



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3266

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

See Index

Creates the High Speed Rail Authority Act. Defines terms. Creates the Illinois High Speed Rail Authority and provides for the members of the Authority. Provides for the powers of the Authority, including the power to: (1) acquire property by purchase or condemnation; (2) enter into contracts; (3) maintain a system of high speed rail lines throughout the State; and (4) enter into an intergovernmental agreement or contract with a unit of government or other public or private entity. Provides that the Governor shall appoint a High Speed Rail Inspector General for the purpose of detection, deterrence, and prevention of fraud, corruption, and mismanagement in the Authority. Provides that the Authority shall hold a public hearing whenever approximate locations and widths of rights of way for future high speed railway additions are to be established or before it adopts an increase in the rates for its fares. Provides that prior to the commencement of any engineering and traffic study to determine the feasibility of constructing additional high speed railway lines in this State, the Authority shall submit to the Governor for his or her approval the route or routes proposed, with an estimate of the cost of the proposed study. Provides that the Authority shall create a local advisory committee of members from each county in which any portion of a new or additional high speed railway is proposed to be constructed. Provides how the Authority shall spend moneys received from the issuance of bonds and fares. Amends the State Finance Act. Creates the Illinois High Speed Rail Authority Fund as a special fund in the State treasury.

LRB100 11352 AXK 21736 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the High
5 Speed Rail Authority Act.

6 Section 5. Legislative finding. It is hereby declared, as a
7 matter of legislative determination, that in order to promote
8 the public welfare, and to facilitate rail traffic by providing
9 convenient, safe, and modern high speed rail transportation
10 designed for the accommodation of the needs of the traveling
11 public through and within the State of Illinois, that it is
12 necessary in the public interest to provide for the
13 construction, operation, regulation and maintenance of a high
14 speed rail system, incorporating therein the benefits of
15 advanced engineering skill, design, experience and safety
16 factors, to eliminate existing traffic hazards, relieve
17 congestion of highways, integrate surface and air modes of
18 local, metropolitan, regional and long distance services,
19 exploit existing transportation and utility infrastructure,
20 and decrease air pollution. It is also necessary and in the
21 public interest to create The Illinois High Speed Rail
22 Authority, as an instrumentality and administrative agency of
23 the State of Illinois, and to confer upon and vest in the

1 Authority all powers necessary or appropriate to enable the
2 Authority to carry out the foregoing stated legislative purpose
3 and determination.

4 Section 10. Definitions. The following words and terms as
5 used in this Act have the following meanings:

6 (a) "Authority" means the Illinois High Speed Rail
7 Authority.

8 (b) "Cost", as applied to an HSR, means the cost of
9 construction, including bridges over or under existing
10 highways and railroads, the cost of acquisition of all land,
11 rights of way, property, rights, easements and interests
12 acquired by the Authority for such construction, the cost of
13 demolishing or removing any buildings or structures on land so
14 acquired, including the cost of acquiring any lands to which
15 such buildings or structures may be moved, the cost of
16 diverting highways, interchange of highways, access to roads to
17 private property, including the cost of lands or easements
18 therefor, the cost of all machinery and equipment, financing
19 charges, interest prior to and during construction, and for one
20 or more years after completion of construction, cost of traffic
21 estimates and of engineering and legal expenses, plans,
22 specifications, surveys, estimates of cost and revenues, other
23 expenses necessary or incident to determining the feasibility
24 or practicability of constructing any such high speed railway
25 line, administrative expenses and such other expense as may be

1 necessary or incident to the construction of the high speed
2 railway line, the financing of such construction and the
3 placing of the railway in operation.

4 (c) "High speed rail" or "HSR" means such railway that is
5 designed and constructed, in the best professional judgment of
6 the engineering staff responsible, to accommodate trains to run
7 at speeds of more than 180 miles per hour so as to accomplish
8 the purposes of this Act.

9 (d) "Owner" means all individuals, copartnerships, firms,
10 associations, corporations, trustees or legal representatives,
11 and others having any title or interest in any property, rights
12 or easements authorized to be acquired by this Act.

13 (e) "Person" means any individual, firm, association,
14 partnership, corporation, trustee or legal representative.

15 Section 15. The Authority. There is hereby created an
16 Authority to be known as The Illinois High Speed Rail
17 Authority, which is hereby constituted an instrumentality and
18 an administrative agency of the State of Illinois. The
19 Authority shall consist of 11 directors; the Governor and the
20 Secretary of the Department of Transportation, ex officio, and
21 9 directors appointed by the Governor with the advice and
22 consent of the Senate, from the State at large. The directors
23 and their successors are hereby authorized to carry out the
24 provisions of this Act, and to exercise the powers herein
25 conferred. Of the 9 directors appointed by the Governor, no

1 more than 5 shall be members of the same political party.
2 Vacancies shall be filled for the unexpired term in the same
3 manner as original appointments. All appointments shall be in
4 writing and filed with the Secretary of State as a public
5 record. It is the intention of this Section that the Governor's
6 appointments shall be made with due consideration to the
7 location of proposed high speed railway routes so that maximum
8 geographic representation from the areas served by the high
9 speed railway routes may be accomplished insofar as
10 practicable. The Authority shall have the power to contract and
11 be contracted with, to acquire, hold and convey personal and
12 real property or any interest therein, including rights of way,
13 franchises, and easements; to have and use a common seal, and
14 to alter the same at will; to make and establish resolutions,
15 by-laws, rules, rates and regulations, and to alter or repeal
16 the same as the Authority shall deem necessary and expedient
17 for the construction, operation, relocation, regulation, and
18 maintenance of a system of high speed railways within and
19 through the State of Illinois.

20 Section 20. Chairperson of the Authority. Of the directors
21 appointed by the Governor, one such director shall be appointed
22 by the Governor as chairperson and shall hold office for 4
23 years from the date of his appointment, and until his or her
24 successor shall be duly appointed and qualified, but shall be
25 subject to removal by the Governor for incompetency, neglect of

1 duty or malfeasance.

2 The chairperson shall preside at all meetings of the Board
3 of Directors of the Authority; shall exercise general
4 supervision over all powers, duties, obligations, and
5 functions of the Authority; and shall approve or disapprove all
6 resolutions, by-laws, rules, rates, and regulations made and
7 established by the Board of Directors, and if the chairperson
8 shall approve thereof, he or she shall sign the same, and if he
9 or she shall not approve thereof, he or she shall return to the
10 Board of Directors with his or her objections in writing at the
11 next regular meeting of the Board of Directors occurring after
12 the passage thereof. Such veto may extend to any one or more
13 items contained in such resolution, by-law, rule, rate, or
14 regulation, or to its entirety; and in case the veto extends to
15 a part of such resolution, by-law, rule, rate, or regulation,
16 the residue shall take effect and be in force, but in case the
17 chairperson shall fail to return any resolution, by-law, rule,
18 rate, or regulation with his or her objections thereto by the
19 time aforesaid, he or she shall be deemed to have approved the
20 same, and the same shall take effect accordingly. Upon the
21 return of any resolution, by-law, rule, rate, or regulation by
22 the chairperson, the vote by which the same was passed shall be
23 reconsidered by the Board of Directors, and if upon such
24 reconsideration two-thirds of all the Directors agree by yeas
25 and nays to pass the same, it shall go into effect
26 notwithstanding the chairperson's refusal to approve thereof.

1 The chairperson shall receive a salary of \$1,000 per annum,
2 payable in monthly installments, together with reimbursement
3 for necessary expenses incurred in the performance of his or
4 her duties. The chairperson shall be eligible for
5 reappointment.

6 Section 25. Directors of the Authority. Of the original
7 directors, other than the chairperson, so appointed by the
8 Governor, 3 shall hold office for 2 years and 3 shall hold
9 office for 4 years, from the date of their appointment and
10 until their respective successors shall be duly appointed and
11 qualified, but shall be subject to removal by the Governor for
12 incompetency, neglect of duty, or malfeasance. In case of
13 vacancies in such offices during the recess of the Senate, the
14 Governor shall make a temporary appointment until the next
15 meeting of the Senate when the Governor shall nominate some
16 person to fill such office and any person so nominated, who is
17 confirmed by the Senate, shall hold office during the remainder
18 of the term and until his or her successor shall be appointed
19 and qualified. The respective term of the first directors
20 appointed shall be designated by the Governor at the time of
21 appointment, but their successors shall each be appointed for a
22 term of 4 years, except that any person appointed to fill a
23 vacancy shall serve only for the unexpired term. Directors
24 shall be eligible for reappointment.

25 In making the initial appointments of the 2 additional

1 directors provided for by this Act, the respective terms of the
2 additional directors first appointed shall be designated by
3 the Governor at the time of appointment in a manner that the
4 term of one additional director shall expire at the same time
5 as the terms of 4 of the other directors and the term of the
6 other additional director shall expire at the same time as the
7 terms of 3 of the other directors; thereafter the terms shall
8 be 4 years.

9 Each such director, other than ex officio members, shall
10 receive an annual salary of \$500, payable in monthly
11 installments, and shall be reimbursed for necessary expenses
12 incurred in the performance of his or her duties.

13 Section 30. Quorum. Immediately after the appointment and
14 qualification of the chairperson and directors under this Act,
15 the chairperson and directors shall enter upon their duties.
16 The directors shall biennially select a secretary, who may or
17 may not be a director, and if not a director, fix his or her
18 compensation. Six directors shall constitute a quorum. No
19 vacancy in the Board of Directors shall impair the right of a
20 quorum of the directors to exercise all the rights and perform
21 all the duties of the Authority.

22 Section 35. Bonds. The chairperson of the Board of
23 Directors shall execute and file a bond in the penal sum of
24 \$100,000. Each other director, other than the ex officio

1 directors, shall qualify by executing and filing a bond in the
2 penal sum of \$25,000, and the secretary, if not a member of the
3 Authority, shall execute and file a bond in the penal sum of
4 \$15,000. All such bonds shall be payable to the People of the
5 State of Illinois, and be conditioned upon the faithful
6 performance of the duties imposed upon the chairperson,
7 directors, or secretary under this Act. The bonds shall be
8 subject to the approval of the Governor and of the Attorney
9 General of the State of Illinois, and shall, when executed and
10 so approved, be filed in the office of the Secretary of State.
11 The bonds shall be with a surety company, or companies,
12 authorized to do business in this State, and the cost of any
13 official bonds required to be furnished hereunder shall be paid
14 out of any fund subject to expenditure by the Authority.

15 The chairperson, directors, and secretary of the Authority
16 shall be eligible to participate in all pensions, accident,
17 health, and benefit plans established by the Authority for its
18 employees in the same manner and form as all other employees.

19 Section 40. Public comments at board meetings. The Board of
20 Directors shall set aside a portion of each meeting of the
21 Board that is open to the public under the Open Meetings Act
22 during which members of the public who are present at the
23 meeting may comment on any subject.

24 Section 45. Authority powers. The Authority shall have the

1 power:

2 (a) To acquire, own, use, hire, lease, operate and dispose
3 of personal property, real property, any interest therein,
4 including rights-of-way, franchises, and easements.

5 (b) To enter into all contracts and agreements necessary or
6 incidental to the performance of its powers under this Act. All
7 employment contracts let under this Act shall be in conformity
8 with the applicable provisions of the Prevailing Wage Act.

9 (c) To employ and discharge, without regard to the
10 requirements of any civil service or personnel act, such
11 administrative, engineering, traffic, architectural,
12 construction, and financial experts, and inspectors, and such
13 other employees, as are necessary in the Authority's judgment
14 to carry out the purposes of this Act; and to establish and
15 administer standards of classification of all of such persons
16 with respect to their compensation, duties, performance, and
17 tenure; and to enter into contracts of employment with such
18 persons for such periods and on such terms as the Authority
19 deems desirable.

20 (d) To appoint by and with the consent of the Attorney
21 General, assistant attorneys for such Authority. The assistant
22 attorneys shall be under the control, direction and supervision
23 of the Attorney General and shall serve at his or her pleasure.

24 (e) To retain special counsel, subject to the approval of
25 the Attorney General, as needed from time to time, and fix
26 their compensation; provided the special counsel shall be

1 subject to the control, direction, and supervision of the
2 Attorney General and shall serve at the pleasure of the
3 Attorney General.

4 (f) To acquire, construct, relocate, operate, regulate,
5 and maintain a system of high speed rail lines through and
6 within the State of Illinois. However, the Authority does not
7 have the power to acquire, operate, regulate, or maintain any
8 system of high speed rail lines or portions of them (including,
9 but not limited to, any system organized under Division 108 of
10 Article 11 of the Illinois Municipal Code) in the event either
11 of the following conditions exists at the time the proposed
12 acquisition, operation, regulation, or maintenance of the
13 system is to become effective:

14 (1) the principal or interest on bonds or other
15 instruments evidencing indebtedness of the system are in
16 default; or

17 (2) the principal or interest on bonds or other
18 instruments evidencing indebtedness of the system have
19 been in default at any time during the 5 year period prior
20 to the proposed acquisition.

21 (g) To facilitate such construction, operation, and
22 maintenance, and subject to the approval of the Office of
23 Highway Project Implementation and the Office of Intermodal
24 Project Implementation of the Department of Transportation,
25 the Authority shall have the full use and advantage of the
26 engineering staff and facilities of the Department.

1 Section 50. High Speed Rail Inspector General.

2 (a) The Governor shall, with the advice and consent of the
3 Senate by three-fifths of the elected members concurring by
4 record vote, appoint a High Speed Rail Inspector General for
5 the purpose of detection, deterrence, and prevention of fraud,
6 corruption, and mismanagement in the Authority. The High Speed
7 Rail Inspector General shall serve a 5-year term. If, during a
8 recess of the Senate, there is a vacancy in the office of the
9 High Speed Rail Inspector General, the Governor shall make a
10 temporary appointment until the next meeting of the Senate when
11 the Governor shall make a nomination to fill that office. No
12 person rejected for the office of the High Speed Rail Inspector
13 General shall, except by the Senate's request, be nominated
14 again for that office at the same session of the Senate or be
15 appointed to that office during a recess of that Senate. The
16 Governor may not appoint a relative, as defined by item (6) of
17 Section 10-15 of the State Officials and Employees Ethics Act,
18 as the High Speed Rail Inspector General. The High Speed Rail
19 Inspector General may be removed only for cause and may be
20 removed only by the Governor.

21 (b) The High Speed Rail Inspector General shall have the
22 following qualifications:

23 (1) has not been convicted of any felony under the laws
24 of this State, another state, or the United States;

25 (2) has earned a baccalaureate degree from an

1 institution of higher education; and

2 (3) has 5 or more years of cumulative service (i) with
3 a federal, state, or local law enforcement agency, at least
4 2 years of which have been in a progressive investigatory
5 capacity; (ii) as a federal, state, or local prosecutor;
6 (iii) as a federal or state judge with a criminal docket;
7 (iv) as a senior manager or executive of a federal, state,
8 or local agency; or (v) representing any combination of (i)
9 through (iv).

10 (c) The term of the initial High Speed Rail Inspector
11 General shall commence upon qualification and shall run through
12 June 30, 2018. The initial appointments shall be made within 60
13 days after the effective date of this Act. After the initial
14 term, each High Speed Rail Inspector General shall serve for
15 5-year terms commencing on July 1 of the year of appointment
16 and running through June 30 of the fifth following year. A High
17 Speed Rail Inspector General may be reappointed to one or more
18 subsequent terms. A vacancy occurring other than at the end of
19 a term shall be filled by the Governor only for the balance of
20 the term of the High Speed Rail Inspector General whose office
21 is vacant. Terms shall run regardless of whether the position
22 is filled.

23 (d) The High Speed Rail Inspector General shall have
24 jurisdiction over the Authority and all board members,
25 officers, and employees of, and vendors, subcontractors, and
26 others doing business with the Authority. The jurisdiction of

1 the High Speed Rail Inspector General is to investigate
2 allegations of fraud, waste, abuse, mismanagement, misconduct,
3 nonfeasance, misfeasance, or malfeasance. Investigations may
4 be based on complaints from any source, including anonymous
5 sources, and may be self-initiated, without a complaint. An
6 investigation may not be initiated more than 5 years after the
7 most recent act of the alleged violation or of a series of
8 alleged violations except where there is reasonable cause to
9 believe that fraudulent concealment has occurred. To
10 constitute fraudulent concealment sufficient to toll this
11 limitations period, there must be an affirmative act or
12 representation calculated to prevent discovery of the fact that
13 a violation has occurred. The authority to investigate alleged
14 violations of the State Officials and Employees Ethics Act by
15 officers, employees, vendors, subcontractors, and others doing
16 business with the Authority shall remain with the Office of the
17 Governor's Executive Inspector General. The High Speed Rail
18 Inspector General shall refer allegations of misconduct under
19 the State Officials and Employees Ethics Act to the Office of
20 the Governor's Executive Inspector General for investigation.
21 Upon completion of its investigation into such allegations, the
22 Office of the Governor's Executive Inspector General shall
23 report the results to the High Speed Rail Inspector General,
24 and the results of the investigation shall remain subject to
25 any applicable confidentiality provisions in the State
26 Officials and Employees Ethics Act. Where an investigation into

1 a target or targets is split between allegations of misconduct
2 under the State Officials and Employees Ethics Act,
3 investigated by the Office of the Governor's Executive
4 Inspector General, and allegations that are not of misconduct
5 under the State Officials and Employees Ethics Act,
6 investigated by the High Speed Rail Inspector General, the High
7 Speed Rail Inspector General shall take reasonable steps,
8 including continued consultation with the Office of the
9 Governor's Executive Inspector General, to ensure that its
10 investigation will not interfere with or disrupt any
11 investigation by the Office of the Governor's Executive
12 Inspector General or law enforcement authorities. In instances
13 in which the High Speed Rail Inspector General continues to
14 investigate other allegations associated with allegations that
15 have been referred to the Office of the Governor's Executive
16 Inspector General under this subsection (d), the High Speed
17 Rail Inspector General shall report the results of its
18 investigation to the Office of the Governor's Executive
19 Inspector General.

20 (e) (1) If the High Speed Rail Inspector General, upon the
21 conclusion of an investigation, determines that reasonable
22 cause exists to believe that fraud, waste, abuse,
23 mismanagement, misconduct, nonfeasance, misfeasance, or
24 malfeasance has occurred, then the High Speed Rail Inspector
25 General shall issue a summary report of the investigation. The
26 report shall be delivered to the appropriate authority under

1 paragraph (3) of subsection (f) of this Section, which shall
2 have 20 days to respond to the report.

3 (2) The summary report of the investigation shall
4 include the following:

5 (A) a description of any allegations or other
6 information received by the High Speed Rail Inspector
7 General pertinent to the investigation.

8 (B) a description of any alleged misconduct
9 discovered in the course of the investigation.

10 (C) recommendations for any corrective or
11 disciplinary action to be taken in response to any
12 alleged misconduct described in the report, including
13 but not limited to discharge.

14 (D) other information the High Speed Rail
15 Inspector General deems relevant to the investigation
16 or resulting recommendations.

17 (3) Within 60 days after issuance of a final summary
18 report that resulted in a suspension of at least 3 days or
19 termination of employment, the High Speed Rail Inspector
20 General shall make the report available to the public by
21 presenting the report to the Board of the Authority and by
22 posting to the Authority's public website. The High Speed
23 Rail Inspector General shall redact information in the
24 summary report that may reveal the identity of witnesses,
25 complainants, or informants, or if the High Speed Rail
26 Inspector General determines it is appropriate to protect

1 the identity of a person before the report is made public.
2 The High Speed Rail Inspector General may also redact any
3 information that he or she believes should not be made
4 public, taking into consideration the factors set forth in
5 this subsection and paragraph (1) of subsection (k) of this
6 Section and other factors deemed relevant by the High Speed
7 Rail Inspector General to protect the Authority and any
8 investigations by the High Speed Rail Inspector General,
9 other inspector general offices, or law enforcement
10 agencies. Prior to publication, the High Speed Rail
11 Inspector General shall permit the respondents and the
12 appropriate authority under paragraph (3) of subsection
13 (f) of this Section to review the report and the documents
14 to be made public and offer suggestions for redaction or
15 provide a response that shall be made public with the
16 summary report; provided that the High Speed Rail Inspector
17 General shall have the sole and final authority to decide
18 what redactions should be made. The High Speed Rail
19 Inspector General may make available to the public any
20 other summary report and any such responses or a redacted
21 version of the report and responses.

22 (4) When the High Speed Rail Inspector General
23 concludes that there is insufficient evidence that a
24 violation has occurred, the High Speed Rail Inspector
25 General shall close the investigation. The High Speed Rail
26 Inspector General shall provide the appropriate authority

1 under paragraph (3) of subsection (f) of this Section with
2 a written statement of the High Speed Rail Inspector
3 General's decision to close the investigation. At the
4 request of the subject of the investigation, the High Speed
5 Rail Inspector General shall provide a written statement to
6 the subject of the investigation of the High Speed Rail
7 Inspector General's decision to close the investigation.
8 Closure by the High Speed Rail Inspector General does not
9 bar the High Speed Rail Inspector General from resuming the
10 investigation if circumstances warrant.

11 (f) The High Speed Rail Inspector General shall:

12 (1) have access to all information and personnel
13 necessary to perform the duties of the office;

14 (2) have the power to subpoena witnesses and compel the
15 production of books and papers pertinent to an
16 investigation authorized by this Section. A subpoena may be
17 issued under this paragraph (2) only by the High Speed Rail
18 Inspector General and not by members of the High Speed Rail
19 Inspector General's staff. Any person subpoenaed by the
20 High Speed Rail Inspector General has the same rights,
21 under Illinois law as a person subpoenaed by a grand jury.
22 The power to subpoena or to compel the production of books
23 and papers, however, shall not extend to the person or
24 documents of a labor organization or its representatives
25 insofar as the person or documents of a labor organization
26 relate to the function of representing an employee subject

1 to investigation under this Section. Subject to a person's
2 privilege against self-incrimination, any person who fails
3 to appear in response to a subpoena, answer any question,
4 or produce any books or papers pertinent to an
5 investigation under this Section, except as otherwise
6 provided in this Section, or who knowingly gives false
7 testimony in relation to an investigation under this
8 Section is guilty of a Class A misdemeanor;

9 (3) submit reports as required by this Section and
10 applicable administrative rules. Final reports and
11 recommendations shall be submitted to the Authority's
12 Executive Director and the Board of Directors for
13 investigations not involving the Board. Final reports and
14 recommendations shall be submitted to the chairperson of
15 the Board and to the Governor for investigations of any
16 Board member other than the chairperson of the Board. Final
17 reports and recommendations for investigations of the
18 chairperson of the Board shall be submitted to the
19 Governor;

20 (4) assist and coordinate with the ethics officer for
21 the Authority;

22 (5) participate in or conduct, when appropriate,
23 multi-jurisdictional investigations; provided the
24 investigation involves the Authority in some way,
25 including, but not limited to, joint investigations with
26 the Office of the Governor's Executive Inspector General,

1 or with State, local, or federal law enforcement
2 authorities;

3 (6) serve as the Authority's primary liaison with law
4 enforcement, investigatory, and prosecutorial agencies
5 and, in that capacity, the High Speed Rail Inspector
6 General may request any information or assistance that may
7 be necessary for carrying out the duties and
8 responsibilities provided by this Section from any local,
9 state, or federal governmental agency or unit thereof;

10 (7) review hiring and employment files of the Authority
11 to ensure compliance with *Rutan v. Republican Party of*
12 *Illinois*, 497 U.S. 62 (1990), and with all applicable
13 employment laws;

14 (8) establish a policy that ensures the appropriate
15 handling and correct recording of all investigations
16 conducted by the Office, and ensures that the policy is
17 accessible via the Internet in order that those seeking to
18 report suspected wrongdoing are familiar with the process
19 and that the subjects of those allegations are treated
20 fairly;

21 (9) receive and investigate complaints or information
22 from an employee of the Authority concerning the possible
23 existence of an activity constituting a violation of law,
24 rules or regulations, mismanagement, abuse of authority,
25 or substantial and specific danger to the public health and
26 safety. Any employee of the Authority who knowingly files a

1 false complaint or files a complaint with reckless
2 disregard for the truth or falsity of the facts underlying
3 the complaint may be subject to discipline; and

4 (10) review, coordinate, and recommend methods and
5 procedures to increase the integrity of the Authority.

6 (g) Within 6 months of appointment, the initial High Speed
7 Rail Inspector General shall propose rules, in accordance with
8 the provisions of the Illinois Administrative Procedure Act,
9 establishing minimum requirements for initiating, conducting,
10 and completing investigations. The rules must establish
11 criteria for determining, based upon the nature of the
12 allegation, the appropriate method of investigation, which may
13 include, but is not limited to, site visits, telephone
14 contacts, personal interviews, or requests for written
15 responses. The rules must establish the process, contents, and
16 timing for final reports and recommendations by the High Speed
17 Rail Inspector General and for a response and any remedial,
18 disciplinary, or both, action by an individual or individuals
19 receiving the final reports and recommendations. The rules must
20 also clarify how the Office of the High Speed Rail Inspector
21 General shall interact with other local, state, and federal law
22 enforcement authorities and investigations. Such rules shall
23 provide that investigations and inquiries by the Office of the
24 High Speed Rail Inspector General must be conducted in
25 compliance with the provisions of any collective bargaining
26 agreement that applies to the affected employees of the

1 Authority and that any recommendation for discipline or other
2 action against any employee by the Office of the High Speed
3 Rail Inspector General must comply with the provisions of any
4 applicable collective bargaining agreement.

5 (h) The Office of the High Speed Rail Inspector General
6 shall be an independent office of the Authority. Within its
7 annual budget, the Authority shall provide a clearly delineated
8 budget for the Office of the High Speed Rail Inspector General.
9 The budget of the Office of the High Speed Rail Inspector
10 General shall be adequate to support an independent and
11 effective office. Except with the consent of the High Speed
12 Rail Inspector General, the Authority shall not reduce the
13 budget of the Office of the High Speed Rail Inspector General
14 by more than 10 percent (i) within any fiscal year; or (ii)
15 over the 5-year term of each High Speed Rail Inspector General.
16 To the extent allowed by law and the Authority's policies, the
17 High Speed Rail Inspector General shall have sole
18 responsibility for organizing the Office of the High Speed Rail
19 Inspector General within the budget established by the Board of
20 the High Speed Rail Authority, including the recruitment,
21 supervision, and discipline of the employees of that Office.
22 The High Speed Rail Inspector General shall report directly to
23 the Board of Directors of the Authority with respect to the
24 prompt and efficient operation of the Office of the High Speed
25 Rail Inspector General.

26 (i) (1) No High Speed Rail Inspector General or employee of

1 the Office of the High Speed Rail Inspector General may, during
2 his or her term of appointment or employment:

3 (A) become a candidate for any elective office;

4 (B) hold any other elected or appointed public
5 office except for appointments on governmental
6 advisory boards or study commissions or as otherwise
7 expressly authorized by law;

8 (C) be actively involved in the affairs of any
9 political party or political organization; or

10 (D) advocate for the appointment of another person
11 to an appointed public office or elected office or
12 position or actively participate in any campaign for
13 any elective office. As used in this paragraph (1),
14 "appointed public office" means a position authorized
15 by law that is filled by an appointing authority as
16 provided by law and does not include employment by
17 hiring in the ordinary course of business.

18 (2) No High Speed Rail Inspector General or employee of
19 the Office of the High Speed Rail Inspector General may,
20 for one year after the termination of his or her
21 appointment or employment:

22 (A) become a candidate for any elective office;

23 (B) hold any elected public office; or

24 (C) hold any appointed State, county, or local
25 judicial office. The requirements of this subparagraph

26 (C) may be waived by the Executive Ethics Commission.

1 (j) All Board members, officers, and employees of the
2 Authority have a duty to cooperate with the High Speed Rail
3 Inspector General and employees of the Office of the High Speed
4 Rail Inspector General in any investigation undertaken under
5 this Section. Failure to cooperate includes, but is not limited
6 to, intentional omissions and knowing false statements.
7 Failure to cooperate with an investigation under this Section
8 is grounds for disciplinary action, including termination of
9 employment. Nothing in this Section limits or alters a person's
10 existing rights or protections under State or federal law.

11 (k) The identity of any individual providing information or
12 reporting any possible or alleged misconduct to the High Speed
13 Rail Inspector General shall be kept confidential and may not
14 be disclosed without the consent of that individual, unless the
15 individual consents to disclosure of his or her name or
16 disclosure of the individual's identity is otherwise required
17 by law. The confidentiality granted by this subsection (k) does
18 not preclude the disclosure of the identity of a person in any
19 capacity other than as the source of an allegation. Subject to
20 the provisions of subsection (e) of this Section, the High
21 Speed Rail Inspector General, and employees and agents of the
22 Office of the High Speed Rail Inspector General, shall keep
23 confidential and shall not disclose information exempted from
24 disclosure under the Freedom of Information Act or by this Act.

25 (l) If the High Speed Rail Inspector General determines
26 that any alleged misconduct involves any person not subject to

1 the jurisdiction of the High Speed Rail Inspector General, the
2 High Speed Rail Inspector General shall refer the reported
3 allegations to the appropriate Inspector General, appropriate
4 ethics commission, or other appropriate body. If the High Speed
5 Rail Inspector General determines that any alleged misconduct
6 may give rise to criminal penalties, the High Speed Rail
7 Inspector General may refer the allegations regarding that
8 misconduct to the appropriate law enforcement agency. If a High
9 Speed Rail Inspector General determines that any alleged
10 misconduct resulted in the loss of public funds in an amount of
11 \$5,000 or greater, the High Speed Rail Inspector General shall
12 refer the allegations regarding that misconduct to the Attorney
13 General and any other appropriate law enforcement agency.

14 (m) The High Speed Rail Inspector General shall provide to
15 the Governor, the Board of the Authority, and the General
16 Assembly a summary of reports and investigations made under
17 this Section no later than March 31 and September 30 of each
18 year. The summaries shall detail the final disposition of the
19 Inspector General's recommendations. The summaries shall not
20 contain any confidential or identifying information concerning
21 the subjects of the reports and investigations. The summaries
22 shall also include detailed, recommended administrative
23 actions and matters for consideration by the Governor, the
24 Board of the Authority, and the General Assembly.

25 (n) Any employee of the Authority subject to investigation
26 or inquiry by the High Speed Rail Inspector General or any

1 agent or representative of the High Speed Rail Inspector
2 General concerning misconduct that is criminal in nature shall
3 have the right to be notified of the right to remain silent
4 during the investigation or inquiry and the right to be
5 represented in the investigation or inquiry by an attorney or a
6 representative of a labor organization that is the exclusive
7 collective bargaining representative of employees of the
8 Authority. Any investigation or inquiry by the High Speed Rail
9 Inspector General or any agent or representative of the High
10 Speed Rail Inspector General must be conducted in accordance
11 with the rights of the employees under State and federal law
12 and applicable judicial decisions. Any recommendations for
13 discipline or any action taken against any employee by the High
14 Speed Rail Inspector General or any representative or agent of
15 the High Speed Rail Inspector General must comply with the
16 provisions of the collective bargaining agreement that applies
17 to the employee.

18 (o) Nothing in this Section shall diminish the rights,
19 privileges, or remedies of a State employee under any other
20 federal or State law, rule, or regulation or under any
21 collective bargaining agreement.

22 Section 55. Authority powers. The Authority shall have the
23 power:

24 (a) To prepare, or cause to be prepared detailed plans,
25 specifications, and estimates, from time to time, for the

1 construction, relocation, repair, maintenance, and operation
2 of high speed railway lines within and through the State of
3 Illinois.

4 (b) To acquire, hold, and use real and personal property,
5 including rights, rights-of-way, franchises, easements, and
6 other interests in land as it may desire, or as may be
7 necessary or convenient for its authorized purposes by
8 purchase, gift, grant, or otherwise, and to take title thereto;
9 to acquire in the manner that may now or hereafter be provided
10 for by the law of eminent domain of this State, any real or
11 personal property (including road building materials and
12 public lands, parks, playgrounds, reservations, highways or
13 parkways, or parts thereof, or rights therein, of any person,
14 railroad, public service, public utility, or municipality or
15 political subdivision) necessary or convenient for its
16 authorized purpose. Such acquisition of real property, whether
17 by purchase, gift, condemnation, or otherwise, wherever
18 necessary or convenient in the discretion of the Authority, may
19 include the extension of existing rights and easements of
20 access, use, and crossing held by any person or persons,
21 interests in land abutting on existing highways, and remnants
22 or remainder property; and such acquisitions of real property
23 may be free and clear of, and without any rights or easements
24 of access, use and crossing in favor of any person or persons
25 including interest in any land adjacent or contiguous to the
26 land so acquired; provided that nothing shall be construed to

1 authorize the taking or damaging of any private property for
2 such purposes by the Authority, without just compensation.

3 (c) To accept conveyance of fee simple title to, or any
4 lesser interest in, land, rights, or property conveyed by the
5 Department of Transportation under Section 4-508.1 of the
6 Illinois Highway Code.

7 (d) To establish presently the approximate locations and
8 widths of rights of way for new high speed railway lines and
9 future additions to the high speed rail system to inform the
10 public and prevent costly and conflicting development of the
11 land involved.

12 The Authority shall hold a public hearing whenever
13 approximate locations and widths of rights of way for future
14 high speed railway additions are to be established. The hearing
15 shall be held in or near the county or counties in which the
16 land to be used is located and notice of the hearing shall be
17 published in a newspaper or newspapers of general circulation
18 in the county or counties involved. Any interested person or
19 his or her representative may be heard. The Authority shall
20 evaluate the testimony given at the hearing.

21 The Authority shall make a survey and prepare a map showing
22 the location and approximate widths of the rights of way needed
23 for new high speed railway lines and future additions to the
24 high speed railway system. The map shall show existing highways
25 in the area involved and the property lines and owners of
26 record of all land that will be needed for the new high speed

1 railway lines, future additions, and all other pertinent
2 information. Approval of the map with any changes resulting
3 from the hearing shall be indicated in the record of the
4 hearing and a notice of the approval and a copy of the map
5 shall be filed in the office of the recorder for all counties
6 in which the land needed for future additions is located.

7 Public notice of the approval and filing shall be given in
8 newspapers of general circulation in all counties in which the
9 land is located and shall be served by registered mail within
10 60 days after the approval to all owners of record of the land
11 needed for future additions.

12 The Authority may approve changes in the map from time to
13 time. The changes shall be filed and notice given in the manner
14 provided for an original map.

15 After the map is filed and notice is given to the owners of
16 record of the land needed for new high speed railway lines and
17 future additions, no person shall incur development costs or
18 place improvements in, upon, or under the land involved nor
19 rebuild, alter, or add to any existing structure without first
20 giving 60 days' notice by registered mail to the Authority.
21 This prohibition shall not apply to any normal or emergency
22 repairs to existing structures. The Authority shall have 45
23 days after receipt of that notice to inform the owner of the
24 Authority's intention to acquire the land involved, after which
25 it shall have an additional 120 days to acquire the land by
26 purchase or to initiate action to acquire the land through the

1 exercise of the right of eminent domain. When the right of way
2 is acquired by the Authority, no damages shall be allowed for
3 any construction, alteration, or addition in violation of this
4 subsection (d) unless the Authority has failed to acquire the
5 land by purchase or has abandoned an eminent domain proceeding
6 initiated in accordance with this subsection (d).

7 Any right of way needed for either new lines or additions
8 to the HSR system may be acquired at any time by the Authority.
9 The time of determination of the value of the property to be
10 taken under this Section for new high speed railway lines or
11 additions to the HSR system shall be the date of the actual
12 taking, if the property is acquired by purchase, or the date of
13 the filing of a complaint for condemnation, if the property is
14 acquired through the exercise of the right of eminent domain,
15 rather than the date when the map of the proposed right of way
16 was filed of record.

17 (e) Not more than 10 years after a protected corridor is
18 established under subsection (d) of this Section, and not later
19 than the expiration of each 10-year period thereafter, the
20 Authority shall hold a public hearing to discuss the viability
21 and feasibility of the protected corridor. Following the
22 hearing and giving due consideration to the information
23 obtained at the hearing, the Board of Directors of the
24 Authority shall vote to either continue or abolish the
25 protected corridor.

26 (f) If the building line of a building used primarily for

1 the purpose of educating elementary or secondary students lies
2 within 100 feet of any high speed railway line operated by the
3 High Speed Rail Authority, the High Speed Rail Authority shall
4 acquire the building, together with any property owned, leased,
5 or utilized adjacent to it and pertaining to its educational
6 operations, from the school district that owns or operates it,
7 for just compensation. For purposes of this subsection (f),
8 "just compensation" means the replacement cost of the building
9 and adjacent property so that the students educated in the
10 building have the opportunity to be educated according to
11 standards prevailing in the State of Illinois.

12 Section 60. Acquisition by purchase or by condemnation. The
13 Authority is authorized to acquire by purchase or by
14 condemnation, in the manner provided for the exercise of the
15 power of eminent domain under the Eminent Domain Act, any and
16 all lands, buildings, and grounds necessary or convenient for
17 its authorized purpose. The Authority shall comply with the
18 Uniform Relocation Assistance and Real Property Acquisition
19 Policies Act of 1970, and the implementing regulations in 49
20 CFR Part 24 and is authorized to operate a relocation program
21 and to pay relocation costs. If there is a conflict between the
22 provisions of this Act and the provisions of the federal law or
23 regulations, the provisions of this Act shall control, with the
24 exception that the Authority shall use whichever law or
25 regulation provides the highest payment limit. The Authority is

1 authorized to exceed the maximum payment limits of the Uniform
2 Relocation Assistance and Real Property Acquisition Policies
3 Act of 1970 when necessary to ensure the provision of decent,
4 safe, or sanitary housing, or to secure a suitable relocation
5 site. The Authority may not adopt rules to implement the
6 federal law or regulations referenced in this Section unless
7 those rules have received the prior approval of the Joint
8 Committee on Administrative Rules.

9 Section 65. Eminent domain. Notwithstanding any other
10 provision of this Act, any power granted under this Act to
11 acquire property by condemnation or eminent domain is subject
12 to, and shall be exercised in accordance with, the Eminent
13 Domain Act.

14 Section 70. Acquisition of property.

15 (a) Prior to the initiation of negotiations, the Authority
16 shall establish an amount that it believes is just compensation
17 for the property. The amount shall not be less than the
18 appraisal of the fair market value of the property. Promptly
19 thereafter, the Authority shall make a written offer to the
20 owner to acquire the property for the full amount believed to
21 be just compensation. Along with the initial written purchase
22 offer, the owner shall be given a written statement of the
23 basis for the offer. For owner-occupied dwellings, upon the
24 owner's request, the Authority shall exchange its approved

1 appraisal with the owner's appraisal obtained from a State
2 certified general real estate appraiser.

3 (b) The Authority shall make every reasonable effort to
4 contact the owner or the owner's representative and discuss its
5 offer to purchase the property. The owner shall be given every
6 reasonable opportunity to consider the offer and present
7 material that the owner believes is relevant to determining the
8 value of the property, including an appraisal obtained by the
9 owner from a State certified general real estate appraiser, and
10 to suggest modifications in the proposed terms and conditions
11 of the purchase. The Authority shall pay for the cost of the
12 owner's appraisal for an owner-occupied dwelling.

13 (c) To the extent permitted by applicable law, the
14 appraiser shall disregard any decrease or increase in the fair
15 market value of the real property caused by the project for
16 which the property is to be acquired, or caused by the
17 likelihood that the property would be acquired for the project,
18 other than that due to the physical deterioration of the
19 property that was within the reasonable control of the owner.
20 If comparable sales of similar properties are factored into the
21 amount of just compensation offered by the Authority, those
22 comparable sales must have been with respect to property
23 located outside the protected corridor.

24 (d) When the Authority acquires an owner-occupied dwelling
25 the Authority shall reimburse the property owner up to \$500 for
26 reasonable attorney's fees actually incurred by the property

1 owner related to closing costs in conjunction with the property
2 owner's purchase of a replacement dwelling.

3 Section 75. Land disclosure requirements.

4 (a) Disclosure required. The Authority may not enter into
5 any agreement or understanding for the use or acquisition of
6 land that is intended to be used or acquired for high speed
7 railway purposes unless full disclosure of all beneficial
8 interests in the land is made under this Section.

9 (b) Condemnation proceedings. If the Authority commences
10 condemnation proceedings to acquire land that is intended to be
11 used or acquired for high speed railway purposes, the holders
12 of all beneficial interests in the land must make full
13 disclosure under this Section, unless the court determines that
14 the disclosure would cause irreparable harm to one or more
15 holders of a beneficial interest.

16 (c) Beneficial interests. Each holder of any beneficial
17 interest in the land, including without limitation beneficial
18 interests in a land trust, must be disclosed, including both
19 individuals and other entities. If any beneficial interest is
20 held by an entity, other than an entity whose shares are
21 publicly traded, and not by an individual, then all the holders
22 of any beneficial interest in that entity must be disclosed.
23 This requirement continues at each level of holders of
24 beneficial interests until all beneficial interests of all
25 individuals in all entities, other than entities whose shares

1 are publicly traded, have been disclosed.

2 (d) Written statement. Disclosure must be made by a written
3 statement filed (i) with the Authority contemporaneously with
4 the execution of the agreement or understanding; or (ii) in the
5 case of a condemnation proceeding, with the Authority and the
6 court within a time period ordered by the court. Each
7 individual and entity must be disclosed by name and address and
8 by a description of the interest held, including the percentage
9 interest in the land held by the individual or entity. The
10 statement must be verified, subject to penalty of perjury, by
11 the individual who holds the greatest percentage of beneficial
12 interest in the land.

13 (e) Recordation. The Authority must file the statement of
14 record with the recorder of each county in which any part of
15 the land is located within 3 business days after the statement
16 is filed with the Authority.

17 (f) Agreements and understandings void. Any agreement or
18 understanding in violation of this Act is void.

19 (g) Penalty. A person who knowingly violates this Section
20 is guilty of a business offense and shall be fined \$10,000.

21 (h) Other disclosure requirements. The disclosure required
22 under this Act is in addition to, and not in lieu of, any other
23 disclosure required by law.

24 Section 80. Owner retention of certain items. The owner of
25 property to be acquired by the Authority shall have the right

1 to retain ownership of a dwelling's cabinets, moldings, and
2 fixtures. If the Authority acquires the dwelling, the property
3 owner may remove cabinets, moldings, and fixtures if stipulated
4 in the agreement to purchase the property.

5 Section 85. Condemnation proceeding expenses. The owner of
6 property to be acquired by the Authority shall be reimbursed
7 for any reasonable expenses, including reasonable attorney,
8 appraisal, and engineering fees, that the owner actually
9 incurred because of a condemnation proceeding if:

10 (1) the final judgment of the court is that the
11 Authority cannot acquire the property by condemnation; or

12 (2) the condemnation proceeding is abandoned by the
13 Authority other than under an agreed-upon settlement.

14 Section 90. Comparable replacement dwelling; additional or
15 supplemental housing payment. Whenever the cost of a comparable
16 replacement dwelling is greater than what the Authority paid
17 the property owner, the Authority shall provide additional or
18 supplemental housing payments. No person shall be required to
19 move from a dwelling unless comparable replacement housing is
20 available to the person. The total of additional or
21 supplemental housing payments to a property owner under this
22 Section shall not exceed \$25,000.

23 Section 95. Moving expenses and direct losses of personal

1 property caused by displacement. The Authority is authorized to
2 pay, as part of the cost of construction of any project on a
3 high speed railway, to any person displaced by the highway
4 project (1) actual reasonable expenses in moving himself or
5 herself, his or her family, and his or her business, farm
6 operation, or other personal property; (2) actual direct losses
7 of tangible personal property as a result of moving or
8 discontinuing a business or farm operation, but not to exceed
9 an amount equal to the reasonable expenses that would have been
10 required to relocate the property, as determined by the
11 Authority; (3) actual reasonable expenses in searching for a
12 replacement business or farm; and (4) actual reasonable
13 expenses necessary to reestablish a displaced farm, nonprofit
14 organization, or small business at its new site, but not to
15 exceed \$10,000.

16 Section 100. Expense and dislocation allowance. In lieu of
17 the payments authorized to be paid under this Act, the
18 Authority may pay any person displaced from a dwelling, who
19 elects to accept the payment, an expense and dislocation
20 allowance which shall be determined according to a schedule
21 established by the Authority.

22 Section 105. Relocation payments. In lieu of the payments
23 authorized to be paid under this Act, the Authority may pay any
24 person who moves or discontinues his or her business or farm

1 operation, who elects to accept the payment, a fixed relocation
2 payment in an amount equal to the average annual net earnings
3 of the business or the farm operation, except that the payment
4 shall be not less than \$1,000 nor more than \$20,000.

5 Section 110. Additional payments for dwelling and rental of
6 dwelling.

7 (a) In addition to the amounts authorized to be paid under
8 this Act by the Authority, the Authority may, as a part of the
9 cost of construction, make a payment not to exceed \$25,000 to
10 any displaced person who is displaced from a dwelling acquired
11 for a high speed railway project actually owned and occupied by
12 the displaced person for not less than 180 days before the
13 initiation of negotiations for the acquisition of the property.
14 The payment shall include the following elements:

15 (1) the amount, if any, which, when added to the
16 acquisition cost of the dwelling acquired equals the
17 reasonable cost of a comparable replacement dwelling
18 determined in accordance with standards established by the
19 Authority to be a decent, safe, and sanitary dwelling
20 adequate to accommodate the displaced person, reasonably
21 accessible to public services and places of employment, and
22 available on the private market;

23 (2) the amount, if any, which will compensate the
24 displaced person for any increased interest costs which the
25 person is required to pay for financing the acquisition of

1 any such comparable replacement dwelling. The amount shall
2 be paid only if the dwelling acquired by the Authority was
3 encumbered by a bona fide mortgage which was a valid lien
4 on the dwelling for not less than 180 days before the
5 initiation of negotiations for the acquisition of the
6 dwelling; and

7 (3) reasonable expenses incurred by the displaced
8 person for evidence of title, recording fees, and other
9 closing costs incident to the purchase of the replacement
10 dwelling, but not including prepaid expenses.

11 (b) The additional payment authorized under subsection (a)
12 of this Section shall not exceed \$25,000 and shall be made only
13 to a displaced person who purchases and occupies a replacement
14 dwelling that meets the standards established by the Authority
15 to be decent, safe, and sanitary, not later than the end of the
16 one year period beginning on the date on which he or she
17 receives from the Authority final payment of all costs of the
18 acquired dwelling, or on the date on which he or she moves from
19 the dwelling acquired for the highway project, whichever is the
20 later date.

21 (c) Any displaced person who is not eligible to receive
22 payment under subsection (a) of this Section and who is
23 displaced from any dwelling which was actually and lawfully
24 occupied by the displaced person for not less than 90 days
25 before the initiation of negotiations for acquisition of the
26 dwelling, may be paid by the Authority either (1) an amount

1 necessary to enable the displaced person to lease or rent, for
2 a period not to exceed 42 months, a decent, safe, and sanitary
3 dwelling of standards adequate to accommodate the person in
4 areas not generally less desirable in regard to public
5 utilities and public and commercial facilities and reasonably
6 accessible to his or her place of employment, but not to exceed
7 the sum of \$5,250; or (2) the amount necessary to enable the
8 person to make a down payment, including incidental expenses
9 under item (1) of this subsection (c), on the purchase of a
10 decent, safe, and sanitary dwelling of standards adequate to
11 accommodate the person in areas not generally less desirable in
12 regard to public utilities and public and commercial
13 facilities, but not to exceed the amount payable under item (1)
14 of this subsection (c), except that in the case of a homeowner
15 who owned and occupied the displaced dwelling for at least 90
16 days but not more than 180 days immediately before the
17 initiating of negotiations, the down payment shall not exceed
18 the amount payable under this Act for persons who owned and
19 occupied the property for 180 days before the initiation of
20 negotiations.

21 (d) If comparable replacement sale or rental housing is not
22 available within the limitations of this Section, the Authority
23 may make a payment in excess of the maximum payments authorized
24 by this Section as required to provide replacement housing.

25 Section 115. Reimbursement for certain expenses and

1 mortgage penalty. In addition to the other amounts authorized
2 to be paid under this Act, the Authority may reimburse the
3 owner of real property acquired for a high speed railway
4 project the reasonable and necessary expenses incurred for (1)
5 recording fees, transfer taxes, and similar expenses
6 incidental to conveying the real property; and (2) penalty
7 costs for prepayment of any pre-existing recorded mortgages
8 entered into in good faith encumbering the real property.

9 Section 120. Construction in relation to eminent domain.
10 Nothing contained in this Act creates in any proceedings
11 brought under the power of eminent domain any element of
12 damages not in existence on the effective date of this Act.

13 Section 125. The Authority shall have power:

14 (a) To pass resolutions, make by-laws, rules, and
15 regulations for the management, regulation, and control of its
16 affairs, and to fix fares, and to make, enact, and enforce all
17 needful rules and regulations in connection with the
18 construction, operation, management, care, regulation, or
19 protection of its property or any high speed railway lines,
20 constructed or reconstructed hereunder.

21 (b) To fix, assess, and collect civil fines for any
22 passenger utilizing a train on a high speed railway without the
23 required fare having been paid. The Authority may establish by
24 rule a system of civil administrative adjudication to

1 adjudicate only alleged instances of a passenger utilizing a
2 train on a high speed railway without the required fare having
3 been paid, as detected by the Authority's on-board personnel.

4 (c) To prescribe rules and regulations applicable to
5 traffic on railways under the jurisdiction of the Authority,
6 concerning:

7 (1) types of rolling stock permitted to use such
8 railways or parts thereof, and classification of such
9 rolling stock;

10 (2) communication and signaling protocols for train
11 movement, in accordance with the rules and regulations
12 currently enacted at the federal level; and

13 (3) control of the access, entrance, and exit of
14 vehicles and persons to and from the train stations along
15 the HSR lines;

16 (d) The Authority, in fixing the rate for fares for the
17 privilege of using high speed railways, is authorized and
18 directed, in fixing the rates, to base the same upon annual
19 estimates to be made, recorded, and filed with the Authority.
20 The estimates shall include the following: (1) the estimated
21 total amount of the use of the high speed railways; and (2) the
22 estimated amount of the revenue to be derived therefrom, which,
23 when added to all other receipts and income, will be sufficient
24 to pay the expense of maintaining and operating high speed
25 railways, including the administrative expenses of the
26 Authority, and to discharge all obligations of the Authority as

1 they become due and payable.

2 (e) To accept from any municipality or political
3 subdivision any lands, easements, or rights in land needed for
4 the operation, construction, relocation, or maintenance of any
5 high speed railways, with or without payment, and in its
6 discretion, to reimburse any municipality or political
7 subdivision out of its funds for any cost or expense incurred
8 in the acquisition of land, easements, or rights in land, in
9 connection with the construction and relocation of high speed
10 railways, widening and extending roads, streets, or avenues in
11 connection therewith, or for the construction of any roads or
12 streets forming extension to and connections with or between
13 any high speed railways, or for the cost or expense of
14 widening, grading, surfacing, or improving any existing
15 streets or roads or the construction of any streets and roads
16 forming extensions of or connections with any high speed
17 railways constructed, relocated, operated, maintained, or
18 regulated by the Authority. Where property owned by a
19 municipality or political subdivision is necessary to the
20 construction of an approved high speed railway, if the
21 Authority cannot reach an agreement with such municipality or
22 political subdivision and if the use to which the property is
23 being put in the hands of the municipality or political
24 subdivision is not essential to the existence or the
25 administration of such municipality or political subdivision,
26 the Authority may acquire the property by condemnation.

1 Section 130. The Authority shall have power:

2 (a) To enter upon lands, waters, and premises in this State
3 for the purpose of making surveys, soundings, drillings, and
4 examinations as may be necessary, expedient, or convenient for
5 the purposes of this Act, and such entry shall not be deemed to
6 be a trespass, nor shall an entry for such purpose be deemed an
7 entry under any condemnation proceedings which may be then
8 pending; provided that the Authority shall make reimbursement
9 for any actual damage resulting to such lands, waters and
10 premises as the result of such activities.

11 (b) To construct, maintain, and operate train stations for
12 the collection of fares or charges upon and along any high
13 speed rail lines.

14 (c) To provide for the collection of fares and charges for
15 the privilege of using the high speed rail lines. Before it
16 adopts an increase in the rates for fare, the Authority shall
17 hold a public hearing at which any person may appear, express
18 opinions, suggestions, or objections, or direct inquiries
19 relating to the proposed increase. Any person may submit a
20 written statement to the Authority at the hearing, whether
21 appearing in person or not. The hearing shall be held in the
22 county in which the proposed increase of the rates is to take
23 place. The Authority shall give notice of the hearing by
24 advertisement on 3 successive days at least 15 days prior to
25 the date of the hearing in a daily newspaper of general

1 circulation within the county within which the hearing is held.
2 The notice shall state the date, time, and place of the
3 hearing, shall contain a description of the proposed increase,
4 and shall specify how interested persons may obtain copies of
5 any reports, resolutions, or certificates describing the basis
6 on which the proposed change, alteration, or modification was
7 calculated. After consideration of any statements filed or oral
8 opinions, suggestions, objections, or inquiries made at the
9 hearing, the Authority may proceed to adopt the proposed
10 increase of the rates for train fare. No change or alteration
11 in or modification of the rates for train fare shall be
12 effective unless at least 30 days prior to the effective date
13 of the rates, notice shall be given to the public by
14 publication in a newspaper of general circulation, and the
15 notice or notices shall be posted and publicly displayed at
16 each and every train station upon or along the high speed
17 railway lines.

18 (d) To construct, at the Authority's discretion, grade
19 separations at intersections with any railroads, waterways,
20 street railways, streets, thoroughfares, public roads, or
21 highways intersected by the high speed railway lines, and to
22 change and adjust the lines and grades so as to accommodate the
23 same to the design of such grade separation and to construct
24 interchange improvements. The Authority is authorized to
25 provide such grade separations or interchange improvements at
26 its own cost or to enter into contracts or agreements with

1 reference to division of cost therefor with any municipality or
2 political subdivision of the State of Illinois, or with the
3 Federal Government, or any agency thereof, or with any
4 corporation, individual, firm, person, or association. Where
5 such structures have been built by the Authority and a local
6 highway agency did not enter into an agreement to the contrary,
7 the Authority shall maintain the entire structure, including
8 the road surface, at the Authority's expense.

9 (e) To contract with and grant concessions to or lease or
10 license to any person, partnership, firm, association, or
11 corporation so desiring the use of any part of any high speed
12 railway lines, excluding the tracked portions, but including
13 the right of way adjoining under or over the paved portions for
14 the placing of telephone, telegraph, electric, power lines and
15 other utilities, and for the placing of pipe lines, and to
16 enter into operating agreements with or to contract with and
17 grant concessions to or to lease to any person, partnership,
18 firm, association or, corporation so desiring the use of any
19 part of the high speed railways, excluding the paved portions,
20 but including the right of way adjoining, or over the paved
21 portions for motor fuel service stations and facilities,
22 garages, stores, and restaurants, or for any other lawful
23 purpose, and to fix the terms, conditions, rents, rates, and
24 charges for that use.

25 The Authority shall also have power to establish reasonable
26 regulations for the installation, construction, maintenance,

1 repair, renewal, relocation, and removal of pipes, mains,
2 conduits, cables, wires, towers, poles, and other equipment and
3 appliances (herein called public utilities) of any public
4 utility as defined in the Public Utilities Act along, over, or
5 under any high speed railway project. Whenever the Authority
6 shall determine that it is necessary that any such public
7 utility facilities which now are located in, on, along, over,
8 or under any project or projects be relocated or removed
9 entirely from any such project or projects, the public utility
10 owning or operating such facilities shall relocate or remove
11 the same in accordance with the order of the Authority. All
12 costs and expenses of such relocation or removal, including the
13 cost of installing such facilities in a new location or
14 locations, and the cost of any land or lands, or interest in
15 land, or any other rights required to accomplish such
16 relocation or removal shall be ascertained and paid by the
17 Authority as a part of the cost of any such project or
18 projects, and further, there shall be no rent, fee, or other
19 charge of any kind imposed upon the public utility owning or
20 operating any facilities ordered relocated on the properties of
21 the Authority and the Authority shall grant to the public
22 utility owning or operating the facilities and its successors
23 and assigns the right to operate the same in the new location
24 or locations for as long a period and upon the same terms and
25 conditions as it had the right to maintain and operate such
26 facilities in their former location or locations.

1 (f) To enter into an intergovernmental agreement or
2 contract with a unit of local government or other public or
3 private entity for the collection, enforcement, and
4 administration of fares, fees, revenue, and violations.

5 Section 135. Public-private partnerships. The Authority
6 may exercise all powers granted to it under the Public-Private
7 Partnerships for Transportation Act.

8 Section 140. Signs. The Authority shall erect and maintain
9 at connecting roads to each wayside maintenance facility and to
10 each passenger station located along any high speed railway
11 line suitable signs showing the name of the train station or
12 the wayside facility in either direction along each such
13 connecting road. The size and designations on such signs and
14 the distance from intersections where they shall be erected
15 shall conform to the Illinois Manual on Uniform Traffic Control
16 Devices for Streets and Highways.

17 Section 145. Grants. The Authority is authorized, without
18 limitation to the foregoing powers, to accept grants from and
19 enter into contracts, leases, or other transactions with the
20 Federal Government, or any agency thereof, necessary or
21 expedient to carry out the provisions of this Act.

22 Section 150. Proposal; advisory committee.

1 (a) The Authority shall, prior to the commencement of any
2 engineering and traffic study or studies to determine the
3 feasibility of constructing additional high speed railway
4 lines within the State of Illinois, submit to the Governor for
5 his or her approval, the route, or routes, proposed for new and
6 additional high speed railway lines together with an estimate
7 of the cost of the proposed study or studies. If the Governor
8 approves the proposed study or studies and the estimated cost,
9 or fails to disapprove the proposed study or studies and the
10 estimate of cost, within 30 days after its receipt, the
11 Authority may proceed with the study or studies.

12 (b) The Authority shall create a local advisory committee
13 of members from each county in which any portion of a new or
14 additional high speed railway is proposed to be constructed.
15 The committee members shall be designated by township and
16 municipal governing bodies in proportion to the percentage of
17 corridor property situated within the unincorporated area of a
18 township and incorporated municipalities located in the same
19 township. No less than 50% of the members of this committee
20 shall be representatives of organized citizen groups directly
21 affected by the proposed corridor. All meetings shall be held
22 in compliance with the Open Meetings Act. The committee shall
23 consider and advise the Authority with respect to the impact on
24 property owners, land use, and other impacts of the proposed
25 high speed railway. The committee shall be dissolved when one
26 year has elapsed since the opening of the high speed railway

1 for which the committee was created.

2 Section 155. Preliminary plans. The Authority shall, prior
3 to the issuance of any bonds under this Act, except refunding
4 bonds, prepare and submit to the Governor for his approval
5 preliminary plans showing the proposed location of the route or
6 routes of the particular high speed railway for which the bonds
7 are to be issued, which shall designate the approximate point
8 of the commencement and the termination of the route or routes
9 and shall also designate the municipalities to be afforded
10 reasonable connections, and to be served by the route or
11 routes. The Authority shall at the same time submit to the
12 Governor for his or her approval preliminary estimates of the
13 cost of the construction of the high speed railway, shown on
14 the preliminary plans. If the Governor shall approve the
15 preliminary plans and the estimate of the cost, the Authority
16 may proceed with the issuance of the bonds. Prior to the
17 issuance of bonds for or the commencement of construction of
18 any new high speed railway, however, that particular high speed
19 railway shall be authorized by joint resolution of the General
20 Assembly.

21 Section 160. Public hearing. Prior to submission of
22 preliminary plans to the Governor, the Authority shall hold a
23 public hearing at which any person may appear, express
24 opinions, suggestions, or objections, or direct inquiries

1 relating to the proposed high speed railway to the Directors.
2 Any person may submit a written statement to the Authority at
3 the hearing, whether appearing in person or not. The hearing
4 shall be held in a county through which the proposed high speed
5 railway is to be constructed and shall be attended by at least
6 5 Directors. The Authority shall give notice of the hearing by
7 advertisement on 3 successive days at least 15 days prior to
8 the date of the hearing in a daily newspaper published in and
9 of general circulation in each county through which the
10 proposed high speed railway is to be constructed or, if there
11 be no such newspaper, then in a daily newspaper of general
12 circulation in the county. The notice shall state the date,
13 time, and place of the hearing, the route of the proposed high
14 speed railway, the municipalities to be afforded immediate
15 access, and the estimated cost of the proposed high speed
16 railway. The proceedings at the hearing shall be transcribed
17 and the transcript shall be made available at reasonable hours
18 for public inspection and a copy, together with a copy of all
19 written statements submitted at the hearing, shall be submitted
20 to the Governor with the Authority's preliminary plans.

21 Section 165. Contracts.

22 (a) All contracts let for the construction of any work
23 authorized to be done under the provisions of the Act, where
24 the amount is in excess of a small purchase amount, as defined
25 in Section 20-20 of the Illinois Procurement Code, shall be let

1 to the lowest responsible bidder, or bidders, on open,
2 competitive bidding after public advertisement made at least 15
3 days prior to the opening of bids, in the Illinois Procurement
4 Bulletin, in such manner and at such intervals as may be
5 prescribed by the Authority, except for contracts for the
6 completion of a terminated or defaulted contract. The
7 successful bidders for the work shall enter into contracts
8 furnished and prescribed by the Authority. The contracts shall
9 contain a provision that the successful bidder shall indemnify
10 and save harmless the State of Illinois for any accidental
11 injuries or damages arising out of negligence in the
12 performance of the contract, and shall execute and give bonds,
13 payable to the Authority, with a corporate surety authorized to
14 do business under the laws of the State of Illinois, equal to
15 at least 50% of the contract price, one conditioned upon
16 faithful performance of the contract and the other for the
17 payment of all labor furnished and materials supplied in the
18 prosecution of the contracted work.

19 (b) All contracts for services or supplies required from
20 time to time by the Authority in the maintenance and operation
21 of any high speed railway under this Act or all direct
22 contracts for supplies to be used in the construction of any
23 high speed railway to be awarded under this Section, rather
24 than as a part of a contract under this Section, when the
25 amount of any such supplies or services is in excess of a small
26 purchase amount, as defined in Section 20-20 of the Illinois

1 Procurement Code, shall be let to the lowest responsible bidder
2 or bidders, on open, competitive bidding after public
3 advertisement made at least 5 days prior to the opening of
4 bids, in the Illinois Procurement Bulletin, in the manner and
5 on one or more occasions as may be prescribed by the Authority,
6 except that bidding shall not be required:

7 1. if the goods or services to be procured are
8 economically procurable from only one source, such as
9 contracts for telephone service, electric energy and other
10 public utility services, housekeeping services, books,
11 pamphlets and periodicals, and specially designed business
12 equipment and software;

13 2. if the services required are for professional,
14 technical, or artistic skills;

15 3. if the services required are for advertising,
16 promotional, and public relations services;

17 4. in emergencies if an affidavit of the person or
18 persons authorizing the expenditure is filed with the
19 Authority and the Auditor General within 10 days after such
20 authorization setting forth the conditions and
21 circumstances requiring the emergency purchase, the amount
22 expended, and the name of the vendor or contractor
23 involved; however, if only an estimate is available within
24 the 10 days allowed for filing the affidavit, the actual
25 cost shall be reported immediately after it is determined;

26 5. in case of expenditures for personal services;

1 6. for contracts for equipment and spare parts for the
2 maintenance and operation of any high speed railway,
3 whenever the Authority shall, by resolution, declare and
4 find that a particular make and type of equipment is
5 required for efficient maintenance and operation and
6 proper servicing, for uniformity in and integration with
7 the spare parts program and inventory control, or for other
8 reasons peculiar to the problems of the high speed railway
9 or its previously acquired equipment; however, competition
10 and competitive bids shall be obtained by the Authority
11 with respect to such specified equipment or spare parts,
12 insofar as possible, and when effective, pursuant to public
13 advertisement as hereinbefore provided.

14 7. for contracts for insurance, fidelity, and surety
15 bonds; and

16 8. for contracts or agreements for the completion of a
17 terminated or defaulted contract or agreement.

18 (c) The solicitation for bids shall be in conformance with
19 accepted business practices and the method of solicitation
20 shall be set out in detail in the rules and regulations of the
21 Authority.

22 (d) Proposals received under public advertisement shall be
23 publicly opened at the day and hour and at the place specified
24 in the solicitation for such bids.

25 (e) Successful bidders for services and supplies shall
26 enter into contracts furnished and prescribed by the Authority.

1 (f) All purchases, contracts, or other obligations or
2 expenditures of funds by the Authority shall be in accordance
3 with rules and regulations governing the Authority's
4 procurement practice and procedures and the Authority shall
5 promulgate and publish such practices and procedures in
6 sufficient number for distribution to persons interested in
7 bidding on purchases or contracts to be let by the Authority.
8 The rules and regulations shall be kept on file with the
9 Secretary of the Authority at all times and shall be available
10 for inspection by members of the public at all reasonable times
11 and hours. The rules and regulations shall be filed and become
12 effective in connection with the Illinois Administrative
13 Procedure Act.

14 (g) Any contract entered into for purchase or expenditure
15 of funds of the Authority made in violation of this Act or the
16 Authority's rules and regulations is void and of no effect.

17 (h) Warrant. All sellers to the Authority shall attach a
18 statement to the delivery invoice attesting that the standards
19 set forth in the contracts have been met. The statement shall
20 be substantially in the following form:

21 "The Seller,.... hereby certifies that the goods,
22 merchandise and wares shipped in accordance with the attached
23 delivery invoice have met all the required standards set forth
24 in the purchasing contract.(Seller)."

25 (i) Whoever violates the provisions of this Section, or the
26 rules and regulations adopted in pursuance of it, is guilty of

1 a Class A misdemeanor.

2 Section 170. Financial benefit prohibited.

3 (a) A director, employee, or agent of the Authority may not
4 receive a financial benefit from a contract let by the
5 Authority during his or her term of service with the Authority
6 and for a period of one year following the termination of his
7 or her term of service as a director of the Authority or as an
8 employee or agent of the Authority.

9 (b) A member of the immediate family or household of a
10 director, employee, or agent of the Authority may not receive a
11 financial benefit from a contract let by the Authority during
12 the immediate family or household member's term of service with
13 the Authority and for a period of one year following the
14 termination of the immediate family or household member's term
15 of service as a director of the Authority or as an employee or
16 agent of the Authority.

17 (c) A director, employee, or agent of the Authority may not
18 use material non-public information for personal financial
19 gain nor may he or she disclose that information to any other
20 person for that person's personal financial gain when that
21 information was obtained as a result of his or her
22 directorship, employment, or agency with the Authority.

23 (d) A member of the immediate family or household of a
24 director, employee, or agent of the Authority may not use
25 material non-public information for personal financial gain

1 nor may he or she disclose that information to any other person
2 for that person's personal financial gain when that information
3 was obtained as a result of his or her immediate family or
4 household member's directorship, employment, or agency with
5 the Authority.

6 (e) For purposes of this Section, "immediate family or
7 household member" means the spouse, child, parent, brother,
8 sister, grandparent, or grandchild, whether of the whole blood
9 or half blood or by adoption, or a person who shares a common
10 dwelling with a director of the Authority or with an employee
11 or agent of the Authority.

12 Section 175. Disadvantaged businesses. Consistent with
13 general law, the Authority shall:

14 (a) set goals for the award of contracts to disadvantaged
15 businesses and attempt to meet the goals;

16 (b) attempt to identify disadvantaged businesses that
17 provide or have the potential to provide supplies, materials,
18 equipment, or services to the Authority;

19 (c) give disadvantaged businesses full access to the
20 Authority's contract bidding process, inform the businesses
21 about the process, offer the businesses assistance concerning
22 the process, and identify and take all reasonable steps to
23 remove barriers to the businesses' participation in the
24 process.

1 Section 180. Bonds.

2 (a) The Authority may from time to time issue bonds for any
3 lawful purpose, including, without limitation, the costs of
4 issuance of and all bonds or other obligations of the Authority
5 issued pursuant to this Act shall be and are hereby declared to
6 be negotiable for all purposes notwithstanding their payment
7 from a limited source and without regard to any other law or
8 laws.

9 (b) The bonds of every issue shall be payable solely out of
10 revenues of the Authority, accumulated reserves or sinking
11 funds, bond proceeds, proceeds of refunding bonds, or
12 investment earnings as the Authority shall specify in a bond
13 resolution.

14 (c) The bonds may be issued as serial bonds or as term
15 bonds, or the Authority, in its discretion, may issue bonds of
16 both types. The bonds shall be authorized by a bond resolution
17 of the Authority, may be issued in one or more series and shall
18 bear such date or dates, mature at such time or times not
19 exceeding 25 years from their respective date or dates of
20 issue, bear interest at such rate or rates, fixed or variable,
21 without regard to any limit contained in any other statute or
22 law of the State of Illinois, be payable as to principal and
23 interest at such time or times, be in such denominations, be in
24 such form, either coupon or fully registered, carry such
25 registration and conversion privileges, be payable in lawful
26 money of the United States of America at such places, be

1 subject to such terms of redemption and may contain such other
2 terms and provisions, as such bond resolution or resolutions
3 may provide. The bonds shall be executed by the manual or
4 facsimile signatures of the chairperson and the secretary. In
5 case any of the officers whose signature appears on the bonds
6 or coupons, if any, shall cease to be an officer before the
7 delivery of the bonds, such signature shall nevertheless be
8 valid and sufficient for all purposes, as if he or she had
9 remained in office until the delivery of the bonds. The bonds
10 shall be sold in a manner as the Authority shall determine. The
11 proceeds from the sale of bonds shall be paid to the Treasurer
12 of the State of Illinois as ex officio custodian. Pending
13 preparation of the definitive bonds, the Authority may issue
14 interim receipts or certificates which shall be exchanged for
15 the definitive bonds.

16 (d) Any bond resolution or trust indenture entered into
17 pursuant to a bond resolution may contain provisions, which
18 shall be a part of the contract with the holders of the bonds
19 to be authorized, as to: (i) pledging or creating a lien upon
20 all or part of the revenues of the Authority or any reserves,
21 sinking funds, bond proceeds, or investment earnings; (ii) the
22 setting aside of reserves or sinking funds and the regulation,
23 investment, and disposition thereof; (iii) the use and
24 maintenance requirements for the high speed railways; (iv) the
25 purposes to which or the investments in which the proceeds of
26 sale of any series or issue of bonds then or thereafter to be

1 issued may be applied; (v) the issuance of additional bonds,
2 the terms upon which additional bonds may be issued and
3 secured, the purposes for such additional bonds, and the terms
4 upon which additional bonds may rank on a parity with, or be
5 subordinate or superior to, other bonds; (vi) the refunding of
6 outstanding bonds; (vii) the procedure, if any, by which the
7 terms of any contract with bondholders may be amended or
8 abrogated, the amount of bonds the holders of which must
9 consent to, and the manner in which such consent may be given;
10 (viii) defining the acts or omissions to act which shall
11 constitute a default in the duties of the Authority to holders
12 of its obligations and providing the rights and remedies of the
13 holders in the event of a default; and (ix) any other matters
14 relating to the bonds which the Authority deems desirable.

15 (e) Neither the directors of the Authority nor any person
16 executing the bonds shall be liable personally on the bonds or
17 be subject to any personal liability or accountability by
18 reason of the issuance thereof.

19 (f) The Authority shall have power out of any funds
20 available to purchase its bonds. The Authority may hold,
21 pledge, cancel, or resell the bonds subject to and in
22 accordance with agreements with bondholders.

23 (g) In the discretion of the Authority, any bonds issued
24 under the provisions of this Act may be secured by a trust
25 indenture by and between the Authority and a trustee or
26 trustees, which may be any trust company or bank in the State

1 of Illinois having the powers of a trust company and possessing
2 capital and surplus of not less than \$50,000,000. The bond
3 resolution or trust indenture providing for the issuance of
4 bonds so secured shall pledge such revenues of the Authority,
5 sinking funds, bond proceeds, or investment earnings as may be
6 specified, may contain such provisions for protecting and
7 enforcing the rights and remedies of the bondholders as may be
8 reasonable and proper and not in violation of law, including
9 particularly such provisions as have been specifically
10 authorized to be included in any bond resolution or trust
11 indenture of the Authority, and may restrict the individual
12 right of action by bondholders. In addition to the foregoing,
13 any bond resolution or trust indenture may contain other
14 provisions as the Authority may deem reasonable and proper for
15 the security of the bondholders, including, but not limited to,
16 the purchase of bond insurance and the arrangement of letters
17 of credit, lines of credit, or other credit or liquidity
18 enhancement facilities; except, however, there shall be no
19 pledge of the high speed railway line or any part thereof. All
20 expenses incurred in carrying out the provisions of any bond
21 resolution or trust indenture may be treated as a part of the
22 cost of the operation of the high speed railway lines.

23 (h) Bonds issued under the authority of this Act do not,
24 and shall state upon the face of each bond that they do not,
25 represent or constitute a debt of the Authority or of the State
26 of Illinois within the meaning of any constitutional or

1 statutory limitation or a pledge of the faith and credit of the
2 Authority or the State of Illinois, or grant to the owners or
3 holders thereof any right to have the Authority or the General
4 Assembly levy any taxes or appropriate any funds for the
5 payment of the principal or interest. The bonds shall be
6 payable and shall state that they are payable solely from the
7 revenues and the sources authorized under this Act and pledged
8 for their payment in accordance with the bond resolution or
9 trust indenture.

10 Nothing in this Act shall be construed to authorize the
11 Authority or any department, board, commission, or other agency
12 to create an obligation of the State of Illinois within the
13 meaning of the Constitution or Statutes of Illinois. Any
14 resolution or trust indenture authorizing the issuance of the
15 bonds may include provision for the issuance of additional
16 bonds. All resolutions of the Authority to carry the adopted
17 bond resolutions into effect, to provide for the sale and
18 delivery of the bonds, for letting of contracts for the
19 construction of high speed railways, and the acquisition of
20 real and personal property deemed by the Authority necessary or
21 convenient for the construction of high speed railways, shall
22 not require the approval of the Governor or of any other
23 department, division, commission, bureau, board, or other
24 agency of the State.

25 Section 185. Expenses. The sums of money appropriated by

1 the General Assembly for the payment of ordinary and contingent
2 expenses of the Authority or the payment of compensation of the
3 members of the Authority expended as a part of the cost of a
4 high speed railway financed by revenue bonds issued and sold by
5 the Authority under this Act shall be repaid to the State
6 Treasury out of the proceeds of the sale of such bonds, for
7 deposit in the fund from which the sums were appropriated. Any
8 sums remaining unpaid because expended for preliminary
9 investigation of high speed railway routes not constructed
10 shall be repaid by the Authority out of the proceeds of the
11 sale of any of the bonds issued to finance additional high
12 speed railways or extensions of existing high speed railways.

13 Section 190. Fares. The Authority shall fix and revise from
14 time to time, fares, charges, or rates for the privilege of
15 using each of the high speed railways constructed under this
16 Act. The fares shall be fixed and adjusted at rates calculated
17 to provide the lowest reasonable fare rates that will provide
18 funds sufficient with other revenues of the Authority to pay
19 (1) the cost of the construction of a high speed railway
20 authorized by joint resolution of the General Assembly and the
21 reconstruction, major repairs, or improvements of high speed
22 railways; (2) the cost of maintaining, repairing, regulating,
23 and operating the high speed railways, including only the
24 necessary expenses of the Authority; and (3) the principal of
25 all bonds, bond interest, and all sinking fund requirements and

1 other requirements provided by resolutions authorizing the
2 issuance of the bonds as they shall become due. In fixing the
3 fare rates under this Act, the Authority shall take into
4 account the effect of the provisions of this Section permitting
5 the use of the high speed railway system without payment of the
6 covenants of the Authority contained in the resolutions and
7 trust indentures authorizing the issuance of bonds of the
8 Authority. No provision permitting the use of the high speed
9 railway system without payment of fares after the effective
10 date of this Act shall be applied in a manner that impairs the
11 rights of bondholders pursuant to any resolution or trust
12 indentures authorizing the issuance of bonds of the Authority.
13 The use and disposition of any sinking or reserve fund shall be
14 subject to such regulation as may be provided in the resolution
15 or trust indenture authorizing the issuance of the bonds.
16 Subject to the provisions of any resolution or trust indenture
17 authorizing the issuance of bonds, any moneys in any sinking
18 fund in excess of an amount equal to one year's interest on the
19 bonds then outstanding secured by the sinking fund may be
20 applied to the purchase or redemption of bonds. All bonds so
21 redeemed or purchased shall be cancelled and shall not again be
22 issued.

23 Section 195. Refunding bonds.

24 (a) The Authority is hereby authorized, by resolution, to
25 provide for the issuance, from time to time, of refunding or

1 advance refunding bonds for the purpose of refunding any bonds
2 then outstanding at maturity or on any redemption date, whether
3 an entire issue or series, or one or more issues or series, or
4 any portions or parts of any issue or series, which shall have
5 been issued by the Authority.

6 (b) The proceeds of any such refunding bonds may be used
7 for any one or more of the following purposes:

8 (1) to pay the principal amount of any outstanding
9 bonds to be retired at maturity or redeemed prior to
10 maturity;

11 (2) to pay the total amount of any redemption premium
12 incident to redemption of such outstanding bonds to be
13 refunded;

14 (3) to pay the total amount of any interest accrued or
15 to accrue to the date or dates of redemption or maturity of
16 such outstanding bonds to be refunded;

17 (4) to pay any and all costs or expenses incident to
18 such refunding;

19 (5) to make deposits into an irrevocable trust in
20 accordance with subsection (f) of this Section. Refunding
21 bonds may be issued in amounts sufficient to accomplish any
22 one or more of the foregoing purposes, taking into
23 consideration the income earned on bond proceeds prior to
24 the application or without taking the income into
25 consideration.

26 (c) The issuance of refunding bonds, the maturities and

1 other details, the rights of the holders and the rights,
2 duties, and obligations of the Authority in respect of the same
3 shall be governed by the provisions of this Act, insofar as the
4 same may be applicable, and may in harmony be adjusted and
5 modified to conform to the facts and circumstances prevailing
6 in each instance of issuance of such refunding bonds. The
7 Authority need not comply with the requirements of any other
8 law applicable to the issuance of bonds other than as set forth
9 in this Act.

10 (d) With reference to the investment of the proceeds of any
11 refunding bonds, the Authority shall not authorize or
12 anticipate investment earnings exceeding such as are
13 authorized or permitted under prevailing federal laws,
14 regulations, and administrative rulings and interpretations
15 relating to arbitrage bonds.

16 (e) The proceeds of any refunding bonds (together with any
17 other funds available for application to refunding purposes, if
18 so provided or permitted by resolution authorizing the issuance
19 of refunding bonds, or in a trust indenture securing the same)
20 may be placed in trust to be applied to the purchase,
21 retirement at maturity, or redemption of the bonds to be
22 refunded on dates as may be determined by the Authority.
23 Pending the application, the proceeds of the refunding bonds
24 and other available funds, if any, may be invested in direct
25 obligations of, or obligations the principal of which and any
26 interest on which are unconditionally guaranteed by, the United

1 States of America which shall mature, or which shall be subject
2 to redemption by the holder at its option, not later than the
3 respective date or dates when the proceeds and other available
4 funds, if any, will be required for the refunding purpose
5 intended or authorized.

6 (f) Upon: (1) the deposit of the proceeds of the refunding
7 bonds (together with any other funds available for application
8 to refunding purposes, if so provided or permitted by
9 resolution authorizing the issuance of such refunding bonds, or
10 in a trust indenture securing the same) in an irrevocable trust
11 under a trust agreement with a trustee requiring the trustee to
12 satisfy the obligations of the Authority to timely pay at
13 maturity or upon prior redemption the outstanding bonds for
14 which the proceeds of the refunding bonds and other funds, if
15 any, are deposited, in an amount sufficient to satisfy the
16 obligations of the Authority to timely pay at maturity or upon
17 prior redemption such outstanding bonds; (2) the deposit in the
18 irrevocable trust of direct obligations of, or obligations the
19 principal and interest of which are unconditionally guaranteed
20 by, the United States of America in an amount sufficient,
21 without regard to investment earnings, to satisfy the
22 obligations of the Authority to timely pay at maturity or upon
23 prior redemption the outstanding bonds; or (3) the deposit in
24 the irrevocable trust of obligations referred to in (2) above
25 in an amount sufficient so that, taking into account investment
26 earnings, upon maturity (or upon optional redemption by the

1 trustee) of the obligations amounts will be produced on a
2 timely basis sufficient to satisfy the obligations of the
3 Authority to timely pay at maturity or upon prior redemption of
4 the outstanding bonds, the outstanding bonds shall be deemed
5 paid and no longer be deemed to be outstanding for purposes of
6 the resolution or trust indenture and all rights and
7 obligations under any prior resolution or trust indenture shall
8 be deemed discharged notwithstanding any provision of any
9 outstanding bonds or any resolution or trust indenture
10 authorizing the issuance of outstanding bonds; however, the
11 holders of the outstanding bonds shall have an irrevocable and
12 unconditional right to payment in full of all principal of and
13 premium, if any, and interest on the outstanding bonds, at
14 maturity or upon prior redemption, from the amounts on deposit
15 in the trust. The trustee shall be any trust company or bank in
16 the State of Illinois having the power of a trust company
17 possessing capital and surplus of not less than \$100,000,000.

18 (g) It is hereby found and determined that the contractual
19 rights of the bondholders under any such prior resolution or
20 trust indenture will not be impaired by a refunding this
21 Section in that, the payment of such outstanding bonds having
22 been provided for as set forth herein, the bondholders' rights
23 and security as to payment of the principal of, premium, if
24 any, and interest on such outstanding bonds will have been
25 enhanced, and the bondholders shall suffer no financial loss.

1 Section 200. Payment of bonds. When all bonds including
2 refunding bonds and all interest thereon have been paid, or a
3 sufficient amount for the payment of all bonds and interest due
4 or accrued thereon has been set aside in trust for the benefit
5 of the bondholders and shall continue to be held for that
6 purpose, and when all money appropriated by the General
7 Assembly has been repaid under this Act, the high speed
8 railways and any connecting tunnels, bridges, approaches, or
9 other appurtenances to such high speed railways shall become a
10 part of the system of the State highways of the State of
11 Illinois.

12 When all the obligations and all bonds including refunding
13 bonds of the Authority have been paid, the Authority shall be
14 dissolved and all funds of the Authority not required for the
15 payment of bonds, interest, machinery, equipment, property or
16 other obligations of the Authority shall be paid to the State
17 Treasurer.

18 Section 205. Taxation. All property belonging to the
19 Authority, and the high speed railways, shall be exempt from
20 taxation. However, property that has been or shall be leased by
21 the Authority to a private individual, association, or
22 corporation for a use which is not exempted from taxation under
23 Article 15 of the Property Tax Code is subject to taxation as
24 provided in Section 9-195 of the Property Tax Code, regardless
25 of any provision in such a lease to the contrary.

1 Section 210. Legislative declaration; Authority budget.

2 (a) It is hereby declared, as a matter of legislative
3 determination, that it is in the best interest of the State of
4 Illinois, the public, and the holders of Authority bonds that
5 Authority funds be expended only on goods and services that
6 protect and enhance the efficiency, safety, and environmental
7 quality of the high speed railway system.

8 (b) The Authority shall spend moneys received from the
9 issuance of bonds and as fares or otherwise in the operation of
10 the high speed railway system only on the following:

11 (1) operations and maintenance expenditures that are
12 reasonable and necessary to keep the high speed railway
13 system in a state of good repair in accordance with
14 contemporary highway safety and maintenance standards;

15 (2) principal and interest payments and payment of
16 other obligations the Authority has incurred in connection
17 with bonds issued under this Act;

18 (3) renewal and replacement expenditures necessary and
19 sufficient to protect and preserve the long-term
20 structural integrity of the high speed railway system; and

21 (4) system improvement expenditures necessary and
22 sufficient to improve and expand the high speed railway
23 system, subject to the requirements of this Act.

24 (c) Any moneys remaining after the expenditures listed in
25 subsection (b) of this Section may be spent only for reasonable

1 and necessary Authority purposes that will enhance the safety,
2 efficiency, and environmental quality of the high speed railway
3 system in a cost-effective manner. Authority funds may not be
4 spent for purposes not reasonably related to high speed railway
5 operations and improvements or in a manner that is not
6 cost-effective.

7 (d) The Authority must at all times maintain a reserve for
8 maintenance and operating expenses that is no more than 130% of
9 the operating expenses it has budgeted for its current fiscal
10 year, unless the requirements of any bond resolution or trust
11 indenture then securing obligations of the Authority mandate a
12 greater amount.

13 (e) The Authority shall file with the Governor, the Clerk
14 of the House of Representatives, the Secretary of the Senate,
15 and the Commission on Government Forecasting and
16 Accountability, on or prior to March 15th of each year, a
17 written statement and report covering its activities for the
18 preceding calendar year. The Authority shall present, to the
19 committees of the House of Representatives designated by the
20 Speaker of the House and to the committees of the Senate
21 designated by the President of the Senate, an annual report
22 outlining its planned revenues and expenditures. The Authority
23 shall prepare an annual capital plan which identifies capital
24 projects by location and details the project costs in correct
25 dollar amounts. The Authority shall also prepare and file a
26 ten-year capital plan that includes a listing of all capital

1 improvement projects contemplated during the ensuing ten-year
2 period. The first ten-year capital plan shall be filed in
3 within one year after the enactment of this Act and thereafter
4 on the anniversary of each ten-year period.

5 (f) It shall be the duty of the Auditor General of the
6 State of Illinois to annually to audit or cause to be audited
7 the books and records of the Authority and to file a certified
8 copy of the report of such audit with the Governor and with the
9 Legislative Audit Commission, which shall be open to the public
10 for inspection.

11 (g) The Authority shall hold a public hearing on its
12 proposed annual budget, not less than 15 days before its
13 directors meet to consider adoption of the annual budget, at
14 which any person may appear, express opinions, suggestions, or
15 objections, or direct inquiries relating to the proposed
16 budget. The Authority must give notice of the hearing at least
17 15 days prior to the hearing stating the time, place, and
18 purpose of the hearing in a daily newspaper of general
19 circulation throughout the Authority's service area and by
20 posting the meeting notice and a copy of the proposed budget on
21 the Authority's website. The proceedings at the hearing shall
22 be transcribed. The transcript shall be made available at
23 reasonable hours for public inspection, and a copy of the
24 transcript, together with a copy of all written statements
25 submitted at the hearing, shall be submitted to the directors
26 before the vote on adoption of the proposed annual budget.

1 (h) The Authority shall post on its website copies of its
2 annual report and its budget for the current year, along with
3 any other financial information necessary to adequately inform
4 the public of the Authority's financial condition and capital
5 plan.

6 (i) The requirements set forth in subsections (b) through
7 (g) of this Section may not be construed or applied in a manner
8 that impairs the rights of bondholders under any bond
9 resolution or trust indenture entered into in accordance with a
10 bond resolution authorized by the Authority's directors, nor
11 may those requirements be construed as a limitation on the
12 Authority's powers as set forth elsewhere in this Act.

13 Section 215. Illinois High Speed Rail Authority Fund.
14 Except as otherwise provided in any bond resolution, the
15 proceeds derived from the sale of bonds, and all receipts and
16 income derived from fares, licenses, gifts, donations,
17 concessions, fees, rentals, and all other revenues from
18 whatever source derived, shall, within 3 days after receipt
19 thereof, be paid to the Treasurer of the State of Illinois, and
20 held by the Treasurer as a special fund known as the Illinois
21 High Speed Rail Authority Fund, except that the Authority may
22 retain portions of the Illinois High Speed Rail Authority Fund
23 as a locally maintained construction fund revolving account and
24 as a revenue fund revolving account, where authorized by a bond
25 resolution, and as locally maintained change funds, where

1 necessary for the operations of the Authority. The State
2 Treasurer shall be ex officio custodian of such special fund,
3 which fund shall be held, invested and disbursed for the
4 purposes provided herein upon the order of the Authority and in
5 accordance with provisions and covenants of any bond resolution
6 authorizing the issuance of bonds which have not been paid or
7 deemed paid. The interest accruing on the special fund shall be
8 computed and added to the principal every 6 months. In addition
9 to the special audits prescribed by this Act, the Fund shall
10 also be subject to audit in the same manner as is now or may be
11 provided for the audit of State funds and accounts. The Fund
12 shall be protected by a corporate surety bond, executed by the
13 Treasurer, with a surety authorized to do business under the
14 laws of the State of Illinois. The amount of bond shall be
15 fixed by resolution of the Authority, approved by the Governor,
16 and may be increased or diminished at any time. The premiums on
17 the bond shall be payable from the funds of the Authority. The
18 bond shall be subject to the approval of the Governor and
19 Attorney General of the State of Illinois, and, when so
20 approved, shall be filed in the office of the Secretary of
21 State. The Fund shall be considered always appropriated for the
22 purposes of disbursements, as provided in this Act, and shall
23 be paid out and disbursed only as provided herein, and shall
24 not, at any time be appropriated or diverted to any other use
25 or purpose.

1 Section 220. Payments. After the issuance of revenue bonds
2 to finance the construction of high speed railways, and
3 repayment from the proceeds of the bonds of any amount
4 repayable to the State Treasury under this Act, the expenses of
5 the Authority, and the compensation of the members, and all
6 other costs of the high speed railways and its administration
7 and operation shall be paid from the proceeds of such bond
8 issues or from the moneys received by the Authority as fares or
9 otherwise in the operation of the high speed railways.

10 Section 225. Power to levy taxes. The Authority shall have
11 no power to levy taxes, or to pledge any of its property, other
12 than income from whatever source derived for the payments of
13 any of its debts or obligations.

14 Section 230. Violations. Any person who violates any
15 resolution, rule, or regulation, adopted or promulgated by the
16 Authority this Act, shall be guilty of a petty offense.

17 Section 235. Waste. It is unlawful for any person to
18 deposit within the right-of-way limits of the high speed
19 railways trash, glass, weeds, garbage, or other offensive
20 matter; and any person so offending shall be guilty of a petty
21 offense and shall be fined not more than \$500.00. However, this
22 Section shall not apply to proper deposits of harmless
23 materials made in good faith and in a proper manner to repair

1 the high speed railways.

2 Section 240. Payment of fares. Any person who shall use any
3 spurious or counterfeit tickets, coupons, or tokens in payment
4 of any fare required to be paid by the Authority under this
5 Act, or who shall attempt to use the high speed railway service
6 without payment of the fares prescribed by the Authority, shall
7 be deemed guilty of a petty offense and shall be fined not less
8 than \$5 nor more than \$100 for each such offense.

9 Section 245. Interest in contracts. No director or officer
10 of the Authority shall be interested, directly or indirectly,
11 in any contract, agreement, lease, work, or business of the
12 Authority, or in the sale of any article whenever the expense,
13 price, or consideration of the contract, agreement, lease,
14 work, business or sale is paid by the Authority. No director or
15 officer of the Authority shall be interested, directly or
16 indirectly, in the purchase, sale or lease of any property
17 which (1) belongs to the Authority; (2) is sold, leased or
18 acquired by the Authority; or (3) is sold by virtue of legal
19 process at the suit of the Authority.

20 Section 250. Malconduct. Every chairperson, director, or
21 officer of the Authority who is guilty of a palpable omission
22 of duty, or who is guilty of willful and corrupt oppression,
23 malconduct, or misfeasance in office in discharge of the duties

1 of office shall be liable to indictment in any court of
2 competent jurisdiction and shall be guilty of a Class A
3 misdemeanor. Any conviction under this Section shall
4 constitute grounds for removal under this Act.

5 Section 255. Investments. Counties, cities, villages,
6 incorporated towns, and other municipal corporations,
7 political subdivisions and public bodies, and public officers
8 of any thereof, all banks, bankers, trust companies, savings
9 banks and institutions, building and loan associations,
10 savings and loan associations, investment companies, insurance
11 associations and all executors, administrators, guardians,
12 trustees and other fiduciaries may legally invest any sinking
13 funds, moneys, or other funds belonging to them or within their
14 control in any bonds or refunding bonds issued by the
15 Authority. It is the purpose of this Section to authorize the
16 investment in bonds, or refunding bonds, of all sinking,
17 insurance, retirement, compensation, pension, and trust funds,
18 whether owned or controlled by private or public persons or
19 officers; except, however, that nothing contained in this
20 Section may be construed as relieving any officer, person,
21 firm, or corporation from any duty of exercising reasonable
22 care in selecting securities.

23 Section 260. Suits. The State of Illinois hereby consents
24 to suits against the Authority solely as in this Section as

1 follows:

2 (a) The holder or holders of any bonds or coupons
3 issued by the Authority may bring civil actions to compel
4 the observance by the Authority or by any of its officers,
5 agents, or employees of any contract or covenant made by
6 the Authority with the holders of such bonds or coupons,
7 and to compel the Authority and any of its officers, agents
8 or employees, to perform any duties required to be
9 performed for the benefit of the holders of the bonds or
10 coupons by the provisions of the resolution authorizing
11 their issuance, or by this Act, or to enjoin the Authority
12 and any of its officers, agents or employees from taking
13 any action in conflict with such contract or covenant.

14 (b) Any person or persons may bring a civil action to
15 recover damages for injury to his or her person or property
16 caused by any act of the Authority or by any act of any of
17 its officers, agents, or employees done under its
18 direction.

19 Section 265. Review. All determinations made by the
20 Authority in the exercise of its discretionary powers, with the
21 approval of the Governor if such approval is expressly required
22 by the provisions of this Act, including without limitation,
23 the location and terminal points of any high speed railway or
24 section to be constructed by it, the materials to be used in
25 its construction, the plans and specifications, the fares to be

1 charged, and the letting of contracts for the construction of
2 high speed railways, or the sale of bonds, shall be conclusive
3 and shall not be subject to review by the courts or by any
4 administrative agency of the State.

5 Section 270. Expenses.

6 (a) The sum of \$100,000,000 is hereby appropriated from the
7 Road Fund to The Illinois High Speed Rail Authority for the
8 purpose of paying the ordinary and contingent expenses of the
9 Authority necessary to finance engineering and traffic studies
10 to determine the feasibility of constructing new high speed
11 railways within the State of Illinois, to determine routes to
12 prepare and develop appropriate business plans with the purpose
13 to finance construction of the new high speed railways through
14 Public-Private Partnership delivery methods, and for the
15 purpose of compensating all persons who must be employed for
16 such purposes.

17 (b) Compensation of employees devoting their entire time in
18 coordinating the necessary information and in determining the
19 feasibility of constructing additional high speed railways
20 within the State of Illinois shall be paid from the amount
21 appropriated, and in the case of any employee who is devoting
22 part time to the coordination and procuring of the necessary
23 material for a determination as to whether or not additional
24 high speed railways shall be constructed within the State of
25 Illinois shall be paid from the amount appropriated, to the

1 extent of the time devoted to such work, it being the intent
2 and purpose that each employee account for the time so spent to
3 be paid from this appropriation, to the end that no charges or
4 expenses of any kind shall be made to any of the funds or
5 accounts created by virtue of the issuing of bonds under this
6 Act, except those necessary to the maintenance,
7 administration, and operation of existing high speed railway
8 constructed under the provisions of this Act.

9 (c) The amount appropriated in this Section shall be repaid
10 by the Authority under this Act.

11 Section 275. The State Finance Act is amended by adding
12 Section 5.878 as follows:

13 (30 ILCS 105/5.878 new)

14 Sec. 5.878. The Illinois High Speed Rail Authority Fund.

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Statutes amended in order of appearance

3

New Act

4

30 ILCS 105/5.878 new