

SB1697



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1697

Introduced 2/15/2013, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

70 ILCS 3605/54 new
70 ILCS 3615/2.20

from Ch. 111 2/3, par. 702.20

Amends the Metropolitan Transit Authority Act and the Regional Transportation Authority Act. Provides that the Regional Transportation Authority or a Service Board may enter into an option contract, forward contract, futures contract, swap, cap, or collar agreement with price floors or ceilings, or both, for fuel risk management purposes, subject to the approval of the Board of Directors of the Regional Transportation Authority.

LRB098 08621 OMW 38739 b

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

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

7 Sec. 2.20. General Powers.

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

12 (i) To sue and be sued;

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

18 (iii) To make, amend and repeal by-laws, rules and
19 regulations, and ordinances not inconsistent with this
20 Act;

21 (iv) To hold, sell, sell by installment contract, lease
22 as lessor, transfer or dispose of such real or personal
23 property as it deems appropriate in the exercise of its

1 powers or to provide for the use thereof by any
2 transportation agency and to mortgage, pledge or otherwise
3 grant security interests in any such property;

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

13 (vi) To make and execute all contracts and other
14 instruments necessary or convenient to the exercise of its
15 powers;

16 (vii) To enter into contracts of group insurance for
17 the benefit of its employees and to provide for retirement
18 or pensions or other employee benefit arrangements for such
19 employees, and to assume obligations for pensions or other
20 employee benefit arrangements for employees of
21 transportation agencies, all or part of the facilities of
22 which are acquired by the Authority;

23 (viii) To provide for the insurance of any property,
24 directors, officers, employees or operations of the
25 Authority against any risk or hazard, and to self-insure or
26 participate in joint self-insurance pools or entities to

1 insure against such risk or hazard;

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

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

14 The Authority may enter into arbitration arrangements,
15 which may be final and binding.

16 The Commuter Rail Board shall continue the separate public
17 corporation, known as the Northeast Illinois Regional Commuter
18 Railroad Corporation, as a separate operating unit to operate
19 on behalf of the Commuter Rail Board commuter railroad
20 facilities, subject at all times to the supervision and
21 direction of the Commuter Rail Board and may, by ordinance,
22 dissolve such Corporation. Such Corporation shall be governed
23 by a Board of Directors which shall consist of the members of
24 the Transition Board until such time as all of the members of
25 the Commuter Rail Board are appointed and qualified and
26 thereafter the members of the Commuter Rail Board. Such

1 Corporation shall have all the powers given the Authority and
2 the Commuter Rail Board under Article II of this Act (other
3 than under Section 2.13) as are delegated to it by ordinance of
4 the Commuter Rail Board with regard to such operation of
5 facilities and the same exemptions, restrictions and
6 limitations as are provided by law with regard to the Authority
7 shall apply to such Corporation. Such Corporation shall be a
8 transportation agency as provided in this Act except for
9 purposes of paragraph (e) of Section 3.01 of this Act.

10 The Authority shall cooperate with the Illinois Commerce
11 Commission and local law enforcement agencies in establishing a
12 two year pilot program in DuPage County to determine the
13 effectiveness of an automated railroad grade crossing
14 enforcement system.

15 (b) In each case in which this Act gives the Authority the
16 power to construct or acquire real or personal property, the
17 Authority shall have the power to acquire such property by
18 contract, purchase, gift, grant, exchange for other property or
19 rights in property, lease (or sublease) or installment or
20 conditional purchase contracts, which leases or contracts may
21 provide for consideration therefor to be paid in annual
22 installments during a period not exceeding 40 years. Property
23 may be acquired subject to such conditions, restrictions,
24 liens, or security or other interests of other parties as the
25 Authority may deem appropriate, and in each case the Authority
26 may acquire a joint, leasehold, easement, license or other

1 partial interest in such property. Any such acquisition may
2 provide for the assumption of, or agreement to pay, perform or
3 discharge outstanding or continuing duties, obligations or
4 liabilities of the seller, lessor, donor or other transferor of
5 or of the trustee with regard to such property. In connection
6 with the acquisition of public transportation equipment,
7 including, but not limited to, rolling stock, vehicles,
8 locomotives, buses or rapid transit equipment, the Authority
9 may also execute agreements concerning such equipment leases,
10 equipment trust certificates, conditional purchase agreements
11 and such other security agreements and may make such agreements
12 and covenants as required, in the form customarily used in such
13 cases appropriate to effect such acquisition. Obligations of
14 the Authority incurred pursuant to this Section shall not be
15 considered bonds or notes within the meaning of Section 4.04 of
16 this Act.

17 (c) The Authority shall assume all costs of rights,
18 benefits and protective conditions to which any employee is
19 entitled under this Act from any transportation agency in the
20 event of the inability of the transportation agency to meet its
21 obligations in relation thereto due to bankruptcy or
22 insolvency, provided that the Authority shall retain the right
23 to proceed against the bankrupt or insolvent transportation
24 agency or its successors, trustees, assigns or debtors for the
25 costs assumed. The Authority may mitigate its liability under
26 this paragraph (c) and under Section 2.16 to the extent of

1 employment and employment benefits which it tenders.

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

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