



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1789

Introduced 2/25/2005, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

70 ILCS 3615/2.20

from Ch. 111 2/3, par. 702.20

Amends the Regional Transportation Authority Act. Provides that, for purposes of fuel and energy risk management, the Authority's or a Service Board's board of directors may enter into option contracts and other types of agreements for fuel and energy. Requires a determination by the Authority's or the Service Board's board of directors that the option agreement is in the best interests of the Authority or the Service Board. Effective immediately.

LRB094 03430 RSP 33432 b

1 AN ACT concerning local government.

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

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

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

7 Sec. 2.20. General Powers.

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

12 (i) To sue and be sued;

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

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

21 (iv) To hold, sell, sell by installment contract, lease
22 as lessor, transfer or dispose of such real or personal
23 property as it deems appropriate in the exercise of its
24 powers or to provide for the use thereof by any
25 transportation agency and to mortgage, pledge or otherwise
26 grant security interests in any such property;

27 (v) To enter at reasonable times upon such lands,
28 waters or premises as in the judgment of the Authority may
29 be necessary, convenient or desirable for the purpose of
30 making surveys, soundings, borings and examinations to
31 accomplish any purpose authorized by this Act after having
32 given reasonable notice of such proposed entry to the

1 owners and occupants of such lands, waters or premises, the
2 Authority being liable only for actual damage caused by
3 such activity;

4 (vi) To make and execute all contracts and other
5 instruments necessary or convenient to the exercise of its
6 powers;

7 (vii) To enter into contracts of group insurance for
8 the benefit of its employees and to provide for retirement
9 or pensions or other employee benefit arrangements for such
10 employees, and to assume obligations for pensions or other
11 employee benefit arrangements for employees of
12 transportation agencies, all or part of the facilities of
13 which are acquired by the Authority;

14 (viii) To provide for the insurance of any property,
15 directors, officers, employees or operations of the
16 Authority against any risk or hazard, and to self-insure or
17 participate in joint self-insurance pools or entities to
18 insure against such risk or hazard;

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

22 (x) To pass all ordinances and make all rules and
23 regulations proper or necessary to regulate the use,
24 operation and maintenance of its property and facilities
25 and, by ordinance, to prescribe fines or penalties for
26 violations thereof. No fine or penalty shall exceed \$1,000
27 per offense. Any ordinance providing for any fine or
28 penalty shall be published in a newspaper of general
29 circulation in the metropolitan region. No such ordinance
30 shall take effect until 10 days after its publication.

31 (xi) The Authority may enter into arbitration
32 arrangements, which may be final and binding.

33 (xii) The Commuter Rail Board shall continue the
34 separate public corporation, known as the Northeast
35 Illinois Regional Commuter Railroad Corporation, as a
36 separate operating unit to operate on behalf of the

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

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

24 (b) In each case in which this Act gives the Authority the
25 power to construct or acquire real or personal property, the
26 Authority shall have the power to acquire such property by
27 contract, purchase, gift, grant, exchange for other property or
28 rights in property, lease (or sublease) or installment or
29 conditional purchase contracts, which leases or contracts may
30 provide for consideration therefor to be paid in annual
31 installments during a period not exceeding 40 years. Property
32 may be acquired subject to such conditions, restrictions,
33 liens, or security or other interests of other parties as the
34 Authority may deem appropriate, and in each case the Authority
35 may acquire a joint, leasehold, easement, license or other
36 partial interest in such property. Any such acquisition may

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

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

27 (d) The Authority or a Service Board may, for the purpose
28 of protecting, managing, and insuring against the risk
29 associated with volatile fuel and energy prices, enter into any
30 option contract, forward contract, futures contract, or swap
31 agreements with price floors, ceilings, collars, or any
32 combination or variation of such agreements, for fuel or energy
33 risk management, or both, but only to the extent determined by
34 the Authority's or the Service Board's respective board of
35 directors to be in its best interests.

36 (Source: P.A. 89-454, eff. 5-17-96.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.