for
24 the fiscal year commencing January 1, 1985 may not exceed
25 \$5,000,000. The actual administrative expenses of the
26 Authority for the fiscal year commencing January 1, 1986, and

1 for each fiscal year thereafter shall not exceed the maximum
2 administrative expenses for the previous fiscal year plus 5%.
3 "Administrative expenses" are defined for purposes of this
4 Section as all expenses except: (1) capital expenses and
5 purchases of the Authority on behalf of the Service Boards; (2)
6 payments to Service Boards; and (3) payment of principal and
7 interest on bonds, notes or other evidence of obligation for
8 borrowed money issued by the Authority; (4) costs for passenger
9 security including grants, contracts, personnel, equipment and
10 administrative expenses; (5) payments with respect to public
11 transportation facilities made pursuant to subsection (b) of
12 Section 2.20 of this Act; and (6) any payments with respect to
13 rate protection contracts, credit enhancements or liquidity
14 agreements made pursuant to Section 4.14.

15 (d) This subsection applies only until the Department
16 begins administering and enforcing an increased tax under
17 Section 4.03(m) as authorized by this amendatory Act of the
18 95th General Assembly and applies again on and after the
19 effective date of this amendatory Act of the 98th General
20 Assembly. After withholding 15% of the proceeds of any tax
21 imposed by the Authority and 15% of money received by the
22 Authority from the Regional Transportation Authority
23 Occupation and Use Tax Replacement Fund, the Board shall
24 allocate the proceeds and money remaining to the Service Boards
25 as follows: (1) an amount equal to 85% of the proceeds of those
26 taxes collected within the City of Chicago and 85% of the money

1 received by the Authority on account of transfers to the
2 Regional Transportation Authority Occupation and Use Tax
3 Replacement Fund from the County and Mass Transit District Fund
4 attributable to retail sales within the City of Chicago shall
5 be allocated to the Chicago Transit Authority; (2) an amount
6 equal to 85% of the proceeds of those taxes collected within
7 Cook County outside the City of Chicago and 85% of the money
8 received by the Authority on account of transfers to the
9 Regional Transportation Authority Occupation and Use Tax
10 Replacement Fund from the County and Mass Transit District Fund
11 attributable to retail sales within Cook County outside of the
12 city of Chicago shall be allocated 30% to the Chicago Transit
13 Authority, 55% to the Commuter Rail Board and 15% to the
14 Suburban Bus Board; and (3) an amount equal to 85% of the
15 proceeds of the taxes collected within the Counties of DuPage,
16 Kane, Lake, McHenry and Will shall be allocated 70% to the
17 Commuter Rail Board and 30% to the Suburban Bus Board.

18 (e) This subsection applies only until the Department
19 begins administering and enforcing an increased tax under
20 Section 4.03(m) as authorized by this amendatory Act of the
21 95th General Assembly and applies again on and after the
22 effective date of this amendatory Act of the 98th General
23 Assembly. Moneys received by the Authority on account of
24 transfers to the Regional Transportation Authority Occupation
25 and Use Tax Replacement Fund from the State and Local Sales Tax
26 Reform Fund shall be allocated among the Authority and the

1 Service Boards as follows: 15% of such moneys shall be retained
2 by the Authority and the remaining 85% shall be transferred to
3 the Service Boards as soon as may be practicable after the
4 Authority receives payment. Moneys which are distributable to
5 the Service Boards pursuant to the preceding sentence shall be
6 allocated among the Service Boards on the basis of each Service
7 Board's distribution ratio. The term "distribution ratio"
8 means, for purposes of this subsection (e) of this Section
9 4.01, the ratio of the total amount distributed to a Service
10 Board pursuant to subsection (d) of Section 4.01 for the
11 immediately preceding calendar year to the total amount
12 distributed to all of the Service Boards pursuant to subsection
13 (d) of Section 4.01 for the immediately preceding calendar
14 year.

15 (f) To further and accomplish the preparation of the annual
16 budget and program as well as the Five-Year Program provided
17 for in Section 2.01 of this Act and to make such interim
18 management decisions as may be necessary, ~~carry out its duties~~
19 ~~and responsibilities under this Act,~~ the Board shall employ
20 staff which shall: (1) ~~propose for adoption by the Board of the~~
21 ~~Authority rules for the Service Boards that establish (i) forms~~
22 ~~and schedules to be used and information required to be~~
23 ~~provided with respect to a five year capital program, annual~~
24 ~~budgets, and two year financial plans and regular reporting of~~
25 ~~actual results against adopted budgets and financial plans,~~
26 ~~(ii) financial practices to be followed in the budgeting and~~

1 ~~expenditure of public funds, (iii) assumptions and projections~~
2 ~~that must be followed in preparing and submitting its annual~~
3 ~~budget and two year financial plan or a five year capital~~
4 ~~program;~~ (2) evaluate for the Board public transportation
5 programs operated or proposed by the ~~Service Boards and~~
6 transportation agencies in terms of the goals costs, and
7 relative priorities ~~and objectives set out in the Strategic~~
8 ~~Plan;~~ (2) (3) keep the Board ~~and the public~~ informed of the
9 public transportation programs and accomplishments of such
10 transportation agencies ~~extent to which the Service Boards and~~
11 ~~transportation agencies are meeting the goals and objectives~~
12 ~~adopted by the Authority in the Strategic Plan; and (3)~~
13 coordinate the development and implementation of public
14 transportation program (4) ~~assess the efficiency or adequacy of~~
15 ~~public transportation services provided by a Service Board and~~
16 ~~make recommendations for change in that service~~ to the end that
17 the moneys available to the Authority may be expended in the
18 most economical manner possible with the least possible
19 duplication.

20 (g) Under such regulations as the Board may prescribe, all
21 ~~All~~ Service Boards, transportation agencies, comprehensive
22 planning agencies, ~~including the Chicago Metropolitan Agency~~
23 ~~for Planning,~~ or transportation planning agencies in the
24 metropolitan region shall furnish to the Board Authority such
25 information pertaining to public transportation or relevant
26 for plans therefor as it may from time to time require upon

1 payment to any such agency or Service Board of the reasonable
2 additional cost of its so providing such information except as
3 may otherwise be provided by agreement with the Authority, and
4 the Board or any duly authorized employee of the Board . ~~The~~
5 ~~Executive Director, or his or her designee,~~ shall, for the
6 purpose of securing ~~any~~ such information ~~necessary or~~
7 ~~appropriate to carry out any of the powers and responsibilities~~
8 ~~of the Authority under this Act,~~ have access to, and the right
9 to examine, all books, documents, papers or records of a
10 ~~Service Board or any such transportation agency receiving funds~~
11 ~~from the Authority or Service Board, and such Service Board or~~
12 ~~transportation agency shall comply with any request by the~~
13 ~~Executive Director, or his or her designee, within 30 days or~~
14 ~~an extended time provided by the Executive Director.~~

15 (h) (Blank). ~~No Service Board shall undertake any capital~~
16 ~~improvement which is not identified in the Five Year Capital~~
17 ~~Program.~~

18 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08;
19 95-906, eff. 8-26-08.)

20 (70 ILCS 3615/4.02) (from Ch. 111 2/3, par. 704.02)

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

22 (a) The Authority shall have the power to apply for,
23 receive and expend grants, loans or other funds from the State
24 of Illinois or any department or agency thereof, from any unit
25 of local government, from the federal government or any

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

13 (b) The Authority shall be the primary public body in the
14 metropolitan region with authority to apply for and receive any
15 grants, loans or other funds relating to public transportation
16 programs from the State of Illinois or any department or agency
17 thereof, or from the federal government or any department or
18 agency thereof. Any unit of local government, Service Board or
19 transportation agency may apply for and receive any such
20 federal or state capital grants, loans or other funds,
21 provided, however that a Service Board may not apply for or
22 receive any grant or loan which is not identified in the
23 Five-Year ~~Capital~~ Program. Any Service Board, unit of local
24 government or transportation agency shall notify the Authority
25 prior to making any such application and shall file a copy
26 thereof with the Authority. Nothing in this Section shall be

1 construed to impose any limitation on the ability of the State
2 of Illinois or any department or agency thereof, any unit of
3 local government or Service Board or transportation agency to
4 make any grants or to enter into any agreement or contract with
5 the National Rail Passenger Corporation. Nor shall anything in
6 this Section impose any limitation on the ability of any school
7 district to apply for or receive any grant, loan or other funds
8 for transportation of school children.

9 (c) The Authority shall provide to the Service Board any
10 monies received relating to public transportation services
11 under the jurisdiction of the Service Boards as follows:
12 ~~provided in Section 4.03.3 of this Act.~~

13 (1) As soon as may be practicable after the Authority
14 receives payment, under Section 4.03(m) or Section
15 4.03.1(d), of the proceeds of those taxes levied by the
16 Authority, the Authority shall transfer to each Service
17 Board the amount to which it is entitled under Section
18 4.01(d).

19 (2) The Authority by ordinance adopted by 9 of its then
20 Directors shall establish a formula apportioning any
21 federal funds for operating assistance purposes the
22 Authority receives to each Service Board. In establishing
23 the formula, the Board shall consider, among other factors:
24 ridership levels, the efficiency with which the service is
25 provided, the degree of transit dependence of the area
26 served and the cost of service. That portion of any federal

1 funds for operating assistance received by the Authority
2 shall be paid to each Service Board as soon as may be
3 practicable upon their receipt provided the Authority has
4 adopted a balanced budget as required by Section 4.01 and
5 further provided that the Service Boards are in compliance
6 with the requirements in Section 4.11.

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

15 (4) Beginning January 1, 2009, before making any
16 payments, transfers, or expenditures under this subsection
17 to a Service Board, the Authority must first comply with
18 Section 4.02a or 4.02b of this Act, whichever may be
19 applicable.

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

22 (70 ILCS 3615/4.02a)

23 Sec. 4.02a. Chicago Transit Authority contributions to
24 pension funds.

25 (a) The Authority shall continually review the Chicago

1 Transit Authority's payment of the required contributions to
2 its retirement system under Section 22-101 of the Illinois
3 Pension Code.

4 (b) Beginning January 1, 2009, if at any time the Authority
5 determines that the Chicago Transit Authority's payment of any
6 portion of the required contributions to its retirement system
7 under Section 22-101 of the Illinois Pension Code is more than
8 one month overdue, it shall as soon as possible pay the amount
9 of those overdue contributions to the trustee ~~Board of Trustees~~
10 of the retirement system ~~Retirement Plan~~ on behalf of the
11 Chicago Transit Authority out of moneys otherwise payable to
12 the Chicago Transit Authority under subsection (c) of Section
13 4.02 ~~Section 4.03.3~~ of this Act. The Authority shall thereafter
14 have no liability to the Chicago Transit Authority for amounts
15 paid to the Board of Trustees of the Retirement Plan under this
16 Section.

17 (c) Whenever the Authority acts or determines that it is
18 required to act under subsection (b), it shall so notify the
19 Chicago Transit Authority, the Mayor of Chicago, the Governor,
20 ~~the Auditor General of the State of Illinois,~~ and the General
21 Assembly.

22 (Source: P.A. 94-839, eff. 6-6-06; 95-708, eff. 1-18-08.)

23 (70 ILCS 3615/4.02b)

24 Sec. 4.02b. Other contributions to pension funds.

25 (a) The Authority shall continually review the payment of

1 the required employer contributions to affected pension plans
2 under Section 22-103 of the Illinois Pension Code.

3 (b) Beginning January 1, 2009, if at any time the Authority
4 determines that the Commuter Rail Board's or Suburban Bus
5 Board's payment of any portion of the required contributions to
6 an affected pension plan under Section 22-103 of the Illinois
7 Pension Code is more than one month overdue, it shall as soon
8 as possible pay the amount of those overdue contributions to
9 the trustee of the affected pension plan on behalf of that
10 Service Board out of moneys otherwise payable to that Service
11 Board under subsection (c) of Section 4.02 ~~Section 4.03.3~~ of
12 this Act. The Authority shall thereafter have no liability to
13 the Service Board for amounts paid to the trustee of the
14 affected pension plan under this Section.

15 (c) Whenever the Authority acts or determines that it is
16 required to act under subsection (b), it shall so notify the
17 affected Service Board, the Mayor of Chicago, the Governor, ~~the~~
18 ~~Auditor General of the State of Illinois,~~ and the General
19 Assembly.

20 (d) Beginning January 1, 2009, if the Authority fails to
21 pay to an affected pension fund within 30 days after it is due
22 any employer contribution that it is required to make as a
23 contributing employer under Section 22-103 of the Illinois
24 Pension Code, it shall promptly so notify the Commission on
25 Government Forecasting and Accountability, the Mayor of
26 Chicago, the Governor, and the General Assembly, and it shall

1 promptly pay the overdue amount out of the first money
2 available to the Authority for its administrative expenses, as
3 that term is defined in Section 4.01(c).

4 (Source: P.A. 94-839, eff. 6-6-06; 95-708, eff. 1-18-08.)

5 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

6 Sec. 4.03. Taxes.

7 (a) In order to carry out any of the powers or purposes of
8 the Authority, the Board may by ordinance adopted with the
9 concurrence of 9 ~~12~~ of the then Directors, impose throughout
10 the metropolitan region any or all of the taxes provided in
11 this Section. Except as otherwise provided in this Act, taxes
12 imposed under this Section and civil penalties imposed incident
13 thereto shall be collected and enforced by the State Department
14 of Revenue. The Department shall have the power to administer
15 and enforce the taxes and to determine all rights for refunds
16 for erroneous payments of the taxes. Nothing in this amendatory
17 Act of the 95th General Assembly is intended to invalidate any
18 taxes currently imposed by the Authority. The increased vote
19 requirements to impose a tax shall only apply to actions taken
20 after the effective date of this amendatory Act of the 95th
21 General Assembly and prior to the effective date of this
22 amendatory Act of the 98th General Assembly.

23 (b) The Board may impose a public transportation tax upon
24 all persons engaged in the metropolitan region in the business
25 of selling at retail motor fuel for operation of motor vehicles

1 upon public highways. The tax shall be at a rate not to exceed
2 5% of the gross receipts from the sales of motor fuel in the
3 course of the business. As used in this Act, the term "motor
4 fuel" shall have the same meaning as in the Motor Fuel Tax Law.
5 The Board may provide for details of the tax. The provisions of
6 any tax shall conform, as closely as may be practicable, to the
7 provisions of the Municipal Retailers Occupation Tax Act,
8 including without limitation, conformity to penalties with
9 respect to the tax imposed and as to the powers of the State
10 Department of Revenue to promulgate and enforce rules and
11 regulations relating to the administration and enforcement of
12 the provisions of the tax imposed, except that reference in the
13 Act to any municipality shall refer to the Authority and the
14 tax shall be imposed only with regard to receipts from sales of
15 motor fuel in the metropolitan region, at rates as limited by
16 this Section.

17 (c) In connection with the tax imposed under paragraph (b)
18 of this Section the Board may impose a tax upon the privilege
19 of using in the metropolitan region motor fuel for the
20 operation of a motor vehicle upon public highways, the tax to
21 be at a rate not in excess of the rate of tax imposed under
22 paragraph (b) of this Section. The Board may provide for
23 details of the tax.

24 (d) The Board may impose a motor vehicle parking tax upon
25 the privilege of parking motor vehicles at off-street parking
26 facilities in the metropolitan region at which a fee is

1 charged, and may provide for reasonable classifications in and
2 exemptions to the tax, for administration and enforcement
3 thereof and for civil penalties and refunds thereunder and may
4 provide criminal penalties thereunder, the maximum penalties
5 not to exceed the maximum criminal penalties provided in the
6 Retailers' Occupation Tax Act. The Authority may collect and
7 enforce the tax itself or by contract with any unit of local
8 government. The State Department of Revenue shall have no
9 responsibility for the collection and enforcement unless the
10 Department agrees with the Authority to undertake the
11 collection and enforcement. As used in this paragraph, the term
12 "parking facility" means a parking area or structure having
13 parking spaces for more than 2 vehicles at which motor vehicles
14 are permitted to park in return for an hourly, daily, or other
15 periodic fee, whether publicly or privately owned, but does not
16 include parking spaces on a public street, the use of which is
17 regulated by parking meters.

18 (e) The Board may impose a Regional Transportation
19 Authority Retailers' Occupation Tax upon all persons engaged in
20 the business of selling tangible personal property at retail in
21 the metropolitan region. In Cook County the tax rate shall be
22 1% ~~1.25%~~ of the gross receipts from sales of food for human
23 consumption that is to be consumed off the premises where it is
24 sold (other than alcoholic beverages, soft drinks and food that
25 has been prepared for immediate consumption) and prescription
26 and nonprescription medicines, drugs, medical appliances and

1 insulin, urine testing materials, syringes and needles used by
2 diabetics, and 3/4% ~~1%~~ of the gross receipts from other taxable
3 sales made in the course of that business. In DuPage, Kane,
4 Lake, McHenry, and Will Counties, the tax rate shall be 1/4%
5 ~~0.75%~~ of the gross receipts from all taxable sales made in the
6 course of that business. The tax imposed under this Section and
7 all civil penalties that may be assessed as an incident thereof
8 shall be collected and enforced by the State Department of
9 Revenue. The Department shall have full power to administer and
10 enforce this Section; to collect all taxes and penalties so
11 collected in the manner hereinafter provided; and to determine
12 all rights to credit memoranda arising on account of the
13 erroneous payment of tax or penalty hereunder. In the
14 administration of, and compliance with this Section, the
15 Department and persons who are subject to this Section shall
16 have the same rights, remedies, privileges, immunities, powers
17 and duties, and be subject to the same conditions,
18 restrictions, limitations, penalties, exclusions, exemptions
19 and definitions of terms, and employ the same modes of
20 procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d,
21 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions
22 therein other than the State rate of tax), 2c, 3 (except as to
23 the disposition of taxes and penalties collected), 4, 5, 5a,
24 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8,
25 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and
26 Section 3-7 of the Uniform Penalty and Interest Act, as fully

1 as if those provisions were set forth herein.

2 Persons subject to any tax imposed under the authority
3 granted in this Section may reimburse themselves for their
4 seller's tax liability hereunder by separately stating the tax
5 as an additional charge, which charge may be stated in
6 combination in a single amount with State taxes that sellers
7 are required to collect under the Use Tax Act, under any
8 bracket schedules the Department may prescribe.

9 Whenever the Department determines that a refund should be
10 made under this Section to a claimant instead of issuing a
11 credit memorandum, the Department shall notify the State
12 Comptroller, who shall cause the warrant to be drawn for the
13 amount specified, and to the person named, in the notification
14 from the Department. The refund shall be paid by the State
15 Treasurer out of the Regional Transportation Authority tax fund
16 established under paragraph (n) of this Section.

17 If a tax is imposed under this subsection (e), a tax shall
18 also be imposed under subsections (f) and (g) of this Section.

19 For the purpose of determining whether a tax authorized
20 under this Section is applicable, a retail sale by a producer
21 of coal or other mineral mined in Illinois, is a sale at retail
22 at the place where the coal or other mineral mined in Illinois
23 is extracted from the earth. This paragraph does not apply to
24 coal or other mineral when it is delivered or shipped by the
25 seller to the purchaser at a point outside Illinois so that the
26 sale is exempt under the Federal Constitution as a sale in

1 interstate or foreign commerce.

2 No tax shall be imposed or collected under this subsection
3 on the sale of a motor vehicle in this State to a resident of
4 another state if that motor vehicle will not be titled in this
5 State.

6 Nothing in this Section shall be construed to authorize the
7 Regional Transportation Authority to impose a tax upon the
8 privilege of engaging in any business that under the
9 Constitution of the United States may not be made the subject
10 of taxation by this State.

11 (f) If a tax has been imposed under paragraph (e), a
12 Regional Transportation Authority Service Occupation Tax shall
13 also be imposed upon all persons engaged, in the metropolitan
14 region in the business of making sales of service, who as an
15 incident to making the sales of service, transfer tangible
16 personal property within the metropolitan region, either in the
17 form of tangible personal property or in the form of real
18 estate as an incident to a sale of service. In Cook County, the
19 tax rate shall be: (1) 1% ~~1.25%~~ of the serviceman's cost price
20 of food prepared for immediate consumption and transferred
21 incident to a sale of service subject to the service occupation
22 tax by an entity licensed under the Hospital Licensing Act, the
23 Nursing Home Care Act, the Specialized Mental Health
24 Rehabilitation Act of 2013, or the ID/DD Community Care Act
25 that is located in the metropolitan region; (2) 1% ~~1.25%~~ of the
26 selling price of food for human consumption that is to be

1 consumed off the premises where it is sold (other than
2 alcoholic beverages, soft drinks and food that has been
3 prepared for immediate consumption) and prescription and
4 nonprescription medicines, drugs, medical appliances and
5 insulin, urine testing materials, syringes and needles used by
6 diabetics; and (3) 3/4% ~~1%~~ of the selling price from other
7 taxable sales of tangible personal property transferred. In
8 DuPage, Kane, Lake, McHenry and Will Counties the rate shall be
9 1/4% ~~0.75%~~ of the selling price of all tangible personal
10 property transferred.

11 The tax imposed under this paragraph and all civil
12 penalties that may be assessed as an incident thereof shall be
13 collected and enforced by the State Department of Revenue. The
14 Department shall have full power to administer and enforce this
15 paragraph; to collect all taxes and penalties due hereunder; to
16 dispose of taxes and penalties collected in the manner
17 hereinafter provided; and to determine all rights to credit
18 memoranda arising on account of the erroneous payment of tax or
19 penalty hereunder. In the administration of and compliance with
20 this paragraph, the Department and persons who are subject to
21 this paragraph shall have the same rights, remedies,
22 privileges, immunities, powers and duties, and be subject to
23 the same conditions, restrictions, limitations, penalties,
24 exclusions, exemptions and definitions of terms, and employ the
25 same modes of procedure, as are prescribed in Sections 1a-1, 2,
26 2a, 3 through 3-50 (in respect to all provisions therein other

1 than the State rate of tax), 4 (except that the reference to
2 the State shall be to the Authority), 5, 7, 8 (except that the
3 jurisdiction to which the tax shall be a debt to the extent
4 indicated in that Section 8 shall be the Authority), 9 (except
5 as to the disposition of taxes and penalties collected, and
6 except that the returned merchandise credit for this tax may
7 not be taken against any State tax), 10, 11, 12 (except the
8 reference therein to Section 2b of the Retailers' Occupation
9 Tax Act), 13 (except that any reference to the State shall mean
10 the Authority), the first paragraph of Section 15, 16, 17, 18,
11 19 and 20 of the Service Occupation Tax Act and Section 3-7 of
12 the Uniform Penalty and Interest Act, as fully as if those
13 provisions were set forth herein.

14 Persons subject to any tax imposed under the authority
15 granted in this paragraph may reimburse themselves for their
16 serviceman's tax liability hereunder by separately stating the
17 tax as an additional charge, that charge may be stated in
18 combination in a single amount with State tax that servicemen
19 are authorized to collect under the Service Use Tax Act, under
20 any bracket schedules the Department may prescribe.

21 Whenever the Department determines that a refund should be
22 made under this paragraph to a claimant instead of issuing a
23 credit memorandum, the Department shall notify the State
24 Comptroller, who shall cause the warrant to be drawn for the
25 amount specified, and to the person named in the notification
26 from the Department. The refund shall be paid by the State

1 Treasurer out of the Regional Transportation Authority tax fund
2 established under paragraph (n) of this Section.

3 Nothing in this paragraph shall be construed to authorize
4 the Authority to impose a tax upon the privilege of engaging in
5 any business that under the Constitution of the United States
6 may not be made the subject of taxation by the State.

7 (g) If a tax has been imposed under paragraph (e), a tax
8 shall also be imposed upon the privilege of using in the
9 metropolitan region, any item of tangible personal property
10 that is purchased outside the metropolitan region at retail
11 from a retailer, and that is titled or registered with an
12 agency of this State's government. In Cook County the tax rate
13 shall be 3/4% ~~1%~~ of the selling price of the tangible personal
14 property, as "selling price" is defined in the Use Tax Act. In
15 DuPage, Kane, Lake, McHenry and Will counties the tax rate
16 shall be 1/4% ~~0.75%~~ of the selling price of the tangible
17 personal property, as "selling price" is defined in the Use Tax
18 Act. The tax shall be collected from persons whose Illinois
19 address for titling or registration purposes is given as being
20 in the metropolitan region. The tax shall be collected by the
21 Department of Revenue for the Regional Transportation
22 Authority. The tax must be paid to the State, or an exemption
23 determination must be obtained from the Department of Revenue,
24 before the title or certificate of registration for the
25 property may be issued. The tax or proof of exemption may be
26 transmitted to the Department by way of the State agency with

1 which, or the State officer with whom, the tangible personal
2 property must be titled or registered if the Department and the
3 State agency or State officer determine that this procedure
4 will expedite the processing of applications for title or
5 registration.

6 The Department shall have full power to administer and
7 enforce this paragraph; to collect all taxes, penalties and
8 interest due hereunder; to dispose of taxes, penalties and
9 interest collected in the manner hereinafter provided; and to
10 determine all rights to credit memoranda or refunds arising on
11 account of the erroneous payment of tax, penalty or interest
12 hereunder. In the administration of and compliance with this
13 paragraph, the Department and persons who are subject to this
14 paragraph shall have the same rights, remedies, privileges,
15 immunities, powers and duties, and be subject to the same
16 conditions, restrictions, limitations, penalties, exclusions,
17 exemptions and definitions of terms and employ the same modes
18 of procedure, as are prescribed in Sections 2 (except the
19 definition of "retailer maintaining a place of business in this
20 State"), 3 through 3-80 (except provisions pertaining to the
21 State rate of tax, and except provisions concerning collection
22 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
23 19 (except the portions pertaining to claims by retailers and
24 except the last paragraph concerning refunds), 20, 21 and 22 of
25 the Use Tax Act, and are not inconsistent with this paragraph,
26 as fully as if those provisions were set forth herein.

1 Whenever the Department determines that a refund should be
2 made under this paragraph to a claimant instead of issuing a
3 credit memorandum, the Department shall notify the State
4 Comptroller, who shall cause the order to be drawn for the
5 amount specified, and to the person named in the notification
6 from the Department. The refund shall be paid by the State
7 Treasurer out of the Regional Transportation Authority tax fund
8 established under paragraph (n) of this Section.

9 (h) The Authority may impose a replacement vehicle tax of
10 \$50 on any passenger car as defined in Section 1-157 of the
11 Illinois Vehicle Code purchased within the metropolitan region
12 by or on behalf of an insurance company to replace a passenger
13 car of an insured person in settlement of a total loss claim.
14 The tax imposed may not become effective before the first day
15 of the month following the passage of the ordinance imposing
16 the tax and receipt of a certified copy of the ordinance by the
17 Department of Revenue. The Department of Revenue shall collect
18 the tax for the Authority in accordance with Sections 3-2002
19 and 3-2003 of the Illinois Vehicle Code.

20 The Department shall immediately pay over to the State
21 Treasurer, ex officio, as trustee, all taxes collected
22 hereunder.

23 As soon as possible after the first day of each month,
24 beginning January 1, 2011, upon certification of the Department
25 of Revenue, the Comptroller shall order transferred, and the
26 Treasurer shall transfer, to the STAR Bonds Revenue Fund the

1 local sales tax increment, as defined in the Innovation
2 Development and Economy Act, collected under this Section
3 during the second preceding calendar month for sales within a
4 STAR bond district.

5 After the monthly transfer to the STAR Bonds Revenue Fund,
6 on or before the 25th day of each calendar month, the
7 Department shall prepare and certify to the Comptroller the
8 disbursement of stated sums of money to the Authority. The
9 amount to be paid to the Authority shall be the amount
10 collected hereunder during the second preceding calendar month
11 by the Department, less any amount determined by the Department
12 to be necessary for the payment of refunds, and less any
13 amounts that are transferred to the STAR Bonds Revenue Fund.
14 Within 10 days after receipt by the Comptroller of the
15 disbursement certification to the Authority provided for in
16 this Section to be given to the Comptroller by the Department,
17 the Comptroller shall cause the orders to be drawn for that
18 amount in accordance with the directions contained in the
19 certification.

20 (i) The Board may not impose any other taxes except as it
21 may from time to time be authorized by law to impose.

22 (j) A certificate of registration issued by the State
23 Department of Revenue to a retailer under the Retailers'
24 Occupation Tax Act or under the Service Occupation Tax Act
25 shall permit the registrant to engage in a business that is
26 taxed under the tax imposed under paragraphs (b), (e), (f) or

1 (g) of this Section and no additional registration shall be
2 required under the tax. A certificate issued under the Use Tax
3 Act or the Service Use Tax Act shall be applicable with regard
4 to any tax imposed under paragraph (c) of this Section.

5 (k) The provisions of any tax imposed under paragraph (c)
6 of this Section shall conform as closely as may be practicable
7 to the provisions of the Use Tax Act, including without
8 limitation conformity as to penalties with respect to the tax
9 imposed and as to the powers of the State Department of Revenue
10 to promulgate and enforce rules and regulations relating to the
11 administration and enforcement of the provisions of the tax
12 imposed. The taxes shall be imposed only on use within the
13 metropolitan region and at rates as provided in the paragraph.

14 (l) The Board in imposing any tax as provided in paragraphs
15 (b) and (c) of this Section, shall, after seeking the advice of
16 the State Department of Revenue, provide means for retailers,
17 users or purchasers of motor fuel for purposes other than those
18 with regard to which the taxes may be imposed as provided in
19 those paragraphs to receive refunds of taxes improperly paid,
20 which provisions may be at variance with the refund provisions
21 as applicable under the Municipal Retailers Occupation Tax Act.
22 The State Department of Revenue may provide for certificates of
23 registration for users or purchasers of motor fuel for purposes
24 other than those with regard to which taxes may be imposed as
25 provided in paragraphs (b) and (c) of this Section to
26 facilitate the reporting and nontaxability of the exempt sales

1 or uses.

2 (m) Any ordinance imposing or discontinuing any tax under
3 this Section shall be adopted and a certified copy thereof
4 filed with the Department on or before June 1, whereupon the
5 Department of Revenue shall proceed to administer and enforce
6 this Section on behalf of the Regional Transportation Authority
7 as of September 1 next following such adoption and filing.
8 Beginning January 1, 1992, an ordinance or resolution imposing
9 or discontinuing the tax hereunder shall be adopted and a
10 certified copy thereof filed with the Department on or before
11 the first day of July, whereupon the Department shall proceed
12 to administer and enforce this Section as of the first day of
13 October next following such adoption and filing. Beginning
14 January 1, 1993, an ordinance or resolution imposing,
15 ~~increasing, decreasing,~~ or discontinuing the tax hereunder
16 shall be adopted and a certified copy thereof filed with the
17 Department on or before the first day of October, whereupon the
18 Department shall proceed to administer and enforce this Section
19 as of January next ~~the first day of the first month to occur~~
20 ~~not less than 60 days~~ following such adoption and filing. ~~Any~~
21 ~~ordinance or resolution of the Authority imposing a tax under~~
22 ~~this Section and in effect on August 1, 2007 shall remain in~~
23 ~~full force and effect and shall be administered by the~~
24 ~~Department of Revenue under the terms and conditions and rates~~
25 ~~of tax established by such ordinance or resolution until the~~
26 ~~Department begins administering and enforcing an increased tax~~

1 ~~under this Section as authorized by this amendatory Act of the~~
2 ~~95th General Assembly. The tax rates authorized by this~~
3 ~~amendatory Act of the 95th General Assembly are effective only~~
4 ~~if imposed by ordinance of the Authority.~~

5 (n) The State Department of Revenue shall, upon collecting
6 any taxes as provided in this Section, pay the taxes over to
7 the State Treasurer as trustee for the Authority. The taxes
8 shall be held in a trust fund outside the State Treasury. On or
9 before the 25th day of each calendar month, the State
10 Department of Revenue shall prepare and certify to the
11 Comptroller of the State of Illinois the amount to be paid to
12 the Authority, which shall be the then balance in the fund,
13 less any amount determined by the Department to be necessary
14 for the payment of refunds. The State Department of Revenue
15 shall also certify and to the Authority ~~(i)~~ the amount of taxes
16 collected in each County other than Cook County in the
17 metropolitan region less the amount necessary for the payment
18 of refunds to taxpayers in the County. With regard to the
19 County of Cook, the certification shall specify , ~~(ii)~~ the
20 amount of taxes collected within the City of Chicago, less the
21 amount necessary for the payment of refunds to taxpayers in the
22 City of Chicago and ~~(iii)~~ the amount collected in that portion
23 of Cook County outside of Chicago, ~~each amount~~ less the amount
24 necessary for the payment of refunds to taxpayers in that
25 portion of Cook County outside of Chicago ~~located in those~~
26 ~~areas described in items (i), (ii), and (iii).~~ Within 10 days

1 after receipt by the Comptroller of the certification of the
2 amount to be paid to the Authority ~~amounts~~, the Comptroller
3 shall cause an order to be drawn for the payment of the amount
4 in accordance and by the direction in the certification ~~of~~
5 ~~two thirds of the amounts certified in item (i) of this~~
6 ~~subsection to the Authority and one third of the amounts~~
7 ~~certified in item (i) of this subsection to the respective~~
8 ~~counties other than Cook County and the amount certified in~~
9 ~~items (ii) and (iii) of this subsection to the Authority.~~

10 In addition to the disbursement required by the preceding
11 paragraph, an allocation shall be made in July 1991 and each
12 year thereafter to the Regional Transportation Authority. The
13 allocation shall be made in an amount equal to the average
14 monthly distribution during the preceding calendar year
15 (excluding the 2 months of lowest receipts) and the allocation
16 shall include the amount of average monthly distribution from
17 the Regional Transportation Authority Occupation and Use Tax
18 Replacement Fund. The distribution made in July 1992 and each
19 year thereafter under this paragraph and the preceding
20 paragraph shall be reduced by the amount allocated and
21 disbursed under this paragraph in the preceding calendar year.
22 The Department of Revenue shall prepare and certify to the
23 Comptroller for disbursement the allocations made in
24 accordance with this paragraph.

25 (o) Failure to adopt a budget ordinance or otherwise to
26 comply with Section 4.01 of this Act or to adopt a Five-year

1 ~~Capital~~ Program or otherwise to comply with paragraph (b) of
2 Section 2.01 of this Act shall not affect the validity of any
3 tax imposed by the Authority otherwise in conformity with law.

4 (p) At no time shall a public transportation tax or motor
5 vehicle parking tax authorized under paragraphs (b), (c) and
6 (d) of this Section be in effect at the same time as any
7 retailers' occupation, use or service occupation tax
8 authorized under paragraphs (e), (f) and (g) of this Section is
9 in effect.

10 Any taxes imposed under the authority provided in
11 paragraphs (b), (c) and (d) shall remain in effect only until
12 the time as any tax authorized by paragraphs (e), (f) or (g) of
13 this Section are imposed and becomes effective. Once any tax
14 authorized by paragraphs (e), (f) or (g) is imposed the Board
15 may not reimpose taxes as authorized in paragraphs (b), (c) and
16 (d) of the Section unless any tax authorized by paragraphs (e),
17 (f) or (g) of this Section becomes ineffective by means other
18 than an ordinance of the Board.

19 (q) Any existing rights, remedies and obligations
20 (including enforcement by the Regional Transportation
21 Authority) arising under any tax imposed under paragraphs (b),
22 (c) or (d) of this Section shall not be affected by the
23 imposition of a tax under paragraphs (e), (f) or (g) of this
24 Section.

25 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
26 eff. 7-13-12; 98-104, eff. 7-22-13.)

1 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

2 Sec. 4.04. Issuance and Pledge of Bonds and Notes.

3 (a) The Authority shall have the continuing power to borrow
4 money and to issue its negotiable bonds or notes as provided in
5 this Section. Unless otherwise indicated in this Section, the
6 term "notes" also includes bond anticipation notes, which are
7 notes which by their terms provide for their payment from the
8 proceeds of bonds thereafter to be issued. Bonds or notes of
9 the Authority may be issued for any or all of the following
10 purposes: to pay costs to the Authority or a Service Board of
11 constructing or acquiring any public transportation facilities
12 (including funds and rights relating thereto, as provided in
13 Section 2.05 of this Act); to repay advances to the Authority
14 or a Service Board made for such purposes; to pay other
15 expenses of the Authority or a Service Board incident to or
16 incurred in connection with such construction or acquisition;
17 to provide funds for any transportation agency to pay principal
18 of or interest or redemption premium on any bonds or notes,
19 whether as such amounts become due or by earlier redemption,
20 issued prior to the date of this amendatory Act by such
21 transportation agency to construct or acquire public
22 transportation facilities or to provide funds to purchase such
23 bonds or notes; and to provide funds for any transportation
24 agency to construct or acquire any public transportation
25 facilities, to repay advances made for such purposes, and to

1 pay other expenses incident to or incurred in connection with
2 such construction or acquisition; and to provide funds for
3 payment of obligations, including the funding of reserves,
4 under any self-insurance plan or joint self-insurance pool or
5 entity.

6 In addition to any other borrowing as may be authorized by
7 this Section, the Authority may issue its notes, from time to
8 time, in anticipation of tax receipts of the Authority or of
9 other revenues or receipts of the Authority, in order to
10 provide money for the Authority or the Service Boards to cover
11 any cash flow deficit which the Authority or a Service Board
12 anticipates incurring. Any such notes are referred to in this
13 Section as "Working Cash Notes". No Working Cash Notes shall be
14 issued for a term of longer than 18 ~~24~~ months. Proceeds of
15 Working Cash Notes may be used to pay day to day operating
16 expenses of the Authority or the Service Boards, consisting of
17 wages, salaries and fringe benefits, professional and
18 technical services (including legal, audit, engineering and
19 other consulting services), office rental, furniture, fixtures
20 and equipment, insurance premiums, claims for self-insured
21 amounts under insurance policies, public utility obligations
22 for telephone, light, heat and similar items, travel expenses,
23 office supplies, postage, dues, subscriptions, public hearings
24 and information expenses, fuel purchases, and payments of
25 grants and payments under purchase of service agreements for
26 operations of transportation agencies, prior to the receipt by

1 the Authority or a Service Board from time to time of funds for
2 paying such expenses. In addition to any Working Cash Notes
3 that the Board of the Authority may determine to issue, the
4 Suburban Bus Board, the Commuter Rail Board or the Board of the
5 Chicago Transit Authority may demand and direct that the
6 Authority issue its Working Cash Notes in such amounts and
7 having such maturities as the Service Board may determine.

8 Notwithstanding any other provision of this Act, any
9 amounts necessary to pay principal of and interest on any
10 Working Cash Notes issued at the demand and direction of a
11 Service Board or any Working Cash Notes the proceeds of which
12 were used for the direct benefit of a Service Board or any
13 other Bonds or Notes of the Authority the proceeds of which
14 were used for the direct benefit of a Service Board shall
15 constitute a reduction of the amount of any other funds
16 provided by the Authority to that Service Board. The Authority
17 shall, after deducting any costs of issuance, tender the net
18 proceeds of any Working Cash Notes issued at the demand and
19 direction of a Service Board to such Service Board as soon as
20 may be practicable after the proceeds are received. The
21 Authority may also issue notes or bonds to pay, refund or
22 redeem any of its notes and bonds, including to pay redemption
23 premiums or accrued interest on such bonds or notes being
24 renewed, paid or refunded, and other costs in connection
25 therewith. The Authority may also utilize the proceeds of any
26 such bonds or notes to pay the legal, financial, administrative

1 and other expenses of such authorization, issuance, sale or
2 delivery of bonds or notes or to provide or increase a debt
3 service reserve fund with respect to any or all of its bonds or
4 notes. The Authority may also issue and deliver its bonds or
5 notes in exchange for any public transportation facilities,
6 (including funds and rights relating thereto, as provided in
7 Section 2.05 of this Act) or in exchange for outstanding bonds
8 or notes of the Authority, including any accrued interest or
9 redemption premium thereon, without advertising or submitting
10 such notes or bonds for public bidding.

11 (b) The ordinance providing for the issuance of any such
12 bonds or notes shall fix the date or dates of maturity, the
13 dates on which interest is payable, any sinking fund account or
14 reserve fund account provisions and all other details of such
15 bonds or notes and may provide for such covenants or agreements
16 necessary or desirable with regard to the issue, sale and
17 security of such bonds or notes. The rate or rates of interest
18 on its bonds or notes may be fixed or variable and the
19 Authority shall determine or provide for the determination of
20 the rate or rates of interest of its bonds or notes issued
21 under this Act in an ordinance adopted by the Authority prior
22 to the issuance thereof, none of which rates of interest shall
23 exceed that permitted in the Bond Authorization Act. Interest
24 may be payable at such times as are provided for by the Board.
25 Bonds and notes issued under this Section may be issued as
26 serial or term obligations, shall be of such denomination or

1 denominations and form, including interest coupons to be
2 attached thereto, be executed in such manner, shall be payable
3 at such place or places and bear such date as the Authority
4 shall fix by the ordinance authorizing such bond or note and
5 shall mature at such time or times, within a period not to
6 exceed forty years from the date of issue, and may be
7 redeemable prior to maturity with or without premium, at the
8 option of the Authority, upon such terms and conditions as the
9 Authority shall fix by the ordinance authorizing the issuance
10 of such bonds or notes. No bond anticipation note or any
11 renewal thereof shall mature at any time or times exceeding 5
12 years from the date of the first issuance of such note. The
13 Authority may provide for the registration of bonds or notes in
14 the name of the owner as to the principal alone or as to both
15 principal and interest, upon such terms and conditions as the
16 Authority may determine. The ordinance authorizing bonds or
17 notes may provide for the exchange of such bonds or notes which
18 are fully registered, as to both principal and interest, with
19 bonds or notes which are registerable as to principal only. All
20 bonds or notes issued under this Section by the Authority other
21 than those issued in exchange for property or for bonds or
22 notes of the Authority shall be sold at a price which may be at
23 a premium or discount but such that the interest cost
24 (excluding any redemption premium) to the Authority of the
25 proceeds of an issue of such bonds or notes, computed to stated
26 maturity according to standard tables of bond values, shall not

1 exceed that permitted in the Bond Authorization Act. The
2 Authority shall notify the Governor's Office of Management and
3 Budget and the State Comptroller at least 30 days before any
4 bond sale and shall file with the Governor's Office of
5 Management and Budget and the State Comptroller a certified
6 copy of any ordinance authorizing the issuance of bonds at or
7 before the issuance of the bonds. After December 31, 1994, any
8 such bonds or notes shall be sold to the highest and best
9 bidder on sealed bids as the Authority shall deem. As such
10 bonds or notes are to be sold the Authority shall advertise for
11 proposals to purchase the bonds or notes which advertisement
12 shall be published at least once in a daily newspaper of
13 general circulation published in the metropolitan region at
14 least 10 days before the time set for the submission of bids.
15 The Authority shall have the right to reject any or all bids.
16 Notwithstanding any other provisions of this Section, Working
17 Cash Notes or bonds or notes to provide funds for
18 self-insurance or a joint self-insurance pool or entity may be
19 sold either upon competitive bidding or by negotiated sale
20 (without any requirement of publication of intention to
21 negotiate the sale of such Notes), as the Board shall determine
22 by ordinance adopted with the affirmative votes of at least 9
23 Directors. In case any officer whose signature appears on any
24 bonds, notes or coupons authorized pursuant to this Section
25 shall cease to be such officer before delivery of such bonds or
26 notes, such signature shall nevertheless be valid and

1 sufficient for all purposes, the same as if such officer had
2 remained in office until such delivery. Neither the Directors
3 of the Authority nor any person executing any bonds or notes
4 thereof shall be liable personally on any such bonds or notes
5 or coupons by reason of the issuance thereof.

6 (c) All bonds or notes of the Authority issued pursuant to
7 this Section shall be general obligations of the Authority to
8 which shall be pledged the full faith and credit of the
9 Authority, as provided in this Section. Such bonds or notes
10 shall be secured as provided in the authorizing ordinance,
11 which may, notwithstanding any other provision of this Act,
12 include in addition to any other security, a specific pledge or
13 assignment of and lien on or security interest in any or all
14 tax receipts of the Authority and on any or all other revenues
15 or moneys of the Authority from whatever source, which may by
16 law be utilized for debt service purposes and a specific pledge
17 or assignment of and lien on or security interest in any funds
18 or accounts established or provided for by the ordinance of the
19 Authority authorizing the issuance of such bonds or notes. Any
20 such pledge, assignment, lien or security interest for the
21 benefit of holders of bonds or notes of the Authority shall be
22 valid and binding from the time the bonds or notes are issued
23 without any physical delivery or further act and shall be valid
24 and binding as against and prior to the claims of all other
25 parties having claims of any kind against the Authority or any
26 other person irrespective of whether such other parties have

1 notice of such pledge, assignment, lien or security interest.
2 The obligations of the Authority incurred pursuant to this
3 Section shall be superior to and have priority over any other
4 obligations of the Authority.

5 The Authority may provide in the ordinance authorizing the
6 issuance of any bonds or notes issued pursuant to this Section
7 for the creation of, deposits in, and regulation and
8 disposition of sinking fund or reserve accounts relating to
9 such bonds or notes. The ordinance authorizing the issuance of
10 any bonds or notes pursuant to this Section may contain
11 provisions as part of the contract with the holders of the
12 bonds or notes, for the creation of a separate fund to provide
13 for the payment of principal and interest on such bonds or
14 notes and for the deposit in such fund from any or all the tax
15 receipts of the Authority and from any or all such other moneys
16 or revenues of the Authority from whatever source which may by
17 law be utilized for debt service purposes, all as provided in
18 such ordinance, of amounts to meet the debt service
19 requirements on such bonds or notes, including principal and
20 interest, and any sinking fund or reserve fund account
21 requirements as may be provided by such ordinance, and all
22 expenses incident to or in connection with such fund and
23 accounts or the payment of such bonds or notes. Such ordinance
24 may also provide limitations on the issuance of additional
25 bonds or notes of the Authority. No such bonds or notes of the
26 Authority shall constitute a debt of the State of Illinois.

1 Nothing in this Act shall be construed to enable the Authority
2 to impose any ad valorem tax on property.

3 (d) The ordinance of the Authority authorizing the issuance
4 of any bonds or notes may provide additional security for such
5 bonds or notes by providing for appointment of a corporate
6 trustee (which may be any trust company or bank having the
7 powers of a trust company within the state) with respect to
8 such bonds or notes. The ordinance shall prescribe the rights,
9 duties and powers of the trustee to be exercised for the
10 benefit of the Authority and the protection of the holders of
11 such bonds or notes. The ordinance may provide for the trustee
12 to hold in trust, invest and use amounts in funds and accounts
13 created as provided by the ordinance with respect to the bonds
14 or notes. The ordinance may provide for the assignment and
15 direct payment to the trustee of any or all amounts produced
16 from the sources provided in Section 4.03 ~~and Section 4.09~~ of
17 this Act and provided in Section 6z-17 of "An Act in relation
18 to State finance", approved June 10, 1919, as amended. Upon
19 receipt of notice of any such assignment, the Department of
20 Revenue and the Comptroller of the State of Illinois shall
21 thereafter, notwithstanding the provisions of Section 4.03 ~~and~~
22 ~~Section 4.09~~ of this Act and Section 6z-17 of "An Act in
23 relation to State finance", approved June 10, 1919, as amended,
24 provide for such assigned amounts to be paid directly to the
25 trustee instead of the Authority, all in accordance with the
26 terms of the ordinance making the assignment. The ordinance

1 shall provide that amounts so paid to the trustee which are not
2 required to be deposited, held or invested in funds and
3 accounts created by the ordinance with respect to bonds or
4 notes or used for paying bonds or notes to be paid by the
5 trustee to the Authority.

6 (e) Any bonds or notes of the Authority issued pursuant to
7 this Section shall constitute a contract between the Authority
8 and the holders from time to time of such bonds or notes. In
9 issuing any bond or note, the Authority may include in the
10 ordinance authorizing such issue a covenant as part of the
11 contract with the holders of the bonds or notes, that as long
12 as such obligations are outstanding, it shall make such
13 deposits, as provided in paragraph (c) of this Section. It may
14 also so covenant that it shall impose and continue to impose
15 taxes, as provided in Section 4.03 of this Act and in addition
16 thereto as subsequently authorized by law, sufficient to make
17 such deposits and pay the principal and interest and to meet
18 other debt service requirements of such bonds or notes as they
19 become due. A certified copy of the ordinance authorizing the
20 issuance of any such obligations shall be filed at or prior to
21 the issuance of such obligations with the Comptroller of the
22 State of Illinois and the Illinois Department of Revenue.

23 (f) The State of Illinois pledges to and agrees with the
24 holders of the bonds and notes of the Authority issued pursuant
25 to this Section that the State will not limit or alter the
26 rights and powers vested in the Authority by this Act so as to

1 impair the terms of any contract made by the Authority with
2 such holders or in any way impair the rights and remedies of
3 such holders until such bonds and notes, together with interest
4 thereon, with interest on any unpaid installments of interest,
5 and all costs and expenses in connection with any action or
6 proceedings by or on behalf of such holders, are fully met and
7 discharged. In addition, the State pledges to and agrees with
8 the holders of the bonds and notes of the Authority issued
9 pursuant to this Section that the State will not limit or alter
10 the basis on which State funds are to be paid to the Authority
11 as provided in this Act, or the use of such funds, so as to
12 impair the terms of any such contract. The Authority is
13 authorized to include these pledges and agreements of the State
14 in any contract with the holders of bonds or notes issued
15 pursuant to this Section.

16 (g) (1) Except as provided in subdivisions (g) (2) and (g) (3)
17 of Section 4.04 of this Act, the Authority shall not at any
18 time issue, sell or deliver any bonds or notes (other than
19 Working Cash Notes) pursuant to this Section 4.04 which will
20 cause it to have issued and outstanding at any time in excess
21 of \$800,000,000 of such bonds and notes (other than Working
22 Cash Notes). The Authority shall not at any time issue, sell or
23 deliver any Working Cash Notes pursuant to this Section which
24 will cause it to have issued and outstanding at any time in
25 excess of \$100,000,000 of Working Cash Notes. ~~The Authority~~
26 ~~shall not issue, sell, or deliver any Working Cash Notes~~

1 ~~pursuant to this Section that will cause it to have issued and~~
2 ~~outstanding at any time in excess of \$100,000,000. However, the~~
3 ~~Authority may issue, sell, and deliver additional Working Cash~~
4 ~~Notes before July 1, 2016 that are over and above and in~~
5 ~~addition to the \$100,000,000 authorization such that the~~
6 ~~outstanding amount of these additional Working Cash Notes does~~
7 ~~not exceed at any time \$300,000,000.~~ Bonds or notes which are
8 being paid or retired by such issuance, sale or delivery of
9 bonds or notes, and bonds or notes for which sufficient funds
10 have been deposited with the paying agency of such bonds or
11 notes to provide for payment of principal and interest thereon
12 or to provide for the redemption thereof, all pursuant to the
13 ordinance authorizing the issuance of such bonds or notes,
14 shall not be considered to be outstanding for the purposes of
15 this subsection.

16 (2) In addition to the authority provided by paragraphs (1)
17 and (3), the Authority is authorized to issue, sell and deliver
18 bonds or notes for Strategic Capital Improvement Projects
19 approved pursuant to Section 4.13 as follows:

20 \$100,000,000 is authorized to be issued on or after
21 January 1, 1990;

22 an additional \$100,000,000 is authorized to be issued
23 on or after January 1, 1991;

24 an additional \$100,000,000 is authorized to be issued
25 on or after January 1, 1992;

26 an additional \$100,000,000 is authorized to be issued

1 on or after January 1, 1993;

2 an additional \$100,000,000 is authorized to be issued

3 on or after January 1, 1994; and

4 the aggregate total authorization of bonds and notes

5 for Strategic Capital Improvement Projects as of January 1,

6 1994, shall be \$500,000,000.

7 The Authority is also authorized to issue, sell, and

8 deliver bonds or notes in such amounts as are necessary to

9 provide for the refunding or advance refunding of bonds or

10 notes issued for Strategic Capital Improvement Projects under

11 this subdivision (g) (2), provided that no such refunding bond

12 or note shall mature later than the final maturity date of the

13 series of bonds or notes being refunded, and provided further

14 that the debt service requirements for such refunding bonds or

15 notes in the current or any future fiscal year shall not exceed

16 the debt service requirements for that year on the refunded

17 bonds or notes.

18 (3) In addition to the authority provided by paragraphs (1)

19 and (2), the Authority is authorized to issue, sell, and

20 deliver bonds or notes for Strategic Capital Improvement

21 Projects approved pursuant to Section 4.13 as follows:

22 \$260,000,000 is authorized to be issued on or after

23 January 1, 2000;

24 an additional \$260,000,000 is authorized to be issued

25 on or after January 1, 2001;

26 an additional \$260,000,000 is authorized to be issued

1 on or after January 1, 2002;

2 an additional \$260,000,000 is authorized to be issued

3 on or after January 1, 2003;

4 an additional \$260,000,000 is authorized to be issued

5 on or after January 1, 2004; and

6 the aggregate total authorization of bonds and notes

7 for Strategic Capital Improvement Projects pursuant to

8 this paragraph (3) as of January 1, 2004 shall be

9 \$1,300,000,000.

10 The Authority is also authorized to issue, sell, and

11 deliver bonds or notes in such amounts as are necessary to

12 provide for the refunding or advance refunding of bonds or

13 notes issued for Strategic Capital Improvement projects under

14 this subdivision (g) (3), provided that no such refunding bond

15 or note shall mature later than the final maturity date of the

16 series of bonds or notes being refunded, and provided further

17 that the debt service requirements for such refunding bonds or

18 notes in the current or any future fiscal year shall not exceed

19 the debt service requirements for that year on the refunded

20 bonds or notes.

21 (h) The Authority, subject to the terms of any agreements

22 with noteholders or bond holders as may then exist, shall have

23 power, out of any funds available therefor, to purchase notes

24 or bonds of the Authority, which shall thereupon be cancelled.

25 (i) In addition to any other authority granted by law, the

26 State Treasurer may, with the approval of the Governor, invest

1 or reinvest, at a price not to exceed par, any State money in
2 the State Treasury which is not needed for current expenditures
3 due or about to become due in Working Cash Notes.

4 (Source: P.A. 97-769, eff. 7-10-12; 98-392, eff. 8-16-13.)

5 (70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

6 Sec. 4.09. Public Transportation Fund and the Regional
7 Transportation Authority Occupation and Use Tax Replacement
8 Fund.

9 (a)~~(1)~~ As soon as possible after the first day of each
10 month, beginning November 1, 1983, the Comptroller shall order
11 transferred and the Treasurer shall transfer from the General
12 Revenue Fund to a special fund in the State Treasury, to be
13 known as the "Public Transportation Fund" \$9,375,000 for each
14 month remaining in State fiscal year 1984. As soon as possible
15 after the first day of each month, beginning July 1, 1984, upon
16 certification of the Department of Revenue, the Comptroller
17 shall order transferred and the Treasurer shall transfer from
18 the General Revenue Fund to ~~a special fund in the State~~
19 ~~Treasury to be known as~~ the Public Transportation Fund an
20 amount equal to 25% of the net revenue, before the deduction of
21 the serviceman and retailer discounts pursuant to Section 9 of
22 the Service Occupation Tax Act and Section 3 of the Retailers'
23 Occupation Tax Act, realized from any tax imposed by the
24 Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the
25 amounts deposited into the Regional Transportation Authority

1 tax fund created by Section 4.03 of this Act, from the County
2 and Mass Transit District Fund as provided in Section 6z-20 of
3 the State Finance Act and 25% of the amounts deposited into the
4 Regional Transportation Authority Occupation and Use Tax
5 Replacement Fund from the State and Local Sales Tax Reform Fund
6 as provided in Section 6z-17 of the State Finance Act. Net ~~On~~
7 ~~the first day of the month following the date that the~~
8 ~~Department receives revenues from increased taxes under~~
9 ~~Section 4.03(m) as authorized by this amendatory Act of the~~
10 ~~95th General Assembly, in lieu of the transfers authorized in~~
11 ~~the preceding sentence, upon certification of the Department of~~
12 ~~Revenue, the Comptroller shall order transferred and the~~
13 ~~Treasurer shall transfer from the General Revenue Fund to the~~
14 ~~Public Transportation Fund an amount equal to 25% of the net~~
15 ~~revenue, before the deduction of the serviceman and retailer~~
16 ~~discounts pursuant to Section 9 of the Service Occupation Tax~~
17 ~~Act and Section 3 of the Retailers' Occupation Tax Act,~~
18 ~~realized from (i) 80% of the proceeds of any tax imposed by the~~
19 ~~Authority at a rate of 1.25% in Cook County, (ii) 75% of the~~
20 ~~proceeds of any tax imposed by the Authority at the rate of 1%~~
21 ~~in Cook County, and (iii) one third of the proceeds of any tax~~
22 ~~imposed by the Authority at the rate of 0.75% in the Counties~~
23 ~~of DuPage, Kane, Lake, McHenry, and Will, all pursuant to~~
24 ~~Section 4.03, and 25% of the net revenue realized from any tax~~
25 ~~imposed by the Authority pursuant to Section 4.03.1, and 25% of~~
26 ~~the amounts deposited into the Regional Transportation~~

1 ~~Authority tax fund created by Section 4.03 of this Act from the~~
2 ~~County and Mass Transit District Fund as provided in Section~~
3 ~~6z-20 of the State Finance Act, and 25% of the amounts~~
4 ~~deposited into the Regional Transportation Authority~~
5 ~~Occupation and Use Tax Replacement Fund from the State and~~
6 ~~Local Sales Tax Reform Fund as provided in Section 6z-17 of the~~
7 ~~State Finance Act. As used in this Section, net revenue~~
8 realized for a month shall be the revenue collected by the
9 State pursuant to Sections 4.03 and 4.03.1 during the previous
10 month from within the metropolitan region, less the amount paid
11 out during that same month as refunds to taxpayers for
12 overpayment of liability in the metropolitan region under
13 Sections 4.03 and 4.03.1.

14 ~~(2) On the first day of the month following the effective~~
15 ~~date of this amendatory Act of the 95th General Assembly and~~
16 ~~each month thereafter, upon certification by the Department of~~
17 ~~Revenue, the Comptroller shall order transferred and the~~
18 ~~Treasurer shall transfer from the General Revenue Fund to the~~
19 ~~Public Transportation Fund an amount equal to 5% of the net~~
20 ~~revenue, before the deduction of the serviceman and retailer~~
21 ~~discounts pursuant to Section 9 of the Service Occupation Tax~~
22 ~~Act and Section 3 of the Retailers' Occupation Tax Act,~~
23 ~~realized from any tax imposed by the Authority pursuant to~~
24 ~~Sections 4.03 and 4.03.1 and certified by the Department of~~
25 ~~Revenue under Section 4.03(n) of this Act to be paid to the~~
26 ~~Authority and 5% of the amounts deposited into the Regional~~

1 ~~Transportation Authority tax fund created by Section 4.03 of~~
2 ~~this Act from the County and Mass Transit District Fund as~~
3 ~~provided in Section 6z-20 of the State Finance Act, and 5% of~~
4 ~~the amounts deposited into the Regional Transportation~~
5 ~~Authority Occupation and Use Tax Replacement Fund from the~~
6 ~~State and Local Sales Tax Reform Fund as provided in Section~~
7 ~~6z-17 of the State Finance Act, and 5% of the revenue realized~~
8 ~~by the Chicago Transit Authority as financial assistance from~~
9 ~~the City of Chicago from the proceeds of any tax imposed by the~~
10 ~~City of Chicago under Section 8-3-19 of the Illinois Municipal~~
11 ~~Code.~~

12 ~~(3) As soon as possible after the first day of January,~~
13 ~~2009 and each month thereafter, upon certification of the~~
14 ~~Department of Revenue with respect to the taxes collected under~~
15 ~~Section 4.03, the Comptroller shall order transferred and the~~
16 ~~Treasurer shall transfer from the General Revenue Fund to the~~
17 ~~Public Transportation Fund an amount equal to 25% of the net~~
18 ~~revenue, before the deduction of the serviceman and retailer~~
19 ~~discounts pursuant to Section 9 of the Service Occupation Tax~~
20 ~~Act and Section 3 of the Retailers' Occupation Tax Act,~~
21 ~~realized from (i) 20% of the proceeds of any tax imposed by the~~
22 ~~Authority at a rate of 1.25% in Cook County, (ii) 25% of the~~
23 ~~proceeds of any tax imposed by the Authority at the rate of 1%~~
24 ~~in Cook County, and (iii) one third of the proceeds of any tax~~
25 ~~imposed by the Authority at the rate of 0.75% in the Counties~~
26 ~~of DuPage, Kane, Lake, McHenry, and Will, all pursuant to~~

1 ~~Section 4.03, and the Comptroller shall order transferred and~~
2 ~~the Treasurer shall transfer from the General Revenue Fund to~~
3 ~~the Public Transportation Fund (iv) an amount equal to 25% of~~
4 ~~the revenue realized by the Chicago Transit Authority as~~
5 ~~financial assistance from the City of Chicago from the proceeds~~
6 ~~of any tax imposed by the City of Chicago under Section 8-3-19~~
7 ~~of the Illinois Municipal Code.~~

8 (b) (1) All moneys deposited in the Public Transportation
9 Fund and the Regional Transportation Authority Occupation and
10 Use Tax Replacement Fund, whether deposited pursuant to this
11 Section or otherwise, are allocated to the Authority. Subject
12 to appropriation, the ~~The~~ Comptroller, as soon as possible
13 after each monthly transfer provided in this Section and after
14 each deposit into the Public Transportation Fund, shall order
15 the Treasurer to pay to the Authority out of the Public
16 Transportation Fund the amount so transferred or deposited.
17 Such amounts paid to the Authority may be expended by it for
18 its purposes as provided in this Act. Subject to appropriation
19 to the Department of Revenue, the ~~Any Additional State~~
20 ~~Assistance and Additional Financial Assistance paid to the~~
21 ~~Authority under this Section shall be expended by the Authority~~
22 ~~for its purposes as provided in this Act. The balance of the~~
23 ~~amounts paid to the Authority from the Public Transportation~~
24 ~~Fund shall be expended by the Authority as provided in Section~~
25 ~~4.03.3. The Comptroller, as soon as possible after each deposit~~
26 into the Regional Transportation Authority Occupation and Use

1 Tax Replacement Fund provided in this Section and Section 6z-17
2 of the State Finance Act, shall order the Treasurer to pay to
3 the Authority out of the Regional Transportation Authority
4 Occupation and Use Tax Replacement Fund the amount so
5 deposited. Such amounts paid to the Authority may be expended
6 by it for its purposes as provided in this Act. ~~The provisions~~
7 ~~directing the distributions from the Public Transportation~~
8 ~~Fund and the Regional Transportation Authority Occupation and~~
9 ~~Use Tax Replacement Fund provided for in this Section shall~~
10 ~~constitute an irrevocable and continuing appropriation of all~~
11 ~~amounts as provided herein. The State Treasurer and State~~
12 ~~Comptroller are hereby authorized and directed to make~~
13 ~~distributions as provided in this Section.~~ (2) Provided,
14 however, no moneys deposited under subsection (a) of this
15 Section shall be paid from the Public Transportation Fund to
16 the Authority or its assignee for any fiscal year until the
17 Authority has certified to the Governor, the Comptroller, and
18 the Mayor of the City of Chicago that it has adopted for that
19 fiscal year a budget and Financial Plan ~~an Annual Budget and~~
20 ~~Two-Year Financial Plan~~ meeting the requirements in Section
21 4.01(b).

22 (c) In recognition of the efforts of the Authority to
23 enhance the mass transportation facilities under its control,
24 the State shall provide financial assistance ("Additional
25 State Assistance") in excess of the amounts transferred to the
26 Authority from the General Revenue Fund under subsection (a) of

1 this Section. Additional State Assistance shall be calculated
2 as provided in subsection (d), but shall in no event exceed the
3 following specified amounts with respect to the following State
4 fiscal years:

5	1990	\$5,000,000;
6	1991	\$5,000,000;
7	1992	\$10,000,000;
8	1993	\$10,000,000;
9	1994	\$20,000,000;
10	1995	\$30,000,000;
11	1996	\$40,000,000;
12	1997	\$50,000,000;
13	1998	\$55,000,000; and
14	each year thereafter	\$55,000,000.

15 (c-5) The State shall provide financial assistance
16 ("Additional Financial Assistance") in addition to the
17 Additional State Assistance provided by subsection (c) and the
18 amounts transferred to the Authority from the General Revenue
19 Fund under subsection (a) of this Section. Additional Financial
20 Assistance provided by this subsection shall be calculated as
21 provided in subsection (d), but shall in no event exceed the
22 following specified amounts with respect to the following State
23 fiscal years:

24	2000	\$0;
25	2001	\$16,000,000;
26	2002	\$35,000,000;

1 2003 \$54,000,000;
2 2004 \$73,000,000;
3 2005 \$93,000,000; and
4 each year thereafter \$100,000,000.

5 (d) Beginning with State fiscal year 1990 and continuing
6 for each State fiscal year thereafter, the Authority shall
7 annually certify to the State Comptroller and State Treasurer,
8 separately with respect to each of subdivisions (g)(2) and
9 (g)(3) of Section 4.04 of this Act, the following amounts:

10 (1) The amount necessary and required, during the State
11 fiscal year with respect to which the certification is
12 made, to pay its obligations for debt service on all
13 outstanding bonds or notes issued by the Authority under
14 subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act.

15 (2) An estimate of the amount necessary and required to
16 pay its obligations for debt service for any bonds or notes
17 which the Authority anticipates it will issue under
18 subdivisions (g)(2) and (g)(3) of Section 4.04 during that
19 State fiscal year.

20 (3) Its debt service savings during the preceding State
21 fiscal year from refunding or advance refunding of bonds or
22 notes issued under subdivisions (g)(2) and (g)(3) of
23 Section 4.04.

24 (4) The amount of interest, if any, earned by the
25 Authority during the previous State fiscal year on the
26 proceeds of bonds or notes issued pursuant to subdivisions

1 (g) (2) and (g) (3) of Section 4.04, other than refunding or
2 advance refunding bonds or notes.

3 The certification shall include a specific schedule of debt
4 service payments, including the date and amount of each payment
5 for all outstanding bonds or notes and an estimated schedule of
6 anticipated debt service for all bonds and notes it intends to
7 issue, if any, during that State fiscal year, including the
8 estimated date and estimated amount of each payment.

9 Immediately upon the issuance of bonds for which an
10 estimated schedule of debt service payments was prepared, the
11 Authority shall file an amended certification with respect to
12 item (2) above, to specify the actual schedule of debt service
13 payments, including the date and amount of each payment, for
14 the remainder of the State fiscal year.

15 On the first day of each month of the State fiscal year in
16 which there are bonds outstanding with respect to which the
17 certification is made, the State Comptroller shall order
18 transferred and the State Treasurer shall transfer from the
19 General Revenue Fund to the Public Transportation Fund the
20 Additional State Assistance and Additional Financial
21 Assistance in an amount equal to the aggregate of (i)
22 one-twelfth of the sum of the amounts certified under items (1)
23 and (3) above less the amount certified under item (4) above,
24 plus (ii) the amount required to pay debt service on bonds and
25 notes issued during the fiscal year, if any, divided by the
26 number of months remaining in the fiscal year after the date of

1 issuance, or some smaller portion as may be necessary under
2 subsection (c) or (c-5) of this Section for the relevant State
3 fiscal year, plus (iii) any cumulative deficiencies in
4 transfers for prior months, until an amount equal to the sum of
5 the amounts certified under items (1) and (3) above, plus the
6 actual debt service certified under item (2) above, less the
7 amount certified under item (4) above, has been transferred;
8 except that these transfers are subject to the following
9 limits:

10 (A) In no event shall the total transfers in any State
11 fiscal year relating to outstanding bonds and notes issued
12 by the Authority under subdivision (g)(2) of Section 4.04
13 exceed the lesser of the annual maximum amount specified in
14 subsection (c) or the sum of the amounts certified under
15 items (1) and (3) above, plus the actual debt service
16 certified under item (2) above, less the amount certified
17 under item (4) above, with respect to those bonds and
18 notes.

19 (B) In no event shall the total transfers in any State
20 fiscal year relating to outstanding bonds and notes issued
21 by the Authority under subdivision (g)(3) of Section 4.04
22 exceed the lesser of the annual maximum amount specified in
23 subsection (c-5) or the sum of the amounts certified under
24 items (1) and (3) above, plus the actual debt service
25 certified under item (2) above, less the amount certified
26 under item (4) above, with respect to those bonds and

1 notes.

2 The term "outstanding" does not include bonds or notes for
3 which refunding or advance refunding bonds or notes have been
4 issued.

5 (e) Neither Additional State Assistance nor Additional
6 Financial Assistance may be pledged, either directly or
7 indirectly as general revenues of the Authority, as security
8 for any bonds issued by the Authority. The Authority may not
9 assign its right to receive Additional State Assistance or
10 Additional Financial Assistance, or direct payment of
11 Additional State Assistance or Additional Financial
12 Assistance, to a trustee or any other entity for the payment of
13 debt service on its bonds.

14 (f) The certification required under subsection (d) with
15 respect to outstanding bonds and notes of the Authority shall
16 be filed as early as practicable before the beginning of the
17 State fiscal year to which it relates. The certification shall
18 be revised as may be necessary to accurately state the debt
19 service requirements of the Authority.

20 (g) Within 6 months of the end of each fiscal year, the
21 Authority shall determine:

22 (i) whether the aggregate of all system generated
23 revenues for public transportation in the metropolitan
24 region which is provided by, or under grant or purchase of
25 service contracts with, the Service Boards equals 50% of
26 the aggregate of all costs of providing such public

1 transportation. "System generated revenues" include all
2 the proceeds of fares and charges for services provided,
3 contributions received in connection with public
4 transportation from units of local government other than
5 the Authority, ~~except for contributions received by the~~
6 ~~Chicago Transit Authority from a real estate transfer tax~~
7 ~~imposed under subsection (i) of Section 8-3-19 of the~~
8 ~~Illinois Municipal Code,~~ and from the State pursuant to
9 subsection (i) of Section 2705-305 of the Department of
10 Transportation Law (20 ILCS 2705/2705-305), and all other
11 revenues properly included consistent with generally
12 accepted accounting principles but may not include: the
13 proceeds from any borrowing, and, beginning with the 2007
14 fiscal year, all revenues and receipts, including but not
15 limited to fares and grants received from the federal,
16 State or any unit of local government or other entity,
17 derived from providing ADA paratransit service pursuant to
18 Section 2.30 of the Regional Transportation Authority Act.
19 "Costs" include all items properly included as operating
20 costs consistent with generally accepted accounting
21 principles, including administrative costs, but do not
22 include: depreciation; payment of principal and interest
23 on bonds, notes or other evidences of obligations for
24 borrowed money of the Authority; payments with respect to
25 public transportation facilities made pursuant to
26 subsection (b) of Section 2.20; any payments with respect

1 to rate protection contracts, credit enhancements or
2 liquidity agreements made under Section 4.14; any other
3 cost as to which it is reasonably expected that a cash
4 expenditure will not be made; costs for passenger security
5 including grants, contracts, personnel, equipment and
6 administrative expenses, except in the case of the Chicago
7 Transit Authority, in which case the term does not include
8 costs spent annually by that entity for protection against
9 crime as required by Section 27a of the Metropolitan
10 Transit Authority Act; ~~the costs of Debt Service paid by~~
11 ~~the Chicago Transit Authority, as defined in Section 12c of~~
12 ~~the Metropolitan Transit Authority Act, or bonds or notes~~
13 ~~issued pursuant to that Section; the payment by the~~
14 ~~Commuter Rail Division of debt service on bonds issued~~
15 ~~pursuant to Section 3B.09; expenses incurred by the~~
16 ~~Suburban Bus Division for the cost of new public~~
17 ~~transportation services funded from grants pursuant to~~
18 ~~Section 2.01e of this amendatory Act of the 95th General~~
19 ~~Assembly for a period of 2 years from the date of~~
20 ~~initiation of each such service; costs as exempted by the~~
21 Board for projects pursuant to Section 2.09 of this Act,
22 ~~or, beginning with the 2007 fiscal year, expenses related~~
23 ~~to providing ADA paratransit service pursuant to Section~~
24 ~~2.30 of the Regional Transportation Authority Act; or in~~
25 ~~fiscal years 2008 through 2012 inclusive, costs in the~~
26 ~~amount of \$200,000,000 in fiscal year 2008, reducing by~~

1 ~~\$40,000,000 in each fiscal year thereafter until this~~
2 ~~exemption is eliminated.~~ If said system generated revenues
3 are less than 50% of said costs, the Board shall remit an
4 amount equal to the amount of the deficit to the State. The
5 Treasurer shall deposit any such payment in the General
6 Revenue Fund; and

7 (ii) whether, beginning with the 2007 fiscal year, the
8 aggregate of all fares charged and received for ADA
9 paratransit services equals the system generated ADA
10 paratransit services revenue recovery ratio percentage of
11 the aggregate of all costs of providing such ADA
12 paratransit services.

13 (h) If the Authority makes any payment to the State under
14 paragraph (g), the Authority shall reduce the amount provided
15 to a Service Board from funds transferred under paragraph (a)
16 in proportion to the amount by which that Service Board failed
17 to meet its required system generated revenues recovery ratio.
18 A Service Board which is affected by a reduction in funds under
19 this paragraph shall submit to the Authority concurrently with
20 its next due quarterly report a revised budget incorporating
21 the reduction in funds. The revised budget must meet the
22 criteria specified in clauses (i) through (vi) of Section
23 4.11(b)(2). The Board shall review and act on the revised
24 budget as provided in Section 4.11(b)(3).

25 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08;
26 95-906, eff. 8-26-08.)

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, and (ii) up to \$5,000,000 annually of the costs for

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

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

23 (2) The Board shall review the proposed budget and ~~two-year~~
24 financial plan submitted by each Service Board and shall adopt
25 a consolidated budget and financial plan. The Board shall
26 approve the budget and ~~two year financial~~ plan ~~of a Service~~

1 ~~Board~~ if:

2 (i) the Board has approved the proposed budget and cash
3 flow plan for such fiscal year of each Service Board,
4 pursuant to the conditions set forth in clauses (ii)
5 through (vii) of this paragraph;

6 (ii) ~~(i)~~ such budget and plan show a balance between
7 (A) anticipated revenues from all sources including
8 operating subsidies and (B) the costs of providing the
9 services specified and of funding any operating deficits or
10 encumbrances incurred in prior periods, including
11 provision for payment when due of principal and interest on
12 outstanding indebtedness;

13 (iii) ~~(ii)~~ such budget and plan show cash balances
14 including the proceeds of any anticipated cash flow
15 borrowing sufficient to pay with reasonable promptness all
16 costs and expenses as incurred;

17 (iv) ~~(iii)~~ such budget and plan provide for a level of
18 fares or charges and operating or administrative costs for
19 the public transportation provided by or subject to the
20 jurisdiction of such Service Board sufficient to allow the
21 Service Board to meet its required system generated revenue
22 recovery ratio and, beginning with the 2007 fiscal year,
23 system generated ADA paratransit services revenue recovery
24 ratio;

25 (v) ~~(iv)~~ such budget and plan are based upon and employ
26 assumptions and projections which are reasonable and

1 prudent;

2 (vi) ~~(v)~~ such budget and plan have been prepared in
3 accordance with sound financial practices as determined by
4 the Board; and

5 (vii) ~~(vi)~~ such budget and plan meet such other
6 financial, budgetary, or fiscal requirements that the
7 Board may by rule or regulation establish. ~~and~~

8 ~~(vii) such budget and plan are consistent with the~~
9 ~~goals and objectives adopted by the Authority in the~~
10 ~~Strategic Plan.~~

11 (3) In determining whether the budget and financial plan
12 provide a level of fares or charges sufficient to allow a
13 Service Board to meet its required system generated revenue
14 recovery ratio and, beginning with the 2007 fiscal year, system
15 generated ADA paratransit services revenue recovery ratio
16 under clause (iv) in subparagraph (2), the Board shall allow a
17 Service Board to carry over cash from farebox revenues to
18 subsequent fiscal years ~~(Blank)~~.

19 (4) Unless the Board by an affirmative vote of 9 ~~12~~ of the
20 then Directors determines that the budget and financial plan of
21 a Service Board meets the criteria specified in clauses (ii)
22 ~~(i)~~ through (vii) of subparagraph (2) of this paragraph (b),
23 the Board shall not release to ~~withhold from~~ that Service Board
24 any funds for the periods covered by such budget and financial
25 plan except for ~~25% of the cash~~ proceeds of taxes imposed by
26 the Authority under Section 4.03 which are allocated to the

1 ~~Service Board under Section 4.01. and Section 4.03.1 and~~
2 ~~received after February 1 and 25% of the amounts transferred to~~
3 ~~the Authority from the Public Transportation Fund under Section~~
4 ~~4.09(a) (but not including Section 4.09(a)(3)(iv)) after~~
5 ~~February 1 that the Board has estimated to be available to that~~
6 ~~Service Board under Section 4.11(a). Such funding shall be~~
7 ~~released to the Service Board only upon approval of a budget~~
8 ~~and financial plan under this Section or adoption of a budget~~
9 ~~and financial plan on behalf of the Service Board by the~~
10 ~~Authority.~~

11 (5) If the Board has not found that the budget and
12 financial plan of a Service Board meets the criteria specified
13 in clauses (i) through (vii) of subparagraph (2) of this
14 paragraph (b), the Board shall, 5 working days after the start
15 of the Service Board's fiscal year, by the affirmative vote of
16 at least 12 of its then Directors, shall adopt a budget and
17 financial plan meeting such criteria for that Service Board.

18 (c)(1) If the Board shall at any time have received a
19 revised estimate, or revises any estimate the Board has made,
20 pursuant to this Section of the receipts to be collected by the
21 Authority which, in the judgment of the Board, requires a
22 change in the estimates on which the budget of any Service
23 Board is based, the Board shall advise the affected Service
24 Board of such revised estimates, and such Service Board shall
25 within 30 days after receipt of such advice submit a revised
26 budget incorporating such revised estimates. If the revised

1 estimates require, in the judgment of the Board, that the
2 system generated revenues recovery ratio of one or more Service
3 Boards be revised in order to allow the Authority to meet its
4 required ratio, the Board shall advise any such Service Board
5 of its revised ratio and such Service Board shall within 30
6 days after receipt of such advice submit a revised budget
7 incorporating such revised estimates or ratio.

8 (2) Each Service Board shall, within such period after the
9 end of each fiscal quarter as shall be specified by the Board,
10 report to the Authority its financial condition and results of
11 operations and the financial condition and results of
12 operations of the public transportation services subject to its
13 jurisdiction, as at the end of and for such quarter. If in the
14 judgment of the Board such condition and results are not
15 substantially in accordance with such Service Board's budget
16 for such period, the Board shall so advise such Service Board
17 and such Service Board shall within the period specified by the
18 Board submit a revised budget incorporating such results.

19 (3) If the Board shall determine that a revised budget
20 submitted by a Service Board pursuant to subparagraph (1) or
21 (2) of this paragraph (c) does not meet the criteria specified
22 in clauses (ii) ~~(i)~~ through (vii) of subparagraph (2) of
23 paragraph (b) of this Section, the Board shall not release any
24 moneys to ~~withhold from~~ that Service Board except 25% ~~of the~~
25 ~~cash~~ proceeds of taxes imposed by the Authority under Section
26 4.03 or 4.03.1 which are allocated ~~and received by the~~

1 ~~Authority after February 1 and 25% of the amounts transferred~~
2 ~~to the Authority from the Public Transportation Fund under~~
3 ~~Section 4.09(a) (but not including Section 4.09(a)(3)(iv))~~
4 ~~after February 1 that the Board has estimated to be available~~
5 ~~to the ~~that~~ Service Board under Section 4.01 ~~4.11(a)~~.~~ If the
6 Service Board submits a revised financial plan and budget which
7 plan and budget shows that the criteria will be met within a
8 four quarter period, the Board shall continue to release ~~any~~
9 ~~such withheld~~ funds to the Service Board. The Board by the
10 affirmative vote of at least 9 ~~12~~ of its then Directors may
11 require a Service Board to submit a revised financial plan and
12 budget which shows that the criteria will be met in a time
13 period less than four quarters.

14 (d) All budgets and financial plans, financial statements,
15 audits and other information presented to the Authority
16 pursuant to this Section or which may be required by the Board
17 to permit it to monitor compliance with the provisions of this
18 Section shall be prepared and presented in such manner and
19 frequency and in such detail as shall have been prescribed by
20 the Board, shall be prepared on both an accrual and cash flow
21 basis as specified by the Board, ~~shall present such information~~
22 ~~as the Authority shall prescribe that fairly presents the~~
23 ~~condition of any pension plan or trust for health care benefits~~
24 ~~with respect to retirees established by the Service Board and~~
25 ~~describes the plans of the Service Board to meet the~~
26 ~~requirements of Sections 4.02a and 4.02b,~~ and shall identify

1 and describe the assumptions and projections employed in the
2 preparation thereof to the extent required by the Board. If the
3 Executive Director certifies that a Service Board has not
4 presented its budget and two-year financial plan in conformity
5 with the rules adopted by the Authority under the provisions of
6 Section 4.01(f) and this subsection (d), and such certification
7 is accepted by the affirmative vote of at least 9 ~~12~~ of the
8 then Directors of the Authority, the Authority shall not
9 distribute to that Service Board any funds for operating
10 purposes in excess of the amounts distributed for such purposes
11 to the Service Board in the previous fiscal year. Except when
12 the Board adopts a budget and a financial plan for a Service
13 Board under paragraph (b) (5), a Service Board shall provide for
14 such levels of transportation services and fares or charges
15 therefor as it deems appropriate and necessary in the
16 preparation of a budget and financial plan meeting the criteria
17 set forth in clauses (i) through (vii) of subparagraph (2) of
18 paragraph (b) of this Section. The Authority shall have access
19 to and the right to examine and copy all books, documents,
20 papers, records, or other source data of a Service Board
21 relevant to any information submitted pursuant to this Section.

22 (e) Whenever this Section requires the Board to make
23 determinations with respect to estimates, budgets or financial
24 plans, or rules or regulations with respect thereto such
25 determinations shall be made upon the affirmative vote of at
26 least 9 ~~12~~ of the then Directors and shall be incorporated in a

1 written report of the Board and such report shall be submitted
2 within 10 days after such determinations are made to the
3 Governor, the Mayor of Chicago (if such determinations relate
4 to the Chicago Transit Authority), and the Auditor General of
5 Illinois.

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

7 (70 ILCS 3615/4.13) (from Ch. 111 2/3, par. 704.13)

8 Sec. 4.13. Annual Capital Improvement Plan.

9 (a) With respect to each calendar year, the Authority shall
10 prepare as part of its Five Year Program an Annual Capital
11 Improvement Plan (the "Plan") which shall describe its intended
12 development and implementation of the Strategic Capital
13 Improvement Program. The Plan shall include the following
14 information:

15 (i) a list of projects for which approval is sought
16 from the Governor, with a description of each project
17 stating at a minimum the project cost, its category, its
18 location and the entity responsible for its
19 implementation;

20 (ii) a certification by the Authority that the
21 Authority and the Service Boards have applied for all
22 grants, loans and other moneys made available by the
23 federal government or the State of Illinois during the
24 preceding federal and State fiscal years for financing its
25 capital development activities;

1 (iii) a certification that, as of September 30 of the
2 preceding calendar year or any later date, the balance of
3 all federal capital grant funds and all other funds to be
4 used as matching funds therefor which were committed to or
5 possessed by the Authority or a Service Board but which had
6 not been obligated was less than \$350,000,000, or a greater
7 amount as authorized in writing by the Governor (for
8 purposes of this subsection (a), "obligated" means
9 committed to be paid by the Authority or a Service Board
10 under a contract with a nongovernmental entity in
11 connection with the performance of a project or committed
12 under a force account plan approved by the federal
13 government);

14 (iv) a certification that the Authority has adopted a
15 balanced budget with respect to such calendar year under
16 Section 4.01 of this Act;

17 (v) a schedule of all bonds or notes previously issued
18 for Strategic Capital Improvement Projects and all debt
19 service payments to be made with respect to all such bonds
20 and the estimated additional debt service payments through
21 June 30 of the following calendar year expected to result
22 from bonds to be sold prior thereto;

23 (vi) a long-range summary of the Strategic Capital
24 Improvement Program describing the projects to be funded
25 through the Program with respect to project cost, category,
26 location, and implementing entity, and presenting a

1 financial plan including an estimated time schedule for
2 obligating funds for the performance of approved projects,
3 issuing bonds, expending bond proceeds and paying debt
4 service throughout the duration of the Program; and

5 (vii) the source of funding for each project in the
6 Plan. For any project for which full funding has not yet
7 been secured and which is not subject to a federal full
8 funding contract, the Authority must identify alternative,
9 dedicated funding sources available to complete the
10 project. The Governor may waive this requirement on a
11 project by project basis.

12 (b) The Authority shall submit the Plan with respect to any
13 calendar year to the Governor on or before January 15 of that
14 year, or as soon as possible thereafter; provided, however,
15 that the Plan shall be adopted on the affirmative votes of 9 ~~12~~
16 of the then Directors. The Plan may be revised or amended at
17 any time, but any revision in the projects approved shall
18 require the Governor's approval.

19 (c) The Authority shall seek approval from the Governor
20 only through the Plan or an amendment thereto. The Authority
21 shall not request approval of the Plan from the Governor in any
22 calendar year in which it is unable to make the certifications
23 required under items (ii), (iii) and (iv) of subsection (a). In
24 no event shall the Authority seek approval of the Plan from the
25 Governor for projects in an aggregate amount exceeding the
26 proceeds of bonds or notes for Strategic Capital Improvement

1 Projects issued under Section 4.04 of this Act.

2 (d) The Governor may approve the Plan for which approval is
3 requested. The Governor's approval is limited to the amount of
4 the project cost stated in the Plan. The Governor shall not
5 approve the Plan in a calendar year if the Authority is unable
6 to make the certifications required under items (ii), (iii) and
7 (iv) of subsection (a). In no event shall the Governor approve
8 the Plan for projects in an aggregate amount exceeding the
9 proceeds of bonds or notes for Strategic Capital Improvement
10 Projects issued under Section 4.04 of this Act.

11 (e) With respect to capital improvements, only those
12 capital improvements which are in a Plan approved by the
13 Governor shall be financed with the proceeds of bonds or notes
14 issued for Strategic Capital Improvement Projects.

15 (f) Before the Authority or a Service Board obligates any
16 funds for a project for which the Authority or Service Board
17 intends to use the proceeds of bonds or notes for Strategic
18 Capital Improvement Projects, but which project is not included
19 in an approved Plan, the Authority must notify the Governor of
20 the intended obligation. No project costs incurred prior to
21 approval of the Plan including that project may be paid from
22 the proceeds of bonds or notes for Strategic Capital
23 Improvement Projects issued under Section 4.04 of this Act.

24 (Source: P.A. 94-839, eff. 6-6-06; 95-708, eff. 1-18-08.)

25 (70 ILCS 3615/4.14) (from Ch. 111 2/3, par. 704.14)

1 Sec. 4.14. Rate Protection Contract. "Rate Protection
2 Contract" means interest rate price exchange agreements;
3 currency exchange agreements; forward payment conversion
4 agreements; contracts providing for payment or receipt of funds
5 based on levels of, or changes in, interest rates, currency
6 exchange rates, stock or other indices; contracts to exchange
7 cash flows or a series of payments; contracts, including
8 without limitation, interest rate caps; interest rate floor;
9 interest rate locks; interest rate collars; rate of return
10 guarantees or assurances, to manage payment, currency, rate,
11 spread or similar exposure; the obligation, right, or option to
12 issue, put, lend, sell, grant a security interest in, buy,
13 borrow or otherwise acquire, a bond, note or other security or
14 interest therein as an investment, as collateral, as a hedge,
15 or otherwise as a source or assurance of payment to or by the
16 Authority or as a reduction of the Authority's or an obligor's
17 risk exposure; repurchase agreements; securities lending
18 agreements; and other agreements or arrangements similar to the
19 foregoing.

20 Notwithstanding any provision in Section 2.20 (a) (ii) of
21 this Act to the contrary, in connection with or incidental to
22 the issuance by the Authority of its bonds or notes under the
23 provisions of Section 4.04 or the exercise of its powers under
24 subsection (b) of Section 2.20, the Authority, for its own
25 benefit or for the benefit of the holders of its obligations or
26 their trustee, may enter into rate protection contracts. The

1 Authority may enter into rate protection contracts only
2 pursuant to a determination by a vote of 9 ~~12~~ of the then
3 Directors that the terms of the contracts and any related
4 agreements reduce the risk of loss to the Authority, or
5 protect, preserve or enhance the value of its assets, or
6 provide compensation to the Authority for losses resulting from
7 changes in interest rates. The Authority's obligations under
8 any rate protection contract or credit enhancement or liquidity
9 agreement shall not be considered bonds or notes for purposes
10 of this Act. For purposes of this Section a rate protection
11 contract is a contract determined by the Authority as necessary
12 or appropriate to permit it to manage payment, currency or
13 interest rate risks or levels.

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

15 (70 ILCS 3615/5.01) (from Ch. 111 2/3, par. 705.01)

16 Sec. 5.01. Hearings and Citizen Participation.

17 (a) The Authority shall provide for and encourage
18 participation by the public in the development and review of
19 public transportation policy, and in the process by which major
20 decisions significantly affecting the provision of public
21 transportation are made. ~~The Authority shall coordinate such~~
22 ~~public participation processes with the Chicago Metropolitan~~
23 ~~Agency for Planning to the extent practicable.~~

24 (b) The Authority shall hold such public hearings as may be
25 required by this Act or as the Authority may deem appropriate

1 to the performance of any of its functions. ~~The Authority shall~~
2 ~~coordinate such public hearings with the Chicago Metropolitan~~
3 ~~Agency for Planning to the extent practicable.~~

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

9 (i) the construction or acquisition of any public
10 transportation facility, the aggregate cost of which
11 exceeds \$5 million; and

12 (ii) the extension of, or major addition to services
13 provided by the Authority or by any transportation agency
14 pursuant to a purchase of service agreement with the
15 Authority.

16 (d) Unless such items are specifically provided for in the
17 annual budget and program which has been the subject of public
18 hearing, as provided in Section 4.01 of this Act, the Board
19 shall hold public hearings at which citizens may be heard prior
20 to the providing for or allowing, by means of any purchase of
21 service agreement or any grant pursuant to Section 2.02 of this
22 Act, or so providing for or allowing any discontinuance of any
23 public transportation route, or major portion thereof, which
24 has been in service for more than a year.

25 (e) At least twenty days prior notice of any public
26 hearing, as required in this Section, shall be given by public

1 advertisement in a newspaper of general circulation in the
2 metropolitan region.

3 (e-5) With respect to any increase in fares or charges for
4 public transportation, whether by the Authority or by any
5 Service Board or transportation agency, a public hearing must
6 be held in each county in which the fare increase takes effect.
7 Notice of the public hearing shall be given at least 20 days
8 prior to the hearing and at least 30 days prior to the
9 effective date of any fare increase. Notice shall be given by
10 public advertisement in a newspaper of general circulation in
11 the metropolitan region and must also be sent to the Governor
12 and to each member of the General Assembly whose district
13 overlaps in whole or in part with the area in which the
14 increase takes effect. The notice must state the date, time,
15 and place of the hearing and must contain a description of the
16 proposed increase. The notice must also specify how interested
17 persons may obtain copies of any reports, resolutions, or
18 certificates describing the basis upon which the increase was
19 calculated.

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

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

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

8 (70 ILCS 3615/2.01a rep.)

9 (70 ILCS 3615/2.01b rep.)

10 (70 ILCS 3615/2.01c rep.)

11 (70 ILCS 3615/2.01d rep.)

12 (70 ILCS 3615/2.01e rep.)

13 (70 ILCS 3615/2.12b rep.)

14 (70 ILCS 3615/2.31 rep.)

15 (70 ILCS 3615/3A.15 rep.)

16 (70 ILCS 3615/3B.14 rep.)

17 (70 ILCS 3615/4.03.3 rep.)

18 Section 65. The Regional Transportation Authority Act is
19 amended by repealing Sections 2.01a, 2.01b, 2.01c, 2.01d,
20 2.01e, 2.12b, 2.31, 3A.15, 3B.14, and 4.03.3.

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30 ILCS 105/5.708 rep.

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30 ILCS 740/2-2.04

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