

1 AN ACT concerning public 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, and 2-7 as
6 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
10 mass 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
16 public transportation assistance on or before June 30, 2002
17 ~~on-the-effective-date-of-this-amendatory-Act-of-1993~~; or

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

25 (Source: P.A. 91-357, eff. 7-29-99.)

26 (30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

27 Sec. 2-2.04. "Eligible operating expenses" means all
28 expenses required for public transportation, including
29 employee wages and benefits, materials, fuels, supplies,
30 rental of facilities, taxes other than income taxes, payment

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

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

1 participant for Fiscal Year 1980 is based.

2 With respect to participants receiving federal research
3 development and demonstration operating assistance funds for
4 operating assistance pursuant to Section 6 of the "Urban Mass
5 Transportation Act of 1964", as amended, during the fiscal
6 year ending June 30, 1979, the maximum eligible operating
7 expenses for any such participant in any fiscal year after
8 Fiscal Year 1980 shall not exceed such participant's eligible
9 operating expenses for the fiscal year ending June 30, 1980,
10 plus in each year a 10% increase over the maximum established
11 for the preceding fiscal year. For Fiscal Year 1980, the
12 maximum eligible operating expenses for any such participant
13 shall be the eligible operating expenses incurred during such
14 fiscal year, or projected operating expenses upon which the
15 appropriation for such participant for the Fiscal Year 1980
16 is based; whichever is less.

17 With respect to all participants other than any
18 Metro-East Transit District participant, the maximum eligible
19 operating expenses for any such participant in any fiscal
20 year after Fiscal Year 1985 shall be the amount appropriated
21 for such participant for the fiscal year ending June 30,
22 1985, plus in each year a 10% increase over the maximum
23 established for the preceding year. For Fiscal Year 1985, the
24 maximum eligible operating expenses for any such participant
25 shall be the amount of projected operating expenses upon
26 which the appropriation for such participant for Fiscal Year
27 1985 is based.

28 The 10% maximum increase over the amount appropriated for
29 the preceding year, however, may be exceeded for a
30 participant that received an initial appropriation in Fiscal
31 Year 1994, ~~or Fiscal Year 1998,~~ or Fiscal Year 2002. For any
32 such participant, a 10% maximum increase over the amount
33 appropriated in the preceding year is established in each
34 subsequent year following the Fiscal Year when the amount

1 appropriated is equal to or greater than the maximum
2 allowable under Section 2-7 of this Act.

3 (Source: P.A. 90-508, eff. 8-22-97; 90-694, eff. 8-7-98.)

4 (30 ILCS 740/2-7) (from Ch. 111 2/3, par. 667)

5 Sec. 2-7. Quarterly reports; annual audit.

6 (a) Any Metro-East Transit District participant shall,
7 no later than 60 30 days following the end of each quarter
8 ~~month~~ of any fiscal year, file with the Department on forms
9 provided by the Department for that purpose, a report of the
10 actual operating deficit experienced during that quarter.
11 The Department shall, upon receipt of the quarterly report,
12 determine whether the and--upon--determining--that--such
13 operating deficits were incurred in conformity with the
14 program of proposed expenditures approved by the Department
15 pursuant to Section 2-11. Any Metro-East District may either
16 monthly or quarterly for any fiscal year file a request for
17 the participant's eligible share, as allocated in accordance
18 with Section 2-6, of the amounts transferred into the
19 Metro-East Public Transportation Fund, pay to any Metro-East
20 Transit District participant such portion of such operating
21 deficit as funds have been transferred to the Metro-East
22 Transit Public Transportation Fund and allocated to that
23 Metro-East Transit District participant.

24 (b) Each participant other than any Metro-East Transit
25 District participant shall, 30 days before the end of each
26 quarter, file with the Department on forms provided by the
27 Department for such purposes a report of the projected
28 eligible operating expenses to be incurred in the next
29 quarter and 30 days before the third and fourth quarters of
30 any fiscal year a statement of actual eligible operating
31 expenses incurred in the preceding quarters. Within 45 days
32 of receipt by the Department of such quarterly report, the
33 Comptroller shall order paid and the Treasurer shall pay from

1 the Downstate Public Transportation Fund to each participant
2 an amount equal to one-third of such participant's eligible
3 operating expenses; provided, however, that in Fiscal Year
4 1997, the amount paid to each participant from the Downstate
5 Public Transportation Fund shall be an amount equal to 47% of
6 such participant's eligible operating expenses and shall be
7 increased to 49% in Fiscal Year 1998, 51% in Fiscal Year
8 1999, 53% in Fiscal Year 2000, and 55% in Fiscal Year 2001
9 and thereafter; however, in any year that a participant
10 receives funding under subsection (i) of Section 2705-305 of
11 the Department of Transportation Law (20 ILCS 2705/2705-305),
12 that participant shall be eligible only for assistance equal
13 to the following percentage of its eligible operating
14 expenses: 42% in Fiscal Year 1997, 44% in Fiscal Year 1998,
15 46% in Fiscal Year 1999, 48% in Fiscal Year 2000, and 50% in
16 Fiscal Year 2001 and thereafter. Any such payment for the
17 third and fourth quarters of any fiscal year shall be
18 adjusted to reflect actual eligible operating expenses for
19 preceding quarters of such fiscal year. However, no
20 participant shall receive an amount less than that which was
21 received in the immediate prior year, provided in the event
22 of a shortfall in the fund those participants receiving less
23 than their full allocation pursuant to Section 2-6 of this
24 Article shall be the first participants to receive an amount
25 not less than that received in the immediate prior year.

26 (c) No later than 180 days following the last day of the
27 Fiscal Year each participant shall provide the Department
28 with an audit prepared by a Certified Public Accountant
29 covering that Fiscal Year. ~~Any--discrepancy--between--the~~
30 ~~grants--paid--and--one--third--of--the--eligible--operating--expenses~~
31 ~~or--in--the--case--of--the--Bi-State-Metropolitan-Development~~
32 ~~District--the--approved--program--amount--shall--be--reconciled--by~~
33 ~~appropriate--payment--or--credit--Beginning--in--Fiscal--Year--1985,~~
34 For those participants other than a Metro-East Transit

1 District ~~the-Bi-State-Metropolitan-Development-District~~, any
2 discrepancy between the grants paid and the percentage of the
3 eligible operating expenses provided for by paragraph (b) of
4 this Section shall be reconciled by appropriate payment or
5 credit. In the case of any Metro-East Transit District, any
6 amount of payments from the Metro-East Public Transportation
7 Fund which exceed the eligible deficit of the participant
8 shall be reconciled by appropriate payment or credit.
9 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
10 revised 8-9-99.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.