



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1971

Introduced 2/25/2005, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

30 ILCS 740/2-2.02	from Ch. 111 2/3, par. 662.02
30 ILCS 740/2-2.04	from Ch. 111 2/3, par. 662.04
30 ILCS 740/2-2.05	from Ch. 111 2/3, par. 662.05
30 ILCS 740/3-1.05	from Ch. 111 2/3, par. 686
30 ILCS 740/4-1.3	from Ch. 111 2/3, par. 699.3

Amends Downstate Public Transportation Act. Provides that a nonurbanized area may be a participant without any receipt of federal rural public transportation assistance (now, requires receipt of federal rural public transportation assistance on or before June 30, 2002). Provides that any mass transit district participant that increased its boundaries by annexing counties or municipalities (now, only counties) is eligible for payment of the maximum eligible operating expenses of the district based upon its projected operating expenses. Provides that the maximum amount of the eligible operating expenses appropriation in subsequent years may not exceed the amount appropriated in the prior year by more than 10%. Provides that 3 definitions of "public transportation" no longer include the characteristic of a service area that is approved by IDOT (now, requires IDOT approval).

LRB094 11535 AJO 42505 b

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 Downstate Public Transportation Act is
5 amended by changing Sections 2-2.02, 2-2.04, 2-2.05, 3-1.05,
6 and 4-1.3 as follows:

7 (30 ILCS 740/2-2.02) (from Ch. 111 2/3, par. 662.02)

8 Sec. 2-2.02. "Participant" means:

9 (1) a city, village, or incorporated town, or a local mass
10 transit district organized under the Local Mass Transit
11 District Act (a) serving an urbanized area of over 50,000
12 population on December 28, 1989, (b) receiving State mass
13 transportation operating assistance pursuant to the Downstate
14 Public Transportation Act during Fiscal Year 1979, or (c)
15 serving a nonurbanized area ~~and receiving federal rural public~~
16 ~~transportation assistance on or before June 30, 2002;~~ or

17 (2) any Metro-East Transit District established pursuant
18 to Section 3 of the Local Mass Transit District Act and serving
19 one or more of the Counties of Madison, Monroe, and St. Clair
20 during Fiscal Year 1989, all located outside the boundaries of
21 the Regional Transportation Authority as established pursuant
22 to the Regional Transportation Authority Act.

23 (Source: P.A. 91-357, eff. 7-29-99; 92-258, eff. 8-7-01;
24 92-464, eff. 8-22-01.)

25 (30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

26 Sec. 2-2.04. "Eligible operating expenses" means all
27 expenses required for public transportation, including
28 employee wages and benefits, materials, fuels, supplies,
29 rental of facilities, taxes other than income taxes, payment
30 made for debt service (including principal and interest) on
31 publicly owned equipment or facilities, and any other

1 expenditure which is an operating expense according to standard
2 accounting practices for the providing of public
3 transportation. Eligible operating expenses shall not include
4 allowances: (a) for depreciation whether funded or unfunded;
5 (b) for amortization of any intangible costs; (c) for debt
6 service on capital acquired with the assistance of capital
7 grant funds provided by the State of Illinois; (d) for profits
8 or return on investment; (e) for excessive payment to
9 associated entities; (f) for Comprehensive Employment Training
10 Act expenses; (g) for costs reimbursed under Sections 6 and 8
11 of the "Urban Mass Transportation Act of 1964", as amended; (h)
12 for entertainment expenses; (i) for charter expenses; (j) for
13 fines and penalties; (k) for charitable donations; (l) for
14 interest expense on long term borrowing and debt retirement
15 other than on publicly owned equipment or facilities; (m) for
16 income taxes; or (n) for such other expenses as the Department
17 may determine consistent with federal Department of
18 Transportation regulations or requirements.

19 With respect to participants other than any Metro-East
20 Transit District participant and those receiving federal
21 research development and demonstration funds pursuant to
22 Section 6 of the "Urban Mass Transportation Act of 1964", as
23 amended, during the fiscal year ending June 30, 1979, the
24 maximum eligible operating expenses for any such participant in
25 any fiscal year after Fiscal Year 1980 shall be the amount
26 appropriated for such participant for the fiscal year ending
27 June 30, 1980, plus in each year a 10% increase over the
28 maximum established for the preceding fiscal year. For Fiscal
29 Year 1980 the maximum eligible operating expenses for any such
30 participant shall be the amount of projected operating expenses
31 upon which the appropriation for such participant for Fiscal
32 Year 1980 is based.

33 With respect to participants receiving federal research
34 development and demonstration operating assistance funds for
35 operating assistance pursuant to Section 6 of the "Urban Mass
36 Transportation Act of 1964", as amended, during the fiscal year

1 ending June 30, 1979, the maximum eligible operating expenses
2 for any such participant in any fiscal year after Fiscal Year
3 1980 shall not exceed such participant's eligible operating
4 expenses for the fiscal year ending June 30, 1980, plus in each
5 year a 10% increase over the maximum established for the
6 preceding fiscal year. For Fiscal Year 1980, the maximum
7 eligible operating expenses for any such participant shall be
8 the eligible operating expenses incurred during such fiscal
9 year, or projected operating expenses upon which the
10 appropriation for such participant for the Fiscal Year 1980 is
11 based; whichever is less.

12 With respect to all participants other than any Metro-East
13 Transit District participant, the maximum eligible operating
14 expenses for any such participant in any fiscal year after
15 Fiscal Year 1985 shall be the amount appropriated for such
16 participant for the fiscal year ending June 30, 1985, plus in
17 each year a 10% increase over the maximum established for the
18 preceding year. For Fiscal Year 1985, the maximum eligible
19 operating expenses for any such participant shall be the amount
20 of projected operating expenses upon which the appropriation
21 for such participant for Fiscal Year 1985 is based.

22 With respect to any mass transit district participant that
23 has increased its district boundaries by annexing counties or
24 municipalities since 1998 and is maintaining a level of local
25 financial support, including all income and revenues, equal to
26 or greater than the level in the State fiscal year ending June
27 30, 2001, the maximum eligible operating expenses for any State
28 fiscal year after 2002 shall be the amount appropriated for
29 that participant for the State fiscal year ending June 30,
30 2002, plus, in each State fiscal year, a 10% increase over the
31 preceding State fiscal year. For State fiscal year 2002, the
32 maximum eligible operating expenses for any such participant
33 shall be the amount of projected operating expenses upon which
34 the appropriation for that participant for State fiscal year
35 2002 is based. For that participant, eligible operating
36 expenses for State fiscal year 2002 in excess of the eligible

1 operating expenses for the State fiscal year ending June 30,
2 2001, plus 10%, must be attributed to the provision of services
3 in the newly annexed counties or municipalities.

4 With respect to a participant that receives an initial
5 appropriation in State fiscal year 2002 or thereafter, the
6 maximum eligible operating expenses for any State fiscal year
7 after 2003 shall be the amount appropriated for that
8 participant for the State fiscal year in which it received its
9 initial appropriation ending June 30, 2003, plus, in each year,
10 a 10% increase over the preceding year. For the initial State
11 fiscal year in which a participant received an appropriation
12 ~~2003~~, the maximum eligible operating expenses for any such
13 participant shall be the amount of projected operating expenses
14 upon which the appropriation for that participant for that
15 State fiscal year ~~2003~~ is based.

16 (Source: P.A. 92-258, eff. 8-7-01; 92-464, eff. 8-22-01;
17 92-651, eff. 7-11-02.)

18 (30 ILCS 740/2-2.05) (from Ch. 111 2/3, par. 662.05)

19 Sec. 2-2.05. "Public Transportation" means the
20 transportation or conveyance of persons by means available to
21 the general public including groups of the general public with
22 special needs

23 (1) within the urbanized area or

24 (2) in the nonurbanized areas within the service area of
25 each participant ~~as approved by the Department~~, except for
26 transportation by automobiles not used for conveyance of the
27 general public as passengers.

28 (Source: P.A. 82-783.)

29 (30 ILCS 740/3-1.05) (from Ch. 111 2/3, par. 686)

30 Sec. 3-1.05. "Public Transportation" means the
31 transportation or conveyance of persons within nonurbanized
32 areas within the service area of each participant ~~as approved~~
33 ~~by the Department~~ by means available to the general public or
34 groups of the general public with special needs.

1 (Source: P.A. 82-783.)

2 (30 ILCS 740/4-1.3) (from Ch. 111 2/3, par. 699.3)

3 Sec. 4-1.3. "Public transportation" means the
4 transportation or conveyance of persons by means available to
5 the general public including groups of the general public with
6 special needs (1) within the urbanized area, or (2) in the
7 nonurbanized areas within the service area of each participant
8 ~~as approved by the Department,~~ except for transportation by
9 automobiles not used for conveyance of the general public as
10 passengers.

11 (Source: P.A. 86-16.)