

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 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  
9 Authority does ~~shall~~ also have all powers necessary to meet  
10 its responsibilities and to carry out its purposes,  
11 including, but not limited to, the following powers:

12 (i) To sue and be sued;

13 (ii) To invest any funds or any monies not required  
14 for 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,  
22 lease as lessor, transfer or dispose of such real or  
23 personal property as it deems appropriate in the exercise  
24 of its powers or to provide for the use thereof by any  
25 transportation agency and to mortgage, pledge or  
26 otherwise 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  
29 may be necessary, convenient or desirable for the purpose  
30 of making surveys, soundings, borings and examinations to  
31 accomplish any purpose authorized by this Act after

1 having given reasonable notice of such proposed entry to  
2 the owners and occupants of such lands, waters or  
3 premises, the Authority being liable only for actual  
4 damage caused by such activity;

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

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

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

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

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

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

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

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

28           (b) In each case in which this Act gives the Authority  
29 the power to construct or acquire real or personal property,  
30 the Authority shall have the power to acquire such property  
31 by contract, purchase, gift, grant, exchange for other  
32 property or rights in property, lease (or sublease) or  
33 installment or conditional purchase contracts, which leases  
34 or contracts may provide for consideration therefor to be

1 paid in annual installments during a period not exceeding 40  
2 years. Property may be acquired subject to such conditions,  
3 restrictions, liens, or security or other interests of other  
4 parties as the Authority may deem appropriate, and in each  
5 case the Authority may acquire a joint, leasehold, easement,  
6 license or other partial interest in such property. Any such  
7 acquisition may provide for the assumption of, or agreement  
8 to pay, perform or discharge outstanding or continuing  
9 duties, obligations or liabilities of the seller, lessor,  
10 donor or other transferor of or of the trustee with regard to  
11 such property. In connection with the acquisition of public  
12 transportation equipment, including, but not limited to,  
13 rolling stock, vehicles, locomotives, buses or rapid transit  
14 equipment, the Authority may also execute agreements  
15 concerning such equipment leases, equipment trust  
16 certificates, conditional purchase agreements and such other  
17 security agreements and may make such agreements and  
18 covenants as required, in the form customarily used in such  
19 cases appropriate to effect such acquisition. Obligations of  
20 the Authority incurred pursuant to this Section shall not be  
21 considered bonds or notes within the meaning of Section 4.04  
22 of this Act.

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

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