

HB5938



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5938

Introduced 2/10/2010, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

70 ILCS 3615/2.20

from Ch. 111 2/3, par. 702.20

Amends the Regional Transportation Authority Act. Makes a technical change in a Section concerning the general powers of the Authority.

LRB096 19516 RLJ 34908 b

A BILL FOR

1 AN ACT concerning local government.

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

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

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

7 Sec. 2.20. General Powers.

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

12 (i) To sue and be sued;

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

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

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

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

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

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

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

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

1 insure against such risk or hazard;

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

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

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

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

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

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

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

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

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

1 costs assumed. The Authority may mitigate its liability under
2 this paragraph (c) and under Section 2.16 to the extent of
3 employment and employment benefits which it tenders.

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