



Anchorage/Matanuska-Susitna Borough Regional Transit Authority Plan

Prepared for the Municipality of Anchorage and the
Matanuska-Susitna Borough

December 31, 2011





Regional Transit Authority Plan Table of Contents

I. Introduction	1
II. Current Public Transportation Services.....	2
Municipality of Anchorage.....	2
Mat-Su Borough	2
III. RTA Organizational Structure.....	4
Functional Responsibilities	5
Staffing.....	6
Advantages and Disadvantages	6
IV. Public Outreach	7
V. Recommended Service Plan	9
Short Range.....	9
Long Range.....	19
VI. Implementation Plan.....	27
RTA Enabling Legislation	27
VII. Financial Plan	31
Appendix A: Task 1 Report	A-1
Appendix B: Task 2 Report	B-1
Appendix C: Task 3 Report	C-1
Appendix D: Recommended Modifications to SB 152.....	D-1
Appendix E: Existing RTA Enabling Legislation	E-1
Appendix F: Sample Intermunicipal Agreements.....	F-1
Appendix G: Sample RTA By-Laws	G-1
Appendix H: Public Surveys.....	H-1

I. INTRODUCTION

Introduction

The Municipality of Anchorage in conjunction with the Matanuska-Susitna (Mat-Su) Borough contracted with RLS & Associates, Inc. to develop a Regional Transit Authority (RTA) Plan. This Plan examines the feasibility of establishing an RTA and will serve as a guide for the management and organizational structure for current and future regional public transportation services in Southcentral Alaska. Four tasks are included in the RTA Plan. These are:

- ◆ A review of regional transit management and governance;
- ◆ An analysis of regional transit service and operations;
- ◆ An analysis of regional transit costs and funding; and
- ◆ The creation of a Regional Transit Authority Plan and recommendations.

The information, findings, and recommendations of each of the first three tasks are discussed in technical memoranda and included as Appendix A, B, and C. Appendix D contains recommended modifications to Senate Bill 152, a requested addition to Task 3. This document is a summary of the findings and recommendations comprising the Regional Transit Authority Plan. It includes an overview of existing public transportation services, the recommended organizational structure of a Southcentral Alaska RTA, a summary of comments made at public meetings and stakeholder interviews, descriptions of potential RTA-provided transit services, a financial plan and an implementation plan. This document incorporates suggestions received from staff and agencies after review of a draft version.

There are several public transportation services currently being provided in the Municipality of Anchorage and Mat-Su Borough. People Mover and AnchorRIDES are services of the Public Transportation Department of the Municipality of Anchorage. MASCOT is a service of Mat-Su Community Transit, a private non-profit agency organized solely to provide public transportation service to Mat-Su Borough residents. Valley Mover, a Mat-Su based private non-profit, and the municipality's Share-A-Ride Program provide commuter transportation services between Mat-Su Borough and Anchorage. A summary of the transportation services provided by these organizations appears in the following section.

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II. CURRENT PUBLIC TRANSPORTATION SERVICES

MUNICIPALITY OF ANCHORAGE

The Municipality of Anchorage provides public transportation services through its Public Transportation Department. Three types of services are provided. The table in Exhibit II-1 outlines these services. People Mover is the fixed route service that is operated throughout most of the municipality. It consists of fourteen (14) routes serving Anchorage, South Anchorage, and Eagle River. AnchorRIDES is the demand response service that includes Americans with Disabilities Act (ADA) complementary paratransit, senior transportation, Medicaid waiver transportation, Eagle River Connect, and other coordinated transportation services. The Municipality of Anchorage contracts with MV Transportation for this service. The third type of transportation is vanpool and carpool service provided through the Share-a-Ride program. The Municipality of Anchorage contracts with VPSI which manages this service.

**Exhibit II-1
Anchorage Transit Services**

Service	Type	Hours of Operation
People Mover	Fixed Route	5:30a-11:30p
AnchorRIDES	Demand Response	5:30a-11:30p
Share-a-Ride	Ride Sharing	Varies – Can Be Any Hours

MAT-SU BOROUGH

Within Mat-Su Borough, two entities currently provide public transit services: MASCOT and Valley Mover. Exhibit II-2 depicts the available transit services. Valley Mover is a private non-profit organization which is the recipient of Federal Transit Administration funding. It has been in operation for about three years and initially provided a for-profit fixed route service between the Mat-Su Borough and Anchorage. It recently became a non-profit organization and a recipient of Federal Transit Administration Section 5311 funding for this service in 2011.

MASCOT operates public transit services within Mat-Su Borough. The system consists of demand response services, and a deviated fixed route that operates between Palmer and Wasilla. Services are provided from 5:00 a.m. to 8:00 p.m. and are available to the general public. In addition, the Chickaloon Village is providing transportation services between the Chickaloon area and Palmer.

**Exhibit II-2
Mat-Su Transit Services**

Service	Type	Hours of Operation
MASCOT	Route Deviation, Demand Response	5:00a-9:00p
Valley Mover	Intercity Bus	5:00a-8:30p
Chickaloon Public Transit	Route Deviation	6:40a-6:20p

The Alaska Railroad Corporation is another provider of passenger service in the region. It operates service between Anchorage and Wasilla, Fairbanks, Seward and Girdwood during the summer tourist season, typically mid-May to mid-September. It operates passenger service to Fairbanks weekends only through the winter months. This train operates northbound on Saturday and southbound on Sunday.

There are also many human service agencies that provide transportation to specific populations within the Municipality of Anchorage and the Mat-Su Borough. These services are not open to the general public and for that reason were not included in this plan.

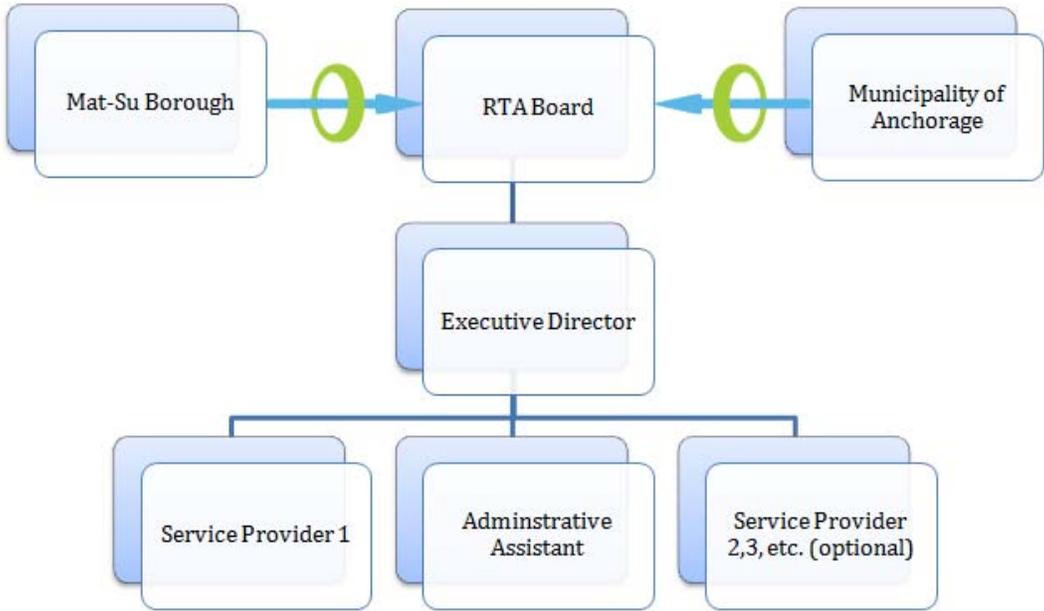
III. RTA ORGANIZATIONAL STRUCTURE

Based on research conducted of RTA-enabling statutes that exist in seven other states, and a review of seven case studies of RTAs that were formed under a state-enabling statute, four alternative organizational structures for a Southcentral Alaska RTA were developed. These are more fully described in Appendix A and include:

- 1. Non-Operating Overlay District
- 2. Overlay District/New Service Provider
- 3. Consolidated Service Provider
- 4. Division of AMATS

The recommended RTA would be created to provide new transit service(s). The RTA would be multi-jurisdictional, operating in both Mat-Su Borough and Anchorage. The existing People Mover, MASCOT, and other organizations and services remain as they are currently. New funding would be needed for the new structure as well as operating and maintenance of new services. Exhibit III-1 depicts the organizational structure of the RTA as an overlay district/new service provider as recommended in task 1 of the study, included as Appendix A.

**Exhibit III-1
RTA Organizational Chart**



RTA board members would be appointed by the Mat-Su Borough and Anchorage Assemblies, who in turn would appoint an executive director. The executive director would oversee an administrative

assistant and manage contracts with one or more transportation service providers. Appendix E provides examples of RTA enabling legislation and describes the job descriptions of key staff.

FUNCTIONAL RESPONSIBILITIES

An RTA would have the primary responsibility for developing service plans and long-range transit plans for the region. It would also have grants administration and financial management responsibilities as it would administer some FTA transit funding for the region. The Municipality of Anchorage (MOA), Mat-Su Borough, MASCOT, and Valley Mover would have responsibility for the overall management of their transit services, operational planning, transportation operations and maintenance, and other management functions.

RTA-sponsored service will be contracted with People Mover, MASCOT, private transportation providers, or other organizations to operate the new transit service. The RTA will not directly operate transportation services. This has the advantage of avoiding the cost of new facilities for operations and maintenance. Despite not directly operating any service, the RTA would act as a means to develop joint fares or passes that would allow passengers to transfer seamlessly between services and providers.

With the RTA contracting with other entities to provide the new services, the RTA would not have any responsibilities in the areas of transportation operations, maintenance, scheduling, safety, or training. It would have oversight and financial management responsibilities since it would administer the funding used to pay for the new services. The functional responsibilities are outlined in Exhibit III-2.

**Exhibit III-2
RTA Functional Responsibilities**

	Overlay-Provide New Service		
	MOA	MSB	RTA
Management and Control	√	√	√
Regional Service Planning			√
Local Service Planning	√	√	
Regional Operational Planning	√	√	√
Local Operational Planning	√	√	
Grants Administration	√	√	√
Financial Management	√	√	√
Personnel Management	√	√	√
Procurement	√	√	√
Marketing	√	√	√
Scheduling	√	√	
Transportation Operations	√	√	
Safety and Training	√	√	
Maintenance	√	√	
Legal	√	√	√

STAFFING

Staffing levels would initially include an executive director and an administrative assistant. It would likely be more cost efficient to contract with a local firm for accounting/bookkeeping services than having an additional person for this function. In time, however, it may be necessary to add an additional staff member depending on work load.

ADVANTAGES AND DISADVANTAGES

The following advantages and disadvantages for an RTA with the described functions were identified.

Advantages

- ◆ New funding and new transit services would be provided.
- ◆ The RTA would assume some grants administration, procurement, marketing and other functions to supplement efforts of the Municipality of Anchorage Public Transportation Department, Mat-Su Borough, Valley Mover, and MASCOT staff.
- ◆ The operation of new services would take advantage of the capabilities and infrastructure of existing public transit providers.
- ◆ Enhanced coordination would result with the influence of an RTA serving jurisdictions that People Mover, MASCOT, and Valley Mover already serve.

Disadvantages

- ◆ Creating an RTA would require actions at both the state and local levels, however, none have been committed at this time. State enabling legislation will need to be passed by the State Legislature and actions will need to be taken by local governments to create an RTA.
- ◆ It may be difficult to obtain new funding to finance any new transit service.

IV. PUBLIC OUTREACH

The RLS & Associates, Inc. team participated in conversations with the groups listed in Exhibit IV-1 during the weeks of December 7, 2010, September 12, 2011, and October 24, 2011. Information about the Regional Transit Authority planning effort provided by the project team consisted of a PowerPoint presentation, a fact sheet, information boards, and a summary of the PowerPoint presentation. Some meetings were formal, such as the Joint Municipality of Anchorage and Matanuska Susitna Borough Assembly meeting. Others were informal conversations.

Exhibit IV-1 Chronology of Public Outreach

Date	Group	Representing
12/02/10	<i>AMATS Technical Advisory Committee</i>	Municipal Traffic, Public Transportation, Public Works, Planning, Health Divisions and Port of Anchorage Alaska Railroad Corporation Alaska Department of Environmental Conservation Alaska Department of Transportation (DOT)
12/06/10	<i>MOA Legal Department</i>	Municipality of Anchorage
12/06/10	<i>Joint MOA/MAT-SU BOROUGH Assembly Meeting</i>	Elected Assembly members from Matanuska Susitna Borough and Municipality of Anchorage
12/07/10	<i>Community Transportation Coalition</i>	City of Palmer City of Wasilla City of Houston (invited) Mat-Su Borough Mat-Su Community Transit (MASCOT) Valley Mover Alaska Department of Transportation & Public Facilities Engineering Consultants (various) Mat-Su Area Legislators Native Village of Chickaloon (invited)
12/07/10	<i>Mat-Su Area Legislative Staff</i>	Elected officials
12/08/10	Highway to Highway Team	Anchorage project with regional significance, bus rapid transit alternative being considered
12/08/10	<i>MASCOT Board of Directors</i>	Mat-Su Community Transit Board of Directors
12/08/10	<i>DOT&PF Statewide Planning</i>	Statewide Planning Special Assistant to DOT Commissioner
12/09/10	<i>MOA Public Transportation Advisory Board</i>	Transit Advisory Board
12/16/10	<i>AMATS Policy Committee</i>	Metropolitan Planning Organization Policy Committee
01/12/11	<i>Alaska Mobility Coalition</i>	Statewide transit advocacy group
06/13/11	<i>MASCOT Board of Directors</i>	Mat-Su Community Transit Board of Directors
09/12/11	<i>DOT & PF Central Region Planning Staff</i>	Staff briefing
09/15/11	<i>Mat-Su Transportation Fair</i>	Information provided to public on transportation projects
09/16/11	<i>Regional Transportation Groups</i>	People Mover, Mat-Su Borough, FTA, DOT & PF, and Valley Mover staff

Date	Group	Representing
10/24/11 10/25/11	<i>Anchorage Metropolitan Area Transportation Solutions, Metropolitan Transportation Plan</i>	Provided RTA information to attendees of public meetings regarding the 2035 Metropolitan Transportation Plan update.
10/26/11	Alaska Transit Conference	Present findings of RTA study to attendees of annual Alaska Transit Conference.
10/27/11	<i>Joint MOA/MAT-SU BOROUGH Assembly Meeting</i>	Elected Assembly members from Matanuska Susitna Borough and Municipality of Anchorage

Issues and comments received from the various groups fell into several broad categories noted below. The comments are summarized by category in the Appendices.

1. State Enabling Legislation
2. Anchorage/Mat-Su Regional Transit Authority
3. Funding
4. Current Services
5. Future Services
6. General Comments
7. Questions that the RTA study should answer
8. Inclusion of Commuter Rail and south Anchorage Express services

V. RECOMMENDED SERVICE PLAN

The recommended service plan is divided into short and long range service improvements. Short range service improvements can be implemented as soon as funding becomes available. Long range recommendations can be provided when demand grows enough to warrant their implementation.

SHORT RANGE

Vanpools

An integral part of the regional public transit system is an extensive vanpool program. This program was started and is currently administered by the Municipality of Anchorage Public Transportation Department. However, most of the existing vanpools originate in and benefit the residents of the Mat-Su Borough. Since most of the employers served by these vanpools are located in Anchorage, both areas benefit. Because of the regional nature of this program, it should be the responsibility of an RTA.

There are plans to expand the vanpool program from the current number of sixty (60) vanpools to at least seventy-five (75) by 2025. In the past, Anchorage's CMAQ funding and Alaska Section 5311 capital funding assistance from the Mat-Su Borough was used to purchase the vans for the vanpool program. If this funding source is not available in the future, then the capital cost of the vanpools will need to be paid by vanpool passengers. Currently, all operating costs are paid by vanpool passengers. This service would be the first to be undertaken by the RTA.

Palmer/Wasilla – Anchorage Commuter Express

Commuter Express service will be provided initially by the RTA. It includes weekday peak hour trips designed to serve residents of Mat-Su Borough who are employed in Anchorage. It operates from Palmer and Wasilla to Anchorage during the morning and afternoon peak periods. In Anchorage, this route would serve the downtown, Midtown, and U-Med District areas.

This express route would operate in addition to the existing Route 102, which provides express service along the Glenn Highway between the Eagle River/Chugiak area to Anchorage. This new route would alternate its starting point between Wasilla and Palmer and operate all trips between the Trunk Road Park and Ride lot to downtown Anchorage. From there it would follow the People Mover Route 102 alignment with stops at the downtown transit center, C Street and 36th Avenue, the U-Med District, and the Alaska Native Medical Center. The existing express service provided by Valley Mover is a framework for this service. The RTA would provide stable funding and improved service levels as the Mat-Su Borough continues to become more urbanized. Exhibit V-1 shows its proposed alignment.

Exhibit V-1 Palmer/Wasilla - Anchorage Commuter Express



Level of Service

The directional orientation of this service is inbound from Mat-Su Borough in the mornings and outbound from Anchorage in the afternoons. A basic level of service will be provided initially with buses leaving every 30 minutes from the Trunk Road Park and Ride lot during the morning peak period. Branches to and from Palmer and Wasilla will leave every 60 minutes on an alternating basis. A profile of this route is shown in Exhibit V-2 below.

**Exhibit V-2
Palmer/Wasilla - Anchorage Express**

Route	Service Span			Headway		Veh. Req.		Rev. Hours	Rev. Miles
	Weekday	Saturday	Sunday	Weekday		Weekday		Weekday	Weekday
				Peak	Base	Peak	Base		
Palmer/Wasilla - Anchorage Express	6:00a - 9:00a 3:00-6:00p	--	--	30	--	5	--	15.8	505.6

Capital and Operating Costs

Capital improvements needed for this express route include the buses required to operate these routes. The proposed express service would require the purchase of six buses. Five would be needed during the peak period and one would be a spare. As shown in Exhibit V-3, the estimated total capital cost of the proposed commuter express service is \$2.55 million. It is assumed that existing parking lots can be used as park and ride lots for this route.

**Exhibit V-3
Wasilla/Palmer Commuter Express Start-Up Capital Cost**

Item	No. of Units	Unit Cost	Total Cost
Buses	6	\$425,000	\$2,550,000

The estimate of commuter express operating costs is based on the current average vehicle hour costs for People Mover of \$124 per vehicle hour. With 15.8 revenue hours for each non-holiday weekday, there are an estimated 4,029 revenue hours annually for the commuter express service. This translates to a total annual operating cost of \$499,596. Exhibit V-4 shows the estimated annual operating costs.

**Exhibit V-4
Wasilla/Palmer Commuter Express Annual Operating Costs**

Daily Revenue Hours	Annual Revenue Hours	Annual Operating Costs
15.8	4,029	\$499,596

South Anchorage Express

Additional express bus service is included as part of the FTA Very Small Starts Project initiated through the Highway to Highway¹ (H2H) project and are included in the RTA Service Plan. The South Anchorage Express would operate on A/C Streets between downtown Anchorage and South Anchorage.

The following stops are proposed:

- ◆ A-C Streets/15th Avenue
- ◆ A-C Streets/Northern Lights/Benson
- ◆ A-C Streets/36th Avenue
- ◆ C Street/Tudor Road
- ◆ C Street/International Airport Road
- ◆ C Street/76th Street
- ◆ Dimond Center
- ◆ Old Seward Highway/O'Malley Road
- ◆ Old Seward Highway/Huffman Road

Level of Service

Exhibit V-5 shows the proposed frequencies, vehicle requirements, and revenue hours by time of day and day of week.

**Exhibit V-5
South Anchorage Express Profile**

Route	Service Span			Headway			Veh. Req.			Rev. Hours		
	Weekday	Saturday	Sunday	Weekday		Week - end	Weekday		Week - end	Wkdy.	Sat.	Sun.
				Peak	Base		Peak	Base				
S. Anch. Express	6:00a – 10:00a	8:00a-10:00p	9:00a-7:00p	30	30	60	2	2	1	30.0	14.0	10.0

Capital and Operating Cost

The construction of stations/enhanced bus stops associated with the South Anchorage Express are assumed to be part of the FTA Very Small Starts Project initiated through the Highway-to-Highway project and these costs are not included as part of the RTA Plan. Additional capital costs for the South Anchorage Express are projected to be \$850,000 for vehicles. These are summarized in Exhibit V-6.

**Exhibit V-6
South Anchorage Express Start-Up Capital Costs**

Item	No. of Units	Unit Cost	Total Cost
Express Buses	2	\$425,000	\$850,000

¹ In mid 2011, the Highway to Highway (H2H) project was halted. It has been split into three phases in the current AMATS 2035 Metropolitan Transportation Plan Update. Approval of the updated document is anticipated in April 2012.

Operating costs for the South Anchorage Express are summarized in Exhibit V-7 below. The estimate of operating costs is based on the current average cost per revenue vehicle hour for People Mover of \$124. With 30 revenue hours for each non-holiday weekday, 14 hours for Saturdays, and 10 hours for Sundays, there is an estimated 8,898 revenue hours annually. This translates to a total annual operating cost of \$1, 103,352.

Exhibit V-7
South Anchorage Express Annual Operating Costs

Weekday Revenue Hours	Annual Revenue Hours	Annual Operating Costs
30	8,898	\$1,103,352

Exhibit V-8 shows the proposed alignment of the South Anchorage Express Route.

Exhibit V-8 South Anchorage Express



Commuter Rail Alternative

The Alaska Railroad Corporation (ARRC) is interested in pursuing commuter rail in the region. The service option was considered in Task 2 and dismissed in favor of express bus service. During review of the draft of this document, the ARRC requested adding the option to the short-term recommendations to enable the region to continue to seriously consider this option. They also cite continued public interest in the service and recent improvements to the rail line as reasons that commuter rail is feasible in the short term. The upgrades to rail infrastructure undertaken by the ARRC with formula funds from FTA decreased rail transit times to a level comparable to bus transit in the Wasilla to Anchorage corridor. Therefore, as an alternative to commuter express service, commuter rail service can be considered as the short-range transit service improvement.

The catchment area for commuter rail is broader in range than a typical express bus catchment area. The catchment area of an express bus park and ride is typically a 2.5 mile radius, while the catchment area for commuter rail is a 5 mile radius. The commuter rail option would utilize park and ride or drop-off service located at rail stations as a regional collector and connector for residential areas not served by local bus routes. This is especially true in the Mat-Su Valley where bus routes are limited and cannot draw from areas north of Wasilla such as Meadow Lakes, Big Lake, Nancy Lake and even the Wasilla and Palmer area. These residents could come into the proposed Wasilla Intermodal Facility² for connection to trains. In the long-term, additional bus service to the facility would be important for residents who rely on public transportation.

It is important to note that in addition a feeder bus service is necessary to transport passengers from rail stations to final destinations. Unlike an express bus service, which can exit the highway and perform a local route alignment to allow passengers to reach their destination commuter rail service is restricted to the location of rail stations. Passengers disembarking at these stations will need to transfer to a feeder bus route in order to reach their final destination. The feeder service would need to be a new service as the existing route structure does not provide a timed transfer to any station location. In the short term an alternative to a feeder bus service is a combination of vanpools and car pools located at the rail stations. These services would allow passengers a means to travel to their final destination after arriving at a train station.

Commuter rail may also bring revenue to the RTA in the form of fixed guideway mileage formula funds (5309). It should be noted that the potential increase in revenues will constitute a small part of the net operating costs of commuter rail service.

The map in Exhibit V-9 depicts the commuter rail service and feeder bus services.

² Preliminary engineering and environmental work is underway through a Memorandum of Agreement between the Alaska Railroad Corporation and the City of Wasilla. The City of Wasilla is managing the project.

Exhibit V-9 Commuter Rail



- Legend**
- Rail Station
 - Commuter Rail
 - Airport Feeder
 - Downtown Feeder

Feeder Service

Anchorage Mat-Su RTA Plan

Level of Service

The proposed commuter rail service would operate between the Mat-Su Valley and Anchorage. The service would operate three trains at a maximum of 42 miles per hour and service nine stations, outlined in Exhibit V-10. It is estimated that this level of service would serve 210,000 passenger trips annually. This would yield an anticipated \$834,000 in farebox revenue, or 18.4 percent of the operating cost. The commuter rail service would operate during weekday peak commute hours only. This includes three trips to Anchorage in the morning and three return trips to Mat-Su in the evening. This service would be operated using three trains on 30-minute headways during the peak periods, resulting in a total of 8.6 revenue hours and 315 revenue miles. Exhibit V-11 depicts a profile of the commuter rail service.

**Exhibit V-10
Commuter Rail Stations**

From	To	Miles	Minutes
Wasilla	Matanuska	8.5	13
Matanuska	Eklutna	9.4	14
Eklutna	Birchwood	5.7	9
Birchwood	Eagle River	8.2	12
Eagle River	Elmendorf	7.6	11
Elmendorf	Anchorage	5.9	9
Anchorage	Spenard	3.2	5
Spenard	Airport	4.0	5

Source: *Anchorage Commuter Rail Operation Concept*,
Working Paper #1 – Ridership Forecast, Wilbur Smith Associates.

**Exhibit V-11
Commuter Rail Profile**

Route	Service Span			Headway		Veh. Req.		Rev. Hours	Rev. Miles
	Weekday	Saturday	Sunday	Weekday	Weekday	Peak	Base	Weekday	Weekday
Commuter Rail	6:30a-9:00a	--	--	Peak	Base	Peak	Base	8.6	315.0
	4:30p-7:00p			30	--	3	--		

As explained above commuter rail service operating in the Glenn Highway Corridor will require the use of feeder bus services in Anchorage to distribute passengers to and from their destinations and the rail stations. At a minimum feeder services would need to be implemented in Downtown Anchorage and at the Stevens International Airport. The downtown feeder would serve passengers arriving at the Ship Creek rail station. The service would loop from the station down the A-C couplet to 36th Street. The airport feeder would operate in a loop serving the airport train station and traveling to Postmark Drive and Frontage Road. Exhibit V-12 depicts a profile of the feeder bus service necessary to service the commuter express passengers. The result is a requirement of one vehicle for each route and headways of 30 minutes to meet peak demands in the morning and afternoon.

**Exhibit V-12
Feeder Bus Profile**

Route	Service Span	Headway		Veh. Req.		Rev. Hours	Rev. Miles
		Weekday		Weekday			
	Weekday Peak	Peak	Base	Peak	Base	Weekday	Weekday
Downtown Feeder	7:00a-8:30a 4:30p-6:00p	30	--	1	--	5.3	82.3
Airport Feeder	7:00a-8:30a 4:30p-6:00p	30	--	1	--	5.3	79.9

Capital and Operating Costs

Capital costs are estimated to total \$39 million. This includes the cost of building stations, a car shop in Wasilla, rolling stock, pre-operations testing, and feeder bus service. As shown in Exhibit V-13, the estimated total capital cost of the proposed commuter rail is \$39,949,000. Planning is underway for a Wasilla multi-modal facility near the Wasilla Airport.

**Exhibit V-13
Commuter Rail Capital Cost**

Cost Category	Cost (2000)	Cost (2011)
Station Cost	\$5,028,000	\$6,960,000
Wasilla Car Shop	\$8,540,000	\$11,821,000
Rolling Stock	\$14,000,000	\$939,000
Feeder bus (2)		\$850,000
Total	\$28,246,000	\$39,949,000

Source: *South Central Rail Network Commuter Study and Operations Plan, 2002*
(A 3% inflation rate was used to project 2011 costs)

Operating costs were calculated for the proposed level of service. These costs reflect the options to use a self-propelled multiple unit rail car (Budd car) or a locomotive train with bi-level cars. The total cost difference between the options is a reflection of fuel consumption rates and maintenance of way costs associated with the weight of the locomotive train and bi-level cars. These costs were updated to 2011 dollars. Both options would currently total about \$4.2 million annually. The Exhibit V-14 shows the estimated annual operating costs.

**Exhibit V-14
Commuter Rail Annual Operating Costs**

Cost Category	Budd Car (2011)	Locomotives and Bi-Level Cats (2011)
Transportation	\$774,000	\$744,000
Maintenance of Equipment	378,000	\$264,000
Fuel	\$149,000	\$274,000
Maintenance of Way	\$26,000	\$46,000
Facility Maintenance	\$180,000	\$180,000
Station Services	\$270,000	\$270,000
Insurance	\$1,107,000	\$1,107,000
General and Administrative	\$981,000	\$970,000
Feeder bus Service	\$335,172	\$335,172
Total	\$4,211,172	\$4,221,172

*Source: South Central Rail Network Commuter Study and Operations Plan, 2002
(A 3% inflation rate was used to project 2011 costs)*

LONG RANGE

As ridership grows on these express or commuter rail routes, the following improvements should be considered:

- ◆ Add trips so that the frequencies are every 15 minutes during the peak periods;
- ◆ Add trips so that there are clusters of buses designed to serve the most popular shift times;
- ◆ Expand the service span so that there are early arriving and departing, and late arriving and departing buses to serve as back up for those who occasionally work late or arrive early;
- ◆ Add mid-day trips and begin to make the route more bi-directional in nature. Initial mid-day trips could be in combination with People Mover routes in the corridor; and
- ◆ Eventually, as demand grows, improve the schedule to gradually approach that of the proposed BRT with all day service and 10-minute peak frequencies to be able to meet the requirements of the Very Small Start program. (See Appendix B for a more complete description of this program.)
- ◆ Add vanpools, routes to serve commuter rail.

Initial BRT

The initial BRT line, which is proposed as part of the FTA Very Small Starts Project initiated through the H2H project³, would run between downtown Anchorage and the U-Med District. The following stops would be made in addition to the downtown stops along 5th and 6th Avenues:

- ◆ A/C Streets/15th Avenue
- ◆ A/C Streets/Northern Lights Boulevard
- ◆ 36th Avenue/A-C Streets

³H2H Seward Highway to Glenn Highway, Alaska State Project 58544, *Modifications to Transit Costs*, August 18, 2011.

- ◆ 36th Avenue/Lake Otis Parkway
- ◆ U-Med Stop/Providence Drive
- ◆ Alaska Native Medical Center/Diplomacy Drive

Level of Service

A profile of proposed BRT service is included in Exhibit V-15.

**Exhibit V-15
Initial BRT Profile**

Route	Service Span			Headway			Veh. Req.			Rev. Hours		
	Weekday	Saturday	Sunday	Weekday		Week - end	Weekday		Week - end	Wkdy.	Sat.	Sun.
				Peak	Base		Peak	Base				
Initial BRT	6:00a – 10:00a	8:00a-10:00p	9:00a-7:00p	10	15	30	8	6	3	88.0	28.0	20.0

Source: H2H Seward Highway to Glenn Highway, Alaska State Project 58544, *Modifications to Transit Costs*, August 18, 2011.

Capital and Operating Costs

Since the construction of stations and enhanced bus stops are assumed to be part of the FTA Very Small Starts Project initiated through the Highway-to-Highway project, these costs are not included as part of the RTA Plan. Additional capital costs for the BRT are projected to be \$6.5 million. These are summarized in Exhibit V-16.

**Exhibit V-16
Initial BRT Start-Up Capital Costs**

Item	No. of Units	Unit Cost	Total Cost
BRT Buses	8	\$800,000	\$6,400,000
Signal Transit Preempt Units	100	\$1,500	\$150,000
Total			\$6,550,000

Operating costs for the Initial BRT are summarized in Exhibit V-17 below. The estimated BRT operating costs are based on the current average cost per revenue vehicle hour for People Mover of \$124. With 88 revenue hours for each non-holiday weekday, 28 hours for Saturdays, and 20 hours for Sundays, there are an estimated 24,936 revenue hours annually. This translates to a total annual operating cost of \$3,092,064.

**Exhibit V-17
Initial BRT Annual Operating Costs**

Weekday Revenue Hours	Annual Revenue Hours	Annual Operating Costs
88	24,936	\$3,092,064

Source: H2H Seward Highway to Glenn Highway, Alaska State Project 58544, *Modifications to Transit Costs*, August 18, 2011.

The map in Exhibit V-18 depicts the Initial BRT line as described.

Exhibit V-18 Initial BRT



Glenn Highway BRT

As demand for service increases, the Palmer/Wasilla commuter express route may transition to full BRT service. This will be aided by the planned construction of an HOV lane on the Glenn Highway which is projected to be completed in 2025. The alignment of the proposed BRT would be operated along the Glenn Highway HOV lane from Anchorage to North Birchwood and along the Glenn Highway from North Beachwood to Palmer. The BRT would provide service between Palmer, Wasilla, downtown Anchorage, Midtown Anchorage, and the U-Med District.

Level of Service

The headway listed in Exhibit V-19 is for the proposed BRT between Peter's Creek and the U-Med District. The portion between Peter's Creek and Wasilla/Palmer operates with 30 minute frequencies during the weekday peak periods only.

**Exhibit V-19
Glenn Highway BRT Profile**

Route	Service Span			Headway			Veh. Req.			Rev. Hours		
	Weekday	Saturday	Sunday	Weekday		Week - end	Weekday		Week - end	Wkdy.	Sat.	Sun.
				Peak	Base		Peak	Base				
Glenn Hwy. BRT	5:30a – 12:00a	8:00a-10:00p	9:00a-7:00p	10	15	60	14	8	3	143.5	42.0	30.0

Source: H2H Seward Highway to Glenn Highway, Alaska State Project 58544, *Modifications to Transit Costs*, August 18, 2011. Palmer/Wasilla – Peter's Creek segment is included.

Capital and Operating Costs

Since the construction of HOV lanes and stations associated with the Glenn Highway BRT are assumed to be part of the FTA Very Small Starts Project initiated through the Highway-to-Highway project, these costs are not included as part of the RTA Plan. Additional capital costs for the BRT are projected to be \$13.75 million. These are summarized in Exhibit V-20.

**Exhibit V-20
Glenn Highway BRT Start-Up Capital Costs**

Item*	No. of Units	Unit Cost	Total Cost
Signal Transit Preempt Units	25	\$1,500	\$37,500
BRT Buses	17	\$800,000	\$13,600,000
Total			\$13,750,000

*Source: H2H Seward Highway to Glenn Highway, Alaska State Project 58544, *Modifications to Transit Costs*, August 18, 2011. Palmer/Wasilla – Peter's Creek segment is included.

Exhibit V-21 depicts the alignment of the proposed BRT service.

Exhibit V-21 Glenn Highway BRT



Operating costs will increase significantly from the commuter express service. These are summarized in Exhibit V-22 below. The estimated BRT operating costs are based on the current average cost per revenue vehicle hour for People Mover of \$124. With 143.5 revenue hours for each non-holiday weekday, 42.0 hours for Saturdays, and 30.0 hours for Sundays, there are an estimated 40,336.5 revenue hours annually. This translates to a total annual operating cost of \$5,001,726. These costs are over and above the costs for the initial BRT, but would incorporate the downtown to U-Med segment as part of the Glenn Highway BRT route.

**Exhibit V-22
BRT Annual Operating Costs**

Weekday Revenue Hours	Annual Revenue Hours	Annual Operating Costs
143.5	40,336.5	\$5,001,726

Source: H2H Seward Highway to Glenn Highway, Alaska State Project 58544, *Modifications to Transit Costs*, August 18, 2011.

South Anchorage BRT

An additional BRT line is proposed as part of the FTA Very Small Starts Project initiated through the H2H project and is included in the RTA Service Plan. This includes a BRT line that would operate along the same alignment as the South Anchorage Express between downtown Anchorage and South Anchorage. The BRT would serve the following stops, which are the same as the South Anchorage Express:

- ◆ A-C Streets/15th Avenue
- ◆ A-C Streets/Northern Lights/Benson
- ◆ A-C Streets/36th Avenue
- ◆ C Street/Tudor Road
- ◆ C Street/International Airport Road
- ◆ C Street/76th Street
- ◆ Dimond Center
- ◆ Old Seward Highway/O'Malley Road
- ◆ Old Seward Highway/Huffman Road

Level of Service

Exhibit V-23 shows the proposed frequencies, vehicle requirements, and revenue hours by time of day and day of week. The level of service is the same as the proposed Glenn Highway BRT and meets the FTA Very Small Starts program.

**Exhibit V-23
South Anchorage BRT Profile**

Route	Service Span			Headway			Veh. Req.			Rev. Hours		
	Weekday	Saturday	Sunday	Weekday		Week - end	Weekday		Week - end	Wkdy.	Sat.	Sun.
				Peak	Base		Peak	Base				
S. Anch. BRT	5:30a – 12:00a	8:00a-10:00p	9:00a-7:00p	10	15	60	8	6	2	86.0	28.0	20.0

Source: H2H Seward Highway to Glenn Highway, Alaska State Project 58544, *Modifications to Transit Costs*, August 18, 2011.

Capital and Operating Costs

Similar to the Glenn Highway BRT, the construction of HOV lanes and stations associated with the South Anchorage BRT are assumed to be part of the FTA Very Small Starts Project initiated through the Highway-to-Highway project; these costs are not included as part of the RTA Plan. Additional capital costs for the South Anchorage BRT are projected to be \$8.15 million. These are summarized in Exhibit V-24.

**Exhibit V-24
South Anchorage BRT Start-Up Capital Costs**

Item	No. of Units	Unit Cost	Total Cost
BRT Buses	10	\$800,000	\$8,000,000
Signal Transit Preempt Units	25	\$1,500	\$37,500
Total			\$8,150,000

Operating costs for the South Anchorage BRT are summarized in Exhibit V-25. The estimate of BRT operating costs are based on the current average cost per revenue vehicle hour for People Mover of \$124. With 86.0 revenue hours for each non-holiday weekday, 28.0 hours for Saturdays, and 20.0 hours for Sundays, there are an estimated 24,426 revenue hours annually. This translates to a total annual operating cost of \$3,028,824.

**Exhibit V-25
South Anchorage BRT Annual Operating Costs**

Weekday Revenue Hours	Annual Revenue Hours	Annual Operating Costs
86	24426	\$3,028,824

Source: H2H Seward Highway to Glenn Highway, Alaska State Project 58544, *Modifications to Transit Costs*, August 18, 2011.

Other Potential Long Range Transit Service

There are a number of other public transportation improvements that have been studied and/or proposed in the past that an RTA could participate in its financing and/or operation. These include express bus service to Girdwood and other transit modes such as expanded commuter rail and ferry service.

The map in Exhibit V-26 depicts the South Anchorage BRT as described above.

Exhibit V-26 South Anchorage BRT



VI. IMPLEMENTATION PLAN

Implementation

In order to implement organizational, service, and other recommendations of this plan, a number of changes will need to be made, requiring the following action steps:

RTA ENABLING LEGISLATION

Proposed RTA Enabling Legislation

Alaska currently does not have legislation enabling the creation of regional transit authorities. Therefore, legislation will need to be proposed to the Alaska State Legislature and a sponsor for the bill identified. Language for the bill must also be finalized. Sample language is provided in Appendix D.

Voice Local Support for RTA Legislation

An RTA bill may be introduced but it may not progress through the State Legislative process. A significant effort must be made to not only show the State Legislature the benefits of RTAs, but also to substantiate that there is considerable support for this legislation. Organizations like the Alaska Mobility Coalition can be solicited to help educate the public about the RTA legislation. Recent efforts in Alaska for other statewide issues have been made to hold community on-line conversations and other forums which could also be used for the RTA legislation.

State Legislature Takes Action on RTA Enabling Authority

Enabling statutes to create regional transit authorities in Alaska have been introduced to the State Legislature in the past, but no action was taken. This legislation, or some version of it, must be reintroduced to the Alaska Legislature for action. If passed, this legislation will contain the requirement that some local action is needed to create an RTA. If the legislation is not passed, then another mechanism to facilitate the implementation of regional transit services must be identified.

If RTA Enabling Legislation Passes

MOA and Mat-Su Borough Create MOU

Following the successful passage of RTA legislation, local action is required to create an RTA. The first step will be to develop a draft Memorandum of Understanding (MOU) between the Municipality of Anchorage and Mat-Su Borough. The intent of the MOU is to obtain a general agreement that both parties desire to form an RTA, and to spell out any general terms and conditions to do so. This can be accomplished in a workshop involving the entire joint Assemblies or a group of representatives. Examples of intermunicipal agreements are included in Appendix F.

Create Draft By-Laws

By-laws that establish the governance policies and procedures for the RTA must be created. Any relevant aspects of the MOU or its workshop should be incorporated into the by-laws. The by-laws must include, if not already in the state enabling statutes, the composition of the board of directors and the methodology for approving them. Technical assistance should be sought for this task. A working group comprised of Anchorage and Mat-Su representatives should be formed and workgroups held to

facilitate their input. At the end of this process, a draft set of RTA by-laws should be produced and submitted to the Anchorage and Mat-Su Assemblies for approval. Appendix G includes examples of RTA by-laws.

MOA and Mat-Su Borough Pass Authorizing Resolution and Approve Start-up Funding

Formal action must then be taken by each Assembly to create the RTA. An authorizing resolution, or local referendum, creating an RTA must be passed and the draft by-laws approved. Start-up funding will also need to be approved.

MOA and MAT-SU BOROUGH appoint representatives to RTA

Representatives to the RTA board of directors will need to be appointed in accordance with the approved by-laws and/or state enabling statutes. The board of directors will include, but not be limited to, business leaders, transportation stakeholders, and government officials. In addition, staff from MOA and Mat-Su Borough should be designated to assist the RTA Board in the first few months of existence to get established.

Organizational Meeting

At the organizational meeting of the RTA, the by-laws should be adopted and officers appointed. A schedule of meetings should be determined and a method to advertise them to the public established. Action should also be taken as to whether and, if so, when an executive director would be hired.

If RTA Legislation Does Not Pass

There are a number of options that can be pursued in the absence of an RTA to provide desired regional transportation services. Intermunicipal arrangements are a common way (although not widespread in Alaska) for municipalities to jointly provide services. However, this arrangement may not be able generate revenue on its own and must, therefore, rely on the local budgeting process of the Municipality of Anchorage and Mat-Su for financial support.

Create an Intermunicipal Agreement

An Intermunicipal Agreement can be created between the Municipality of Anchorage and Mat-Su Borough to provide commuter express and/or BRT service. One of these entities can be designated to assume the responsibilities that an RTA would have in the provision of regional transit services. Policies for sharing regional transit service costs can be worked out in a Memorandum of Understanding as well other aspects of the arrangement, such as Municipal and Borough policy input, service changes, fares, operational procedures, etc. In an agreement to provide commuter express and/or BRT service, the Department of Transportation (DOT) should act as a third party between the Municipality of Anchorage and Mat-Su Borough. The DOT would focus on coordination and act as a potential funding for the services.

Establish Private Non-Profit Organization

One option to provide the desired transit services is to create a private non-profit organization that would be funded through the intermunicipal agreement. Under Alaska Department of Transportation policy, any individual can establish a private non-profit entity for the purpose of providing public transportation. An example of this is Valley Movers which operates bus service between Wasilla and Anchorage. Valley Movers is currently a recipient of FTA Section 5311 funding to provide commuter-oriented transportation between these locations. It is possible that the service currently being provided

can be expanded to meet the specifications of the desired Palmer/Wasilla – Anchorage commuter express.

FINALIZE SERVICE DESIGN

Services funded and/or operated by the RTA must be finalized and a request for proposals (RFP) developed to select a provider of the desired routes or transit services.

SOLICIT AND ACQUIRE FUNDING

Funding for the desired transportation services must be secured. Any grant applications, budget requests, or other steps to acquire the necessary financing must be identified and action taken.

ADVERTISE AND SELECT SERVICE CONTRACTS

Once funding is in place, the RTA will be ready to select a contractor to operate the commuter express or other selected services. A Request for Proposals (RFP) must be developed and advertised. Normally, contracts are for three to five years, with a new RFP process conducted for each subsequent contract period.

Review Vanpool Needs

A review of vanpool program needs should be conducted at least annually. An analysis of trends in the formation and return of vanpools will guide RTA plans to expand, contract, or maintain the status quo of the program. This will dictate the number of vans that must be purchased in the future years.

Long Term Projects

There are several potential regional services that the RTA may assume. Because of their long term nature, studies must be conducted or updated. These include:

- ◆ Evaluate Palmer/Wasilla - Eagle River – Anchorage BRT feasibility
- ◆ Evaluate South Anchorage BRT feasibility
- ◆ Review feasibility of managing ferry service
- ◆ Conduct Girdwood corridor study
- ◆ Conduct commuter rail feasibility
- ◆ Review feasibility of demand funding

When and if it is determined by any or all of these studies find that it is feasible to proceed, the RTA will be required to conduct the same process as the commuter express services, including finalizing service design, creating and advertising an RFP, and selecting a contractor.

Exhibit VI-1 summarizes the previously described actions that will be required over the next three years to implement the Anchorage/Mat-Su Borough RTA Plan.

Exhibit VI-1 Implementation Timetable

	2012				2013				2014			
	1 st QTR	2 nd QTR	3 rd QTR	4 th QTR	1 st QTR	2 nd QTR	3 rd QTR	4 th QTR	1 st QTR	2 nd QTR	3 rd QTR	4 th QTR
<i>RTA Enabling Legislation Proposed</i>												
Bill Finalized and Submitted												
- Sponsor Identified	■											
- H.R. – Modified or Kept Intact	■											
- Bill Introduced	■											
Voice Local Support for RTA Legislation												
- Alaska Mobility Coalition Forum	■											
- Supporters Contact Legislators	■											
State Assembly Takes Action on RTA Enabling Authority	■											
<i>If RTA Enabling Legislation Passes</i>												
MOA and MSB draft MOU												
- Joint Assembly Workshop Held		■										
- MOU Drafted and Finalized		■										
Create Draft By-Laws												
- Assemblies' Subcommittee Formed			■									
- Technical Assistance Provided/Workshops Held			■									
- By-Laws Created			■									
MOA and MSB Pass Authorizing Resolution and Approve RTA By-Laws and Start-up Funding			■									
MOA and MSB appoint representatives to RTA				■								
Organizational Meeting				■								
<i>If RTA Legislation Does Not Pass</i>												
Create an Intermunicipal Agreement												
- Governance Structure		■										
- Funding Commitments		■										
Establish Private Non-Profit Organization			■									
<i>After RTA or Intermunicipal Agreement is in Place</i>												
Finalize Service Design					■							
- Palmer/Wasilla – Anchorage Express					■							
- South Anchorage Express					■							
Solicit and Acquire Funding						■						
- Local Funding Transfers						■						
- Submit Grant Applications						■						
- Receive Grant Approval(s)						■						
Advertise and Select Service Contracts												
- Develop RFP							■					
- Advertise RFP							■					
- Review Proposals and Select Service Provider(s)							■					
- Service Start-Up							■					
Long Term Project Planning												
- South Anchorage BRTs										■		
- Glenn Highway BRT										■		
- Dedicated Funding										On-going		
- Other Long Term Projects										On-going		

VII. FINANCIAL PLAN

Financial

The base financial plan includes the creation of the RTA, the implementation of expanded vanpool service, the Palmer/Wasilla – Anchorage commuter express, and the South Anchorage express service. The projection of these costs and revenues are included in Exhibit VII-1. The following assumptions were made when developing these projections:

- ◆ Staffing for the RTA consists of a general manager/executive director and an administrative assistant.
- ◆ Staff responsibilities will include grants administration, marketing, planning, and financial management.
- ◆ Vanpool program consists of capital costs and contracted program administration costs only with operating costs covered by participants. These costs will be funded through the Congestion Mitigation and Air Quality (CMAQ) program and Mat-Su Borough contribution. There are current plans to expand the vanpool program. Capital costs for a fleet of 75 vans for vanpools are reflected in the cost projections.
- ◆ Commuter express bus services will be contracted.
- ◆ FTA Section 5311 funding will be available to operate the commuter express serving Mat-Su Borough as long as a portion of the trip remains in a rural area. It will not be available to fund the South Anchorage express.
- ◆ Local funding will be provided through a combination of newly appropriated state funding and contributions from the Municipality of Anchorage and Mat-Su Borough.
- ◆ Fare revenues are based on a ridership projection of 118,923 for the Palmer/Wasilla Express, 237,846 for the South Anchorage Express, and an average fare of \$3.50. This fare is slightly less than Valley Mover is currently charging.
- ◆ Initial capital costs will be funded by way of a “start-up” or “seed” funding appropriation. Potential sources of initial capital costs include federal capital grant, state appropriation, or local government contribution.
- ◆ After this start-up funding, capital costs for bus purchases are assumed to be funded out of a capital reserve account with no special federal, state, or local grant or appropriation. Vanpool vans are assumed to be funded with twenty (20) percent from this capital reserve, and the remainder from the CMAQ program.
- ◆ Revenues and costs will increase annually at an average three percent inflation rate.
- ◆ Cost projections are for a constant level of service with no increases or decreases in routes or schedules.

A second set of cost and revenue projections were made that are focused on the additional cost of BRT service. It was assumed that it would be implemented in Year 15 of the plan, or around 2026 if an RTA was formed in 2012. These are included in Exhibit VII-2.

**Exhibit VII-1
Twenty Year Costs and Revenue Projections**

Operating Costs	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Personnel										
Administration	\$ 135,000	\$ 139,050	\$ 143,222	\$ 147,518	\$ 151,944	\$ 156,502	\$ 161,197	\$ 166,033	\$ 171,014	\$ 176,144
Marketing & Customer Service	\$ 40,000	\$ 41,200	\$ 42,436	\$ 43,709	\$ 45,020	\$ 46,371	\$ 47,762	\$ 49,195	\$ 50,671	\$ 52,191
Program Planning	\$ 20,000	\$ 20,600	\$ 21,218	\$ 21,855	\$ 22,510	\$ 23,185	\$ 23,881	\$ 24,597	\$ 25,335	\$ 26,095
Total Personnel Services	\$ 195,000	\$ 200,850	\$ 206,876	\$ 213,082	\$ 219,474	\$ 226,058	\$ 232,840	\$ 239,825	\$ 247,020	\$ 254,431
Non-Labor										
Administration	\$ 27,530	\$ 28,356	\$ 29,207	\$ 30,083	\$ 30,985	\$ 31,915	\$ 32,872	\$ 33,858	\$ 34,874	\$ 35,920
Marketing & Customer Service	\$ 25,000	\$ 25,750	\$ 26,523	\$ 27,318	\$ 28,138	\$ 28,982	\$ 29,851	\$ 30,747	\$ 31,669	\$ 32,619
Purchased Transportation – S. Anch. Expr.	\$ 1,100,872	\$ 1,133,898	\$ 1,167,915	\$ 1,202,953	\$ 1,239,041	\$ 1,276,212	\$ 1,314,499	\$ 1,353,934	\$ 1,394,552	\$ 1,436,388
Purchased Transportation – Mat-Su Expr.	\$ 500,000	\$ 515,000	\$ 530,450	\$ 546,364	\$ 562,754	\$ 579,637	\$ 597,026	\$ 614,937	\$ 633,385	\$ 652,387
Contract Services - vanpool	\$ 13,500	\$ 13,905	\$ 14,322	\$ 14,752	\$ 15,194	\$ 15,650	\$ 16,120	\$ 16,603	\$ 17,101	\$ 17,614
Total Non-Labor	\$ 1,666,902	\$ 1,716,909	\$ 1,768,416	\$ 1,821,469	\$ 1,876,113	\$ 1,932,396	\$ 1,990,368	\$ 2,050,079	\$ 2,111,582	\$ 2,174,929
Total Operating Costs	\$ 1,861,902	\$ 1,917,759	\$ 1,975,292	\$ 2,034,551	\$ 2,095,587	\$ 2,158,455	\$ 2,223,208	\$ 2,289,905	\$ 2,358,602	\$ 2,429,360
Operating Revenues										
- Fare Revenues	\$ 416,231	\$ 832,461	\$ 857,435	\$ 883,158	\$ 909,653	\$ 936,942	\$ 965,050	\$ 994,002	\$ 1,023,822	\$ 1,054,537
- FTA Section 5311 - Operations	\$ 125,000	\$ 128,750	\$ 132,613	\$ 136,591	\$ 140,689	\$ 144,909	\$ 149,257	\$ 153,734	\$ 158,346	\$ 163,097
- FTA Section 5311 - Admin.	\$ 180,000	\$ 185,400	\$ 190,962	\$ 196,691	\$ 202,592	\$ 208,669	\$ 214,929	\$ 221,377	\$ 228,019	\$ 234,859
- State Transit Local Match	\$ 125,000	\$ 128,750	\$ 132,613	\$ 136,591	\$ 140,689	\$ 144,909	\$ 149,257	\$ 153,734	\$ 158,346	\$ 163,097
- Anchorage Contribution	\$ 500,000	\$ 515,000	\$ 530,450	\$ 546,364	\$ 562,754	\$ 579,637	\$ 597,026	\$ 614,937	\$ 633,385	\$ 652,387
- Mat-Su Borough Contribution	\$ 200,000	\$ 206,000	\$ 212,180	\$ 218,545	\$ 225,102	\$ 231,855	\$ 238,810	\$ 245,975	\$ 253,354	\$ 260,955
Total Operating Revenues	\$ 1,546,231	\$ 1,996,361	\$ 2,056,252	\$ 2,117,939	\$ 2,181,478	\$ 2,246,922	\$ 2,314,330	\$ 2,383,759	\$ 2,455,272	\$ 2,528,930
Capital Costs										
Vehicle Purchases										
- Buses	\$ 3,400,000									
- Vanpool Vans	\$ 750,000		\$ 1,200,000	\$ 1,200,000		\$ 869,456		\$ 1,391,129	\$ 1,391,129	
Total Capital Costs	\$ 4,150,000	\$ -	\$ 1,200,000	\$ 1,200,000	\$ -	\$ 869,456	\$ -	\$ 1,391,129	\$ 1,391,129	\$ -
Capital Revenues										
- Vanpool Capital Assistance	\$ 570,000									
- CMAQ (vanpool vans)	\$ 180,000		\$ 1,200,000	\$ 1,200,000		\$ 869,456		\$ 1,391,129	\$ 1,391,129	
- Capital Grant	\$ 3,400,000									
- Capital Reserve										
Total Capital Revenues	\$ 4,150,000	\$ -	\$ 1,200,000	\$ 1,200,000	\$ -	\$ 869,456	\$ -	\$ 1,391,129	\$ 1,391,129	\$ -
Surplus/Shortfall	\$ (315,672)	\$ 78,602	\$ 80,960	\$ 83,389	\$ 85,890	\$ 88,467	\$ 91,121	\$ 93,855	\$ 96,670	\$ 99,571

**Exhibit VII-1
Twenty Year Costs and Revenue Projections (cont.)**

	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20
Operating Costs										
Personnel										
Administration	\$ 181,429	\$ 186,872	\$ 192,478	\$ 198,252	\$ 204,200	\$ 210,326	\$ 216,635	\$ 223,134	\$ 229,828	\$ 236,723
Marketing & Customer Service	\$ 53,757	\$ 55,369	\$ 57,030	\$ 58,741	\$ 60,504	\$ 62,319	\$ 64,188	\$ 66,114	\$ 68,097	\$ 70,140
Program Planning	\$ 26,878	\$ 27,685	\$ 28,515	\$ 29,371	\$ 30,252	\$ 31,159	\$ 32,094	\$ 33,057	\$ 34,049	\$ 35,070
Total Personnel Services	\$ 262,064	\$ 269,926	\$ 278,023	\$ 286,364	\$ 294,955	\$ 303,804	\$ 312,918	\$ 322,305	\$ 331,974	\$ 341,934
Non-Labor										
Administration	\$ 36,998	\$ 38,108	\$ 39,251	\$ 40,429	\$ 41,642	\$ 42,891	\$ 44,178	\$ 45,503	\$ 46,868	\$ 48,274
Marketing & Customer Service	\$ 33,598	\$ 34,606	\$ 35,644	\$ 36,713	\$ 37,815	\$ 38,949	\$ 40,118	\$ 41,321	\$ 42,561	\$ 43,838
Purchased Transportation – S. Anch. Expr.	\$ 1,479,480	\$ 1,523,864	\$ 1,569,580	\$ 1,616,668	\$ 1,665,168	\$ 1,715,123	\$ 1,766,576	\$ 1,819,574	\$ 1,874,161	\$ 1,930,386
Purchased Transportation – Mat-Su Expr.	\$ 671,958	\$ 692,117	\$ 712,880	\$ 734,267	\$ 756,295	\$ 778,984	\$ 802,353	\$ 826,424	\$ 851,217	\$ 876,753
Contract Services - vanpool	\$ 18,143	\$ 18,687	\$ 19,248	\$ 19,825	\$ 20,420	\$ 21,033	\$ 21,664	\$ 22,313	\$ 22,983	\$ 23,672
Total Non-Labor	\$2,240,177	\$2,307,382	\$2,376,604	\$2,447,902	\$2,521,339	\$2,596,979	\$2,674,888	\$2,755,135	\$2,837,789	\$2,922,923
Total Operating Costs	\$ 2,502,241	\$ 2,577,308	\$ 2,654,627	\$ 2,734,266	\$ 2,816,294	\$ 2,900,783	\$ 2,987,806	\$ 3,077,440	\$ 3,169,764	\$ 3,264,856
Operating Revenues										
- Fare Revenues	\$ 1,086,173	\$ 1,118,758	\$ 1,152,321	\$ 1,186,890	\$ 1,222,497	\$ 1,259,172	\$ 1,296,947	\$ 1,335,856	\$ 1,375,931	\$ 1,417,209
- FTA Section 5311 - Operations	\$ 167,990	\$ 173,029	\$ 178,220	\$ 183,567	\$ 189,074	\$ 194,746	\$ 200,588	\$ 206,606	\$ 212,804	\$ 219,188
- FTA Section 5311 - Admin.	\$ 241,905	\$ 249,162	\$ 256,637	\$ 264,336	\$ 272,266	\$ 280,434	\$ 288,847	\$ 297,513	\$ 306,438	\$ 315,631
- State Transit Local Match	\$ 167,990	\$ 173,029	\$ 178,220	\$ 183,567	\$ 189,074	\$ 194,746	\$ 200,588	\$ 206,606	\$ 212,804	\$ 219,188
- Anchorage Contribution	\$ 671,958	\$ 692,117	\$ 712,880	\$ 734,267	\$ 756,295	\$ 778,984	\$ 802,353	\$ 826,424	\$ 851,217	\$ 876,753
- Mat-Su Borough Contribution	\$ 268,783	\$ 276,847	\$ 285,152	\$ 293,707	\$ 302,518	\$ 311,593	\$ 320,941	\$ 330,570	\$ 340,487	\$ 350,701
Total Operating Revenues	\$ 2,604,798	\$ 2,682,942	\$ 2,763,431	\$ 2,846,333	\$ 2,931,723	\$ 3,019,675	\$ 3,110,265	\$ 3,203,573	\$ 3,299,681	\$ 3,398,671
Capital Costs										
Vehicle Purchases										
- Buses			\$ 4,847,587							
- Vanpool Vans	\$ 1,007,937		\$ 1,612,700	\$ 1,612,700		\$ 1,168,476		\$ 1,869,561	\$ 1,869,561	
Total Capital Costs	\$ 1,007,937	\$ -	\$ 6,460,287	\$ 1,612,700	\$ -	\$ 1,168,476	\$ -	\$ 1,869,561	\$ 1,869,561	\$ -
Capital Revenues										
- Vanpool Capital Assistance										
- CMAQ (vanpool vans)	\$ 1,007,937		\$ 1,612,700	\$ 1,612,700		\$ 1,168,476		\$ 1,869,561	\$ 1,869,561	
- Capital Grant										
- Capital Reserve			\$ 4,847,587							
Total Capital Revenues	\$ 1,007,937	\$ -	\$ 6,460,287	\$ 1,612,700	\$ -	\$ 1,168,476	\$ -	\$ 1,869,561	\$ 1,869,561	\$ -
Surplus/Shortfall	\$ 102,558	\$ 105,634	\$ 108,803	\$ 112,068	\$ 115,430	\$ 118,892	\$ 122,459	\$ 126,133	\$ 129,917	\$ 133,815

**Exhibit VII-2
Twenty Costs and Revenue Projections Including BRT Service**

	Year 1	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20
Operating Costs											
Personnel											
Administration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 102,100	\$ 105,163	\$ 108,318	\$ 111,567	\$ 114,914	\$ 118,362
Marketing & Customer Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,252	\$ 31,159	\$ 32,094	\$ 33,057	\$ 34,049	\$ 35,070
Program Planning	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,126	\$ 15,580	\$ 16,047	\$ 16,528	\$ 17,024	\$ 17,535
Total Personnel Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 147,478	\$ 153,377	\$ 159,512	\$ 165,892	\$ 172,528	\$ 179,429
Non-Labor											
Administration	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,821	\$ 21,445	\$ 22,089	\$ 22,751	\$ 23,434	\$ 24,137
Marketing & Customer Service	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 18,907	\$ 19,475	\$ 20,059	\$ 20,661	\$ 21,280	\$ 21,919
Purchased Transportation – Initial BRT		\$ 4,280,051	\$ 4,408,453	\$ 4,540,706	\$ 4,676,927	\$ 4,817,235	\$ 4,961,752	\$ 5,110,605	\$ 5,263,923	\$ 5,421,841	
Purchased Transportation – S. Anch. BRT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,573,866	\$ 4,711,082	\$ 4,852,414	\$ 4,997,986	\$ 5,147,926	\$ 5,302,364
Purchased Transportation – Mat-Su BRT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,554,306	\$ 7,780,935	\$ 8,014,363	\$ 8,254,794	\$ 8,502,438	\$ 8,757,511
Total Non-Labor	\$ -	\$ -	\$ 4,280,051	\$ 4,451,253	\$ 4,629,303	\$ 4,844,827	\$ 5,118,620	\$ 5,365,139	\$ 5,648,139	\$ 5,936,065	\$ 6,228,408
Total Operating Costs	\$ -	\$ -	\$ 4,280,051	\$ 4,451,253	\$ 4,629,303	\$ 4,692,304	\$ 4,771,997	\$ 4,878,876	\$ 4,974,031	\$ 5,078,593	\$ 5,177,336
Operating Revenues											
- Fare Revenues	\$ -	\$ -	\$ 2,250,000	\$ 2,317,500	\$ 2,387,025	\$ 2,458,636	\$ 2,535,395	\$ 2,617,417	\$ 2,703,889	\$ 2,795,006	\$ 2,891,966
- FTA Section 5311 - Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
- FTA Section 5311 - Admin.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
- State Transit Local Match	\$ -	\$ -	\$ 200,000	\$ 206,000	\$ 212,180	\$ 218,518	\$ 225,000	\$ 231,593	\$ 238,370	\$ 245,347	\$ 252,524
- Local Dedicated Funding	\$ -	\$ -	\$ 2,000,000	\$ 2,060,000	\$ 2,121,800	\$ 2,184,000	\$ 2,246,750	\$ 2,310,000	\$ 2,373,750	\$ 2,438,000	\$ 2,502,750
Total Operating Revenues	\$ -	\$ -	\$ 4,450,000	\$ 4,583,500	\$ 4,721,005	\$ 4,847,154	\$ 4,978,143	\$ 5,113,558	\$ 5,252,009	\$ 5,394,353	\$ 5,540,440
Capital Costs											
Vehicle Purchases											
- Buses			\$ 6,400,000			\$ 21,600,000					
- Other (stations, enhanced bus stops)			\$ 150,000			\$ 300,000					
Total Capital Costs	\$ -	\$ -	\$ 6,550,000	\$ -	\$ -	\$ 21,900,000	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Revenues											
- Capital Assistance			\$ 6,550,000								
- Capital Grant						\$ 17,520,000					
- Capital Reserve		\$ -	\$ -	\$ -	\$ -	\$ 4,380,000	\$ -	\$ -	\$ -	\$ -	\$ -
Total Capital Revenues	\$ -	\$ -	\$ 6,550,000	\$ -	\$ -	\$ 21,900,000	\$ -	\$ -	\$ -	\$ -	\$ -
Surplus/Shortfall	\$ -	\$ -	\$ 169,949	\$ 132,247	\$ 91,702	\$ 268,849	\$ 106,992	\$ (66,518)	\$ (252,303)	\$ (451,012)	\$ (663,328)

Key to the implementation of BRT service is the creation of a dedicated funding source for public transportation. Exhibit V-2 below lists five revenue sources that are commonly used as dedicated public transit funds. These types of revenue sources are used at varying degrees for public transit. Sales and property taxes are the most common. Appendix A provides detailed case studies of RTAs across the United States and identifies the dedicated revenue sources.

**Exhibit VII-3
Common Dedicated Revenue Sources**

Revenue Source	Revenues highly stable in relation to economic fluctuations			Revenue growth likely to outpace overall economic growth			Relative size of tax/ fee rate needed to collect a specified amount of dedicated revenue		
	Yes	No	Details	Yes	No	Details	Yes	No	Details
Sales Tax		X	Likely more susceptible to economic fluctuations than property or fuel tax.		X	Retail sales usually take up a declining share of income as income rises.	X		Tax base is broad, especially when most retail purchases, including food, are taxed.
Income Tax		X	Likely more susceptible to economic fluctuations than property or fuel tax.	X		Usually outpaces economic growth because of progressive nature.	X		Applicable tax base is broad, especially for an income tax.
Fuel Tax	X		Highly stable, but could be susceptible to random fluctuations.		X	Historically, grows slowly, but faster than sales tax.		X	Tax base is relatively narrow.
Property Tax		X	Moderate susceptibility to economic fluctuations, but likely less susceptible than sales or income/payroll tax.	Varies		Widely variant growth patterns at county level depending on local economic conditions.	X		Tax base is relatively broad.
Vehicle Registration Fees	X		Likely very stable, but may exhibit a lagged response to economic downturn.		X	Unlikely to keep pace with economic growth because car ownership levels are already high.		X	Tax base is relatively narrow.

Source: United States Government Accountability Office

APPENDICES

APPENDIX A

REGIONAL TRANSIT AUTHORITY PLAN

**MUNICIPALITY OF ANCHORAGE AND THE MATANUSKA-SUSITNA
BOROUGH**

TASK 1 REPORT

DECEMBER 30, 2010





Moving Public Transportation Into the Future

Table of Contents

Introduction	A-1
Study Area.....	A-1
Municipality of Anchorage Public Transportation Department	A-3
Mat-su borough	A-9
State Enabling Legislation	A-13
Washington STATE Transportation Authorities.....	A-13
Illinois Regional Transportation Authority Act.....	A-14
Ohio public Transit Authorities	A-16
Nevada Transportation Commissions.....	A-17
New York Metropolitan Transportation Authority	A-18
Northern Virginia Transportation Authority	A-19
Florida Regional Transportation Authorities.....	A-21
Summary	A-22
Case Studies	A-23
Central Puget Sound Regional Transit Authority (Sound Transit)	A-23
Regional Transportation Authority.....	A-24
Greater Cleveland Regional Transit Authority	A-25
Regional Transportation Commission of Southern Nevada.....	A-26
Tampa Bay Area Regional Transportation Authority (TBARTA).....	A-27
Northern Virginia Transportation Authority	A-28
Organizational Alternatives	A-30
Alternative 1 – Non-Operating Overlay District.....	A-30

Alternative 2 – Overlay District/New Service Provider . A-32

Alternative 3 – Consolidated Service Provider..... A-33

Alternative 4 – Division of Anchorage Metropolitan Area Transportation Solutions (AMATS)..... A-35

Public Outreach Summary A-37

State Enabling Legislation..... A-38

Anchorage/Mat-Su Regional Transit Authority A-39

Funding..... A-40

Current Services A-41

Future Services A-41

General A-42

Questions..... A-43

Findings and Recommendations..... A-45

INTRODUCTION

Introduction

The Municipality of Anchorage (MOA) in conjunction with the Matanuska-Susitna Borough (MSB) contracted with RLS & Associates, Inc. to create a Regional Transit Authority Plan. This Plan will serve as a guide for the management and organizational structure for current and future public transportation services in south central Alaska. Four tasks are included in the RTA Plan. These include a review of regional transit management and governance; an analysis of regional transit service and operations; an analysis of regional transit costs and funding; and the creation of a Regional Transit Authority Plan and recommendations.

This document is the report of the findings and recommendations of Task 1. It includes an overview of existing federally-funded public transportation services, a summary of research of existing state enabling statutes for regional transit authorities, a series of case studies of existing regional transit authorities, four alternative organizational structures of a south central Alaska RTA, and a summary of comments made at public meetings and stakeholder interviews.

People Mover and Anchor-Rides are services of the Public Transportation Department of the Municipality of Anchorage. MASCOT is a service of Mat-Su Community Transit, a private non-profit agency organized solely to provide public transportation service to MSB residents. A summary of the transportation services provided by these organizations appears in the following section.

STUDY AREA

The focus of this study is the development of a Regional Transit Authority Plan for the Municipality of Anchorage and the Matanuska-Susitna Borough. Exhibit 1 outlines the study area for this project. The map includes a depiction of the area in and around the Municipality of Anchorage and the Matanuska-Susitna Borough.

This document is draft and confidential. Information contained within is intended only for use by the authors, RLS & Associates, Inc. and Anchorage/Matanuska-Susitna Borough. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution is strictly prohibited without permission. Thank you.

Exhibit 1 Anchorage and Mat-Su Borough



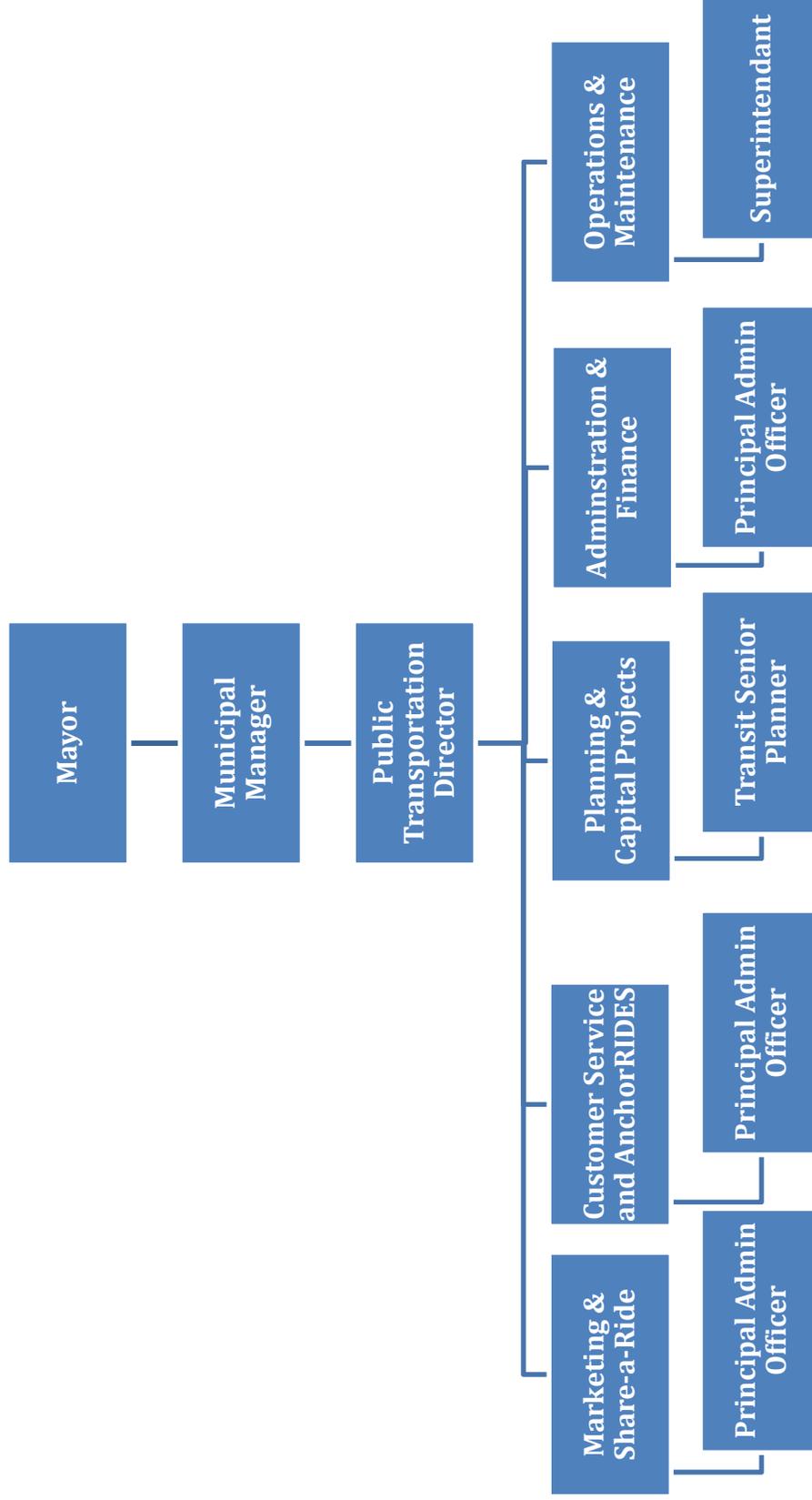
**Anchorage and Mat-Su
RTA Study**

MUNICIPALITY OF ANCHORAGE PUBLIC TRANSPORTATION DEPARTMENT

The MOA provides public transportation services through its Public Transportation Department. Three types of services are provided. People Mover is the fixed route service that is operated throughout most of the MOA. AnchorRIDES is demand response service that includes Americans with Disabilities Act (ADA) complementary paratransit, senior transportation, Medicaid waiver transportation, Eagle River Connect, and other coordinated transportation services. The third type of transportation is vanpool and carpool service provided through the Share-a-Ride program.

The organizational chart in Exhibit 2 shows the management structure of the Public Transportation Department. It includes personnel down to the head of each section, but does not show personnel below that level. The Department is headed by the Public Transportation Director, who reports to the Mayor and Municipal Manager. There are five sections: Marketing & Share-a-Ride, Customer Service and AnchorRIDES, Planning & Capital Projects, Administration & Finance,, and Operations & Maintenance.

**Exhibit 2
People Mover Organizational Chart**



People Mover Fixed Route Service

The service profile of People Mover is shown in Exhibit 3. The system currently operates 14 fixed routes. Service is operated from between 5:30 a.m. and 6:30 a.m. to between 10:00 p.m. and 11:30 p.m. Saturday service generally runs from 7:30 a.m. to 9:00 p.m. and on Sundays the service span is from 9:30 a.m. to 7:00 p.m. Routes 1, 2, 8, 14, 36, 60, and 75 operate on 60 minute headways. Routes 3, 7, 9, 13, 15, and 45, operate on 30 minute headways.

**Exhibit 3
People Mover Service Profile**

Route	Service Span			Average Headway				
	Weekday	Saturday	Sunday	Weekday			Saturday	Sunday
				PK	MD	EVE		
1	8:25a - 8:12p	6:12a - 10:11p	10:10a - 7:06p	60	60	60	60	60
2	5:45a - 10:36p	9:00a - 6:58p	10:00a - 6:37p	60	30	60	60	60
3	5:55a - 11:29p	8:09a - 9:02p	10:04a - 7:00p	30	30	60	60	60
7	6:05a - 11:23p	7:40a - 9:21p	9:41a - 6:48p	30	30	60	60	60
8	6:35a - 10:09p	7:21a - 6:21p	10:26a - 6:16p	60	60	60	60	60
9	6:43a - 10:26p	8:34a - 8:31p	10:31a - 6:28p	30	30	60	60	60
13	5:40a - 11:07p	8:27a - 8:35p	10:00a - 6:54p	30	60	60	60	60
14	6:45a - 10:08p	8:45a - 8:06p	9:40a - 6:01p	60	60	60	60	60
15	6:40a - 10:36p	8:32a - 8:26p	10:00a - 5:56p	30	30	60	60	60
36	6:00a - 11:21p	9:49a - 7:45p	10:45a - 5:41p	60	60	60	60	60
45	5:50a - 11:22p	7:50a - 8:34p	10:00a - 6:27p	30	60	60	30/60	60
60	6:12a - 9:58p	8:10a - 9:01p	9:30a - 5:59p	60	60	60	60	60
75	5:26a - 9:56p	8:13a - 9:14p	9:45a - 6:11p	60	60	60	60	60
102	5:59a - 8:09a 2:45p - 7:01p	--	--	20	--	--	--	--

The peak vehicle requirement is 43 buses on weekdays, 22 on Saturdays, and 21 on Sundays. It operates 423.8 revenue hours and 6,269.6 revenue miles on weekdays, 206.6 revenue hours and 3292.2 revenue miles on Saturdays, and 140.0 revenue hours and 2289.9 revenue miles on Sunday. The number of revenue hours and miles by route are displayed in Exhibit 4.

**Exhibit 4
People Mover Revenue Miles and Hours**

Route	Revenue Hours			Revenue Miles		
	Weekday	Saturday	Sunday	Weekday	Saturday	Sunday
1	22.7	14.8	11.1	365.9	274.4	205.7
2	31.5	15.0	10.9	466.8	250.7	193.3
3	52.2	21.4	12.5	717.0	337.0	207.4
7	48.1	22.1	14.8	789.3	383.3	265.4
8	19.8	11.6	8.7	260.9	166.4	126.6
9	27.1	11.5	8.7	361.9	163.7	109.1
13	36.7	22.2	15.8	495.2	324.4	229.3
14	6.1	4.2	3.2	81.9	61.4	46.0
15	26.8	10.4	6.9	399.5	174.4	116.3
36	27.8	13.7	9.1	432.0	227.4	159.2
45	53.1	22.5	14.9	687.6	307.6	218.4
60	30.1	21.5	14.1	443.4	317.3	211.9
75	28.8	15.9	10.3	461.1	304.2	201.4
102	12.9	--	--	307.1	--	--
Total	423.7	206.8	141.0	6269.6	3292.2	2289.9

Average weekday ridership on People Mover routes was 14,155 from July 2009 to October 2010. Route 45 has the highest ridership, serving the Downtown Transit Center, Mountain View, Northway Mall, UAA, Providence Hospital, Alaska Native Medical Center. Route 7, serving Downtown Transit Center, Spenard, Ted Stevens Anchorage International Airport (7A), Jewel Lake/Collins Way, Strawberry/Northwood (7A), and Dimond Center, had the second highest weekday ridership, averaging 1,576 daily. The third highest route was route 3 with an average weekday ridership of 1,537. Route 3 serves the Downtown Transit Center, Northern Lights Boulevard, Charter College, UAA, Providence Hospital, Chester Valley (3C), Nunaka Valley (3N), Muldoon Transfer Center, Centennial Village Housing. On Saturdays, People Mover ridership averages 6,878, while Sunday ridership averages 3,949.

Exhibit 5 shows the fleet roster of People Mover as of March 1, 2010. The system has 52 vehicles dedicated to fixed route service.

**Exhibit 5
People Mover Fixed Route Fleet**

Year	Vehicle	Quantity
1998	New Flyer D40 low-floor	14
2003	DCCB SLF229 low-floor	5
2008	New Flyer D40 low-floor	18
2010	New Flyer D40 low-floor	15

Share-A-Ride program

The Public Transportation Department operates a vanpool services within Anchorage and the Mat-Su Valley. The service is utilized mostly for work commutes to Anchorage. The service is comprised of 54 vanpools and 992 participants. Exhibit 6 outlines the characteristics of the vanpool service. Operated by VPSI at the current time, however, the vanpool operators are responding to request for proposal to operate the service at the time of this report.

Exhibit 6 People Mover Vanpools

Number of Vans	79
Number of Vanpools	54
Number of Participants	992

AnchorRIDES Profile

AnchorRIDES is the ADA complementary paratransit service operated within People Mover's services area. The service is operated by MV Transportation through a contract with the Municipality of Anchorage. In 2009, the service provided 154,562 trips.

AnchorRIDES currently has a fleet of 47 Vehicles. Exhibit 7 lists the number of vehicles by year and make. The AnchorRIDES fleet vehicles range in year from 2001 to 2010. During peak hours, AnchorRIDES operates 33 vehicles leaving 14 spare vehicles available.

Exhibit 7 AnchorRIDES Active Fleet

Year	Vehicle	Quantity
2001	Ford Phoenix	1
2002	Ford Phoenix	1
2005	Ford Phoenix	9
2006	Ford Phoenix	10
2007	Chevy American	4
2007	Ford Phoenix	9
2007	Ford Eldorado	2
2008	Chevy American	4
2010	Ford Phoenix	7

Exhibit 8 shows the AnchorRIDES vehicle utilization chart. This indicates the operating times of each vehicle on May 15, 2010. This is considered representative of a typical day of service.

**Exhibit 8
AnchorRIDES Vehicle Utilization**

Demand Response	Vehicle	Time of Day Operated																		
		4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00
	1 65082																			
	2 65110																			
	3 65112																			
	4 65117																			
	5 65120																			
	6 65114																			
	7 65086																			
	8 65107																			
	9 65102																			
	10 65122																			
	11 65118																			
	12 65113																			
	13 65105																			
	14 65090																			
	15 65079																			
	16 65093																			
	17 65100																			
	18 65083																			
	19 65109																			
	20 65089																			
	21 65111																			
	22 65104																			
	23 65108																			
	24 65116																			
	25 65097																			
	26 65075																			
	27 65121																			
	28 665078																			
	29 65087																			
	30 65115																			
	31 65096																			
	32 65085																			
	29 65084																			
	30 65081																			
	31 65094																			
Deviated Flex																				
	1 65106																			
	2 65091																			

In addition, AnchorRIDES offers Connect, a deviated fixed route service in the Eagle Creek area. This service is open to the general public and operates from 6:00 to 19:00. This service operates two vehicles at peak hour. The deviated fixed route was created in March of 2010 when fixed route service in Eagle Creek was reduced by People Mover. This service provided 4,683 trips in October 2010.

AnchorRIDES also provides Senior Transportation funded by the Older Americans Acts, Medicaid Transportation, and Coordinated Transportation under contract with various local and non-profit organizations.

MAT-SU BOROUGH

Within Mat-Su Borough, two operators currently provide public transit services. MASCOT and Valley Mover. Valley Mover has been in operation less than 2 years and does not receive any federal funds at this time. This report will focus on the public transit services receiving federal funds at this time.

MASCOT operates public transit services within Mat-Su Borough. The system consists of demand response, deviated fixed route, and commuter services. Services operate from 5:00 a.m. to 8:00 p.m. and are available to the general public.

From April 2009 to April 2010 the MASCOT demand response service provided 7,942 trips. The deviated fixed route service, which provides service to Palmer and Wasilla, provided 35,840 trips during the same time period. The commuter service to Anchorage had a total of 23,939 trips from April of 2009 to April of 2010. The revenue hours and revenue miles operated by these services are shown in Exhibit 9.

**Exhibit 9
MASCOT Revenue Miles and Hours**

Service	Revenue Miles	Revenue Hours
Demand Response	40336.8	2425.7
Commuter	45062.3	1437.2
Deviated Fixed	38966.9	2861.5

MASCOT maintains a fleet of sixteen vehicles. Nine are considered active and the other seven are inactive. Four of the vehicles are new cutaways that were purchased with AARA funds. All vehicles require a Commercial Driver’s License (CDL), and all are accessible with wheelchair lifts. The current fleet roster is shown in Exhibit 10.

**Exhibit 10
MASCOT Fleet**

Vehicle	Type
Ford E-350	Cutaway
Ford E-350	Cutaway
Ford E-350	Cutaway
Ford E-450	Cutaway

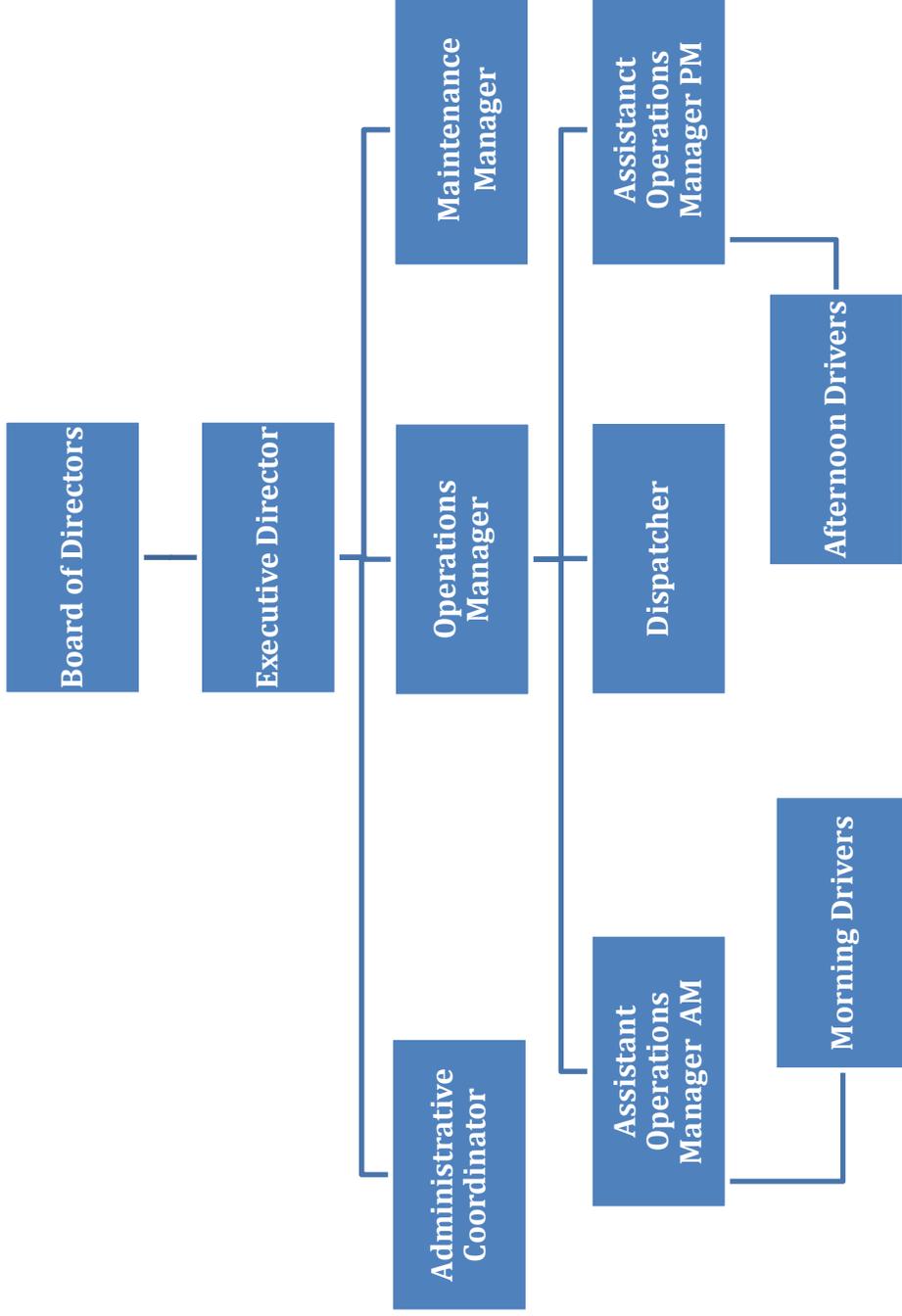
The vehicle utilization chart in Exhibit 11 outlines the service characteristics of MASCOT. The system operates four (4) demand response vehicles, two (2) deviated fixed route vehicles, and three (3) commuter buses during the day.

The organizational chart in Exhibit 12 shows the management structure of MASCOT. The Executive Director, who is responsible for the daily operations of the system, reports to the Board of Directors. The Operations Manager, Maintenance Manager, and the Administrative Coordinator report to the Executive Director.

**Exhibit 11
MASCOT Vehicle Utilization**

Vehicle	Time of Day Operated																			
	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	
Demand Response																				
1 Denali I M W F																				
3 Mat I																				
4 Otter I																				
5 Otter IV																				
Deviated Flex																				
1 Mat I																				
2 Mat II																				
Anchorage Commuter																				
1 Denali I M W F																				
2 Denali I T TR																				
2 Denali III																				

**Exhibit 12
MASCOT Organizational Chart**



STATE ENABLING LEGISLATION

Regional Transit or Transportation Authorities require the authority to operate much like a municipality with defined powers and duties. RTAs receive their rights through legislation at the state government level. Actual formation of an RTA takes place at a local level by voter referendum. As part of this task, we reviewed enabling statutes throughout the United States. Most states had some form of enabling statute.

The powers and duties of an RTA under the enabling statutes of seven (7) states are described in this section. These include relatively new legislation as well as some that has been in effect for decades.

WASHINGTON STATE TRANSPORTATION AUTHORITIES

Under the State of Washington Revised Code, Title 81 Chapter 81.112 Section 81.112.030, the Washington Legislature outlines the guidelines for creating a transportation authority within the state. The code describes the requirements for forming an authority, and the powers and duties of the authority.

Provide Transportation Services

- ◆ Legislation establishing the guidelines to create regional transportation authorities in Washington was originally developed in 1992.
- ◆ The legislation states that if approved by voters the authority has the power to provide and fund all transportation services in the designated area.

Acquire Land/ Transportation Facilities

- ◆ An authority has the power to purchase, receive, rent, improve, and operate land and facilities necessary to perform transportation services. The authority also retains the ability to dispose of assets as needed.
- ◆ Eminent domain is granted to an authority with the same restrictions that exist in local governments.

Enter into Contracts

- ◆ An authority may enter into contracts with government and non-government agencies as it relates to an authority's ability to provide transportation services.

Issue Bonds

- ◆ An authority may issue general bonds to cover the cost of projects and improvements as long as the request is passed by local voters.
- ◆ Revenue bonds may be issued by an authority under the understanding that secured funds are created to pay back the bonds. These funds may be based on unpledged fees, fares, or tolls.
- ◆ Through a resolution, an authority may create special assessment bonds on property benefited by the transit authority.

Fund Other Transportation Providers

- ◆ Once created, an authority is the sole provider of public transportation within its service area. However, an authority may enter into contracts with other providers to provide services under the authority.

Determine Fares, Routes, Schedules

- ◆ An authority may set and collect its own fares, establish routes, and develop schedules. An authority has the right to enforce these policies.

Apply for Grants and Loans

- ◆ Once established, an authority is eligible to apply for and receive operating and capital grants available to transportation providers in the State of Washington.

Levy Taxes or Fees

- ◆ The authority has the right to collect revenues from established sales and use taxes, employer taxes, and vehicle taxes.

Create High Capacity Transit System

- ◆ In areas that experience congested travel corridors and warrant a greater level of service, the legislature has authorized a special type of transit authority that can develop high capacity transit systems. These authorities can facilitate the development of express, rail and other types of high capacity transit services.
- ◆ The high speed capacity corridor holds the same powers and duties as a transit authority, but in a service area, limited by boundaries of the establishing transit agency.

ILLINOIS REGIONAL TRANSPORTATION AUTHORITY ACT

Under Illinois Statutes, Section 70 ILCS 3615, the State Legislature has established the Regional Transportation Authority Act. This act is part of the special districts section of the Illinois Code and deals with the formation of transit authorities and the powers granted to transit authorities.

The act is specific to the Northeastern area of the State, consisting of the Counties in and surrounding Chicago including Cook, DuPage, Kane, Lake, McHenry and Will Counties.

Provide Transportation Services

- ◆ The act establishes the transit authority as the entity responsible for planning, operating, and funding public transportation within the designated area.
- ◆ The act establishes a Board of Directors to oversee the responsibilities of the authority. The act requires a board to be comprised of individuals who represent the general public and public transportation interests.

Acquire Land/Transportation Facilities

- ◆ The law states that the authority has the right to acquire land and facilities for the purpose of providing public transportation.
- ◆ The authority has the right to use eminent domain to acquire land for a public purpose.

Enter into Contracts

- ◆ The authority may enter into contracts which are necessary for the provision of public transportation. This includes land, service, and operating contracts.

Issue Bonds

- ◆ Revenue bonds may be issued by the authority to conduct improvements. These bonds must be backed by the authority's ability to raise revenues through fares or other means.

Fund Other Transportation Providers

- ◆ The authority may contract with other transit providers and act as a pass-through funding source.
- ◆ The authority is the only provider recognized by the state. However, through contracts sub-providers may be used to provide transportation services under the authority.

Determine Fares, Routes, Schedules

- ◆ The authority may establish and enforce the collection of fares. These fares will be a direct revenue source to the transit authority.
- ◆ Routes and schedules may be determined and implemented by the authority. The authority reserves the right to change or modify these routes to better meet the needs of public transportation.

Apply for Grants and Loans

- ◆ The transit authority is eligible for grants and loans that are used to fund capital and operating expenses within the authority.

Levy Taxes or Fees

- ◆ The authority receives sales local sales tax increment, as outlined in the Innovation Development and Economy Act issued by the state of Illinois.
- ◆ Section 8-3-19 of the Illinois Municipal Code issues a property tax to the transit authority.

OHIO PUBLIC TRANSIT AUTHORITIES

The Ohio Revised Code Title III Chapter 306 outlines the creation, powers of, and guidelines for public transit authorities in the State of Ohio.

Provide Transportation Services

- ◆ The code establishes any formed authority as the provider of transportation in the areas which approve enabling legislation, which include a county, or any two or more counties, municipal corporations, or townships, or any combination of these legislative bodies.
- ◆ To govern the authority, the code requires the appointment of a seven member transit board by the legislative bodies which formed the transit authority. Board members will serve three year terms.

Acquire Land/ Transportation Facilities

- ◆ The authority may purchase land and facilities as they are related to public transportation.
- ◆ The board may exercise the power of eminent domain as it is expressed in the Ohio Revised Code.

Enter into Contracts

- ◆ The authority may enter into contracts for the purchase of land, facilities, goods, and services.
- ◆ Contracts regarding the provision of public transportation by a separate party may be negated. In this case the authority will act as the primary recipient of funds.

Issue Bonds

- ◆ Bonds may be issued for the improvement, acquisition, or expansion of transit facilities and operational buildings.
- ◆ These bonds will be issued as revenue bonds and backed by the systems ability to repay the debt through the collection of fares and other revenues.

Fund Other Transportation Providers

- ◆ In the instance that the authority has contracted the provision of services through another provider, the transit authority may fund the service provider.

Determine Fares, Routes, Schedules

- ◆ Fares, routes, and schedules are determined at the sole discretion of the transit authority. The board is in charge of setting and determining all operation of public transit provided by the authority.

Apply for Grants and Loans

- ◆ The authority may apply for and receive grants related to capital and operational funding.

Levy Taxes or Fees

- ◆ Property taxes may be approved as revenue through a county vote. This tax must be renewed and evaluated as with any property tax.
- ◆ The transit authority may issue a sales tax through voter approval.

NEVADA TRANSPORTATION COMMISSIONS

The Nevada Revised Code, NRS 277A *Regional Transportation Commissions* outlines the powers and duties of regional transportation authorities in Nevada.

Provide Transportation Services

- ◆ The law states that a regional transportation commission may be formed when the population of a county or counties votes to form a commission to oversee public transportation.
- ◆ The composition of a transportation commission board includes county commissioners, transportation officials, and citizens.

Acquire Land/Transportation Facilities

- ◆ A transportation commission may acquire land and facilities as is necessary to perform public transportation.

Enter into Contracts

- ◆ A transit commission may enter into contracts that allow for improved public transportation. This can include contracts to purchase equipment and facilities as well as contracts with other transit providers for services.

Issue Bonds

- ◆ As stated in Nevada Revised Code NRS 3677A, a transportation commission may issue bonds.

- ◆ Revenue bonds can be issued to generate revenue for the construction, expansion, or building of a facility or other capital purchase. These bonds are backed by the commission's ability to generate revenue not including taxes.

Fund Other Transportation Providers

- ◆ A commission may enter into contracts with transportation providers who may supply services through an agreement with the commission. In these cases the commission is recognized as the transportation entity and the provider serves under the commission.
- ◆ Contracts may also be entered for the purchase of land, facilities, good, and services.

Determine Fares, Routes, Schedules

- ◆ A commission may establish and enforce fares.
- ◆ Routes and schedules are set at the discretion of the commission and may be changed based on the commission's judgment.

Apply for Grants and Loans

- ◆ A commission may accept grants and loans from federal and state agencies, counties, cities, towns, other political subdivisions, public or private corporations and other persons.

Levy Taxes or Fees

- ◆ The Nevada Revised Code, NRS 3677A gives the transit authority the ability to collect taxes to assist in operations.
- ◆ The tax may be in the form of sales or property.

NEW YORK METROPOLITAN TRANSPORTATION AUTHORITY

The New York City Transit Rules of Conduct can be found at 21 NYCRR Part 1050. This Section outlines the powers and duties of regional transportation authorities in the State of New York. The Section was written for the Manhattan and Bronx Surface Transit Operating Authority.

Provide Transportation Services

- ◆ The authority may promote safety and facilitate the proper use of public transportation.

Acquire Land/ Transportation Facilities

- ◆ The law states that the authority may acquire facilities, which are defined as land or structures necessary to the operation of public transportation.
- ◆ Legislation states that property is owned by the authority and the tampering with or destruction of that property will result in legal action by the state.

Enter into Contracts

- ◆ The authority may enter into contracts for services and goods, including the use of a sub-provider for transportation.

Issue Bonds

- ◆ Revenue bonds may be issued by the authority to conduct improvements. These bonds must be backed by the authority's ability to raise revenues through fares or other means.

Fund Other Transportation Providers

- ◆ In the instance that the authority has contracted the provision of services through another provider the transit authority may fund the service provider.

Determine Fares, Routes, Schedules

- ◆ The authority may set and enforce the collection of its fares.
- ◆ Routes and schedules are determined by the authority and the judgment of the governing board.

Apply for Grants and Loans

- ◆ The authority is recognized by the state as the transportation provider and may apply for and receive grants and loans.

Levy Taxes or Fees

- ◆ The authority has the ability to pursue the collection of revenues through sales and property taxes.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Virginia Chapter 846 Title 15.2 Sections 15.2-4829 through 15.2-4840 established the Northern Virginia Transportation Authority. The act enables the creation of an authority to provide transportation in northern Virginia. The authority is in charge of transportation planning and services.

Provide Transportation Services

- ◆ The authority may perform the necessary duties and provide transportation after a regional transportation plan has been drafted and accepted by the transit board.
- ◆ The governing board of the Authority must oversee the development of the transit plan and revise and amend the plan as needed.

- ◆ The authority covers the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.
- ◆ The board is made up of 16 members, including county and city appointees, members of the house of delegates, a member of the Senate, and two citizens.

Acquire land/ Transportation Facilities

- ◆ The Authority may construct or acquire, purchase, lease, contract, transportation facilities and land as accepted in the transportation plan.

Enter into Contracts

- ◆ Contracts for leasing land, facilities, and transportation may be entered.
- ◆ The Authority may regulate transportation within the designated service district. This includes other transportation except taxicabs.

Issue Bonds

- ◆ Bonds may be issued as debt for use by the authority. These bonds are subject to the State of Virginia's regulations.

Fund Other Transportation Providers

- ◆ Funds may be passed to other public and private transportation providers within the district who provide services on a contractual basis to the authority.

Determine Fares, Routes, Schedules

- ◆ The authority may set and enforce the collection of its fares.
- ◆ Routes and schedules are determined by the authority and the judgment of the governing board.

Apply for Grants and Loans

- ◆ The authority may apply and negotiating with the government of the United States, the Commonwealth of Virginia, or any other agency to obtain grants and any other funds.
- ◆ The funds must be marked towards meeting the provisions of the authority as outlined by the state or the transportation plan.

Levy Taxes or Fees

- ◆ The Department of Taxation collects and distributes sales tax to the authority.
- ◆ The Department of Motor Vehicles collects and administers a license, registration, and car rental fee to the authority.

FLORIDA REGIONAL TRANSPORTATION AUTHORITIES

Florida statute, Title XXVI Chapter 343, outlines the powers and duties of transportation authorities in the state. The statute encompasses all regional transit authorities (RTA) in the state, including South Florida RTA, Central Florida RTA, Tampa Bay RTA, and Northwest Florida Transportation Corridor Authority.

Provide Transportation Services

- ◆ The authority is responsible for all transportation within its outlined service area.
- ◆ Each authority has a unique board composition of county commissioners, mayors, RTA representatives, state and local transportation officials, and citizens.

Acquire Land/ Transportation Facilities

- ◆ The law states that the authority may acquire facilities, which are defined as land or structures necessary to the operation of public transportation.

Enter into Contracts

- ◆ The authority may enter into contracts for land property and services.
- ◆ This includes the service of transportation by public and private parties operating in the designated services area.

Issue Bonds

- ◆ Bonds may be issued to generate revenue for the construction, expansion, or building of a facility or other capital purchase.

Fund Other Transportation Providers

- ◆ Funds may be handled a pass-through to other transportation operates in the region who provide public transportation as a contracted services to the transit authority.

Determine Fares, Routes, Schedules

- ◆ The authority has the right to set and fares, routes, and schedules.
- ◆ The authority may also regulate policy and internal operations regarding the provision and operation of transportation.

Apply for Grants and Loans

- ◆ The law states the authority is eligible for and may apply for and administer grants and like funds for transportation reasons.

Levy Taxes or Fees

- ◆ The RTA has no power to levy taxes.

SUMMARY

Exhibit 13 summarizes RTA powers and duties common under the various state enabling statutes. It shows how similar they are in nature.

Exhibit 13 RTA Powers and Duties

Powers	Washington	Illinois	Ohio	Nevada	New York	Virginia	Florida
Provide Transportation Services	x	x	x	x	x	x	x
Acquire Land/Transportation Facilities	x	x	x	x	x	x	x
Enter into Contracts	x	x	x	x	x	x	x
Issue Bonds	x	x	x	x	x	x	x
Fund Other Transportation Providers	x	x	x	x	x	x	x
Determine Fares, Routes, Schedules	x	x	x	x	x	x	x
Apply for Grants and Loans	x	x	x	x	x	x	x
Levy Taxes and/or Fees	x	x	x	x	x	x	

CASE STUDIES

Seven examples of how regional transit authorities were implemented at the local level are described in this section. While these may be locations that are greater in population than the Anchorage/Mat-Su Borough area, most of these organizational structures are used in areas with similar populations. By outlining the larger examples this report demonstrates the wide spectrum of what a RTA can do. While all aspects may not be relevant to the Anchorage/Mat-Su area the evaluation of smaller RTAs may have resulted in the omission of a key component necessary in the Anchorage/Mat-Su area.

CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY (SOUND TRANSIT) SEATTLE, WASHINGTON

Overview

The Central Puget Sound RTA District includes the urban areas of King, Pierce, and Snohomish counties. The Washington State Legislature charged the agency with planning, building, and operating a high-capacity transit system for the region's most heavily used travel corridors.

Sound Transit distributes a fair share of investments to each of Sound Transit's five geographic areas:

- ◆ East King County
- ◆ Snohomish County
- ◆ South King County
- ◆ North King County
- ◆ Pierce County

The principle of subarea equity assures that Sound Transit taxes raised in each subarea are used for capital projects and operations that directly benefit that area. Priority projects for each subarea were identified through a public process involving established local elected official entities.

The law that created Sound Transit also authorized the agency to levy and collect voter-approved local option taxes to pay for building and operating the transit system. These taxes could include an employer tax, a special motor vehicle excise tax and a sales and use tax.

The Sound Transit tax is a 0.3 percent motor-vehicle tax and a 0.4 percent sales tax that was approved by voters as part of the Central Puget Sound Regional Transit Authority's Proposition 1. Voters within the Sound Transit district approved Proposition 1 at the November 1996 general election to provide local funding for a package of region-wide transit improvements in the metropolitan three-county area. The Sound Transit tax became effective for vehicle renewals on April 1, 1997 and was phased in as vehicle licenses expired after that date. In November 2008, voters approved increasing the sales tax in the Sound Transit District by 0.5 percent to

fund Sound Transit 2, a 15-year package of light rail, commuter rail, express bus and other mass transit expansions.

Organizational Structure

In the Puget Sound Region, there are four other public transportation providers. Each system focuses on fixed route bus and paratransit services. These include:

- ◆ King County Metro – serves King County;
- ◆ Pierce Transit – serves the urbanized portion of Pierce County;
- ◆ Community Transit – serves the urbanized portion of Snohomish County outside the City of Everett; and
- ◆ Everett Transit – serves the City of Everett.

Sound Transit has separate and distinct functions apart from these four public transit operators. It provides a service overlay consisting of express bus, light rail, and commuter rail. While all of these services carry Sound Transit’s brand, it does not directly operate them. Rather, they are contracted to either one of these public transit systems or to a private sector provider.

Applicability

Sound Transit is an “overlay” district that operates in the same area as four other public transportation providers. It provides modes of transportation not offered by the other operators. In the Anchorage/Mat-Su area, this approach can be used if new transit service is desired between Palmer, Wasilla, and Anchorage.

REGIONAL TRANSPORTATION AUTHORITY CHICAGO, ILLINOIS

Overview

The Regional Transportation Authority (RTA) serves a six county region surrounding Chicago, Illinois. It administers local, state and federal funding for three major public transportation providers serving this region. In 1974, the RTA was created upon approval of a referendum in the northeastern Illinois region of Cook, DuPage, Kane, Lake, McHenry and Will counties. The RTA is considered a special purpose unit of local government and a municipal corporation of the State of Illinois. Initially, the RTA provided financial assistance to existing public transit operators. As the need for public transportation increased, the RTA's role expanded to include the acquisition and operation of public transportation carriers as well as contracting to provide service.

The majority of operating funds it administers are produced by a regional RTA sales tax, state Public Transportation Funds (PTF), and the City of Chicago Real Estate Transfer Tax (RETT).

Organizational Structure

In 1983, the RTA Act was amended with substantial changes made to the RTA's organization, funding and operations. The amended Act created three "service boards" known as the Chicago Transit Authority (CTA), Metra commuter rail, and Pace suburban bus. The RTA's primary responsibilities became financial and budget oversight of CTA, Metra and Pace, and regional transit planning issues.

Guiding the RTA's oversight responsibility is a Board of Directors that approves an annual budget and two-year financial plan. The Board consists of fifteen (15) members and a chairman appointed from the six-county region. The RTA Board is also required annually to review and approve a five-year capital plan, which is a blueprint of the capital activities to be funded by the RTA and executed by the CTA, Metra, and Pace.

The CTA, Metra, and Pace are each led by a Board of Directors which determines levels of service, fares, and operational policies. The CTA is governed by the Chicago Transit Board whose seven members are appointed by the Mayor of Chicago and the Illinois Governor. Metra's Board consists of 11 members appointed by the region's county boards and the Mayor of Chicago. Pace is governed by a twelve member Board made up of current and former suburban village presidents and mayors.

Applicability

The RTA in Chicago is responsible for the receipt and distribution of funding that supports three other public transportation providers. This model could be used if new transit funding sources were made available in the Anchorage/Mat-Su region.

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY CLEVELAND, OHIO

Overview

The Greater Cleveland Regional Transit Authority (GCRTA) was created in 1974 by Cuyahoga County and the City of Cleveland within months of the passage of state legislation enabling the creation of local transit authorities. In 1975, the City of Cleveland and Shaker Heights transit systems merged, and other suburban lines in Maple Heights, North Olmsted, Brecksville, Garfield Heights, and Euclid joined RTA through service agreements. Eventually, the Garfield Heights and Euclid municipal systems were integrated into the RTA system.

Voters approved a one percent countywide sales tax in 1975, and this funding has remained in place since that time.

Organizational Structure

GCRTA is a political subdivision of the State, created under Chapter 306 of the Ohio Revised Code. All power and authority granted to RTA is vested in its Board of Trustees, which is charged with managing and conducting RTA's affairs. The Board also establishes overall RTA

administrative policies, which are implemented by the GCRTA General Manager. Four documents establish the powers and duties of the RTA. These are:

- Chapter 306 of the Ohio Revised Code;
- RTA By-Laws;
- Policies and Procedures adopted by the RTA Board; and
- Memorandum of Understanding and Articles of Incorporation adopted by Cuyahoga County, the City of Cleveland, and suburban communities.

The Board of Trustees is comprised of ten members. Four are appointed by the City of Cleveland. Three are elected by Mayors and City Managers in Cuyahoga County outside of Cleveland and three are appointed by the Cuyahoga County Commissioners.

Applicability

The Greater Cleveland RTA functioned to consolidate public transportation services in Cuyahoga County. An RTA created in the Anchorage/Mat-Su region could serve that purpose as well or over time could evolve to consolidate services.

REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA LAS VEGAS, NEVADA

Overview

The Regional Transportation Commission of Southern Nevada (RTC) is both the transit authority and the transportation planning agency for the Las Vegas area. It originated in 1965 and became the Metropolitan Planning Organization in 1981. In 1983, it was designated by the state legislature as the public transportation provider. The RTC provides public transportation throughout Southern Nevada and administers programs that encourage sustainability, such as *Club Ride Commuter Services* that promotes walking, biking, carpooling, vanpooling and taking transit to and from work. It also administers the Freeway and Arterial System of Transportation (FAST) which manages traffic conditions through the use of traffic signals, ramp meters, dynamic message signs, and lane use control signals.

The RTC public transportation services are supported by a 3/8th percent sales tax in Clark County.

Organizational Structure

The RTC is one of the few agencies in the nation that serves as the street and highway planning and funding agency, the regional freeway and arterial traffic management agency, and the regional transit provider.

The Regional Transportation Commission of Southern Nevada (RTC) is governed by a Board of Directors. Membership is set by State statute and consists of two members from the Board of Clark County Commissioners, two members from the city council of the largest incorporated city

and one member from the city council of every other incorporated city in the county. The Director of the Nevada Department of Transportation serves as an ex-officio member.

Applicability

One possible means to create an RTA in the Anchorage/Mat-Su area is to designate Anchorage Metropolitan Area Transportation Solutions (AMATS), the Metropolitan Planning Organization, as the public transportation provider.

TAMPA BAY AREA REGIONAL TRANSPORTATION AUTHORITY (TBARTA) TAMPA, FLORIDA

Overview

The Tampa Bay Area Regional Transportation Authority was created in 2007 to improve mobility and expand transportation in the West Central Florida region consisting of Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas and Sarasota Counties. The authority is charged with the planning, development, finance, construction, purchase, and operation of transportation.

The RTA currently operates all of the vanpools in the region. The recently developed master plan outlines corridors, in which the TBARTA plans to improve transportation facilities and services. TBARTA has developed plans for bus rapid transit, express bus, and commuter rail service within these corridors.

Organizational Structure

TBARTA is a public entity created under Florida State Statute, Title XXVI Chapter 343. The legislation established TBARTA under the creation of a sixteen (16) member board. It is the responsibility of the board to improve mobility and expand transportation options for passengers and freight throughout the seven-county Tampa Bay region. The board and authority are also responsible for the development and oversight of a transportation master plan for the region.

All decisions by the authority are made through the Board of Directors. The Board is comprised of the following:

- ◆ Seven (7) County Commission Appointees;
- ◆ Four (4) Gubernatorial Appointees;
- ◆ Largest city served by HART;
- ◆ Largest city served by PSTA;
- ◆ Largest cities in Manatee and Sarasota Counties;
- ◆ West Central Florida Chair's Coordinating Committee (CCC) Appointment;
- ◆ Florida Department of Transportation (non-voting member).

TBARTA is staffed by an executive director, executive secretary, legal counsel and staff, and technical experts. The authority is required to form a transit management committee and citizen's advisory committee. In addition, an optional Planning Committee, Policy Committee, Finance Committee, and Technical Advisory Committee may be formed.

Applicability

TBARTA is a newly formed agency that currently functions as an advisory committee with limited transportation operations. Its primary function is planning multijurisdictional transit services, and it is in a position to oversee and operate express and connective services in the region as they are developed and implemented.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY FAIRFAX, VIRGINIA

Overview

The Northern Virginia Transportation Authority (NVTA) service area includes the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

NVTA has the following powers and functions:

- ◆ Prepare and update a regional transportation plan.
- ◆ Once the plan is adopted, it may construct the transportation facilities included in the plan.
- ◆ The Authority may contract with others to provide transportation facilities or to operate its facilities, or it may provide and/or operate such facilities itself.
- ◆ The Authority may acquire land for the purposes of providing transportation facilities or services.
- ◆ The Authority may contract with others to provide the necessary facilities, equipment, and operations, needed to provide transportation services.

Other responsibilities of the Authority include:

- ◆ General oversight of regional programs involving mass transit or congestion mitigation, including, but not necessarily limited to, carpooling, vanpooling, and ridesharing. Also responsible for long-range regional planning, both financially constrained and unconstrained.
- ◆ Recommending to state, regional, and federal agencies regional transportation priorities, including public-private transportation projects, and funding allocations.
- ◆ Developing, in coordination with affected counties and cities, regional priorities and policies to improve air quality.
- ◆ Recommending to the Commonwealth Transportation Board priority regional transportation projects for receipt of federal and state funds.
- ◆ Recommending to the Commonwealth Transportation Board use and/or changes in use of tolls for facilities in the area embraced by the Authority.

- ◆ General oversight of regional transportation issues of a multi-jurisdictional nature, including but not limited to intelligent transportation systems, signalization, and preparation for and response to emergencies.
- ◆ Serving as an advocate for the transportation needs of Northern Virginia before the state and federal governments.
- ◆ Applying to federal, state, and other public and private agencies for grants or other contributions toward the Authority's mission of improving transportation facilities and services in Northern Virginia.
- ◆ Acting as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of a "qualifying transportation facility" under the Public-Private Transportation Act of 1995.

In 2007, the General Assembly approved authority for the Northern Virginia Transportation Authority (NVRTA) to implement seven different taxes and fees that collectively could raise more than \$300 million per year for transportation:

<u>Tax/Fee</u>	<u>Authorized Rate</u>	<u>Collection Agent</u>
Grantor's Tax	40¢	Clerk of Circuit Court
Motor Vehicle Rental Tax	2%	Dept. of Motor Vehicles
Transient Occupancy Tax	2%	Member Jurisdictions
Safety Inspection Fee	\$10	Lockbox & State Police
Sales Tax on Auto Repairs	5%	Dept. of Taxation
Regional Registration Fee	\$10	Dept. of Motor Vehicles
Initial Vehicle Registration Fee	1%	Dept. of Motor Vehicles

Organizational Structure

The Northern Virginia Transportation Authority has sixteen members as follows:

- ◆ The mayors or chairs, or their designees, of the nine cities and counties that are members of the Authority;
- ◆ Two members of the House of Delegates appointed by the Speaker of the House;
- ◆ One member of the Senate appointed by the Senate Committee on Privileges and Elections; and
- ◆ Two citizens who reside in counties and cities embraced by the Authority, appointed by the Governor.

In addition, the Director of the Virginia Department of Rail and Public Transportation, or his designee, and the Commonwealth Transportation Commissioner, or his designee, serve as non-voting members of the Authority.

Applicability

NVRTA functions as a planning agency and facilitator of multi-regional transportation projects. Its responsibilities are similar to TBARTA except that they have the power to collect a number of fees and taxes to support transit services.

ORGANIZATIONAL ALTERNATIVES

Four alternatives for organizing an RTA have been created that can be applied to the Anchorage/Mat-Su Borough area. These were based on the experience in other locations throughout the Country and the transportation needs and unique characteristics of the Anchorage/Mat-Su Borough area. Each alternative involves different areas of responsibility for an RTA. The first describes an organization that is primarily involved in grants administration and long range planning. The second progresses into an organization that is responsible for receiving funding for and providing new public transit services. The third alternative is a total consolidation of all transit services in the region under the RTA. The fourth option includes the RTA being housed in the Metropolitan Planning Organization (MPO). Options one through three could be seen as an evolution of a RTA as it moves from a planning entity to an operating entity to full consolidation.

A summary matrix is presented for each alternative that identifies the primary areas of responsibility for transit service for an RTA, the Municipality of Anchorage, and the Mat-Su Borough service operators.

ALTERNATIVE 1 – NON-OPERATING OVERLAY DISTRICT

In this alternative, an RTA is created and the existing People Mover and MASCOT and other Mat-Su Borough area organizations and services remain as they are currently. The RTA does not directly operate (or contract for) any transit services. Rather, its primary functions are in the planning and grants administration areas.

Functional Responsibilities

The responsibilities, in this alternative, of a new RTA are listed along with those of People Mover and MASCOT and are identified in Exhibit 14.

Exhibit 14
Alternative 1 Functional Responsibilities

	Overlay-No Operatons		
	MOA	MSB	RTA
Management and Control	√	√	
Service Planning			√
Operational Planning	√	√	
Grants Administration	√	√	√
Financial Management	√	√	√
Personnel Management	√	√	
Procurement	√	√	
Marketing	√	√	
Scheduling	√	√	
Transportation Operations	√	√	
Safety and Training	√	√	
Maintenance	√	√	
Legal	√	√	

An RTA would have the primary responsibility for developing service plans and long range transit plans for the region. It would also have grants administration and financial management responsibilities as it would administer FTA Section 5310, 5311, 5316, and 5317 funding. The Municipality of Anchorage (MOA) and Mat-Su Borough would have responsibility for the overall management of its transit services, operational and short range planning, and other management functions.

Staffing

It is expected that a basic staffing level will be needed for the RTA to fulfill these functions. This would include an executive director and one staff support person. Staffing levels of People Mover and MASCOT and other borough operators would not be affected.

Advantages and Disadvantages

The following advantages and disadvantages for Alternative 1 were identified.

Advantages

- ◆ The RTA would bolster the long range planning and grants administration functions in the Anchorage/Mat-Su Borough region.
- ◆ The RTA would be in a position to assume regional transit operating responsibilities if it is needed in the future.
- ◆ MASCOT and other valley operators could receive grant administration support from the RTA.

Disadvantages

- ◆ Creating an RTA would require actions at both the state and local levels, neither of which have been committed.
- ◆ A new public body would be created with no new service being provided.

ALTERNATIVE 2 – OVERLAY DISTRICT/NEW SERVICE PROVIDER

An RTA is created in this alternative as an operator of new transit services. The new transit service(s) would be multi-jurisdictional, operating in both Mat-Su Borough and Anchorage. The existing People Mover, MASCOT, and other organizations and services remain as they are currently. New funding would need to be provided for the new services.

One option is for the RTA to contract with People Mover, MASCOT or other organizations to operate the new transit service. This has the advantage of avoiding the cost of new facilities for operations and maintenance.

Functional Responsibilities

All roles and responsibilities of the RTA in Alternative 1 are assumed to be a part of Alternative 2. With the assumption that the RTA will contract with either People Mover or MASCOT to provide the new services, the RTA would not have any responsibilities in the areas of transportation operations, maintenance, scheduling, safety, or training. It would have oversight and financial management responsibilities since it would administer the funding used to pay for the new services. The functional responsibilities of Anchorage and Mat-Su Borough would be the same in this alternative as in Alternative 1. Alternative 2 is outlined in Exhibit 15.

**Exhibit 15
Alternative 2 Functional Responsibilities**

	Overlay-Provide New Service		
	MOA	MSB	RTA
Management and Control	√	√	√
Service Planning			√
Operational Planning	√	√	
Grants Administration	√	√	√
Financial Management	√	√	√
Personnel Management	√	√	√
Procurement	√	√	√
Marketing	√	√	√
Scheduling	√	√	
Transportation Operations	√	√	
Safety and Training	√	√	
Maintenance	√	√	
Legal	√	√	√

Staffing

Staffing levels would need to be increased over Alternative 1. In addition to the two staff members, an accountant/bookkeeper and a contracts administrator would need to be added.

Advantages and Disadvantages

The following advantages and disadvantages for Alternative 2 were identified.

Advantages

- ◆ New funding and new transit services would be provided.
- ◆ The RTA would assume some grants administration, procurement, marketing and other functions to supplement efforts of MOA and MASCOT staff.
- ◆ The operation of new services would take advantage of the capabilities and infrastructure of existing public transit providers.
- ◆ Enhanced coordination

Disadvantages

- ◆ Creating an RTA would need to have actions taken at both the state and local levels, neither of which have been committed.

ALTERNATIVE 3 – CONSOLIDATED SERVICE PROVIDER

In this alternative, an RTA takes over the Anchorage and MASCOT transit services and a new regional transit provider is created. The consolidation of these services under an RTA may result in one service provider with more than one base of operation because of the large service area. An independent RTA could also create its own district for the purpose of establishing dedicated funding sources for the various services that are provided.

Functional Responsibilities

All transit management functions in this alternative are transferred to the RTA as People Mover and MASCOT would no longer exist. Exhibit 16 depicts this change.

Exhibit 16
Alternative 3 Functional Responsibilities

	Consolidation		
	MOA	MSB	RTA
Management and Control			√
Service Planning			√
Operational Planning			√
Grants Administration			√
Financial Management			√
Personnel Management			√
Procurement			√
Marketing			√
Scheduling			√
Transportation Operations			√
Safety and Training			√
Maintenance			√
Legal			√

Staffing

Total Alternative 2 staffing levels among the RTA, People Mover, and MASCOT are not expected to change in this alternative. All staff would be direct employees of the RTA.

Advantages and Disadvantages

The following advantages and disadvantages for Alternative 3 were identified.

Advantages

- ◆ The organizational structure would be simplified through the creation of an RTA that would operate public transit service in both Anchorage and Mat-Su Borough.
- ◆ Coordination is simplified

Disadvantages

- ◆ The consolidation of existing services under an RTA may be difficult to implement and/or take a significant amount of time under current conditions.
- ◆ Operating and capital costs differ significantly between the two public transit providers potentially creating equity issues in a consolidation.
- ◆ Creating an RTA would need to have actions taken at both the state and local levels, neither of which have been committed.

ALTERNATIVE 4 – DIVISION OF ANCHORAGE METROPOLITAN AREA TRANSPORTATION SOLUTIONS (AMATS)

The RTA would be created as a division of AMATS in this alternative. It would operate new multi-jurisdictional transit services in a similar manner as in Alternative 2. The existing People Mover and MASCOT organizations and services remain as they are currently.

This would give an RTA more of an opportunity to branch out into other types of regional transportation improvements such as Intelligent Transportation System (ITS) technologies.

Functional Responsibilities

It is expected that the functional responsibilities in this alternative would be the similar to Alternative 1. However, it is also possible to assume that the same divisions of responsibilities as Alternative 2 and 3 can also be applied in this alternative. Exhibit 17 outlines the functions and responsibilities of Alternative 4.

**Exhibit 17
Alternative 4 Functional Responsibilities**

	AMATS Division		
	MOA	MSB	RTA
Management and Control	√	√	
Service Planning			√
Operational Planning	√	√	
Grants Administration	√	√	√
Financial Management	√	√	√
Personnel Management	√	√	
Procurement	√	√	
Marketing	√	√	
Scheduling	√	√	
Transportation Operations	√	√	
Safety and Training	√	√	
Maintenance	√	√	
Legal	√	√	

The AMATS Policy Committee would need to be expanded to include representation from Mat-Su Borough. This Committee currently consists of five voting members: the Commissioner of the Alaska Department of Transportation and Public Facilities or designee, the Commissioner of the Alaska Department of Environmental Conservation or designee, the mayor of the Municipality of Anchorage, and two Anchorage Municipal Assembly members. The Policy Committee receives input from the Anchorage Municipal Assembly, the AMATS Technical Advisory Committee, the municipal Planning and Zoning Commission, and the public. This will need to be expanded to include the Mat-Su Borough Assembly, and a new RTA Advisory Committee created to provide regular input to RTA staff and contractors.

Staffing

Total staffing levels would mirror that of Alternative 1, 2 and 3, depending on the roles and responsibilities of the RTA, People Mover, and MASCOT. The AMATS staff may need to include different expertise.

Advantages and Disadvantages

The following advantages and disadvantages for Alternative 4 were identified.

Advantages

- ◆ The RTA would fit into an existing organization, and a new public entity would not be created.
- ◆ It would help expand the RTA's roles and responsibilities to area outside of public transportation.

Disadvantages

- ◆ The operation of public transportation is not part of AMATS current mission.
- ◆ AMATS' planning area currently does not include Mat-Su Borough, and would need to be changed.
- ◆ The membership of AMATS Policy Committee would need to be expanded to include representation from MSB, and possibly Palmer and Wasilla.
- ◆ Creating an RTA would need to have actions taken at both the state and local levels, neither of which have been committed.

PUBLIC OUTREACH SUMMARY

The RLS & Associates team participated in conversations with the groups listed in Exhibit 18 during the week of December 7, 2010. Information about the Regional Transit Authority planning effort provided by the project team consisted of a PowerPoint presentation, a fact sheet and a summary of the PowerPoint presentation. Some meetings were formal, for example, the Joint Municipality of Anchorage and Matanuska Susitna Borough Assembly meeting, while others were informal conversations. This section of the report summarizes the input received.

Exhibit 18 Chronology of Outreach

Date	Group	Representing
12/02/10	<i>AMATS Technical Advisory Committee</i>	Metropolitan Planning Organization, representatives include: Municipal Traffic, Public Transportation, Public Works, Planning, Health Divisions and Port of Anchorage Alaska Railroad Corporation Alaska Dept of Environmental Conservation Alaska Department of Transportation
12/06/10	MOA Legal Department, Ralph Duerr	Municipality of Anchorage
12/06/10	<i>Joint MOA/MSB Assembly Meeting</i>	Elected Assembly members from Matanuska Susitna Borough and Municipality of Anchorage
12/06/10	<i>Alaska Mobility Coalition</i>	Statewide transit advocacy group
12/07/10	<i>Community Transportation Coalition</i>	City of Palmer City of Wasilla City of Houston (invited) Mat-Su Borough Mat-Su Community Transit (MASCOT) Valley Mover Alaska Department of Transportation & Public Facilities Engineering Consultants (various) Mat-Su Area Legislators Native Village of Chickaloon (invited)
12/07/10	<i>Mat-Su Area Legislative Staff</i>	Elected officials
12/08/10	Highway to Highway Team	Anchorage project with regional significance, bus rapid transit alternative being considered
12/08/10	<i>MASCOT Board of Directors</i>	Mat-Su Community Transit Board of Directors
12/08/10	<i>DOT&PF Statewide Planning</i>	Statewide Planning Special Assistant to DOT Commissioner
12/09/10	<i>MOA Public Transportation Advisory Board</i>	Transit Advisory Board
12/16/10	<i>AMATS Policy Committee</i>	Metropolitan Planning Organization Policy Committee

Issues and comments received from the various groups fell into several broad categories noted below. The comments are summarized by category.

1. State Enabling Legislation
2. Anchorage/Mat-Su Regional Transit Authority
3. Funding
4. Current Services
5. Future Services
6. General Comments
7. Questions that the RTA study should answer

STATE ENABLING LEGISLATION

HB 152 was drafted using Regional Port Authority and Regional Solid Waste Management Authority enabling legislation as examples. The Alaska State Legislature considered House Bill 152 in the 2009-2010 session. The legislation was not passed and saw little committee review. Discussion of the draft legislation raised the following issues:

- ◆ What changes, clarifications, and/or additions to consider in legislation proposed to be re-filed in the 2011-2012 legislative session?
- ◆ Without a funding mechanism, the legislation had a fatal flaw.
- ◆ Legislation currently allows municipalities to form an RTA by local ordinance.
- ◆ Legislation creates an instrumentality of the State and may include powers of eminent domain, taxation, issuance of bonds and others.
- ◆ Size of communities considered in case studies should be smaller and more in line with communities such as Anchorage and Mat-Su.
- ◆ Deadline for comments/suggestions/changes to RTA legislation is mid December to allow for the pre-file of the bill on December 31, 2010.
- ◆ Other elected officials interested in the legislation include Senator Ellis, Senator McGuire, Senator Huggins; Representative Neuman and Representative Stoltze.
- ◆ The state enabling legislation doesn't necessary have to be in place for the MOA and MSB to execute an agreement for regional travel.
- ◆ Prefer "transportation" rather than "transit." Transportation denotes all types of modes and should be considered so the legislation would include buses, commuter rail, transit, roads and ferry transport. "Transit" for some denotes buses only.

ANCHORAGE/MAT-SU REGIONAL TRANSIT AUTHORITY

- ◆ The RTA study should flesh out all the funding options for a Regional Transit Authority.
- ◆ The “overlay district” type of RTA seems most feasible for this area.
- ◆ RTA establishment has long been advocated by the Alaska Railroad Corporation and the Mat-Su Borough. Anchorage has been cautious about getting involved for fear of losing funding to regional services.
- ◆ One advantage of the RTA would be to expand transportation services and reduce the burden to taxpayers (mostly property tax).
- ◆ Potential complications of the RTA may include future regional transportation in the form of Commuter Rail, Cook Inlet ferry and Knik Arm Crossing; and Anchorage’s Highway to Highway project.
- ◆ When reviewing funding, look at proposed Alaska Transportation Infrastructure Fund for which legislation was proposed, but not passed in the last legislative session. The legislation may be re-filed in the 2011-2012 legislature. This fund may identify the same funding sources as the RTA..
- ◆ In providing information to the public about the RTA and legislation explain the incentives to forming RTAs and potential for reducing local property taxes (depends on funding source).
- ◆ State of Alaska is a recipient of FTA 5311 grant funding (rural transit) which requires a 50% match. Due to lack of local matching funds, these funds often go unclaimed. The enabling legislation could provide the match funding mechanism.
- ◆ Voters will support the RTA when they know what they are buying/getting when it is created.
- ◆ One benefit of an RTA would be to invest in operating and save for capital needs.
- ◆ RTA should be involved in corridor planning a function currently not the focus of the DOT&PF.
- ◆ RTA could also be charged with evaluating Transportation System Management (TSM) and Transportation Demand Management (TDM) on corridors of regional significance.
- ◆ Mat-Su is the fastest growing area, even though in recent years, the rate of growth has slowed.

- ◆ Alaska Railroad Corporation will continue to encourage communities to formulate a regional transit authority. If commuter rail makes sense in the future, ARRC will be interested in responding to a request for proposal to operate the service.
- ◆ Regional travel between Anchorage and Mat-Su for commuters is an impressive amount despite being a 1-2 hour commute. There should be travel options available other than single occupancy vehicles (SOVs).
- ◆ The RTA could provide for better coordination between current providers and government entities.
- ◆ The community needs to adopt some path forward – something to shoot for to keep moving.
- ◆ Commuters want a good and consistent schedule of service.
- ◆ Anchorage needs to realize that they, too, are part of the solution. They need to hold on to the larger, important employers whose employees are commuting a couple of hours a day to work. The presence of these employers in Anchorage is important to the city’s economy. Anchorage is the center of the regions’ work market.
- ◆ Federal incentives for transport need to be considered and discussed with employers.
- ◆ All services are now in silos and should be integrated. The RTA could help with that.
- ◆ DOT&PF needs to be part of any RTA organization because they own so many roads in Alaska.
- ◆ The governance board for the RTA needs to be carefully thought out. AMATS should not be an operator of an RTA as there is little distinction between AMATS and Anchorage.

FUNDING

- ◆ County and Municipal taxes in the case studies included an earnings tax in Southwest Ohio and a sales tax in Columbus Ohio.
- ◆ The benefits of the current vanpool program have been quantified. This information would help justify the formation of the RTA. Vanpool is a “regional” service that would neatly fall within the RTA.
- ◆ Consider using “program receipts” such as a percentage of the vehicle registration fees or state gasoline tax collected within the geographical boundary of the RTA. Statewide about \$40 million is generated in gasoline taxes. If we assume that 50% of that is currently collected in the proposed RTA area and 10% of that be allocated to the RTA, this might generate in the neighborhood of \$2 million. These fees are already collected and collection mechanics are in place.

- ◆ State of Alaska is a recipient of FTA 5311 grant funding (rural transit) which requires a 50% match. Due to lack of local matching funds, these funds often go unclaimed. The enabling legislation could provide the match funding mechanism.
- ◆ The Alaska Municipal League provided some funding ideas in their *Alaska Transportation Finance Study final report* prepared by Cambridge Systematics, Inc., in January 2009.
- ◆ Property tax is often used because the collection mechanism is in place.
- ◆ As the State of Alaska sees a 7% per year loss in pipeline capacity, revenues are declining.
- ◆ A gasoline tax levied on top of the current state gasoline tax could work the collection mechanism is also in place for this tax.
- ◆ Juneau collects a sales tax for transit.
- ◆ Home rule cities are most permissive when it comes to revenue generation, more so than 1st or 2nd Class cities.

CURRENT SERVICES

- ◆ Valley Movers is providing 140 riders per day.
- ◆ Vanpool currently operates 55 van pools between Anchorage and Mat-Su
- ◆ People Mover service is challenged by annual budget battles, making it difficult to do long range planning.

FUTURE SERVICES

- ◆ Commuter Rail was envisioned to have six DMU's that would operate on ½ hour headways 18 hours per day.
- ◆ Rail has the advantage because the right of way exists, the airport connection is complete, some physical buildings are in place (Palmer Depot, Wasilla Depot is being planned, etc); and some park and ride facilities are in place.
- ◆ The commuter rail system would create lots of jobs.
- ◆ Tiger grants were issued to the DMU manufacturer to rebuild their capacity.
- ◆ The Alaska Railroad Corporation (ARRC) is considering flex service to Girdwood (Wasilla – Downtown Anchorage – Dimond Center – Alyeska).
- ◆ Commuter rail challenges include how to get riders from the depot to their job.

- ◆ ARRC will participate in the RTA and recognizes that doing so may cost them their FTA funding. The ARRC is receiving about \$40 million per year from 5307 (Urbanized Area) and 5309 (Fixed Guideway) funding.

GENERAL

- ◆ An aging population will put a strain on all forms of transportation funding in the near future and should be planned for.
- ◆ Four percent of the trips on the Glenn Highway (between Anchorage and Mat-Su) is on some form of transit (vanpool, MASCOT, Valley Mover).
- ◆ Other build considerations along the Glenn Highway corridor include a High Occupancy Toll (HOT) lane, which would allow for faster travel. Shifting commuter services to transit from SOV could delay this investment.
- ◆ The Highway 2 Highway project team is completing a FTA Small Starts Analysis for the alternatives. They envision a bus rapid transit (BRT) service that originates in Birchwood and goes as to South Anchorage. They are looking to shift SOVs to BRT.
- ◆ Jobs in Anchorage are centered in 3-4 areas. According to the H2H analysis, Downtown attracts 18,000 jobs; Midtown, 22,000 jobs, University/Medical area 16,000 jobs; and the airport 5-6,000 jobs. Dimond/O'Malley area is another large concentration of jobs in Anchorage.
- ◆ Past efforts to organize a Regional Transportation Planning Organization (RTPO) lasted 6 to 8 months. The regional structure and priorities were challenges the group faced.
- ◆ Glenn Highway lane management and the Knik Arm crossing are area challenges.
- ◆ H2H will consider adding the BRT to the AMATS LRTP update with MSB support as part of the long-term vision.
- ◆ Broadway Street in Tucson, Arizona has a High Occupancy Vehicle lane that can be used by bus rapid transit and turning vehicles.
- ◆ The communities need to look at the sustainability of the transportation systems.
- ◆ Work with legislative liaisons and the tri-borough (Anchorage, Mat-Su and Kenai) on the legislation.

QUESTIONS

Would we need to expand the Metropolitan Planning Organization (MPO) to create a regional transit authority? How would you change the structure of the MPO (AMATS Policy Committee)?
No, an RTA and MPO are separate functions.

Could the regional transit authority include a ferry service? *The RTA could include transit services. Sound Transit in Seattle is a good example as it includes ferry connections, bus and light rail and the fares are integrated. A rider can get on ferry, transfer to the bus, and transfer to the light rail. The RTA facilitates the fare development.*

Does the state Department's of Transportation have an impact on a Regional Transit Authority?
They have a significant impact on the RTA, typically in the areas of funding and state/federal compliance.

Would Section 5307, Fixed Guideway, funds be diverted to the RTA? *Only if the system receiving the funds was consolidated into the RTA. Systems can participate in the RTA as a contract provider and be a FTA funding recipient. For example, the Chicago RTA receives FTA funds from new funding sources (JARC, New Freedom) but other transit operators also remain FTA funding recipients.*

How much of a typical public transportation provider's costs are covered by passenger fares?
Fare recovery can vary from 10 to 50%. For a new service, it typically takes about two years to get halfway to the ultimate ridership potential. You have to weigh the potential subsidy against other transportation system improvements, for example, the cost of adding lanes to the Glenn Highway.

What is the advantage of an RTA to the current providers? *An RTA could help develop and provide additional funding for expanding public transit services.*

Did the RTAs in the case studies evolve over time? *Yes, a good example is the Cleveland RTA. Currently all transit services are consolidated under this RTA, however, this occurred over about a decade. One community is not a participant in the RTA. Some begin as a planning organization and evolve into operations to varying degrees. Some got their start when new monies became available and the RTA was the logical entity to receive and administer the funds because the provided the inter-jurisdictional coordination, etc.*

How are RTAs funded? *Typically, RTAs are funded using a combination of funds including state, federal and local municipal funds.*

Could the Mat-Su Borough be a "Regional Transit Authority"? *It could form an RTA that serves just MSB.*

What is the State of Alaska investment in public transportation? *The ferry system provides a form of public transportation. It provides one percent of the state average daily traffic, but receives 40-*

50 percent of the DOT's operating budget. However, the ferry operates in a "roadless" area of the state, and the ferry is the only alternative.

What do you need to do to put a RTA in place? State enabling legislation is the first step. Then, based on the requirement of this legislation, action by local government is typically needed.

FINDINGS AND RECOMMENDATIONS

Based on research conducted and input provided for the Task 1 portion of the RTA Plan, the following findings and recommendations are made:

- ◆ There is a significant interest in creating a regional transit authority in the MOA/MSB region. This is an indication of support for reintroducing RTA enabling legislation in the next State legislative session.
- ◆ An RTA is seen as a means to improve public transportation within and between these jurisdictions. Therefore, an RTA with multiple jurisdictions is warranted.
- ◆ Alternative 2 is the recommended organizational structure for an RTA in the MOA/MSB region. This alternative would utilize People Mover, MASCOT, and other local operators to provide public transportation that is financed by the RTA.
- ◆ RTAs in other parts of the country have local and/or state sources of dedicated funding to finance public transportation services. Local funding in Alaska is exclusively designated to existing services. The largest provider, People Mover, annually defends its expense in Municipal budget discussions.
- ◆ Alaska is one of only a few states that currently do not provide operating funding for public transportation, with the exception of ferry service.

APPENDIX B

REGIONAL TRANSIT AUTHORITY PLAN

**MUNICIPALITY OF ANCHORAGE AND THE MATANUSKA-SUSITNA
BOROUGH**

TASK 2 REPORT

APRIL 19, 2011





Moving Public Transportation Into the Future

Table of Contents

Introduction B-1

**Current Public Transportation in Glenn Highway Corridor
..... B-2**

 Municipality of Anchorage Public Transportation
 Department B-3

 Mat-Su Borough..... B-5

 Private Sector Bus Service B-8

Proposed Transit Service Improvements..... B-10

 Commuter Express..... B-10

 Bus Rapid Transit B-15

 Commuter Rail B-21

Findings and Recommendations B-27

INTRODUCTION

Introduction

The Municipality of Anchorage (MOA) in conjunction with the Matanuska-Susitna Borough (MSB) contracted with RLS & Associates, Inc. (RLS) to create a Regional Transit Authority Plan. This Plan will serve as a guide for the management and organizational structure for current and future public transportation services in south central Alaska. Four tasks are included in the RTA Plan. These include: a review of regional transit management and governance; an analysis of regional transit service and operations; an analysis of regional transit costs and funding; and the creation of a Regional Transit Authority Plan and recommendations.

The following findings were made for Task 1:

- ◆ There is a significant interest in creating a regional transit authority in the MOA/MSB region. This is an indication of support for reintroducing RTA enabling legislation in a future State legislative session.
- ◆ An RTA is seen as a means to improve public transportation within and between these jurisdictions. Therefore, an RTA with multiple jurisdictions is warranted.
- ◆ The recommended organizational structure for an RTA in the MOA/MSB region utilizes People Mover, MASCOT, and other local operators to provide public transportation that is financed by the RTA.
- ◆ RTAs in other parts of the country have local and/or state sources of dedicated funding to finance public transportation services. Local funding in Anchorage is exclusively designated to existing services. The largest provider, People Mover, annually defends its expense in Municipal budget discussions.
- ◆ Alaska is one of only a few states that currently do not provide operating funding for public transportation, with the exception of ferry service.

This document is the report of the findings and recommendations of Task 2. It includes an overview of existing, and a review of proposals for improving regional public transportation services in the Glenn Highway Corridor.

People Mover and Anchor-RIDES are services of the Public Transportation Department of the Municipality of Anchorage and operate exclusively within the MOA boundaries. The MOA's Share-a-Ride program provides vanpool services for commuters traveling into and out of the Anchorage metropolitan area. MASCOT is a service of Mat-Su Community Transit, a private non-profit agency organized solely to provide public transportation service to MSB residents within their community and with select peak hour service into Anchorage. In addition to these organizations, a private entity, Valley Mover, is providing public transportation in the Glenn Highway Corridor.

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CURRENT PUBLIC TRANSPORTATION IN GLENN HIGHWAY CORRIDOR

GLENN HIGHWAY TRAVEL CHARACTERISTICS

The Glenn Highway is the only direct highway between Mat-Su Borough and Anchorage. It currently carries 28,495 ADT at the Eklutna overpass, 35,790 ADT at the South Birchwood Road overpass, and 29,450 vehicles daily on average (ADT) at the Artillery Road overpass.

The number of people living in Mat-Su Borough working in Anchorage was estimated to be 9,300 by the Institute of Social and Economic Research of the University of Alaska at Anchorage. A breakdown of where in Anchorage these people work appears in the White Paper entitled *Origin Destination Study - Work Locations of Matanuska-Susitna Workers*¹. This estimated that there are 7,035 Mat-Su residents working in Anchorage. Of these, the greatest concentrations are in the Midtown area. Exhibit 1 includes a breakdown of these employment locations within Anchorage. The difference in these estimates is due to different sources and time periods.

Exhibit 1
Distribution of Anchorage Work Locations of Matanuska-Susitna Commuters

Subarea	Number of Commuters	Percent of Total Commuters	Actual Anchorage Job Distribution (Percent)
Downtown	713	10.1%	12.8%
North Midtown	1,271	18.1%	15.6%
Northwest	520	7.4%	8.7%
Southwest	295	4.2%	4.2%
South Midtown	1,181	16.8%	12.6%
Southeast	53	0.8%	1.6%
Northeast	585	8.3%	7.7%
Fort Richardson	18	0.3%	3.2%
Ship Creek- Elmendorf	284	4.0%	9.2%
Chugiak-Eagle River	428	6.1%	2.7%
Dimond	431	6.1%	3.4%
Abbott Loop	329	4.7%	3.9%
University Medical District (U-Med)	382	5.4%	7.7%
Merrill Field	545	7.7%	6.2%
Total	7,035	100%	100%

Sources: Municipality of Anchorage (MOA), Traffic Department. Anchorage Transportation Demand Model, 2007 socioeconomic input files and U.S. Census Bureau. 2006. Longitudinal Employer – Household Dynamics (LEHD) Program, Alaska dataset.

¹ Origin Destination Study - Work Locations of Matanuska-Susitna Workers, Jon Springs, February 14, 2009.

MUNICIPALITY OF ANCHORAGE PUBLIC TRANSPORTATION DEPARTMENT

The Anchorage Public Transportation Department provides fixed route bus service known as People Mover throughout Anchorage, including the Eagle River area. Route 102, which operates mostly along Glenn Highway, is an express route designed to attract people living in the Eagle River area who work in Anchorage. There is also demand response service available to the general public provided in this area known as Eagle River Connect. People Mover also provides fixed route and demand response services in the Glenn Highway Corridor between Muldoon Road and downtown Anchorage; however, these are local public transportation services and not part of this analysis.

People Mover Route 102

Currently People Mover Route 102 provides service along Glenn Highway from North Peters Creek and Eagle River to Downtown and Midtown Anchorage. The route provides service to the Alaska Native Medical Center, Providence Hospital, Midtown Anchorage, the Downtown Transit Center, from the Eagle River Transit Center, North Birchwood Park & Ride, and Voyles Road. Ridership is about 300 passengers per day.

The route operates on 20 minute headways from 5:59 a.m. to 8:09 a.m. and 2:45 p.m. to 7:07 p.m. on weekdays. This level of service generates 12.9 revenue hours and 307.1 revenue miles. Exhibit 2 summarizes this information.

**Exhibit 2
Route 102 Profile**

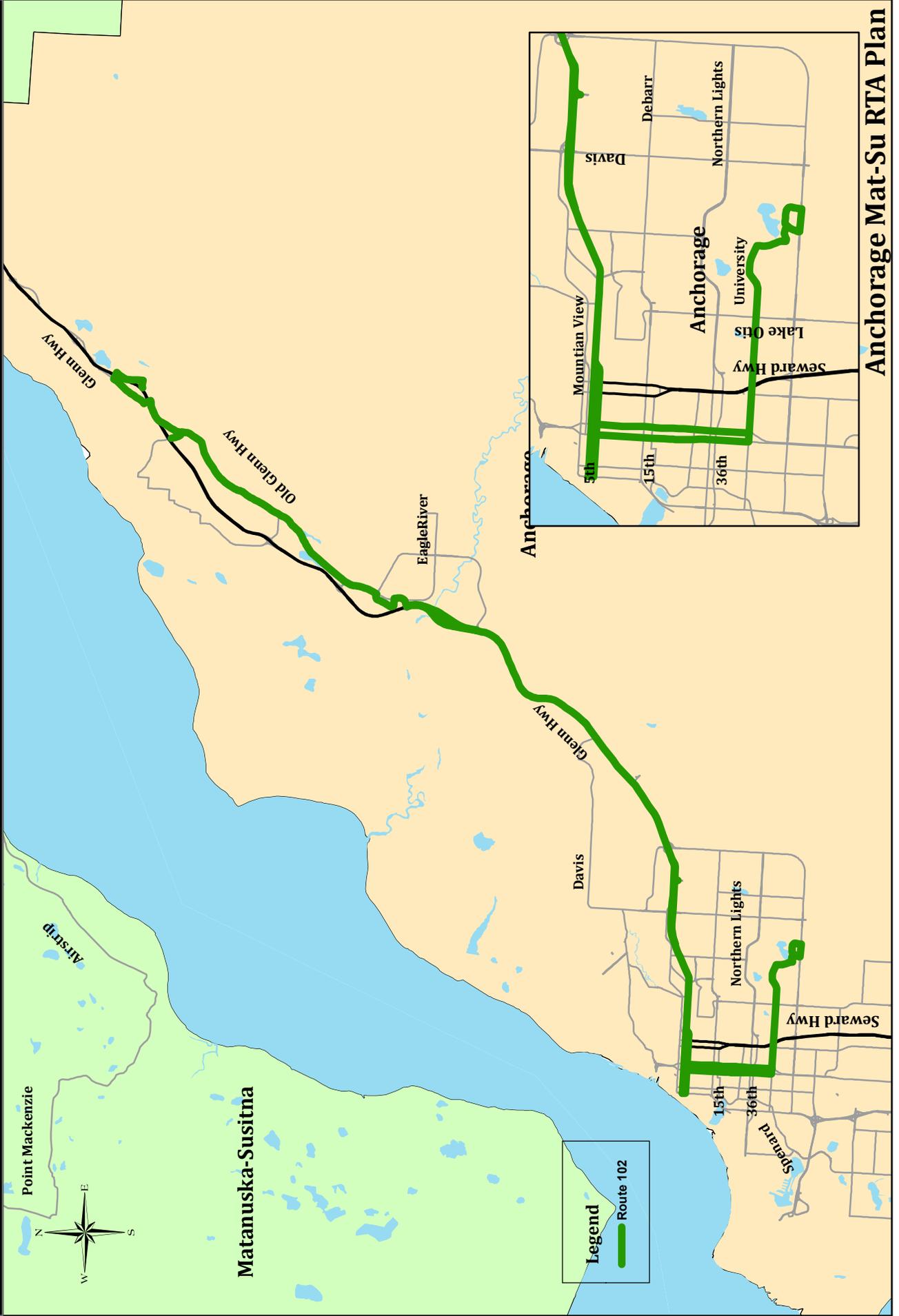
Route	Service Span	Average Headway	Revenue Hours	Revenue Miles
	Weekday	Weekday	Weekday	Weekday
102	5:59a - 8:09a 2:45p - 7:01p	20	12.9	307.1

The map in Exhibit 3 depicts the alignment of Route 102.

Vanpools

The Anchorage Share-a-Ride program has experienced significant growth in the past five years, expanding from 25 vanpools to the current level of 54 vanpools with 992 participants. Exhibit 4 summarizes this information.

Exhibit 3 People Mover Route 102



**Exhibit 4
People Mover Vanpools**

Number of Vans	79
Number of Vanpools	54
Number of Participants	992
Daily Vehicle Reduction	554

Some fifty one (51) of these vanpools are groups traveling from the Mat-Su Valley along the Glenn Highway Corridor. There are currently six (6) vanpools that originate in Palmer and forty five (45) vanpools that originate in Wasilla.

Exhibit 5 illustrates the origins and destinations of the Share-a-Ride vanpools. This indicates the majority of vanpools originate in Wasilla and travel to Anchorage. There are also a number of trips being made to Elmendorf Air Force Post and Fort Richardson Army Base, which are both located along the Glenn Highway Corridor. The most active location in Mat-Su Borough is the Trunk Road park and ride lot where eighteen (18) vanpools originate.

MAT-SU BOROUGH

MASCOT Anchorage Commuter

MASCOT provides a weekday commuter service to Anchorage from the MSB. Exhibit 6 provides an overview of the commuter service. Inbound trips operate from 5:00 a.m. to 9:00 a.m. on Mondays, Wednesdays, and Fridays, and from 5:00 a.m. to 11:00 a.m. on Tuesdays and Thursdays. On all weekdays return service is from 4:00 p.m. to 8:00 p.m. This service operates an estimated 8 revenue hours on Monday, Wednesday, and Friday.

**Exhibit 6
MASCOT Commuter Profile**

Route	Service Span		Revenue Hours		Revenue Miles	
	M,W,F	T,TR	M,W,F	T,TR	M,W,F	T,TR
Anchorage Commuter	5:00a - 9:00a	5:00a - 11:00a				
	4:00p - 8:00p	4:00p - 8:00p	8.0	10.0	256.0	320.0

The map in Exhibit 7 shows the alignment of this route. The route originates in Palmer and makes a stop at a park & ride lot on Trunk Road before continuing to downtown Anchorage.

Exhibit 5 Vanpool Locations

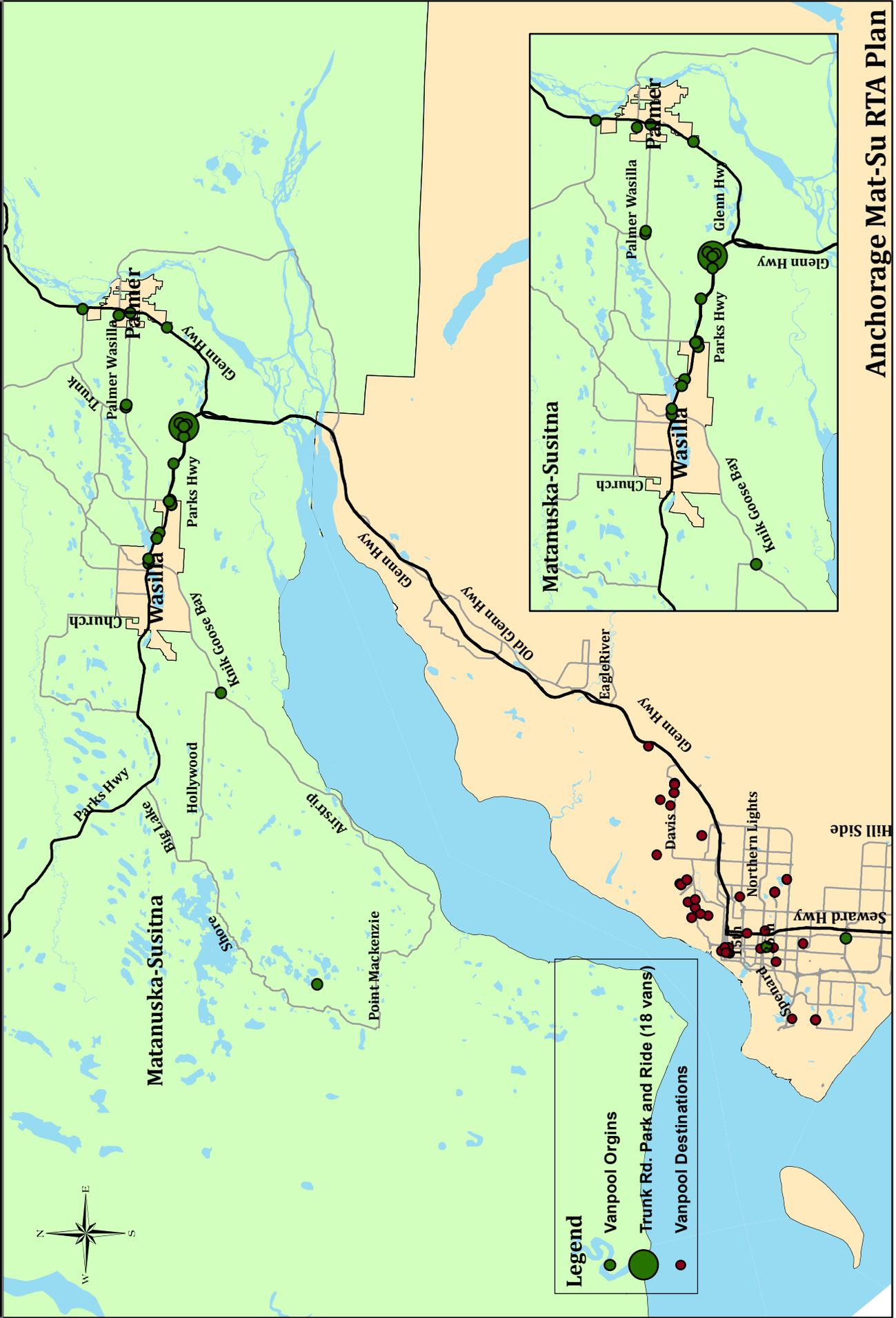
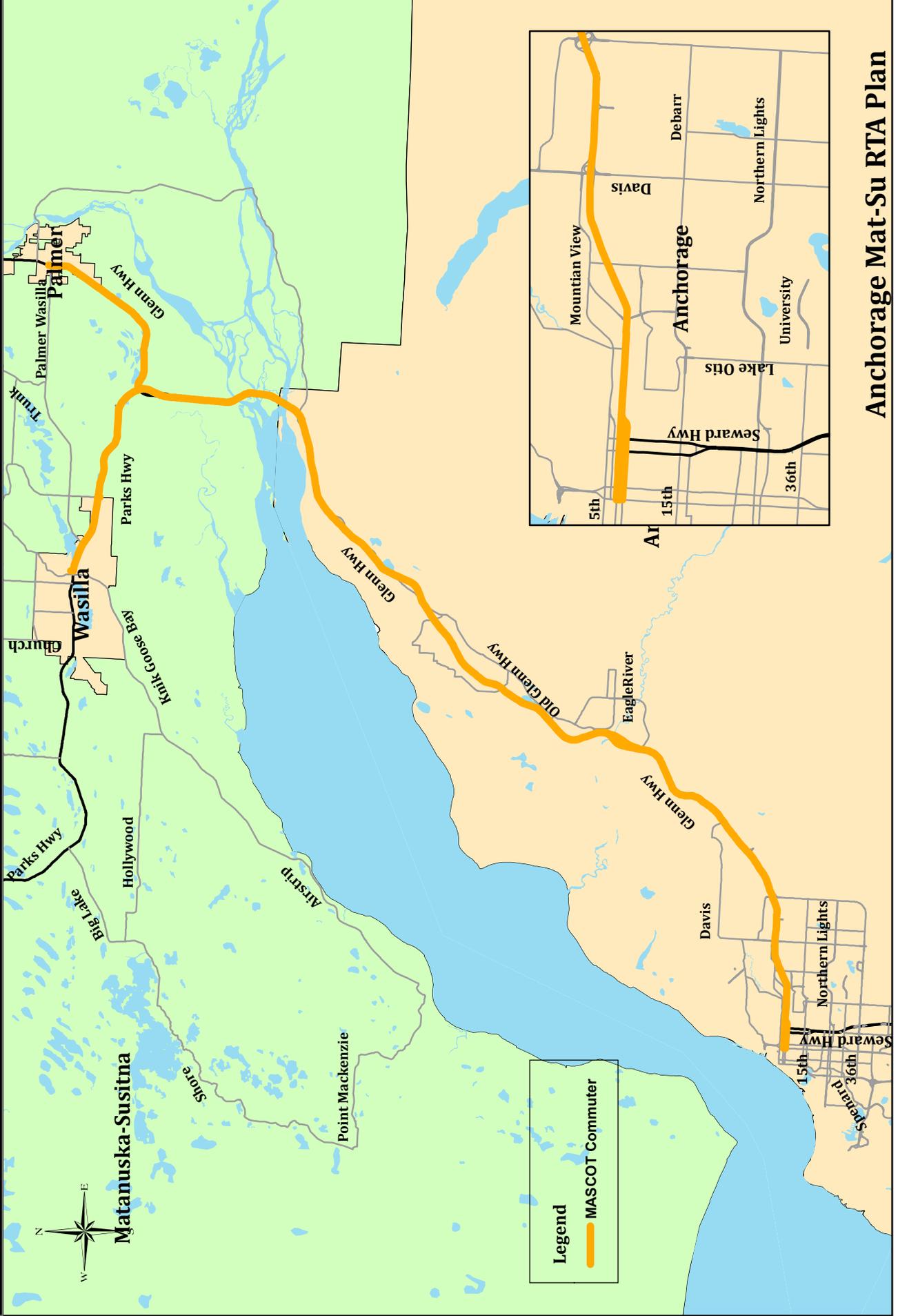


Exhibit 7 MASCOT Anchorage Commuter



Anchorage Mat-Su RTA Plan

Private sector Bus Service

Valley Mover

Valley Mover operates a route between the Mat-Su Valley and Anchorage. The table in Exhibit 8 outlines the service characteristics of this route. It is estimated that the route operates a total of 17.8 revenue hours and 569.6 revenue miles. The service is operated from 5:15 a.m. to 11:15 a.m. and 2:05 p.m. to 8:16 p.m. On average, the service operates every 65 minutes during these time periods.

**Exhibit 8
Valley Mover Route Profile**

Route	Service Span	Average Headway	Revenue Hours	Revenue Miles
	Weekday	Weekday	Weekday	Weekday
Valley Mover	5:15a- 11:15a 2:05p - 8:15p	65	17.8	569.6

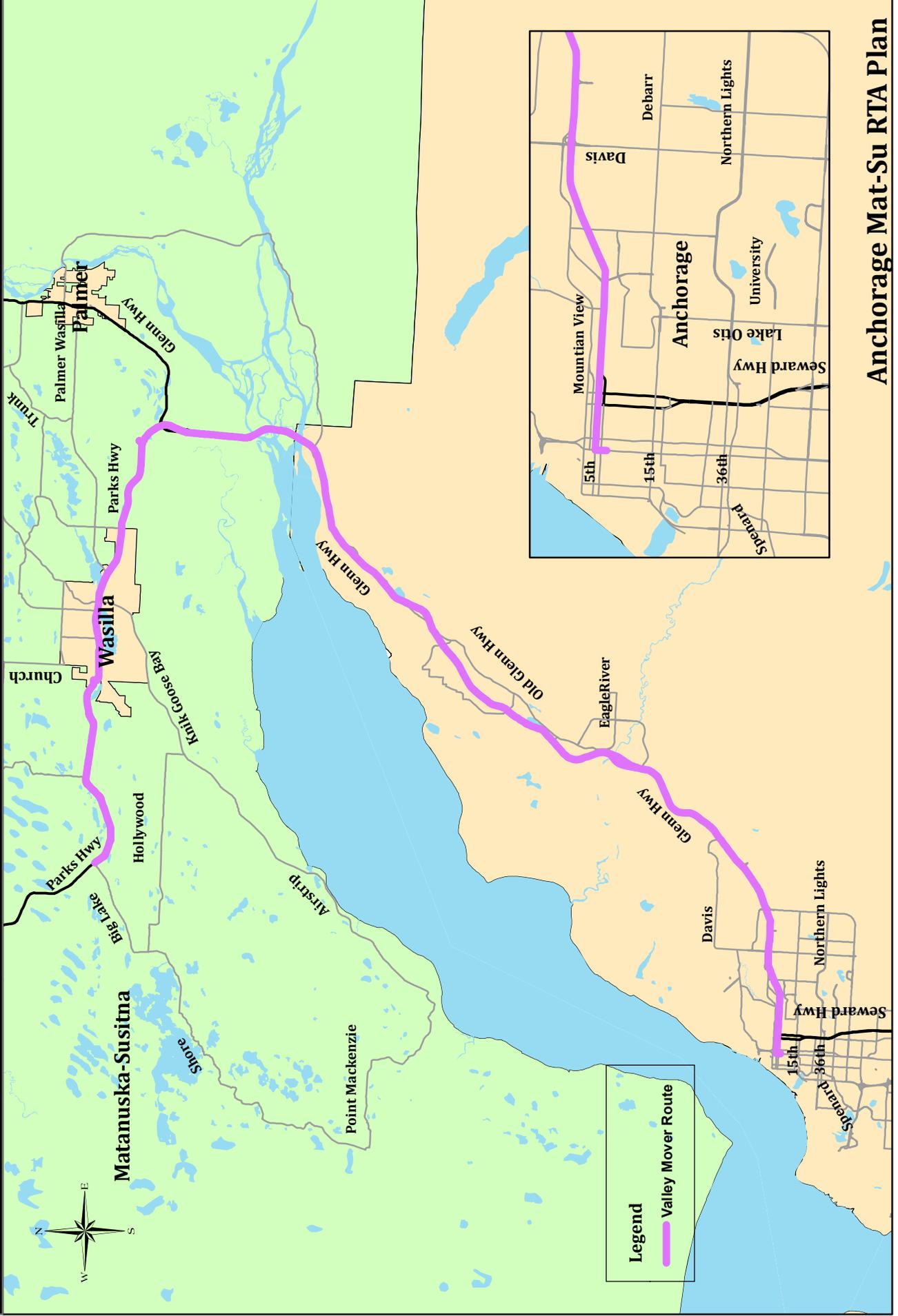
Ridership has grown since this route was initiated in 2010. Exhibit 9 shows the monthly ridership since July of 2010.

**Exhibit 9
Valley Mover Ridership**

Month	Ridership
July 2010	1,109
August	2,020
September	1,759
October	2,158
November	2,257
December	2,864
January 2011	3,127
February	3,092

Exhibit 10 depicts the alignment of the Valley Mover route. It operates between the Wasilla Fred Meyer and the Anchorage Museum on 7th and C. During the mornings, it also serves the Trunk Road Park and Ride near Parks Highway. Service to the Valley Mover bus garage north of Wasilla is available at during limited times. Service is available to Eagle River upon request.

Exhibit 10 Valley Mover



PROPOSED TRANSIT SERVICE IMPROVEMENTS

Three types of public transportation services have been proposed for the Glenn Highway Corridor. These include: 1. Commuter Express Bus; 2. Bus Rapid Transit (BRT); and 3. Commuter Rail. Each of these services have been proposed and have had major studies associated with them.

The Commuter Express Bus option includes weekday peak hour trips that are designed to serve residents of Mat-Su Borough, and the Chugiak/Eagle River area, that are employed in Anchorage. BRT is all day frequent service with a series of stations for passenger access. Either of these services can use the HOV lane that is planned for the Glenn Highway. Commuter Rail service would use a rail right-of-way that is currently used by the Alaska Railroad. It would operate during the weekday peak periods only.

COMMUTER EXPRESS BUS

Overview

The Express Bus option provides service from Palmer and Wasilla to Anchorage and would improve commuter transportation along the Glenn Highway. This is a part of the Mat-Su Short Range Transit Plan (SRTP). It would operate morning peak period trips from Palmer and Wasilla to Anchorage with corresponding afternoon return trips. In Anchorage, this route would serve the downtown, Midtown, and U-Med District areas.

Level of Service

Outlined below are three express bus options. The first option combines service to Palmer and Wasilla by extending the current People Mover Route 102. The second option provides a separate express route serving Palmer and Wasilla. The third option shortens Option 2 by serving the Mat-Su Borough with a single stop at the Trunk Road park and ride lot.

Option 1- Extending People Mover Route 102

This option is an express route with two branches. One branch would originate at a park and ride lot in Palmer and the other at a park and ride lot in Wasilla. From these locations, buses would stop at the Trunk Road Park and Ride lot near Wasilla, at Voyles Boulevard, at North Birchwood and at the Eagle River Transit Center. From Eagle River the route follows current People Mover Route 102, stopping at the Boniface Interchange, downtown transit center, C Street and 36th Avenue, the U-Med District, and the Alaska Native Medical Center. Thirty (30) minute weekday peak frequencies would be provided between Anchorage and the Trunk Road

park and ride lot, and sixty (60) minute frequencies each on the Palmer and Wasilla branches. Exhibit 11 shows the proposed alignment of this option.

Option 2- Separate Express Route from Palmer and Wasilla, in addition to Route 102

The second express option would operate in addition to the existing Route 102 service. This new route would alternate its starting point between Wasilla and Palmer and continue south into Anchorage but not serve Boniface Parkway or the Eagle River areas. Instead the route would operate an express route between the Trunk Road Park and Ride area to downtown Anchorage. From there it would follow the People Mover Route 102 alignment with stops at the downtown transit center, C Street and 36th Avenue, the U-Med District, and the Alaska Native Medical Center. Exhibit 11 also depicts Option 2.

Option 3- Separate Express Route from Trunk Road Park & Ride, in addition to Route 102

Option 3 would stop at the Trunk Road Park and Ride lot - the only stop in the Mat-Su Borough. Frequencies would be 30 minutes for the entire route. Exhibit 11 also shows the proposed alignment of Option 3. This route would also follow the Route 102 alignment when in Anchorage.

The table in Exhibit 12 outlines the service characteristics for each express option. Service under all options would be operated from 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. Option 1, with the most running time, has the highest number of revenue hours at 18.0 and highest revenue miles at 576.0. Option 2 has a total of 15.8 revenue hours and 505.6 revenue miles. Option 3 has a total of 13.5 revenue hours and 432.0 revenue miles.

It is important to note that only Option 1 provides service in the Chugiak/Eagle River area. The other options function as an express service between MSB and Anchorage.

**Exhibit 12
Express Option Service Profile**

Route	Service Span			Headway		Veh. Req.		Rev. Hours	Rev. Miles
	Weekday	Saturday	Sunday	Weekday		Weekday		Weekday	Weekday
				Peak	Base	Peak	Base		
Option 1	6:00a - 9:00a 3:00p-6:00p	--	--	30/60	--	5	--	18.0	576.0
Option 2	6:00a - 9:00a 3:00p-6:00p	--	--	30/60	--	5	--	15.8	505.6
Option 3	6:00a - 9:00a 3:00p-6:00p	--	--	30	--	5	--	13.5	432.0

Exhibit 11 Express Bus Options



Capital and Operating Costs

Capital improvements needed for these express service options include the buses required to operate these routes. The proposed express service under Option 1 would require the purchase of two (2) buses. Options 2 and 3 would require the purchase of six buses for each option. As shown in Exhibit 13, the estimated total capital cost of implementing Option 1 is \$800,000 and Options 2 and 3 is \$2.4 million. It is assumed that existing parking lots can be used as park and ride lots for each commuter express option.

**Exhibit 13
Commuter Express Capital Cost**

	Unit Cost 2011	No. of Units	Total Cost 2011
Buses – Option 1	\$400,000	2	\$800,000
Buses – Option 2 & 3	\$400,000	6	\$2,400,000

The estimate of commuter express operating costs is based on the current average vehicle hour costs for People Mover of \$124 per vehicle hour. With 18.0 revenue hours for each non-holiday weekday, there are an estimated 4,590 revenue hours annually in Option 1. This translates to a total annual operating cost of \$569,160. Exhibit 14 summarizes this along with the estimated operating costs for Options 2 and 3.

**Exhibit 14
Commuter Express Annual Operating Costs**

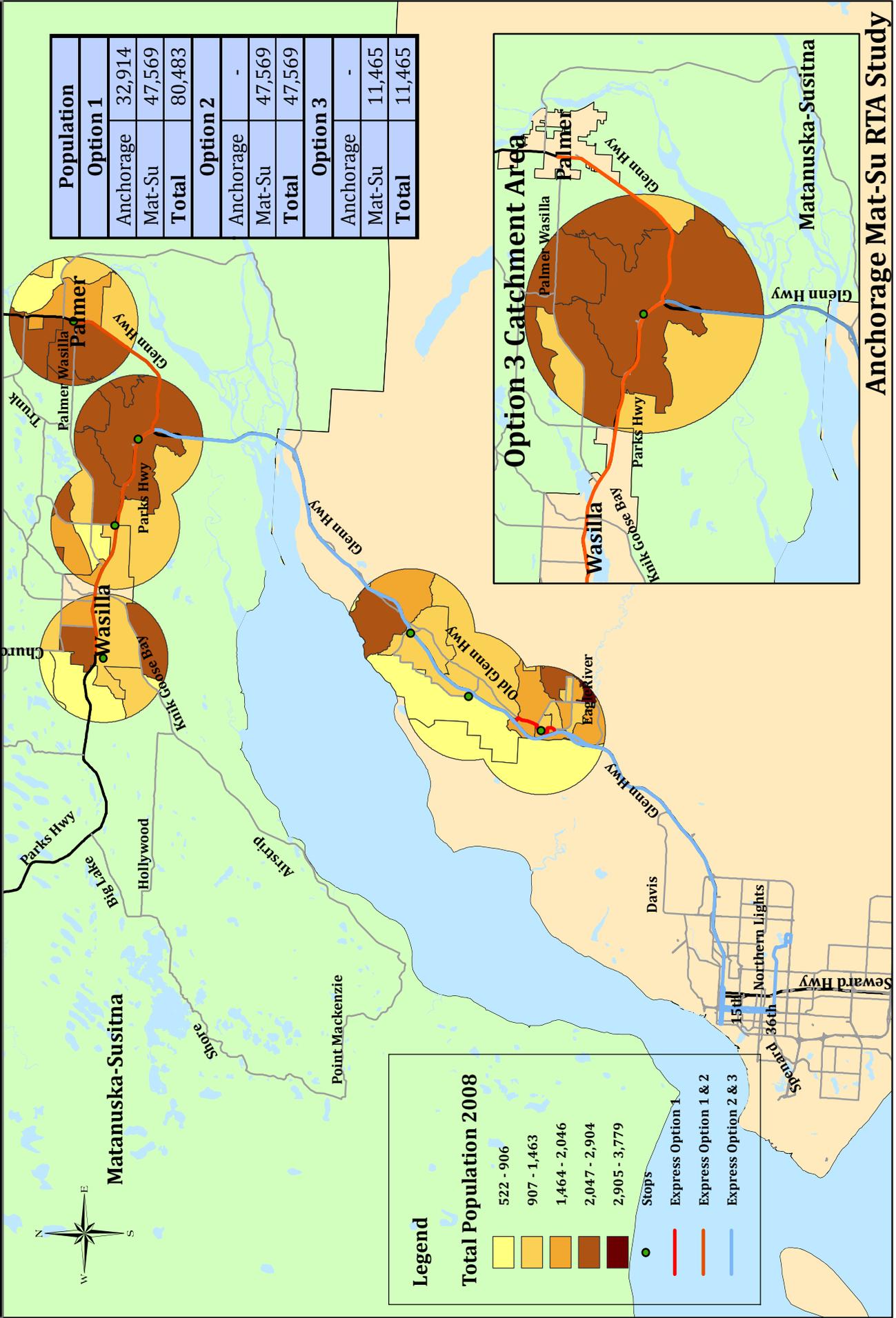
Commuter Express Option	Annual Operating Costs
Option 1 – Route 102 Extension	\$569,160
Option 2 – Palmer and Wasilla	\$499,596
Option 3 – Trunk Road	\$426,870

Population Served

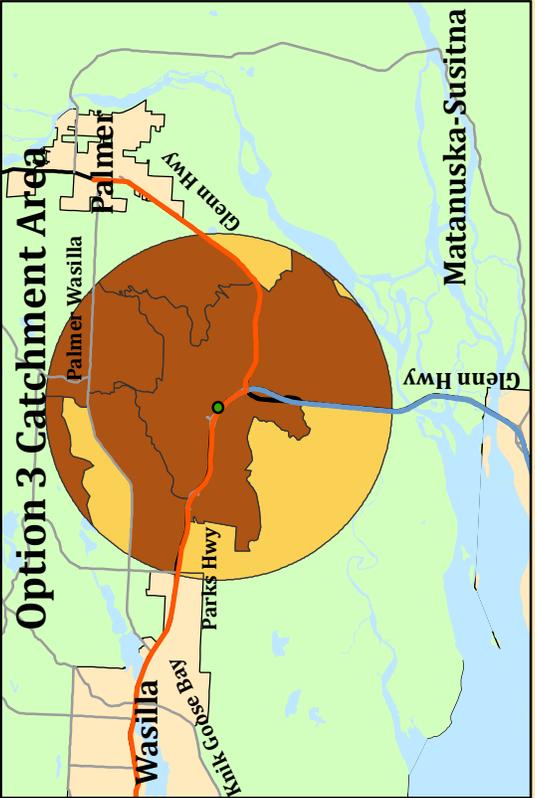
Exhibit 15 shows the population within the catchment area of the proposed Commuter Express stops. In most cases a 2.5 miles radius was used. The only exception to this was in Option 3 where the only stop in Mat-Su Borough was at the Trunk Road park and ride lot. The catchment area for this option was increased to a 3.5 mile radius reflecting the likelihood that more people will drive a longer distance to access Commuter Express Bus service if this were the only option. The total population within the catchment areas for Option 1 is 80,483 with 47,569 in Mat-Su Borough and 32,914 in Chugiak/Eagle River. Option 2 has 47,569 people, all in Mat-Su Borough. Option 3 has 11,465 Mat-Su Borough residents in its catchment area.

The 47,569 population in Mat-Su Borough within the Commuter Express Options 1 and 2 catchment areas is mostly comprised of people living in Wasilla and Palmer. The size of this population and the relatively high percentage of them working in Anchorage, along with the length of this commute, make this a very high potential market for Commuter Express service.

Exhibit 15 Express Bus Stop Catchment Area



Population	
Option 1	
Anchorage	32,914
Mat-Su	47,569
Total	80,483
Option 2	
Anchorage	-
Mat-Su	47,569
Total	47,569
Option 3	
Anchorage	-
Mat-Su	11,465
Total	11,465



Legend

Total Population 2008

- 522 - 906
- 907 - 1,463
- 1,464 - 2,046
- 2,047 - 2,904
- 2,905 - 3,779

Stops

- Express Option 1
- Express Option 1 & 2
- Express Option 2 & 3

BUS RAPID TRANSIT

Overview

The *Anchorage Bowl 2025 Long-Range Transportation Plan, with 2027 Revisions* published by the Anchorage Metropolitan Area Transportation Solutions (AMATS) identified the need to expand public transportation services to meet the growing needs of the Anchorage area. The plan identified the implementation of a Bus Rapid Transit (BRT) service along Glenn Highway as a means of improving public transportation to meet the growing demands in the region.

The development of a BRT service to help alleviate growing traffic congestion has been identified as a viable transportation alternative. Exhibit 16 depicts the proposed BRT route alignment.

The suggested BRT service would provide connections from the Mat-Su and Chugiak/Eagle River area to major destinations in Anchorage. These destinations include employment centers, shopping areas, and existing transportation service. Identified target areas for this BRT include the following:

- ◆ **Employment:** Downtown, Midtown and the U-Med District areas comprise the largest number of jobs in Anchorage, with an estimated total of 58,650 employees. In addition, the Elmendorf Air Force Base with an estimated 24,350 active-duty personnel and Fort Richardson Army Base with an estimated 4,066 active-duty personnel are also major employment destinations.
- ◆ **Shopping:** The Mall at Sears in Midtown, the Fifth Avenue Mall downtown, the Northway Mall in East Anchorage, the Glenn Square Mall, and the Tikhatnu Commons Mall comprise the major shopping destinations.
- ◆ **Transportation:** Connections with existing People Mover, MASCOT, Valley Mover, and Chickaloon Village routes provide increased mobility.

Level of Service

The BRT service would provide a higher level of service than standard fixed route service. This includes the use of an express lane, more frequent service, and more limited stops.

The BRT would take advantage of proposed high occupancy vehicle (HOV) lanes. This would effectively remove the BRT service from regular street congestion and result in faster and more reliable service. The use of an HOV lane and limited stops would decrease travel times over standard fixed route service. This type of service is attractive to commuters. The study entitled *Seward Highway to Glenn Highway Connection FTA Alternatives Analysis* defines a potential level of service for the BRT. Exhibit 17 outlines these service characteristics².

² Alaska Department of Transportation & Public Facilities. *Seward Highway to Glenn Highway Connection FTA Alternatives Analysis (December 2010)*.

Exhibit 17
BRT Service Characteristics

Time Period	Headways	Hours
Am Peak	10 Minutes	6:30 am – 9:30 am
Midday	15 Minutes	9:30 am – 4:30 pm
PM Peak	10 Minutes	4:30 pm – 6:00 pm
Evening	30 Minutes	6:00 pm – 12:00 am
Saturday	30 Minutes	7:00 am – 10:00 pm
Sunday	30 Minutes	7:00 am – 9:00 pm

Source: Seward Highway to Glenn Highway Connection FTA Alternatives Analysis, 2010

To minimize travel times, many BRT (or HOV express) stops are stations built in the median of freeways. This allows buses to stop at these stations without needing to cross traffic lanes when leaving the HOV lane. The following stops/stations were proposed in the “Highway to Highway” report:

- ◆ North Birchwood Park & Ride
- ◆ South Birchwood Park & Ride
- ◆ Eagle River Transit Center
- ◆ Artillery Road Park & Ride
- ◆ JBER Boniface Gate
- ◆ Northway Town Center
- ◆ 3rd Ave.
- ◆ Downtown Transit Center
- ◆ 15th Ave.
- ◆ North Midtown
- ◆ South Midtown
- ◆ Lake Otis
- ◆ U-Med
- ◆ Alaska Native Medical Center



The extension of the BRT to Mat-Su Borough would add stops at the Trunk Road park and ride lot and in Palmer.

A potential funding source to assist in these cost is the Federal Transit Administration’s (FTA) Very Small Starts program. As part of the Section 5309 Capital Investment Grant program, “Very Small Starts” are eligible for a capital grant through a Project Construction Grant Agreement (PCGA). Projects must receive a “medium” rating or better, demonstrate local financial

commitment, consider planning alternatives, and complete preliminary engineering and design work³.

For a project to qualify as a Very Small Start it must contain the following features:

- ◆ Transit Stations;
- ◆ Signal Priority/Pre-emption (for Bus/LRT);
- ◆ Low Floor / Level Boarding Vehicles;
- ◆ Special Branding of Service;
- ◆ Frequent Service - 10 min peak/15 min off peak;
- ◆ Service offered at least 14 hours per day;
- ◆ Existing corridor ridership exceeding 3,000/day;
- ◆ Less than \$50 million total cost; and
- ◆ Less than \$3 million per mile construction cost (excluding vehicles).

Most of these criteria have been met; however, the H2H project is continuing to revise projections and complete the Alternatives Analysis. Based on Very Small Starts criteria, the service profile for the proposed BRT is described in Exhibit 18.

**Exhibit 18
BRT Service Profile**

Route	Service Span			Headway		Veh. Req.		Rev. Hours	Rev. Miles
	Weekday	Saturday	Sunday	Weekday		Weekday		Weekday	Weekday
				Peak	Base	Peak	Base		
BRT	6:00a - 8:00p	--	--	10	15	14	8	124.0	2,588.0

Exhibit 16 shows the proposed route alignment and station locations. This is as proposed in the *Seward Highway to Glenn Highway Connection FTA Alternatives Analysis*. HOV lanes would only exist as far north along the Glenn Highway as North Birchwood.

Other features of the proposed BRT route are:

- ◆ Ten (10) minute weekday peak and fifteen (15) minute off-peak frequencies would be provided between North Birchwood and the U-Med stop;
- ◆ Thirty (30) minute weekday peak frequencies between North Birchwood and the Trunk Road park & ride lot near Wasilla.

Capital and Operating Costs

The total capital cost for the development of a BRT with this level of service is estimated at \$14.5 million, in 2011 dollars. Exhibit 19 summarizes these costs. This includes signal preemptive

³ FTA. *Very Small Starts Fact Sheet*, (February 2011).

technology to allow the BRT to operate at a higher rate of speed than standard fixed route service. The cost of purchasing 18 BRT buses is estimated at \$14.3 million.

**Exhibit 19
BRT Capital Costs**

Item*	Unit Cost 2004 *	Unit Cost 2011	No. of Units	Total Cost 2011
Signal Transit Preempt Units	--	\$1,500	100	\$150,000
BRT Buses	\$650,000	\$799,000	18	\$14,382,000
Total				\$14,532,000

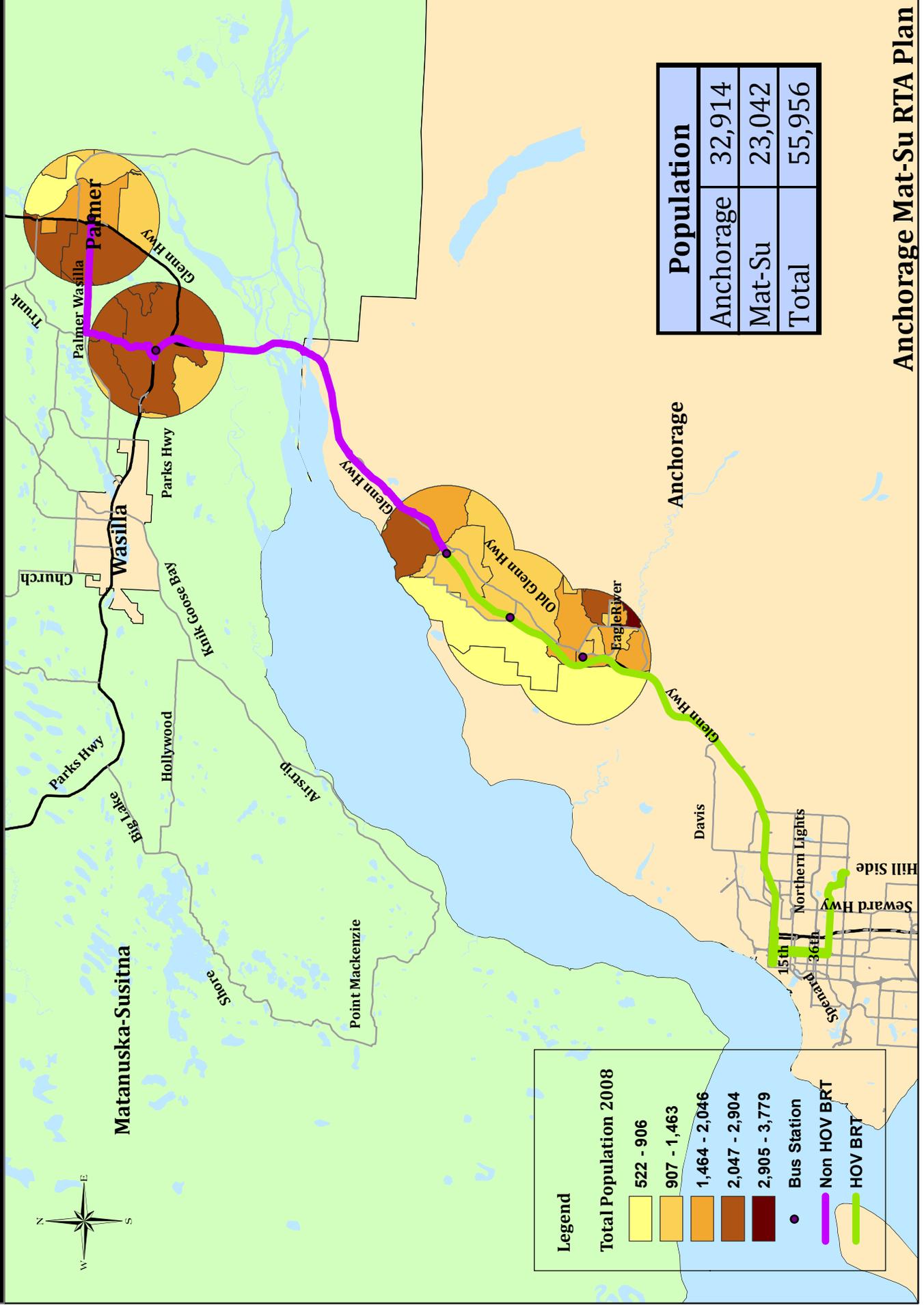
**Source: Anchorage Long-Range Transportation Plan, Working Paper 30, Transit Operating and Capital Cost Estimating Procedures and Results, CH2M Hill, October 2005. Updated to 2011.*

An estimate of BRT operating costs are based on the current average cost per revenue vehicle hour for People Mover of \$124. With 124.0 revenue hours for each non-holiday weekday, there are an estimated 31,620 revenue hours annually. This translates to a total annual operating cost of \$3,920,880.

Population Served

Exhibit 20 shows the population served by each of the BRT stations. A two and one half mile radius was used from each station as a catchment area. As shown, the total population within the catchment areas in Mat-Su Borough totals 23,042 persons. The total within the Eagle River area is 37,914.

Exhibit 20 BRT Station Catchment Areas



COMMUTER RAIL

Overview

The AMATS Long Range Transportation Plan recommends consideration of development of a commuter rail service to meet the growing commuter demand between Anchorage and Mat-Su Borough. The feasibility of such a commuter rail service has been evaluated by the Alaska Railroad Corporation. With the growing demand for services in the Glenn Highway Corridor, a commuter rail service is a viable option.

As commuter traffic increases along the Glenn Highway, a commuter rail service that would connect the stations of Wasilla, Matanuska, Eklutna, Birchwood, Eagle River, Elmendorf, Anchorage, Spenard, and the Anchorage airport would create an alternative transportation option, reducing traffic congestion on the highway. The map in Exhibit 21 shows the location of the proposed commuter rail line.

It is important to note that while the commuter rail provides a high level of service, it is limited in service area. Any developed rail service will be dependent upon feeder bus system to transport passengers from the rail station to a final destination, involving another cost element to this option..

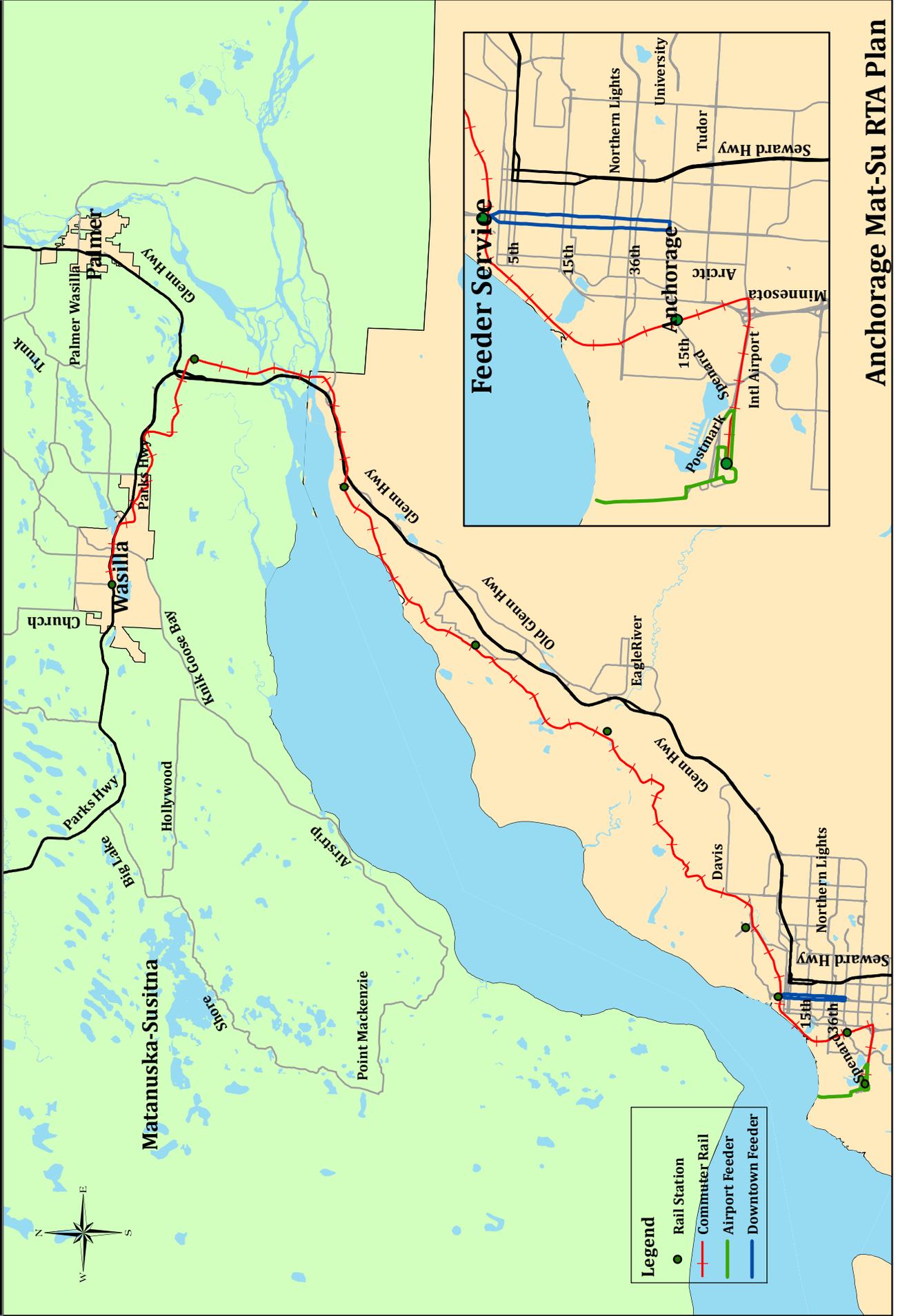
Level of Service

Commuter rail could provide a higher level of service than the BRT and Express Bus Option due to its higher seated passenger capacity cars. However, the proposed three peak hour trips is lower than either bus options. The service level of a commuter rail system is limited by the number of stops, the speed of the train, and frequency of service.

The proposed commuter rail service that would operate between the Mat-Su Valley and Anchorage would operate three trains at 42 mph and service nine stations. It is estimated that this level of service would serve 210,000 passenger trips annually. This would yield an anticipated \$834, 000 in farebox revenue, or 18.4 percent of the operating cost⁴. The table in Exhibit 22 outlines the proposed stations and service times. Under this proposed service it is estimated that a trip from Wasilla to Anchorage would take an estimated 68 minutes.

⁴ Wilbur Smith Associates. *South Central Rail Network Commuter Study and Operations Plan* (January 2002).

Exhibit 21 Commuter Rail



Anchorage Mat-Su RTA Plan

**Exhibit 22
Commuter Rail Stations**

From	To	Miles	Minutes
Wasilla	Matanuska	8.5	13
Matanuska	Eklutna	9.4	14
Eklutna	Birchwood	5.7	9
Birchwood	Eagle River	8.2	12
Eagle River	Elmendorf	7.6	11
Elmendorf	Anchorage	5.9	9
Anchorage	Spenard	3.2	5
Spenard	Airport	4.0	5

Source: *Anchorage Commuter Rail Operation Concept*, Working Paper #1 – Ridership Forecast, Wilbur Smith Associates.

The commuter rail service would operate during weekday peak commute hours only. This includes three trips to Anchorage in the morning and three return trips to Wasilla in the evening. Exhibit 23 outlines proposed commuter rail service characteristics. This service would be operated using three trains on 30 minute headways during the peak periods, resulting in a total of 8.6 revenue hours and 315 revenue miles.

**Exhibit 23
Commuter Rail Service Characteristics**

Route	Service Span			Headway		Veh. Req.		Rev. Hours	Rev. Miles
	Weekday	Saturday	Sunday	Weekday		Weekday		Weekday	Weekday
				Peak	Base	Peak	Base		
Commuter Rail	6:30a-9:00a 4:30p-7:00p	--	--	30	--	3	--	8.6	315.0

Commuter rail service operating in the Glenn Highway Corridor will require the use of feeder bus service in Anchorage to distribute passengers to and from their employment sites. Under the proposed commuter rail service it would be necessary to implement feeder services at a minimum in Downtown Anchorage and at the Stevens International Airport. The downtown service will operate a loop route from Ship Creek Avenue down the A-C couplet to 36th Street. The airport distributor will operate a loop service from the train station to Postmark Drive and Frontage Road. The table in Exhibit 24 includes the service profile of feeder services to these stops. The result is a requirement of one vehicle for each route and headways of 30 minutes to meet incoming morning and outgoing afternoon trains.

**Exhibit 24
Feeder Service Profile**

Route	Service Span	Headway		Vehicle Requirement		Revenue Hours	Revenue Miles
	Weekday	Weekday		Weekday		Weekday	Weekday
	Peak	Peak	Base	Peak	Base		
Downtown Feeder	7:00a - 8:30p 4:30p-6:00p	30	--	1	--	5.3	82.3
Airport Feeder	7:00a - 8:30p 4:30p-6:00p	30	--	1	--	5.3	76.9

Capital and Operating Costs

Capital costs are estimated to total \$39 million. This includes the cost of building stations, a car shop, rolling stock, and pre-operations testing. Exhibit 25 shows the capital cost summary outlined by the *South Central Rail Network Commuter Study and Operations Plan*. The costs have been updated to 2011 dollars and reflect a three percent annual inflation rate.

**Exhibit 25
Capital Cost Summary**

Cost Category	Cost (2000)	Cost (2011)
Station Cost	\$5,028,000	\$6,960,000
Wasilla Car Shop	\$8,540,000	\$11,821,000
Rolling Stock	\$14,000,000	\$19,379,000
Pre-operations Testing	\$678,000	\$939,000
Total	\$28,246,000	\$39,099,000

Source: South Central Rail Network Commuter Study and Operations Plan, 2002.

Operating costs were calculated for the proposed level of service. These costs reflect the options to use a self-propelled multiple unit rail car (Budd Car) or a locomotive-train with bi-level cars. The total cost difference between the options is a reflection of fuel consumption rates and maintenance of way costs associated with the weight of a locomotive-train and bi-level cars. These costs have also been updated to 2011 dollars. Both options would currently total about \$3.9 million annually. Exhibit 26 summarizes the estimated annual operating costs using Budd Cars and trains with bi-level cars for 2000 and 2011.

Exhibit 26
Annual Operating Cost

Cost Category	Budd Car (2000)	Budd Car (2011)	Locomotives w/ Bi-Level Cars (2000)	Locomotives w/ Bi-Level Cars (2011)
Transportation	\$559,000	\$774,000	\$559,000	\$774,000
Equipment Maintenance	\$273,000	\$378,000	\$191,000	\$264,000
Fuel	\$108,000	\$149,000	\$198,000	\$274,000
Maintenance of Way	\$26,000	\$36,000	\$33,000	\$46,000
Facility Maintenance	\$130,000	\$180,000	\$130,000	\$180,000
Station Services	\$195,000	\$270,000	\$195,000	\$270,000
Insurance	\$800,000	\$1,107,000	\$800,000	\$1,107,000
General and Administrative	\$709,000	\$981,000	\$701,000	\$970,000
Total	\$2,800,000	\$3,876,000	\$2,807,000	\$3,886,000

Source: South Central Rail Network Commuter Study and Operations Plan, 2002.

In addition to the capital and operating costs of the commuter rail line, there are the capital and operating costs for the feeder services. Capital costs are estimated at \$800,000 for two buses needed for the two feeder routes. Operating costs are estimated to total \$335,175 annually.

Ridership and Population Served

Estimates of ridership for the commuter rail line consisting of the nine stations listed in Exhibit 21 are included in Exhibit 27 below. These estimates are for the years 2010, 2015 and 2020 and assume the three morning and afternoon weekday trips previously described. Figures are based on estimates of work trips between the nine stations and modal split rates based on a study of commuter rail service in the Los Angeles area.

Exhibit 27
Projected Commuter Rail Ridership

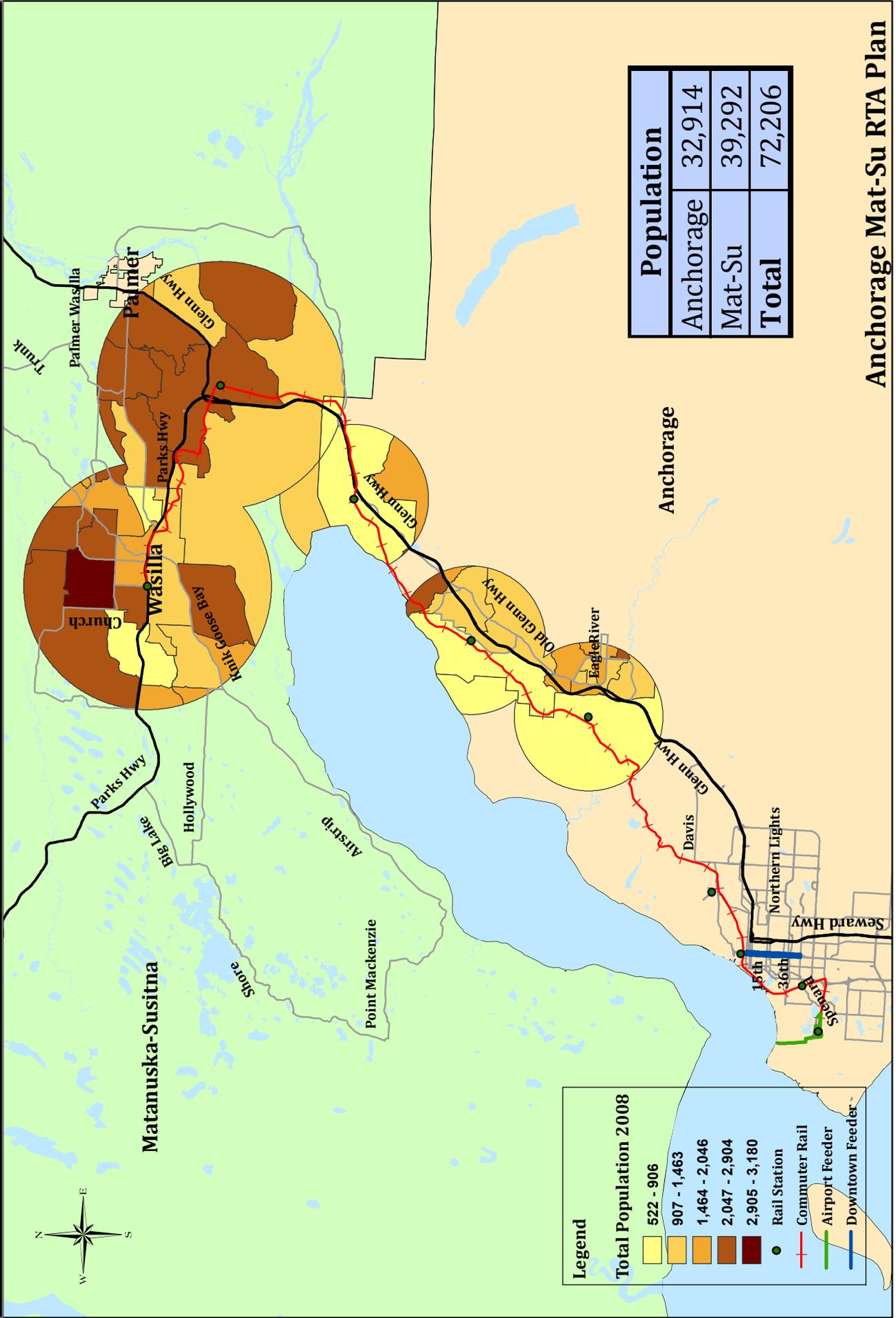
Year	Weekday Passenger Trips
2010	1,000
2015	1,100
2020	1,600

Source: Anchorage Commuter Rail Concept, Working Paper #1.

Exhibit 28 shows the catchment areas for the Commuter Rail stations. The two proposed stations in Mat-Su Borough have catchment area radii of five (5) miles, while the Anchorage stations have catchment areas of three (3) miles.⁵ The total population served in the Mat-Su Borough is 39,292, and it is 37,914 in the Eagle River area.

⁵ *Anchorage Commuter Rail Operation Concept*, Working Paper #1 – Ridership Forecast, Wilbur Smith Associates.

Exhibit 28 Commuter Rail Station Catchment Area



Population	
Anchorage	32,914
Mat-Su	39,292
Total	72,206

Legend

Total Population 2008

- 522 - 906
- 907 - 1,463
- 1,464 - 2,046
- 2,047 - 2,904
- 2,905 - 3,180

- Rail Station
- Commuter Rail
- Airport Feeder
- Downtown Feeder

Anchorage Mat-Su RTA Plan

FINDINGS AND RECOMMENDATIONS

Exhibit 29 compares the capital and operating costs for the BRT, Commuter Rail, and Commuter Express options. As shown, costs are higher for the BRT and Commuter Rail options. While the operating costs are highest for the BRT, the level of service is also much higher on the proposed BRT. With 10-minute peak and 15-minute off-peak frequencies, approximately 60 vehicle trips will be provided daily along the Glenn Highway.

**Exhibit 29
Comparison of Capital and Operating Costs**

Transit Service	Capital Costs	Annual Operating Costs	Vehicle Trips/Day	Population Served
Commuter Express				
-Option 1	\$800,000	\$569,160	10	80,483
-Option 2	\$2,400,000	\$499,596	10	47,569
-Option 3	\$2,400,000	\$426,870	10	11,465
BRT	\$14,532,000	\$3,920,880	60	55,956
Commuter Rail				
-Rail Operations	\$39,099,000	\$3,886,000	6	72,206
-Feeder Bus Service	\$800,000	\$335,175	12	--

Commuter express bus service has the lowest operating and capital costs associated with it. Its level of service is higher than the commuter rail but lower than the BRT. Because of cost considerations, it can be considered a first step in the development of transit service in the corridor.

The capital and operating costs for commuter rail service is similar to that of a BRT. However, the level of service that could be provided at these costs is much lower with three morning and three afternoon peak period trips. This suggests that ridership in the corridor must grow to a much higher level than 3,000 transit trips daily to justify commuter rail.

Initially, commuter express service is recommended. The level of service should at first follow that described as Commuter Express Option 2. This option serves the greatest population in the Mat-Su Borough and provides the shortest travel times. Its directional orientation is inbound from Mat-Su Borough in the mornings and outbound from Anchorage in the afternoons. A bus should leave every 30 minutes from the Trunk Road park and ride lot during the morning peak period with branches to Palmer and Wasilla that leave every 60 minutes on an alternating basis. As ridership grows, the following improvement should be considered:

- ◆ Add trips so that the frequencies are every 15 minutes during the peak periods;
- ◆ Add trips so that there are clusters of buses designed to serve the most popular shift times;
- ◆ Expand the service span so that there are early arriving and departing, and late arriving and departing buses to serve as back up for those who occasionally work late or arrive early; and
- ◆ Add mid-day trips and begin to make the route more bi-directional in nature. Initial mid-day trips could be in combination with People Mover Route 102.
- ◆ Eventually, as demand grows, improve the schedule to gradually approach that of the proposed BRT with all day service and 10-minute peak frequencies to be able to meet the requirements of the Very Small Start program.

APPENDIX C

REGIONAL TRANSIT AUTHORITY PLAN

**MUNICIPALITY OF ANCHORAGE AND THE MATANUSKA-SUSITNA
BOROUGH**

TASK 3 REPORT

SEPTEMBER 7, 2011





Table of Contents

Financial Plan	C-1
Financial Projections.....	C-1

FINANCIAL PROJECTIONS

Twenty-year financial projections were estimated for operating and capital costs for a new Regional Transit Authority. They include the implementation of the Palmer/Wasilla - Anchorage commuter express bus service and the South Anchorage Express as described below.

Express Services

The Palmer/Wasilla – Anchorage express is more fully described in the *RTA Plan Task 2 Report – Service Alternatives*. It includes weekday peak hour trips designed to serve residents of Mat-Su Borough who are employed in Anchorage. It operates from Palmer and Wasilla to Anchorage during the morning and afternoon peak periods. In Anchorage, this route would serve the downtown, Midtown, and U-Med District areas. Operating costs are summarized in Exhibit 1. With 15.8 revenue hours for each non-holiday weekday, there are an estimated 4,029 revenue hours annually for the commuter express service. This translates to a total annual operating cost of \$499,600 based on People Mover's average cost per revenue hour of \$124. Exhibit 4 shows the estimated annual operating costs.

**Exhibit 1
Wasilla/Palmer Commuter Express Annual Operating Costs**

Daily Revenue Hours	Annual Revenue Hours	Annual Operating Costs
15.8	4,029	\$499,600

Capital improvements needed for these express service options include the buses required to operate these routes. The proposed express service would require the purchase of six buses. Five would be needed during the peak period and one would be a spare. As shown in Exhibit 2, the estimated total capital cost of the proposed commuter express service is \$2.55 million. It is assumed that existing parking lots can be used as park and ride lots for each commuter express option.

**Exhibit 2
Wasilla/Palmer Commuter Express Capital Cost**

	Number	Unit Cost	Total Cost
Buses	6	\$425,000	\$2,550,000

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Additional Express Bus service is included as part of the H2H project and are included in the RTA Service Plan. The South Anchorage Express would operate on A/C Streets between downtown Anchorage and South Anchorage. The following stops are proposed.

- ◆ 36th Street/A-C Streets
- ◆ Tudor Road/C Street
- ◆ International Airport Road/C Street
- ◆ 76th Street/C Street
- ◆ Dimond Center
- ◆ O'Malley/Old Seward Highway
- ◆ Huffman Road/Old Seward Highway

Exhibit 3 shows the proposed frequencies, vehicle requirements, and revenue hours by time of day and day of week.

**Exhibit 3
South Anchorage Express Profile**

Route	Service Span			Headway			Veh. Req.			Rev. Hours		
	Weekday	Saturday	Sunday	Weekday		Week - end	Weekday		Week - end	Wkdy.	Sat.	Sun.
				Peak	Base		Peak	Base				
S. Anch. Express	6:00a – 10:00a	8:00a-10:00p	9:00a-7:00p	30	30	60	2	2	1	30.0	14.0	10.0

Operating costs for the South Anchorage BRT are summarized in Exhibit 4 below. The estimate of BRT operating costs are based on the current average cost per revenue vehicle hour for People Mover of \$124. With 30.0 revenue hours for each non-holiday weekday, 14.0 hours for Saturdays, and 10.0 hours for Sundays, there are an estimated 8,898 revenue hours annually. This translates to a total annual operating cost of \$1,103,352.

**Exhibit 4
South Anchorage Express Annual Operating Costs**

Weekday Revenue Hours	Annual Revenue Hours	Annual Operating Costs
86	8,898	\$1,103,352

The construction of stations/enhanced bus stops associated with the South Anchorage Express are part of the Highway-to-Highway project and these costs are not included as part of the RTA Plan. Additional capital costs for the South Anchorage Express are projected to be \$850,000 for vehicles. These are summarized in Exhibit 5.

Exhibit 5
South Anchorage Express Capital Costs

Item	Unit Cost	No. of Units	Total Capital Cost
Express Buses	\$425,000	2	\$850,000
Total			\$850,000

Potential Revenue Sources

Fare Revenues

Estimates of fare revenues are based on projected ridership for the commuter express service. This is an important part of the RTA financial plan. Information on other commuter express services were collected to help estimate potential ridership. This includes in cities similar in size and population to Anchorage as well as one larger city. The peer group includes express routes in Lansing, Michigan; Toledo, Ohio; Cincinnati, Ohio; Dayton, Ohio; and Indianapolis, Indiana.

The first commuter express route in this peer group is the Capital Area Transportation Authority (CATA) Route 48 in the Lansing area. This route provides service from Williamston and Webberville to downtown Lansing. It is estimated that 8,538 people live within a 2.5 mile radius of a park and ride along the route. The ridership on this route is 8,992 trips annually.

The Cincinnati Metro Route 75X provides service to downtown Cincinnati from Anderson. It is estimated that 28,465 people live within a 2.5 mile radius of a park and ride along the route. The annual ridership of this route is 80,012.

The Greater Dayton (GDRTA) park and ride along RTA Route 5X. There is an estimated population of 23,594 people living within a 2.5 mile radius of this park and ride lot. The annual ridership for this route is 93,894.

The Central Indiana Regional Transportation Authority (CIRTA) operates the Carmel Express to downtown Indianapolis. An estimated 20,447 live within a 2.5 mile radius of the route, which provides commuter service between Carmel and Indianapolis. The annual ridership for this route is 53,909.

Exhibit 6 includes a summary of relevant data for each of the peer commuter express routes. As shown, there is some correlation between commuter express bus ridership and the population served, the size of the area population, the cost of parking, and the relative attraction of its downtown for employment. Fares for each of these services are similar, ranging between \$1.00 and \$2.00. The ridership per population within 2.5 miles of the park and ride lot ranges from 1.1 in Lansing to 4.0 in Dayton. However, the Dayton route operates throughout the day, while the others operate only in the weekday peak periods.

The potential Mat-Su/Anchorage commuter express route does have the highest population in its catchment area with 47,569, which is almost 20,000 greater than the second highest. It is also the longest route at 45 miles, nearly double that of the second longest. Therefore, a rides per capita factor of 2.5 is reasonable for the potential Mat-Su/Anchorage commuter express route. This would result in an annual ridership of about 118,923.

**Exhibit 6
Peer Commuter Express**

City	Population within 2.5 Miles of Park and Ride	Annual Ridership	Rides/ Capita	Travel Time (min.)	Distance (mi.)	Urban Area Population	Downtown Daily Parking Cost
Lansing	8,538	8,992	1.1	60	23.5	299,938	\$10.00
Cincinnati	28,465	80,012	2.8	28-38	13.1	1,502,688	\$15.00
Dayton	23,594	93,894	4.0	16-19	10.5	703,255	\$5.00
Indianapolis	20,447	53,909	2.6	45	23.0	1,219,952	\$17.00
Anchorage/Mat-Su							
Preferred Express Option	47,569	118,923	2.5	45-75	45.0	304,594	\$6.00

State Funding

While nearly all other states have traditionally provided state funding in support of public transportation, Alaska only in the past year has initiated a program to provide funding to public transit systems. The State FY12 budget includes approximately \$1.0 million in state funding for public transit. Of this, \$900,000 will be distributed to local public transit systems. Based on population, over half of this funding would be allocated to the Anchorage/Mat-Su region (see Exhibit 7); however, it was allocated based on existing federal funding amounts.

**Exhibit 7
Portion of State Population Living in Anchorage/Mat-Su Region**

Location	2010 Population	Percent of State Population
Alaska	710,231	
Anchorage	291,826	41.10%
Mat-Su	88,995	12.50%

Alaska is, however, providing a significant amount of financial support for a publicly owned and operated ferry service named the Marine Highway System.¹ When lumped in with what other states

¹ · *Survey of State Funding for Public Transportation*, American Public Transportation Association, 2008.

provide for local public transportation, the per capita contribution ranks Alaska fifth among all states. However, this ferry service is concentrated in the southern portion of the State. Exhibit 8 provides a summary of the population of each of the communities with ferry stops.

Exhibit 8
Alaska Marine Highway System Service Area

	Transit Funding 2010	Cost Per Capita Statewide
Alaska Ferry System	\$86,814,875	\$122.23
Capital	\$13,444,500	\$18.93
Operating	\$73,370,375	\$103.30
Communities Served	2010 Population	Percent of State Population
Total Served*	76,404	10.8%
Yakutat	662	
Skagway	920	
Haines	1,713	
Pelican	88	
Gustavus	442	
Juneau	31,275	
Hoonah	760	
Tenakee	131	
Angoon	459	
Sitka	8,881	
Kake	557	
Petersburg	2,948	
Wrangell	2,369	
Metlakatla	1,405	
Cordova	1,201	
Tatitlek	88	
Valdez	3,976	
Whittier	220	
Chenega Bay	76	
Homer	5,003	
Seldovia	255	
Kodiak	6,130	
Port Lions	194	
Chignik	91	
Sand Point	976	
King Cove	938	
Cold Bay	108	
False Pass	35	
Akutan/Dutch Harbor	4,503	

*Does not consider summer/seasonal visitors or communities not listed as stops

These communities combined comprise eleven (11) percent of the state's population. The total population served by the Marine Highway System is likely slightly higher since catchment areas of the ferry slips will extend beyond these communities. Statewide, the \$86.8 million amounts to a per capita cost of \$122.23.

While there may be a strong argument that the state funding be increased and a higher percentage allocated to the Anchorage/Mat-Su region, a \$100,000 state share was assumed with only inflationary increases.

Federal Funding

Federal Transit Administration Section 5311 funding was assumed to be made available for this program. This requires a fifty (50) percent local match for operating costs and a twenty (20) percent local match for administrative costs. Allocation of this funding is done by the Alaska Department of Transportation based on population up to a maximum of \$1 million. MASCOT is currently not using its full allocation, and therefore some of this funding may be available for this service.

Local Funding

Local funding is assumed to be provided by Mat-Su Borough and the Municipality of Anchorage whose residents will be primary users of the service. This is a key component of the financial plan.

Other Budget Assumptions

Twenty-year cost and revenue projections appear in Exhibit 4 on the following page. Assumptions are as follows:

- ◆ Staffing for the RTA consists of a General Manager/Executive Director and an Administrative Assistant.
- ◆ Staff responsibilities will include grants administration, marketing, planning and financial management.
- ◆ Vanpool program consists of capital costs and contracted program administration costs only with operating costs covered by participants. These costs will be funded through the CMAQ program. There are current plans to expand the vanpool program. Capital costs for a fleet of 75 vans for vanpools is reflected in the cost projections.
- ◆ Commuter express bus service will be contracted.
- ◆ FTA Section 5311 funding will be available to operate the Palmer/Wasilla commuter express service.
- ◆ Local match will be provided through a combination of newly appropriate state funding, the Municipality of Anchorage, and a Mat-Su Borough contribution.
- ◆ Fare revenues are based on a ridership projection of 118,923 for the Palmer/Wasilla Express, 237,846 for the South Anchorage Express, and an average fare of \$3.50. This fare is slightly less than Valley Mover is currently charging.

- ◆ Initial capital costs will be funded by way of a “start-up” or “seed” funding appropriation. Potential sources of initial capital costs include federal capital grant, state appropriation, or local government contribution.
- ◆ After this start-up funding, capital costs for bus purchase are assumed to be funded out of a capital reserve account with no special federal, state, or local grant or appropriation. Vanpool vans are assumed to be funded with 20 percent from this capital reserve, and the remainder from the CMAQ program.
- ◆ Revenues and costs will increase annually at an average three (3) percent inflation rate.
- ◆ Cost projections are for a constant level of service with no increases or decreases in routes or schedules.

Twenty-Year Cost/Revenue Projections

Annual operating costs are projected to increase from about \$1.8 to \$3.9 million over this twenty-year period. A corresponding increase in revenues is projected. Capital costs consist of purchasing and replacing vans and buses. Vanpool vans are assumed to be replaced every five (5) years, while buses are scheduled for replacement every twelve (12) years.

In most years, a revenue surplus is projected. These surpluses will be needed to fund a capital reserve account to pay for future replacement of vans and buses. Over this twenty-year period, a \$3.9 million surplus is projected. However, this surplus over the projected time period may not necessarily occur or may be reduced if actual costs are higher than projected. If a surplus does occur, it can be used for such needed capital costs as enhanced bus stop construction costs.

**Exhibit 4
Cost/Revenue Projections**

Operating Costs	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Personnel										
Administration	\$135,000	\$139,050	\$143,222	\$147,518	\$151,944	\$156,502	\$161,197	\$166,033	\$171,014	\$176,144
Marketing & Customer Service	\$40,000	\$41,200	\$42,436	\$43,709	\$45,020	\$46,371	\$47,762	\$49,195	\$50,671	\$52,191
Program Planning	\$20,000	\$20,600	\$21,218	\$21,855	\$22,510	\$23,185	\$23,881	\$24,597	\$25,335	\$26,095
Total Personnel Services	\$195,000	\$202,800	\$210,912	\$219,348	\$228,122	\$237,247	\$246,737	\$256,607	\$266,871	\$277,546
Non-Labor										
Administration	\$27,530	\$28,356	\$29,207	\$30,083	\$30,985	\$31,915	\$32,872	\$33,858	\$34,874	\$35,920
Marketing & Customer Service	\$25,000	\$25,750	\$26,523	\$27,318	\$28,138	\$28,982	\$29,851	\$30,747	\$31,669	\$32,619
Purchased Transportation – S. Anch. Expr.	\$1,100,872	\$1,133,898	\$1,167,915	\$1,202,953	\$1,239,041	\$1,276,212	\$1,314,499	\$1,353,934	\$1,394,552	\$1,436,388
Purchased Transportation – Mat-Su Expr.	\$500,000	\$515,000	\$530,450	\$546,364	\$562,754	\$579,637	\$597,026	\$614,937	\$633,385	\$652,387
Contract Services - vanpool	\$13,500	\$13,905	\$14,322	\$14,752	\$15,194	\$15,650	\$16,120	\$16,603	\$17,101	\$17,614
Total Non-Labor	\$1,666,902	\$1,733,578	\$1,802,921	\$1,875,038	\$1,950,040	\$2,028,041	\$2,109,163	\$2,193,529	\$2,281,270	\$2,372,521
Total Operating Costs	\$1,861,902	\$1,936,378	\$2,013,833	\$2,094,387	\$2,178,162	\$2,265,288	\$2,355,900	\$2,450,136	\$2,548,141	\$2,650,067
Operating Revenues										
- Fare Revenues	\$624,346	\$1,248,692	\$1,286,152	\$1,324,737	\$1,364,479	\$1,405,413	\$1,447,576	\$1,491,003	\$1,535,733	\$1,581,805
- FTA Section 5311 - Operations	\$100,000	\$103,000	\$106,090	\$109,273	\$112,551	\$115,927	\$119,405	\$122,987	\$126,677	\$130,477
- FTA Section 5311 - Admin.	\$148,000	\$152,440	\$157,013	\$161,724	\$166,575	\$171,573	\$176,720	\$182,021	\$187,482	\$193,106
- State Transit Local Match	\$100,000	\$103,000	\$106,090	\$109,273	\$112,551	\$115,927	\$119,405	\$122,987	\$126,677	\$130,477
- Anchorage Contribution	\$400,000	\$412,000	\$424,360	\$437,091	\$450,204	\$463,710	\$477,621	\$491,950	\$506,708	\$521,909
- Mat-Su Borough Contribution	\$200,000	\$206,000	\$212,180	\$218,545	\$225,102	\$231,855	\$238,810	\$245,975	\$253,354	\$260,955
Total	\$1,572,346	\$2,225,132	\$2,291,885	\$2,360,642	\$2,431,461	\$2,504,405	\$2,579,537	\$2,656,923	\$2,736,631	\$2,818,730
Capital Costs										
Vehicle Purchases										
- Buses	\$3,400,000									
- Vanpool Vans	\$750,000		\$1,200,000	\$1,200,000		\$869,456		\$1,391,129	\$1,391,129	
Total Capital Costs	\$4,150,000	\$-	\$1,200,000	\$1,200,000	\$-	\$869,456	\$-	\$1,391,129	\$1,391,129	\$-
Capital Revenues										
- Vanpool Capital Assistance	\$570,000									
- CMAQ (vanpool vans)	\$180,000		\$960,000	\$960,000		\$695,564		\$1,112,903	\$1,112,903	
- Capital Grant	\$3,400,000									
- Capital Reserve			\$240,000	\$240,000		\$173,891		\$278,226	\$278,226	
Total Capital Revenues	\$4,150,000	\$-	\$1,200,000	\$1,200,000	\$-	\$869,456	\$-	\$1,391,129	\$1,391,129	\$-

**Exhibit 4 (cont.)
Cost/Revenue Projections**

Operating Costs	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20
Personnel										
Administration	\$181,429	\$186,872	\$192,478	\$198,252	\$204,200	\$210,326	\$216,635	\$223,134	\$229,828	\$236,723
Marketing & Customer Service	\$53,757	\$55,369	\$57,030	\$58,741	\$60,504	\$62,319	\$64,188	\$66,114	\$68,097	\$70,140
Program Planning	\$26,878	\$27,685	\$28,515	\$29,371	\$30,252	\$31,159	\$32,094	\$33,057	\$34,049	\$35,070
Total Personnel Services	\$288,648	\$300,194	\$312,201	\$324,689	\$337,677	\$351,184	\$365,231	\$379,841	\$395,034	\$410,836
Non-Labor										
Administration	\$36,998	\$38,108	\$39,251	\$40,429	\$41,642	\$42,891	\$44,178	\$45,503	\$46,868	\$48,274
Marketing & Customer Service	\$33,598	\$34,606	\$35,644	\$36,713	\$37,815	\$38,949	\$40,118	\$41,321	\$42,561	\$43,838
Purchased Transportation – S. Anch. Expr.	\$1,479,480	\$1,523,864	\$1,569,580	\$1,616,668	\$1,665,168	\$1,715,123	\$1,766,576	\$1,819,574	\$1,874,161	\$1,930,386
Purchased Transportation – Mat-Su Expr.	\$671,958	\$692,117	\$712,880	\$734,267	\$756,295	\$778,984	\$802,353	\$826,424	\$851,217	\$876,753
Contract Services - vanpool	\$18,143	\$18,687	\$19,248	\$19,825	\$20,420	\$21,033	\$21,664	\$22,313	\$22,983	\$23,672
Total Non-Labor	\$2,467,422	\$2,566,119	\$2,668,764	\$2,775,514	\$2,886,535	\$3,001,996	\$3,122,076	\$3,246,959	\$3,376,838	\$3,511,911
Total Operating Costs	\$2,756,070	\$2,866,313	\$2,980,965	\$3,100,204	\$3,224,212	\$3,353,180	\$3,487,308	\$3,626,800	\$3,771,872	\$3,922,747
Operating Revenues										
- Fare Revenues	\$1,629,259	\$1,678,137	\$1,728,481	\$1,780,336	\$1,833,746	\$1,888,758	\$1,945,421	\$2,003,783	\$2,063,897	\$2,125,814
- FTA Section 5311 - Operations	\$134,392	\$138,423	\$142,576	\$146,853	\$151,259	\$155,797	\$160,471	\$165,285	\$170,243	\$175,351
- FTA Section 5311 - Admin.	\$198,900	\$204,867	\$211,013	\$217,343	\$223,863	\$230,579	\$237,497	\$244,621	\$251,960	\$259,519
- State Transit Local Match	\$134,392	\$138,423	\$142,576	\$146,853	\$151,259	\$155,797	\$160,471	\$165,285	\$170,243	\$175,351
- Anchorage Contribution	\$537,567	\$553,694	\$570,304	\$587,413	\$605,036	\$623,187	\$641,883	\$661,139	\$680,973	\$701,402
- Mat-Su Borough Contribution	\$268,783	\$276,847	\$285,152	\$293,707	\$302,518	\$311,593	\$320,941	\$330,570	\$340,487	\$350,701
Total	\$2,903,292	\$2,990,391	\$3,080,102	\$3,172,505	\$3,267,681	\$3,365,711	\$3,466,682	\$3,570,683	\$3,677,803	\$3,788,137
Capital Costs										
Vehicle Purchases										
- Buses			\$4,847,587							
- Vanpool Vans	\$1,007,937		\$1,612,700	\$1,612,700		\$1,168,476		\$1,869,561	\$1,869,561	
Total Capital Costs	\$1,007,937	\$-	\$6,460,287	\$1,612,700	\$-	\$1,168,476	\$-	\$1,869,561	\$1,869,561	\$-
Capital Revenues										
- Vanpool Capital Assistance										
- CMAQ (vanpool vans)	\$806,350		\$1,290,160	\$1,290,160		\$934,780		\$1,495,649	\$1,495,649	
- Capital Grant										
- Capital Reserve	\$201,587		\$6,782,827	\$322,540		\$233,695		\$373,912	\$373,912	
Total Capital Revenues	\$1,007,937	\$-	\$8,072,986	\$1,612,700	\$-	\$1,168,476	\$-	\$1,869,561	\$1,869,561	\$-

APPENDIX D

REGIONAL TRANSIT AUTHORITY PLAN

MUNICIPALITY OF ANCHORAGE AND THE MATANUSKA-SUSITNA BOROUGH

RECOMMENDED MODIFICATIONS TO SB 152

DECEMBER 30, 2010



SENATE BILL NO. 152

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR HUGGINS

Introduced: 3/18/09 Referred: Transportation, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to municipal transportation systems and to regional transit**
2 **authorities."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 29.35 is amended by adding new sections to read:

5 **Article 9A. Regional Transit Authorities.**

6 **Sec. 29.35.750. Purpose and creation of an authority.** (a) The purpose of a
7 regional transit authority is to provide for public transportation within the boundaries
8 of the authority.

9 (b) A regional transit authority may be created in one of the following ways:

10 (1) the governing body of a municipality may, by ordinance, create the
11 authority as a public corporation of the municipality;

12 (2) the governing bodies of two or more municipalities may, by
13 substantially identical ordinances adopted by each of the governing bodies, create the
14 authority as a public corporation of the municipalities.

1 (c) One or more municipalities may join an authority established under (b)(1)
2 or (2) of this section on the adoption of substantially identical ordinances by the
3 governing bodies of each affected municipality.

4 (d) The enabling ordinance by which an authority is established must specify
5 the powers, boundaries, and limitations of the authority.

6 (e) An authority is a body corporate and politic and an instrumentality of the
7 municipality or municipalities creating it but has a separate and independent legal
8 existence. Creation of the authority is an exercise of a municipality's transportation
9 system powers.

Proposed Change 1:

Review the statement "Creation of the authority is an exercise of a municipality's transportation system powers." How does this apply in an entity without "transportation system powers" such as Mat-Su Borough?

10 (f) Nothing in AS 29.35.750 - 29.35.799 prevents a municipality or
11 municipalities from creating or participating in a public corporation, including a
12 regional transit authority, in any form or manner not prohibited by law. However,
13 AS 29.35.750 - 29.35.799 apply only to and may be used only by an authority created
14 under this section.

15 **Sec. 29.35.752. Dissolution of an authority; withdrawal from authority. (a)**

16 The enabling ordinance creating a regional transit authority must provide for the
17 manner by which the authority may be dissolved. If an authority ceases to exist, its
18 assets shall be distributed to each municipality that was participating in the authority
19 on the day before the date of dissolution, in proportion to the municipality's
20 contribution to the authority, less any outstanding debt or obligation of that
21 municipality to the authority. Any obligation to bondholders then outstanding shall
22 first be satisfied in full.

23 (b) A municipality that is participating in an authority with one or more other
24 municipalities may withdraw from participation without dissolving the authority. The
25 contributions to the authority made by the withdrawing municipality remain the
26 property of the authority, and the municipality remains liable for obligations under any

27 agreement with the authority or other participating municipalities unless the agreement
28 is changed by the contractual parties. A municipality withdraws from participation in
29 an authority by adopting an ordinance repealing the ordinance adopted under
30 AS 29.35.750(b)(2) or (c).

31 (c) Notwithstanding AS 29.26.100, the powers of initiative and referendum
1 may not be used for withdrawing a municipality from participation in an authority
2 with one or more other municipalities.

3 **Sec. 29.35.754. Municipal property.** (a) A municipality may transfer and
4 otherwise convey or lease real property and improvements to real property to a
5 regional transit authority for use by the authority for the purposes set out in the
6 ordinance adopted under AS 29.35.750(b) or (c).

7 (b) A municipality may transfer and otherwise assign or lease personal
8 property to an authority for use by the authority for the purposes set out in the
9 ordinance adopted under AS 29.35.750(b) or (c).

10 **Sec. 29.35.756. Powers and duties.** (a) If provided in the enabling ordinance,
11 a regional transit authority may

12 (1) sue and be sued;

13 (2) have a seal and alter it;

14 (3) acquire an interest in a project as necessary or appropriate to
15 provide financing for the project, whether by purchase, gift, or lease;

16 (4) lease to others a project acquired by the authority on the terms and
17 conditions the authority may consider advisable, including provisions for purchase or
18 renewal;

19 (5) sell, by installment sale or otherwise, exchange, donate, convey, or
20 encumber in any manner, by mortgage or by creation of another security interest, real
21 or personal property that it owns or in which it has an interest, including a project,
22 when the authority determines the action is in furtherance of the authority's purposes;

23 (6) accept gifts, grants, or loans, under the terms and conditions

24 imposed under the gift, grant, or loan, and enter into contracts, conveyances, or other
25 transactions with a federal agency or an agency or instrumentality of the state, a
26 municipality, a private organization, or another person;

27 (7) deposit or invest the authority's funds, subject to agreements with
28 bondholders;

29 (8) purchase or insure loans to finance the costs of projects;

30 (9) provide for security within the boundaries of the authority;

31 (10) enter into loan agreements for one or more projects on the terms
1 and conditions the authority considers advisable;

2 (11) acquire, manage, and operate projects the authority considers
3 necessary or appropriate to serve the authority's purposes;

4 (12) assist private lenders to make loans to finance the costs of projects
5 through loan commitments, short-term financing, or otherwise;

6 (13) charge fees or other forms of remuneration for the use or
7 possession of projects under the agreements described in this subsection, other
8 agreements relating to the projects, covenants, or representations made in bond
9 documents relating to the projects, or regulations of the authority relating to the
10 projects;

11 (14) exercise the powers of eminent domain and declaration of taking
12 within its physical boundaries under AS 29.35.030 to acquire land or materials for the
13 purposes of the authority;

14 (15) regulate land use within the boundaries of the authority;

Proposed Change 2:

Eliminate "regulate land use" and substituting "provide input to those responsible for land use regulation."

15 (16) defend and indemnify a current or former member of the board,
16 employee, or agent of the authority against all costs, expenses, judgments, and
17 liabilities, including attorney fees, incurred by or imposed on that person in connection
18 with a civil or criminal action in which the person is involved because of the person's

19 affiliation with the authority if the person acted in good faith on behalf of the authority
20 and within the scope of the person's official duties and powers;

21 (17) purchase insurance to protect and hold harmless its employees,
22 agents, and board members from an action, claim, or proceeding arising out of the
23 performance of, purported performance of, or failure to perform in good faith duties
24 for the authority or arising out of employment with the authority and to hold them
25 harmless from expenses connected with the defense, settlement, or monetary
26 judgments from that action, claim, or proceeding; the purchase of insurance is subject
27 to the discretion of the board; insurance purchased under this paragraph is not
28 compensation to the insured person; and

29 (18) protect its assets, services, and employees by purchasing
30 insurance or providing for certain self-insurance retentions.

31 (b) An authority shall maintain casualty, property, business interruption,
1 marine, boiler and machinery, pollution liability, and other insurance in amounts
2 reasonably calculated to cover potential claims against the authority or a municipality
3 for bodily injury, death, or disability, and property damage that arise from or are
4 related to operations and activities of the authority.

5 **Sec. 29.35.758. Bonds of a regional transit authority.** (a) If authorized by the
6 enabling ordinance, a regional transit authority may borrow money and issue bonds on
7 which the principal and interest are payable

8 (1) exclusively from the income and receipts of, or other money
9 derived from, the project financed with the proceeds of the bonds;

10 (2) exclusively from the income and receipts of, or other money
11 derived from, designated projects or other sources, whether they are financed, insured,
12 or guaranteed in whole or in part with the proceeds of the bonds; or

13 (3) from its income and receipts or a designated part or parts of them.

14 (b) All bonds shall be sold at public or private sale in the manner, for the price
15 or prices, and at the time or times, the authority may determine. Before issuing bonds,

16 an authority shall provide for consideration at least sufficient, in the judgment of the
17 authority, to

18 (1) pay the principal of and interest on the bonds as they become due;

19 (2) create and maintain the reserves for the payment that the authority
20 considers necessary or desirable; and

21 (3) meet all obligations in connection with and all costs necessary to
22 service the bonds, unless the bond agreement provides that the obligations are to be
23 met or costs are to be paid by a party other than the authority.

24 (c) Bonds shall be authorized by resolution of the authority and shall be dated
25 and mature as the resolution may provide, except that a bond may not mature more
26 than 40 years after the date of its issue. Bonds shall bear interest at the rate or rates, be
27 in the denominations, be in the form, either coupon or registered, carry the registration
28 privileges, be executed in the manner, be payable in the medium of payment, at the
29 place or places, and be subject to the terms of redemption that the resolution or a
30 subsequent resolution may provide.

31 (d) All bonds issued under this section, regardless of form or character, are
1 negotiable instruments for all the purposes of AS 45.01 - AS 45.08, AS 45.12,
2 AS 45.14, and AS 45.29 (Uniform Commercial Code).

3 **Sec. 29.35.760. Bonds eligible for investment.** Bonds issued under
4 AS 29.35.758 are securities in which public officers and public bodies of the state and
5 its political subdivisions, insurance companies, trust companies, banks, investment
6 companies, executors, administrators, trustees, and other fiduciaries may properly and
7 legally invest funds, including capital in their control or belonging to them. The bonds
8 may be deposited with a state or municipal officer of an agency or political
9 subdivision of the state for any purpose for which the deposit of bonds of the state is
10 authorized by law.

11 **Sec. 29.35.762. Pledge of revenue; credit.** (a) The pledge of revenue of a
12 regional transit authority to the payment of the principal of or interest on bonds or

13 notes of the authority is valid and binding from the time the pledge is made, and the
14 revenue is immediately subject to the lien of the pledge without physical delivery or
15 further act. The lien of a pledge is valid and binding against all parties having claims
16 of any kind against the authority, regardless of whether those parties have notice of the
17 lien of the pledge.

18 (b) The state and municipalities participating in an authority are not liable for
19 the debts of that authority. Bonds issued under AS 29.35.758 are payable solely from
20 the revenue of the authority and do not constitute a

21 (1) debt, liability, or obligation of the state or a municipality; or

22 (2) pledge of the faith and credit of the state or a municipality.

23 (c) An authority may not pledge the credit or the taxing power of the state or
24 its municipalities. A bond issued under AS 29.35.758 must contain on its face a
25 statement that

26 (1) the authority is not obligated to pay it or the interest on it except
27 from the revenue pledged for it; and 2

8 (2) the faith and credit of the taxing power of the state or of a political
29 subdivision of the state is not pledged to the payment of it.

30 **Sec. 29.35.764. Pledges of the state and municipalities.** The state and
31 municipalities participating in an authority pledge to and agree with the holders of
1 bonds issued under AS 29.35.758 and with the federal agency, if any, that loans or
2 contributes funds for a project of the authority that the state and the municipalities
3 participating in the authority will not limit or alter the rights and powers vested in the
4 authority by its enabling ordinance or other law so that it is unable to fulfill the terms
5 of a contract made by it with those holders or that federal agency or in any way impair
6 the rights and remedies of those holders or that federal agency until the bonds,
7 together with the interest on them and interest on unpaid installments of interest, and
8 all costs and expenses in connection with an action or proceeding by or on behalf of
9 those holders or that federal agency, are fully met and discharged. An authority may

10 include this pledge and agreement of the state and the municipalities participating in
11 the authority, to the extent that it refers to holders of bonds of the authority, in a
12 contract with those holders and, to the extent that it relates to a federal agency, in a
13 contract with that federal agency.

14 **Sec. 29.35.766. Limitation of liability; fidelity bond.** (a) Any liability, debt,
15 or judgment incurred by a regional transit authority shall be satisfied exclusively from
16 the assets or revenue of the authority. A creditor or other person does not have a right
17 of action against the state or a municipality participating in an authority because of a
18 debt, obligation, or liability of an authority.

19 (b) A board member or employee of an authority is not subject to personal
20 liability or accountability because of the execution or issuance of bonds under
21 AS 29.35.758.

22 (c) An authority shall obtain a fidelity bond in an amount determined by the
23 board for board members and each executive officer responsible for accounts and
24 finances of that authority. A fidelity bond must be in effect during the entire tenure in
25 office of the bonded person.

26 **Sec. 29.35.768. Exemption from taxation.** (a) A regional transit authority
27 exercising the powers granted under AS 29.35.750 - 29.35.799 is in all respects for the
28 benefit of the people of the municipalities participating in the authority and the people
29 of the state in general, for their well-being and prosperity, and for the improvement of
30 their social and economic condition. The real and personal property of the authority
31 and its assets, income, and receipts are exempt from all taxes and special assessments
1 of the state or a political subdivision of the state.

2 (b) Bonds issued by the authority under AS 29.35.758 are issued for an
3 essential public and governmental purpose; therefore, the bonds, the interest and
4 income from them, and all fees, charges, funds, revenue, income, and other money
5 pledged or available to pay or secure the payment of the bonds or interest on them are
6 exempt from taxation except for inheritance, transfer, and estate taxes.

7 (c) Notwithstanding the provisions of (a) of this section, an authority and the
8 municipalities participating in the authority may enter into agreements under which
9 the authority agrees to pay the participating municipalities' payments in lieu of taxes
10 and special assessments on real and personal property of the authority that is within
11 the taxing jurisdiction of the municipality.

12 (d) Nothing in this section creates a tax exemption with respect to the interests
13 of a business enterprise or other person, other than the authority, in property, assets,
14 income, or receipts, whether or not financed under AS 29.35.750 - 29.35.799.

15 **Sec. 29.35.770. Administration of regional transit authority; board.** (a) A
16 regional transit authority shall be governed by a board of directors, which shall
17 exercise the powers of the authority. The enabling ordinance establishing the authority
18 under AS 29.35.750 must specify the number, qualifications, manner of appointment
19 or election, and terms of members of the board.

20 (b) The board shall appoint a chief executive officer of the authority, who
21 serves at the pleasure of the board. The board shall fix the compensation of the chief
22 executive officer.

23 **Sec. 29.35.772. Collective bargaining agreements.** (a) A collective
24 bargaining agreement for employees of the state or its political subdivisions who are
25 transferred to a regional transit authority remains in effect for the term of the
26 agreement or one year, whichever is longer, and is binding on the authority unless the
27 parties agree to the contrary before the agreement expires. A labor-management
28 negotiation impasse declared after a transfer of employees under this subsection but
29 before the negotiation of a new collective bargaining agreement shall be resolved as
30 provided in the collective bargaining agreement or, if the collective bargaining
31 agreement does not provide for a resolution, as provided in AS 23.40.070 - 23.40.260.

1 (b) Employees of the state or a political subdivision of the state transferred to
2 an authority shall retain, for one year following the date of transfer or for the duration
3 of a collective bargaining agreement transferred under (a) of this section, whichever is

4 greater, all rights of participation in fringe benefit programs available to the employees
5 on the day before the transfer, or in substantially equivalent programs.

6 (c) AS 23.40.070 - 23.40.260 apply to employees of an authority unless all
7 municipalities participating in the authority are exempt under AS 23.40.255(a).

8 **Sec. 29.35.774. Bylaws and regulations.** (a) The board of directors of a
9 regional transit authority shall adopt bylaws and appropriate regulations consistent
10 with the enabling ordinance to carry out its functions and purposes.

11 (b) The board shall adopt bylaws as soon after the authority is established as
12 possible and may, from time to time, amend those bylaws. The bylaws may contain
13 any provision not in conflict with law for managing the business of the authority and
14 for conducting the affairs of the authority, including provisions relating to

15 (1) the time, place, and manner of calling, conducting, and giving
16 notice of meetings of the board and committees of the board, if any;

17 (2) the compensation of directors, if any;

18 (3) the appointment and authority of committees of the board, if any;

19 (4) the appointment, duties, compensation, and tenure of officers,
20 directors, the chief executive officer, and other employees, if any;

21 (5) procedures for adopting regulations;

22 (6) procedures for adopting bylaws;

23 (7) procedures for making annual reports and financial statements; and

24 (8) other matters for the conduct of business by the board.

25 **Sec. 29.35.776. Authority subject to public records and open meetings**
26 **laws.** A regional transit authority is subject to AS 40.25.110 - 40.25.220 and to
27 AS 44.62.310 and 44.62.312.

28 **Sec. 29.35.778. Report and audit.** (a) Within 90 days following the end of the
29 fiscal year of a regional transit authority, the board of directors shall distribute to the
30 mayor and governing body of each municipality participating in the authority a report
31 describing the operations and financial condition of the authority during the preceding

1 fiscal year. The report may include suggestions for legislation relating to the structure,
2 powers, or duties of the authority or operation of facilities of the authority. The report
3 must itemize the cost of providing each category of service offered by the authority
4 and the income generated by each category.

5 (b) The board shall have the financial records of the authority audited annually
6 by an independent certified public accountant.

7 (c) An authority shall make all of its financial records available for
8 examination to an auditor appointed by a municipality participating in the authority.

9 **Sec. 29.35.780. Claims and remedies.** (a) The superior court has jurisdiction
10 to hear and determine suits, actions, or proceedings relating to an authority, including
11 suits, actions, or proceedings brought to foreclose or otherwise enforce a mortgage,
12 pledge, assignment, or security interest brought by or for the benefit or security of a
13 holder of the authority's bonds or by a trustee for or other representative of the holders.

14 (b) A holder of bonds or notes or coupons attached to the bonds issued by an
15 authority under AS 29.35.758, and a trustee under a trust agreement or resolution
16 authorizing the issuance of the bonds, except as restricted by a trust agreement or
17 resolution, either at law or in equity, may

18 (1) enforce all rights granted under AS 29.35.750 - 29.35.799, the trust
19 agreement or resolution, or another contract executed by the authority; and

20 (2) compel the performance of all duties of the authority required by
21 AS 29.35.750 - 29.35.799 or the trust agreement or resolution.

22 (c) In judicial and regulatory proceedings by and against an authority, an
23 authority and its board members and employees enjoy the same rights, privileges, and
24 immunities as a municipality and municipal officers.

25 **Sec. 29.35.790. Conflicting laws inapplicable.** If a provision of AS 29.35.750
26 - 29.35.799 conflicts with another provision of this title, the provision of AS 29.35.750
27 - 29.35.799 prevails.

28 **Sec. 29.35.798. Definitions.** In AS 29.35.750 - 29.35.799, unless the context

29 otherwise requires,

30 (1) "authority" means a regional transit authority established under
31 AS 29.35.750;

1 (2) "board" means the board of directors of a regional transit authority;

2 (3) "bonds" includes bonds, bond anticipation notes, notes, refunding
3 bonds, or other forms of indebtedness of the authority;

4 (4) "bylaws" means the guidelines adopted by and amended by the
5 board of directors from time to time under AS 29.35.750 - 29.35.799;

6 (5) "costs of projects" means all or any part of the aggregate costs
7 determined by a regional transit authority to be necessary to finance the construction
8 or acquisition of a project, including, without limitation,

9 (A) the cost of acquiring real property;

10 (B) the cost of constructing buildings and improvements;

11 (C) the cost of financing the project, including, without
12 limitation, interest charges before, during, or after construction or acquisition
13 of the project;

14 (D) costs related to determining the feasibility of, planning,
15 design of, or engineering of the project and, to the extent determined necessary
16 by the authority, administrative expenses;

17 (E) the costs of machinery or equipment to be used in the
18 operation or rehabilitation of a transit facility or operation; and

19 (F) all other costs, charges, fees, and expenses that the
20 authority determines necessary to finance the construction or acquisition;

21 (6) "land" or "real property" means any interest in real property,
22 including tidal and submerged land, any right appurtenant to the interest, and, without
23 limitation, interests less than full title, such as easements, uses, leases, and licenses;

24 (7) "project" means a capital project related or incidental to public
25 transportation;

Proposed Change 3:

Change the definition of “project” by adding the on-going operation of public transportation service(s) to the current language. Examples of similar clauses that appear in other state enabling statues include:

“The authority has the right to plan, develop, finance, construct, own, purchase, operate, maintain, relocate, equip, repair, and manage those public transportation projects, such as express bus services; bus rapid transit services; light rail, commuter rail, heavy rail, or other transit services; ferry services; transit stations; park-and-ride lots; transit-oriented development nodes; or feeder roads, reliever roads, connector roads, bypasses, or appurtenant facilities, that are intended to address critical transportation needs or concerns”ⁱ

26 (8) "public transportation" means transportation by a conveyance that
27 provides regular and continuing general or special transportation to the public;

28 (9) "regulation" means a standard of general application or the
29 amendment, supplement, revision, or repeal of a standard adopted by a regional transit
30 authority to implement, interpret, or make specific the law enforced or administered
31 by it or to govern its procedure.

Proposed Change 4:

Add a definition of municipality to include all local municipalities, boroughs, cities, villages, tribal governments and other local governmental entities.

1 **Sec. 29.35.799. Short title.** AS 29.35.750 - 29.35.799 may be cited as the
2 Regional Transit Authority Act.

3 * **Sec. 2.** AS 29.71.800 is amended by adding a new paragraph to read:

4 (26) "transportation system" means the infrastructure and carriers
5 necessary to provide for public or private transportation of goods and individuals,
6 including ports, marinas, railways, terminals, highways, roads, and trails, as well as
7 motor vehicles, trains, and watercraft.

Proposed Change 5:

Add a section that would include the ability of a regional transit authority to contract with other transportation service providers to operate public transportation services. An example that appears in other state enabling statutes includes:

“To lease, rent, or contract for the operation or management of any part of a transportation system facility built by the authority. In awarding any contract, the authority shall consider, but is not limited to, the following: The qualifications of each applicant.

- (1)The level or quality of service.
- (2)The efficiency, cost, and anticipated revenue.
- (3)The construction, operation, and management plan.
- (4)The financial ability to provide service.
- (5)The impact on other transportation modes, including the ability to interface with other transportation modes and facilities.”ⁱⁱ

Proposed Change 6:

Add a section that would include regional transit authorities to be entitled to an appropriation of state funding that is equal to ten (10) percent of State Motor Fuel Taxes and ten (10) percent of Vehicle Registration Fees collected within the boundaries of the authority.

Proposed Change 7:

Add a section that would include regional transit authorities the ability to implement local taxes and/or fees to support public transportation services. Examples of similar clauses that appear in other state enabling statues include:

“Upon the affirmative vote of at least a majority of the qualified electors within the territorial boundaries of the regional transit authority voting on the question at an election held for the purpose of authorizing it, the regional transit authority may levy upon the property within its territorial boundaries a tax, for all purposes other than bond debt charges, not in excess of five mills annually on the total value of all property as listed and assessed for taxation for any period not exceeding ten years.” ⁱⁱⁱ

“The Board may impose a public transportation tax upon all persons engaged in the metropolitan region in the business of selling at retail motor fuel for operation of motor vehicles upon public highways. The tax shall be at a rate not to exceed 5% of the gross receipts from the sales of motor fuel in the course of the business.” ^{iv}

ⁱ Florida Statute Title XXVI Chapter 343.922 (2)(a)

ⁱⁱ Florida Statute Title XXVI Chapter 343.922 (5)(1)

ⁱⁱⁱ Ohio Revised Code Section 306.49 (A)

^{iv} Illinois Statute (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03) (1)(b)

APPENDIX E

REGIONAL TRANSIT AUTHORITY PLAN

**MUNICIPALITY OF ANCHORAGE AND THE MATANUSKA-SUSITNA
BOROUGH**

EXISTING RTA ENABLING LEGISLATION

OCTOBER 17, 2011



The Florida Senate

2011 Florida Statutes

TITLE XXVI PUBLIC TRANSPORTATION	CHAPTER 343 REGIONAL TRANSPORTATION AUTHORITIES	VIEW ENTIRE CHAPTER
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CHAPTER 343
REGIONAL TRANSPORTATION AUTHORITIES

[PART I](#) SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
(ss. 343.51-343.58)

[PART II](#) CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY
(ss. 343.61-343.67)

[PART III](#) NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY
(ss. 343.80-343.89)

[PART IV](#) TAMPA BAY AREA REGIONAL TRANSPORTATION AUTHORITY
(ss. 343.90-343.976)

[PART I](#)
SOUTH FLORIDA REGIONAL
TRANSPORTATION AUTHORITY

343.51 Short title.

343.52 Definitions.

343.53 South Florida Regional Transportation Authority.

343.54 Powers and duties.

343.55 Issuance of revenue bonds.

343.56 Bonds not debts or pledges of credit of state.

343.57 Pledge to bondholders not to restrict certain rights of authority.

343.58 County funding for the South Florida Regional Transportation Authority.

343.51 Short title.— This part may be cited as the “South Florida Regional Transportation Authority Act.”

History.— s. 1, ch. 89-351; s. 1, ch. 2003-159.

343.52 Definitions.— As used in this part, the term:

- (1) “Authority” means the South Florida Regional Transportation Authority.
- (2) “Board” means the governing body of the authority.
- (3) “Area served” means Miami-Dade, Broward, and Palm Beach Counties.

However, this area may be expanded by mutual consent of the authority and the board of county commissioners representing the proposed expansion area.

(4) “Transit system” means a system used for the transportation of people and goods by means of, without limitation, a street railway, an elevated railway having a fixed guideway, a commuter railroad, a subway, motor vehicles, or motor buses, and includes a complete system of tracks, stations, and rolling stock necessary to effectuate passenger service to or from the surrounding regional municipalities.

(5) “Transit facilities” means property, avenues of access, equipment, or buildings built and installed in Miami-Dade, Broward, and Palm Beach Counties which are required to support a transit system.

(6) “Member” means the individuals constituting the board.

(7) “Feeder transit services” means a transit system that transports passengers to or from stations within or across counties.

History.—s. 1, ch. 89-351; s. 2, ch. 2003-159.

343.53 South Florida Regional Transportation Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the “South Florida Regional Transportation Authority,” hereinafter referred to as the “authority.”

(2) The governing board of the authority shall consist of nine voting members, as follows:

(a) The county commissions of Miami-Dade, Broward, and Palm Beach Counties shall each elect a commissioner as that commission’s representative on the board. The commissioner must be a member of the county commission when elected and for the full extent of his or her term.

(b) The county commissions of Miami-Dade, Broward, and Palm Beach Counties shall each appoint a citizen member to the board who is not a member of the county commission but who is a resident of the county from which he or she is appointed and a qualified elector of that county. Insofar as practicable, the citizen member shall represent the business and civic interests of the community.

(c) The secretary of the Department of Transportation shall appoint one of the district secretaries, or his or her designee, for the districts within which the area served by the South Florida Regional Transportation Authority is located.

(d) If the authority’s service area is expanded pursuant to s. 343.54(5), the county containing the new service area shall have three members appointed to the board as

follows:

1. The county commission of the county shall elect a commissioner as that commission's representative on the board. The commissioner must be a member of the county commission when elected and for the full extent of his or her term.

2. The county commission of the county shall appoint a citizen member to the board who is not a member of the county commission but who is a resident and a qualified elector of that county. Insofar as is practicable, the citizen member shall represent the business and civic interests of the community.

3. The Governor shall appoint a citizen member to the board who is not a member of the county commission but who is a resident and a qualified elector of that county.

(e) The Governor shall appoint two members to the board who are residents and qualified electors in the area served by the authority but who are not residents of the same county and also not residents of the county in which the district secretary who was appointed pursuant to paragraph (c) is a resident.

(3)(a) Members of the governing board of the authority shall be appointed to serve 4-year staggered terms, except that the terms of the appointees of the Governor shall be concurrent.

(b) The terms of the board members currently serving on the authority that is being succeeded by this act shall expire July 30, 2003, at which time the terms of the members appointed pursuant to subsection (2) shall commence. The Governor shall make his or her appointments to the board within 30 days after July 30, 2003.

(4) A vacancy during a term shall be filled by the respective appointing authority in the same manner as the original appointment and only for the balance of the unexpired term.

(5) The members of the authority shall serve without compensation, but are entitled to reimbursement for travel expenses actually incurred in their duties as provided by law.

History.—s. 1, ch. 89-351; s. 7, ch. 91-418; s. 75, ch. 92-152; s. 508, ch. 95-148; s. 3, ch. 2003-159.

343.54 Powers and duties.—

(1)(a) The authority created and established by this part shall have the right to own, operate, maintain, and manage a transit system in the tri-county area of Broward, Miami-Dade, and Palm Beach Counties, hereinafter referred to as the South Florida Regional Transportation Authority.

(b) It is the express intention of this part that the authority be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage a transit system and transit facilities; to establish and determine the policies necessary for the best interest of the operation and promotion of a transit system; and to adopt rules necessary to govern the operation of a transit system and transit facilities. It is the intent of the Legislature that the South Florida Regional Transportation Authority shall have overall authority to coordinate, develop, and operate a regional transportation system within the area served.

(c) Notwithstanding subsection (3), the South Florida Regional Transportation Authority may not exercise the powers in paragraph (b) with respect to an existing system for transporting people and goods by any means which is owned by another entity without the consent of that entity. Furthermore, if the authority acquires, purchases, operates, condemns, or inherits an existing entity, the authority shall also inherit and assume all rights, assets, labor agreements, appropriations, privileges, and obligations of the existing entity. This paragraph does not preclude the South Florida Regional Transportation Authority from having the primary responsibility to develop and coordinate the transportation systems within the service area of the South Florida Regional Transportation Authority.

(2) The authority created in this part shall be the successor and assignee of the Tri-County Commuter Rail Authority and shall inherit all rights, assets, labor agreements, appropriations, privileges, and obligations of the Tri-County Commuter Rail Authority.

(3) The authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts in its own name.

(b) To adopt and use a corporate seal.

(c) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(d) To acquire, purchase, hold, lease as a lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority.

(e) To sell, convey, exchange, lease, or otherwise dispose of any real or personal property acquired by the authority, including air rights.

(f) To fix, alter, establish, and collect rates, fares, fees, rentals, and other charges for the use of any transit system or transit facilities owned or operated by the authority.

(g) To develop and provide feeder transit services to or from stations within or across counties.

(h) To adopt bylaws for the regulation of the affairs and the conduct of the business of the authority. The bylaws shall provide for quorum and voting requirements, maintenance of minutes and other official records, and preparation and adoption of an annual budget.

(i) To lease, rent, or contract for the operation or management of any part of a transit system or transit facility, including feeder transit services and concessions. In awarding a contract, the authority shall consider, but is not limited to, the following:

1. The qualifications of each applicant.
2. The level of service.
3. The efficiency, cost, and anticipated revenue.
4. The construction, operation, and management plan.
5. The financial ability to provide reliable service.
6. The impact on other transportation modes, including the ability to interface with other transportation modes and facilities.

(j) To enforce collection of rates, fees, and charges, and to establish and enforce fines and penalties for violations of any rules.

(k) To advertise and promote transit systems, transit facilities, and activities of the authority.

(l) To employ an executive director, attorney, staff, and consultants.

(m) To cooperate with other governmental entities and to contract with other governmental agencies, including the Department of Transportation, the Federal Government, regional planning councils, counties, and municipalities.

(n) To enter into joint development agreements.

(o) To accept funds from other governmental sources, and to accept private donations.

(p) To purchase by directly contracting with local, national, or international insurance companies to provide liability insurance which the authority is

contractually and legally obligated to provide, the requirements of s. 287.022(1), notwithstanding.

(4) The authority shall develop and adopt a plan for the operation, maintenance, and expansion of the transit system. Such plan shall address the authority's plan for the development of public and private revenue sources, and the service to be provided, including expansions of current service which are consistent, to the maximum extent feasible, with approved local government comprehensive plans. The plan shall be reviewed and updated annually.

(5) The authority, by a resolution of its governing board, may expand its service area and enter into a partnership with any county that is contiguous to the service area of the authority. The board shall determine the conditions and terms of the partnership, except as provided herein. However, the authority may not expand its service area without the consent of the board of county commissioners representing the proposed expansion area, and a county may not be added to the service area except in the year that federal reauthorization legislation for transportation funds is enacted.

History.—s. 1, ch. 89-351; s. 88, ch. 90-136; s. 76, ch. 92-152; s. 4, ch. 2003-159; s. 1, ch. 2007-255.

343.55 Issuance of revenue bonds.—

(1) The authority is authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more projects of the South Florida Regional Transportation Authority. The principal of, and the interest on, such bonds shall be payable solely from revenues pledged for their payment.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the projects for which such bonds shall have been issued, except as provided in the State Bond Act. Such proceeds shall be disbursed and used as provided in this part and in such manner and under such restrictions, if any, as the Division of Bond Finance may provide in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same.

(3)(a) The authority may issue, reissue, or redeem bonds that do not pledge the full faith and credit of the state in such principal amounts as, in the opinion of the authority, is necessary to provide sufficient moneys for achieving its corporate purposes.

(b) The bonds of the authority, whether on original issuance or refunding, must be

authorized by resolution of the authority after approval of the issuance of the bonds at a public hearing. These bonds may be term or serial bonds, shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, at such times, be in such denominations, be in such form, coupon or fully registered, shall carry registration, have exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority as any resolution subsequent thereto may provide. The bonds must be executed by officers as the authority determines under the requirements of s. 279.06.

(c) The authority shall sell the bonds at public sale by competitive bid. However, if the authority receives a written recommendation from a financial adviser and the authority determines, by official action, that a negotiated sale of the bonds is in the best interest of the authority, the authority may negotiate sale of the bonds with the underwriter designated by the authority, after a public hearing and by a two-thirds vote of all voting members of the authority. The authority shall provide specific findings in a resolution as to the reasons requiring the negotiated sale. This resolution shall incorporate and have attached the written recommendation of the financial adviser required by this subsection.

(d) Any such resolution authorizing any bonds that do not pledge the full faith and credit of the sale may contain provisions that are part of the contract with the holders of the bonds as the authority determines proper. In addition, the authority may enter into a trust indenture or other agreement with its fiscal agent or with any bank or trust company within or without the state as security for such bonds and may, under an agreement, assign and pledge the revenues, rates, fees, rentals, tolls, or other charges or receipts of the authority.

(e) Any bond that is issued pursuant to this part is a negotiable instrument and has all the qualities and incidents of a negotiable instrument under the laws governing merchants and negotiable instruments in this state.

History.—s. 1, ch. 89-351; s. 5, ch. 2003-159; s. 2, ch. 2007-255.

343.56 Bonds not debts or pledges of credit of state.— Revenue bonds issued under the provisions of this part are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is

not obligated to pay the same or the interest thereon, except from the revenues pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bonds. The issuance of revenue bonds under the provisions of this part does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. No state funds shall be used to pay the principal or interest of any bonds issued to finance or refinance any portion of the South Florida Regional Transportation Authority transit system, and all such bonds shall contain a statement on their face to this effect. However, federal funds being passed through the department to the South Florida Regional Transportation Authority and those state matching funds required by the United States Department of Transportation as a condition of federal funding may be used to pay principal and interest of any bonds issued.

History.—s. 1, ch. 89-351; s. 21, ch. 2000-266; s. 6, ch. 2003-159.

343.57 Pledge to bondholders not to restrict certain rights of authority.— The state pledges to and agrees with the holders of the bonds issued pursuant to this part that the state will not limit or restrict the rights vested in the authority to construct, reconstruct, maintain, and operate any project as defined in this part, to establish and collect such fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation of the system, and to fulfill the terms of any agreements made with the holders of bonds authorized by this part. The state further pledges that it will not in any way impair the rights or remedies of the holders of such bonds until the bonds, together with interest thereon, are fully paid and discharged.

History.—s. 1, ch. 89-351; s. 7, ch. 2003-159.

343.58 County funding for the South Florida Regional Transportation Authority.—

(1) Each county served by the South Florida Regional Transportation Authority must dedicate and transfer not less than \$2.67 million to the authority annually. The recurring annual \$2.67 million must be dedicated by the governing body of each county before October 31 of each fiscal year. These funds may be used for capital, operations, and maintenance.

(2) At least \$45 million of a state-authorized, local option recurring funding source available to Broward, Miami-Dade, and Palm Beach counties is directed to the

authority to fund its capital, operating, and maintenance expenses. The funding source shall be dedicated to the authority only if Broward, Miami-Dade, and Palm Beach counties impose the local option funding source.

(3) In addition, each county shall continue to annually fund the operations of the South Florida Regional Transportation Authority in an amount not less than \$1.565 million. Revenue raised pursuant to this subsection shall also be considered a dedicated funding source.

(4) Notwithstanding any other provision of law to the contrary and effective July 1, 2010, the department shall transfer annually from the State Transportation Trust Fund to the South Florida Regional Transportation Authority the amounts specified in subparagraph (a)1. or subparagraph (a)2.

(a)1. If the authority becomes responsible for maintaining and dispatching the South Florida Rail Corridor:

- a. \$15 million from the State Transportation Trust Fund to the South Florida Regional Transportation Authority for operations, maintenance, and dispatch; and
- b. An amount no less than the work program commitments equal to \$27.1 million for fiscal year 2010-2011, as of July 1, 2009, for operating assistance to the authority and corridor track maintenance and contract maintenance for the South Florida Rail Corridor.

2. If the authority does not become responsible for maintaining and dispatching the South Florida Rail Corridor:

- a. \$13.3 million from the State Transportation Trust Fund to the South Florida Regional Transportation Authority for operations; and
- b. An amount no less than the work program commitments equal to \$17.3 million for fiscal year 2010-2011, as of July 1, 2009, for operating assistance to the authority.

(b) Funding required by this subsection may not be provided from the funds dedicated to the Florida Rail Enterprise under s. 201.15(1)(c)1.d.

(5) The current funding obligations under subsections (1), (3), and (4) shall cease upon commencement of the collection of funding from the funding source under subsection (2). If the funding under subsection (2) is discontinued for any reason, the funding obligations under subsections (1) and (3) shall resume when collection from the funding source under subsection (2) ceases. Payment by the counties shall be on a pro rata basis the first year following cessation of the funding under subsection (2). The authority shall refund a pro rata share of the payments for the current fiscal year

made pursuant to the current funding obligations under subsections (1) and (3) as soon as reasonably practicable after it begins to receive funds under subsection (2). If, by December 31, 2015, the South Florida Regional Transportation Authority has not received federal matching funds based upon the dedication of funds under subsection (1), subsection (1) shall be repealed.

History.— s. 10, ch. 2003-159; s. 3, ch. 2007-255; s. 4, ch. 2009-271.

PART II

CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY

343.61 Short title.

343.62 Definitions.

343.63 Central Florida Regional Transportation Authority.

343.64 Powers and duties.

343.65 Issuance of revenue bonds.

343.66 Bonds not debts or pledges of credit of state.

343.67 Pledge to bondholders not to restrict certain rights of authority.

343.61 Short title.— This part may be cited as the “Central Florida Regional Transportation Authority Act.”

History.— s. 1, ch. 89-351; s. 1, ch. 93-103.

343.62 Definitions.— As used in this part, unless the context clearly indicates otherwise, the term:

(1) “Authority” means the Central Florida Regional Transportation Authority.

(2) “Board” means the governing body of the authority.

(3) “Commuter railroad” means a complete system of tracks, stations, parking facilities, and rolling stock necessary to effectuate medium-distance to long-distance passenger rail service to or from the surrounding regional municipalities.

(4) “Member” means the individuals constituting the board.

(5) “Public transportation” means transportation of goods and passengers for hire, as a charter service, or without charge, by means, without limitation, of a street railway, elevated railway or fixed guideway, commuter railroad, subway, motor vehicle, motor bus, and any bus, truck, or other means of conveyance operating as a common carrier or otherwise.

(6) “Public transportation facilities” means property, equipment, or buildings that are acquired, built, installed, or established for public transportation systems.

(7) “Public transportation system” means, without limitation, a combination of real and personal property, structures, improvements, buildings, terminals, parking facilities, equipment, plans, and rights-of-way, public rail and fixed guideway transportation facilities, rail or fixed guideway access to, from, or between other transportation terminals, and commuter railroads and commuter rail facilities, or any combination thereof or addition thereto, used, directly or indirectly, useful or convenient for the purpose of public transportation by automobile, truck, bus, rapid transit vehicle, light rail, or heavy rail.

History.—s. 1, ch. 89-351; s. 1, ch. 91-142; s. 2, ch. 93-103.

343.63 Central Florida Regional Transportation Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the “Central Florida Regional Transportation Authority,” hereinafter referred to as the “authority.”

(2) The governing board of the authority shall consist of five voting members as follows:

(a) The chairs of the county commissions of Seminole, Orange, and Osceola Counties, or another member of the commission designated by the county chair, shall each serve as a representative on the board for the full extent of his or her term.

(b) The mayor of the City of Orlando, or a member of the Orlando City Council designated by the mayor, shall serve as a representative on the board for the full extent of his or her term.

(c) The Secretary of Transportation shall appoint the district secretary, or his or her designee, for the district within which the area served by the authority is located and this member shall be a voting member.

(3) A vacancy during a term shall be filled in the same manner as the original appointment and only for the balance of the unexpired term.

(4) The members of the authority shall not be entitled to compensation, but shall be reimbursed for travel expenses actually incurred in their duties as provided by law.

History.—s. 1, ch. 89-351; s. 2, ch. 91-142; s. 8, ch. 91-418; s. 77, ch. 92-152; s. 3, ch. 93-103; s. 509, ch. 95-148; s. 22, ch. 2000-266; s. 1, ch. 2003-285.

343.64 Powers and duties.—

(1)(a) The authority created and established by this part shall have the right to own, operate, maintain, and manage a public transportation system in the area of Seminole, Orange, and Osceola Counties, hereinafter referred to as the Central

Florida Regional Transportation System.

(b) It is the express intention of this part that the authority be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage a regional public transportation system and public transportation facilities; to establish and determine such policies as may be necessary for the best interest of the operation and promotion of a public transportation system; and to adopt such rules as may be necessary to govern the operation of a public transportation system and public transportation facilities.

(2) The authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, complain and defend in all courts in its own name.

(b) To adopt and use a corporate seal.

(c) To have the power of eminent domain for acquisition of the public transportation facilities.

(d) To acquire, purchase, hold, lease as a lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority.

(e) To sell, convey, exchange, lease, or otherwise dispose of any real or personal property acquired by the authority, including air rights.

(f) To fix, alter, establish, and collect rates, fares, fees, rentals, and other charges for the use of any public transportation system or facilities owned or operated by the authority.

(g) To develop and provide feeder transit services to rail stations.

(h) To adopt bylaws for the regulation of the affairs and the conduct of the business of the authority. The bylaws shall provide for quorum and voting requirements, maintenance of minutes and other official records, and preparation and adoption of an annual budget.

(i) To lease, rent, or contract for the operation or management of any part of a public transportation system or public transportation facility, including concessions. In awarding a contract, the authority shall consider, but is not limited to, the following:

1. The qualifications of each applicant.

2. The level of service.
 3. The efficiency, cost, and anticipated revenue.
 4. The construction, operation, and management plan.
 5. The financial ability to provide reliable service.
 6. The impact on other transportation modes, including the ability to interface with other transportation modes and facilities.
 - (j) To enforce collection of rates, fees, and charges; and to establish and enforce fines and penalties for violations of any rules.
 - (k) To advertise and promote public transportation systems, public transportation facilities, and activities of the authority.
 - (l) To employ an executive director, attorney, staff, and consultants.
 - (m) To cooperate with other governmental entities and to contract with other governmental agencies, including the Department of Transportation, the Federal Government, counties, and municipalities.
 - (n) To enter into joint development agreements.
 - (o) To accept funds from other governmental sources, and to accept private donations.
 - (p) To purchase directly from local, national, or international insurance companies liability insurance which the authority is contractually and legally obligated to provide, the requirements of s. 287.022(1) notwithstanding.
 - (q) Notwithstanding s. 343.65, to borrow money in a principal amount not to exceed \$10 million in any calendar year to refinance all or part of the costs or obligations of the authority, including, but not limited to, obligations of the authority as a lessee under a lease.
- (3) The authority shall develop and adopt a plan for the development of the Central Florida Commuter Rail. Such plan shall address the authority's plan for the development of public and private revenue sources, funding of capital and operating costs, the service to be provided, and the extent to which counties within the area of operation of the authority are to be served. The plan shall be reviewed and updated annually. The plan shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government served by the authority.
 - (4) The authority may employ a secretary and executive director and such legal, financial, and other professional staff or consultants, technical experts, engineers, and

other employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation of such persons, firms, or corporations. The authority may establish a personnel system for employees of the authority.

(5) The authority may delegate to one or more of its officers or employees such of its powers as it shall deem necessary to carry out the purposes of this part, subject always to the supervision and control of the authority.

(6) The authority, through a resolution of its governing board, may elect to expand its service area and board partnership with any county which is a contiguous county to the existing Central Florida Regional Transportation Authority service area. The board shall determine the conditions and terms, including the number of representatives of such partnership.

History.—s. 1, ch. 89-351; s. 3, ch. 91-142; s. 78, ch. 92-152; s. 4, ch. 93-103; s. 1, ch. 98-150; s. 110, ch. 99-385; s. 23, ch. 2000-266; s. 27, ch. 2010-225.

343.65 Issuance of revenue bonds.—

(1) The authority is authorized to borrow money as provided by the State Bond Act for the purpose of paying all or any part of the cost of any one or more Central Florida Regional Transportation Authority projects. The principal of, and the interest on, such bonds shall be payable solely from revenues pledged for their payment.

(2) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of Central Florida Regional Transportation Authority projects for which such bonds shall have been issued, except as provided in the State Bond Act. Such proceeds shall be disbursed and used as provided in this part and in such manner and under such restrictions, if any, as the Division of Bond Finance may provide in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same.

(3) The Division of Bond Finance is authorized to issue revenue bonds on behalf of the authority to finance or refinance the cost of Central Florida Regional Transportation Authority projects.

History.—s. 1, ch. 89-351; s. 5, ch. 93-103.

343.66 Bonds not debts or pledges of credit of state.— Revenue bonds issued under the provisions of this part are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. All such bonds shall contain a statement on their face that the state is not obligated to pay the same or the interest thereon, except from the revenues

pledged for their payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bonds. The issuance of revenue bonds under the provisions of this part does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. No state funds shall be used to pay the principal or interest of any bonds issued to finance or refinance any portion of the Central Florida Regional Transportation Authority system, and all such bonds shall contain a statement on their face to this effect.

History.—s. 1, ch. 89-351; s. 6, ch. 93-103.

343.67 Pledge to bondholders not to restrict certain rights of authority.— The state pledges to and agrees with the holders of the bonds issued pursuant to this part that the state will not limit or restrict the rights vested in the authority to construct, reconstruct, maintain, and operate any Central Florida Regional Transportation Authority project as defined in this part, to establish and collect such fees or other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation of the Central Florida Regional Transportation Authority system, and to fulfill the terms of any agreements made with the holders of bonds authorized by this part. The state further pledges that it will not in any way impair the rights or remedies of the holders of such bonds until the bonds, together with interest thereon, are fully paid and discharged.

History.—s. 1, ch. 89-351; s. 7, ch. 93-103.

PART III

NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

343.80 Short title.

343.805 Definitions.

343.81 Northwest Florida Transportation Corridor Authority.

343.82 Purposes and powers.

343.83 Improvements, bond financing authority.

343.835 Bonds of the authority.

343.836 Remedies of the bondholders.

343.84 Department may be appointed agent of authority for construction.

343.85 Acquisition of lands and property.

343.87 Cooperation with other units, boards, agencies, and individuals.

343.875 Public-private partnerships.

343.88 Covenant of the state.

343.881 Exemption from taxation.

343.884 Eligibility for investments and security.

343.89 Complete and additional statutory authority.

343.80 Short title.— This part may be cited as the “Northwest Florida Transportation Corridor Authority Law.”

History.— s. 8, ch. 2005-281.

343.805 Definitions.— As used in this part, the term:

(1) “Agency of the state” means the state and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the state.

(2) “Authority” means the body politic and corporate and agency of the state created by this part.

(3) “Bonds” means the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which the authority is authorized to issue pursuant to this part.

(4) “Department” means the Department of Transportation existing under chapters 334-339.

(5) “Federal agency” means the United States, the President of the United States, and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by, the United States.

(6) “Limited access expressway” or “expressway” means a street or highway especially designed for through traffic and over, from, or to which a person does not have the right of easement, use, or access except in accordance with the rules adopted and established by the authority for the use of such facility. Such highway or street may be a parkway, from which trucks, buses, and other commercial vehicles are excluded, or it may be a freeway open to use by all customary forms of street and highway traffic.

(7) “Members” means the governing body of the authority, and the term “member” means one of the individuals constituting such governing body.

(8) “State Board of Administration” means the body corporate existing under the provisions of s. 9, Art. XII of the State Constitution, or any successor thereto.

(9) “U.S. 98 corridor” means U.S. Highway 98 and any feeder roads, reliever

roads, connector roads, bridges, and other transportation appurtenances, existing or constructed in the future, that support U.S. Highway 98 in Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, and Wakulla Counties.

(10) “U.S. 98 corridor system” means any and all expressways and appurtenant facilities, including, but not limited to, all approaches, roads, bridges, and avenues of access for the expressways that are either built by the authority or whose ownership is transferred to the authority by other governmental or private entities.

Terms importing singular number include the plural number in each case and vice versa, and terms importing persons include firms and corporations.

History.—s. 8, ch. 2005-281; s. 3, ch. 2011-64.

343.81 Northwest Florida Transportation Corridor Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the Northwest Florida Transportation Corridor Authority, hereinafter referred to as “the authority.”

(2)(a) The governing body of the authority shall consist of eight voting members, one each from Escambia, Santa Rosa, Walton, Okaloosa, Bay, Gulf, Franklin, and Wakulla Counties, appointed by the Governor to a 4-year term. The appointees shall be residents of their respective counties and may not hold an elected office. Upon the effective date of his or her appointment, or as soon thereafter as practicable, each appointed member of the authority shall enter upon his or her duties. Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term shall be filled only for the balance of the unexpired term. Any member of the authority shall be eligible for reappointment. Members of the authority may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(b) The district secretary of the Department of Transportation serving Northwest Florida shall serve as an ex officio, nonvoting member.

(3)(a) The authority shall elect one of its members as chair and shall also elect a secretary and a treasurer who may or may not be members of the authority. The chair, secretary, and treasurer shall hold such offices at the will of the authority.

(b) Five members of the authority shall constitute a quorum, and the vote of at least five members shall be necessary for any action taken by the authority. A vacancy in the authority does not impair the right of a quorum of the authority to

exercise all of the rights and perform all of the duties of the authority.

(c) The authority shall meet at least quarterly but may meet more frequently upon the call of the chair. The authority should alternate the locations of its meetings among the seven counties.

(4) Members of the authority shall serve without compensation but shall be entitled to receive from the authority their travel expenses and per diem incurred in connection with the business of the authority, as provided in s. 112.061.

(5) The authority may employ an executive director, an executive secretary, its own counsel and legal staff, technical experts, engineers, and such employees, permanent or temporary, as it may require. The authority shall determine the qualifications and fix the compensation of such persons, firms, or corporations and may employ a fiscal agent or agents; however, the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The authority may delegate to one or more of its agents or employees its power as it shall deem necessary to carry out the purposes of this part, subject always to the supervision and control of the authority.

(6) The authority may establish technical advisory committees to provide guidance and advice on corridor-related issues. The authority shall establish the size, composition, and focus of any technical advisory committee created. A member appointed to a technical advisory committee shall serve without compensation but shall be entitled to per diem or travel expenses, as provided in s. 112.061.

History.—s. 8, ch. 2005-281; s. 47, ch. 2007-196.

343.82 Purposes and powers.—

(1) The primary purpose of the authority is to improve mobility on the U.S. 98 corridor in Northwest Florida to enhance traveler safety, identify and develop hurricane evacuation routes, promote economic development along the corridor, and implement transportation projects to alleviate current or anticipated traffic congestion.

(2)(a) The authority is authorized to construct any feeder roads, reliever roads, connector roads, bypasses, or appurtenant facilities that are intended to improve mobility along the U.S. 98 corridor. The transportation improvement projects may also include all necessary approaches, roads, bridges, and avenues of access that are desirable and proper with the concurrence, where applicable, of the department if the project is to be part of the State Highway System or the respective county or

municipal governing boards. Any transportation facilities constructed by the authority may be tolled.

(b) Notwithstanding any special act to the contrary, the authority shall plan for and study the feasibility of constructing, operating, and maintaining a bridge or bridges spanning Choctawhatchee Bay or Santa Rosa Sound, or both, and access roads to such bridge or bridges, including studying the environmental and economic feasibility of such bridge or bridges and access roads, and such other transportation facilities that become part of such bridge system. The authority may construct, operate, and maintain the bridge system if the authority determines that the bridge system project is feasible and consistent with the authority's primary purpose and master plan.

(3)(a) The authority shall develop and adopt a corridor master plan no later than July 1, 2007. The goals and objectives of the master plan are to identify areas of the corridor where mobility, traffic safety, and efficient hurricane evacuation need to be improved; evaluate the economic development potential of the corridor and consider strategies to develop that potential; develop methods of building partnerships with local governments, other state and federal entities, the private sector business community, and the public in support of corridor improvements; and to identify projects that will accomplish these goals and objectives.

(b) After its adoption, the master plan shall be updated annually before July 1 of each year.

(c) The authority shall present the original master plan and updates to the governing bodies of the counties within the corridor and to the legislative delegation members representing those counties within 90 days after adoption.

(d) The authority may undertake projects or other improvements in the master plan in phases as particular projects or segments thereof become feasible, as determined by the authority. In carrying out its purposes and powers, the authority may request funding and technical assistance from the department and appropriate federal and local agencies, including, but not limited to, state infrastructure bank loans, advances from the Toll Facilities Revolving Trust Fund, and from any other sources.

(4) The authority is granted and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(a) To acquire, hold, construct, improve, maintain, operate, own, and lease in the capacity of lessor transportation facilities within the U.S. 98 corridor.

(b) To borrow money and to make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, hereinafter in this chapter sometimes called "revenue bonds" of the authority, for the purpose of financing all or part of the mobility improvements within the U.S. 98 corridor, as well as the appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access authorized by this part, the bonds to mature not exceeding 40 years after the date of the issuance thereof, and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges.

(c) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities of the Northwest Florida Transportation Corridor System, which rates, fees, rentals, and other charges shall always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this part; however, such right and power may be assigned or delegated by the authority to the department. The authority may not impose tolls or other charges on existing highways and other transportation facilities within the corridor.

(d) To acquire by donation or otherwise, purchase, hold, lease as lessee, and use any franchise, property, real, personal, or mixed, tangible or intangible, or any options thereof in its own name or in conjunction with others, or interest therein, necessary or desirable for carrying out the purposes of the authority and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

(e) To sue and be sued, implead and be impleaded, complain, and defend in all courts.

(f) To adopt, use, and alter at will a corporate seal.

(g) To enter into and make leases.

(h) To enter into and make lease-purchase agreements with the department for terms not exceeding 40 years or until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest, whichever is longer.

(i) To make contracts of every name and nature, including, but not limited to, partnerships providing for participation in ownership and revenues, and to execute

all instruments necessary or convenient for the carrying on of its business.

(j) Without limitation of the foregoing, to borrow money and accept grants from and to enter into contracts, leases, or other transactions with any federal agency, the state, any agency of the state, or any other public body of the state.

(k) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(l) To pledge, hypothecate, or otherwise encumber all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority.

(m) To enter into partnership and other agreements respecting ownership and revenue participation in order to facilitate financing and constructing any project or portions thereof.

(n) To participate in agreements with private entities and to receive private contributions.

(o) To contract with the department or with a private entity for the operation of traditional and electronic toll collection facilities along the U.S. 98 corridor.

(p) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by this part or any other law.

(q) To construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards and to construct, repair, replace, operate, install, and maintain electronic toll payment systems thereon, with all necessary and incidental powers to accomplish the foregoing.

(5) The authority does not have power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency thereof, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor shall the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations.

History.—s. 8, ch. 2005-281; s. 49, ch. 2007-196.

343.83 Improvements, bond financing authority.— Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature approves bond financing by the Northwest Florida Transportation Corridor Authority for improvements to toll collection facilities, interchanges to the legislatively approved system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and

conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to s. 343.835(1)(a) or (b) whether currently issued or issued in the future or by a combination of such bonds.

History.—s. 8, ch. 2005-281.

343.835 Bonds of the authority.—

(1)(a) Bonds may be issued on behalf of the authority pursuant to the State Bond Act.

(b) Alternatively, the authority may issue its own bonds pursuant to this part at such times and in such principal amount as, in the opinion of the authority, is necessary to provide sufficient moneys for achieving its purposes; however, such bonds may not pledge the full faith and credit of the state. Bonds issued by the authority pursuant to this paragraph or paragraph (a), whether on original issuance or on refunding, shall be authorized by resolution of the members thereof, may be either term or serial bonds, and shall bear such date or dates, mature at such time or times, not exceeding 40 years after their respective dates, bear interest at such rate or rates, be payable semiannually, be in such denominations, be in such form, either coupon or fully registered, carry such registration, exchangeability, and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption, and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority, including revenues from lease-purchase agreements. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, however, such bonds shall bear at least one signature that is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon, all as may be prescribed in such resolution or resolutions.

(c) Bonds issued pursuant to paragraph (a) or paragraph (b) shall be sold at public sale in the manner provided by the State Bond Act. However, if the authority, by official action at a public meeting, determines that a negotiated sale of such bonds is in the best interest of the authority, the authority may negotiate the sale of such bonds with the underwriter designated by the authority and the Division of Bond Finance within the State Board of Administration with respect to bonds issued pursuant to

paragraph (a) or solely the authority with respect to bonds issued pursuant to paragraph (b). The authority's determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial adviser. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(d) The authority may issue bonds pursuant to paragraph (b) to refund any bonds previously issued regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act.

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions that are part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority, derived by the authority for the U.S. 98 corridor improvements.

(b) The completion, improvement, operation, extension, maintenance, repair, or lease of the system, and the duties of the authority and others with reference thereto.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state may be applied.

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities constructed by the authority.

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds or under which the same may be issued.

(h) Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) The authority may employ fiscal agents as provided by this part or the State Board of Administration may, upon request of the authority, act as fiscal agent for the authority in the issuance of any bonds that are issued pursuant to this part, and the State Board of Administration may, upon request of the authority, take over the management, control, administration, custody, and payment of any or all debt

services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures, or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds and may, under such agreements, sign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or, as the authority authorizes, including, but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of U.S. 98 corridor improvements and the duties of the authority and others with reference thereto.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustee and the holders of the bonds.

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of the bonds.

(4) Any of the bonds issued pursuant to this part are, and are hereby declared to be, negotiable instruments and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

(5) Notwithstanding any of the provisions of this part, each project, building, or facility that has been financed by the issuance of bonds or other evidence of indebtedness under this part and any refinancing thereof are hereby approved as provided for in s. 11(f), Art. VII of the State Constitution.

History.—s. 8, ch. 2005-281; s. 4, ch. 2011-64.

343.836 Remedies of the bondholders.—

(1) The rights and the remedies in this section conferred upon or granted to the bondholders are in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by a deed of trust, indenture, or other agreement under which the bonds may be issued or secured. If the authority defaults in the payment of the principal of or interest on any of the bonds issued pursuant to the provisions of this part after such principal of or interest on the bonds becomes due, whether at maturity or upon call for redemption, and such default continues for a period of 30 days, or if the authority fails or refuses to comply with the provisions of this part or any agreement made with, or for the benefit of, the holders of the bonds, the holders

of 25 percent in aggregate principal amount of the bonds then outstanding may appoint a trustee to represent such bondholders for the purposes hereof, if such holders of 25 percent in aggregate principal amount of the bonds then outstanding shall first give notice of their intention to appoint a trustee to the authority. Such notice shall be deemed to have been given if given in writing, deposited in a securely sealed postpaid wrapper, mailed at a regularly maintained United States post office box or station, and addressed to the chair of the authority.

(2) Such trustee and any trustee under any deed of trust, indenture, or other agreement may, and upon written request of the holders of 25 percent or such other percentages as are specified in any deed of trust, indenture, or other agreement aforesaid in principal amount of the bonds then outstanding shall, in any court of competent jurisdiction, in his, her, or its own name:

(a) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.

(b) Bring suit upon the bonds.

(c) By action or suit in equity, require the authority to account as if it were the trustee of an express trust for the bondholders.

(d) By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee, when appointed as aforesaid or acting under a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, may appoint a receiver who may enter upon and take possession of the system or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges, or receipts from which are or may be applicable to the payment of the bonds so in default, and operate and maintain the same for and on behalf of and in the name of the authority and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority might do, and shall deposit all such moneys in a separate account and apply such moneys in such manner as the court shall direct. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee

and the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts derived from the system or the facilities or services or any part or parts thereof, which rates, fees, rentals, or other charges, revenues, or receipts may be applicable to the payment of the bonds so in default. Such trustee, in addition to the foregoing, possesses all of the powers necessary for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) This section or any other section of this part does not authorize any receiver appointed pursuant hereto for the purpose of operating and maintaining the system or any facilities or part or parts thereof, to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. It is the intention of this part to limit the powers of such receiver to the operation and maintenance of the system or any facility or part or parts thereof, as the court may direct, in the name and for and on behalf of the authority and the bondholders. In any suit, action, or proceeding at law or in equity, a holder of bonds on the authority, a trustee, or any court may not compel or direct a receiver to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority. A receiver also may not be authorized to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority in any suit, action, or proceeding at law or in equity.

History.—s. 8, ch. 2005-281; s. 5, ch. 2011-64.

343.84 Department may be appointed agent of authority for construction.— The department may be appointed by the authority as its agent for the purpose of constructing improvements and extensions to the system and for the completion thereof. In such event, the authority shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto, shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements to the system, and shall transfer to the credit of an account of the department in the treasury of the state the necessary funds therefor. The department shall proceed with such construction and use the funds for such purpose in the same manner that it is now authorized to use the funds otherwise provided by law for its use in construction of roads and bridges.

History.—s. 8, ch. 2005-281.

343.85 Acquisition of lands and property.—

(1) For the purposes of this part, the Northwest Florida Transportation Corridor Authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any purpose of this part, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities within the U.S. 98 transportation corridor designated by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may condemn any material and property necessary for such purposes.

(2) The right of eminent domain herein conferred shall be exercised by the authority in the manner provided by law.

(3) When the authority acquires property for a transportation facility or in a transportation corridor, the authority is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This section does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

History.—s. 8, ch. 2005-281.

343.87 Cooperation with other units, boards, agencies, and individuals.— Express authority and power is hereby given and granted to any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission, or individual in or of the state to make and enter into contracts, leases, conveyances, partnerships, or other agreements with the authority within the provisions and purposes of this part. The authority may make and enter

into contracts, leases, conveyances, partnerships, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals for the purpose of carrying out the provisions of this part.

History.—s. 8, ch. 2005-281.

343.875 Public-private partnerships. —

(1) The authority may receive or solicit proposals and enter into agreements with private entities or consortia thereof, for the building, operation, ownership, or financing of transportation facilities within the jurisdiction of the authority. Before approval, the authority must determine that a proposed project:

(a) Is in the public's best interest.

(b) Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.

(c) Would have adequate safeguards to ensure that additional costs or service disruptions would not be realized by the traveling public and citizens of the state in the event of default or the cancellation of the agreement by the authority.

(2) The authority shall ensure that all reasonable costs to the state related to transportation facilities that are not part of the State Highway System are borne by the private entity. The authority also shall ensure that all reasonable costs to the state and substantially affected local governments and utilities related to the private transportation facility are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(3) The authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Weekly and a newspaper of general circulation in the county in which it is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to

deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the authority may negotiate in good faith and, if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. Notwithstanding this subsection, the authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(4) Agreements entered into pursuant to this section may authorize the public-private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues shall be regulated by the authority to avoid unreasonable costs to users of the facility.

(5) Each public-private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the authority's rules, policies, procedures, and standards for transportation facilities; and any other conditions that the authority determines to be in the public's best interest.

(6) The authority may exercise any of its powers, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this section. The authority may pay all or part of the cost of operating and maintaining the facility or may provide services to the private entity for which it receives full or partial reimbursement for services rendered.

(7) Except as herein provided, this section is not intended to amend existing law by granting additional powers to or imposing further restrictions on the governmental entities with regard to regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

(8) The authority may adopt rules to implement this section and shall, by rule, establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals.

History.—s. 8, ch. 2005-281.

343.88 Covenant of the state.— The state does hereby pledge to, and agrees with, any person, firm or corporation, or federal or state agency subscribing to or acquiring the bonds to be issued by the authority for the purposes of this part that the state will

not limit or alter the rights hereby vested in the authority and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged insofar as the same affects the rights of the holders of bonds issued hereunder. The state does further pledge to, and agree with, the United States that, if any federal agency constructs or contributes any funds for the completion, extension, or improvement of the system or any part or portion thereof, the state will not alter or limit the rights and powers of the authority and the department in any manner which would be inconsistent with the continued maintenance and operation of the system or the completion, extension, or improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such federal agency. The authority and the department shall continue to have and may exercise all powers herein granted so long as necessary or desirable for the carrying out of the purposes of this part and the purposes of the United States in the completion, extension, or improvement of the system or any part or portion thereof.

History.—s. 8, ch. 2005-281.

343.881 Exemption from taxation.— The effectuation of the authorized purposes of the authority created under this part is for the benefit of the people of this state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions and, because the authority performs essential governmental functions in effectuating such purposes, the authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired or used by it for such purposes, or upon any rates, fees, rentals, receipts, income, or charges at any time received by it. The bonds issued by the authority, their transfer, and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation of any kind by the state or by any political subdivision, taxing agency, or instrumentality thereof. The exemption granted by this section does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

History.—s. 8, ch. 2005-281.

343.884 Eligibility for investments and security.— Any bonds or other obligations issued pursuant to this part shall be and constitute legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries and for all state, municipal, and other public funds and shall also be and constitute securities eligible for deposit as security for all state, municipal, or other public funds,

notwithstanding the provisions of any other law to the contrary.

History.—s. 8, ch. 2005-281.

343.89 Complete and additional statutory authority.—

(1) The powers conferred by this part are supplemental to the existing powers of the board and the department. This part does not repeal any of the provisions of any other law, general, special, or local, but supersedes such other laws in the exercise of the powers provided in this part and provides a complete method for the exercise of the powers granted in this part. The extension and improvement of the system, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821. An approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in any other political subdivision of the state is not required for the issuance of such bonds pursuant to this part.

(2) This part does not repeal, rescind, or modify any other law relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance within the State Board of Administration; however, this part supersedes such other laws as are inconsistent with its provisions, including, but not limited to, s. 215.821.

(3) This part does not preclude the department from acquiring, holding, constructing, improving, maintaining, operating, or owning tolled or nontolled facilities funded and constructed from nonauthority sources that are part of the State Highway System within the geographical boundaries of the Northwest Florida Transportation Corridor Authority.

History.—s. 8, ch. 2005-281.

PART IV

TAMPA BAY AREA REGIONAL
TRANSPORTATION AUTHORITY

343.90 Short title.

343.91 Definitions.

343.92 Tampa Bay Area Regional Transportation Authority.

343.922 Powers and duties.

343.94 Bond financing authority.

- 343.941 Bonds not debts or pledges of faith and credit of state.
- 343.943 Covenant of the state.
- 343.944 Remedies of the bondholders.
- 343.947 Department may be appointed agent of authority for construction.
- 343.95 Acquisition of lands and property.
- 343.96 Cooperation with other units, boards, agencies, and individuals.
- 343.962 Public-private partnerships.
- 343.97 Exemption from taxation.
- 343.973 Eligibility for investments and security.
- 343.975 Complete and additional statutory authority.
- 343.976 Effect on local government action.

343.90 Short title.— This part may be cited as the “Tampa Bay Area Regional Transportation Authority Act.”

History.—s. 1, ch. 2007-254.

343.91 Definitions.—

(1) As used in this part, the term:

(a) “Authority” means the Tampa Bay Area Regional Transportation Authority, the body politic and corporate and agency of the state created by this part, covering the seven-county area comprised of Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota Counties.

(b) “Board” means the governing body of the authority.

(c) “Bonds” means the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which the authority is authorized to issue under this part.

(d)1. “Bus rapid transit” means a type of limited-stop bus service that relies on technology to help expedite service through priority for transit, rapid and convenient fare collection, and integration with land use to substantially upgrade performance of buses operating on exclusive, high-occupancy-vehicle lanes, expressways, or ordinary streets.

2. “Express bus” means a type of bus service designed to expedite longer trips, especially in major metropolitan areas during heavily patronized peak commuting hours, by operating over long distances without stopping on freeways or partially controlled access roadway facilities.

(e)1. “Commuter rail” means a complete system of tracks, guideways, stations,

and rolling stock necessary to effectuate medium-distance to long-distance passenger rail service to, from, or within the municipalities within the authority's designated seven-county region.

2. "Heavy rail transit" means a complete rail system operating on an electric railway with the capacity for a heavy volume of traffic, characterized by high-speed and rapid-acceleration passenger rail cars operating singly or in multicar trains on fixed rails in separate rights-of-way from which all other vehicular and pedestrian traffic are excluded. "Heavy rail transit" includes metro, subway, elevated, rapid transit, and rapid rail systems.

3. "Light rail transit" means a complete system of tracks, overhead catenaries, stations, and platforms with lightweight passenger rail cars operating singly or in short, multicar trains on fixed rails in rights-of-way that are not separated from other traffic for much of the way.

(f) "Consultation" means that one party confers with another identified party in accordance with an established process and, prior to taking action, considers that party's views and periodically informs that party about actions taken.

(g) "Department" means the Florida Department of Transportation.

(h) "Limited access expressway" or "expressway" means a street or highway especially designed for through traffic and over, from, or to which a person does not have the right of easement, use, or access except in accordance with the rules adopted and established by the authority for the use of such facility.

(i) "Members" means the individuals constituting the governing body of the authority.

(j) "Multimodal transportation system" means a well-connected network of transportation modes reflecting a high level of accessibility between modes and proximity to supportive land use patterns.

(k) "Park-and-ride lot" means a transit station stop or a carpool or vanpool waiting area to which patrons may drive private vehicles for parking before gaining access to transit, commuter rail, or heavy rail systems or taking carpool or vanpool vehicles to their destinations.

(l) "State Board of Administration" means the body corporate existing under the provisions of s. 9, Art. XII of the State Constitution, or any successor thereto.

(m) "Transit-oriented development" means a mixed-use residential or commercial area designed to maximize access to public transportation and often incorporates

features to encourage transit ridership. A transit-oriented development neighborhood typically has a center with a train station, tram stop, or bus station surrounded by relatively high-density development with progressively lower-density development spreading outward from the center, typically within 1/2 mile of the stop or station.

(n) “Transit station” means a public transportation passenger facility that is accessible either at street level or on above-grade platforms and often surrounded by pedestrian-friendly, higher-density development or park-and-ride lots.

(2) Terms importing singular number include the plural number in each case and vice versa, and terms importing persons include firms and corporations.

History.—s. 1, ch. 2007-254; s. 8, ch. 2011-64.

343.92 Tampa Bay Area Regional Transportation Authority.—

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the Tampa Bay Area Regional Transportation Authority.

(2) The governing board of the authority shall consist of 16 members.

(a) There shall be one nonvoting, ex officio member of the board who shall be appointed by the secretary of the department but who must be the district secretary for one of the department districts within the seven-county area of the authority, at the discretion of the secretary of the department.

(b) There shall be 15 voting members of the board as follows:

1. The county commissions of Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota Counties shall each appoint one elected official to the board. Members appointed under this subparagraph shall serve 2-year terms with not more than three consecutive terms being served by any person. If a member under this subparagraph leaves elected office, a vacancy exists on the board to be filled as provided in this subparagraph.

2. The West Central Florida M.P.O. Chairs Coordinating Committee shall appoint one member to the board who must be a chair of one of the six metropolitan planning organizations in the region. The member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person.

3.a. Two members of the board shall be the mayor, or the mayor’s designee, of the largest municipality within the service area of each of the following independent transit agencies or their legislatively created successor agencies: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. The largest

municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

b. Should a mayor choose not to serve, his or her designee must be an elected official selected by the mayor from that largest municipality's city council or city commission. A mayor or his or her designee shall serve a 2-year term with not more than three consecutive terms being served by any person.

c. A designee's term ends if the mayor leaves office for any reason. If a designee leaves elected office on the city council or commission, a vacancy exists on the board to be filled by the mayor of that municipality as provided in sub-subparagraph a.

d. A mayor who has served three consecutive terms on the board must designate an elected official from that largest municipality's city council or city commission to serve on the board for at least one term.

4.a. One membership on the board shall rotate every 2 years between the mayor, or his or her designee, of the largest municipality within Manatee County and the mayor, or his or her designee, of the largest municipality within Sarasota County. The mayor, or his or her designee, from the largest municipality within Manatee County shall serve the first 2-year term. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

b. Should a mayor choose not to serve, his or her designee must be an elected official selected by the mayor from that municipality's city council or city commission.

5. The Governor shall appoint to the board four business representatives, each of whom must reside in one of the seven counties governed by the authority, none of whom may be elected officials, and at least one but not more than two of whom shall represent counties within the federally designated Tampa Bay Transportation Management Area. Members appointed by the Governor shall serve 3-year terms with not more than two consecutive terms being served by any person.

(c) Appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy during a term shall be filled by the respective appointing authority within 90 days in the same manner as the original appointment and only for the remainder of the unexpired term.

(3) The members of the board shall serve without compensation but shall be entitled to receive from the authority reimbursement for travel expenses and per diem actually incurred in connection with the business of the authority as provided in s.

112.061.

(4) Members of the board shall comply with the applicable financial disclosure requirements of ss. 112.3145, 112.3148, and 112.3149.

(5) The Governor shall appoint the initial chair from among the full membership of the board immediately upon their appointment. In no case may those appointments be made any later than 45 days following the creation of the authority. The chair will hold this position for a minimum term of 2 years. The board shall elect a vice chair and secretary-treasurer from among its members who shall serve a minimum term of 1 year and shall establish the duties and powers of those positions during its inaugural meeting. During its inaugural meeting, the board will also establish its rules of conduct and meeting procedures.

(6) At the end of the initial chair's term, the board shall elect a chair from among its members. The chair shall hold office at the will of the board. In that election, the board shall also elect a vice chair and secretary-treasurer.

(7) The first meeting of the authority shall be held no later than 60 days after the creation of the authority.

(8) Eight members of the board shall constitute a quorum, and the vote of eight members is necessary for any action to be taken by the authority. The authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum of the board to exercise all rights and the ability to perform all duties of the authority.

(9) The board may establish committees for the following areas:

(a) Planning.

(b) Policy.

(c) Finance.

(10) The authority may employ an executive director, an executive secretary, its own legal counsel and legal staff, technical experts, engineers, and such employees, permanent or temporary, as it may require. The authority shall determine the qualifications and fix the compensation of such persons, firms, or corporations and may employ a fiscal agent or agents; however, the authority shall solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The authority may, except for duties specified in chapter 120, delegate its power to one or more of its agents or employees to carry out the purposes of this part, subject always to the supervision and control of the authority.

(11)(a) The authority shall establish a Transit Management Committee comprised of the executive directors or general managers, or their designees, of each of the existing transit providers and bay area commuter services.

(b) The authority shall establish a Citizens Advisory Committee comprised of appointed citizen committee members from each county and transit provider in the region, not to exceed 16 members.

(c) The authority may establish technical advisory committees to provide guidance and advice on regional transportation issues. The authority shall establish the size, composition, and focus of any technical advisory committee created.

(d) Persons appointed to a committee shall serve without compensation but may be entitled to per diem or travel expenses as provided in s. 112.061.

History.— s. 1, ch. 2007-254; s. 71, ch. 2008-4.

343.922 Powers and duties.—

(1) The express purposes of the authority are to improve mobility and expand multimodal transportation options for passengers and freight throughout the seven-county Tampa Bay region.

(2)(a) The authority has the right to plan, develop, finance, construct, own, purchase, operate, maintain, relocate, equip, repair, and manage those public transportation projects, such as express bus services; bus rapid transit services; light rail, commuter rail, heavy rail, or other transit services; ferry services; transit stations; park-and-ride lots; transit-oriented development nodes; or feeder roads, reliever roads, connector roads, bypasses, or appurtenant facilities, that are intended to address critical transportation needs or concerns in the Tampa Bay region as identified by the authority by July 1, 2009. These projects may also include all necessary approaches, roads, bridges, and avenues of access that are desirable and proper with the concurrence of the department, as applicable, if the project is to be part of the State Highway System.

(b) Any transportation facilities constructed by the authority may be tolled. Fare payment methods for public transportation projects shall promote seamless integration between regional and local transit systems. Tolling technologies shall be consistent with the systems used by the Florida Turnpike Enterprise for the purpose of allowing the use of a single transponder or a similar electronic tolling device for all facilities of the authority and the Florida Turnpike Enterprise.

(c) The authority shall coordinate and consult with local governments on transit or

commuter rail station area plans that provide for compact, mixed-use, transit-oriented development that will support transit investments and provide a variety of workforce housing choices, recognizing the need for housing alternatives for a variety of income ranges.

(3)(a) No later than July 1, 2009, the authority shall develop and adopt a regional transportation master plan that provides a vision for a regionally integrated multimodal transportation system. The goals and objectives of the master plan are to identify areas of the Tampa Bay region where multimodal mobility, traffic safety, freight mobility, and efficient emergency evacuation alternatives need to be improved; identify areas of the region where multimodal transportation systems would be most beneficial to enhance mobility and economic development; develop methods of building partnerships with local governments, existing transit providers, expressway authorities, seaports, airports, and other local, state, and federal entities; develop methods of building partnerships with CSX Corporation and CSX Transportation, Inc., to craft mutually beneficial solutions to achieve the authority's objectives, and with other private sector business community entities that may further the authority's mission, and engage the public in support of regional multimodal transportation improvements. The master plan shall identify and may prioritize projects that will accomplish these goals and objectives, including, without limitation, the creation of express bus and bus rapid transit services, light rail, commuter rail, and heavy rail transit services, ferry services, freight services, and any other multimodal transportation system projects that address critical transportation needs or concerns, pursuant to subsection (2); and identify the costs of the proposed projects and revenue sources that could be used to pay those costs. In developing the master plan, the authority shall review and coordinate with the future land use, capital improvements, and traffic circulation elements of its member local governments' comprehensive plans and the plans, programs, and schedules of other units of government having transit or transportation authority within whose jurisdictions the projects or improvements will be located to define and resolve potential inconsistencies between such plans and the authority's developing master plan. By July 1, 2008, the authority, working with its member local governments, shall adopt a mandatory conflict resolution process that addresses consistency conflicts between the authority's regional transportation master plan and local government comprehensive plans.

(b) The authority shall consult with the department to further the goals and objectives of the Strategic Regional Transit Needs Assessment completed by the department.

(c) Before the adoption of the master plan, the authority shall hold at least one public meeting in each of the seven counties within the designated region. At least one public hearing must be held before the authority's board.

(d) After its adoption, the master plan shall be updated every 2 years before July 1.

(e) The authority shall present the original master plan and updates to the governing bodies of the counties within the seven-county region, to the West Central Florida M.P.O. Chairs Coordinating Committee, and to the legislative delegation members representing those counties within 90 days after adoption.

(f) The authority shall coordinate plans and projects with the West Central Florida M.P.O. Chairs Coordinating Committee, to the extent practicable, and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives.

(4) The authority may undertake projects or other improvements in the master plan in phases as particular projects or segments become feasible, as determined by the authority. The authority shall coordinate project planning, development, and implementation with the applicable local governments. The authority's projects that are transportation oriented shall be consistent to the maximum extent feasible with the adopted local government comprehensive plans at the time they are funded for construction. Authority projects that are not transportation oriented and meet the definition of development pursuant to s. 380.04 shall be consistent with the local comprehensive plans. In carrying out its purposes and powers, the authority may request funding and technical assistance from the department and appropriate federal and local agencies, including, but not limited to, state infrastructure bank loans, advances from the Toll Facilities Revolving Trust Fund, and funding and technical assistance from any other source.

(5) The authority is granted and may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(a) To sue and be sued, implead and be impleaded, and complain and defend in all courts in its own name.

(b) To adopt and use a corporate seal.

(c) To have the power of eminent domain, including the procedural powers granted under chapters 73 and 74.

(d) To acquire by donation or otherwise, purchase, hold, construct, maintain, improve, operate, own, lease as a lessee, and use any franchise or property, real, personal, or mixed, tangible or intangible, or any option thereof in its own name or in conjunction with others, or any interest therein, necessary or desirable for carrying out the purposes of the authority.

(e) To sell, convey, exchange, lease as a lessor, transfer, or otherwise dispose of any real or personal property, or interest therein, acquired by the authority, including air rights.

(f) To fix, alter, establish, and collect rates, fares, fees, rentals, tolls, and other charges for the services and use of any light rail, commuter rail, heavy rail, bus rapid transit, or express bus services, ferry services, highways, feeder roads, bridges, or other transportation facilities owned or operated by the authority. These rates, fares, fees, rentals, tolls, and other charges shall always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to this part; however, such right and power may be assigned or delegated by the authority to the department.

(g) To borrow money and to make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, hereinafter in this chapter sometimes called "revenue bonds" of the authority, for the purpose of financing all or part of the mobility improvements within the Tampa Bay region, as well as the appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access authorized by this part, the bonds to mature not exceeding 40 years after the date of the issuance thereof, and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges.

(h) To adopt bylaws for the regulation of the affairs and the conduct of the business of the authority. The bylaws shall provide for quorum and voting requirements, maintenance of minutes and other official records, and preparation and adoption of an annual budget.

(i) To lease, rent, or contract for the operation or management of any part of a transportation system facility built by the authority. In awarding any contract, the

authority shall consider, but is not limited to, the following:

1. The qualifications of each applicant.
2. The level or quality of service.
3. The efficiency, cost, and anticipated revenue.
4. The construction, operation, and management plan.
5. The financial ability to provide reliable service.
6. The impact on other transportation modes, including the ability to interface with other transportation modes and facilities.
 - (j) To enforce collection of rates, fees, tolls, and charges and to establish and enforce fines and penalties for violations of any rules.
 - (k) To advertise, market, and promote regional transit services and facilities, freight mobility plans and projects, and the general activities of the authority.
 - (l) To cooperate with other governmental entities and to contract with other governmental agencies, including the Federal Government, the department, counties, transit authorities or agencies, municipalities, and expressway and bridge authorities.
 - (m) To enter into joint development agreements, partnerships, and other agreements with public and private entities respecting ownership and revenue participation in order to facilitate financing and constructing any project or portions thereof.
 - (n) To accept grants and other funds from other governmental sources and to accept private donations. However, the authority shall not be directly eligible for Transportation Regional Incentive Program funds allocated pursuant to s. 339.2819, except through interlocal agreement with an eligible recipient.
 - (o) To purchase directly from local, national, or international insurance companies liability insurance that the authority is contractually and legally obligated to provide, notwithstanding the requirements of s. 287.022(1).
 - (p) To enter into and make lease-purchase agreements with the department for terms not exceeding 40 years or until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest, whichever is longer.
 - (q) To make contracts of every name and nature, including, but not limited to, partnerships providing for participation in ownership and revenues, and to execute all instruments necessary or convenient for the carrying on of its business.
 - (r) To do all acts and things necessary or convenient for the conduct of its business

and the general welfare of the authority in order to carry out the powers granted to it by this part or any other law.

(6) The authority shall institute procedures to ensure that jobs created as a result of state funding pursuant to this section shall be subject to equal opportunity hiring practices as provided for in s. 110.112.

(7) The authority shall comply with all statutory requirements of general application which relate to the filing of any report or documentation required by law, including the requirements of ss. 189.4085, 189.415, 189.417, and 189.418.

(8) The authority does not have power at any time or in any manner to pledge the credit or taxing power of the state or any political subdivision or agency thereof, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor shall the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations.

History.—s. 1, ch. 2007-254.

343.94 Bond financing authority.—

(1) Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature approves bond financing by the Tampa Bay Area Regional Transportation Authority for construction of or improvements to commuter rail systems, transit systems, ferry systems, highways, bridges, toll collection facilities, interchanges to the system, and any other transportation facility appurtenant, necessary, or incidental to the system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to paragraph (2)(a) or paragraph (2)(b), whether currently issued or issued in the future or by a combination of such bonds.

(2)(a) Bonds may be issued on behalf of the authority pursuant to the State Bond Act.

(b) Alternatively, the authority may issue its own bonds pursuant to this part at such times and in such principal amount as, in the opinion of the authority, is necessary to provide sufficient moneys for achieving its purposes; however, such bonds may not pledge the full faith and credit of the state. Bonds issued by the authority pursuant to this paragraph or paragraph (a), whether on original issuance or on refunding, shall be authorized by resolution of the members thereof, may be either term or serial bonds, and shall bear such date or dates, mature at such time or

times, not exceeding 40 years after their respective dates, bear interest at such rate or rates, be payable semiannually, be in such denominations, be in such form, either coupon or fully registered, carry such registration, exchangeability, and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption, and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority, including revenues from lease-purchase agreements, as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine; however, such bonds shall bear at least one signature that is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon, all as may be prescribed in such resolution or resolutions.

(c) Bonds issued pursuant to paragraph (a) or paragraph (b) shall be sold at public sale in the manner provided by the State Bond Act. However, if the authority, by official action at a public meeting, determines that a negotiated sale of such bonds is in the best interest of the authority, the authority may negotiate the sale of such bonds with the underwriter designated by the authority and the Division of Bond Finance within the State Board of Administration with respect to bonds issued pursuant to paragraph (a) or solely by the authority with respect to bonds issued pursuant to paragraph (b). The authority's determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial adviser. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.

(d) The authority may issue bonds pursuant to paragraph (b) to refund any bonds previously issued regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act.

(3) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions that are part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, fares, rates, fees, rentals, or other charges or receipts of the authority, derived by the authority.

(b) The completion, improvement, operation, extension, maintenance, repair, or lease of the system and the duties of the authority and others, including the department, with reference thereto.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States or the state may be applied.

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities constructed by the authority.

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds or under which the same may be issued.

(h) Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

(4) The authority may employ fiscal agents as provided by this part or the State Board of Administration may, upon request of the authority, act as fiscal agent for the authority in the issuance of any bonds that are issued pursuant to this part, and the State Board of Administration may, upon request of the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The authority may enter into any deeds of trust, indentures, or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security for such bonds and may, under such agreements, sign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or as the authority authorizes, including, but without limitation, provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of highway, bridge, and related transportation facilities and appurtenances and the duties of the authority and others with reference thereto.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustee and the holders of the bonds.

(d) The terms and provisions of the bonds or the resolutions authorizing the

issuance of the bonds.

(5) Any of the bonds issued pursuant to this part are, and are hereby declared to be, negotiable instruments and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

(6) Notwithstanding any of the provisions of this part, each project, building, or facility that has been financed by the issuance of bonds or other evidence of indebtedness under this part and any refinancing thereof are hereby approved as provided for in s. 11(f), Art. VII of the State Constitution.

History.—s. 1, ch. 2007-254; s. 9, ch. 2011-64.

343.941 Bonds not debts or pledges of faith and credit of state.— Revenue bonds issued under the provisions of this part are not debts of the state or pledges of the faith and credit of the state. Such bonds are payable exclusively from revenues pledged for their payment. Each such bond shall contain a statement on its face that the state is not obligated to pay the same or the interest thereon, except from the revenues pledged for its payment, and that the faith and credit of the state is not pledged to the payment of the principal or interest of such bond. The issuance of revenue bonds under the provisions of this part does not directly, indirectly, or contingently obligate the state to levy or to pledge any form of taxation whatsoever, or to make any appropriation for their payment. No state funds shall be used to pay the principal or interest of any bonds issued to finance or refinance any portion of the authority's transportation projects, and each such bond shall contain a statement on its face to this effect.

History.—s. 1, ch. 2007-254.

343.943 Covenant of the state.— The state does hereby pledge to, and agrees with, any person, firm, or corporation or federal or state agency subscribing to or acquiring the bonds to be issued by the authority for the purposes of this part that the state will not limit or alter the rights hereby vested in the authority and the department until all bonds at any time issued, together with the interest thereon, are fully paid and discharged insofar as the same affects the rights of the holders of bonds issued hereunder. The state does further pledge to, and agree with, the United States that, if any federal agency constructs or contributes any funds for the completion, extension, or improvement of the system or any part or portion thereof, the state will not alter or limit the rights and powers of the authority and the department in any manner which would be inconsistent with the continued maintenance and operation of the system or

the completion, extension, or improvement thereof or which would be inconsistent with the due performance of any agreements between the authority and any such federal agency. The authority and the department shall continue to have and may exercise all powers herein granted so long as necessary or desirable for the carrying out of the purposes of this part and the purposes of the United States in the completion, extension, or improvement of the system or any part or portion thereof.

History.—s. 1, ch. 2007-254.

343.944 Remedies of the bondholders.—

(1) The rights and the remedies in this section conferred upon or granted to the bondholders are in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by a deed of trust, indenture, or other agreement under which the bonds may be issued or secured. If the authority defaults in the payment of the principal of or interest on any of the bonds issued pursuant to the provisions of this part after such principal of or interest on the bonds becomes due, whether at maturity or upon call for redemption, and such default continues for a period of 30 days, or if the authority or the department fails or refuses to comply with the provisions of this part or any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding may appoint a trustee to represent such bondholders for the purposes hereof, if such holders of 25 percent in aggregate principal amount of the bonds then outstanding shall first give notice of their intention to appoint a trustee to the authority. Such notice shall be deemed to have been given if given in writing, deposited in a securely sealed postpaid wrapper, mailed at a regularly maintained United States post office box or station, and addressed, respectively, to the chair of the authority.

(2) Such trustee and any trustee under any deed of trust, indenture, or other agreement may and, upon written request of the holders of 25 percent or such other percentages as are specified in any deed of trust, indenture, or other agreement aforesaid in principal amount of the bonds then outstanding, shall, in any court of competent jurisdiction, in his, her, or its own name:

(a) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges adequate

to carry out any agreement as to or pledge of the revenues or receipts of the authority, to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.

(b) Bring suit upon the bonds.

(c) By action or suit in equity, require the authority or the department to account as if it were the trustee of an express trust for the bondholders.

(d) By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee, when appointed as aforesaid or acting under a deed of trust, indenture, or other agreement, and regardless of whether all bonds have been declared due and payable, may appoint a receiver who may enter upon and take possession of the system or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges, or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same for and on behalf of and in the name of the authority and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority might do, and shall deposit all such moneys in a separate account and apply such moneys in such manner as the court shall direct. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee and the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts derived from the system or the facilities or services or any part or parts thereof, which rates, fees, rentals, or other charges, revenues, or receipts may be applicable to the payment of the bonds so in default. Such trustee, in addition to the foregoing, possesses all of the powers necessary for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) This section or any other section of this part does not authorize any receiver appointed pursuant hereto for the purpose of operating and maintaining the system or any facilities or part or parts thereof to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. It is the intention of this part to limit the powers of such receiver to the operation and maintenance of the system or any facility or part or parts thereof, as the court may direct, in the name of and for and on behalf of the authority and the bondholders. In

any suit, action, or proceeding at law or in equity, a holder of bonds on the authority, a trustee, or any court may not compel or direct a receiver to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority. A receiver also may not be authorized to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority in any suit, action, or proceeding at law or in equity.

History.—s. 1, ch. 2007-254; s. 10, ch. 2011-64.

343.947 Department may be appointed agent of authority for construction.— The department may be appointed by the authority as its agent for the purpose of constructing and completing transportation projects, and improvements and extensions thereto, in the authority's master plan. In such event, the authority shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto; shall request the department to do such construction work, including the planning, surveying, and actual construction of the completion, extensions, and improvements to the system; and shall transfer to the credit of an account of the department in the treasury of the state the necessary funds therefor. The department shall proceed with such construction and use the funds for such purpose in the same manner that it is now authorized to use the funds otherwise provided by law for its use in construction of commuter rail systems, transit systems, ferry systems, roads, bridges, and related transportation facilities.

History.—s. 1, ch. 2007-254.

343.95 Acquisition of lands and property.—

(1) For the purposes of this part, the authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority may deem necessary for any purpose of this part, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities within the seven-county Tampa Bay region identified by the authority; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The authority may condemn any material and property necessary for such

purposes.

(2) The right of eminent domain herein conferred shall be exercised by the authority in the manner provided by law.

(3) When the authority acquires property for a transportation facility within the seven-county Tampa Bay region, the authority is not subject to any liability imposed by chapter 376 or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. This subsection does not affect the rights or liabilities of any past or future owners of the acquired property, nor does it affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source. The authority and the Department of Environmental Protection may enter into interagency agreements for the performance, funding, and reimbursement of the investigative and remedial acts necessary for property acquired by the authority.

History.—s. 1, ch. 2007-254.

343.96 Cooperation with other units, boards, agencies, and individuals.— Express authority and power is hereby given and granted to any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, commission, or individual in or of the state to make and enter into contracts, leases, conveyances, partnerships, or other agreements with the authority within the provisions and purposes of this part. The authority may make and enter into contracts, leases, conveyances, partnerships, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals for the purpose of carrying out the provisions of this part.

History.—s. 1, ch. 2007-254.

343.962 Public-private partnerships.—

(1) The authority may receive or solicit proposals and enter into agreements with private entities or consortia thereof for the building, operation, ownership, or financing of multimodal transportation systems, transit-oriented development nodes, transit stations, or related facilities within the jurisdiction of the authority. Before approval, the authority must determine that a proposed project:

(a) Is in the public's best interest.

(b) Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.

(c) Would have adequate safeguards to ensure that additional costs or unreasonable service disruptions would not be realized by the traveling public and citizens of the state in the event of default or the cancellation of the agreement by the authority.

(2) The authority shall ensure that all reasonable costs to the state related to transportation facilities that are not part of the State Highway System are borne by the private entity or any partnership created to develop the facilities. The authority shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities related to the private transportation facility are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System or that provide increased mobility on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(3) The authority may request proposals and receive unsolicited proposals for public-private multimodal transportation projects, and, upon receipt of any unsolicited proposal or determination to issue a request for proposals, the authority must publish a notice in the Florida Administrative Weekly and a newspaper of general circulation in the county in which the proposed project is located at least once a week for 2 weeks requesting proposals or, if an unsolicited proposal was received, stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the authority may negotiate in good faith and, if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. Notwithstanding this subsection, the authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(4) Agreements entered into pursuant to this section may authorize the public-private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues shall be regulated by the authority to avoid unreasonable costs to users of the facility.

(5) Each public-private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the authority's rules, policies, procedures, and standards for transportation facilities; and any other conditions that the authority determines to be in the public's best interest.

(6) The authority may exercise any of its powers, including eminent domain, to facilitate the development and construction of multimodal transportation projects pursuant to this section. The authority may pay all or part of the cost of operating and maintaining the facility or may provide services to the private entity, for which services it shall receive full or partial reimbursement.

(7) Except as provided in this section, this section is not intended to amend existing law by granting additional powers to or imposing further restrictions on the governmental entities with regard to regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

(8) The authority may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section and shall, by rule, establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals.

History.—s. 1, ch. 2007-254.

343.97 Exemption from taxation.— The effectuation of the authorized purposes of the authority created under this part is for the benefit of the people of this state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and, because the authority performs essential governmental functions in effectuating such purposes, the authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired or used by it for such purposes, or upon any rates, fees, rentals, receipts, income, or charges at any time received by it. The bonds issued by the authority, their transfer, and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation of any kind by the state or by any political subdivision, taxing

agency, or instrumentality thereof. The exemption granted by this section does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

History.—s. 1, ch. 2007-254.

343.973 Eligibility for investments and security.— Any bonds or other obligations issued pursuant to this part shall be and constitute legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries and for all state, municipal, and other public funds and shall also be and constitute securities eligible for deposit as security for all state, municipal, or other public funds, notwithstanding the provisions of any other law to the contrary.

History.—s. 1, ch. 2007-254.

343.975 Complete and additional statutory authority.—

(1) The powers conferred by this part are supplemental to the existing powers of the board and the department. This part does not repeal any of the provisions of any other law, general, special, or local, but supplements such other laws in the exercise of the powers provided in this part and provides a complete method for the exercise of the powers granted in this part. The projects planned and constructed by the Tampa Bay Regional Transportation Authority shall comply with all applicable federal, state, and local laws. The extension and improvement of the system, and the issuance of bonds hereunder to finance all or part of the cost thereof, may be accomplished upon compliance with the provisions of this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821. An approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in any other political subdivision of the state is not required for the issuance of such bonds pursuant to this part.

(2) This part does not repeal, rescind, or modify any other law relating to the State Board of Administration, the Department of Transportation, the Tampa-Hillsborough County Expressway Authority, or the Division of Bond Finance within the State Board of Administration; however, this part supersedes such other laws as are inconsistent with its provisions, including, but not limited to, s. 215.821.

(3) This part does not preclude the department from acquiring, holding, constructing, improving, maintaining, operating, or owning tolled or nontolled facilities funded and constructed from nonauthority sources that are part of the State

Highway System within the geographical boundaries of the Tampa Bay Area Regional Transportation Authority.

History.—s. 1, ch. 2007-254.

343.976 Effect on local government action.— This act does not prohibit any local government that is a member of the Tampa Bay Area Regional Transportation Authority from participating in or creating any other transit authority, regional transportation authority, or expressway authority.

History.—s. 2, ch. 2007-254.

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SPECIAL DISTRICTS (70 ILCS 3615/) Regional Transportation Authority Act.

(70 ILCS 3615/Art. I heading)

ARTICLE I. PURPOSES AND CREATION.

(70 ILCS 3615/1.01) (from Ch. 111 2/3, par. 701.01)
Sec. 1.01. Short Title.

This Act shall be known and may be cited as the "Regional Transportation Authority Act".

(Source: P. A. 78-3rd S.S.-5.)

(70 ILCS 3615/1.02) (from Ch. 111 2/3, par. 701.02)
Sec. 1.02. Findings and Purpose.

(a) The General Assembly finds;

(i) Public transportation is, as provided in Section

7 of Article XIII of the Illinois Constitution, an essential public purpose for which public funds may be expended and that Section authorizes the State to provide financial assistance to units of local government for distribution to providers of public transportation. There is an urgent need to reform and continue a unit of local government to assure the proper management of public transportation and to receive and distribute State or federal operating assistance and to raise and distribute revenues for local operating assistance. System generated revenues are not adequate for such service and a public need exists to provide for, aid and assist public transportation in the northeastern area of the State, consisting of Cook, DuPage, Kane, Lake, McHenry and Will Counties.

(ii) Comprehensive and coordinated regional public transportation is essential to the public health, safety and welfare. It is essential to economic well-being, maintenance of full employment, conservation of sources of energy and land for open space and reduction of traffic congestion and for providing and maintaining a healthful environment for the benefit of present and future generations in the metropolitan region. Public transportation improves the mobility of the public and improves access to jobs, commercial facilities, schools and cultural attractions. Public transportation decreases air pollution and other environmental hazards resulting from excessive use of automobiles and allows for more efficient land use and planning.

(iii) Because system generated receipts are not

presently adequate, public transportation facilities and services in the northeastern area are in grave financial condition. With existing methods of financing, coordination and management, and relative convenience of automobiles, such public transportation facilities are not providing adequate public transportation to insure the public health, safety and welfare.

(iv) Additional commitments to the public transportation needs of the disabled, the economically disadvantaged, and the elderly are necessary.

(v) To solve these problems, it is necessary to provide for the creation of a regional transportation authority with the powers necessary to insure adequate public transportation.

(b) The General Assembly further finds, in connection with this amendatory Act of 1983:

(i) Substantial, recurring deficits in the operations of public transportation services subject to the jurisdiction of the Regional Transportation Authority and periodic cash shortages have occurred either of which could bring about a loss of public transportation services throughout the metropolitan region at any time;

(ii) A substantial or total loss of public transportation services or any segment thereof would create an emergency threatening the safety and well-being of the people in the northeastern area of the State; and

(iii) To meet the urgent needs of the people of the metropolitan region that such an emergency be averted and to provide financially sound methods of managing the provision of public transportation services in the northeastern area of the State, it is necessary, while maintaining and continuing the existing Authority, to modify the powers and responsibilities of the Authority, to reallocate responsibility for operating decisions, to change the composition and appointment of the Board of Directors thereof, and to immediately establish a new Board of Directors.

(c) The General Assembly further finds in connection with this amendatory Act of the 95th General Assembly:

(i) The economic vitality of northeastern Illinois requires regionwide and systemwide efforts to increase ridership on the transit systems, constrain road congestion within the metropolitan region, and allocate resources for transportation so as to assist in the development of an adequate, efficient, and coordinated regional transportation system that is in a state of good repair.

(ii) To achieve the purposes of this amendatory Act of the 95th General Assembly, the powers and duties of the Authority must be enhanced to improve overall planning and coordination, to achieve an integrated and efficient regional transit system, to advance the mobility of transit users, and to increase financial transparency of the Authority and the Service Boards.

(d) It is the purpose of this Act to provide for, aid and assist public transportation in the northeastern area of the State without impairing the overall quality of existing public transportation by providing for the creation of a single authority responsive to the people and elected officials of the area and with the power and competence to develop, implement, and enforce plans that promote adequate, efficient, and coordinated public transportation, provide financial review of the providers of public transportation in the metropolitan region and facilitate public transportation provided by Service Boards which is attractive and economical

to users, comprehensive, coordinated among its various elements, economical, safe, efficient and coordinated with area and State plans.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/1.03) (from Ch. 111 2/3, par. 701.03)

Sec. 1.03. Definitions. As used in this Act:

"Authority" means the Regional Transportation Authority;

"Board" means the Board of Directors of the Regional Transportation Authority;

"Construct or acquire" means plan, design, construct, reconstruct, improve, modify, extend, landscape, expand or acquire;

"Metropolitan Region" means all territory included within the territory of the Authority as provided in this Act, and such territory as may be annexed to the Authority;

"Municipality", "County" and "Unit of Local Government" have the meanings given to such terms in Section 1 of Article VII of the Illinois Constitution;

"Operate" means operate, maintain, administer, repair, promote and any other acts necessary or proper with regard to such matters;

"Public Transportation" means the transportation or conveyance of persons within the metropolitan region by means available to the general public, including groups of the general public with special needs, except for transportation by automobiles not used for conveyance of the general public as passengers;

"Public Transportation Facilities" means all equipment or property, real or personal, or rights therein, useful or necessary for providing, maintaining or administering public transportation within the metropolitan region or otherwise useful for carrying out or meeting the purposes or powers of the Authority, except it shall not include roads, streets, highways or bridges or toll highways or toll bridges for general public use; and

"Service Boards" means the Board of the Commuter Rail Division of the Authority, the Board of the Suburban Bus Division of the Authority and the Board of the Chicago Transit Authority established pursuant to the "Metropolitan Transit Authority Act", approved April 12, 1945, as now or hereafter amended.

"Transportation Agency" means any individual, firm, partnership, corporation, association, body politic, municipal corporation, public authority, unit of local government or other person, other than the Authority and the Service Boards, which provides public transportation, any local mass transit district created pursuant to the "Local Mass Transit District Act", as now or hereafter amended, and any urban transportation district created pursuant to the "Urban Transportation District Act", as now or hereafter amended, which districts are located in whole or in part within the metropolitan region.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/1.04) (from Ch. 111 2/3, par. 701.04)

Sec. 1.04. Establishment of Authority.

A regional transportation authority shall be established upon a favorable vote at the referendum held as provided in Section 1.05 of this Act. Upon its establishment the Authority shall be a unit of local government, body politic, political subdivision and municipal corporation.

(Source: P. A. 78-3rd S.S.-5.)

(70 ILCS 3615/1.05) (from Ch. 111 2/3, par. 701.05)

Sec. 1.05. Referendum on Establishment. A special referendum election shall be held at which there shall be submitted to the electors in the metropolitan region the proposition to approve creation of the Authority, which proposition shall be in substantially the following form:

Shall a Regional Transportation Authority be created for Cook, DuPage, Kane, Lake, McHenry and Will Counties, Illinois?

The special referendum election shall be conducted by the County Clerks and Boards of Election Commissioners in the metropolitan region pursuant to the provisions of "The Election Code", approved May 11, 1943, as amended, except as is specifically provided otherwise in this Section. The special referendum election shall be held at the same time and with the same judges, polling places and precincts as for the regular primary elections to be held on March 19, 1974, in the metropolitan region.

The proposition shall be submitted to the electors on a separate paper ballot to be printed on blue paper. The State Board of Elections shall prepare and certify the form of ballot to the County Clerks and Boards of Election Commissioners in the metropolitan region.

Notice of the referendum election shall be given by the State Board of Elections. In addition, such notice may be given by the County Clerks and Boards of Election Commissioners. Each notice of the special election shall set forth the proposition to be voted upon, the date of the election and the time the polling places will be open and shall state that the polling places and precincts for such election shall be the same as for the primary elections held on such date. The notice given by the State Board of Elections shall be published in one or more daily newspapers of general circulation in the metropolitan region at least once not less than 20 days prior to the election. Notice of the special referendum election need not set forth the precincts or polling places in detail. Notices given by County Clerks or Boards of Election Commissioners shall be in the form prescribed by the State Board of Elections.

The votes shall be canvassed and returned in the manner provided for public measures submitted to the electors of the entire State, including the provisions for tally sheets, certificates of results, canvassing and abstracts of votes. Only those ballots properly marked yes or no shall be counted in the referendum. Each municipal Board of Election Commissioners shall make its return to the County Clerk of the County in which it is located; the County Clerks and any County Board of Election Commissioners shall each make returns covering their entire county to the State Board of Elections. Each County Clerk and Board of Election Commissioners shall prepare and certify an abstract of votes cast on the proposition in the precincts within its election jurisdiction. The County Clerks and any county Board of Election Commissioners shall transmit the certified abstracts to the State Board of Elections with its return within 10 days of the referendum. To meet this deadline, the County Clerks and Boards of Election Commissioners shall canvass the votes cast in the special referendum election prior to canvassing the votes cast for any office in the regular primary election, and may certify the results of and make returns on the special referendum election prior to completing those procedures for the regular primary elections.

The State Board of Elections shall proclaim and certify the results of the referendum election. If a majority of those electors properly marking ballots on the proposition vote in favor of the creation of the Authority, such Authority shall thereby be established.

(Source: P. A. 78-3rd S.S.-5.)

(70 ILCS 3615/Art. II heading)

ARTICLE II. POWERS.

(70 ILCS 3615/2.01) (from Ch. 111 2/3, par. 702.01)

Sec. 2.01. General Allocation of Responsibility for Public Transportation.

(a) In order to accomplish the purposes as set forth in this Act, the responsibility for planning, operating, and funding public transportation in the metropolitan region shall be allocated as described in this Act. The Authority shall:

- (i) adopt plans that implement the public policy of the State to provide adequate, efficient, and coordinated public transportation throughout the metropolitan region;
- (ii) set goals, objectives, and standards for the Authority, the Service Boards, and transportation agencies;
- (iii) develop performance measures to inform the public about the extent to which the provision of public transportation in the metropolitan region meets those goals, objectives, and standards;
- (iv) allocate operating and capital funds made available to support public transportation in the metropolitan region;
- (v) provide financial oversight of the Service Boards; and
- (vi) coordinate the provision of public transportation and the investment in public transportation facilities to enhance the integration of public transportation throughout the metropolitan region, all as provided in this Act.

The Service Boards shall, on a continuing basis determine the level, nature and kind of public transportation which should be provided for the metropolitan region in order to meet the plans, goals, objectives, and standards adopted by the Authority. The Service Boards may provide public transportation by purchasing such service from transportation agencies through purchase of service agreements, by grants to such agencies or by operating such service, all pursuant to this Act and the "Metropolitan Transit Authority Act", as now or hereafter amended. Certain of its actions to implement the responsibilities allocated to the Authority in this subsection (a) shall be taken in 3 public documents adopted by the affirmative vote of at least 12 of its then Directors: A Strategic Plan; a Five-Year Capital Program; and an Annual Budget and Two-Year Financial Plan.

(b) The Authority shall subject the operating and capital plans and expenditures of the Service Boards in the metropolitan region with regard to public transportation to continuing review so that the Authority may budget and expend its funds with maximum effectiveness and efficiency. The Authority shall conduct audits of each of the Service Boards no less than every 5 years. Such audits may include management, performance, financial, and infrastructure condition audits. The Authority may conduct management, performance, financial, and infrastructure condition audits of transportation agencies that receive funds from the Authority. The Authority may direct a Service Board to conduct any such

audit of a transportation agency that receives funds from such Service Board, and the Service Board shall comply with such request to the extent it has the right to do so. These audits of the Service Boards or transportation agencies may be project or service specific audits to evaluate their achievement of the goals and objectives of that project or service and their compliance with any applicable requirements.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.01a)

Sec. 2.01a. Strategic Plan.

(a) By the affirmative vote of at least 12 of its then Directors, the Authority shall adopt a Strategic Plan, no less than every 5 years, after consultation with the Service Boards and after holding a minimum of 3 public hearings in Cook County and one public hearing in each of the other counties in the region. The Executive Director of the Authority shall review the Strategic Plan on an ongoing basis and make recommendations to the Board of the Authority with respect to any update or amendment of the Strategic Plan. The Strategic Plan shall describe the specific actions to be taken by the Authority and the Service Boards to provide adequate, efficient, and coordinated public transportation.

(b) The Strategic Plan shall identify goals and objectives with respect to:

(i) increasing ridership and passenger miles on

public transportation funded by the Authority;

(ii) coordination of public transportation services and the investment in public transportation facilities to enhance the integration of public transportation throughout the metropolitan region;

(iii) coordination of fare and transfer policies to promote transfers by riders among Service Boards, transportation agencies, and public transportation modes, which may include goals and objectives for development of a universal fare instrument that riders may use interchangeably on all public transportation funded by the Authority, and methods to be used to allocate revenues from transfers;

(iv) improvements in public transportation facilities to bring those facilities into a state of good repair, enhancements that attract ridership and improve customer service, and expansions needed to serve areas with sufficient demand for public transportation;

(v) access for transit-dependent populations, including access by low-income communities to places of employment, utilizing analyses provided by the Chicago Metropolitan Agency for Planning regarding employment and transportation availability, and giving consideration to the location of employment centers in each county and the availability of public transportation at off-peak hours and on weekends;

(vi) the financial viability of the public transportation system, including both operating and capital programs;

(vii) limiting road congestion within the metropolitan region and enhancing transit options to improve mobility; and

(viii) such other goals and objectives that advance the policy of the State to provide adequate, efficient, and coordinated public transportation in the metropolitan region.

(c) The Strategic Plan shall establish the process and criteria by which proposals for capital improvements by a Service Board or a transportation agency will be evaluated by the Authority for inclusion in the Five-Year Capital Program, which may include criteria for:

(i) allocating funds among maintenance, enhancement, and expansion improvements;

(ii) projects to be funded from the Innovation, Coordination, and Enhancement Fund;

(iii) projects intended to improve or enhance ridership or customer service;

(iv) design and location of station or transit improvements intended to promote transfers, increase ridership, and support transit-oriented land development;

(v) assessing the impact of projects on the ability to operate and maintain the existing transit system; and

(vi) other criteria that advance the goals and objectives of the Strategic Plan.

(d) The Strategic Plan shall establish performance standards and measurements regarding the adequacy, efficiency, and coordination of public transportation services in the region and the implementation of the goals and objectives in the Strategic Plan. At a minimum, such standards and measures shall include customer-related performance data measured by line, route, or sub-region, as determined by the Authority, on the following:

(i) travel times and on-time performance;

(ii) ridership data;

(iii) equipment failure rates;

(iv) employee and customer safety; and

(v) customer satisfaction.

The Service Boards and transportation agencies that receive funding from the Authority or Service Boards shall prepare, publish, and submit to the Authority such reports with regard to these standards and measurements in the frequency and form required by the Authority; however, the frequency of such reporting shall be no less than annual. The Service Boards shall publish such reports on their respective websites. The Authority shall compile and publish such reports on its website. Such performance standards and measures shall not be used as the basis for disciplinary action against any employee of the Authority or Service Boards, except to the extent the employment and disciplinary practices of the Authority or Service Board provide for such action.

(e) The Strategic Plan shall identify innovations to improve the delivery of public transportation and the construction of public transportation facilities.

(f) The Strategic Plan shall describe the expected financial condition of public transportation in the metropolitan region prospectively over a 10-year period, which may include information about the cash position and all known obligations of the Authority and the Service Boards including operating expenditures, debt service, contributions for payment of pension and other post-employment benefits, the expected revenues from fares, tax receipts, grants from the federal, State, and local governments for operating and capital purposes and issuance of debt, the availability of working capital, and the resources needed to achieve the goals and objectives described in the Strategic Plan.

(g) In developing the Strategic Plan, the Authority shall rely on such demographic and other data, forecasts, and assumptions developed by the Chicago Metropolitan Agency for Planning with respect to the patterns of population density and growth, projected commercial and residential development, and environmental factors, within the metropolitan region and in areas outside the metropolitan region that may impact public transportation utilization in the metropolitan region. Before adopting or amending any Strategic Plan, the Authority

shall consult with the Chicago Metropolitan Agency for Planning regarding the consistency of the Strategic Plan with the Regional Comprehensive Plan adopted pursuant to the Regional Planning Act.

(h) The Authority may adopt, by the affirmative vote of at least 12 of its then Directors, sub-regional or corridor plans for specific geographic areas of the metropolitan region in order to improve the adequacy, efficiency, and coordination of existing, or the delivery of new, public transportation. Such plans may also address areas outside the metropolitan region that may impact public transportation utilization in the metropolitan region. In preparing a sub-regional or corridor plan, the Authority may identify changes in operating practices or capital investment in the sub-region or corridor that could increase ridership, reduce costs, improve coordination, or enhance transit-oriented development. The Authority shall consult with any affected Service Boards in the preparation of any sub-regional or corridor plans.

(i) If the Authority determines, by the affirmative vote of at least 12 of its then Directors, that, with respect to any proposed new public transportation service or facility, (i) multiple Service Boards or transportation agencies are potential service providers and (ii) the public transportation facilities to be constructed or purchased to provide that service have an expected construction cost of more than \$25,000,000, the Authority shall have sole responsibility for conducting any alternatives analysis and preliminary environmental assessment required by federal or State law. Nothing in this subparagraph (i) shall prohibit a Service Board from undertaking alternatives analysis and preliminary environmental assessment for any public transportation service or facility identified in items (i) and (ii) above that is included in the Five-Year Capital Program as of the effective date of this amendatory Act of the 95th General Assembly; however, any expenditure related to any such public transportation service or facility must be included in a Five-Year Capital Program under the requirements of Sections 2.01b and 4.02 of this Act.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.01b)

Sec. 2.01b. The Five-Year Capital Program. By the affirmative vote of at least 12 of its then Directors, the Authority, after consultation with the Service Boards and after holding a minimum of 3 public hearings in Cook County and one public hearing in each of the other counties in the metropolitan region, shall each year adopt a Five-Year Capital Program that shall include each capital improvement to be undertaken by or on behalf of a Service Board provided that the Authority finds that the improvement meets any criteria for capital improvements contained in the Strategic Plan, is not inconsistent with any sub-regional or corridor plan adopted by the Authority, and can be funded within amounts available with respect to the capital and operating costs of such improvement. In reviewing proposals for improvements to be included in a Five-Year Capital Program, the Authority may give priority to improvements that are intended to bring public transportation facilities into a state of good repair. The Five-Year Capital Program shall also identify capital improvements to be undertaken by a Service Board, a transportation agency, or a unit of local government and funded by the Authority from amounts in the Innovation, Coordination, and Enhancement Fund, provided that no improvement that is included in the Five-Year Capital Program as of the effective date of this amendatory Act of the 95th General Assembly may receive funding from the Innovation, Coordination, and Enhancement Fund. Before adopting a Five-Year Capital Program, the Authority shall consult with the Chicago Metropolitan Agency for

Planning regarding the consistency of the Five-Year Capital Program with the Regional Comprehensive Plan adopted pursuant to the Regional Planning Act.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.01c)

Sec. 2.01c. Innovation, Coordination, and Enhancement Fund.

(a) The Authority shall establish an Innovation, Coordination, and Enhancement Fund and deposit into the Fund an amount equal to \$10,000,000 in 2008, and, each year thereafter, an amount equal to the amount deposited in the previous year increased or decreased by the percentage growth or decline in revenues received by the Authority from taxes imposed under Section 4.03 in the previous year. Amounts on deposit in such Fund and interest and other earnings on those amounts may be used by the Authority, upon the affirmative vote of 12 of its then Directors, and after a public participation process, for operating or capital grants or loans to Service Boards, transportation agencies, or units of local government that advance the goals and objectives identified by the Authority in its Strategic Plan, provided that no improvement that has been included in a Five-Year Capital Program as of the effective date of this amendatory Act of the 95th General Assembly may receive any funding from the Innovation, Coordination, and Enhancement Fund. Unless the Board has determined by a vote of 12 of its then Directors that an emergency exists requiring the use of some or all of the funds then in the Innovation, Coordination, and Enhancement Fund, such funds may only be used to enhance the coordination and integration of public transportation and develop and implement innovations to improve the quality and delivery of public transportation.

(b) Any grantee that receives funds from the Innovation, Coordination, and Enhancement Fund for the operation of eligible programs must (i) implement such programs within one year of receipt of such funds and (ii) within 2 years following commencement of any program utilizing such funds, determine whether it is desirable to continue the program, and upon such a determination, either incorporate such program into its annual operating budget and capital program or discontinue such program. No additional funds from the Innovation, Coordination, and Enhancement Fund may be distributed to a grantee for any individual program beyond 2 years unless the Authority by the affirmative vote of at least 12 of its then Directors waives this limitation. Any such waiver will be with regard to an individual program and with regard to a one year-period, and any further waivers for such individual program require a subsequent vote of the Board.

(Source: P.A. 97-399, eff. 8-16-11.)

(70 ILCS 3615/2.01d)

Sec. 2.01d. ADA Paratransit Fund. The Authority shall establish an ADA Paratransit Fund and, each year, deposit into that Fund the following amounts: (i) a base amount equal to \$115,000,000 in 2012, and, each year thereafter, an amount equal to the final budgeted funding for ADA paratransit services for the current year, (ii) any funds received from the State pursuant to appropriations for the purpose of funding ADA paratransit services, and (iii) any additional funds necessary to fund the budget or amended budget for ADA paratransit services adopted or approved by the Board for the current year. The amounts on deposit in the Fund and interest and other earnings on those amounts shall be used by the Authority to make grants to the Suburban Bus Board for ADA paratransit services provided pursuant to plans approved by the Authority under Section 2.30 of this Act. Funds received by the Suburban Bus Board from the Authority's ADA Paratransit Fund shall be used only to provide ADA paratransit services to individuals who are determined to be eligible for such services by the Authority under the Americans with Disabilities Act of 1990 and its implementing regulations. Revenues from and costs of services provided by the Suburban Bus Board with grants made under this Section shall be included in the Annual Budget and Two-Year Financial Program of the Suburban Bus Board and shall be subject to all budgetary and financial requirements under this Act that apply to ADA paratransit services. Beginning in 2008, the Executive Director shall, no later than August 15 of each year, provide to the Board a written determination of the projected annual costs of ADA paratransit services that are required to be provided pursuant to the Americans with Disabilities Act of 1990 and its implementing regulations for the current year. The Authority shall conduct triennial financial, compliance, and performance audits of ADA paratransit services to assist in this determination.

(Source: P.A. 97-399, eff. 8-16-11.)

(70 ILCS 3615/2.01e)

Sec. 2.01e. Suburban Community Mobility Fund. The Authority shall establish a Suburban Community Mobility Fund and deposit into that Fund an amount equal to \$20,000,000 in 2008, and, each year thereafter, an amount equal to the amount deposited in the previous year increased or decreased by the percentage growth or decline in revenues received by the Authority from taxes imposed under Section 4.03 in the previous year. The amounts on deposit in the Fund and interest and other earnings on those amounts shall be used by the Authority to make grants to the Suburban Bus Board for the purpose of operating transit services, other than traditional fixed-route services, that enhance suburban mobility, including, but not limited to, demand-responsive transit services, ride sharing, van pooling, service coordination, centralized dispatching and call taking, reverse commuting, service restructuring, and bus rapid transit. Revenues from and costs of services provided by the Suburban Bus Board with moneys from the Suburban Community Mobility Fund shall be included in the Annual Budget and Two-Year Financial Program of the Suburban Bus Board and shall be subject to all budgetary and financial requirements under this Act.

(Source: P.A. 97-399, eff. 8-16-11.)

(70 ILCS 3615/2.02) (from Ch. 111 2/3, par. 702.02)

Sec. 2.02. Purchase of Service Contracts - Grants. (a) The Service Boards may purchase public transportation from transportation agencies upon such terms and conditions as may be set forth in purchase of service agreements between the Service Boards and the transportation agencies.

(b) Grants may be made either by: (i) the Authority to a Service Board; or (ii) a Service Board to either a transportation agency or another Service Board, all for operating and other expenses, or for developing or planning public transportation or for constructing or acquiring public transportation facilities, all upon such terms and conditions as that Service Board or the Authority shall prescribe or as that Service Board and the Authority or that Service Board and the transportation agency shall agree in any grant contract.

(c) The Board shall adopt, to the extent it determines feasible, guidelines setting forth uniform standards for the making of grants and purchase of service agreements. Such grant contracts or purchase of service agreements may be for such number of years or duration as the parties shall agree.

Any purchase of service agreement with a transportation agency which is not a public body shall be upon terms and conditions which will allow the transportation agency to receive for the public transportation provided pursuant to the agreement net income, after reasonable deductions for depreciation and other proper and necessary reserves, equal to an amount which is a reasonable return upon the value of such portion of the transportation agency's property as is used and useful in rendering such transportation service. This paragraph shall be construed in a manner consistent with the principles applicable to such a transportation agency in rate proceedings under "An Act concerning public utilities", approved June 29, 1921, as now or hereafter amended. This paragraph shall not be construed to provide for the funding of reserves or guarantee that such a transportation agency shall in fact receive any return. A Service Board shall, within 180 days after receiving a written request from a transportation agency which is not a public body, tender and offer to enter into with such transportation agency a purchase of service agreement that is in conformity with this Act and that covers the public transportation services by rail (other than

experimental or demonstration services) which such agency is providing at the time of such request and which services either were in operation for at least one year immediately preceding the effective date of this Act or were in operation pursuant to a purchase of service or grant agreement with the Authority or Service Board. No such tender by a Service Board need be made before April 1, 1975. The first purchase of service agreement so requested shall not, unless the parties agree otherwise, become effective prior to June 30, 1975. If, following such a request and tender, a Service Board and the transportation agency do not agree upon the amount of compensation to be provided to the agency by the Service Board under the purchase of service agreement or fares and charges under the purchase of service agreement, either of them may submit such unresolved issues to the Illinois Commerce Commission for determination. The Commission shall determine the unresolved issues in conformity with this Act. The Commission's determination shall be set forth in writing, together with such terms as are agreed by the parties and any other unresolved terms as tendered by the Service Board, in a single document which shall constitute the entire purchase of service agreement between the Service Board and the transportation agency, which agreement, in the absence of contrary agreement by the parties, shall be for a term of 3 years effective as of July 1, 1975, or, if the agreement is requested to succeed a currently effective or recently expired purchase of service agreement between the parties, as of the date of such expiration. The decision of the Commission shall be binding upon the Service Board and the transportation agency, subject to judicial review as provided in "An Act concerning public utilities", as approved June 29, 1921, as now or hereafter amended, but the parties may at any time mutually amend or terminate a purchase of service agreement. Prompt settlement between the parties shall be made of any sums owing under the terms of the purchase of service agreement so established for public transportation services performed on and after the effective date of any such agreement. If the Authority reduces the amount of operating subsidy available to a Service Board under the provisions of Section 4.09 or Section 4.11, the Service Board shall, from those funds available to it under Section 4.02, first discharge its financial obligations under the terms of a purchase of service contract to any transportation agency which is not a public body, unless such transportation agency has failed to take any action requested by the Service Board, which under the terms of the purchase of service contract the Service Board can require the transportation agency to take, which would have the effect of reducing the financial obligation of the Service Board to the transportation agency. The provisions of this paragraph (c) shall not preclude a Service Board and a transportation agency from otherwise entering into a purchase of service or grant agreement in conformity with this Act or an agreement for the Authority or a Service Board to purchase or a Service Board to operate that agency's public transportation facilities, and shall not limit the exercise of the right of eminent domain by the Authority pursuant to this Act.

(d) Any transportation agency providing public transportation pursuant to a purchase of service or grant agreement with the Authority or a Service Board shall be subject to the "Illinois Human Rights Act", as now or hereafter amended, and the remedies and procedures established thereunder. Such agency shall file an affirmative action program for employment by it with regard to public transportation so provided with the Department of Human Rights

within one year of the purchase of service or grant agreement, to ensure that applicants are employed and that employees are treated during employment, without unlawful discrimination. Such affirmative action program shall include provisions relating to hiring, upgrading, demotion, transfer, recruitment, recruitment advertising, selection for training and rates of pay or other forms of compensation. No unlawful discrimination as defined and prohibited in the Illinois Human Rights Act in any such employment shall be made in any term or aspect of employment and discrimination based upon political reasons or factors shall be prohibited.

(e) A Service Board, subject to the provisions of paragraph (c) of this Section, may not discriminate against a transportation agency with which it has a purchase of service contract or grant agreement in any condition affecting the operation of the public transportation facility including the level of subsidy provided, the quality or standard of public transportation to be provided or in meeting the financial obligations to transportation agencies under the terms of a purchase of service or grant contract. Any transportation agency that believes that a Service Board is discriminating against it may, after attempting to resolve the alleged discrimination by meeting with the Service Board with which it has a purchase of service or grant contract, appeal to the Authority. The Board shall name 3 of its members, other than a member of the board of the concerned Service Board, to serve as a panel to arbitrate the dispute. The panel shall render a recommended decision to the Board which shall be binding on the Service Board and the transportation agency if adopted by the Board. The panel may not require the Service Board to take any action which would increase the operating budget of the Service Board. The decision of the Board shall be enforceable in a court of general jurisdiction.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/2.03) (from Ch. 111 2/3, par. 702.03)

Sec. 2.03. Operations. A Service Board may provide public transportation by operating public transportation facilities. A Service Board may enter into operating agreements with any individual, corporation or other person or private or public entity to operate such facilities on behalf of the Service Board.

(Source: P.A. 83-886.)

(70 ILCS 3615/2.04) (from Ch. 111 2/3, par. 702.04)

Sec. 2.04. Fares and Nature of Service.

(a) Whenever a Service Board provides any public transportation by operating public transportation facilities, the Service Board shall provide for the level and nature of fares or charges to be made for such services, and the nature and standards of public transportation to be so provided that meet the goals and objectives adopted by the Authority in the Strategic Plan. Provided, however that if the Board adopts a budget and financial plan for a Service Board in accordance with the provisions in Section 4.11(b)(5), the Board may consistent with the terms of any purchase of service contract provide for the level and nature of fares to be made for such services under the jurisdiction of that Service Board, and the nature and standards of public transportation to be so provided.

(b) Whenever a Service Board provides any public transportation pursuant to grants made after June 30, 1975, to transportation agencies for operating expenses (other than with regard to experimental programs) or pursuant to any purchase of service agreement, the purchase of service agreement or grant contract shall provide for the level and nature of fares or charges to be made for such services, and the nature and standards of public transportation to be so provided. A Service Board shall require all

transportation agencies with which it contracts, or from which it purchases transportation services or to which it makes grants to provide half fare transportation for their student riders if any of such agencies provide for half fare transportation to their student riders.

(c) In so providing for the fares or charges and the nature and standards of public transportation, any purchase of service agreements or grant contracts shall provide, among other matters, for the terms or cost of transfers or interconnections between different modes of transportation and different public transportation agencies, schedules or routes of such service, changes which may be made in such service, the nature and condition of the facilities used in providing service, the manner of collection and disposition of fares or charges, the records and reports to be kept and made concerning such service, for interchangeable tickets or other coordinated or uniform methods of collection of charges, and shall further require that the transportation agency comply with any determination made by the Board of the Authority under and subject to the provisions of Section 2.12b of this Act. In regard to any such service, the Authority and the Service Boards shall give attention to and may undertake programs to promote use of public transportation and to provide coordinated ticket sales and passenger information. In the case of a grant to a transportation agency which remains subject to Illinois Commerce Commission supervision and regulation, the Service Boards shall exercise the powers set forth in this Section in a manner consistent with such supervision and regulation by the Illinois Commerce Commission.

(d) By January 1, 2013, the Authority, in consultation with the Service Boards and the general public, must develop a policy regarding transfer fares on all fixed-route public transportation services provided by the Service Boards. The policy shall also set forth the fare sharing agreements between the Service Boards that apply to interagency fare passes and tickets. The policy established by the Authority shall be submitted to each of the Service Boards for its approval or comments and objection. After receiving the policy, the Service Boards have 90 days to approve or take other action regarding the policy. If all of the Service Boards agree to the policy, then a regional agreement shall be created and signed by each of the Service Boards. The terms of the agreement may be changed upon petition by any of the Service Boards and by agreement of the other Service Boards.

(e) By January 1, 2015, the Authority must develop and implement a regional fare payment system. The regional fare payment system must use and conform with established information security industry standards and requirements of the financial industry. The system must allow consumers to use contactless credit cards, debit cards, and prepaid cards to pay for all fixed-route public transportation services. Beginning in 2012 and each year thereafter until 2015, the Authority must submit an annual report to the Governor and General Assembly describing the progress of the Authority and each of the Service Boards in implementing the regional fare payment system. The Authority must adopt rules to implement the requirements set forth in this Section.

(Source: P.A. 97-85, eff. 7-7-11.)

(70 ILCS 3615/2.05) (from Ch. 111 2/3, par. 702.05)

Sec. 2.05. Centralized Services; Acquisition and Construction.

(a) The Authority may at the request of two or more Service Boards, serve, or designate a Service Board to serve, as a centralized purchasing agent for the Service Boards so requesting.

(b) The Authority may at the request of two or more Service Boards perform other centralized services such as ridership information and transfers between services under the jurisdiction of the Service Boards where such centralized services financially benefit the region as a whole. Provided, however, that the Board may require transfers only upon an affirmative vote of 12 of its then Directors.

(c) A Service Board or the Authority may for the benefit of a Service Board, to meet its purposes, construct or acquire any public transportation facility for use by a Service Board or for use by any transportation agency and may acquire any such facilities from any transportation agency, including also without limitation any reserve funds, employees' pension or retirement funds, special funds, franchises, licenses, patents, permits and papers, documents and records of the agency. In connection with any such acquisition from a transportation agency the Authority may assume obligations of the transportation agency with regard to such facilities or property or public transportation operations of such agency.

In connection with any construction or acquisition, the Authority shall make

relocation payments as may be required by federal law or by the requirements of any federal agency authorized to administer any federal program of aid.

(d) The Authority shall, after consulting with the Service Boards, develop regionally coordinated and consolidated sales, marketing, advertising, and public information programs that promote the use and coordination of, and transfers among, public transportation services in the metropolitan region. The Authority shall develop and adopt, with the affirmative vote of at least 12 of its then Directors, rules and regulations for the Authority and the Service Boards regarding such programs to ensure that the Service Boards' independent programs conform with the Authority's regional programs.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.06) (from Ch. 111 2/3, par. 702.06)

Sec. 2.06. Use of Streets and Roads - Relationship with Illinois Commerce Commission. (a) The Authority may for the benefit of a Service Board, by ordinance, provide for special lanes for exclusive or special use by public transportation vehicles with regard to any roads, streets, ways, highways, bridges, toll highways or toll bridges in the metropolitan region, notwithstanding any governmental statute, ordinance or regulation to the contrary.

(b) The Authority, for the benefit of a Service Board, shall have the power to use and, by ordinance, to authorize any Service Board or transportation agency to use without any franchise, charge, permit or license any public road, street, way, highway, bridge, toll highway or toll bridge within the metropolitan region for the provision of public transportation. Transportation agencies which have purchase of service agreements with a Service Board as to any public transportation shall not as to any aspect of such public transportation be subject to any supervision, licensing or regulation imposed by any unit of local government in the metropolitan region, except as may be specifically authorized by the Authority and except for regular police supervision of vehicular traffic.

(c) The Authority shall not be subject to "An Act concerning public utilities", approved June 29, 1921, as now or hereafter amended. Transportation agencies which have any purchase of service agreement with a Service Board shall not be subject to that Act as to any public transportation which is the subject of such agreement. No contract or agreement entered into by any transportation agency with a Service Board shall be subject to approval of or regulation by the Illinois Commerce Commission. If a Service Board shall determine that any particular public transportation service provided by a transportation agency with which the Service Board has a purchase of service agreement is not necessary for the public interest and shall, for that reason, decline to enter into any purchase of service agreement for such particular service, then the Service Board shall have no obligation pursuant to Section 2.02 (c) to offer or make a purchase of service agreement with respect to that particular service and the transportation agency may discontinue the particular service. Such discontinuation shall not be subject to the approval of or regulation by the Illinois Commerce Commission. The acquisition by the Authority by eminent domain of any property, from any transportation agency, shall not be subject to the approval of or regulation by the Illinois Commerce Commission, provided, however, that the requirement in Section 7-102 of the Code of Civil Procedure, as amended, requiring in certain instances prior approval of the Illinois Commerce Commission for taking or damaging of property of railroads or other public utilities shall continue to apply as to any

taking or damaging by the Authority of any real property of such a railroad not used for public transportation or of any real property of such other public utility.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/2.06.1) (from Ch. 111 2/3, par. 702.06.1)

Sec. 2.06.1. Bikeways and trails. The Authority may use its established funds, personnel, and other resources to acquire, construct, operate, and maintain bikeways and trails. The Authority may cooperate with other governmental and private agencies in bikeway and trail programs.

(Source: P.A. 87-985.)

(70 ILCS 3615/2.07) (from Ch. 111 2/3, par. 702.07)

Sec. 2.07. Extra-territorial Authority. In order to provide or assist any transportation of members of the general public between points in the metropolitan region and points outside the metropolitan region, whether in this State or in Wisconsin or Indiana, the Authority may at the request and for the benefit of a Service Board, by ordinance, enter into agreements with any unit of local government, individual, corporation or other person or public agency in or of any such state or any private entity for such service. Such agreements may provide for participation by a Service Board in providing such service and for grants by a Service Board in connection with any such service, and may, subject to federal and State law, set forth any terms relating to such service, including coordinating such service with public transportation in the metropolitan region. Such agreement may be for such number of years or duration as the parties may agree. In regard to any such agreements or grants, a Service Board shall consider the benefit to the metropolitan region and the financial contribution with regard to such service made or to be made from public funds in such areas served outside the metropolitan region.

(Source: P.A. 83-886.)

(70 ILCS 3615/2.08) (from Ch. 111 2/3, par. 702.08)

Sec. 2.08. Protection Against Crime. The Authority shall cooperate with the various State, municipal, sheriff's and transportation agency police forces in the metropolitan region for the protection of employees and consumers of public transportation services and public transportation facilities against crime. The Authority may provide by ordinance for an Authority police force to aid, coordinate and supplement other police forces in protecting persons and property and reducing the threats of crime with regard to public transportation. Such police shall have the same powers with regard to such protection of persons and property as those exercised by police of municipalities and may include members of other police forces in the metropolitan region. The Authority shall establish minimum standards for selection and training of members of such police force employed by it. Training shall be accomplished at schools certified by the Illinois Law Enforcement Training Standards Board established pursuant to the Illinois Police Training Act. Such training shall be subject to the rules and standards adopted pursuant to Section 7 of that Act. The Authority may participate in any training program conducted under that Act. The Authority may provide for the coordination or consolidation of security services and

police forces maintained with regard to public transportation services and facilities by various transportation agencies and may contract with any municipality or county in the metropolitan region to provide protection of persons or property with regard to public transportation. Employees of the Authority or of any transportation agency affected by any action of the Authority under this Section shall be provided the protection set forth in Section 2.16. Neither the Authority, the Suburban Bus Division, the Commuter Rail Division, nor any of their Directors, officers or employees shall be held liable for failure to provide a security or police force or, if a security or police force is provided, for failure to provide adequate police protection or security, failure to prevent the commission of crimes by fellow passengers or other third persons or for the failure to apprehend criminals.

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

(70 ILCS 3615/2.09) (from Ch. 111 2/3, par. 702.09)
Sec. 2.09. Research and Development.

(a) The Authority and the Service Boards shall study public transportation problems and developments; encourage experimentation in developing new public transportation technology, financing methods, and management procedures; conduct, in cooperation with other public and private agencies, studies and demonstration and development projects to test and develop methods for improving public transportation, for reducing its costs to users or for increasing public use; and conduct, sponsor, and participate in other studies and experiments, which may include fare demonstration programs, useful to achieving the purposes of this Act. The cost for any such item authorized by this Section may be exempted by the Board in a budget ordinance from the "costs" included in determining that the Authority and its service boards meet the farebox recovery ratio or system generated revenues recovery ratio requirements of Sections 3A.10, 3B.10, 4.01(b), 4.09 and 4.11 of this Act and Section 34 of the Metropolitan Transit Authority Act during the Authority's fiscal year which begins January 1, 1986 and ends December 31, 1986, provided that the cost of any item authorized herein must be specifically approved within the budget adopted pursuant to Sections 4.01 and 4.11 of this Act for that fiscal year.

(b) To improve public transportation service in areas of the metropolitan region with limited access to commuter rail service, the Authority and the Suburban Bus Division shall evaluate the feasibility of implementing new bus rapid transit services using the expressway and tollway systems in the metropolitan region. The Illinois Department of Transportation and the Illinois Toll Highway Authority shall work cooperatively with the Authority and the Suburban Bus Division in that evaluation and in the implementation of bus rapid transit services. The Authority and the Suburban Bus Division, in cooperation with the Illinois Department of Transportation, shall develop a bus rapid transit demonstration project on Interstate 55 located in Will, DuPage, and Cook Counties. This demonstration project shall test and refine approaches to bus rapid transit operations in the expressway or tollway shoulder or regular travel lanes and shall investigate technology options that facilitate the shared use of the transit lane and provide revenue for financing construction and operation of public transportation facilities.

(c) The Suburban Bus Division and the Authority shall cooperate in the development, funding, and operation of programs to enhance access to job markets for residents in south suburban Cook County. Beginning in 2008, the Authority shall allocate to the Suburban Bus Division an amount not less than \$3,750,000, and beginning in 2009 an amount not less than \$7,500,000 annually for the costs of such programs.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.10) (from Ch. 111 2/3, par. 702.10)

Sec. 2.10. Protection of the Environment. The Authority and the Service Boards shall take all feasible and prudent steps to minimize environmental disruption and pollution arising from its activities or from public transportation

activities of transportation agencies acting pursuant to purchase of service agreements. In carrying out its purposes and powers under this Act, the Authority and the Service Boards shall seek to reduce environmental disruption and pollution arising from all forms of transportation of persons within the metropolitan region. The Service Boards shall employ persons with skills and responsibilities for determining means to minimize such disruption and pollution.

(Source: P.A. 83-886.)

(70 ILCS 3615/2.11) (from Ch. 111 2/3, par. 702.11)

Sec. 2.11. Safety.

(a) The Service Boards may establish, enforce and facilitate achievement and maintenance of standards of safety against accidents with respect to public transportation provided by the Service Boards or by transportation agencies pursuant to purchase of service agreements with the Service Boards. The provisions of general or special orders, rules or regulations issued by the Illinois Commerce Commission pursuant to Section 57 of "An Act concerning public utilities", approved June 29, 1921, as amended, which pertain to public transportation and public transportation facilities of railroads will continue to apply until the Service Board determines that different standards are necessary to protect such health and safety.

(b) To the extent required by 49 CFR Part 659 as now or hereafter amended, the Authority shall develop and adopt a system safety program standard for the safety of rail fixed guideway systems and the personal security of the systems' passengers and employees and shall establish procedures for safety and security reviews, investigations, and oversight reporting. The Authority shall require the applicable Service Boards to comply with the requirements of 49 CFR Part 659 as now or hereafter amended. The Authority may contract for the services of a qualified consultant to comply with this subsection.

(c) The security portion of the system safety program, investigation reports, surveys, schedules, lists, or data compiled, collected, or prepared by or for the Authority under this subsection, shall not be subject to discovery or admitted into evidence in federal or State court or considered for other purposes in any civil action for damages arising from any matter mentioned or addressed in such reports, surveys, schedules, lists, data, or information.

(d) Neither the Authority nor its directors, officers, or employees nor any Service Board subject to this Section nor its directors, officers, or employees shall be held liable in any civil action for any injury to any person or property for any acts or omissions or failure to act under this Section or pursuant to 49 CFR Part 659 as now or hereafter amended.

(Source: P.A. 90-273, eff. 7-30-97.)

(70 ILCS 3615/2.12) (from Ch. 111 2/3, par. 702.12)

Sec. 2.12. Coordination with Planning Agencies. The Authority and the Service Boards shall cooperate with the various public agencies charged with responsibility for long-range or comprehensive planning for the metropolitan region. The Authority shall utilize the official forecasts and plans of the Chicago Metropolitan Agency for Planning in developing the Strategic Plan and the Five-Year Capital Program. The Authority and the Service Boards shall, prior to the adoption of any Strategic Plan, as provided in Section 2.01a of this Act, or the adoption of any Five-Year Capital Program, as provided in Section 2.01b of this Act, submit its proposals to such agencies for review and

comment. The Authority and the Service Boards may make use of existing studies, surveys, plans, data and other materials in the possession of any State agency or department, any planning agency or any unit of local government.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.12a)

Sec. 2.12a. (Repealed).

(Source: P.A. 83-886. Repealed by P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.12b)

Sec. 2.12b. Coordination of Fares and Service. Upon the request of a Service Board, the Executive Director of the Authority may, upon the affirmative vote of 9 of the then Directors of the Authority, intervene in any matter involving (i) a dispute between Service Boards or a Service Board and a transportation agency providing service on behalf of a Service Board with respect to the terms of transfer between, and the allocation of revenues from fares and charges for, transportation services provided by the parties or (ii) a dispute between 2 Service Boards with respect to coordination of service, route duplication, or a change in service. Any Service Board or transportation agency involved in such dispute shall meet with the Executive Director, cooperate in good faith to attempt to resolve the dispute, and provide any books, records, and other information requested by the Executive Director. If the Executive Director is unable to mediate a resolution of any dispute, he or she may provide a written determination recommending a change in the fares or charges or the allocation of revenues for such service or directing a change in the nature or provider of service that is the subject of the dispute. The Executive Director shall base such determination upon the goals and objectives of the Strategic Plan established pursuant to Section 2.01a(b). Such determination shall be presented to the Board of the Authority and, if approved by the affirmative vote of at least 9 of the then Directors of the Authority, shall be final and shall be implemented by any affected Service Board and transportation agency within the time frame required by the determination.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.13) (from Ch. 111 2/3, par. 702.13)

Sec. 2.13. (a) The Authority may take and acquire possession by eminent domain of any property or interest in property which the Authority is authorized to acquire under this Act. The power of eminent domain may be exercised by ordinance of the Authority, and shall extend to all types of interests in property, both real and personal (including without limitation easements for access purposes to and rights of concurrent usage of existing or planned public transportation facilities), whether or not the property is public property or is devoted to public use and whether or not the property is owned or held by a public transportation agency, except as specifically limited by this Act.

(b) The Authority shall exercise the power of eminent domain granted in this Section in the manner provided for the exercise of the right of eminent domain under the Eminent Domain Act, except that the Authority may not exercise the authority provided in Article 20 of the Eminent Domain Act (quick-take procedure) providing for immediate possession in such proceedings, and except that those provisions of Section 10-5-10 of the Eminent Domain Act requiring prior approval of the Illinois Commerce Commission in certain instances shall apply to eminent domain proceedings by the Authority only as to any taking or damaging by the Authority of any real property of a railroad not used for public transportation or of any real property of other public utilities.

(c) The Authority may exercise the right of eminent domain to acquire public property only upon the concurrence of 2/3 of the then Directors. In any proceeding for the taking of public property by the Authority through the exercise of the power of eminent domain the venue shall be in the Circuit Court of the county in which the property is located. The right of eminent domain may be exercised over property used for public park purposes, for State Forest purposes or for forest preserve purposes only upon a written finding adopted by concurrence of 2/3 of the then Directors, after public hearing and a written study done for the Authority, that such taking is necessary to accomplish the purposes of this Act, that no feasible alternatives to such taking exist,

and that the advantages to the public from such taking exceed the disadvantages to the public of doing so. In any proceeding for the exercise of the right of eminent domain for the taking by the Authority of property used for public park, State forest, or forest preserve purposes, the court shall not order the taking of such property unless it has reviewed and concurred in the findings required of the Authority by this paragraph. No property dedicated as a nature preserve pursuant to the "Illinois Natural Areas Preservation Act", as now or hereafter amended, may be acquired in eminent domain by the Authority.

(Source: P.A. 94-1055, eff. 1-1-07.)

(70 ILCS 3615/2.13a)

Sec. 2.13a. Eminent domain. Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act.

(Source: P.A. 94-1055, eff. 1-1-07.)

(70 ILCS 3615/2.14) (from Ch. 111 2/3, par. 702.14)

Sec. 2.14. Appointment of Officers and Employees. The Authority may appoint, retain and employ officers, attorneys, agents, engineers and employees. The officers shall include an Executive Director, who shall be the chief executive officer of the Authority, appointed by the Chairman with the concurrence of 11 of the other then Directors of the Board. The Executive Director shall organize the staff of the Authority, shall allocate their functions and duties, shall transfer such staff to the Suburban Bus Division and the Commuter Rail Division as is sufficient to meet their purposes, shall fix compensation and conditions of employment of the staff of the Authority, and consistent with the policies of and direction from the Board, take all actions necessary to achieve its purposes, fulfill its responsibilities and carry out its powers, and shall have such other powers and responsibilities as the Board shall determine. The Executive Director must be an individual of proven transportation and management skills and may not be a member of the Board. The Authority may employ its own professional management personnel to provide professional and technical expertise concerning its purposes and powers and to assist it in assessing the performance of the Service Boards in the metropolitan region.

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Authority shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.

The Authority shall be subject to the "Illinois Human Rights Act", as now or hereafter amended, and the remedies and procedure established thereunder. The Authority shall file an affirmative action program for employment by it with the Department of Human Rights to ensure that applicants are employed and that employees are treated during employment, without regard to unlawful discrimination. Such affirmative action program shall include provisions relating to hiring, upgrading, demotion, transfer, recruitment, recruitment advertising, selection for training and rates of pay or other forms of compensation.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.15) (from Ch. 111 2/3, par. 702.15)

Sec. 2.15. Policy With Respect to Protective Arrangements, Collective Bargaining and Labor Relations.

It is the intent of this Act that:

(a) The Authority shall insure that every employee of the Authority and every employee of a Service Board or transportation agency shall receive fair and equitable protection against actions of the Authority which shall not be less than those established pursuant to Section 13 (c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. Sec. 1609 (c)), and Section 405 (b) of the Rail Passenger Service Act of 1970, as amended (45 U.S.C. Sec. 565 (b)), and as prescribed by the United States Secretary of Labor

thereunder, at the time of the protective agreement or arbitration decision providing protection.

(b) There shall be no limitation on freedom of association among employees of the Authority nor any denial of the right of employees to join or support a labor organization and to bargain collectively through representatives of their own choosing.

(c) The Authority and the duly accredited representatives of employees shall have the obligation to bargain collectively in good faith, and the Authority shall have the power and duty to enter into written collective bargaining agreements with such representatives.

(Source: P.A. 83-886.)

(70 ILCS 3615/2.16) (from Ch. 111 2/3, par. 702.16)

Sec. 2.16. Employee Protection.

(a) The Authority shall insure that every employee of the Authority or of a Service Board or transportation agency shall receive fair and equitable protection against actions of the Authority which shall not be less than those established pursuant to Section 13(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. Sec. 1609(c)), and Section 405(b) of the Rail Passenger Service Act of 1970, as amended (45 U.S.C. Sec. 565(b)), and as prescribed by the United States Secretary of Labor thereunder, at the time of the protective agreement or arbitration decision providing protection.

(b) The Authority shall negotiate or arrange for the negotiation of such fair and equitable employee arrangements with the employees, through their accredited representatives authorized to act for them. If agreement cannot be reached on the terms of such protective arrangement, any party may submit any matter in dispute to arbitration. In such arbitration, each party shall have the right to select non-voting arbitration board members. The impartial arbitrator will be selected by the American Arbitration Association and appointed from a current listing of the membership of the National Academy of Arbitrators, upon request of any party. The impartial arbitrator's decision shall be final and binding on all parties. Each party shall pay an equal proportionate share of the impartial arbitrator's fees and expenses.

(c) For purposes of Sections 2.15 through 2.19, "actions of the Authority" include its acquisition and operation of public transportation facilities, the execution of purchase of service agreements and grant contracts made under this Act and the coordination, reorganization, combining, leasing, merging of operations or the expansion or curtailment of public transportation service or facilities by the Authority, but does not include a failure or refusal to enter into a purchase of service agreement or grant contract.

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

(70 ILCS 3615/2.17) (from Ch. 111 2/3, par. 702.17)

Sec. 2.17. Employee Pensions.

The Authority may establish and maintain systems of pensions and retirement benefits for such officers and employees of the Authority as may be designated or described by ordinance of the Authority; may fix the classifications therein; may take such steps as may be necessary to provide that persons eligible for admission to such pension systems as officers and employees of the Authority or of any transportation agency whose operations are financed in whole

or in part by the Authority, shall retain eligibility for admission to or continued coverage and participation under Title II of the federal Social Security Act, as amended, and the related provisions of the Federal Insurance Contributions Act, as amended, or the federal Railroad Retirement Act, as amended, and the related provisions of the Railroad Retirement Tax Act, as amended, as the case may be; and may provide in connection with such pension systems, a system of benefits payable to the beneficiaries and dependents of any participant in such pension systems after the death of such participant (whether accidental or otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such exceptions, conditions, restrictions and classifications as may be provided by ordinance of the Authority. Such pension systems shall be financed or funded by such means and in such manner as may be determined by the Authority to be economically feasible.

(Source: P. A. 78-3rd S.S.-5.)

(70 ILCS 3615/2.18) (from Ch. 111 2/3, par. 702.18)

Sec. 2.18. Labor Contracts.

(a) The Authority shall deal with and enter into written contracts with employees of the Authority, through accredited representatives of such employees authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions. Nothing in this Act shall be construed, however, to permit hours of labor in excess of those prohibited by law or to permit working conditions prohibited by law.

(b) Whenever the Authority acquires the public transportation facilities of a transportation agency, either in proceeding by eminent domain or otherwise, and operates such facilities, all employees actively engaged in the operation thereof shall be transferred to and appointed as employees of the Authority, subject to all the rights and benefits of Sections 2.15 through 2.19, and the Authority shall assume and observe all applicable labor contracts and pension obligations. These employees shall be given seniority credit and sick leave, vacation, insurance, and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The Authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for these employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of such Transportation Agency and the participating employees through their representatives transferred to the trust funds to be established, maintained, and administered jointly by the Authority and the participating employees through their representatives.

(c) Whenever the Authority shall take any of the actions specified in Section 2.16 (c), it shall do so only after meeting the requirements of Section 2.16, and in addition, whenever the Authority shall acquire and operate the public transportation facilities of a transportation agency engaged

in the transportation of persons by railroad, it shall do so only in such manner as to insure the continued applicability to the railroad employees affected thereby of the provisions of all federal statutes then applicable to them and a continuation of their existing collective bargaining agreements until the provisions of said agreements can be re-negotiated by representatives of the Authority and the representatives of said employees duly designated as such pursuant to the terms and provisions of the Railway Labor Act, as amended (45 U.S.C. 151 et seq.); provided, however, that nothing in this subsection shall prevent the abandonment of such facilities, or the discontinuance of such operations pursuant to applicable law, or the substitution of other operations or facilities for such operations or facilities, whether by merger, consolidation, coordination or otherwise. In the event new or supplemental operations or facilities are substituted therefor, the provisions of Section 2.19 shall be applicable, and all questions concerning the selection of forces to perform the work of such new or supplemental facilities or operations, and whether the Authority shall be required to insure the continued applicability of the federal statutes applicable to such employees shall be negotiated and, if necessary, arbitrated, in accordance with the procedures set forth in subsection 2.19 (a).

(Source: P.A. 78-3rd S.S.-5.)

(70 ILCS 3615/2.18a) (from Ch. 111 2/3, par. 702.18a)

Sec. 2.18a. (a) The provisions of this Section apply to collective bargaining agreements (including extensions and amendments to existing agreements) between Service Boards or transportation agencies subject to the jurisdiction of Service Boards and their employees, which are entered into after January 1, 1984.

(b) The Authority shall approve amended budgets prepared by Service Boards which incorporate the costs of collective bargaining agreements between Service Boards and their employees. The Authority shall approve such an amended budget provided that it determines by the affirmative vote of 12 of its then members that the amended budget meets the standards established in Section 4.11.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.19) (from Ch. 111 2/3, par. 702.19)

Sec. 2.19. Labor Relations Procedures.

(a) Whenever the Authority proposes to operate or to enter into a contract to operate any new public transportation facility which may result in the displacement of employees or the rearrangement of the working forces of the Authority or of the Chicago Transit Authority or of any transportation agency, the Authority shall give at least 90 days written notice of such proposed operations to the representatives of the employees affected and the Authority shall provide for the selection of forces to perform the work of that facility on the basis of agreement between the Authority and the representatives of such employees. In the event of failure to agree, the dispute may be submitted by the Authority or by any representative of the employees affected to final and binding arbitration by an impartial arbitrator to be selected by the American Arbitration Association from a current listing of arbitrators of the National Academy of Arbitrators.

(b) In case of any labor dispute not otherwise governed by this Act, by the Labor Management Relations Act, as amended, the Railway Labor Act, as amended, or by impasse resolution provisions in a collective bargaining or protective agreement involving the Authority, the Chicago Transit Authority or any transportation agency financed in whole or in part by the

Authority and the employees of the Authority or of the Chicago Transit Authority or any such transportation agency, which is not settled by the parties thereto within 30 days from the date of commencement of negotiations, either party may request the assistance of a mediator appointed by either the State or Federal Mediation and Conciliation Service, who shall seek to resolve the dispute. In the event that the dispute is not resolved by mediation within a reasonable period, the mediator shall certify to the parties that an impasse exists. Upon receipt of the mediator's certification, any party to the dispute may, within 7 days, submit the dispute to a fact finder who shall be selected by the parties pursuant to the rules of the American Arbitration Association from a current listing of members of the National Academy of Arbitrators supplied by the AAA. The fact finder shall have the duty to hold hearings, or otherwise take evidence from the parties under such other arrangements as they may agree. Upon completion of the parties' submissions, the fact finder shall have the power to issue and make public findings and recommendations, or to refer the dispute back to the parties for such other appropriate action as he may recommend. In the event that the parties do not reach agreement after the issuance of the fact finder's report and recommendations, or in cases where neither party requests fact finding, the Authority shall offer to submit the dispute to arbitration by a board composed of 3 persons, one appointed by the Authority, one appointed by the labor organization representing the employees, and a third member to be agreed upon by the labor organization and the Authority. The member agreed upon by the labor organization and the Authority shall act as chairman of the board. The determination of the majority of the board of arbitration thus established shall be final and binding on all matters in dispute. If, after a period of 10 days from the date of the appointment of the two arbitrators representing the Authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the American Arbitration Association to furnish from a current listing of the membership of the National Academy of Arbitrators the names of 7 such members of the National Academy from which the third arbitrator shall be selected. The arbitrators appointed by the Authority and the labor organization, promptly after the receipt of such list, shall determine by lot the order of elimination, and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term "labor dispute" shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, or pension or retirement provisions, but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, and the interpretation or application of such collective bargaining agreements and any grievance that may arise. Each party shall pay one-half of the expenses of such arbitration.

(Source: P.A. 83-886.)

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

(a) Except as otherwise limited by this Act, the Authority shall also have all powers necessary to meet its responsibilities and to carry out its purposes, including,

but not limited to, the following powers:

(i) To sue and be sued;

(ii) To invest any funds or any monies not required

for immediate use or disbursement, as provided in "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended;

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

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

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

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

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

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

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

(x) To pass all ordinances and make all rules and regulations proper or necessary to regulate the use, operation and maintenance of its property and facilities and, by ordinance, to prescribe fines or penalties for violations thereof. No fine or penalty shall exceed \$1,000 per offense. Any ordinance providing for any fine or penalty shall be published in a newspaper of general circulation in the metropolitan region. No such ordinance shall take effect until 10 days after its publication. The Authority may enter into arbitration arrangements, which may be final and binding.

The Commuter Rail Board shall continue the separate public corporation, known as the Northeast Illinois Regional Commuter Railroad Corporation, as a separate operating unit to operate on behalf of the Commuter Rail Board commuter railroad facilities, subject at all times to the supervision and direction of the Commuter Rail Board and may, by ordinance, dissolve such Corporation. Such Corporation shall be governed by a Board of Directors which shall consist of the members of the Transition Board until such time as all of the members of the Commuter Rail

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

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

(b) In each case in which this Act gives the Authority the power to construct or acquire real or personal property, the Authority shall have the power to acquire such property by contract, purchase, gift, grant, exchange for other property or rights in property, lease (or sublease) or installment or conditional purchase contracts, which leases or contracts may provide for consideration therefor to be paid in annual installments during a period not exceeding 40 years. Property may be acquired subject to such conditions, restrictions, liens, or security or other interests of other parties as the Authority may deem appropriate, and in each case the Authority may acquire a joint, leasehold, easement, license or other partial interest in such property. Any such acquisition may provide for the assumption of, or agreement to pay, perform or discharge outstanding or continuing duties, obligations or liabilities of the seller, lessor, donor or other transferor of or of the trustee with regard to such property. In connection with the acquisition of public transportation equipment, including, but not limited to, rolling stock, vehicles, locomotives, buses or rapid transit equipment, the Authority may also execute agreements concerning such equipment leases, equipment trust certificates, conditional purchase agreements and such other security agreements and may make such agreements and covenants as required, in the form customarily used in such cases appropriate to effect such acquisition. Obligations of the Authority incurred pursuant to this Section shall not be considered bonds or notes within the meaning of Section 4.04 of this Act.

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

(Source: P.A. 97-333, eff. 8-12-11.)

(70 ILCS 3615/2.21) (from Ch. 111 2/3, par. 702.21)

Sec. 2.21. (a) The Authority or the Commuter Rail Board may not in the exercise of its powers to provide effective public transportation as provided by this Act:

(i) require or authorize the operation of, or operate or

acquire by eminent domain or otherwise, any public transportation facility or service on terms or in a manner which unreasonably interferes with the ability of a railroad to provide efficient freight or inter-city passenger service. This subparagraph shall not bar the Authority from acquiring title to any property pursuant to Section 2.13 in a manner consistent with this subparagraph.

(ii) obtain by eminent domain any interest in any right of way or any other real property of a railroad which is not a public body in excess of the interest to be used for public transportation as provided in this Act.

(iii) prohibit the operation of public transportation by a private carrier that does not receive a grant or purchase of service contract from the Authority or a Service Board.

(b) If in connection with any construction, acquisition, or other activity undertaken by or for the Authority or a Service Board, or pursuant to any purchase of service or grant agreement with the Authority or a Service Board, any facility of a public utility (as defined in "An Act concerning public utilities", approved June 29, 1921, as amended), is removed or relocated from its then-existing site all costs and expenses of such relocation or removal, including the cost of installing such facilities in a new location or locations, and the cost of any land or lands, or interest in land, or any rights required to accomplish such relocation or removal, shall be paid by the Authority or a Service Board. If any such facilities are so relocated onto the properties of the Authority or the Service Board or onto properties made available for that purpose by the Authority or the Service Board, there shall be no rent, fee, or other charge of any kind imposed upon the public utility owning or operating such facilities in excess of that imposed prior to such relocation and such public utility, and its successors and assigns, shall be granted the right to operate such facilities in the new location or locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate such facilities in their former location. Nothing in this paragraph (b) shall prevent the Authority or the Service Board and a transportation agency from agreeing in a purchase of service agreement or otherwise to make different arrangements for such relocations or the costs thereof.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/2.22) (from Ch. 111 2/3, par. 702.22)

Sec. 2.22. It is the policy of this State that all powers granted, either expressly or by necessary implication, by this Act or any other Illinois statute to the Authority may be exercised by the Authority notwithstanding effects on competition. It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to the Authority to the extent its activities are authorized by law as stated herein.

(Source: P.A. 83-929.)

(70 ILCS 3615/2.23) (from Ch. 111 2/3, par. 702.23)

Sec. 2.23. Purchases made pursuant to this Act shall be made in compliance with the "Local Government Prompt Payment Act", approved by the Eighty-fourth General Assembly.

(Source: P.A. 84-731.)

(70 ILCS 3615/2.24) (from Ch. 111 2/3, par. 702.24)

Sec. 2.24. Drug and alcohol testing. The Regional Transportation Authority, and all of the Service Boards subject to the Authority, including the Chicago Transportation Authority, shall be responsible for the establishment, maintenance, administration and enforcement of a comprehensive drug and alcohol testing program which is in absolute conformity with Federal statutes and regulations currently in effect.

(Source: P.A. 88-619, eff. 1-1-95.)

(70 ILCS 3615/2.30)

Sec. 2.30. Paratransit services.

(a) For purposes of this Act, "ADA paratransit services" shall mean those comparable or specialized transportation services provided by, or under grant or purchase of service contracts of, the Service Boards to individuals with disabilities who are unable to use fixed route transportation systems and who are determined to be eligible, for some or all of their trips, for such services under the Americans with Disabilities Act of 1990 and its implementing regulations.

(b) Beginning July 1, 2005, the Authority is responsible for the funding, from amounts on deposit in the ADA Paratransit Fund established under Section 2.01d of this Act, financial review and oversight of all ADA paratransit services that are provided by the Authority or by any of the Service Boards. The Suburban Bus Board shall operate or provide for the operation of all ADA paratransit services by no later than July 1, 2006, except that this date may be extended to the extent necessary to obtain approval from the Federal Transit Administration of the plan prepared pursuant to subsection (c).

(c) No later than January 1, 2006, the Authority, in collaboration with the Suburban Bus Board and the Chicago Transit Authority, shall develop a plan for the provision of ADA paratransit services and submit such plan to the Federal Transit Administration for approval. Approval of such plan by the Authority shall require the affirmative votes of 12 of the then Directors. The Suburban Bus Board, the Chicago Transit Authority and the Authority shall comply with the requirements of the Americans with Disabilities Act of 1990 and its implementing regulations in developing and approving such plan including, without limitation, consulting with individuals with disabilities and groups representing them in the community, and providing adequate opportunity for public comment and public hearings. The plan shall include the contents required for a paratransit plan pursuant to the Americans with Disabilities Act of 1990 and its implementing regulations. The plan shall also include, without limitation, provisions to:

- (1) maintain, at a minimum, the levels of ADA paratransit service that are required to be provided by the Service Boards pursuant to the Americans with Disabilities Act of 1990 and its implementing regulations;
- (2) transfer the appropriate ADA paratransit services, management, personnel, service contracts and assets from the Chicago Transit Authority to the Authority or the Suburban Bus Board, as necessary, by no later than July 1, 2006, except that this date may be extended to the extent necessary to obtain approval from the Federal Transit Administration of the plan prepared pursuant to this subsection (c);
- (3) provide for consistent policies throughout the metropolitan region for scheduling of ADA paratransit service trips to and from destinations, with consideration of scheduling of return trips on a "will-call" open-ended basis upon request of the rider, if practicable, and with consideration of an increased number of trips available by subscription service than are available as of the effective date of this amendatory Act;
- (4) provide that service contracts and rates, entered into or set after the approval by the Federal Transit Administration of the plan prepared pursuant to subsection (c) of this Section, with private carriers and taxicabs

for ADA paratransit service are procured by means of an open procurement process;

(5) provide for fares, fare collection and billing procedures for ADA paratransit services throughout the metropolitan region;

(6) provide for performance standards for all ADA paratransit service transportation carriers, with consideration of door-to-door service;

(7) provide, in cooperation with the Illinois Department of Transportation, the Illinois Department of Public Aid and other appropriate public agencies and private entities, for the application and receipt of grants, including, without limitation, reimbursement from Medicaid or other programs for ADA paratransit services;

(8) provide for a system of dispatch of ADA paratransit services transportation carriers throughout the metropolitan region, with consideration of county-based dispatch systems already in place as of the effective date of this amendatory Act;

(9) provide for a process of determining eligibility for ADA paratransit services that complies with the Americans with Disabilities Act of 1990 and its implementing regulations;

(10) provide for consideration of innovative methods to provide and fund ADA paratransit services; and

(11) provide for the creation of one or more ADA advisory boards, or the reconstitution of the existing ADA advisory boards for the Service Boards, to represent the diversity of individuals with disabilities in the metropolitan region and to provide appropriate ongoing input from individuals with disabilities into the operation of ADA paratransit services.

(d) All revisions and annual updates to the ADA paratransit services plan developed pursuant to subsection (c) of this Section, or certifications of continued compliance in lieu of plan updates, that are required to be provided to the Federal Transit Administration shall be developed by the Authority, in collaboration with the Suburban Bus Board and the Chicago Transit Authority, and the Authority shall submit such revision, update or certification to the Federal Transit Administration for approval. Approval of such revisions, updates or certifications by the Authority shall require the affirmative votes of 12 of the then Directors.

(e) The Illinois Department of Transportation, the Illinois Department of Public Aid, the Authority, the Suburban Bus Board and the Chicago Transit Authority shall enter into intergovernmental agreements as may be necessary to provide funding and accountability for, and implementation of, the requirements of this Section.

(f) By no later than April 1, 2007, the Authority shall develop and submit to the General Assembly and the Governor a funding plan for ADA paratransit services. Approval of such plan by the Authority shall require the affirmative votes of 12 of the then Directors. The funding plan shall, at a minimum, contain an analysis of the current costs of providing ADA paratransit services, projections of the long-term costs of providing ADA paratransit services, identification of and recommendations for possible cost efficiencies in providing ADA paratransit services, and identification of and recommendations for possible funding sources for providing ADA paratransit services. The Illinois Department of Transportation, the Illinois Department of

Public Aid, the Suburban Bus Board, the Chicago Transit Authority and other State and local public agencies as appropriate shall cooperate with the Authority in the preparation of such funding plan.

(g) Any funds derived from the federal Medicaid program for reimbursement of the costs of providing ADA paratransit services within the metropolitan region shall be directed to the Authority and shall be used to pay for or reimburse the costs of providing such services.

(h) Nothing in this amendatory Act shall be construed to conflict with the requirements of the Americans with Disabilities Act of 1990 and its implementing regulations.

(Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.31)

Sec. 2.31. Disadvantaged Business Enterprise Contracting and Equal Employment Opportunity Programs. The Authority and each Service Board shall, as soon as is practicable but in no event later than two years after the effective date of this amendatory Act of the 95th General Assembly, establish and maintain a disadvantaged business enterprise contracting program designed to ensure non-discrimination in the award and administration of contracts not covered under a federally mandated disadvantaged business enterprise program. The program shall establish narrowly tailored goals for the participation of disadvantaged business enterprises as the Authority and each Service Board determines appropriate. The goals shall be based on demonstrable evidence of the availability of ready, willing, and able disadvantaged business enterprises relative to all businesses ready, willing, and able to participate on the program's contracts. The program shall require the Authority and each Service Board to monitor the progress of the contractors' obligations with respect to the program's goals. Nothing in this program shall conflict with or interfere with the maintenance or operation of, or compliance with, any federally mandated disadvantaged business enterprise program.

The Authority and each Service Board shall establish and maintain a program designed to promote equal employment opportunity. Each year, no later than October 1, the Authority and each Service Board shall report to the General Assembly on the number of their respective employees and the number of their respective employees who have designated themselves as members of a minority group and gender.

Each year no later than October 1, and starting no later than the October 1 after the establishment of their disadvantaged business enterprise contracting programs, the Authority and each Service Board shall submit a report with respect to such program to the General Assembly. In addition, each year no later than October 1, the Authority and each Service Board shall submit a copy of its federally mandated semi-annual Uniform Report of Disadvantaged Business Enterprises Awards or Commitments and Payments to the General Assembly.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/2.32)

Sec. 2.32. Clean/green vehicles. Any vehicles purchased from funds made available to the Authority from the Transportation Bond, Series B Fund must incorporate clean/green technologies and alternative fuel technologies, to the extent practical.

(Source: P.A. 96-8, eff. 4-28-09.)

(70 ILCS 3615/2.35)

Sec. 2.35. Vehicle arrival information. By July 1, 2012, all Service Boards must make available web-based, real-time vehicle arrival information for use by riders for all fixed-route public transportation services. The Authority shall have access to all universally acceptable data feeds for vehicle arrival information.

(Source: P.A. 97-85, eff. 7-7-11.)

(70 ILCS 3615/2.37)

(Text of Section from P.A. 97-85)

Sec. 2.37. Wireless Internet study. By January 1, 2012, the Authority must prepare and submit a report to the Governor and General Assembly regarding the feasibility of providing wireless Internet services on all fixed-route public transportation services.

(Source: P.A. 97-85, eff. 7-7-11.)

(Text of Section from P.A. 97-271)

Sec. 2.37. Universal fare instrument for persons age 65 and over. No later than 120 days after the effective date of this amendatory Act of the 97th General Assembly, the Authority must develop and make available for use by riders age 65 and over a universal fare instrument that may be used interchangeably on all public transportation funded by the Authority, except for ADA paratransit services.

(Source: P.A. 97-271, eff. 1-1-12.)

(70 ILCS 3615/Art. III heading)

ARTICLE III. ORGANIZATION.

(70 ILCS 3615/3.01) (from Ch. 111 2/3, par. 703.01)

Sec. 3.01. Board of Directors. The corporate authorities and governing body of the Authority shall be a Board consisting of 13 Directors until April 1, 2008, and 16 Directors thereafter, appointed as follows:

(a) Four Directors appointed by the Mayor of the City of Chicago, with the advice and consent of the City Council of the City of Chicago, and, only until April 1, 2008, a fifth director who shall be the Chairman of the Chicago Transit Authority. After April 1, 2008, the Mayor of the City of Chicago, with the advice and consent of the City Council of the City of Chicago, shall appoint a fifth Director. The Directors appointed by the Mayor of the City of Chicago shall not be the Chairman or a Director of the Chicago Transit Authority. Each such Director shall reside in the City of Chicago.

(b) Four Directors appointed by the votes of a majority of the members of the Cook County Board elected from districts, a majority of the electors of which reside outside Chicago. After April 1, 2008, a fifth Director appointed by the President of the Cook County Board with the advice and consent of the members of the Cook County Board. Each Director appointed under this subparagraph shall reside in that part of Cook County outside Chicago.

(c) Until April 1, 2008, 3 Directors appointed by the Chairmen of the County Boards of DuPage, Kane, Lake, McHenry, and Will Counties, as follows:

(i) Two Directors appointed by the Chairmen of the county boards of Kane, Lake, McHenry and Will Counties, with the concurrence of not less than a majority of the Chairmen from such counties, from nominees by the Chairmen. Each such Chairman may nominate not more than 2 persons for each position. Each such Director shall reside in a county in the metropolitan region other than Cook or DuPage Counties.

(ii) One Director appointed by the Chairman of the DuPage County Board with the advice and consent of the DuPage County Board. Such Director shall reside in DuPage County.

(d) After April 1, 2008, 5 Directors appointed by the Chairmen of the County Boards of DuPage, Kane, Lake and McHenry Counties and the County Executive of Will County, as follows:

(i) One Director appointed by the Chairman of the Kane County Board with the advice and consent of the Kane County Board. Such Director shall reside in Kane County.

(ii) One Director appointed by the County Executive of Will County with the advice and consent of the Will County Board. Such Director shall reside in Will County.

(iii) One Director appointed by the Chairman of the

DuPage County Board with the advice and consent of the DuPage County Board. Such Director shall reside in DuPage County.

(iv) One Director appointed by the Chairman of the Lake County Board with the advice and consent of the Lake County Board. Such Director shall reside in Lake County.

(v) One Director appointed by the Chairman of the McHenry County Board with the advice and consent of the McHenry County Board. Such Director shall reside in McHenry County.

(vi) To implement the changes in appointing authority under this subparagraph (d) the three Directors appointed under subparagraph (c) and residing in Lake County, DuPage County, and Kane County respectively shall each continue to serve as Director until the expiration of their respective term of office and until his or her successor is appointed and qualified or a vacancy occurs in the office. Thereupon, the appointment shall be made by the officials given appointing authority with respect to the Director whose term has expired or office has become vacant.

(e) The Chairman serving on the effective date of this amendatory Act of the 95th General Assembly shall continue to serve as Chairman until the expiration of his or her term of office and until his or her successor is appointed and qualified or a vacancy occurs in the office. Upon the expiration or vacancy of the term of the Chairman then serving upon the effective date of this amendatory Act of the 95th General Assembly, the Chairman shall be appointed by the other Directors, by the affirmative vote of at least 11 of the then Directors with at least 2 affirmative votes from Directors who reside in the City of Chicago, at least 2 affirmative votes from Directors who reside in Cook County outside the City of Chicago, and at least 2 affirmative votes from Directors who reside in the Counties of DuPage, Lake, Will, Kane, or McHenry. The chairman shall not be appointed from among the other Directors. The chairman shall be a resident of the metropolitan region.

(f) Except as otherwise provided by this Act no Director shall, while serving as such, be an officer, a member of the Board of Directors or Trustees or an employee of any Service Board or transportation agency, or be an employee of the State of Illinois or any department or agency thereof, or of any unit of local government or receive any compensation from any elected or appointed office under the Constitution and laws of Illinois; except that a Director may be a member of a school board.

(g) Each appointment made under this Section and under Section 3.03 shall be certified by the appointing authority to the Board, which shall maintain the certifications as part of the official records of the Authority.

(h) (Blank).

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3.02) (from Ch. 111 2/3, par. 703.02)

Sec. 3.02. Chairman and Other Officers. The Chairman shall preside at meetings of the Board, and shall be entitled to vote on all matters. The Board shall select a Secretary and a Treasurer and may select persons to fill such other offices of the Authority and to perform such duties as it shall from time to time determine. The Secretary, Treasurer and other officers of the Authority may, but need not be, members of the Board.

(Source: P.A. 83-886.)

(70 ILCS 3615/3.03) (from Ch. 111 2/3, par. 703.03)

(Text of Section before amendment by P.A. 96-1528)

Sec. 3.03. Terms, vacancies. Each Director shall hold office for a term of 5 years, and until his successor has been appointed and has qualified. A vacancy shall occur upon resignation, death, conviction of a felony, or removal from office of a Director. Any Director may be removed from office upon concurrence of not less than 11 Directors, on a formal finding of incompetence, neglect of duty, or malfeasance in office. Within 30 days after the office of any member becomes vacant for any reason, the appointing authorities of such member shall make an appointment to fill the vacancy. A vacancy shall be filled for the unexpired term.

Whenever a vacancy for a Director, except as to the Chairman or those Directors appointed by the Mayor of the City of Chicago, exists for longer than 4 months, the new Director shall be chosen by election by all legislative members in the General Assembly representing the affected area. In order to qualify as a voting legislative member in this matter, the affected area must be more than 50% of the geographic area of the legislative district.

(Source: P.A. 95-708, eff. 1-18-08.)

(Text of Section after amendment by P.A. 96-1528)

Sec. 3.03. Terms, vacancies. Each Director shall hold office for a term of 5 years, and until his successor has been appointed and has qualified. A vacancy shall occur upon resignation, death, conviction of a felony, or removal from office of a Director. Any Director may be removed from office (i) upon concurrence of not less than 11 Directors, on a formal finding of incompetence, neglect of duty, or malfeasance in office or (ii) by the Governor in response to a summary report received from the Executive Inspector General in accordance with Section 20-50 of the State Officials and Employees Ethics Act, provided he or she has an opportunity to be publicly heard in person or by counsel prior to removal. Within 30 days after the office of any member becomes vacant for any reason, the appointing authorities of such member shall make an appointment to fill the vacancy. A vacancy shall be filled for the unexpired term.

Whenever a vacancy for a Director, except as to the Chairman or those Directors appointed by the Mayor of the City of Chicago, exists for longer than 4 months, the new Director shall be chosen by election by all legislative members in the General Assembly representing the affected area. In order to qualify as a voting legislative member in this matter, the affected area must be more than 50% of the geographic area of the legislative district.

(Source: P.A. 95-708, eff. 1-18-08; 96-1528, eff. 7-1-11.)

(70 ILCS 3615/3.04) (from Ch. 111 2/3, par. 703.04)

Sec. 3.04. Compensation. Each Director including the Chairman, except for the Chairman of the Chicago Transit Authority who shall not be compensated by the Authority, shall be compensated at the rate of \$25,000 per year.

Officers of the Authority shall not be required to comply with the requirements of "An Act requiring certain custodians of public moneys to file and publish statements of the receipts and disbursements thereof", approved June 24, 1919, as now or hereafter amended.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/3.05) (from Ch. 111 2/3, par. 703.05)

Sec. 3.05. Meetings. The Board shall prescribe the times and places for meetings and the manner in which special meetings may be called. The Board shall comply in all respects with the "Open Meetings Act", approved July 11, 1957, as now or hereafter amended. All records, documents and papers of the Authority, other than those relating to matters concerning which closed sessions of the Board may be held, shall be available for public examination, subject to such reasonable regulations as the Board may adopt.

A majority of the Directors holding office shall constitute a quorum for the conduct of business. Except as otherwise provided in this Act, the affirmative votes of at least

9 Directors shall be necessary for approving any contract or agreement, adopting any rule or regulation, and any other action required by this Act to be taken by resolution or ordinance.

The Board shall meet with the Regional Citizens Advisory Board at least once every 4 months.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3.06) (from Ch. 111 2/3, par. 703.06)

Sec. 3.06. Territory and Annexation. The initial territory of the Authority shall be Cook, DuPage, Kane, Lake, McHenry and Will Counties, Illinois. Any other county or portion thereof in Illinois contiguous to the metropolitan region may be annexed to the Authority on such conditions as the Authority shall by ordinance prescribe, by ordinance adopted by the county board of such county, and by approval by the Authority. Upon such annexation, a certificate of such action shall be filed by the Secretary of the Authority with the County Clerk of the county so annexing to the Authority and with the Secretary of State of Illinois and the State Department of Revenue.

No area may be annexed to the Authority except upon the approval of a majority of the electors of such area voting on the proposition so to annex, which proposition may be presented at any regular election as provided by the county board or boards of the county or counties in which the area in question is located. Such county board or boards shall cause certification of such proposition to be given in accordance with the general election law to the proper election officers who shall submit the proposition at an election in accordance with the general election law.

(Source: P.A. 81-1489.)

(70 ILCS 3615/3.08) (from Ch. 111 2/3, par. 703.08)

Sec. 3.08. There is established a Regional Citizens Advisory Board. This board shall be comprised of the Chairmen of the Citizens Advisory Boards of the Chicago Transit Authority, the Commuter Rail Board and the Suburban Bus Board. This Board shall meet at least quarterly and shall advise the Board of the impact of its policies and programs on the communities within the metropolitan region. Members shall serve without compensation.

(Source: P.A. 83-886.)

(70 ILCS 3615/3.09)

Sec. 3.09. (Repealed).

(Source: P.A. 83-886. Repealed by P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3.10)

Sec. 3.10. (Repealed).

(Source: P.A. 83-886. Repealed by P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/Art. III-A heading)

ARTICLE III-A
SUBURBAN BUS DIVISION

(70 ILCS 3615/3A.01) (from Ch. 111 2/3, par. 703A.01)

Sec. 3A.01. Suburban Bus Division. There is established within the Authority the Suburban Bus Division as the operating division responsible for providing public transportation by bus and as may be provided in this Act. Purchase of service agreements between a transportation agency and the Authority in effect on the effective date of this amendatory Act shall remain in full force and effect in accordance with the terms of such agreement. Such agreements shall first be the responsibility of the Transition Board and, on the date of its creation, shall be the responsibility of the Suburban Bus Division and its Board.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/3A.02) (from Ch. 111 2/3, par. 703A.02)

Sec. 3A.02. Suburban Bus Board. The governing body of the Suburban Bus Division shall be a board consisting of 13 directors appointed as follows:

- (a) Six Directors appointed by the members of the Cook County Board elected from that part of Cook County outside of Chicago, or in the event such Board of Commissioners becomes elected from single member districts, by those Commissioners elected from districts, a majority of the residents of which reside outside of Chicago from the chief executive officers of the municipalities, of that portion of Cook County outside of Chicago. Provided however, that:
- (i) One of the Directors shall be the chief executive officer of a municipality within the area of the Northwest Region defined in Section 3A.13;
 - (ii) One of the Directors shall be the chief executive officer of a municipality within the area of the North Central Region defined in Section 3A.13;
 - (iii) One of the Directors shall be the chief executive officer of a municipality within the area of the North Shore Region defined in Section 3A.13;
 - (iv) One of the Directors shall be the chief executive officer of a municipality within the area of the Central Region defined in Section 3A.13;
 - (v) One of the Directors shall be the chief executive officer of a municipality within the area of the Southwest Region defined in Section 3A.13;
 - (vi) One of the Directors shall be the chief executive officer of a municipality within the area of the South Region defined in Section 3A.13;
- (b) One Director by the Chairman of the Kane County Board who shall be a chief executive officer of a municipality within Kane County;
- (c) One Director by the Chairman of the Lake County Board who shall be a chief executive officer of a municipality within Lake County;
- (d) One Director by the Chairman of the DuPage County Board who shall be a chief executive officer of a municipality within DuPage County;
- (e) One Director by the Chairman of the McHenry County Board who shall be a chief executive officer of a municipality within McHenry County;
- (f) One Director by the Chairman of the Will County Board who shall be a chief executive officer of a municipality within Will County;
- (g) The Commissioner of the Mayor's Office for People with Disabilities, from the City of Chicago, who shall serve as an ex-officio member; and
- (h) The Chairman by the Governor for the initial

term, and thereafter by a majority of the Chairmen of the DuPage, Kane, Lake, McHenry and Will County Boards and the members of the Cook County Board elected from that part of Cook County outside of Chicago, or in the event such Board of Commissioners is elected from single member districts, by those Commissioners elected from districts, a majority of the electors of which reside outside of Chicago; and who after the effective date of this amendatory Act of the 95th General Assembly may not be a resident of the City of Chicago.

Each appointment made under paragraphs (a) through (g) and under Section 3A.03 shall be certified by the appointing authority to the Suburban Bus Board which shall maintain the certifications as part of the official records of the Suburban Bus Board; provided that the initial appointments shall be certified to the Secretary of State, who shall transmit the certifications to the Suburban Bus Board following its organization.

For the purposes of this Section, "chief executive officer of a municipality" includes a former chief executive officer of a municipality within the specified Region or County, provided that the former officer continues to reside within such Region or County.

(Source: P.A. 95-906, eff. 8-26-08.)

(70 ILCS 3615/3A.03) (from Ch. 111 2/3, par. 703A.03)

(Text of Section before amendment by P.A. 96-1528)

Sec. 3A.03. Terms, Vacancies. The initial term of the directors appointed pursuant to subdivision (a) of Section 3A.02 shall expire on June 30, 1985; the initial term of the directors appointed pursuant to subdivisions (b) through (g) of Section 3A.02 shall expire on June 30, 1986. Thereafter, each director shall be appointed for a term of 4 years, and until his successor has been appointed and qualified. A vacancy shall occur upon the resignation, death, conviction of a felony, or removal from office of a director. Any director may be removed from office upon the concurrence of not less than 8 directors, on a formal finding of incompetence, neglect of duty, or malfeasance in office. Within 30 days after the office of any director becomes vacant for any reason, the appointing authorities of such director shall make an appointment to fill the vacancy. A vacancy shall be filled for the unexpired term. The initial directors other than the chairman shall be appointed within 180 days of November 9, 1983.

On June 1, 1984 the seat of any Director of the Suburban Bus Board not yet filled shall be deemed vacant and shall be chosen by the election of all the legislative members of the General Assembly representing the affected area. In order to qualify as a voting legislative member in this matter, the affected area must be more than 50% of the geographic area of the legislative district.

(Source: P.A. 83-1156.)

(Text of Section after amendment by P.A. 96-1528)

Sec. 3A.03. Terms, Vacancies. The initial term of the directors appointed pursuant to subdivision (a) of Section 3A.02 shall expire on June 30, 1985; the initial term of the directors appointed pursuant to subdivisions (b) through (g) of Section 3A.02 shall expire on June 30, 1986. Thereafter, each director shall be appointed for a term of 4 years, and until his successor has been appointed and qualified. A vacancy shall occur upon the resignation, death, conviction of a felony, or removal from office of a director. Any director may be removed from office (i) upon the concurrence of not less than 8 directors, on a formal finding of incompetence, neglect of duty, or malfeasance in office or (ii) by the Governor in response to a summary report received from the Executive Inspector General in accordance with Section 20-50 of the State Officials and Employees Ethics Act, provided he or she has an opportunity to be publicly heard in person or by counsel prior to removal. Within 30 days after the office of any director becomes vacant for any reason, the appointing authorities of such director shall make an appointment to fill the vacancy. A vacancy shall be filled for the unexpired term. The initial directors other than the chairman shall be appointed within 180 days of November

9, 1983.

On June 1, 1984 the seat of any Director of the Suburban Bus Board not yet filled shall be deemed vacant and shall be chosen by the election of all the legislative members of the General Assembly representing the affected area. In order to qualify as a voting legislative member in this matter, the affected area must be more than 50% of the geographic area of the legislative district.

(Source: P.A. 96-1528, eff. 7-1-11.)

(70 ILCS 3615/3A.04) (from Ch. 111 2/3, par. 703A.04)

Sec. 3A.04. Chairman and Other Officers. The Chairman shall preside at meetings of the Suburban Bus Board and shall be entitled to vote on all matters. The Suburban Bus Board shall select a Secretary and a Treasurer and may select persons to fill such other offices of the Division and to perform such duties as it shall from time to time determine. The Secretary, Treasurer and other officers of the Division may, but need not be, members of the Suburban Bus Board.

(Source: P.A. 83-886.)

(70 ILCS 3615/3A.05) (from Ch. 111 2/3, par. 703A.05)

Sec. 3A.05. Appointment of officers and employees. The Suburban Bus Board shall appoint an Executive Director who shall be the chief executive officer of the Division, appointed, retained or dismissed with the concurrence of 9 of the directors of the Suburban Bus Board. The Executive Director shall appoint, retain and employ officers, attorneys, agents, engineers, employees and shall organize the staff, shall allocate their functions and duties, fix compensation and conditions of employment, and consistent with the policies of and direction from the Suburban Bus Board take all actions necessary to achieve its purposes, fulfill its responsibilities and carry out its powers, and shall have such other powers and responsibilities as the Suburban Bus Board shall determine. The Executive Director shall be an individual of proven transportation and management skills and may not be a member of the Suburban Bus Board. The Division may employ its own professional management personnel to provide professional and technical expertise concerning its purposes and powers and to assist it in assessing the performance of transportation agencies in the metropolitan region.

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Suburban Bus Board shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.

The Division shall be subject to the "Illinois Human Rights Act", as now or hereafter amended, and the remedies and procedure established thereunder. The Suburban Bus Board shall file an affirmative action program for employment by it with the Department of Human Rights to ensure that applicants are employed and that employees are treated during employment, without regard to unlawful discrimination. Such affirmative action program shall include provisions relating to hiring, upgrading, demotion, transfer, recruitment, recruitment advertising, selection for training and rates of pay or other forms of compensation.

(Source: P.A. 95-906, eff. 8-26-08.)

(70 ILCS 3615/3A.06) (from Ch. 111 2/3, par. 703A.06)

Sec. 3A.06. Compensation. The Chairman of the Suburban Bus Board shall receive an annual salary of \$15,000, and the other members of the Suburban Bus Board shall receive an annual salary of \$10,000. Each member shall be reimbursed for actual expenses incurred in the performance of his duties, not to exceed \$5000 per year.

Officers of the Division shall not be required to comply with the requirements of "An Act requiring certain custodians of public monies to file and publish statements of the receipts and disbursements thereof", approved June 24, 1919,

as now or hereafter amended.

(Source: P.A. 84-939.)

(70 ILCS 3615/3A.07) (from Ch. 111 2/3, par. 703A.07)

Sec. 3A.07. Meetings. The Suburban Bus Board shall prescribe the time and places for meetings and the manner in which special meetings may be called. The Suburban Bus Board shall comply in all respects with the "Open Meetings Act", as now or hereafter amended. All records, documents and papers of the Suburban Bus Division, other than those relating to matters concerning which closed sessions of the Suburban Bus Board may be held, shall be available for public examination, subject to such reasonable regulations as the Suburban Bus Board may adopt.

A majority of the members shall constitute a quorum for the conduct of business. The affirmative votes of at least 7 members shall be necessary for any action required by this Act to be taken by ordinance.

(Source: P.A. 83-886.)

(70 ILCS 3615/3A.08) (from Ch. 111 2/3, par. 703A.08)

Sec. 3A.08. Jurisdiction. Any public transportation by bus within the metropolitan region, other than public transportation by commuter rail or public transportation provided by the Chicago Transit Authority pursuant to agreements in effect on the effective date of this amendatory Act of 1983 or in the City of Chicago and any ADA paratransit services provided pursuant to Section 2.30 of the Regional Transportation Authority Act, shall be subject to the jurisdiction of the Suburban Bus Board.

(Source: P.A. 94-370, eff. 7-29-05.)

(70 ILCS 3615/3A.09) (from Ch. 111 2/3, par. 703A.09)

Sec. 3A.09. General Powers. In addition to any powers elsewhere provided to the Suburban Bus Board, it shall have all of the powers specified in Section 2.20 of this Act except for the powers specified in Section 2.20(a)(v). The Board shall also have the power:

- (a) to cooperate with the Regional Transportation Authority in the exercise by the Regional Transportation Authority of all the powers granted it by such Act;
- (b) to receive funds from the Regional Transportation Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and 4.10 of the Regional Transportation Authority Act, all as provided in the Regional Transportation Authority Act;
- (c) to receive financial grants from the Regional Transportation Authority or a Service Board, as defined in the Regional Transportation Authority Act, upon such terms and conditions as shall be set forth in a grant contract between either the Division and the Regional Transportation Authority or the Division and another Service Board, which contract or agreement may be for such number of years or duration as the parties agree, all as provided in the Regional Transportation Authority Act; and
- (d) to perform all functions necessary for the provision of paratransit services under Section 2.30 of this Act.

(Source: P.A. 94-370, eff. 7-29-05.)

(70 ILCS 3615/3A.10) (from Ch. 111 2/3, par. 703A.10)

Sec. 3A.10. Budget and Program. The Suburban Bus Board, subject to the powers of the Authority in Section 4.11, shall control the finances of the Division. It shall by ordinance appropriate money to perform the Division's purposes and provide for payment

of debts and expenses of the Division. Each year the Suburban Bus Board shall prepare and publish a comprehensive annual budget and proposed five-year capital program document, and a financial plan for the 2 years thereafter describing the state of the Division and presenting for the forthcoming fiscal year and the 2 following years the Suburban Bus Board's plans for such operations and capital expenditures as it intends to undertake and the means by which it intends to finance them. The proposed budget, financial plan, and five-year capital program shall be based on the Authority's estimate of funds to be made available to the Suburban Bus Board by or through the Authority and shall conform in all respects to the requirements established by the Authority. The proposed budget, financial plan, and five-year capital program shall contain a statement of the funds estimated to be on hand at the beginning of the fiscal year, the funds estimated to be received from all sources for such year and the funds estimated to be on hand at the end of such year. The fiscal year of the Division shall be the same as the fiscal year of the Authority. Before the proposed budget, financial plan, and five-year capital program are submitted to the Authority, the Suburban Bus Board shall hold at least one public hearing thereon in each of the counties in the metropolitan region in which the Division provides service. The Suburban Bus Board shall hold at least one meeting for consideration of the proposed budget, financial plan, and five-year capital program with the county board of each of the several counties in the metropolitan region in which the Division provides service. After conducting such hearings and holding such meetings and after making such changes in the proposed budget, financial plan, and five-year capital program as the Suburban Bus Board deems appropriate, it shall adopt an annual budget ordinance at least by November 15 next preceding the beginning of each fiscal year. The budget, financial plan, and five-year capital program shall then be submitted to the Authority as provided in Section 4.11. In the event that the Board of the Authority determines that the budget and financial plan do not meet the standards of Section 4.11, the Suburban Bus Board shall make such changes as are necessary to meet such requirements and adopt an amended budget ordinance. The amended budget ordinance shall be resubmitted to the Authority pursuant to Section 4.11. The ordinance shall appropriate such sums of money as are deemed necessary to defray all necessary expenses and obligations of the Division, specifying purposes and the objects or programs for which appropriations are made and the amount appropriated for each object or program. Additional appropriations, transfers between items and other changes in such ordinance which do not alter the basis upon which the balanced budget determination was made by the Board of the Authority may be made from time to time by the Suburban Bus Board.

The budget shall:

- (i) show a balance between (A) anticipated revenues from all sources including operating subsidies and (B) the costs of providing the services specified and of funding any operating deficits or encumbrances incurred in prior periods, including provision for payment when due of principal and interest on outstanding indebtedness;
 - (ii) show cash balances including the proceeds of any anticipated cash flow borrowing sufficient to pay with reasonable promptness all costs and expenses as incurred;
 - (iii) provide for a level of fares or charges and operating or administrative costs for the public transportation provided by or subject to the jurisdiction of the Suburban Bus Board sufficient to allow the Suburban Bus Board to meet its required system generated revenues recovery ratio and, beginning with the 2007 fiscal year, its system generated ADA paratransit services revenue recovery ratio;
 - (iv) be based upon and employ assumptions and projections which are reasonable and prudent;
 - (v) have been prepared in accordance with sound financial practices as determined by the Board of the Authority;
 - (vi) meet such other uniform financial, budgetary, or fiscal requirements that the Board of the Authority may by rule or regulation establish; and
 - (vii) be consistent with the goals and objectives

adopted by the Regional Transportation Authority in the Strategic Plan.

(Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08.)

(70 ILCS 3615/3A.11) (from Ch. 111 2/3, par. 703A.11)

Sec. 3A.11. Citizens Advisory Board. The Suburban Bus Board shall establish a citizens advisory board composed of 10 residents of those portions of the metropolitan region in which the Suburban Bus Board provides service who have an interest in public transportation. The members of the advisory board shall be named for 2 year terms, shall select one of their members to serve as chairman and shall serve without compensation. The citizens advisory board shall meet with the Suburban Bus Board at least quarterly and advise the Suburban Bus Board of the impact of its policies and programs on the communities it serves. Appointments to the citizens advisory board should, to the greatest extent possible, reflect the ethnic, cultural, and geographic diversity of all persons residing within the Suburban Bus Board's jurisdiction.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3A.12) (from Ch. 111 2/3, par. 703A.12)

Sec. 3A.12. Working Cash Borrowing. The Suburban Bus Board with the affirmative vote of 9 of its Directors may demand and direct the Board of the Authority to issue Working Cash Notes at such time and in such amounts and having such maturities as the Suburban Bus Board deems proper, provided however any such borrowing shall have been specifically identified in the budget of the Suburban Bus Board as approved by the Board of the Authority. Provided further, that the Suburban Bus Board may not demand and direct the Board of the Authority to have issued and have outstanding at any time in excess of \$5,000,000 in Working Cash Notes.

(Source: P.A. 95-906, eff. 8-26-08.)

(70 ILCS 3615/3A.13) (from Ch. 111 2/3, par. 703A.13)

Sec. 3A.13. Regions.

For purposes of this Article Regions are defined as follows:

(1) The North Shore Region includes all the territory, municipalities and unincorporated areas of the County of Cook, State of Illinois, bounded by: Lake Michigan from the Cook-Lake County line southerly to the north corporate limit of the City of Chicago; the north corporate limits of the City of Chicago from Lake Michigan westerly to the east corporate limit of the Village of Niles; the east corporate limits of the Village of Niles from a point where the east corporate limit of the Village of Niles meets both the south corporate limit of the Village of Skokie and the north corporate limit of the City of Chicago to the point where the north corporate limit of the Village of Niles crosses the center of the right-of-way of Illinois Route 21 (Milwaukee Avenue); the center of the right-of-way of Illinois Route 21 (Milwaukee Avenue) to the point where the center of the right-of-way of Illinois Route 21 (Milwaukee Avenue) meets the centerline of Interstate Route 294 (Tri-State Tollway); the center line of Interstate Route 294 (Tri-State Tollway) from the center of the right-of-way of Illinois Route 21 (Milwaukee Avenue) to the Cook-Lake County line; and the Cook-Lake County line from the centerline of Interstate Route 294 (Tri-State Tollway) to Lake Michigan.

(2) The Northwest Region includes all the territory, municipalities and unincorporated areas of the County of Cook, State of Illinois, bounded by: the centerline of Interstate Route 294 (Tri-State Tollway), from the Cook-Lake County line

southerly to the point where the centerline of Interstate Route 294 (Tri-State Tollway) meets the center of the right-of-way of Illinois Route 21 (Milwaukee Avenue); the center of the right-of-way of Illinois Route 21 (Milwaukee Avenue) from the centerline of Interstate Route 294 (Tri-State Tollway) to the north corporate limit of the Village of Niles; the north corporate limits of the Village of Niles, from the center of the right-of-way of Illinois Route 21 (Milwaukee Avenue) to the east corporate limit of the Village of Niles; the east corporate limits of the Village of Niles from the north corporate limit of the Village of Niles to the point where the east corporate limit of the Village of Niles meets both the south corporate limit of the Village of Skokie and the north corporate limit of the City of Chicago; the south corporate limits of the Village of Niles from a point where the south corporate limit of the Village of Niles meets both the north corporate limit of the City of Chicago and the south corporate limit of the Village of Skokie westerly to the east corporate limit of the City of Park Ridge, southerly along the east corporate limits of the City of Park Ridge to the centerline of Higgins Road, westerly along the center of the right-of-way of Higgins Road to the east corporate limit of the Village of Rosemont, northerly to the south corporate limit of the City of Des Plaines, westerly and northerly along the north and east corporate limits of the Village of Rosemont to the west corporate limit of the Village of Rosemont, southerly along the west corporate limit of the City of Chicago, westerly along the north corporate limit of the City of Chicago to the east corporate limit of the Village of Elk Grove Village, southerly along the east corporate limit of the Village of Elk Grove Village to the Cook-DuPage County line, and westerly along the Cook-DuPage County line to the Cook-Kane County line; the Cook-Kane County line from the Cook-DuPage County line to the Cook-McHenry County line; the Cook-McHenry County line, from the Cook-Kane County line to the Cook-Lake County line; and the Cook-Lake County line from the Cook-McHenry County line to the centerline of Interstate Route 294 (Tri-State Tollway).

(3) The North Central Region includes all the territory, municipalities and unincorporated areas of the County of Cook, State of Illinois, bounded by: the west corporate limits of the City of Chicago from the north corporate limit of the Village of Schiller Park southerly to the south corporate limit of the City of Oak Park; the north and west corporate limits of the City of Berwyn from the west corporate limit of the City of Chicago westerly and southerly to the south corporate limit of the Village of North Riverside, the south corporate limits of the Village of North Riverside from the west corporate limit of the City of Berwyn westerly to the center of Salt Creek, the center of Salt Creek from the south corporate limit of the Village of North Riverside westerly to the east corporate limit of the Village of Westchester, the east and south corporate limits of the Village of Westchester from the center of Salt Creek to the west corporate limit of the Village of LaGrange Park, the west corporate limits of LaGrange Park from the south corporate limit of the Village of Westchester to the center of Salt Creek, the center of Salt Creek from the west corporate limit of the Village of LaGrange Park to the Cook-DuPage County line; the Cook-DuPage County line from the center of Salt Creek northerly to the south corporate limit of the City of Chicago; the south corporate

limits of the City of Chicago from the Cook-DuPage County line northeasterly to the north corporate limit of the Village of Schiller Park; and the north corporate limit of the Village of Schiller Park from the south corporate limit of the City of Chicago to the east corporate limit of the Village of Schiller Park. Also included in the North Central Region are the territories within the corporate limits of the Village of Rosemont, the Village of Norridge, the Village of Harwood Heights and the unincorporated areas of Norwood Park Township.

(4) The Central Region includes all the territory, municipalities and unincorporated areas of the County of Cook, State of Illinois, bounded by: the west corporate limits of the City of Chicago from the corporate limit of the City of Chicago at Roosevelt Road southerly to the north corporate limit of the Village of Bedford Park; the north and west corporate limits of the Village of Bedford Park from the west corporate limit of the City of Chicago westerly and southerly to the north corporate limit of the Village of Justice; the west corporate limits of the Village of Justice from the south corporate limit of the Village of Bedford Park southerly to the north corporate limit of the Village of Willow Springs; the west and north corporate limits of the Village of Willow Springs southerly and westerly to the west corporate limit of the Village of Willow Springs (near the intersection of 79th Street and Howard Street); the center of the right-of-way of 79th Street from the west corporate limit of the Village of Willow Springs westerly to the Cook-DuPage County line; the Cook-DuPage County line from the center of the right-of-way of 79th Street northerly to the center of Salt Creek; the center of Salt Creek from the Cook-DuPage County line easterly to the west corporate limit of the Village of LaGrange Park; the west corporate limits of the Village of LaGrange Park from the center of Salt Creek northerly to the south corporate limit of the Village of Westchester; the south and east corporate limits of the Village of Westchester from the west corporate limit of the Village of LaGrange Park easterly and northerly to the center of Salt Creek; the center of Salt Creek from the east corporate limit of the Village of Westchester easterly to the north corporate limit of the Village of Brookfield; the north and east corporate limits of the Village of Brookfield from the center of Salt Creek easterly and southerly to the north corporate limit of the Village of Riverside; the north and west corporate limits of the Village of Riverside from the east corporate limit of the Village of Brookfield easterly and northerly to the west corporate limit of the City of Berwyn; the west and north corporate limits of the City of Berwyn from the south corporate limit of the Village of North Riverside northerly and easterly to the west corporate limit of the Town of Cicero; and the north corporate limits of the Town of Cicero from the east corporate limit of the City of Berwyn easterly to the west corporate limit of the City of Chicago. Notwithstanding any provision of this Act to the contrary, the Village of Willow Springs is included in the Central Region as of the effective date of this amendatory Act of the 93rd General Assembly.

(5) The Southwest Region includes all the territory, municipalities and unincorporated areas of the County of Cook, State of Illinois, bounded by: the west corporate limits of the City of Chicago from the north corporate limit of the Village of Bedford Park (at Illinois 50-Cicero Avenue) southerly to the north corporate limit of the City of Blue Island (at Maplewood Street); the north and west corporate limits of the City of Blue Island from the west corporate

limit of the City of Chicago (at Maplewood Street) westerly and southerly to the east corporate limit of the Village of Robbins; the north and west corporate limits of the Village of Robbins from the west corporate limit of the City of Blue Island westerly and southerly to the north corporate limit of the Village of Midlothian; the north and west corporate limits of the Village of Midlothian from the west corporate limit of the Village of Robbins westerly and southerly to the north corporate limits of the Village of Oak Forest; the north and west corporate limits of the Village of Oak Forest from the west corporate limit of the Village of Midlothian westerly and southerly to the north corporate limit of the Village of Tinley Park; the north and west corporate limits of the Village of Tinley Park from the west corporate limit of the Village of Oak Forest westerly and southerly to the Cook-Will County line; the Cook-Will County line from the west corporate limit of the Village of Tinley Park westerly to the Norfolk and Western Railroad tracks; the Cook-Will County line from the Norfolk and Western Railroad tracks northerly and westerly to the Cook-DuPage County line; the Cook-DuPage County line from the Cook-Will County line to the center of the right-of-way of 79th Street; the center of the right-of-way of 79th Street from the Cook-DuPage County line easterly to the west corporate limit of the Village of Willow Springs; the north and west corporate limits of the Village of Willow Springs from the center of the right-of-way of 79th Street easterly and northerly to the south corporate limit of the Village of Hodgkins; the south and east corporate limits of the Village of Hodgkins from the north corporate limit of the Village of Willow Springs northeasterly to the south corporate limit of the Village of Bedford Park; and the west and north corporate limits of the Village of Bedford Park from the north corporate limit of the Village of Justice northerly and easterly to the west corporate limit of the City of Chicago (at Illinois Route 50-Cicero Avenue). Notwithstanding any provision of this Act to the contrary, the Village of Willow Springs is excluded from the Southwest Region as of the effective date of this amendatory Act of the 93rd General Assembly.

(6) The South Region includes all the territory, municipalities and unincorporated areas of the County of Cook, State of Illinois, bounded by: the Illinois-Indiana State line from the south corporate limit of the City of Chicago southerly to the Cook-Will County line; the Cook-Will County line from the Illinois-Indiana State line westerly and northerly to the west corporate limit of the Village of Tinley Park; the west and north corporate limits of the Village of Tinley Park from the Cook-Will County line northerly and easterly to the west corporate limit of the Village of Oak Forest; the west and north corporate limits of the Village of Oak Forest from the north corporate limit of the Village of Tinley Park northerly and easterly to the west corporate limit of the Village of Midlothian; the west and north corporate limits of the Village of Midlothian from the north corporate limit of the Village of Oak Forest northerly and easterly to the west corporate limit of the Village of Robbins; the west and north corporate limits of the Village of Robbins from the north corporate limit of the Village of Midlothian northerly and easterly to the west corporate limit of the City of Blue Island; the west and north corporate limits of the City of Blue Island from the north corporate limit of the Village of

Robbins northerly and easterly to the west corporate limit of the City of Chicago (at Maplewood Street); and the south corporate limits of the City of Chicago from the west corporate limit of the City of Chicago (at Maplewood Street) to the Illinois-Indiana State line.

(Source: P.A. 93-158, eff. 7-10-03.)

(70 ILCS 3615/3A.14) (from Ch. 111 2/3, par. 703A.14)

Sec. 3A.14. Labor.

(a) The provisions of this Section apply to collective bargaining agreements (including extensions and amendments of existing agreements) entered into on or after January 1, 1984.

(b) The Suburban Bus Board shall deal with and enter into written contracts with their employees, through accredited representatives of such employees authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions about which a collective bargaining agreement has been entered prior to the effective date of this amendatory Act of 1983. Any such agreement of the Suburban Bus Board shall provide that the agreement may be reopened if the amended budget submitted pursuant to Section 2.18a of this Act is not approved by the Board of the Authority. The agreement may not include a provision requiring the payment of wage increases based on changes in the Consumer Price Index. The Suburban Bus Board shall not have the authority to enter collective bargaining agreements with respect to inherent management rights, which include such areas of discretion or policy as the functions of the employer, standards of services, its overall budget, the organizational structure and selection of new employees and direction of personnel. Employers, however, shall be required to bargain collectively with regard to policy matters directly affecting wages, hours and terms and conditions of employment, as well as the impact thereon, upon request by employee representatives. To preserve the rights of employers and exclusive representatives which have established collective bargaining relationships or negotiated collective bargaining agreements prior to the effective date of this amendatory Act of 1983, employers shall be required to bargain collectively with regard to any matter concerning wages, hours or conditions of employment about which they have bargained prior to the effective date of this amendatory Act of 1983.

(c) The collective bargaining agreement may not include a prohibition on the use of part-time operators on any service operated by the Suburban Bus Board except where prohibited by federal law.

(d) Within 30 days of the signing of any such collective bargaining agreement, the Suburban Bus Board shall determine the costs of each provision of the agreement, prepare an amended budget incorporating the costs of the agreement, and present the amended budget to the Board of the Authority for its approval under Section 4.11. The Board may approve the amended budget by an affirmative vote of 12 of its then Directors. If the budget is not approved by the Board of the Authority, the agreement may be reopened and its terms may be renegotiated. Any amended budget which may be prepared following renegotiation shall be presented to the Board of the Authority for its approval in like manner.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3A.15)

Sec. 3A.15. Free services; eligibility.

(a) Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly and until subsection (b) is implemented, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, the Suburban Bus Board shall be provided without charge to all senior citizens of the Metropolitan Region aged 65 and older, under such conditions as shall be prescribed by the Suburban Bus Board.

(b) Notwithstanding any law to the contrary, no later than 180 days following the effective date of this amendatory Act of the 96th General Assembly, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, the Suburban Bus Board shall be provided without charge to senior citizens aged 65 and older who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and

Pharmaceutical Assistance Act, under such conditions as shall be prescribed by the Suburban Bus Board. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section. Nothing in this Section shall relieve the Suburban Bus Board from providing reduced fares as may be required by federal law.

(Source: P.A. 95-708, eff. 1-18-08; 96-1527, eff. 2-14-11.)

(70 ILCS 3615/3A.16)

Sec. 3A.16. Transit services for disabled individuals. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, all fixed route public transportation services provided by, or under grant or purchase of service contract of, the Suburban Bus Board shall be provided without charge to all disabled persons who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, under such procedures as shall be prescribed by the Board. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section.

(Source: P.A. 95-906, eff. 8-26-08.)

(70 ILCS 3615/3A.17)

Sec. 3A.17. Emergency protocols. Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, the Suburban Bus Board must develop written protocols to respond to medical and sanitation emergencies and to other safety hazards.

(Source: P.A. 96-677, eff. 8-25-09.)

(70 ILCS 3615/Art. III-B heading)

ARTICLE III-B
COMMUTER RAIL DIVISION

(70 ILCS 3615/3B.01) (from Ch. 111 2/3, par. 703B.01)

Sec. 3B.01. Commuter Rail Division. There is established within the Authority the Commuter Rail Division as the operating division responsible for providing public transportation by commuter rail. Purchase of service agreements between a transportation agency and the Authority in effect on the effective date of this amendatory Act shall remain in full force and effect in accordance with the terms of such agreement. Such agreements shall first be the responsibility of the Transition Board and, on the date of its creation, shall become the responsibility of the Commuter Rail Division and its Board.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/3B.02) (from Ch. 111 2/3, par. 703B.02)

Sec. 3B.02. Commuter Rail Board.

(a) Until April 1, 2008, the governing body of the Commuter Rail Division shall be a board consisting of 7 directors appointed pursuant to Sections 3B.03 and 3B.04, as follows:

- (1) One director shall be appointed by the Chairman of the Board of DuPage County with the advice and consent of the County Board of DuPage County and shall reside in DuPage County.
- (2) Two directors appointed by the Chairmen of the

County Boards of Kane, Lake, McHenry and Will Counties with the concurrence of not less than a majority of the chairmen from such counties, from nominees by the Chairmen. Each such chairman may nominate not more than two persons for each position. Each such director shall reside in a county in the metropolitan region other than Cook or DuPage County.

(3) Three directors appointed by the members of the Cook County Board elected from that part of Cook County outside of Chicago, or, in the event such Board of Commissioners becomes elected from single member districts, by those Commissioners elected from districts, a majority of the residents of which reside outside Chicago. In either case, such appointment shall be with the concurrence of four such Commissioners. Each such director shall reside in that part of Cook County outside Chicago.

(4) One director appointed by the Mayor of the City of Chicago, with the advice and consent of the City Council of the City of Chicago. Such director shall reside in the City of Chicago.

(5) The chairman shall be appointed by the directors, from the members of the board, with the concurrence of 5 of such directors.

(b) After April 1, 2008 the governing body of the Commuter Rail Division shall be a board consisting of 11 directors appointed, pursuant to Sections 3B.03 and 3B.04, as follows:

(1) One Director shall be appointed by the Chairman of the DuPage County Board with the advice and consent of the DuPage County Board and shall reside in DuPage County. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under item (1) of subsection (a) of this Section who resides in DuPage County, a Director shall be appointed under this subparagraph.

(2) One Director shall be appointed by the Chairman of the McHenry County Board with the advice and consent of the McHenry County Board and shall reside in McHenry County. To implement the change in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under item (2) of subsection (a) of this Section who resides in McHenry County, a Director shall be appointed under this subparagraph.

(3) One Director shall be appointed by the Will County Executive with the advice and consent of the Will County Board and shall reside in Will County. To implement the change in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under item (2) of subsection (a) of this Section who resides in Will County, a Director shall be appointed under this subparagraph.

(4) One Director shall be appointed by the Chairman of the Lake County Board with the advice and consent of the Lake County Board and shall reside in Lake County.

(5) One Director shall be appointed by the Chairman of the Kane County Board with the advice and consent of the Kane County Board and shall reside in Kane County.

(6) One Director shall be appointed by the Mayor of the City of Chicago with the advice and consent of the City Council of the City of Chicago and shall reside in the City of Chicago. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the

Director appointed under item (4) of subsection (a) of this Section who resides in the City of Chicago, a Director shall be appointed under this subparagraph.

(7) Five Directors residing in Cook County outside of the City of Chicago, as follows:

(i) One Director who resides in Cook County outside of the City of Chicago, appointed by the President of the Cook County Board with the advice and consent of the members of the Cook County Board.

(ii) One Director who resides in the township of Barrington, Palatine, Wheeling, Hanover, Schaumburg, or Elk Grove. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under paragraph (3) of subsection (a) of this Section who resides in the geographic area described in this subparagraph, a Director shall be appointed under this subparagraph.

(iii) One Director who resides in the township of Northfield, New Trier, Maine, Niles, Evanston, Leyden, Norwood Park, River Forest, or Oak Park.

(iv) One Director who resides in the township of Proviso, Riverside, Berwyn, Cicero, Lyons, Stickney, Lemont, Palos, or Orland. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under paragraph (3) of subsection (a) of this Section who resides in the geographic area described in this subparagraph and whose term of office had not expired as of August 1, 2007, a Director shall be appointed under this subparagraph.

(v) One Director who resides in the township of Worth, Calumet, Bremen, Thornton, Rich, or Bloom. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Director appointed under paragraph (3) of subsection (a) of this Section who resides in the geographic area described in this subparagraph and whose term of office had expired as of August 1, 2007, a Director shall be appointed under this subparagraph.

(vi) The Directors identified under the provisions of subparagraphs (ii) through (v) of this paragraph (7) shall be appointed by the members of the Cook County Board. Each individual Director shall be appointed by those members of the Cook County Board whose Board districts overlap in whole or in part with the geographic territory described in the relevant subparagraph. The vote of County Board members eligible to appoint directors under the provisions of subparagraphs (ii) through (v) of this paragraph (7) shall be weighted by the number of electors residing in those portions of their Board districts within the geographic territory described in the relevant subparagraph (ii) through (v) of this paragraph (7).

(8) The Chairman shall be appointed by the Directors, from the members of the Board, with the concurrence of 8 of such Directors. To implement the changes in appointing authority under this Section, upon the expiration of the term of or vacancy in office of the Chairman appointed under item (5) of subsection (a) of this Section, a Chairman shall be appointed under this subparagraph.

(c) No director, while serving as such, shall be an officer, a member of the board of directors or trustee or an employee of any transportation agency, or be an employee of the State of Illinois or any department or agency thereof, or of any unit of local government or receive any compensation from any elected or appointed office under the Constitution and laws of Illinois.

(d) Each appointment made under subsections (a) and (b) of this Section and under Section 3B.03 shall be certified by the appointing authority to the Commuter Rail Board which shall maintain the certifications as part of the official records of the Commuter Rail Board.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3B.03) (from Ch. 111 2/3, par. 703B.03)

(Text of Section before amendment by P.A. 96-1528)

Sec. 3B.03. Terms, Vacancies. Each director shall be appointed for a term of 4 years, and until his successor has been appointed and qualified. A vacancy shall occur upon the resignation, death, conviction of a felony, or removal from office of a director. Any director may be removed from office upon the concurrence of not less than 8 directors, on a formal finding of incompetence, neglect of duty, or malfeasance in office. Within 30 days after the office of any director becomes vacant for any reason, the appropriate appointing authorities of such director, as provided in Section 3B.02, shall make an appointment to fill the vacancy. A vacancy shall be filled for the unexpired term.

(Source: P.A. 95-708, eff. 1-18-08.)

(Text of Section after amendment by P.A. 96-1528)

Sec. 3B.03. Terms, Vacancies. Each director shall be appointed for a term of 4 years, and until his successor has been appointed and qualified. A vacancy shall occur upon the resignation, death, conviction of a felony, or removal from office of a director. Any director may be removed from office (i) upon the concurrence of not less than 8 directors, on a formal finding of incompetence, neglect of duty, or malfeasance in office or (ii) by the Governor in response to a summary report received from the Executive Inspector General in accordance with Section 20-50 of the State Officials and Employees Ethics Act, provided he or she has an opportunity to be publicly heard in person or by counsel prior to removal. Within 30 days after the office of any director becomes vacant for any reason, the appropriate appointing authorities of such director, as provided in Section 3B.02, shall make an appointment to fill the vacancy. A vacancy shall be filled for the unexpired term.

(Source: P.A. 95-708, eff. 1-18-08; 96-1528, eff. 7-1-11.)

(70 ILCS 3615/3B.04) (from Ch. 111 2/3, par. 703B.04)

Sec. 3B.04. Chairman and Other Officers. The Chairman shall preside at meetings of the Commuter Rail Board and shall be entitled to vote on all matters. The Commuter Rail Board shall select a Secretary and a Treasurer and may select persons to fill such other offices of the Division and to perform such duties as it shall from time to time determine. The Secretary, Treasurer and other officers of the Division may but need not be members of the Commuter Rail Board.

(Source: P.A. 83-886.)

(70 ILCS 3615/3B.05) (from Ch. 111 2/3, par. 703B.05)

Sec. 3B.05. Appointment of officers and employees. The Commuter Rail Board shall appoint an Executive Director who shall be the chief executive officer of the Division, appointed, retained or dismissed with the concurrence of 8 of the directors of the Commuter Rail Board. The Executive Director shall appoint, retain and employ officers, attorneys, agents, engineers, employees and shall organize the staff, shall allocate

their functions and duties, fix compensation and conditions of employment, and consistent with the policies of and direction from the Commuter Rail Board take all actions necessary to achieve its purposes, fulfill its responsibilities and carry out its powers, and shall have such other powers and responsibilities as the Commuter Rail Board shall determine. The Executive Director shall be an individual of proven transportation and management skills and may not be a member of the Commuter Rail Board. The Division may employ its own professional management personnel to provide professional and technical expertise concerning its purposes and powers and to assist it in assessing the performance of transportation agencies in the metropolitan region.

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Commuter Rail Board shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.

The Division shall be subject to the "Illinois Human Rights Act", as now or hereafter amended, and the remedies and procedure established thereunder. The Commuter Rail Board shall file an affirmative action program for employment by it with the Department of Human Rights to ensure that applicants are employed and that employees are treated during employment, without regard to unlawful discrimination. Such affirmative action program shall include provisions relating to hiring, upgrading, demotion, transfer, recruitment, recruitment advertising, selection for training and rates of pay or other forms of compensation.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3B.06) (from Ch. 111 2/3, par. 703B.06)

Sec. 3B.06. Compensation. The Chairman of the Commuter Rail Board shall receive an annual salary of \$25,000. Other members of the Commuter Rail Board shall receive an annual salary of \$15,000. Each member shall be reimbursed for actual expenses incurred in the performance of his duties.

Officers of the Division shall not be required to comply with the requirements of "An Act requiring certain custodians of public monies to file and publish statements of the receipts and disbursements thereof", approved June 24, 1919, as now or hereafter amended.

(Source: P.A. 83-1156.)

(70 ILCS 3615/3B.07) (from Ch. 111 2/3, par. 703B.07)

Sec. 3B.07. Meetings. The Commuter Rail Board shall prescribe the times and places for meetings and the manner in which special meetings may be called. The Commuter Rail Board shall comply in all respects with the "Open Meetings Act", as now or hereafter amended. All records, documents and papers of the Commuter Rail Division, other than those relating to matters concerning which closed sessions of the Commuter Rail Board may be held, shall be available for public examination, subject to such reasonable regulations as the board may adopt.

A majority of the members shall constitute a quorum for the conduct of business. The affirmative votes of at least 6 members shall be necessary for any action required by this Act to be taken by ordinance.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3B.08) (from Ch. 111 2/3, par. 703B.08)

Sec. 3B.08. Jurisdiction. Any public transportation within the metropolitan region outside of the City of Chicago by commuter rail and within the City of Chicago, public transportation by commuter rail along the line or route provided on the effective date of this amendatory Act of 1983 by the Burlington Northern Inc., the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company, the Illinois Central Gulf Railroad Company, the Norfolk & Western Railway, the Chicago, Rock Island & Pacific Railroad Company, the Chicago and North

Western Railroad Company, the Chicago South Shore and South Bend Railroad and the Authority, or their respective successors, other than public transportation provided by the Chicago Transit Authority, shall be subject to the jurisdiction of the Commuter Rail Board.

(Source: P.A. 83-885; 83-886.)

(70 ILCS 3615/3B.09) (from Ch. 111 2/3, par. 703B.09)

Sec. 3B.09. General Powers. In addition to any powers elsewhere provided to the Commuter Rail Board, it shall have all of the powers specified in Section 2.20 of this Act except for the powers specified in Section 2.20(a)(v). The Board shall also have the power:

(a) to cooperate with the Regional Transportation Authority in the exercise by the Regional Transportation Authority of all the powers granted it by such Act;

(b) to receive funds from the Regional Transportation Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and 4.10 of the "Regional Transportation Authority Act", all as provided in the "Regional Transportation Authority Act";

(c) to receive financial grants from the Regional Transportation Authority or a Service Board, as defined in the "Regional Transportation Authority Act", upon such terms and conditions as shall be set forth in a grant contract between either the Division and the Regional Transportation Authority or the Division and another Service Board, which contract or agreement may be for such number of years or duration as the parties may agree, all as provided in the "Regional Transportation Authority Act"; and

(d) to borrow money for the purpose of acquiring, constructing, reconstructing, extending, or improving any Public Transportation Facilities (as defined in Section 1.03 of the Regional Transportation Authority Act) operated by or to be operated by or on behalf of the Commuter Rail Division. For the purpose of evidencing the obligation of the Commuter Rail Board to repay any money borrowed as provided in this subsection, the Commuter Rail Board may issue revenue bonds from time to time pursuant to ordinance adopted by the Commuter Rail Board, subject to the approval of the Regional Transportation Authority of each such issuance by the affirmative vote of 12 of its then Directors; provided that the Commuter Rail Board may not issue bonds for the purpose of financing the acquisition, construction, or improvement of a corporate headquarters building. All such bonds shall be payable solely from the revenues or income or any other funds that the Commuter Rail Board may receive, provided that the Commuter Rail Board may not pledge as security for such bonds the moneys, if any, that the Commuter Rail Board receives from the Regional Transportation Authority pursuant to Section 4.03.3(f) of the Regional Transportation Authority Act. The bonds shall bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act and shall mature at such time or times not exceeding 25 years from their respective dates. Bonds issued pursuant to this paragraph must be issued with scheduled principal or mandatory redemption payments in equal amounts in each fiscal year over the term of the bonds, with the first principal or mandatory redemption payment scheduled within the fiscal year in which bonds are issued or within the next succeeding fiscal year. At least 25%, based on total principal amount, of all bonds authorized pursuant to this Section shall be sold pursuant to notice of sale and public bid. No more than 75%, based on total principal amount, of all bonds authorized pursuant to this Section shall be sold by negotiated sale. The maximum principal amount of the bonds that may be issued and outstanding at any time may not exceed \$1,000,000,000. The bonds shall have all the qualities of negotiable instruments under the laws of this State. To secure the payment of any or all of such bonds and for the purpose of setting forth the covenants and undertakings of the Commuter Rail Board in connection with the issuance thereof and the issuance of any additional bonds payable from such revenue or income as well as the use and application of the revenue or income received by the Commuter Rail Board, the Commuter Rail Board may execute and deliver a trust agreement or agreements; provided that no lien upon any physical property of the Commuter Rail Board shall be created thereby. A remedy for any breach or default of the terms of any such trust agreement by the Commuter Rail Board may be by mandamus proceedings in any court of competent jurisdiction to compel performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf such action may be instituted. Under no circumstances shall any bonds issued by the Commuter Rail Board or any other obligation of the Commuter Rail Board in connection with the issuance of such bonds be or become an indebtedness or obligation of the State of Illinois, the Regional Transportation Authority, or any other political subdivision of or municipality within the State, nor

shall any such bonds or obligations be or become an indebtedness of the Commuter Rail Board within the purview of any constitutional limitation or provision, and it shall be plainly stated on the face of each bond that it does not constitute such an indebtedness or obligation but is payable solely from the revenues or income as aforesaid.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3B.09a)

Sec. 3B.09a. Bicycles on commuter rail trains. Effective July 1, 1999 and after first adopting an ordinance imposing terms and conditions designed to protect the safety and convenience of passengers, the Commuter Rail Board may allow bicycles to be transported on commuter rail trains. A reasonable fare increase may be charged to those passengers with bicycles.

(Source: P.A. 90-45, eff. 1-1-98.)

(70 ILCS 3615/3B.09b)

Sec. 3B.09b. Payment of fares by credit card.

(a) By February 28, 2010, the Commuter Rail Board shall allow passengers to purchase fares by credit card (i) through an Internet website operated by the Board, (ii) at its LaSalle Street Station, Union Station, Ogilvie Transportation Center, and Millennium Station, (iii) at stations with agents, and (iv) from vending machines capable of providing fares by credit card at the 14 largest stations on the Metra Electric Line.

(b) The Board may not require a passenger who chooses to purchase a fare by credit card to pay an additional fee.

(Source: P.A. 96-621, eff. 1-1-10.)

(70 ILCS 3615/3B.10) (from Ch. 111 2/3, par. 703B.10)

Sec. 3B.10. Budget and Program. The Commuter Rail Board, subject to the powers of the Authority in Section 4.11, shall control the finances of the Division. It shall by ordinance appropriate money to perform the Division's purposes and provide for payment of debts and expenses of the Division. Each year the Commuter Rail Board shall prepare and publish a comprehensive annual budget and proposed five-year capital program document, and a financial plan for the two years thereafter describing the state of the Division and presenting for the forthcoming fiscal year and the two following years the Commuter Rail Board's plans for such operations and capital expenditures as the Commuter Rail Board intends to undertake and the means by which it intends to finance them. The proposed budget, financial plan, and five-year capital program shall be based on the Authority's estimate of funds to be made available to the Commuter Rail Board by or through the Authority and shall conform in all respects to the requirements established by the Authority. The proposed budget, financial plan, and five-year capital program shall contain a statement of the funds estimated to be on hand at the beginning of the fiscal year, the funds estimated to be received from all sources for such year and the funds estimated to be on hand at the end of such year. The fiscal year of the Division shall be the same as the fiscal year of the Authority. Before the proposed budget, financial plan, and five-year capital program are submitted to the Authority, the Commuter Rail Board shall hold at least one public hearing thereon in each of the counties in the metropolitan region in which the Division provides service. The Commuter Rail Board shall hold at least one meeting for consideration of the proposed budget, financial plan, and five-year capital plan with the county board of each of the several counties in the metropolitan region in which the Division provides service. After conducting such hearings and holding such meetings and after making such changes in the proposed budget, financial plan, and five-year capital plan as the Commuter Rail Board deems appropriate, the board shall adopt its annual budget ordinance at least by November 15 next preceding the beginning of each fiscal year. The budget, financial plan, and five-year capital program shall then be submitted to the Authority as provided in Section 4.11. In the event that the Board of the Authority determines that the budget and program, and financial plan do not meet the standards of Section 4.11, the Commuter Rail Board shall make such changes as are necessary to meet such requirements and adopt

an amended budget ordinance. The amended budget ordinance shall be resubmitted to the Authority pursuant to Section 4.11. The ordinance shall appropriate such sums of money as are deemed necessary to defray all necessary expenses and obligations of the Division, specifying purposes and the objects or programs for which appropriations are made and the amount appropriated for each object or program. Additional appropriations, transfers between items and other changes in such ordinance which do not alter the basis upon which the balanced budget determination was made by the Board of the Authority may be made from time to time by the Commuter Rail Board.

The budget shall:

- (i) show a balance between (A) anticipated revenues from all sources including operating subsidies and (B) the costs of providing the services specified and of funding any operating deficits or encumbrances incurred in prior periods, including provision for payment when due of principal and interest on outstanding indebtedness;
- (ii) show cash balances including the proceeds of any anticipated cash flow borrowing sufficient to pay with reasonable promptness all costs and expenses as incurred;
- (iii) provide for a level of fares or charges for the public transportation provided by or subject to the jurisdiction of such Commuter Rail Board sufficient to allow the Commuter Rail Board to meet its required system generated revenue recovery ratio;
- (iv) be based upon and employ assumptions and projections which the Board of the Authority finds to be reasonable and prudent;
- (v) have been prepared in accordance with sound financial practices as determined by the Board of the Authority;
- (vi) meet such other uniform financial, budgetary, or fiscal requirements that the Board of the Authority may by rule or regulation establish; and
- (vii) be consistent with the goals and objectives adopted by the Regional Transportation Authority in the Strategic Plan.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3B.11) (from Ch. 111 2/3, par. 703B.11)

Sec. 3B.11. Citizens Advisory Board. The Commuter Rail Board shall establish a citizens advisory board composed of ten residents of those portions of the metropolitan region in which the Commuter Rail Board provides service who have an interest in public transportation. The members of the advisory board shall be named for two year terms, shall select one of their members to serve as chairman and shall serve without compensation. The citizens advisory board shall meet with the Commuter Rail Board at least quarterly and advise the Commuter Rail Board of the impact of its policies and programs on the communities it serves. Appointments to the citizens advisory board should, to the greatest extent possible, reflect the ethnic, cultural, and geographic diversity of all persons residing within the Commuter Rail Division's jurisdiction.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3B.12) (from Ch. 111 2/3, par. 703B.12)

Sec. 3B.12. Working Cash Borrowing. The Commuter Rail Board with the affirmative vote of 7 of its Directors may demand and direct the Board of the Authority to issue Working Cash Notes at such time and in such amounts and having such maturities as the Commuter Rail Board deems proper, provided however any such borrowing shall have been specifically identified in the budget of the Commuter Rail Board as approved by the Board of the Authority. Provided further, that the Commuter Rail Board may not demand and direct the Board of the Authority to have issued and have outstanding at any time in excess of \$20,000,000 in Working Cash Notes.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3B.13) (from Ch. 111 2/3, par. 703B.13)
Sec. 3B.13. Labor.

(a) The provisions of this Section apply to collective bargaining agreements (including extensions and amendments of existing agreements) entered into on or after January 1, 1984. This Section does not apply to collective bargaining agreements that are subject to the provisions of the Railway Labor Act, as now or hereafter amended.

(b) The Commuter Rail Board shall deal with and enter into written contracts with their employees, through accredited representatives of such employees authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions about which a collective bargaining agreement has been entered prior to the effective date of this amendatory Act of 1983. Any such agreement of the Commuter Rail Board shall provide that the agreement may be reopened if the amended budget submitted pursuant to Section 2.18a of this Act is not approved by the Board of the Authority. The agreement may not include a provision requiring the payment of wage increases based on changes in the Consumer Price Index. The Commuter Rail Board shall not have the authority to enter collective bargaining agreements with respect to inherent management rights which include such areas of discretion or policy as the functions of the employer, standards of services, its overall budget, the organizational structure and selection of new employees and direction of personnel. Employers, however, shall be required to bargain collectively with regard to policy matters directly affecting wages, hours and terms and conditions of employment, as well as the impact thereon, upon request by employee representatives. To preserve the rights of the Commuter Rail Board and exclusive representatives which have established collective bargaining relationships or negotiated collective bargaining agreements prior to the effective date of this amendatory Act of 1983, the Commuter Rail Board shall be required to bargain collectively with regard to any matter concerning wages, hours or conditions of employment about which they have bargained prior to the effective date of this amendatory Act of 1983.

(c) The collective bargaining agreement may not include a prohibition on the use of part-time operators on any service operated by the Commuter Rail Board except where prohibited by federal law.

(d) Within 30 days of the signing of any such collective bargaining agreement, the Commuter Rail Board shall determine the costs of each provision of the agreement, prepare an amended budget incorporating the costs of the agreement, and present the amended budget to the Board of the Authority for its approval under Section 4.11. The Board may approve the amended budget by an affirmative vote of 12 of its then Directors. If the budget is not approved by the Board of the Authority, the agreement may be reopened and its terms may be renegotiated. Any amended budget which may be prepared following renegotiation shall be presented to the Board of the Authority for its approval in like manner.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/3B.14)

Sec. 3B.14. Free services; eligibility.

(a) Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly and until subsection (b) is implemented, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, the Commuter Rail Board shall be provided without charge to all senior citizens of the Metropolitan Region aged 65 and older, under such conditions as shall be prescribed by the Commuter Rail Board.

(b) Notwithstanding any law to the contrary, no later than 180 days following the effective date of this amendatory Act of the 96th General Assembly, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, the Commuter Rail Board shall be provided without charge to senior citizens aged 65 and older who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, under such conditions as shall be prescribed by the Commuter Rail Board. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section. Nothing in this Section shall relieve the Commuter Rail Board from providing reduced fares as may be required by federal law.

(Source: P.A. 95-708, eff. 1-18-08; 96-1527, eff. 2-14-11.)

(70 ILCS 3615/3B.15)

Sec. 3B.15. Transit services for disabled individuals. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, all fixed route public transportation services provided by, or under grant or purchase of service contract of, the Commuter Rail Board shall be provided without charge to all disabled persons who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, under such procedures as shall be prescribed by the Board. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section.

(Source: P.A. 95-906, eff. 8-26-08.)

(70 ILCS 3615/3B.16)

Sec. 3B.16. Emergency protocols. Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, the Commuter Rail Board must develop written protocols to respond to medical and sanitation emergencies and to other safety hazards.

(Source: P.A. 96-677, eff. 8-25-09.)

(70 ILCS 3615/3B.20)

Sec. 3B.20. Wireless Internet. The Commuter Rail Board must provide wireless Internet service on all passenger trains it owns or operates by January 1, 2012, but only if the service can be provided with no cost to the Commuter Rail Division.

(Source: P.A. 97-85, eff. 7-7-11.)

(70 ILCS 3615/3B.25)

Sec. 3B.25. Automated external defibrillators. The Commuter Rail Board must conduct a study concerning the installation and use of automated external defibrillators on passenger trains operated by the Commuter Rail Board. No later than one year after the effective date of this amendatory Act of the 97th General Assembly, the Commuter Rail Board must report to the Governor and the General Assembly the results of the study. For the purposes of this Section, "automated external defibrillator" has the meaning ascribed to that term in Section 10 of the Automated External Defibrillator Act.

(Source: P.A. 97-85, eff. 7-7-11.)

(70 ILCS 3615/Art. IV heading)

ARTICLE IV. FINANCES.

(70 ILCS 3615/4.01) (from Ch. 111 2/3, par. 704.01)

Sec. 4.01. Budget and Program.

(a) The Board shall control the finances of the Authority. It shall by ordinance adopted by the affirmative vote of at least 12 of its then Directors (i) appropriate money to perform the Authority's purposes and provide for payment of debts and expenses of the Authority, (ii) take action with respect to the budget and two-year financial plan of each Service Board, as provided in Section 4.11, and (iii) adopt an Annual Budget and Two-Year Financial Plan for the Authority that includes the annual budget and two-year financial plan of each Service Board that has been approved by the Authority. The Annual Budget and Two-Year Financial Plan shall contain a statement of the funds estimated to be on hand for the Authority and each Service Board at the beginning of the fiscal year, the funds estimated to be received from all sources for such year, the estimated expenses and obligations of the Authority and each Service Board for all purposes, including expenses for contributions to be made with respect to pension and other employee benefits, and the funds estimated to be on hand at the end of such year. The fiscal year of the Authority and each Service Board shall begin on January 1st and

end on the succeeding December 31st. By July 1st of each year the Director of the Illinois Governor's Office of Management and Budget (formerly Bureau of the Budget) shall submit to the Authority an estimate of revenues for the next fiscal year of the Authority to be collected from the taxes imposed by the Authority and the amounts to be available in the Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund and the amounts otherwise to be appropriated by the State to the Authority for its purposes. The Authority shall file a copy of its Annual Budget and Two-Year Financial Plan with the General Assembly and the Governor after its adoption. Before the proposed Annual Budget and Two-Year Financial Plan is adopted, the Authority shall hold at least one public hearing thereon in the metropolitan region, and shall meet with the county board or its designee of each of the several counties in the metropolitan region. After conducting such hearings and holding such meetings and after making such changes in the proposed Annual Budget and Two-Year Financial Plan as the Board deems appropriate, the Board shall adopt its annual appropriation and Annual Budget and Two-Year Financial Plan ordinance. The ordinance may be adopted only upon the affirmative votes of 12 of its then Directors. The ordinance shall appropriate such sums of money as are deemed necessary to defray all necessary expenses and obligations of the Authority, specifying purposes and the objects or programs for which appropriations are made and the amount appropriated for each object or program. Additional appropriations, transfers between items and other changes in such ordinance may be made from time to time by the Board upon the affirmative votes of 12 of its then Directors.

(b) The Annual Budget and Two-Year Financial Plan shall show a balance between anticipated revenues from all sources and anticipated expenses including funding of operating deficits or the discharge of encumbrances incurred in prior periods and payment of principal and interest when due, and shall show cash balances sufficient to pay with reasonable promptness all obligations and expenses as incurred.

The Annual Budget and Two-Year Financial Plan must show:

- (i) that the level of fares and charges for mass transportation provided by, or under grant or purchase of service contracts of, the Service Boards is sufficient to cause the aggregate of all projected fare revenues from such fares and charges received in each fiscal year to equal at least 50% of the aggregate costs of providing such public transportation in such fiscal year. "Fare revenues" include the proceeds of all fares and charges for services provided, contributions received in connection with public transportation from units of local government other than the Authority, except for contributions received by the Chicago Transit Authority from a real estate transfer tax imposed under subsection (i) of Section 8-3-19 of the Illinois Municipal Code, and from the State pursuant to subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), and all other operating revenues properly included consistent with generally accepted accounting principles but do not include: the proceeds of any borrowings, and, beginning with the 2007 fiscal year, all revenues and receipts, including but not limited to fares and grants received from the federal, State or any unit of local government or other entity, derived from providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act. "Costs" include all items properly included as operating costs consistent with generally accepted accounting principles, including administrative costs, but do not include: depreciation; payment of principal and interest on bonds, notes or other evidences of obligation for borrowed money issued by the Authority; payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20 of this Act; any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made under Section 4.14; any other cost to which it is

reasonably expected that a cash expenditure will not be made; costs for passenger security including grants, contracts, personnel, equipment and administrative expenses, except in the case of the Chicago Transit Authority, in which case the term does not include costs spent annually by that entity for protection against crime as required by Section 27a of the Metropolitan Transit Authority Act; the payment by the Chicago Transit Authority of Debt Service, as defined in Section 12c of the Metropolitan Transit Authority Act, on bonds or notes issued pursuant to that Section; the payment by the Commuter Rail Division of debt service on bonds issued pursuant to Section 3B.09; expenses incurred by the Suburban Bus Division for the cost of new public transportation services funded from grants pursuant to Section 2.01e of this amendatory Act of the 95th General Assembly for a period of 2 years from the date of initiation of each such service; costs as exempted by the Board for projects pursuant to Section 2.09 of this Act; or, beginning with the 2007 fiscal year, expenses related to providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act; and in fiscal years 2008 through 2012 inclusive, costs in the amount of \$200,000,000 in fiscal year 2008, reducing by \$40,000,000 in each fiscal year thereafter until this exemption is eliminated; and

(ii) that the level of fares charged for ADA paratransit services is sufficient to cause the aggregate of all projected revenues from such fares charged and received in each fiscal year to equal at least 10% of the aggregate costs of providing such ADA paratransit services. For purposes of this Act, the percentages in this subsection (b)(ii) shall be referred to as the "system generated ADA paratransit services revenue recovery ratio". For purposes of the system generated ADA paratransit services revenue recovery ratio, "costs" shall include all items properly included as operating costs consistent with generally accepted accounting principles. However, the Board may exclude from costs an amount that does not exceed the allowable "capital costs of contracting" for ADA paratransit services pursuant to the Federal Transit Administration guidelines for the Urbanized Area Formula Program.

(c) The actual administrative expenses of the Authority for the fiscal year commencing January 1, 1985 may not exceed \$5,000,000. The actual administrative expenses of the Authority for the fiscal year commencing January 1, 1986, and for each fiscal year thereafter shall not exceed the maximum administrative expenses for the previous fiscal year plus 5%. "Administrative expenses" are defined for purposes of this Section as all expenses except: (1) capital expenses and purchases of the Authority on behalf of the Service Boards; (2) payments to Service Boards; and (3) payment of principal and interest on bonds, notes or other evidence of obligation for borrowed money issued by the Authority; (4) costs for passenger security including grants, contracts, personnel, equipment and administrative expenses; (5) payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20 of this Act; and (6) any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made pursuant to Section 4.14.

(d) This subsection applies only until the Department begins administering and enforcing an increased tax under Section 4.03(m) as authorized by this amendatory Act of the

95th General Assembly. After withholding 15% of the proceeds of any tax imposed by the Authority and 15% of money received by the Authority from the Regional Transportation Authority Occupation and Use Tax Replacement Fund, the Board shall allocate the proceeds and money remaining to the Service Boards as follows: (1) an amount equal to 85% of the proceeds of those taxes collected within the City of Chicago and 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund attributable to retail sales within the City of Chicago shall be allocated to the Chicago Transit Authority; (2) an amount equal to 85% of the proceeds of those taxes collected within Cook County outside the City of Chicago and 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the County and Mass Transit District Fund attributable to retail sales within Cook County outside of the city of Chicago shall be allocated 30% to the Chicago Transit Authority, 55% to the Commuter Rail Board and 15% to the Suburban Bus Board; and (3) an amount equal to 85% of the proceeds of the taxes collected within the Counties of DuPage, Kane, Lake, McHenry and Will shall be allocated 70% to the Commuter Rail Board and 30% to the Suburban Bus Board.

(e) This subsection applies only until the Department begins administering and enforcing an increased tax under Section 4.03(m) as authorized by this amendatory Act of the 95th General Assembly. Moneys received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund shall be allocated among the Authority and the Service Boards as follows: 15% of such moneys shall be retained by the Authority and the remaining 85% shall be transferred to the Service Boards as soon as may be practicable after the Authority receives payment. Moneys which are distributable to the Service Boards pursuant to the preceding sentence shall be allocated among the Service Boards on the basis of each Service Board's distribution ratio. The term "distribution ratio" means, for purposes of this subsection (e) of this Section 4.01, the ratio of the total amount distributed to a Service Board pursuant to subsection (d) of Section 4.01 for the immediately preceding calendar year to the total amount distributed to all of the Service Boards pursuant to subsection (d) of Section 4.01 for the immediately preceding calendar year.

(f) To carry out its duties and responsibilities under this Act, the Board shall employ staff which shall: (1) propose for adoption by the Board of the Authority rules for the Service Boards that establish (i) forms and schedules to be used and information required to be provided with respect to a five-year capital program, annual budgets, and two-year financial plans and regular reporting of actual results against adopted budgets and financial plans, (ii) financial practices to be followed in the budgeting and expenditure of public funds, (iii) assumptions and projections that must be followed in preparing and submitting its annual budget and two-year financial plan or a five-year capital program; (2) evaluate for the Board public transportation programs operated or proposed by the Service Boards and transportation agencies in terms of the goals and objectives set out in the Strategic Plan; (3) keep the Board and the public informed of the extent to which the Service Boards and transportation agencies are meeting the goals and objectives adopted by the Authority in the Strategic Plan; and (4) assess the efficiency or adequacy

of public transportation services provided by a Service Board and make recommendations for change in that service to the end that the moneys available to the Authority may be expended in the most economical manner possible with the least possible duplication.

(g) All Service Boards, transportation agencies, comprehensive planning agencies, including the Chicago Metropolitan Agency for Planning, or transportation planning agencies in the metropolitan region shall furnish to the Authority such information pertaining to public transportation or relevant for plans therefor as it may from time to time require. The Executive Director, or his or her designee, shall, for the purpose of securing any such information necessary or appropriate to carry out any of the powers and responsibilities of the Authority under this Act, have access to, and the right to examine, all books, documents, papers or records of a Service Board or any transportation agency receiving funds from the Authority or Service Board, and such Service Board or transportation agency shall comply with any request by the Executive Director, or his or her designee, within 30 days or an extended time provided by the Executive Director.

(h) No Service Board shall undertake any capital improvement which is not identified in the Five-Year Capital Program.

(Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08; 95-906, eff. 8-26-08.)

(70 ILCS 3615/4.01a)
Sec. 4.01a. (Repealed).

(Source: P.A. 86-463. Repealed by P.A. 90-273, eff. 7-30-97.)

(70 ILCS 3615/4.02) (from Ch. 111 2/3, par. 704.02)
Sec. 4.02. Federal, State and Other Funds.

(a) The Authority shall have the power to apply for, receive and expend grants, loans or other funds from the State of Illinois or any department or agency thereof, from any unit of local government, from the federal government or any department or agency thereof, for use in connection with any of the powers or purposes of the Authority as set forth in this Act. The Authority shall have power to make such studies as may be necessary and to enter into contracts or agreements with the State of Illinois or any department or agency thereof, with any unit of local government, or with the federal government or any department or agency thereof, concerning such grants, loans or other funds, or any conditions relating thereto, including obligations to repay such funds. The Authority may make such covenants concerning such grants, loans and funds as it deems proper and necessary in carrying out its responsibilities, purposes and powers as provided in this Act.

(b) The Authority shall be the primary public body in the metropolitan region with authority to apply for and receive any grants, loans or other funds relating to public transportation programs from the State of Illinois or any department or agency thereof, or from the federal government or any department or agency thereof. Any unit of local government, Service Board or transportation agency may apply for and receive any such federal or state capital grants, loans or other funds, provided, however that a Service Board may not apply for or receive any grant or loan which is not identified in the Five-Year Capital Program. Any Service Board, unit of local government or transportation agency shall notify the Authority prior to making any such application and shall file a copy thereof with the Authority. Nothing in this Section shall be construed to impose any limitation on the ability of the State of Illinois or any department or agency thereof, any unit of local government or Service Board or transportation agency to make any grants or to enter into any agreement or contract with the National Rail Passenger Corporation. Nor shall anything in this Section impose any limitation on the ability of any school district to apply for or receive any grant, loan or other funds for

transportation of school children.

(c) The Authority shall provide to the Service Board any monies received relating to public transportation services under the jurisdiction of the Service Boards as provided in Section 4.03.3 of this Act.

(Source: P.A. 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-708, eff. 1-18-08.)

(70 ILCS 3615/4.02a)

Sec. 4.02a. Chicago Transit Authority contributions to pension funds.

(a) The Authority shall continually review the Chicago Transit Authority's payment of the required contributions to its retirement system under Section 22-101 of the Illinois Pension Code.

(b) Beginning January 1, 2009, if at any time the Authority determines that the Chicago Transit Authority's payment of any portion of the required contributions to its retirement system under Section 22-101 of the Illinois Pension Code is more than one month overdue, it shall as soon as possible pay the amount of those overdue contributions to the Board of Trustees of the Retirement Plan on behalf of the Chicago Transit Authority out of moneys otherwise payable to the Chicago Transit Authority under Section 4.03.3 of this Act. The Authority shall thereafter have no liability to the Chicago Transit Authority for amounts paid to the Board of Trustees of the Retirement Plan under this Section.

(c) Whenever the Authority acts or determines that it is required to act under subsection (b), it shall so notify the Chicago Transit Authority, the Mayor of Chicago, the Governor, the Auditor General of the State of Illinois, and the General Assembly.

(Source: P.A. 94-839, eff. 6-6-06; 95-708, eff. 1-18-08.)

(70 ILCS 3615/4.02b)

Sec. 4.02b. Other contributions to pension funds.

(a) The Authority shall continually review the payment of the required employer contributions to affected pension plans under Section 22-103 of the Illinois Pension Code.

(b) Beginning January 1, 2009, if at any time the Authority determines that the Commuter Rail Board's or Suburban Bus Board's payment of any portion of the required contributions to an affected pension plan under Section 22-103 of the Illinois Pension Code is more than one month overdue, it shall as soon as possible pay the amount of those overdue contributions to the trustee of the affected pension plan on behalf of that Service Board out of moneys otherwise payable to that Service Board under Section 4.03.3 of this Act. The Authority shall thereafter have no liability to the Service Board for amounts paid to the trustee of the affected pension plan under this Section.

(c) Whenever the Authority acts or determines that it is required to act under subsection (b), it shall so notify the affected Service Board, the Mayor of Chicago, the Governor, the Auditor General of the State of Illinois, and the General Assembly.

(d) Beginning January 1, 2009, if the Authority fails to pay to an affected pension fund within 30 days after it is due any employer contribution that it is required to make as a contributing employer under Section 22-103 of the Illinois Pension Code, it shall promptly so notify the Commission on Government Forecasting and Accountability, the Mayor of Chicago, the Governor, and the General Assembly, and it shall promptly pay the overdue amount out of the first money available to the Authority for its administrative expenses, as that term is defined in Section 4.01(c).

(Source: P.A. 94-839, eff. 6-6-06; 95-708, eff. 1-18-08.)

(70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

(Text of Section from P.A. 97-38)

Sec. 4.03. Taxes.

(a) In order to carry out any of the powers or purposes of the Authority, the Board may by ordinance adopted with the concurrence of 12 of the then Directors, impose throughout the metropolitan region any or all of the taxes provided in this Section. Except as otherwise provided in this Act, taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the

taxes and to determine all rights for refunds for erroneous payments of the taxes. Nothing in this amendatory Act of the 95th General Assembly is intended to invalidate any taxes currently imposed by the Authority. The increased vote requirements to impose a tax shall only apply to actions taken after the effective date of this amendatory Act of the 95th General Assembly.

(b) The Board may impose a public transportation tax upon all persons engaged in the metropolitan region in the business of selling at retail motor fuel for operation of motor vehicles upon public highways. The tax shall be at a rate not to exceed 5% of the gross receipts from the sales of motor fuel in the course of the business. As used in this Act, the term "motor fuel" shall have the same meaning as in the Motor Fuel Tax Law. The Board may provide for details of the tax. The provisions of any tax shall conform, as closely as may be practicable, to the provisions of the Municipal Retailers Occupation Tax Act, including without limitation, conformity to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed, except that reference in the Act to any municipality shall refer to the Authority and the tax shall be imposed only with regard to receipts from sales of motor fuel in the metropolitan region, at rates as limited by this Section.

(c) In connection with the tax imposed under paragraph (b) of this Section the Board may impose a tax upon the privilege of using in the metropolitan region motor fuel for the operation of a motor vehicle upon public highways, the tax to be at a rate not in excess of the rate of tax imposed under paragraph (b) of this Section. The Board may provide for details of the tax.

(d) The Board may impose a motor vehicle parking tax upon the privilege of parking motor vehicles at off-street parking facilities in the metropolitan region at which a fee is charged, and may provide for reasonable classifications in and exemptions to the tax, for administration and enforcement thereof and for civil penalties and refunds thereunder and may provide criminal penalties thereunder, the maximum penalties not to exceed the maximum criminal penalties provided in the Retailers' Occupation Tax Act. The Authority may collect and enforce the tax itself or by contract with any unit of local government. The State Department of Revenue shall have no responsibility for the collection and enforcement unless the Department agrees with the Authority to undertake the collection and enforcement. As used in this paragraph, the term "parking facility" means a parking area or structure having parking spaces for more than 2 vehicles at which motor vehicles are permitted to park in return for an hourly, daily, or other periodic fee, whether publicly or privately owned, but does not include parking spaces on a public street, the use of which is regulated by parking meters.

(e) The Board may impose a Regional Transportation Authority Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the metropolitan region. In Cook County the tax rate shall be 1.25% of the gross receipts from sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, and 1% of the gross receipts from other taxable sales made in the course of that business. In DuPage, Kane, Lake, McHenry, and Will Counties, the tax rate shall be 0.75% of the gross receipts from all taxable sales made in the course of that business. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this Section may

reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination in a single amount with State taxes that sellers are required to collect under the Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

If a tax is imposed under this subsection (e), a tax shall also be imposed under subsections (f) and (g) of this Section.

For the purpose of determining whether a tax authorized under this Section is applicable, a retail sale by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this Section shall be construed to authorize the Regional Transportation Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(f) If a tax has been imposed under paragraph (e), a Regional Transportation Authority Service Occupation Tax shall also be imposed upon all persons engaged, in the metropolitan region in the business of making sales of service, who as an incident to making the sales of service, transfer tangible personal property within the metropolitan region, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. In Cook County, the tax rate shall be: (1) 1.25% of the serviceman's cost price of food prepared for immediate consumption and transferred incident to a sale of service subject to the service occupation tax by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act, or the MR/DD Community Care Act that is located in the metropolitan region; (2) 1.25% of the selling price of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics; and (3) 1% of the selling price from other taxable sales of tangible personal property transferred. In DuPage, Kane, Lake, McHenry and Will Counties the rate shall be 0.75% of the selling price of all tangible personal property transferred.

The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the Authority), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the Authority), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, that charge may be stated in combination in a single amount with State tax that servicemen are authorized to collect under the Service Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

Nothing in this paragraph shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by the State.

(g) If a tax has been imposed under paragraph (e), a tax shall also be imposed upon the privilege of using in the metropolitan region, any item of tangible personal property that is purchased outside the metropolitan region at retail from a retailer, and that is titled or registered with an agency of this State's government. In Cook County the tax rate shall be 1% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. In DuPage, Kane, Lake, McHenry and Will counties the tax rate shall be 0.75% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan region. The tax shall be collected by the Department of Revenue for the Regional Transportation Authority. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act, and are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

(h) The Authority may impose a replacement vehicle tax of \$50 on any passenger car as defined in Section 1-157 of the Illinois Vehicle Code purchased within the metropolitan region by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax imposed may not become effective before the first day of the month following the passage of the ordinance imposing the tax and receipt of a certified copy of the ordinance by the Department of Revenue. The Department of Revenue shall collect the tax for the Authority in accordance with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes collected hereunder.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order

transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Authority. The amount to be paid to the Authority shall be the amount collected hereunder during the second preceding calendar month by the Department, less any amount determined by the Department to be necessary for the payment of refunds, and less any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the Authority provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for that amount in accordance with the directions contained in the certification.

(i) The Board may not impose any other taxes except as it may from time to time be authorized by law to impose.

(j) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (e), (f) or (g) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(k) The provisions of any tax imposed under paragraph (c) of this Section shall conform as closely as may be practicable to the provisions of the Use Tax Act, including without limitation conformity as to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed. The taxes shall be imposed only on use within the metropolitan region and at rates as provided in the paragraph.

(l) The Board in imposing any tax as provided in paragraphs (b) and (c) of this Section, shall, after seeking the advice of the State Department of Revenue, provide means for retailers, users or purchasers of motor fuel for purposes other than those with regard to which the taxes may be imposed as provided in those paragraphs to receive refunds of taxes improperly paid, which provisions may be at variance with the refund provisions as applicable under the Municipal Retailers Occupation Tax Act. The State Department of Revenue may provide for certificates of registration for users or purchasers of motor fuel for purposes other than those with regard to which taxes may be imposed as provided in paragraphs (b) and (c) of this Section to facilitate the reporting and nontaxability of the exempt sales or uses.

(m) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Regional Transportation Authority as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing, increasing, decreasing, or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department, whereupon the Department shall proceed to administer and enforce this Section as of the first day of the first month to occur not less than 60 days following such adoption and filing. Any ordinance or resolution of the Authority imposing a tax under this Section and in effect on August 1, 2007 shall remain in full force and effect and shall be administered by the Department of Revenue under the terms and conditions and rates of tax established by such ordinance or resolution until the Department begins administering and enforcing an increased tax under this Section as authorized by this amendatory Act of the 95th General Assembly. The tax rates authorized by this amendatory Act of the 95th General Assembly are effective only if imposed by ordinance of the Authority.

(n) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the Authority. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois and to the Authority (i) the amount

of taxes collected in each County other than Cook County in the metropolitan region, (ii) the amount of taxes collected within the City of Chicago, and (iii) the amount collected in that portion of Cook County outside of Chicago, each amount less the amount necessary for the payment of refunds to taxpayers located in those areas described in items (i), (ii), and (iii). Within 10 days after receipt by the Comptroller of the certification of the amounts, the Comptroller shall cause an order to be drawn for the payment of two-thirds of the amounts certified in item (i) of this subsection to the Authority and one-third of the amounts certified in item (i) of this subsection to the respective counties other than Cook County and the amount certified in items (ii) and (iii) of this subsection to the Authority.

In addition to the disbursement required by the preceding paragraph, an allocation shall be made in July 1991 and each year thereafter to the Regional Transportation Authority. The allocation shall be made in an amount equal to the average monthly distribution during the preceding calendar year (excluding the 2 months of lowest receipts) and the allocation shall include the amount of average monthly distribution from the Regional Transportation Authority Occupation and Use Tax Replacement Fund. The distribution made in July 1992 and each year thereafter under this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department of Revenue shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

(o) Failure to adopt a budget ordinance or otherwise to comply with Section 4.01 of this Act or to adopt a Five-year Capital Program or otherwise to comply with paragraph (b) of Section 2.01 of this Act shall not affect the validity of any tax imposed by the Authority otherwise in conformity with law.

(p) At no time shall a public transportation tax or motor vehicle parking tax authorized under paragraphs (b), (c) and (d) of this Section be in effect at the same time as any retailers' occupation, use or service occupation tax authorized under paragraphs (e), (f) and (g) of this Section is in effect.

Any taxes imposed under the authority provided in paragraphs (b), (c) and (d) shall remain in effect only until the time as any tax authorized by paragraphs (e), (f) or (g) of this Section are imposed and becomes effective. Once any tax authorized by paragraphs (e), (f) or (g) is imposed the Board may not reimpose taxes as authorized in paragraphs (b), (c) and (d) of the Section unless any tax authorized by paragraphs (e), (f) or (g) of this Section becomes ineffective by means other than an ordinance of the Board.

(q) Any existing rights, remedies and obligations (including enforcement by the Regional Transportation Authority) arising under any tax imposed under paragraphs (b), (c) or (d) of this Section shall not be affected by the imposition of a tax under paragraphs (e), (f) or (g) of this Section.

(Source: P.A. 96-339, eff. 7-1-10; 96-939, eff. 6-24-10; 97-38, eff. 6-28-11.)

(Text of Section from P.A. 97-227)

Sec. 4.03. Taxes.

(a) In order to carry out any of the powers or purposes of the Authority, the Board may by ordinance adopted with the concurrence of 12 of the then Directors, impose throughout the metropolitan region any or all of the taxes provided in this Section. Except as otherwise provided in this Act, taxes imposed under this Section and civil penalties imposed incident thereto shall be collected and enforced by the State Department of Revenue. The Department shall have the power to administer and enforce the taxes and to determine all rights for refunds for erroneous payments of the taxes. Nothing in this amendatory Act of the 95th General Assembly is intended to invalidate any taxes currently imposed by the Authority. The increased vote requirements to impose a tax shall only apply to actions taken after the effective date of this amendatory Act of the 95th General Assembly.

(b) The Board may impose a public transportation tax upon all persons engaged in the metropolitan region in the business of selling at retail motor fuel for operation of motor vehicles upon public highways. The tax shall be at a rate not to exceed 5% of the gross receipts from the sales of motor fuel in the course of the business. As used in this Act, the term "motor fuel" shall have the same meaning as in the Motor Fuel Tax Law. The Board may provide for details of the tax. The provisions of any tax shall conform, as closely as may be practicable, to the provisions of the Municipal Retailers Occupation Tax Act, including without limitation, conformity to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the

provisions of the tax imposed, except that reference in the Act to any municipality shall refer to the Authority and the tax shall be imposed only with regard to receipts from sales of motor fuel in the metropolitan region, at rates as limited by this Section.

(c) In connection with the tax imposed under paragraph (b) of this Section the Board may impose a tax upon the privilege of using in the metropolitan region motor fuel for the operation of a motor vehicle upon public highways, the tax to be at a rate not in excess of the rate of tax imposed under paragraph (b) of this Section. The Board may provide for details of the tax.

(d) The Board may impose a motor vehicle parking tax upon the privilege of parking motor vehicles at off-street parking facilities in the metropolitan region at which a fee is charged, and may provide for reasonable classifications in and exemptions to the tax, for administration and enforcement thereof and for civil penalties and refunds thereunder and may provide criminal penalties thereunder, the maximum penalties not to exceed the maximum criminal penalties provided in the Retailers' Occupation Tax Act. The Authority may collect and enforce the tax itself or by contract with any unit of local government. The State Department of Revenue shall have no responsibility for the collection and enforcement unless the Department agrees with the Authority to undertake the collection and enforcement. As used in this paragraph, the term "parking facility" means a parking area or structure having parking spaces for more than 2 vehicles at which motor vehicles are permitted to park in return for an hourly, daily, or other periodic fee, whether publicly or privately owned, but does not include parking spaces on a public street, the use of which is regulated by parking meters.

(e) The Board may impose a Regional Transportation Authority Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the metropolitan region. In Cook County the tax rate shall be 1.25% of the gross receipts from sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, and 1% of the gross receipts from other taxable sales made in the course of that business. In DuPage, Kane, Lake, McHenry, and Will Counties, the tax rate shall be 0.75% of the gross receipts from all taxable sales made in the course of that business. The tax imposed under this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this Section; to collect all taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination in a single amount with State taxes that sellers are required to collect under the Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

If a tax is imposed under this subsection (e), a tax shall also be imposed under subsections (f) and (g) of this Section.

For the purpose of determining whether a tax authorized under this Section is applicable, a retail sale by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is

extracted from the earth. This paragraph does not apply to coal or other mineral when it is delivered or shipped by the seller to the purchaser at a point outside Illinois so that the sale is exempt under the Federal Constitution as a sale in interstate or foreign commerce.

No tax shall be imposed or collected under this subsection on the sale of a motor vehicle in this State to a resident of another state if that motor vehicle will not be titled in this State.

Nothing in this Section shall be construed to authorize the Regional Transportation Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by this State.

(f) If a tax has been imposed under paragraph (e), a Regional Transportation Authority Service Occupation Tax shall also be imposed upon all persons engaged, in the metropolitan region in the business of making sales of service, who as an incident to making the sales of service, transfer tangible personal property within the metropolitan region, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. In Cook County, the tax rate shall be: (1) 1.25% of the serviceman's cost price of food prepared for immediate consumption and transferred incident to a sale of service subject to the service occupation tax by an entity licensed under the Hospital Licensing Act, the Nursing Home Care Act, or the ID/DD Community Care Act that is located in the metropolitan region; (2) 1.25% of the selling price of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics; and (3) 1% of the selling price from other taxable sales of tangible personal property transferred. In DuPage, Kane, Lake, McHenry and Will Counties the rate shall be 0.75% of the selling price of all tangible personal property transferred.

The tax imposed under this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the Authority), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the Authority), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the Authority), the first paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this paragraph may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, that charge may be stated in combination in a single amount with State tax that servicemen are authorized to collect under the Service Use Tax Act, under any bracket schedules the Department may prescribe.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the warrant to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

Nothing in this paragraph shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business that under the Constitution of the United States may not be made the subject of taxation by the State.

(g) If a tax has been imposed under paragraph (e), a tax shall also be imposed upon the privilege of using in the metropolitan region, any item of tangible personal

property that is purchased outside the metropolitan region at retail from a retailer, and that is titled or registered with an agency of this State's government. In Cook County the tax rate shall be 1% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. In DuPage, Kane, Lake, McHenry and Will counties the tax rate shall be 0.75% of the selling price of the tangible personal property, as "selling price" is defined in the Use Tax Act. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan region. The tax shall be collected by the Department of Revenue for the Regional Transportation Authority. The tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and the State agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of and compliance with this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 2 (except the definition of "retailer maintaining a place of business in this State"), 3 through 3-80 (except provisions pertaining to the State rate of tax, and except provisions concerning collection or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions pertaining to claims by retailers and except the last paragraph concerning refunds), 20, 21 and 22 of the Use Tax Act, and are not inconsistent with this paragraph, as fully as if those provisions were set forth herein.

Whenever the Department determines that a refund should be made under this paragraph to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund established under paragraph (n) of this Section.

(h) The Authority may impose a replacement vehicle tax of \$50 on any passenger car as defined in Section 1-157 of the Illinois Vehicle Code purchased within the metropolitan region by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax imposed may not become effective before the first day of the month following the passage of the ordinance imposing the tax and receipt of a certified copy of the ordinance by the Department of Revenue. The Department of Revenue shall collect the tax for the Authority in accordance with Sections 3-2002 and 3-2003 of the Illinois Vehicle Code.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes collected hereunder.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this Section during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to the Authority. The amount to be paid to the Authority shall be the amount collected hereunder during the second preceding calendar month by the Department, less any amount determined by the Department to be necessary for the payment of refunds, and less any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the Authority provided for in this Section to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for that amount in accordance with the directions contained in the certification.

(i) The Board may not impose any other taxes except as it may from time to time be authorized by law to impose.

(j) A certificate of registration issued by the State Department of Revenue to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit the registrant to engage in a business that is taxed under the tax imposed under paragraphs (b), (e), (f) or (g) of this Section and no additional registration shall be required under the tax. A certificate issued under the Use Tax Act or the Service Use Tax Act shall be applicable with regard to any tax imposed under paragraph (c) of this Section.

(k) The provisions of any tax imposed under paragraph (c) of this Section shall conform as closely as may be practicable to the provisions of the Use Tax Act, including without limitation conformity as to penalties with respect to the tax imposed and as to the powers of the State Department of Revenue to promulgate and enforce rules and regulations relating to the administration and enforcement of the provisions of the tax imposed. The taxes shall be imposed only on use within the metropolitan region and at rates as provided in the paragraph.

(l) The Board in imposing any tax as provided in paragraphs (b) and (c) of this Section, shall, after seeking the advice of the State Department of Revenue, provide means for retailers, users or purchasers of motor fuel for purposes other than those with regard to which the taxes may be imposed as provided in those paragraphs to receive refunds of taxes improperly paid, which provisions may be at variance with the refund provisions as applicable under the Municipal Retailers Occupation Tax Act. The State Department of Revenue may provide for certificates of registration for users or purchasers of motor fuel for purposes other than those with regard to which taxes may be imposed as provided in paragraphs (b) and (c) of this Section to facilitate the reporting and nontaxability of the exempt sales or uses.

(m) Any ordinance imposing or discontinuing any tax under this Section shall be adopted and a certified copy thereof filed with the Department on or before June 1, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Regional Transportation Authority as of September 1 next following such adoption and filing. Beginning January 1, 1992, an ordinance or resolution imposing or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department on or before the first day of July, whereupon the Department shall proceed to administer and enforce this Section as of the first day of October next following such adoption and filing. Beginning January 1, 1993, an ordinance or resolution imposing, increasing, decreasing, or discontinuing the tax hereunder shall be adopted and a certified copy thereof filed with the Department, whereupon the Department shall proceed to administer and enforce this Section as of the first day of the first month to occur not less than 60 days following such adoption and filing. Any ordinance or resolution of the Authority imposing a tax under this Section and in effect on August 1, 2007 shall remain in full force and effect and shall be administered by the Department of Revenue under the terms and conditions and rates of tax established by such ordinance or resolution until the Department begins administering and enforcing an increased tax under this Section as authorized by this amendatory Act of the 95th General Assembly. The tax rates authorized by this amendatory Act of the 95th General Assembly are effective only if imposed by ordinance of the Authority.

(n) The State Department of Revenue shall, upon collecting any taxes as provided in this Section, pay the taxes over to the State Treasurer as trustee for the Authority. The taxes shall be held in a trust fund outside the State Treasury. On or before the 25th day of each calendar month, the State Department of Revenue shall prepare and certify to the Comptroller of the State of Illinois and to the Authority (i) the amount of taxes collected in each County other than Cook County in the metropolitan region, (ii) the amount of taxes collected within the City of Chicago, and (iii) the amount collected in that portion of Cook County outside of Chicago, each amount less the amount necessary for the payment of refunds to taxpayers located in those areas described in items (i), (ii), and (iii). Within 10 days after receipt by the Comptroller of the certification of the amounts, the Comptroller shall cause an order to be drawn for the payment of two-thirds of the amounts certified in item (i) of this subsection to the Authority and one-third of the amounts certified in item (i) of this subsection to the respective counties other than Cook County and the amount certified in items (ii) and (iii) of this subsection to the Authority.

In addition to the disbursement required by the preceding paragraph, an allocation shall be made in July 1991 and each year thereafter to the Regional Transportation Authority. The allocation shall be made in an amount equal to the average monthly distribution during the preceding calendar year (excluding the 2 months of lowest receipts) and the allocation shall include the amount of average monthly distribution

from the Regional Transportation Authority Occupation and Use Tax Replacement Fund. The distribution made in July 1992 and each year thereafter under this paragraph and the preceding paragraph shall be reduced by the amount allocated and disbursed under this paragraph in the preceding calendar year. The Department of Revenue shall prepare and certify to the Comptroller for disbursement the allocations made in accordance with this paragraph.

(o) Failure to adopt a budget ordinance or otherwise to comply with Section 4.01 of this Act or to adopt a Five-year Capital Program or otherwise to comply with paragraph (b) of Section 2.01 of this Act shall not affect the validity of any tax imposed by the Authority otherwise in conformity with law.

(p) At no time shall a public transportation tax or motor vehicle parking tax authorized under paragraphs (b), (c) and (d) of this Section be in effect at the same time as any retailers' occupation, use or service occupation tax authorized under paragraphs (e), (f) and (g) of this Section is in effect.

Any taxes imposed under the authority provided in paragraphs (b), (c) and (d) shall remain in effect only until the time as any tax authorized by paragraphs (e), (f) or (g) of this Section are imposed and becomes effective. Once any tax authorized by paragraphs (e), (f) or (g) is imposed the Board may not reimpose taxes as authorized in paragraphs (b), (c) and (d) of the Section unless any tax authorized by paragraphs (e), (f) or (g) of this Section becomes ineffective by means other than an ordinance of the Board.

(q) Any existing rights, remedies and obligations (including enforcement by the Regional Transportation Authority) arising under any tax imposed under paragraphs (b), (c) or (d) of this Section shall not be affected by the imposition of a tax under paragraphs (e), (f) or (g) of this Section.

(Source: P.A. 96-339, eff. 7-1-10; 96-939, eff. 6-24-10; 97-227, eff. 1-1-12.)

(70 ILCS 3615/4.03.1) (from Ch. 111 2/3, par. 704.03.1)

Sec. 4.03.1. (a) The Board may impose a tax upon all persons engaged in the business of renting automobiles in the metropolitan region at the rate of not to exceed 1% of the gross receipts from such business within Cook County and not to exceed 1/4% of the gross receipts from such business within the Counties of DuPage, Kane, Lake, McHenry and Will. The tax imposed pursuant to this paragraph and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the State Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act or under the Automobile Renting Occupation and Use Tax Act shall permit such person to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this paragraph without registering separately with the Department under such ordinance or resolution or under this paragraph. The Department shall have full power to administer and enforce this paragraph; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 2 and 3 (in respect to all provisions therein other than the State rate of tax; and with relation to the provisions of the Retailers' Occupation Tax referred to therein, except as to the disposition of taxes and penalties collected, and except for the provision allowing retailers a deduction from the tax cover certain costs, and except that credit memoranda issued hereunder may not be used to discharge any State tax liability) of the Automobile Renting Occupation and Use Tax

Act as fully as if provisions contained in those Sections of said Act were set forth herein. Persons subject to any tax imposed pursuant to the authority granted in this paragraph may reimburse themselves for their tax liability hereunder by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Automobile Renting Occupation and Use Tax Act pursuant to such bracket schedules as the Department may prescribe. Nothing in this paragraph shall be construed to authorize the Authority to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(b) The Board may impose a tax upon the privilege of using, in the metropolitan region an automobile which is rented from a renter outside Illinois, and which is titled or registered with an agency of this State's government, at a rate not to exceed 1% of the rental price of such automobile within the County of Cook, and not to exceed 1/4% of the rental price within the counties of DuPage, Kane, Lake, McHenry and Will. Such tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the metropolitan region. Such tax shall be collected by the Department of Revenue for the Regional Transportation Authority. Such tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration. The Department shall have full power to administer and enforce this paragraph; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided, and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty or interest hereunder. In the administration of, and compliance with, this paragraph, the Department and persons who are subject to this paragraph shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 2 and 4 (except provisions pertaining to the State rate of tax; and with relation to the provisions of the Use Tax Act referred to therein, except provisions concerning collection or refunding of the tax by retailers, and except the provisions of Section 19 pertaining to claims by retailers and except the last paragraph concerning refunds, and except that credit memoranda issued hereunder may not be used to discharge any State tax liability) of the Automobile Renting Occupation and Use Tax Act which are not inconsistent with this paragraph, as fully as if provisions contained in those Sections of said Act were set forth herein.

(c) Whenever the Department determines that a refund should be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the Regional Transportation Authority tax fund created pursuant to Section 4.03 of this

Act.

(d) The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes, penalties and interest collected under this Section. On or before the 25th day of each calendar month, the Department shall prepare and certify to the State Comptroller the amount to be paid to the Authority. The State Department of Revenue shall also certify to the Authority the amount of taxes collected in each County other than Cook County in the metropolitan region less the amount necessary for the payment of refunds to taxpayers in such County. With regard to the County of Cook, the certification shall specify the amount of taxes collected within the City of Chicago less the amount necessary for the payment of refunds to taxpayers in the City of Chicago and the amount collected in that portion of Cook County outside of Chicago less the amount necessary for the payment of refunds to taxpayers in that portion of Cook County outside of Chicago. The amount to be paid to the Authority shall be the amount (not including credit memoranda) collected hereunder during the second preceding calendar month by the Department, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the Authority. Within 10 days after receipt, by the State Comptroller, of the disbursement certification to the Authority, the State Comptroller shall cause the orders to be drawn in accordance with the directions contained in such certification.

(e) An ordinance imposing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the calendar month next following the month in which such ordinance is passed. The Board shall transmit to the Department of Revenue on or not later than 5 days after passage of the ordinance a certified copy of the ordinance imposing such tax whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the Authority as of the effective date of the ordinance. Upon a change in rate of a tax levied hereunder, or upon the discontinuance of the tax, the Board shall, on or not later than 5 days after passage of the ordinance discontinuing the tax or effecting a change in rate, transmit to the Department of Revenue a certified copy of the ordinance effecting such change or discontinuance.

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

(70 ILCS 3615/4.03.3)

Sec. 4.03.3. Distribution of Revenues. This Section applies only after the Department begins administering and enforcing an increased tax under Section 4.03(m) as authorized by this amendatory Act of the 95th General Assembly. After providing for payment of its obligations with respect to bonds and notes issued under the provisions of Section 4.04 and obligations related to those bonds and notes, the Authority shall disburse the remaining proceeds from taxes it has received from the Department of Revenue under this Article IV and the remaining proceeds it has received from the State under Section 4.09(a) as follows:

(a) With respect to taxes imposed by the Authority under Section 4.03, after withholding 15% of 80% of the receipts from those taxes collected in Cook County at a rate of 1.25%, 15% of 75% of the receipts from those taxes collected in Cook County at the rate of 1%, 15% of one-half of the receipts from those taxes collected in DuPage, Kane, Lake, McHenry, and Will Counties, and 15% of money received by the Authority from the Regional Transportation Authority Occupation and Use Tax Replacement Fund or from the Regional Transportation Authority tax fund created in Section 4.03(n), the Board shall allocate the proceeds and money remaining to the Service Boards as follows:

(1) an amount equal to (i) 85% of 80% of the receipts

from those taxes collected within the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of the receipts from those taxes collected in the City of Chicago at the rate of 1%, and (iii) 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund or to the Regional Transportation Authority tax fund created in Section 4.03(n) from the County and Mass Transit District Fund attributable to retail sales within the City of Chicago shall be allocated to the Chicago Transit Authority;

(2) an amount equal to (i) 85% of 80% of the receipts from those taxes collected within Cook County outside of the City of Chicago at a rate of 1.25%, (ii) 85% of 75% of the receipts from those taxes collected within Cook County outside the City of Chicago at a rate of 1%, and (iii) 85% of the money received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund or to the Regional Transportation Authority tax fund created in Section 4.03(n) from the County and Mass Transit District Fund attributable to retail sales within Cook County outside of the City of Chicago shall be allocated 30% to the Chicago Transit Authority, 55% to the Commuter Rail Board, and 15% to the Suburban Bus Board; and

(3) an amount equal to 85% of one-half of the receipts from the taxes collected within the Counties of DuPage, Kane, Lake, McHenry, and Will shall be allocated 70% to the Commuter Rail Board and 30% to the Suburban Bus Board.

(b) Moneys received by the Authority on account of transfers to the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund shall be allocated among the Authority and the Service Boards as follows: 15% of such moneys shall be retained by the Authority and the remaining 85% shall be transferred to the Service Boards as soon as may be practicable after the Authority receives payment. Moneys which are distributable to the Service Boards pursuant to the preceding sentence shall be allocated among the Service Boards on the basis of each Service Board's distribution ratio. The term "distribution ratio" means, for purposes of this subsection (b), the ratio of the total amount distributed to a Service Board pursuant to subsection (a) of Section 4.03.3 for the immediately preceding calendar year to the total amount distributed to all of the Service Boards pursuant to subsection (a) of Section 4.03.3 for the immediately preceding calendar year.

(c)(i) 20% of the receipts from those taxes collected in Cook County under Section 4.03 at the rate of 1.25%, (ii) 25% of the receipts from those taxes collected in Cook County under Section 4.03 at the rate of 1%, (iii) 50% of the receipts from those taxes collected in DuPage, Kane, Lake, McHenry, and Will Counties under Section 4.03, and (iv) amounts received from the State under Section 4.09 (a)(2) and items (i), (ii), and (iii) of Section 4.09 (a)(3) shall be allocated as follows: the amount required to be deposited into the ADA Paratransit Fund described in Section 2.01d, the amount required to be deposited into the Suburban Community Mobility Fund described in Section 2.01e, and the amount required to be deposited into the Innovation, Coordination and Enhancement Fund described in Section 2.01c, and the balance shall be allocated 48% to the Chicago Transit Authority, 39% to the Commuter Rail Board, and 13% to the Suburban Bus Board.

(d) Amounts received from the State under Section 4.09

(a)(3)(iv) shall be distributed 100% to the Chicago Transit Authority.

(e) With respect to those taxes collected in DuPage, Kane, Lake, McHenry, and Will Counties and paid directly to the counties under Section 4.03, the County Board of each county shall use those amounts to fund operating and capital costs of public safety and public transportation services or facilities or to fund operating, capital, right-of-way, construction, and maintenance costs of other transportation purposes, including road, bridge, public safety, and transit purposes intended to improve mobility or reduce congestion in the county. The receipt of funding by such counties pursuant to this paragraph shall not be used as the basis for reducing any funds that such counties would otherwise have received from the State of Illinois, any agency or instrumentality thereof, the Authority, or the Service Boards.

(f) The Authority by ordinance adopted by 12 of its then Directors shall apportion to the Service Boards funds provided by the State of Illinois under Section 4.09(a)(1) as it shall determine and shall make payment of the amounts to each Service Board as soon as may be practicable upon their receipt provided the Authority has adopted a balanced budget as required by Section 4.01 and further provided the Service Board is in compliance with the requirements in Section 4.11.

(g) Beginning January 1, 2009, before making any payments, transfers, or expenditures under this Section to a Service Board, the Authority must first comply with Section 4.02a or 4.02b of this Act, whichever may be applicable.

(Source: P.A. 97-399, eff. 8-16-11.)

(70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

Sec. 4.04. Issuance and Pledge of Bonds and Notes.

(a) The Authority shall have the continuing power to borrow money and to issue its negotiable bonds or notes as provided in this Section. Unless otherwise indicated in this Section, the term "notes" also includes bond anticipation notes, which are notes which by their terms provide for their payment from the proceeds of bonds thereafter to be issued. Bonds or notes of the Authority may be issued for any or all of the following purposes: to pay costs to the Authority or a Service Board of constructing or acquiring any public transportation facilities (including funds and rights relating thereto, as provided in Section 2.05 of this Act); to repay advances to the Authority or a Service Board made for such purposes; to pay other expenses of the Authority or a Service Board incident to or incurred in connection with such construction or acquisition; to provide funds for any transportation agency to pay principal of or interest or redemption premium on any bonds or notes, whether as such amounts become due or by earlier redemption, issued prior to the date of this amendatory Act by such transportation agency to construct or acquire public transportation facilities or to provide funds to purchase such bonds or notes; and to provide funds for any transportation agency to construct or acquire any public transportation facilities, to repay advances made for such purposes, and to pay other expenses incident to or incurred in connection with such construction or acquisition; and to provide funds for payment of obligations, including the funding of reserves, under any self-insurance plan or joint self-insurance pool or entity.

In addition to any other borrowing as may be authorized by this Section, the Authority may issue its notes, from time to time, in anticipation of tax receipts of the Authority or of other revenues or receipts of the Authority, in order to provide money for the Authority or the Service Boards to cover any cash flow deficit which the Authority or a Service Board anticipates incurring. Any such notes are referred to in this Section as "Working Cash Notes". No Working Cash Notes shall be issued for a term of longer than 24 months. Proceeds of Working Cash Notes may be used to pay day to day operating expenses of the Authority or the Service Boards, consisting of wages, salaries and fringe benefits, professional and technical services (including legal, audit, engineering and other consulting services), office rental, furniture, fixtures and equipment, insurance premiums, claims for self-insured amounts under insurance policies,

public utility obligations for telephone, light, heat and similar items, travel expenses, office supplies, postage, dues, subscriptions, public hearings and information expenses, fuel purchases, and payments of grants and payments under purchase of service agreements for operations of transportation agencies, prior to the receipt by the Authority or a Service Board from time to time of funds for paying such expenses. In addition to any Working Cash Notes that the Board of the Authority may determine to issue, the Suburban Bus Board, the Commuter Rail Board or the Board of the Chicago Transit Authority may demand and direct that the Authority issue its Working Cash Notes in such amounts and having such maturities as the Service Board may determine.

Notwithstanding any other provision of this Act, any amounts necessary to pay principal of and interest on any Working Cash Notes issued at the demand and direction of a Service Board or any Working Cash Notes the proceeds of which were used for the direct benefit of a Service Board or any other Bonds or Notes of the Authority the proceeds of which were used for the direct benefit of a Service Board shall constitute a reduction of the amount of any other funds provided by the Authority to that Service Board. The Authority shall, after deducting any costs of issuance, tender the net proceeds of any Working Cash Notes issued at the demand and direction of a Service Board to such Service Board as soon as may be practicable after the proceeds are received. The Authority may also issue notes or bonds to pay, refund or redeem any of its notes and bonds, including to pay redemption premiums or accrued interest on such bonds or notes being renewed, paid or refunded, and other costs in connection therewith. The Authority may also utilize the proceeds of any such bonds or notes to pay the legal, financial, administrative and other expenses of such authorization, issuance, sale or delivery of bonds or notes or to provide or increase a debt service reserve fund with respect to any or all of its bonds or notes. The Authority may also issue and deliver its bonds or notes in exchange for any public transportation facilities, (including funds and rights relating thereto, as provided in Section 2.05 of this Act) or in exchange for outstanding bonds or notes of the Authority, including any accrued interest or redemption premium thereon, without advertising or submitting such notes or bonds for public bidding.

(b) The ordinance providing for the issuance of any such bonds or notes shall fix the date or dates of maturity, the dates on which interest is payable, any sinking fund account or reserve fund account provisions and all other details of such bonds or notes and may provide for such covenants or agreements necessary or desirable with regard to the issue, sale and security of such bonds or notes. The rate or rates of interest on its bonds or notes may be fixed or variable and the Authority shall determine or provide for the determination of the rate or rates of interest of its bonds or notes issued under this Act in an ordinance adopted by the Authority prior to the issuance thereof, none of which rates of interest shall exceed that permitted in the Bond Authorization Act. Interest may be payable at such times as are provided for by the Board. Bonds and notes issued under this Section may be issued as serial or term obligations, shall be of such denomination or denominations and form, including interest coupons to be attached thereto, be executed in such manner, shall be payable at such place or places and bear such date as the Authority shall fix by the ordinance authorizing such bond or note and shall mature at such time or times, within a period not to exceed forty years from the date of issue, and may be redeemable prior to maturity with or without premium, at the option of the Authority, upon such terms and conditions as the Authority shall fix by the ordinance authorizing the issuance of such bonds or notes. No bond anticipation note or any renewal thereof shall mature at any time or times exceeding 5 years from the date of the first issuance of such note. The Authority may provide for the registration of bonds or notes in the name of the owner as to the principal alone or as to both principal and interest, upon such terms and conditions as the Authority may determine. The ordinance authorizing bonds or notes may provide for the exchange of such bonds or notes which are fully registered, as to both principal and interest, with bonds or notes which are registerable as to principal only. All bonds or notes issued under this Section by the Authority other than those issued in exchange for property or for bonds or notes of the Authority shall be sold at a price which may be at a premium or discount but such that the interest cost (excluding any redemption premium) to the Authority of the proceeds of an issue of such bonds or notes, computed to stated maturity according to standard tables of bond values, shall not exceed that permitted in the Bond Authorization Act. The Authority shall notify the Governor's Office of Management and Budget and the State Comptroller at least 30 days before any bond sale and shall file with the Governor's Office of Management and Budget and the State Comptroller a certified copy of any ordinance authorizing the issuance of bonds at or before the issuance of the bonds. After December 31, 1994, any such bonds or notes shall be sold to

the highest and best bidder on sealed bids as the Authority shall deem. As such bonds or notes are to be sold the Authority shall advertise for proposals to purchase the bonds or notes which advertisement shall be published at least once in a daily newspaper of general circulation published in the metropolitan region at least 10 days before the time set for the submission of bids. The Authority shall have the right to reject any or all bids. Notwithstanding any other provisions of this Section, Working Cash Notes or bonds or notes to provide funds for self-insurance or a joint self-insurance pool or entity may be sold either upon competitive bidding or by negotiated sale (without any requirement of publication of intention to negotiate the sale of such Notes), as the Board shall determine by ordinance adopted with the affirmative votes of at least 9 Directors. In case any officer whose signature appears on any bonds, notes or coupons authorized pursuant to this Section shall cease to be such officer before delivery of such bonds or notes, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until such delivery. Neither the Directors of the Authority nor any person executing any bonds or notes thereof shall be liable personally on any such bonds or notes or coupons by reason of the issuance thereof.

(c) All bonds or notes of the Authority issued pursuant to this Section shall be general obligations of the Authority to which shall be pledged the full faith and credit of the Authority, as provided in this Section. Such bonds or notes shall be secured as provided in the authorizing ordinance, which may, notwithstanding any other provision of this Act, include in addition to any other security, a specific pledge or assignment of and lien on or security interest in any or all tax receipts of the Authority and on any or all other revenues or moneys of the Authority from whatever source, which may by law be utilized for debt service purposes and a specific pledge or assignment of and lien on or security interest in any funds or accounts established or provided for by the ordinance of the Authority authorizing the issuance of such bonds or notes. Any such pledge, assignment, lien or security interest for the benefit of holders of bonds or notes of the Authority shall be valid and binding from the time the bonds or notes are issued without any physical delivery or further act and shall be valid and binding as against and prior to the claims of all other parties having claims of any kind against the Authority or any other person irrespective of whether such other parties have notice of such pledge, assignment, lien or security interest. The obligations of the Authority incurred pursuant to this Section shall be superior to and have priority over any other obligations of the Authority.

The Authority may provide in the ordinance authorizing the issuance of any bonds or notes issued pursuant to this Section for the creation of, deposits in, and regulation and disposition of sinking fund or reserve accounts relating to such bonds or notes. The ordinance authorizing the issuance of any bonds or notes pursuant to this Section may contain provisions as part of the contract with the holders of the bonds or notes, for the creation of a separate fund to provide for the payment of principal and interest on such bonds or notes and for the deposit in such fund from any or all the tax receipts of the Authority and from any or all such other moneys or revenues of the Authority from whatever source which may by law be utilized for debt service purposes, all as provided in such ordinance, of amounts to meet the debt service requirements on such bonds or notes, including principal and interest, and any sinking fund or reserve fund account requirements as may be provided by such ordinance, and all expenses incident to or in connection with such fund and accounts or the payment of such bonds or notes. Such ordinance may also provide limitations on the issuance of additional bonds or notes of the Authority. No such bonds or notes of the Authority shall constitute a debt of the State of Illinois. Nothing in this Act shall be construed to enable the Authority to impose any ad valorem tax on property.

(d) The ordinance of the Authority authorizing the issuance of any bonds or notes may provide additional security for such bonds or notes by providing for appointment of a corporate trustee (which may be any trust company or bank having the powers of a trust company within the state) with respect to such bonds or notes. The ordinance shall prescribe the rights, duties and powers of the trustee to be exercised for the benefit of the Authority and the protection of the holders of such bonds or notes. The ordinance may provide for the trustee to hold in trust, invest and use amounts in funds and accounts created as provided by the ordinance with respect to the bonds or notes. The ordinance may provide for the assignment and direct payment to the trustee of any or all amounts produced from the sources provided in Section 4.03 and Section 4.09 of this Act and provided in Section 6z-17 of "An Act in relation to State finance", approved June 10, 1919, as amended. Upon receipt of notice of any such assignment, the Department of

Revenue and the Comptroller of the State of Illinois shall thereafter, notwithstanding the provisions of Section 4.03 and Section 4.09 of this Act and Section 6z-17 of "An Act in relation to State finance", approved June 10, 1919, as amended, provide for such assigned amounts to be paid directly to the trustee instead of the Authority, all in accordance with the terms of the ordinance making the assignment. The ordinance shall provide that amounts so paid to the trustee which are not required to be deposited, held or invested in funds and accounts created by the ordinance with respect to bonds or notes or used for paying bonds or notes to be paid by the trustee to the Authority.

(e) Any bonds or notes of the Authority issued pursuant to this Section shall constitute a contract between the Authority and the holders from time to time of such bonds or notes. In issuing any bond or note, the Authority may include in the ordinance authorizing such issue a covenant as part of the contract with the holders of the bonds or notes, that as long as such obligations are outstanding, it shall make such deposits, as provided in paragraph (c) of this Section. It may also so covenant that it shall impose and continue to impose taxes, as provided in Section 4.03 of this Act and in addition thereto as subsequently authorized by law, sufficient to make such deposits and pay the principal and interest and to meet other debt service requirements of such bonds or notes as they become due. A certified copy of the ordinance authorizing the issuance of any such obligations shall be filed at or prior to the issuance of such obligations with the Comptroller of the State of Illinois and the Illinois Department of Revenue.

(f) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with such holders or in any way impair the rights and remedies of such holders until such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(g) (1) Except as provided in subdivisions (g)(2) and

(g)(3) of Section 4.04 of this Act, the Authority shall not at any time issue, sell or deliver any bonds or notes (other than Working Cash Notes) pursuant to this Section 4.04 which will cause it to have issued and outstanding at any time in excess of \$800,000,000 of such bonds and notes (other than Working Cash Notes). The Authority shall not issue, sell, or deliver any Working Cash Notes pursuant to this Section that will cause it to have issued and outstanding at any time in excess of \$100,000,000. However, the Authority may issue, sell, and deliver additional Working Cash Notes before July 1, 2012 that are over and above and in addition to the \$100,000,000 authorization such that the outstanding amount of these additional Working Cash Notes does not exceed at any time \$300,000,000. Bonds or notes which are being paid or retired by such issuance, sale or delivery of bonds or notes, and bonds or notes for which sufficient funds have been deposited with the paying agency of such bonds or notes to provide for payment of principal and interest thereon or to provide for the redemption thereof, all pursuant to the ordinance authorizing the issuance of such bonds or notes, shall not be considered to be outstanding for the purposes of this subsection.

(2) In addition to the authority provided by paragraphs (1) and (3), the Authority is authorized to issue, sell and deliver bonds or notes for Strategic Capital Improvement Projects approved pursuant to Section 4.13 as follows:

\$100,000,000 is authorized to be issued on or after January 1, 1990;

an additional \$100,000,000 is authorized to be issued on or after January 1, 1991;

an additional \$100,000,000 is authorized to be issued on or after January 1, 1992;

an additional \$100,000,000 is authorized to be issued on or after January 1, 1993;

an additional \$100,000,000 is authorized to be issued on or after January 1, 1994; and

the aggregate total authorization of bonds and notes for Strategic Capital Improvement Projects as of January 1, 1994, shall be \$500,000,000.

The Authority is also authorized to issue, sell, and deliver bonds or notes in such amounts as are necessary to provide for the refunding or advance refunding of bonds or notes issued for Strategic Capital Improvement Projects under this subdivision (g)(2), provided that no such refunding bond or note shall mature later than the final maturity date of the series of bonds or notes being refunded, and provided further that the debt service requirements for such refunding bonds or notes in the current or any future fiscal year shall not exceed the debt service requirements for that year on the refunded bonds or notes.

(3) In addition to the authority provided by paragraphs (1) and (2), the Authority is authorized to issue, sell, and deliver bonds or notes for Strategic Capital Improvement Projects approved pursuant to Section 4.13 as follows:

\$260,000,000 is authorized to be issued on or after January 1, 2000;

an additional \$260,000,000 is authorized to be issued on or after January 1, 2001;

an additional \$260,000,000 is authorized to be issued on or after January 1, 2002;

an additional \$260,000,000 is authorized to be issued on or after January 1, 2003;

an additional \$260,000,000 is authorized to be issued on or after January 1, 2004; and

the aggregate total authorization of bonds and notes for Strategic Capital Improvement Projects pursuant to this paragraph (3) as of January 1, 2004 shall be \$1,300,000,000.

The Authority is also authorized to issue, sell, and deliver bonds or notes in such amounts as are necessary to provide for the refunding or advance refunding of bonds or notes issued for Strategic Capital Improvement projects under this subdivision (g)(3), provided that no such refunding bond or note shall mature later than the final maturity date of the series of bonds or notes being refunded, and provided further that the debt service requirements for such refunding bonds or notes in the current or any future fiscal year shall not exceed the debt service requirements for that year on the refunded bonds or notes.

(h) The Authority, subject to the terms of any agreements with noteholders or bond holders as may then exist, shall have power, out of any funds available therefor, to purchase notes or bonds of the Authority, which shall thereupon be cancelled.

(i) In addition to any other authority granted by law, the State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to exceed par, any State money in the State Treasury which is not needed for current expenditures due or about to become due in Working Cash Notes.

(Source: P.A. 95-708, eff. 1-18-08; 96-906, eff. 6-7-10.)

(70 ILCS 3615/4.05) (from Ch. 111 2/3, par. 704.05)

Sec. 4.05. Financial Statements and Annual Reports. Within six months after the end of each fiscal year, the Board shall prepare a complete and detailed report consolidating the audits of the Service Boards and reviewing the State of the Authority, the Service Boards, and of the public transportation provided by the various Service Boards and transportation agencies. The report shall include evaluations of public transportation in the metropolitan region and of the Authority's activities, and financial statements of the Authority's and the Service Boards' revenues and expenditures for such year and of their assets and liabilities, which financial statements shall have been audited by an independent certified public accountant. The report shall also set forth the financial results as reported to the Service Boards from each transportation agency which during such year had a purchase of service agreement with a Service Board or which received financial grants or financial assistance from a Service Board, such results to be set forth separately for each such agency. A sufficient number of copies of each annual report shall be printed for distribution to anyone, upon request, and a copy thereof shall be filed with the Governor, the State Comptroller, the Speaker and Minority Leader of the Illinois House of Representatives, the President and Minority Leader of the Illinois Senate, the Mayor of the City of Chicago and the President or Chairman of the county board of each county in the metropolitan region, each Service Board, and with each transportation agency which during such year had a purchase of service agreement with a Service Board or which received financial grants or other financial assistance from a Service Board.

(Source: P.A. 83-1362.)

(70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

Sec. 4.06. Public bidding.

(a) The Board shall adopt regulations to ensure that the construction or acquisition by the Authority or a Service Board other than the Chicago Transit Authority of services or public transportation facilities (other than real estate) involving a cost of more than \$10,000 and the disposition of all property of the Authority or a Service Board other than the Chicago Transit Authority shall be after public notice and with public bidding. Such regulations may provide for exceptions to such requirements for acquisition of repair parts, accessories, equipment or services previously furnished or contracted for; for the immediate delivery of supplies, material or equipment or performance of service when it is determined by the concurrence of two-thirds of the then Directors that an emergency requires immediate delivery or supply thereof; for goods or services that are economically procurable from only one source; for contracts for the maintenance or servicing of equipment which are made with the manufacturers or authorized service agent of that equipment where the maintenance or servicing can best be performed by the manufacturer or authorized service agent or such a contract would be otherwise advantageous to the Authority or a Service Board, other than the Chicago Transit Authority, except that the exceptions in this clause shall not apply to contracts for plumbing, heating, piping, refrigeration and automatic temperature control systems, ventilating and distribution systems for conditioned air, and electrical wiring; for goods or services procured from another

governmental agency; for purchases and contracts for the use or purchase of data processing equipment and data processing systems software; for the acquisition of professional or utility services; and for the acquisition of public transportation equipment including, but not limited to, rolling stock, locomotives and buses, provided that: (i) it is determined by a vote of 2/3 of the then Directors of the Service Board making the acquisition that a negotiated acquisition offers opportunities with respect to the cost or financing of the equipment, its delivery, or the performance of a portion of the work within the State or the use of goods produced or services provided within the State; (ii) a notice of intention to negotiate for the acquisition of such public transportation equipment is published in a newspaper of general circulation within the City of Chicago inviting proposals from qualified vendors; and (iii) any contract with respect to such acquisition is authorized by a vote of 2/3 of the then Directors of the Service Board making the acquisition. The requirements set forth in this Section shall not apply to purchase of service agreements or other contracts, purchases or sales entered into by the Authority with any transportation agency or unit of local government.

(b) (1) In connection with two-phase design/build selection procedures authorized in this Section, a Service Board may authorize, by the affirmative vote of two-thirds of the then members of the Service Board, the use of competitive selection and the prequalification of responsible bidders consistent with applicable federal regulations and this subsection (b).

(2) Two-phase design/build selection procedures shall consist of the following:

(i) A Service Board shall develop, through licensed architects or licensed engineers, a scope of work statement for inclusion in the solicitation for phase-one proposals that defines the project and provides prospective offerors with sufficient information regarding the Service Board's requirements. The statement shall include criteria and preliminary design, and general budget parameters and general schedule or delivery requirements to enable the offerors to submit proposals which meet the Service Board's needs. When the two-phase design/build selection procedure is used and the Service Board contracts for development of the scope of work statement, the Service Board shall contract for architectural or engineering services as defined by and in accordance with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act and all applicable licensing statutes.

(ii) The evaluation factors to be used in evaluating phase-one proposals must be stated in the solicitation and must include specialized experience and technical competence, capability to perform, past performance of the offeror's team (including the architect-engineer and construction members of the team) and other appropriate technical and qualifications factors. Each solicitation must establish the relative importance assigned to the evaluation factors and the subfactors that must be considered in the evaluation of phase-one proposals on the basis of the evaluation factors set forth in the solicitation. Each design/build team must include a licensed design professional independent from the

Service Board's licensed architect or engineer and a licensed design professional must be named in the phase-one proposals submitted to the Service Board.

(iii) On the basis of the phase-one proposal the Service Board shall select as the most highly qualified the number of offerors specified in the solicitation and request the selected offerors to submit phase-two competitive proposals and cost or price information. Each solicitation must establish the relative importance assigned to the evaluation factors and the subfactors that must be considered in the evaluation of phase-two proposals on the basis of the evaluation factors set forth in the solicitation. A Service Board may negotiate with the selected design/build team after award but prior to contract execution for the purpose of securing better terms than originally proposed, provided the salient features of the design/build solicitation are not diminished. Each phase-two solicitation evaluates separately (A) the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work, and (B) the evaluation factors and subfactors, including cost or price, that must be considered in the evaluations of proposals.

(iv) A design/build solicitation issued under the procedures in this subsection (b) shall state the maximum number of offerors that are to be selected to submit competitive phase-two proposals. The maximum number specified in the solicitation shall not exceed 5 unless the Service Board with respect to an individual solicitation determines that a specified number greater than 5 is in the best interest of the Service Board and is consistent with the purposes and objectives of the two-phase design/build selection process.

(v) All designs submitted as part of the two-phase selection process and not selected shall be proprietary to the preparers.

(Source: P.A. 89-664, eff. 8-14-96.)

(70 ILCS 3615/4.07) (from Ch. 111 2/3, par. 704.07)

Sec. 4.07. Bonds, Notes and Certificates to be Legal Investments.

The State, all units of local government, all public officers, banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, monies or other funds belonging to them or within their control in any bonds, notes or equipment trust certificates issued pursuant to this Act, it being the purpose of this Section to authorize the investment in such bonds, notes or certificates of all sinking, insurance, retirement, compensation, pension and trust funds, whether owned or controlled by private or public persons or officers: provided, however, that nothing contained in this Section may be construed as relieving any person, firm or corporation from

any duty of exercising reasonable care in selecting securities for purchase or investment.

(Source: P. A. 78-3rd S.S.-5.)

(70 ILCS 3615/4.08) (from Ch. 111 2/3, par. 704.08)

Sec. 4.08. Exemption from Taxation. The Authority and the Service Boards shall be exempt from all State and unit of local government taxes and registration and license fees other than as required for motor vehicle registration in accordance with the "Illinois Vehicle Code", as now or hereafter amended. All property of the Authority and the Service Boards is declared to be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State, any subdivision thereof, or any unit of local government.

(Source: P.A. 83-886.)

(70 ILCS 3615/4.09) (from Ch. 111 2/3, par. 704.09)

Sec. 4.09. Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund.

(a)(1) As soon as possible after the first day of each month, beginning July 1, 1984, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to a special fund in the State Treasury to be known as the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from any tax imposed by the Authority pursuant to Sections 4.03 and 4.03.1 and 25% of the amounts deposited into the Regional Transportation Authority tax fund created by Section 4.03 of this Act, from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act and 25% of the amounts deposited into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund as provided in Section 6z-17 of the State Finance Act. On the first day of the month following the date that the Department receives revenues from increased taxes under Section 4.03(m) as authorized by this amendatory Act of the 95th General Assembly, in lieu of the transfers authorized in the preceding sentence, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from (i) 80% of the proceeds of any tax imposed by the Authority at a rate of 1.25% in Cook County, (ii) 75% of the proceeds of any tax imposed by the Authority at the rate of 1% in Cook County, and (iii) one-third of the proceeds of any tax imposed by the Authority at the rate of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and Will, all pursuant to Section 4.03, and 25% of the net revenue realized from any tax imposed by the Authority pursuant to Section 4.03.1, and 25% of the amounts deposited into the Regional Transportation Authority tax fund created by Section 4.03 of this Act from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act, and 25% of the amounts deposited into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund as provided in Section 6z-17 of the State Finance Act. As used in this Section, net revenue realized for a month shall be the revenue collected by the State pursuant to Sections 4.03 and 4.03.1 during the previous month from within the metropolitan region, less the amount paid out during that same month as refunds to taxpayers for overpayment of liability in the metropolitan region under Sections 4.03 and 4.03.1.

(2) On the first day of the month following the effective date of this amendatory Act of the 95th General Assembly and each month thereafter, upon certification by the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund an amount equal to 5% of the net revenue, before the deduction of the serviceman and retailer discounts

pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from any tax imposed by the Authority pursuant to Sections 4.03 and 4.03.1 and certified by the Department of Revenue under Section 4.03(n) of this Act to be paid to the Authority and 5% of the amounts deposited into the Regional Transportation Authority tax fund created by Section 4.03 of this Act from the County and Mass Transit District Fund as provided in Section 6z-20 of the State Finance Act, and 5% of the amounts deposited into the Regional Transportation Authority Occupation and Use Tax Replacement Fund from the State and Local Sales Tax Reform Fund as provided in Section 6z-17 of the State Finance Act, and 5% of the revenue realized by the Chicago Transit Authority as financial assistance from the City of Chicago from the proceeds of any tax imposed by the City of Chicago under Section 8-3-19 of the Illinois Municipal Code.

(3) As soon as possible after the first day of January, 2009 and each month thereafter, upon certification of the Department of Revenue with respect to the taxes collected under Section 4.03, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund an amount equal to 25% of the net revenue, before the deduction of the serviceman and retailer discounts pursuant to Section 9 of the Service Occupation Tax Act and Section 3 of the Retailers' Occupation Tax Act, realized from (i) 20% of the proceeds of any tax imposed by the Authority at a rate of 1.25% in Cook County, (ii) 25% of the proceeds of any tax imposed by the Authority at the rate of 1% in Cook County, and (iii) one-third of the proceeds of any tax imposed by the Authority at the rate of 0.75% in the Counties of DuPage, Kane, Lake, McHenry, and Will, all pursuant to Section 4.03, and the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund (iv) an amount equal to 25% of the revenue realized by the Chicago Transit Authority as financial assistance from the City of Chicago from the proceeds of any tax imposed by the City of Chicago under Section 8-3-19 of the Illinois Municipal Code.

(b)(1) All moneys deposited in the Public Transportation

Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund, whether deposited pursuant to this Section or otherwise, are allocated to the Authority. The Comptroller, as soon as possible after each monthly transfer provided in this Section and after each deposit into the Public Transportation Fund, shall order the Treasurer to pay to the Authority out of the Public Transportation Fund the amount so transferred or deposited. Any Additional State Assistance and Additional Financial Assistance paid to the Authority under this Section shall be expended by the Authority for its purposes as provided in this Act. The balance of the amounts paid to the Authority from the Public Transportation Fund shall be expended by the Authority as provided in Section 4.03.3. The Comptroller, as soon as possible after each deposit into the Regional Transportation Authority Occupation and Use Tax Replacement Fund provided in this Section and Section 6z-17 of the State Finance Act, shall order the Treasurer to pay to the Authority out of the Regional Transportation Authority Occupation and Use Tax Replacement Fund the amount so deposited. Such amounts paid to the Authority may be expended by it for its purposes as provided in this Act. The provisions directing the distributions from the Public Transportation Fund and the Regional Transportation Authority Occupation and Use Tax Replacement Fund provided for in this Section shall constitute an irrevocable and continuing appropriation of all amounts as provided herein. The State Treasurer and State Comptroller are hereby authorized and directed to make distributions as provided in this Section. (2) Provided, however, no moneys deposited under subsection (a) of this Section shall be paid from the Public Transportation Fund to the Authority or its assignee for any fiscal year until the Authority

has certified to the Governor, the Comptroller, and the Mayor of the City of Chicago that it has adopted for that fiscal year an Annual Budget and Two-Year Financial Plan meeting the requirements in Section 4.01(b).

(c) In recognition of the efforts of the Authority to enhance the mass transportation facilities under its control, the State shall provide financial assistance ("Additional State Assistance") in excess of the amounts transferred to the Authority from the General Revenue Fund under subsection (a) of this Section. Additional State Assistance shall be calculated as provided in subsection (d), but shall in no event exceed the following specified amounts with respect to the following State fiscal years:

1990	\$5,000,000;
1991	\$5,000,000;
1992	\$10,000,000;
1993	\$10,000,000;
1994	\$20,000,000;
1995	\$30,000,000;
1996	\$40,000,000;
1997	\$50,000,000;
1998	\$55,000,000; and
each year thereafter	\$55,000,000.

(c-5) The State shall provide financial assistance ("Additional Financial Assistance") in addition to the Additional State Assistance provided by subsection (c) and the amounts transferred to the Authority from the General Revenue Fund under subsection (a) of this Section. Additional Financial Assistance provided by this subsection shall be calculated as provided in subsection (d), but shall in no event exceed the following specified amounts with respect to the following State fiscal years:

2000	\$0;
2001	\$16,000,000;
2002	\$35,000,000;
2003	\$54,000,000;
2004	\$73,000,000;
2005	\$93,000,000; and
each year thereafter	\$100,000,000.

(d) Beginning with State fiscal year 1990 and continuing for each State fiscal year thereafter, the Authority shall annually certify to the State Comptroller and State Treasurer, separately with respect to each of subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act, the following amounts:

(1) The amount necessary and required, during the State fiscal year with respect to which the certification is made, to pay its obligations for debt service on all outstanding bonds or notes issued by the Authority under subdivisions (g)(2) and (g)(3) of Section 4.04 of this Act.

(2) An estimate of the amount necessary and required to pay its obligations for debt service for any bonds or notes which the Authority anticipates it will issue under subdivisions (g)(2) and (g)(3) of Section 4.04 during that State fiscal year.

(3) Its debt service savings during the preceding State fiscal year from refunding or advance refunding of bonds or notes issued under subdivisions (g)(2) and (g)(3) of Section 4.04.

(4) The amount of interest, if any, earned by the Authority during the previous State fiscal year on the proceeds of bonds or notes issued pursuant to subdivisions (g)(2) and (g)(3) of Section 4.04, other than refunding or advance refunding bonds or notes.

The certification shall include a specific schedule of debt service payments, including the date and amount of each payment for all outstanding bonds or notes and an estimated schedule of anticipated debt service for all bonds and notes it intends to issue, if any, during that State fiscal year, including the estimated date and estimated amount of each payment.

Immediately upon the issuance of bonds for which an estimated schedule of debt service payments was prepared, the Authority shall file an amended certification with respect to item (2) above, to specify the actual schedule of debt service payments, including the date and amount of each payment, for the remainder of the State fiscal year.

On the first day of each month of the State fiscal year in which there are bonds outstanding with respect to which the certification is made, the State Comptroller shall order transferred and the State Treasurer shall transfer from the General Revenue Fund to the Public Transportation Fund the Additional State Assistance and Additional Financial Assistance in an amount equal to the aggregate of (i) one-twelfth of the sum of the amounts certified under items (1) and (3) above less the amount certified under item (4) above, plus (ii) the amount required to pay debt service on bonds and notes issued during the fiscal year, if any, divided by the number of months remaining in the fiscal year after the date of issuance, or some smaller portion as may be necessary under subsection (c) or (c-5) of this Section for the relevant State fiscal year, plus (iii) any cumulative deficiencies in transfers for prior months, until an amount equal to the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, has been transferred; except that these transfers are subject to the following limits:

(A) In no event shall the total transfers in any State fiscal year relating to outstanding bonds and notes issued by the Authority under subdivision (g)(2) of Section 4.04 exceed the lesser of the annual maximum amount specified in subsection (c) or the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, with respect to those bonds and notes.

(B) In no event shall the total transfers in any State fiscal year relating to outstanding bonds and notes issued by the Authority under subdivision (g)(3) of Section 4.04 exceed the lesser of the annual maximum amount specified in subsection (c-5) or the sum of the amounts certified under items (1) and (3) above, plus the actual debt service certified under item (2) above, less the amount certified under item (4) above, with respect to those bonds and notes.

The term "outstanding" does not include bonds or notes for which refunding or advance refunding bonds or notes have been issued.

(e) Neither Additional State Assistance nor Additional Financial Assistance may be pledged, either directly or indirectly as general revenues of the Authority, as security for any bonds issued by the Authority. The Authority may not assign its right to receive Additional State Assistance or Additional Financial Assistance, or direct payment of Additional State Assistance or Additional Financial Assistance, to a trustee or any other entity for the payment of debt service on its bonds.

(f) The certification required under subsection (d) with respect to outstanding bonds and notes of the Authority shall be filed as early as practicable before the beginning of the State fiscal year to which it relates. The certification shall be revised as may be necessary to accurately state the debt service requirements of the Authority.

(g) Within 6 months of the end of each fiscal year, the Authority shall determine:

(i) whether the aggregate of all system generated revenues for public transportation in the metropolitan region which is provided by, or under grant or purchase of service contracts with, the Service Boards equals 50% of the aggregate of all costs of providing such public transportation. "System generated revenues" include all the proceeds of fares and charges for services provided, contributions received in connection with public transportation from units of local government other than the Authority, except for contributions received by the Chicago Transit Authority from a real estate transfer tax imposed under subsection (i) of Section 8-3-19 of the Illinois Municipal Code, and from the State pursuant to subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), and all other revenues properly included consistent with generally accepted accounting principles but may not include: the proceeds from any borrowing, and, beginning with the 2007 fiscal year, all revenues and receipts, including but not limited to fares and grants received from the federal, State or any unit of local government or other entity, derived from providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act. "Costs" include all items properly included as operating costs consistent with generally accepted accounting principles, including administrative costs, but do not include: depreciation; payment of principal and interest on bonds, notes or other evidences of obligations for borrowed money of the Authority; payments with respect to public transportation facilities made pursuant to subsection (b) of Section 2.20; any payments with respect to rate protection contracts, credit enhancements or liquidity agreements made under Section 4.14; any other cost as to which it is reasonably expected that a cash expenditure will not be made; costs for passenger security including grants, contracts, personnel, equipment and administrative expenses, except in the case of the Chicago Transit Authority, in which case the term does not include costs spent annually by that entity for protection against crime as required by Section 27a of the Metropolitan Transit Authority Act; the costs of Debt Service paid by the Chicago Transit Authority, as defined in Section 12c of the Metropolitan Transit Authority Act, or bonds or notes issued pursuant to that Section; the payment by the Commuter Rail Division of debt service on bonds issued pursuant to Section 3B.09; expenses incurred by the Suburban Bus Division for the cost of new public transportation services funded from grants pursuant to Section 2.01e of this amendatory Act of the 95th General Assembly for a period of 2 years from the date of initiation of each such service; costs as exempted by the Board for projects pursuant to Section 2.09 of this Act; or, beginning with the 2007 fiscal year, expenses related to providing ADA paratransit service pursuant to Section 2.30 of the Regional Transportation Authority Act; or in fiscal years 2008 through 2012 inclusive, costs in the

amount of \$200,000,000 in fiscal year 2008, reducing by \$40,000,000 in each fiscal year thereafter until this exemption is eliminated. If said system generated revenues are less than 50% of said costs, the Board shall remit an amount equal to the amount of the deficit to the State. The Treasurer shall deposit any such payment in the General Revenue Fund; and

(ii) whether, beginning with the 2007 fiscal year, the aggregate of all fares charged and received for ADA paratransit services equals the system generated ADA paratransit services revenue recovery ratio percentage of the aggregate of all costs of providing such ADA paratransit services.

(h) If the Authority makes any payment to the State under paragraph (g), the Authority shall reduce the amount provided to a Service Board from funds transferred under paragraph (a) in proportion to the amount by which that Service Board failed to meet its required system generated revenues recovery ratio. A Service Board which is affected by a reduction in funds under this paragraph shall submit to the Authority concurrently with its next due quarterly report a revised budget incorporating the reduction in funds. The revised budget must meet the criteria specified in clauses (i) through (vi) of Section 4.11(b)(2). The Board shall review and act on the revised budget as provided in Section 4.11(b)(3).

(Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08; 95-906, eff. 8-26-08.)

(70 ILCS 3615/4.10) (from Ch. 111 2/3, par. 704.10)

Sec. 4.10. Agreements with the Chicago Transit Authority. The Authority shall not for any fiscal year of the Authority release to the Chicago Transit Authority any funds except for the proceeds of taxes imposed by the Authority under Sections 4.03 and 4.03.1 which are allocated to the Chicago Transit Authority under Section 4.01(d) unless a unit or units of local government in Cook County (other than the Chicago Transit Authority) enters or enter into an agreement with the Chicago Transit Authority to make a monetary contribution for such year of at least \$5,000,000 for public transportation.

Except as otherwise provided in this Section, the Authority shall not for any fiscal year of the Authority release to the Chicago Transit Authority any funds except for the proceeds of taxes imposed by the Authority under Sections 4.03 and 4.03.1 which are allocated to the Chicago Transit Authority under Section 4.01(d) unless the County of Cook and City of Chicago continue to provide services to the Chicago Transit Authority at the same level and on the same basis as are being provided by such units as of the effective date of this Act. The Authority may from time to time approve reductions in the level and basis of services to be provided pursuant to this Section.

(Source: P.A. 83-886.)

(70 ILCS 3615/4.11) (from Ch. 111 2/3, par. 704.11)

Sec. 4.11. Budget Review Powers.

(a) Based upon estimates which shall be given to the Authority by the Director of the Governor's Office of Management and Budget (formerly Bureau of the Budget) of the receipts to be received by the Authority from the taxes imposed by the Authority and the authorized estimates of amounts to be available from State and other sources to the Service Boards, and the times at which such receipts and amounts will be available, the Board shall, not later than the next preceding September 15th prior to the beginning of the Authority's next fiscal year, advise each Service Board of the amounts estimated by

the Board to be available for such Service Board during such fiscal year and the two following fiscal years and the times at which such amounts will be available. The Board shall, at the same time, also advise each Service Board of its required system generated revenues recovery ratio for the next fiscal year which shall be the percentage of the aggregate costs of providing public transportation by or under jurisdiction of that Service Board which must be recovered from system generated revenues. The Board shall, at the same time, consider the written determination of the Executive Director, made pursuant to Section 2.01d, of the costs of ADA paratransit services that are required to be provided under the federal Americans with Disabilities Act of 1990 and its implementing regulations, and shall amend the current year budgets of the Authority and the Service Boards to provide for additional funding for the provision of ADA paratransit services, if needed. The Board shall, at the same time, beginning with the 2007 fiscal year, also advise each Service Board that provides ADA paratransit services of its required system generated ADA paratransit services revenue recovery ratio for the next fiscal year which shall be the percentage of the aggregate costs of providing ADA paratransit services by or under jurisdiction of that Service Board which must be recovered from fares charged for such services, except that such required system generated ADA paratransit services revenue recovery ratio shall not exceed the minimum percentage established pursuant to Section 4.01(b)(ii) of this Act. In determining a Service Board's system generated revenue recovery ratio, the Board shall consider the historical system generated revenues recovery ratio for the services subject to the jurisdiction of that Service Board. The Board shall not increase a Service Board's system generated revenues recovery ratio for the next fiscal year over such ratio for the current fiscal year disproportionately or prejudicially to increases in such ratios for other Service Boards. The Board may, by ordinance, provide that (i) the cost of research and development projects in the fiscal year beginning January 1, 1986 and ending December 31, 1986 conducted pursuant to Section 2.09 of this Act, (ii) the costs for passenger security, and (iii) expenditures of amounts granted to a Service Board from the Innovation, Coordination, and Enhancement Fund for operating purposes may be exempted from the farebox recovery ratio or the system generated revenues recovery ratio of the Chicago Transit Authority, the Suburban Bus Board, and the Commuter Rail Board, or any of them. During fiscal years 2008 through 2012, the Board may also allocate the exemption of \$200,000,000 and the reducing amounts of costs provided by this amendatory Act of the 95th General Assembly from the farebox recovery ratio or system generated revenues recovery ratio of each Service Board.

(b)(1) Not later than the next preceding November 15 prior to the commencement of such fiscal year, each Service Board shall submit to the Authority its proposed budget for such fiscal year and its proposed financial plan for the two following fiscal years. Such budget and financial plan shall (i) be prepared in the format, follow the financial and budgetary practices, and be based on any assumptions and projections required by the Authority and (ii) not project or assume a receipt of revenues from the Authority in amounts greater than those set forth in the estimates provided by the Authority pursuant to subsection (a) of this Section.

(2) The Board shall review the proposed budget and two-year financial plan submitted by each Service Board. The Board shall approve the budget and two-year financial plan of a Service Board if:

- (i) such budget and plan show a balance between (A) anticipated revenues from all sources including operating subsidies and (B) the costs of providing the services specified and of funding any operating deficits or encumbrances incurred in prior periods, including provision for payment when due of principal and interest on outstanding indebtedness;
- (ii) such budget and plan show cash balances including the proceeds of any anticipated cash flow borrowing sufficient to pay with reasonable promptness all costs and expenses as incurred;
- (iii) such budget and plan provide for a level of fares or charges and operating or administrative costs for the public transportation provided by or subject to the jurisdiction of such Service Board sufficient to allow the Service Board to meet its required system generated revenue recovery ratio and, beginning with the 2007 fiscal year, system generated ADA paratransit services revenue

recovery ratio;

(iv) such budget and plan are based upon and employ assumptions and projections which are reasonable and prudent;

(v) such budget and plan have been prepared in accordance with sound financial practices as determined by the Board;

(vi) such budget and plan meet such other financial, budgetary, or fiscal requirements that the Board may by rule or regulation establish; and

(vii) such budget and plan are consistent with the goals and objectives adopted by the Authority in the Strategic Plan.

(3) (Blank).

(4) Unless the Board by an affirmative vote of 12 of the then Directors determines that the budget and financial plan of a Service Board meets the criteria specified in clauses (i) through (vii) of subparagraph (2) of this paragraph (b), the Board shall withhold from that Service Board 25% of the cash proceeds of taxes imposed by the Authority under Section 4.03 and Section 4.03.1 and received after February 1 and 25% of the amounts transferred to the Authority from the Public Transportation Fund under Section 4.09(a) (but not including Section 4.09(a)(3)(iv)) after February 1 that the Board has estimated to be available to that Service Board under Section 4.11(a). Such funding shall be released to the Service Board only upon approval of a budget and financial plan under this Section or adoption of a budget and financial plan on behalf of the Service Board by the Authority.

(5) If the Board has not found that the budget and financial plan of a Service Board meets the criteria specified in clauses (i) through (vii) of subparagraph (2) of this paragraph (b), the Board, by the affirmative vote of at least 12 of its then Directors, shall adopt a budget and financial plan meeting such criteria for that Service Board.

(c)(1) If the Board shall at any time have received a revised estimate, or revises any estimate the Board has made, pursuant to this Section of the receipts to be collected by the Authority which, in the judgment of the Board, requires a change in the estimates on which the budget of any Service Board is based, the Board shall advise the affected Service Board of such revised estimates, and such Service Board shall within 30 days after receipt of such advice submit a revised budget incorporating such revised estimates. If the revised estimates require, in the judgment of the Board, that the system generated revenues recovery ratio of one or more Service Boards be revised in order to allow the Authority to meet its required ratio, the Board shall advise any such Service Board of its revised ratio and such Service Board shall within 30 days after receipt of such advice submit a revised budget incorporating such revised estimates or ratio.

(2) Each Service Board shall, within such period after the end of each fiscal quarter as shall be specified by the Board, report to the Authority its financial condition and results of operations and the financial condition and results of operations of the public transportation services subject to its jurisdiction, as at the end of and for such quarter. If in the judgment of the Board such condition and results are not substantially in accordance with such Service Board's budget for such period, the Board shall so advise such Service Board and such Service Board shall within the period specified by the Board submit a revised budget incorporating such results.

(3) If the Board shall determine that a revised budget submitted by a Service Board pursuant to subparagraph (1) or (2) of this paragraph (c) does not meet the criteria specified

in clauses (i) through (vii) of subparagraph (2) of paragraph (b) of this Section, the Board shall withhold from that Service Board 25% of the cash proceeds of taxes imposed by the Authority under Section 4.03 or 4.03.1 and received by the Authority after February 1 and 25% of the amounts transferred to the Authority from the Public Transportation Fund under Section 4.09(a) (but not including Section 4.09(a)(3)(iv)) after February 1 that the Board has estimated to be available to that Service Board under Section 4.11(a). If the Service Board submits a revised financial plan and budget which plan and budget shows that the criteria will be met within a four quarter period, the Board shall release any such withheld funds to the Service Board. The Board by the affirmative vote of at least 12 of its then Directors may require a Service Board to submit a revised financial plan and budget which shows that the criteria will be met in a time period less than four quarters.

(d) All budgets and financial plans, financial statements, audits and other information presented to the Authority pursuant to this Section or which may be required by the Board to permit it to monitor compliance with the provisions of this Section shall be prepared and presented in such manner and frequency and in such detail as shall have been prescribed by the Board, shall be prepared on both an accrual and cash flow basis as specified by the Board, shall present such information as the Authority shall prescribe that fairly presents the condition of any pension plan or trust for health care benefits with respect to retirees established by the Service Board and describes the plans of the Service Board to meet the requirements of Sections 4.02a and 4.02b, and shall identify and describe the assumptions and projections employed in the preparation thereof to the extent required by the Board. If the Executive Director certifies that a Service Board has not presented its budget and two-year financial plan in conformity with the rules adopted by the Authority under the provisions of Section 4.01(f) and this subsection (d), and such certification is accepted by the affirmative vote of at least 12 of the then Directors of the Authority, the Authority shall not distribute to that Service Board any funds for operating purposes in excess of the amounts distributed for such purposes to the Service Board in the previous fiscal year. Except when the Board adopts a budget and a financial plan for a Service Board under paragraph (b)(5), a Service Board shall provide for such levels of transportation services and fares or charges therefor as it deems appropriate and necessary in the preparation of a budget and financial plan meeting the criteria set forth in clauses (i) through (vii) of subparagraph (2) of paragraph (b) of this Section. The Authority shall have access to and the right to examine and copy all books, documents, papers, records, or other source data of a Service Board relevant to any information submitted pursuant to this Section.

(e) Whenever this Section requires the Board to make determinations with respect to estimates, budgets or financial plans, or rules or regulations with respect thereto such determinations shall be made upon the affirmative vote of at least 12 of the then Directors and shall be incorporated in a written report of the Board and such report shall be submitted within 10 days after such determinations are made to the Governor, the Mayor of Chicago (if such determinations relate to the Chicago Transit Authority), and the Auditor General of Illinois.

(Source: P.A. 97-399, eff. 8-16-11.)

(70 ILCS 3615/4.12) (from Ch. 111 2/3, par. 704.12)

Sec. 4.12. RTA Strategic Capital Improvement Program. The program created by this amendatory Act of 1989 in Sections 4.12 and 4.13 shall be known as the RTA Strategic Capital Improvement Program (the "Strategic Capital Improvement Program"). The Strategic Capital Improvement Program will enhance the ability of the Authority to acquire, repair or replace public transportation facilities in the metropolitan region and shall be financed through the issuance of bonds or notes authorized for Strategic Capital Improvement Projects under Section 4.04 of this Act. The Program is intended as a supplement to the ongoing capital development activities of the Authority and the Service Boards financed with grants, loans and other moneys made available by the federal government or the State of Illinois. The Authority and the Service Boards shall continue to seek, receive and expend all available grants, loans and other moneys.

Any contracts for architectural or engineering services for projects approved pursuant to Section 4.13 shall comply with the requirements set forth in "An Act concerning municipalities, counties and other political subdivisions", as now or hereafter amended.

(Source: P.A. 91-37, eff. 7-1-99.)

(70 ILCS 3615/4.13) (from Ch. 111 2/3, par. 704.13)

Sec. 4.13. Annual Capital Improvement Plan.

(a) With respect to each calendar year, the Authority shall prepare as part of its Five Year Program an Annual Capital Improvement Plan (the "Plan") which shall describe its intended development and implementation of the Strategic Capital Improvement Program. The Plan shall include the following information:

- (i) a list of projects for which approval is sought from the Governor, with a description of each project stating at a minimum the project cost, its category, its location and the entity responsible for its implementation;
- (ii) a certification by the Authority that the Authority and the Service Boards have applied for all grants, loans and other moneys made available by the federal government or the State of Illinois during the preceding federal and State fiscal years for financing its capital development activities;
- (iii) a certification that, as of September 30 of the preceding calendar year or any later date, the balance of all federal capital grant funds and all other funds to be used as matching funds therefor which were committed to or possessed by the Authority or a Service Board but which had not been obligated was less than \$350,000,000, or a greater amount as authorized in writing by the Governor (for purposes of this subsection (a), "obligated" means committed to be paid by the Authority or a Service Board under a contract with a nongovernmental entity in connection with the performance of a project or committed under a force account plan approved by the federal government);
- (iv) a certification that the Authority has adopted a balanced budget with respect to such calendar year under Section 4.01 of this Act;
- (v) a schedule of all bonds or notes previously issued for Strategic Capital Improvement Projects and all debt service payments to be made with respect to all such bonds and the estimated additional debt service payments through June 30 of the following calendar year expected to

result from bonds to be sold prior thereto;

(vi) a long-range summary of the Strategic Capital Improvement Program describing the projects to be funded through the Program with respect to project cost, category, location, and implementing entity, and presenting a financial plan including an estimated time schedule for obligating funds for the performance of approved projects, issuing bonds, expending bond proceeds and paying debt service throughout the duration of the Program; and

(vii) the source of funding for each project in the Plan. For any project for which full funding has not yet been secured and which is not subject to a federal full funding contract, the Authority must identify alternative, dedicated funding sources available to complete the project. The Governor may waive this requirement on a project by project basis.

(b) The Authority shall submit the Plan with respect to any calendar year to the Governor on or before January 15 of that year, or as soon as possible thereafter; provided, however, that the Plan shall be adopted on the affirmative votes of 12 of the then Directors. The Plan may be revised or amended at any time, but any revision in the projects approved shall require the Governor's approval.

(c) The Authority shall seek approval from the Governor only through the Plan or an amendment thereto. The Authority shall not request approval of the Plan from the Governor in any calendar year in which it is unable to make the certifications required under items (ii), (iii) and (iv) of subsection (a). In no event shall the Authority seek approval of the Plan from the Governor for projects in an aggregate amount exceeding the proceeds of bonds or notes for Strategic Capital Improvement Projects issued under Section 4.04 of this Act.

(d) The Governor may approve the Plan for which approval is requested. The Governor's approval is limited to the amount of the project cost stated in the Plan. The Governor shall not approve the Plan in a calendar year if the Authority is unable to make the certifications required under items (ii), (iii) and (iv) of subsection (a). In no event shall the Governor approve the Plan for projects in an aggregate amount exceeding the proceeds of bonds or notes for Strategic Capital Improvement Projects issued under Section 4.04 of this Act.

(e) With respect to capital improvements, only those capital improvements which are in a Plan approved by the Governor shall be financed with the proceeds of bonds or notes issued for Strategic Capital Improvement Projects.

(f) Before the Authority or a Service Board obligates any funds for a project for which the Authority or Service Board intends to use the proceeds of bonds or notes for Strategic Capital Improvement Projects, but which project is not included in an approved Plan, the Authority must notify the Governor of the intended obligation. No project costs incurred prior to approval of the Plan including that project may be paid from the proceeds of bonds or notes for Strategic Capital Improvement Projects issued under Section 4.04 of this Act.

(Source: P.A. 94-839, eff. 6-6-06; 95-708, eff. 1-18-08.)

(70 ILCS 3615/4.14) (from Ch. 111 2/3, par. 704.14)

Sec. 4.14. Rate Protection Contract. "Rate Protection Contract" means interest rate price exchange agreements; currency exchange agreements; forward payment conversion agreements; contracts providing for payment or receipt of funds based on levels of, or changes in, interest rates, currency exchange rates, stock or other indices; contracts

to exchange cash flows or a series of payments; contracts, including without limitation, interest rate caps; interest rate floor; interest rate locks; interest rate collars; rate of return guarantees or assurances, to manage payment, currency, rate, spread or similar exposure; the obligation, right, or option to issue, put, lend, sell, grant a security interest in, buy, borrow or otherwise acquire, a bond, note or other security or interest therein as an investment, as collateral, as a hedge, or otherwise as a source or assurance of payment to or by the Authority or as a reduction of the Authority's or an obligor's risk exposure; repurchase agreements; securities lending agreements; and other agreements or arrangements similar to the foregoing.

Notwithstanding any provision in Section 2.20 (a) (ii) of this Act to the contrary, in connection with or incidental to the issuance by the Authority of its bonds or notes under the provisions of Section 4.04 or the exercise of its powers under subsection (b) of Section 2.20, the Authority, for its own benefit or for the benefit of the holders of its obligations or their trustee, may enter into rate protection contracts. The Authority may enter into rate protection contracts only pursuant to a determination by a vote of 12 of the then Directors that the terms of the contracts and any related agreements reduce the risk of loss to the Authority, or protect, preserve or enhance the value of its assets, or provide compensation to the Authority for losses resulting from changes in interest rates. The Authority's obligations under any rate protection contract or credit enhancement or liquidity agreement shall not be considered bonds or notes for purposes of this Act. For purposes of this Section a rate protection contract is a contract determined by the Authority as necessary or appropriate to permit it to manage payment, currency or interest rate risks or levels.

(Source: P.A. 95-708, eff. 1-18-08.)

(70 ILCS 3615/Art. V heading)

ARTICLE V. PROCEDURES AND MISCELLANEOUS PROVISIONS.

(70 ILCS 3615/5.01) (from Ch. 111 2/3, par. 705.01)

Sec. 5.01. Hearings and Citizen Participation.

(a) The Authority shall provide for and encourage participation by the public in the development and review of public transportation policy, and in the process by which major decisions significantly affecting the provision of public transportation are made. The Authority shall coordinate such public participation processes with the Chicago Metropolitan Agency for Planning to the extent practicable.

(b) The Authority shall hold such public hearings as may be required by this Act or as the Authority may deem appropriate to the performance of any of its functions. The Authority shall coordinate such public hearings with the Chicago Metropolitan Agency for Planning to the extent practicable.

(c) Unless such items are specifically provided for either in the Five-Year Capital Program or in the annual budget program which has been the subject of public hearings as provided in Sections 2.01 or 4.01 of this Act, the Board shall hold public hearings at which citizens may be heard prior to:

(i) the construction or acquisition of any public transportation facility, the aggregate cost of which exceeds \$5 million; and

(ii) the extension of, or major addition to services provided by the Authority or by any transportation agency pursuant to a purchase of service agreement with the Authority.

(d) Unless such items are specifically provided for in the annual budget and program which has been the subject of public hearing, as provided in Section 4.01 of this Act, the Board shall hold public hearings at which citizens may be heard prior to the providing for or allowing, by means of any purchase of service agreement or any grant pursuant to Section 2.02 of this Act, or so providing for or allowing any discontinuance of any public transportation route, or major portion thereof, which has been in service for more than a year.

(e) At least twenty days prior notice of any public hearing, as required in this Section, shall be given by public

advertisement in a newspaper of general circulation in the metropolitan region.

(e-5) With respect to any increase in fares or charges for public transportation, whether by the Authority or by any Service Board or transportation agency, a public hearing must be held in each county in which the fare increase takes effect. Notice of the public hearing shall be given at least 20 days prior to the hearing and at least 30 days prior to the effective date of any fare increase. Notice shall be given by public advertisement in a newspaper of general circulation in the metropolitan region and must also be sent to the Governor and to each member of the General Assembly whose district overlaps in whole or in part with the area in which the increase takes effect. The notice must state the date, time, and place of the hearing and must contain a description of the proposed increase. The notice must also specify how interested persons may obtain copies of any reports, resolutions, or certificates describing the basis upon which the increase was calculated.

(f) The Authority may designate one or more Directors or may appoint one or more hearing officers to preside over any hearing pursuant to this Act. The Authority shall have the power in connection with any such hearing to issue subpoenas to require the attendance of witnesses and the production of documents, and the Authority may apply to any circuit court in the State to require compliance with such subpoenas.

(g) The Authority may require any Service Board to hold one or more public hearings with respect to any item described in paragraphs (c), (d), and (e-5) of this Section 5.01, notwithstanding whether such item has been the subject of a public hearing under this Section 5.01 or Section 2.01 or 4.01 of this Act.

(Source: P.A. 95-708, eff. 1-18-08; 95-906, eff. 8-26-08.)

(70 ILCS 3615/5.02) (from Ch. 111 2/3, par. 705.02)

Sec. 5.02. Limitation on Home Rule Powers. Insofar as this Act authorizes the Authority to take or authorize any action notwithstanding or in lieu of any ordinance, rule, regulation or power of any unit of local government; or provides that any unit of local government restrictions are not effective with regard to the Authority or provides that any power or action of any unit of local government is subject to any power or action of the Authority, this Act is an express limitation on the powers of home rule municipalities and counties within the meaning of paragraph (g) of Section 6 of Article VII of the Illinois Constitution. No such action by the Authority shall be such a limit unless taken pursuant to an ordinance which is passed by at least seven members of the Board and which specifically states that it is a limit on the home rule unit; and provided further that this Act is not a limit on the power of home rule units to license, tax, franchise or regulate taxicabs except for services provided pursuant to purchase of service agreements. Except as provided in this Section, this Act is not a limit on any home rule unit.

(Source: P.A. 81-2nd S.S.-3.)

(70 ILCS 3615/5.03) (from Ch. 111 2/3, par. 705.03)

Sec. 5.03. Limitation on Actions.

The Authority shall not be liable in any civil action for any injury to any person or property for any acts or omissions of any transportation agency or unit of local government, as a

rail which is required in order to comply with federal or State laws and regulations, and related public transportation facilities; and

(iii) public transportation other than by commuter rail provided by the Suburban Bus Division pursuant to contract with the County or other governmental entity therein, and related public transportation facilities.

(b) The termination of the powers of the Authority and the Suburban Bus Division referred to in paragraph (a) of this Section with respect to any County shall occur on approval of the referendum by the electors provided on or prior to the date of such termination, such County shall have:

(i) assumed the obligations of the Authority under all laws, federal or State, and all contracts with respect to public transportation or public transportation facilities in such County, which statutory or contractual obligations extend beyond the termination date provided for in accordance with paragraph (c) of this Section provided that such obligations shall not be deemed to include any indebtedness of the Authority for borrowed money;

(ii) agreed to indemnify and hold harmless the Authority against any and all claims, actions and liabilities arising out of or in connection with the termination of the Authority's powers and functions pursuant to paragraph (a) of this Section; and

(iii) taken or caused to be taken all necessary actions and fulfilled or caused to be fulfilled all requirements under federal and State laws, rules and regulations with respect to such termination and any related transfers of assets or liabilities of the Authority. A County may, by mutual agreement with the Authority, permit the Authority to fulfill one or more contracts which by their terms extend beyond the termination date provided for in accordance with paragraph (c) of this Section, in which case the powers and functions of the Authority in that County shall survive only to the extent deemed necessary by the Authority to fulfill said contract or contracts. The satisfaction of the requirements provided for in this paragraph shall be evidenced in such manner as the Authority may require.

(c) Following an election to terminate the powers of the Authority and the Suburban Bus Division at a referendum held under paragraph (a) of this Section the County Board shall notify the Authority of the results of the referendum which notice shall specify a termination date, which is the last day of the calendar month, but no earlier than December 31, 1984. Unless the termination date is extended by mutual agreement between the County and the Authority, the termination of the powers and functions of the Authority in the County shall occur at midnight on the termination date, provided that the requirements of this Section have been met.

(d) The proceeds of taxes imposed by the Authority under Sections 4.03 and 4.03.1 collected after the termination date within a County wherein the powers of the Authority and the Suburban Bus Division have been terminated under this Section shall be provided by the Authority to the Commuter Rail Board to support services under the jurisdiction of the Commuter Rail Board which are attributable to that County, as determined by the Commuter Rail Board. Any proceeds which are in excess of that necessary to support such services shall be paid by the Authority to that County to be expended for general transportation purposes in accordance with law. If no services under the jurisdiction of the Commuter Rail Board are provided in a County wherein the powers of the Authority have

been terminated under this Section, all proceeds of taxes imposed by the Authority in the County shall be paid by the Authority to the County to be expended for general transportation purposes in accordance with law. The Authority or the Suburban Bus Division has no obligation to see that the funds expended under this paragraph by the County are spent for general transportation purposes in accordance with law.

(Source: P.A. 83-885; 83-886.)

Nevada

CHAPTER 277A - REGIONAL TRANSPORTATION COMMISSIONS

GENERAL PROVISIONS

NRS 277A.010	Short title.
NRS 277A.020	Definitions.
NRS 277A.030	“Acquire” and “acquisition” defined.
NRS 277A.040	“Board” defined.
NRS 277A.050	“City” defined.
NRS 277A.060	“Commission” defined.
NRS 277A.070	“Department” defined.
NRS 277A.080	“Fixed guideway” defined.
NRS 277A.090	“Improve” and “improvement” defined.
NRS 277A.100	“Project” defined.
NRS 277A.110	“Public highway” defined.
NRS 277A.120	“Public transit system” defined.
NRS 277A.130	“Street banner” defined.
NRS 277A.140	“Town” defined.
NRS 277A.150	“Vending stand” defined.
NRS 277A.160	Interpretation and construction of chapter.

ESTABLISHMENT

NRS 277A.170	Creation by ordinance in certain counties.
NRS 277A.180	Composition; selection and terms of representatives.

POWERS AND DUTIES

NRS 277A.200	Organization and meetings.
NRS 277A.210	Capacity to sue and be sued; budgets; bylaws and rules; plans for transportation; insurance against loss.
NRS 277A.220	Designation and duties as metropolitan planning organization.
NRS 277A.230	Powers regarding federal money and projects and public hearings; compliance with federal law.
NRS 277A.240	Creation of fund to match federal money.
NRS 277A.250	Powers regarding property, eminent domain and adoption of regulations.
NRS 277A.260	Security in operations; employment of personnel; establishment of fines.
NRS 277A.270	Exclusive operation of system of public transportation; use of public rights-of-way and property of commission; entry into contracts and other agreements; powers and duties inapplicable to certain monorails.
NRS 277A.280	Authority of commission and certain counties and cities to establish or operate public transit system; utilization of turnkey procurement for and development of fixed guideway project; utilization of competitive negotiation procurement process.
NRS 277A.290	Powers regarding parking facilities or parking spaces for general public and public employees.
NRS 277A.300	Electrical and communication systems and related infrastructure: Construction, modification, operation and maintenance; repairing of damage.
NRS 277A.310	Placement of street banners: Authority of commission; restrictions; fees.

- [NRS 277A.320](#) Counties whose population is 400,000 or more: Construction, installation and maintenance of vending stands for passengers of public mass transportation.
- [NRS 277A.330](#) Counties whose population is 400,000 or more: Construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation.
- [NRS 277A.340](#) Counties whose population is 400,000 or more: Advisory committee concerning construction, installation and maintenance of benches, shelters and transit stops.
- [NRS 277A.350](#) Cooperation with local air pollution control board and regional planning coalition in certain counties; prerequisites to adoption or amendment of plan, policy or program.
- [NRS 277A.360](#) Annual reports to Department by commissions in certain counties.
- [NRS 277A.370](#) Agreements for exchange of cash flow based on price of fuel.
- [NRS 277A.380](#) Exercise of additional powers.

GENERAL PROVISIONS

NRS 277A.010 Short title. This chapter may be known and cited as the Regional Transportation Commission Act.

(Added to NRS by [2009, 836](#))

NRS 277A.020 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 277A.030](#) to [277A.150](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2009, 836](#))

NRS 277A.030 “Acquire” and “acquisition” defined. “Acquire” or “acquisition” means the opening, laying out, establishment, purchase, construction, securing, installation, reconstruction, lease, gift, grant from the United States of America, any agency, instrumentality or corporation thereof, the State of Nevada, any body corporate and politic therein, any corporation, or any person, the endowment, bequest, devise, condemnation, transfer, assignment, option to purchase, other contract, or other acquirement, or any combination thereof, of any project, or an interest therein, authorized by this chapter.

(Added to NRS by [2009, 837](#))

NRS 277A.040 “Board” defined. “Board” means the board of county commissioners.

(Added to NRS by [2009, 837](#))

NRS 277A.050 “City” defined. “City” means an incorporated city.

(Added to NRS by [2009, 837](#))

NRS 277A.060 “Commission” defined. “Commission” means a regional transportation commission created pursuant to [NRS 277A.170](#).

(Added to NRS by [2009, 837](#))

NRS 277A.070 “Department” defined. “Department” means the Department of Motor Vehicles.

(Added to NRS by [2009, 837](#))

NRS 277A.080 “Fixed guideway” defined. “Fixed guideway” means a mass transportation facility which uses and occupies a separate right-of-way or rails exclusively for public transportation, including, without limitation, fixed rail, automated guideway transit and exclusive facilities for buses.

(Added to NRS by [2009, 837](#))

NRS 277A.090 “Improve” and “improvement” defined. “Improve” or “improvement” means the extension, widening, lengthening, betterment, alteration, reconstruction, surfacing, resurfacing or other major improvement, or any combination thereof, of any project, or an interest therein, authorized by this chapter. The term includes renovation, reconditioning, patching, general maintenance and other minor repairs.

(Added to NRS by [2009, 837](#))

NRS 277A.100 “Project” defined. “Project” means:

1. In a county whose population is 100,000 or more, street and highway construction, including, without limitation, the acquisition and improvement of any street, avenue, boulevard, alley, highway or other public right-of-way used for any vehicular traffic, and including a sidewalk designed primarily for use by pedestrians, and also including, without limitation, grades, regrades, gravel, oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian rights-of-way, driveway approaches, curb cuts, curbs, gutters, culverts, catch basins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial lights and lighting equipment, parkways, grade separators, traffic separators and traffic control equipment, and all appurtenances and incidentals, or any combination thereof, including, without limitation, the acquisition and improvement of all types of property therefor.

2. In a county whose population is less than 100,000, street and highway construction, maintenance or repair, or any combination thereof, including, without limitation, the acquisition, maintenance, repair and improvement of any street, avenue, boulevard, alley, highway or other public right-of-way used for any vehicular traffic, and including a sidewalk designed primarily for use by pedestrians, and also including, without limitation, grades, regrades, gravel, oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian rights-of-way, driveway approaches, curb cuts, curbs, gutters, culverts, catch basins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial lights and lighting equipment, parkways, grade separators, traffic separators and traffic control equipment, and all appurtenances and incidentals, or any combination thereof,

including, without limitation, the acquisition, maintenance, repair and improvement of all types of property therefor.

(Added to NRS by [2009, 837](#))

NRS 277A.110 “Public highway” defined. “Public highway” means any street, road, alley, thoroughfare, way or place of any kind used by the public or open to the use of the public as a matter of right for the purpose of vehicular traffic.

(Added to NRS [2009, 838](#))

NRS 277A.120 “Public transit system” defined. “Public transit system” means a system employing motor buses, rails or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

(Added to NRS by [2009, 838](#))

NRS 277A.130 “Street banner” defined. “Street banner” means a sign which a commission has authorized pursuant to [NRS 277A.310](#) to be hung:

1. Along any street, avenue, boulevard, alley, public highway or other public right-of-way used for any vehicular traffic, and including a sidewalk designed primarily for use by pedestrians, within the jurisdiction of the commission.
2. On any facility owned or leased by the commission, the county or any participating city.

(Added to NRS by [2009, 838](#))

NRS 277A.140 “Town” defined. “Town” means an unincorporated town.

(Added to NRS by [2009, 838](#))

NRS 277A.150 “Vending stand” defined. “Vending stand” means:

1. Such buildings, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment as are necessary or customarily used for the vending of such articles or the provision of such services as may be approved by the commission and the governing body having care, custody and control of the property on which the vending stand is located;
2. Manual or coin-operated vending machines or similar devices for vending such articles, operated at buildings, terminals and parking facilities owned or leased by the commission, even though no person is physically present on the premises except to service the machines;
3. A snack bar for the dispensing of foodstuffs and beverages; or

4. Portable shelters which can be disassembled and reassembled, and the equipment therein, used for the vending of approved articles, foodstuffs or beverages or the provision of approved services.

(Added to NRS by [2009, 838](#))

NRS 277A.160 Interpretation and construction of chapter. This chapter shall be so interpreted and construed as to make uniform so far as possible the laws and regulations of this State and other states and of the government of the United States having to do with the subject of transportation.

(Added to NRS by [2009, 850](#))

ESTABLISHMENT

NRS 277A.170 Creation by ordinance in certain counties. In any county for all or part of which a streets and highways plan has been adopted as a part of the master plan by the county or regional planning commission pursuant to [NRS 278.150](#), the board may by ordinance create a regional transportation commission.

(Added to NRS by [2009, 839](#))

NRS 277A.180 Composition; selection and terms of representatives.

1. In counties whose population is 100,000 or more, the commission must be composed of representatives selected by the following entities from among their members:

- (a) Two by the board.
- (b) Two by the governing body of the largest city in the county.
- (c) One by the governing body of each additional city in the county.

2. In counties whose population is less than 100,000, the commission must be composed of representatives selected as follows:

(a) If the county contains three or more cities:

- (1) Two by the board.
- (2) One by the governing body of the largest city.

(b) If the county contains only two cities:

(1) Three by the board, at least one of whom is a representative of the public who is a resident of the county.

(2) One by the governing body of each city in the county.

(c) If the county contains only one city:

(1) Two by the board.

(2) One by the governing body of the city.

(d) If the county contains no city, the board shall select:

(1) Two members of the board; and

(2) One representative of the public, who is a resident of the largest town, if any, in the county.

3. In Carson City, the commission must be composed of representatives selected by the Board of Supervisors as follows:

(a) Two members of the Board of Supervisors, one of whom must be designated by the commission to serve as chair of the commission.

(b) Three representatives of the city at large.

4. The first representatives must be selected within 30 days after passage of the ordinance creating the commission, and, except as otherwise provided in subsections 5, 6 and 7, must serve until the next ensuing December 31 of an even-numbered year. The representative of any city incorporated after passage of the ordinance must be selected within 30 days after the first meeting of the governing body, and, except as otherwise provided in subsection 7, must serve until the next ensuing December 31 of an even-numbered year. Their successors must serve for terms of 2 years, and vacancies must be filled for the unexpired term.

5. In Carson City:

(a) One representative of the commission who is a member of the Board of Supervisors and one representative of the commission who is a representative of the city at large must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative of the commission who is a member of the Board of Supervisors and two representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered year.

6. In counties whose population is 100,000 or more, but less than 400,000:

(a) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an odd-numbered year.

7. In counties whose population is 400,000 or more, the first representatives and the representative of any city incorporated after passage of the ordinance must serve until the next ensuing June 30 of an odd-numbered year.

(Added to NRS by [2009, 839](#))

POWERS AND DUTIES

NRS 277A.200 Organization and meetings. The commission shall provide for its organization and meetings.

(Added to NRS by [2009, 840](#))

NRS 277A.210 Capacity to sue and be sued; budgets; bylaws and rules; plans for transportation; insurance against loss. A commission may:

1. Sue and be sued.
2. Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.
3. Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its control.
4. Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.
5. Purchase insurance or establish a reserve or fund for self-insurance, or adopt any combination of these, to insure against loss by reason of:

(a) Damages resulting from fire, theft, accident or other casualty; or

(b) The commission's liability for other damages to persons or property which occur in the construction or operation of facilities or equipment under its control or in the conduct of its activities.

(Added to NRS by [2009, 841](#))

NRS 277A.220 Designation and duties as metropolitan planning organization.

1. A commission may be designated as a metropolitan planning organization pursuant to 23 U.S.C. § 134 and 49 U.S.C. § 5303.

2. If a commission is designated as a metropolitan planning organization, the commission shall carry out the duties prescribed by federal law for a metropolitan planning organization in addition to any other duties required by specific statute.

(Added to NRS by [2009, 840](#))

NRS 277A.230 Powers regarding federal money and projects and public hearings; compliance with federal law.

1. In any county in which a commission has been created by ordinance, the commission may:

- (a) Receive and disburse federal funds;
- (b) Submit project applications and programs of projects to federal agencies;
- (c) Enter into formal agreements concerning projects with federal agencies; and
- (d) Conduct public hearings and certify that such hearings were conducted.

2. If a commission receives federal funds for any project, the commission shall comply with any applicable federal law in relation to providing goods or services related to such project.

(Added to NRS by [2009, 840](#))

NRS 277A.240 Creation of fund to match federal money. The commission may establish a fund consisting of contributions from private sources, the State or the county and cities and towns within the jurisdiction of the commission for the purpose of matching federal money from any federal source.

(Added to NRS by [2009, 840](#))

NRS 277A.250 Powers regarding property, eminent domain and adoption of regulations. A commission may:

- 1. Acquire and own both real and personal property.
- 2. Exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves, for the acquisition, construction, repair or maintenance of public roads, or for any other purpose related to public mass transportation.
- 3. Sell, lease or convey or otherwise dispose of rights, interests or properties.
- 4. Adopt regulations for:
 - (a) Financing eligible activities; and

(b) The operation of systems or services provided by the commission.

(Added to NRS by [2009, 840](#))

NRS 277A.260 Security in operations; employment of personnel; establishment of fines. A commission may:

1. Provide for and maintain such security in operations as is necessary for the protection of persons and property under its jurisdiction and control.

2. Employ professional, technical, clerical and other personnel necessary to carry out the provisions of this chapter.

3. Establish a fine for a passenger who refuses to pay or otherwise fails to pay the proper fare to ride on the public transit system established and operated by the commission. If the commission establishes such a fine, the commission may establish procedures that provide for the issuance and collection of the fine.

(Added to NRS by [2009, 841](#))

NRS 277A.270 Exclusive operation of system of public transportation; use of public rights-of-way and property of commission; entry into contracts and other agreements; powers and duties inapplicable to certain monorails.

1. A commission may:

(a) Operate a system of public transportation to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.

(b) Use streets, roads, highways and other public rights-of-way for public transportation.

(c) Enter into agreements for the joint use of facilities, installations and properties and the joint exercise of statutory powers.

(d) Prohibit the use of any facility, installation or property owned, operated or leased by the commission, including, without limitation, a transit stop or bus turnout, by any person other than the commission or its agents.

(e) Enter into contracts, leases and agreements with and accept grants and loans from federal and state agencies, counties, cities, towns, other political subdivisions, public or private corporations and other persons, and may perform all acts necessary for the full exercise of the powers vested in the commission.

2. The powers and duties of a commission set forth in this chapter do not apply to any monorail for which a franchise has been granted pursuant to [NRS 705.695](#) or an agreement has been entered into pursuant to [NRS 705.695](#).

3. As used in this section, “bus turnout” means a fixed area that is:

(a) Adjacent or appurtenant to, or within a reasonable proximity of, a public highway; and

(b) To be occupied exclusively by buses in receiving or discharging passengers.

(Added to NRS by [2009, 841](#))

NRS 277A.280 Authority of commission and certain counties and cities to establish or operate public transit system; utilization of turnkey procurement for and development of fixed guideway project; utilization of competitive negotiation procurement process.

1. A commission, a county whose population is less than 100,000 or a city within such a county may establish or operate a public transit system consisting of:

(a) Regular routes and fixed schedules to serve the public;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in [NRS 435.176](#), if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or a city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

2. A commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 400,000, such a system may also provide service which includes:

(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the Nevada Transportation Authority pursuant to [NRS 706.386](#) to [706.411](#), inclusive, and the service is subject to the rules and regulations adopted by the Nevada Transportation Authority for a fully regulated carrier.

4. Notwithstanding the provisions of [chapter 332](#) of NRS or [NRS 625.530](#), a commission may utilize a turnkey procurement process to select a person to design, build, operate and maintain, or any combination thereof, a fixed guideway system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a fixed guideway project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

5. Notwithstanding the provisions of [chapter 332](#) of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a fixed guideway project, rolling stock for a public transit system, facilities and any other equipment that is related to public transportation. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

6. If a commission develops a fixed guideway project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

(a) “Fully regulated carrier” means a common carrier or contract carrier of passengers or household goods who is required to obtain from the Nevada Transportation Authority a certificate of public convenience and necessity or a contract carrier’s permit and whose rates, routes and services are subject to regulation by the Nevada Transportation Authority.

(b) “Minimum operable segment” means the shortest portion of a fixed guideway system that is technically capable of providing viable public transportation between two end points.

(c) “Turnkey procurement” means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a fixed guideway system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

(Added to NRS by [2009, 842](#); A [2009, 2239](#))

NRS 277A.290 Powers regarding parking facilities or parking spaces for general public and public employees.

1. A commission may construct, convert, improve, equip and maintain parking facilities or parking spaces for use by the general public and public employees. Such facilities or spaces must be owned and operated by the commission or its agents.

2. The commission may fix and charge reasonable fees for the use of any such parking facilities or spaces.

3. The commission may enter into a contract, lease or other arrangement to provide exclusive parking in designated spaces at any parking facility owned, leased or operated by the commission.

(Added to NRS by [2009, 844](#))

NRS 277A.300 Electrical and communication systems and related infrastructure: Construction, modification, operation and maintenance; repairing of damage.

1. Subject to the provisions of subsections 2, 4 and 5, the commission may construct, modify, operate and maintain electrical and communication systems, including, without limitation, traffic signalization or messaging systems, and related infrastructure that are necessary to carry out the commission's duties set forth in this chapter within any public easement or right-of-way, including, without limitation, a public easement or right-of-way dedicated or restricted for use by any utility, if:

(a) The public easement or right-of-way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and

(b) The electrical and communication systems and related infrastructure may be located safely within the public easement or right-of-way without damaging the facilities of other persons who are authorized to place their facilities within the public easement or right-of-way.

2. If the commission and the governmental entity that owns or controls a public easement or right-of-way execute an interlocal or cooperative agreement that authorizes the construction, installation, maintenance and use of the electrical and communication systems and related infrastructure within the public easement or right-of-way, the commission or any person authorized by the commission may construct or install any electrical and communication systems and related infrastructure within the public easement or right-of-way.

3. If the commission or any person authorized by the commission intends to construct or install any electrical or communication systems or related infrastructure within any public easement that is located within the common area or common elements of a common-interest community governed by an association, the commission shall:

(a) Provide the governing body of the association with written notice of the intent to construct or install the electrical or communication systems or related infrastructure within the public easement at least 30 days before such construction or installation begins; and

(b) Coordinate, to the extent practicable, with the governing body of the association to determine an appropriate location for the electrical or communication systems or related infrastructure within the public easement.

4. The commission may require any person who causes damage to an electrical or communication system or related infrastructure to:

(a) Reimburse the commission for the cost of repairing the damage to the electrical or communication system or related infrastructure; or

(b) Repair the damage to the electrical or communication system or related infrastructure to the satisfaction of the commission.

5. A commission that modifies, operates and maintains electrical and communication systems pursuant to this section is not a public utility and nothing in this section authorizes a commission to construct or maintain any telecommunications system, including, without limitation, a tower, pole or similar structure used to provide telecommunications services.

(Added to NRS by [2009, 845](#))

NRS 277A.310 Placement of street banners: Authority of commission; restrictions; fees.

1. A commission may authorize street banners to be placed within the jurisdiction of the commission:

(a) Along any public highway.

(b) Except as otherwise provided in subsections 2 and 3, on a facility owned or leased by the commission, the county or any participating city, or within any public easement or right-of-way, including, without limitation, a public easement or right-of-way dedicated or restricted for use by any utility, if:

(1) The facility, public easement or right-of-way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and

(2) The street banners may be located safely on the facility or within the public easement or right-of-way without damaging the facilities of other persons who are authorized to place their facilities within the public easement or right-of-way.

2. If the commission and the governmental entity that owns or controls a facility, public easement or right-of-way execute an interlocal or cooperative agreement that authorizes the placement of street banners, the commission may place street banners on the facility or within the public easement or right-of-way.

3. If the commission or any person authorized by the commission intends to place any street banner within any public easement that is located within the common area or common elements of a common-interest community governed by an association, the commission shall:

(a) Provide the governing body of the association with written notice of the intent to place the street banner within the public easement at least 30 days before such placement; and

(b) Coordinate, to the extent practicable, with the governing body of the association to determine an appropriate location for the street banner within the public easement.

4. A commission may charge a fee to place a street banner. Any such fee collected by the commission must be paid to the governmental entity that owns or controls the facility, public easement or right-of-way where the street banner is placed. The governmental entity shall pay to the commission an administrative fee in an amount set forth in the agreement required pursuant to subsection 2. Any administrative fee paid to the commission pursuant to this subsection must be used by the commission to fund road improvement and maintenance.

(Added to NRS by [2009, 842](#))

NRS 277A.320 Counties whose population is 400,000 or more: Construction, installation and maintenance of vending stands for passengers of public mass transportation.

1. In a county whose population is 400,000 or more, the commission may provide for the construction, installation and maintenance of vending stands for passengers of public mass transportation in any building, terminal or parking facility owned, operated or leased by the commission.

2. The provisions of [NRS 426.630](#) to [426.720](#), inclusive, do not apply to a vending stand constructed, installed or maintained pursuant to this section.

(Added to NRS by [2009, 844](#))

NRS 277A.330 Counties whose population is 400,000 or more: Construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation. In a county whose population is 400,000 or more:

1. The commission shall provide for the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation.

2. In carrying out its duties pursuant to subsection 1, the commission may displace or limit competition in the construction, installation and maintenance of such benches, shelters and transit stops. The commission may:

(a) Provide those services on an exclusive basis or adopt a regulatory scheme for controlling the provision of those services; or

(b) Grant an exclusive franchise to any person to provide those services.

3. Subject to the provisions of subsections 4 and 5, the commission or any person who is authorized by the commission to provide for the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation may locate such benches, shelters and transit stops within any public easement or right-of-way, including, without limitation, a public easement or right-of-way dedicated or restricted for use by any utility, if:

(a) The public easement or right-of-way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and

(b) The benches, shelters and transit stops may be located safely within the public easement or right-of-way without damaging the facilities of other persons who are authorized to place their facilities within the public easement or right-of-way.

4. Before the commission or any person authorized by the commission may construct or install any benches, shelters and transit stops within any public easement or right-of-way, the commission and the governmental entity that owns or controls the public easement or right-of-way shall execute an interlocal or cooperative agreement that authorizes the construction, installation, maintenance and use of the benches, shelters and transit stops within the public easement or right-of-way.

5. If the commission or any person authorized by the commission intends to construct or install any benches, shelters or transit stops within any public easement that is located within the common area or common elements of a common-interest community governed by an association, the commission shall:

(a) Provide the governing body of the association with written notice of the intent to construct or install the benches, shelters or transit stops within the public easement at least 30 days before such construction or installation begins; and

(b) Coordinate, to the extent practicable, with the governing body of the association to determine an appropriate location for the benches, shelters or transit stops within the public easement.

6. The commission shall post on each bench, within each shelter and near each transit stop a notice that provides a telephone number that a person may use to report damage to the benches, shelters or transit stops.

7. No board, governing body or town board may:

(a) Provide for the construction, installation or maintenance of benches, shelters and transit stops for passengers of public mass transportation except with the approval of or at the request of the commission; or

(b) Adopt any ordinance, regulation or plan, enter into or approve any franchise, contract or agreement or take any other action that prohibits or unreasonably restricts the commission from providing for the construction, installation or maintenance of benches, shelters and transit stops for passengers of public mass transportation.

(Added to NRS by [2009, 844](#))

NRS 277A.340 Counties whose population is 400,000 or more: Advisory committee concerning construction, installation and maintenance of benches, shelters and transit stops.

1. In a county whose population is 400,000 or more, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county. The membership of the advisory committee must consist of:

(a) Two members of the general public from each city within the county who are appointed by the governing body of that city; and

(b) Six members of the general public appointed by the commission.

2. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

3. A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.

4. The advisory committee shall meet at least six times annually.

5. At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.

6. Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

(Added to NRS by [2009, 845](#))

NRS 277A.350 Cooperation with local air pollution control board and regional planning coalition in certain counties; prerequisites to adoption or amendment of plan, policy or program.

1. In a county whose population is 400,000 or more, the commission shall cooperate with the local air pollution control board and the regional planning coalition in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) Establish and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, the commission must:

(a) Consult with the local air pollution control board and the regional planning coalition; and

(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:

(1) The plans, policies and programs adopted or proposed to be adopted by the local air pollution control board and the regional planning coalition; and

(2) Plans for capital improvements that have been prepared pursuant to [NRS 278.0226](#).

3. As used in this section:

(a) “Local air pollution control board” means a board that establishes a program for the control of air pollution pursuant to [NRS 445B.500](#).

(b) “Regional planning coalition” has the meaning ascribed to it in [NRS 278.0172](#).

(Added to NRS by [2009, 848](#))

NRS 277A.360 Annual reports to Department by commissions in certain counties. In counties having a population of less than 100,000, the commission shall submit an annual report to the Department for the fiscal year showing the amount of receipts from the county motor vehicle fuel tax imposed pursuant to [chapter 373](#) of NRS and the nature of the expenditures for each project.

(Added to NRS by [2009, 848](#))

NRS 277A.370 Agreements for exchange of cash flow based on price of fuel.

1. A commission that budgets \$1,000,000 or more in any fiscal year for the purchase of fuel may enter into an agreement for an exchange of cash flow based on the price of fuel as provided in this section if it finds that such an agreement would be in the best interest of the commission.

2. A commission may only enter into an agreement to exchange cash flow payments based on the price of fuel only if:

(a) The long-term unsecured debt obligations of the person with whom the commission enters the agreement are rated “A” or better by a nationally recognized rating agency; or

(b) The obligations pursuant to the agreement of the person with whom the commission enters the agreement are guaranteed by a person whose long-term debt obligations are rated “A” or better by a nationally recognized rating agency.

3. A commission may agree, with respect to a fuel that the commission has budgeted to purchase in a fiscal year:

(a) To pay sums based on a fixed price or prices for that fuel, on an amount of the fuel that does not exceed the amount of the fuel that the commission expects to acquire over a period that

is not more than 63 months from the date of the agreement, in exchange for an agreement by the other party to pay sums equal to a variable price for that fuel determined pursuant to a formula or price reference set forth in the agreement on the same amount of the fuel as the amount used in determining the sums payable by the commission;

(b) To pay sums based on a variable price or prices for that fuel determined pursuant to a formula or price reference set forth in the agreement, on an amount of fuel that does not exceed the amount of the fuel the commission expects it will acquire over the period that is not more than 63 months from the date of the agreement, in exchange for an agreement by the other party to pay sums equal to a fixed price or prices for that fuel on the same amount of fuel as the amount used in determining the sums payable by the commission; or

(c) To pay sums based on a variable price or prices for the fuel determined pursuant to a formula or price reference set forth in the agreement, on an amount of the fuel that does not exceed the amount of the fuel that the commission expects it will acquire over the period that is not more than 63 months from the date of the agreement, in exchange for an agreement by the other party to pay sums equal to a different variable price for that fuel determined pursuant to a formula or price reference set forth in the agreement on the same amount of the fuel as the amount used in determining the amount payable by the commission.

4. The payments to be made for any fiscal year must be based on the amounts of the fuel that the commission expects to buy or sell during that fiscal year and must be scheduled to be paid within an 18-month period that begins 3 months before and ends 3 months after the fiscal year.

5. A certification by the commission or its chief financial officer as to any determination made under this section or as to the amount of fuel that a commission expects to buy or sell during the term of an agreement entered into pursuant to this section, or during all or any part of any fiscal year that is wholly or partially included in the term of an agreement entered into pursuant to this section, is conclusive, absent fraud, for the purpose of determining whether the commission is authorized to enter into an agreement under this section.

6. The term of an agreement entered into pursuant to this section may not exceed 63 months.

7. An agreement entered into pursuant to this section is not:

(a) A debt or indebtedness of the commission for the purposes of any limitation upon the indebtedness of the commission or any requirement for an election with regard to the issuance of securities that is applicable to the commission.

(b) Subject to the limitations of subsection 1 of [NRS 354.626](#).

8. A commission which has entered into an agreement pursuant to this section may use the price it pays or expects to pay for fuel after giving effect to the agreement for the purpose of calculating:

(a) Rates and charges of a revenue-producing enterprise whose revenues are pledged to or used to pay municipal securities;

(b) Statutory requirements concerning revenue coverage that are applicable to municipal securities; and

(c) Any other amounts which are based upon the amounts to be paid for fuel.

9. Subject to covenants applicable to municipal securities to which any revenues of the commission or county are pledged, any payments required to be made by the commission under an agreement may be made from money that could be used to pay for the fuel or from any other legally available source.

10. The powers granted by this section are in addition to all other powers of any commission, and nothing herein limits the exercise of a power a commission otherwise has.

(Added to NRS by [2009, 849](#))

NRS 277A.380 Exercise of additional powers. In addition to the general and special powers conferred by this chapter, a commission is authorized to exercise such powers as are necessary.

(Added to NRS by [2009, 850](#))

PART 1050**RULES GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC IN
THE USE OF THE FACILITIES OF NEW YORK CITY TRANSIT
AUTHORITY AND MANHATTAN AND BRONX SURFACE TRANSIT
OPERATING AUTHORITY**

(Statutory authority: Public Authorities Law, §§1203-a, 1204-a, 1205-a, 1209-a)

Sec.

1050.1	Authorization and purpose
1050.2	Definitions
1050.3	Construction
1050.4	Payment of fare and access to authority facilities
1050.5	Property and equipment
1050.6	Use of transit system
1050.7	Disorderly conduct
1050.8	Weapons and other dangerous instruments
1050.9	Restricted areas and activities
1050.10	Fines and penalties
1050.11	Ejection
1050.12	Persons authorized to issue notices of violation

Historical Note

Part (§§1050.1-1050.2) added by renum. Part 700, filed Aug. 28, 1974; repealed, new (§§1050.1-1050.12) filed May 24, 1985 eff. June 14, 1985.

§ 1050.1 Authorization and purpose.

(a) The provisions of sections 1203-a(3) and 1204(5-a) of the Public Authorities Law provide the New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority with the power to make rules governing the conduct and safety of the public in the use and operation of the transit facilities of those authorities.

(b) These rules are established by the New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority to promote safety, to facilitate the proper use of the transit facilities of the authorities, to protect those transit facilities and their passengers, and to assure the payment of fares and other lawful charges for the use of their systems.

(c) These rules may be amended or added to, from time to time, at the sole discretion of the New York City Transit Authority or Manhattan and Bronx Surface Transit Operating Authority in accordance with law.

Historical Note

Sec. added by renum. 700.1, filed May 28, 1974; repealed, new filed May 24, 1985: amd. filed Sept. 26, 1994 eff. Oct. 12, 1994. Amended (a).

§ 1050.2 Definitions.

The following terms as used in these rules shall have the following meanings:

(a) *Authority* means collectively the New York City Transit Authority and its subsidiary, Manhattan and Bronx Surface Transit Operating Authority, public benefit corporations of the State of New York, except if the context in which the word *authority* is used indicates that it is either (but not both) New York City Transit Authority or Manhattan and Bronx Surface Transit Operating Authority to which reference is being made.

(b) *Facilities* includes all property and equipment, including, without limitation, rights of way and related trackage, rails, signal, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices and other real estate or personalty used or held for or incidental to the operation, rehabilitation or improvement of any rapid transit railroad or omnibus line of the authority.

(c) *[Reserved]*

(d) *Sound production device* includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device or system and any sound amplifier.

(e) *Conveyance* includes any subway or rapid transit car or train, locomotive, omnibus or other vehicle previously used or held for use by the authority as a means of transportation of passengers.

(f) *Rules* means these rules.

(g) *Person* means any individual, firm, copartnership, corporation, association or company.

(h) *Fare* means the lawful charges established by the authority for the use of its facilities.

(i) *Fare media* means the various instruments issued by or on behalf of the authority to use for the payment of fare, including, but not limited to, tokens, passes, farecards, transfers, tickets, and vouchers.

Historical Note

Sec. added by renum. 700.2, filed Aug. 28, 1974; repealed, new filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.3 Construction.

In interpreting or applying the rules, the following provisions shall apply:

(a) The authority reserves the right from time to time to suspend, modify or revoke the application of any or all of the rules as it deems necessary or desirable.

(b) Any act otherwise prohibited by any of the rules is lawful if specifically authorized by agreement, permit, license, or other writing duly signed by an authorized officer of the authority or if performed by an officer, employee or designated agent of the authority acting within the scope of his or her employment or agency.

(c) Rules shall apply with equal force to any person assisting, aiding or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting another in the avoidance of any of the requirements of the rules.

(d) The order or judgment of a court or other tribunal of competent jurisdiction that any provision of the rules is invalid shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate any other provision of the rules or the application of any part of the rules to any other person or circumstances; the provisions of the rules are declared to be severable.

(e) The singular shall mean and include the plural; the masculine gender shall mean the feminine and the neuter genders; and vice versa.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.4 Payment of fare and access to authority facilities.

(a) No person shall use or enter upon the facilities or conveyances of the authority, for any purpose, without the payment of the fare or tender of other valid fare media used in accordance with any conditions and restrictions imposed by the authority. For the purposes of this section, it shall be considered an entrance into a facility or conveyance whenever a person passes through a point at which a fare is required or collected.

(b) *[Reserved]*

(c) Except for employees of the authority acting within the scope of their employment, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of the authority without the written permission of a representative of the authority duly authorized by the authority to grant such right to others.

(d) No person shall put or attempt to put any paper, article, instrument or item, other than fare media issued by the authority and valid for the place, time and manner in which used, into any farebox, turnstile, pass reader or other fare collection instrument, receptacle, device, machine or location.

(e) Fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with the rules shall be confiscated.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.5 Property and equipment.

(a) No person shall destroy, mark, soil or paint, or draw, inscribe, write, spray paint or place graffiti upon, or remove, injure or tamper with any facility, conveyance, sign, advertisement or notice of the authority, except that this provision shall not apply to any work within the scope of any contract made by or on behalf of the authority.

(b) No person shall post, distribute or display any sign, poster, notice, advertisement or other printed or written matter in or on any facility or conveyance without the permission of the authority, except as otherwise provided by law.

(c) Except as an incident to travel on authority facilities for which a fare has been paid or which has otherwise been duly authorized by the authority, no conveyance or facility may be occupied, used or handled, except by permit, agreement, license or other authorization of the authority duly made.

Historical Note

Sec. filed May 24, 1985 eff. June 14, 1985.

§ 1050.6 Use of the transit system.

(a) No person may vandalize or attempt to vandalize any facility or conveyance, or perform any act which causes or may tend to cause damage to any facility or conveyance, interfere with the provision of transit service or obstruct the flow of traffic on facilities or conveyances or which would in any way interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances of the authority.

(b) No person, unless duly authorized by the authority shall engage in any commercial activity upon any facility or conveyance. Commercial activities include:

(1) the advertising, display, sale, lease, offer for sale or lease, or distribution of food, goods, services or entertainment (including the free distribution of promotional goods or materials); and

(2) the solicitation of money or payment for food, goods, services or entertainment. No person shall panhandle or beg upon any facility or conveyance.

(c) Except as expressly authorized and permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation. The following nontransit uses are authorized and permitted by the authority, provided they do not impede transit activities and they are conducted in accordance with the rules governing the conduct and safety of the public in the use of the facilities of New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority: public speaking; distribution of written noncommercial materials; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that (1) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under section 21-111 of the Administrative Code of the City of New York or any successor provision, or (2) are duly registered as charitable organizations with the Secretary of State of New York under section 172 of the New York Executive Law or any successor provision, or (3) are exempt from Federal income tax under section 501(c)(3) of the

United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications.

(1) Permitted nontransit uses may be conducted in the transit system except when on or within: a subway car; an omnibus; any area not generally open to the public; 25 feet of a token booth; or 50 feet from the marked entrance to an authority office or tower. The following activities are not subject to the distance requirements from a token booth or authority office or tower: leafletting or distribution of literature, campaigning, public speaking or similar activities, provided that no sound production device is used and no physical obstruction, such as a table or other object, is present.

(2) In no event will an activity be permitted in a location which interferes with the access onto or off of an escalator, stairway or elevator, or otherwise interferes with or impedes transit services or the movement of passengers.

(3) No activity permitted by this authorization shall be conducted on a subway platform while construction, renovation or maintenance work is actively underway on or near the platform, or on or near the staircases, escalators, or elevators leading to the platform and including any such work in or near track areas.

(4) No activity may be permitted which creates excessive noise or which emits noise that interferes with transit operations. The emission of any sound in excess of 85 dBA on the A weighted scale measured at five feet from the source of the sound or 70 dBA measured at two feet from a token booth is excessive noise and is prohibited. In no event will the use of amplification devices of any kind, electronic or otherwise, be permitted on subway platforms.

(5) No person shall use media devices such as films, slides or video-tapes.

(6) No person shall conduct or continue to conduct an activity permitted by this authorization which includes the use of a sound production device during any announcement made over the public address system or by a transit police officer or by an authority employee.

(7) No person shall misrepresent through words, signs, leaflets, attire or otherwise such person's affiliation with or lack of affiliation with or support by any organization, group, entity or cause, including any affiliation with or support by the authority or the Metropolitan Transportation Authority or any of their programs, such as Music Under New York or Arts for Transit.

(8) Any person using the transit system for nontransit activities permitted pursuant to this rule does so at his or her own risk, and the authority assumes no liability by the grant of this authorization.

(d) All persons on or in any facility or conveyance of the authority shall:

(1) comply with all lawful orders and directives of any transit police officer or other authority employee acting within the scope of his or her employment;

(2) obey any instructions on notices or signs duly posted on any authority facility or conveyance; and

(3) provide accurate, complete and true information or documents requested by transit police officers or other authority personnel acting within the scope of their employment and otherwise in accordance with law.

(e) No persons shall refuse or fail to relinquish a seat on a conveyance which has been designated as "PRIORITY SEATING," "WHEELCHAIR PRIORITY SEATING" or words of similar import, if requested to do so by or on behalf of a person with a disability, or occupying any location on a conveyance designated for use by persons using wheelchairs if such location is required to accommodate a person using a wheelchair. Further, passengers aboard buses equipped with wheelchair lift devices shall not conduct themselves in a manner which will impede the operation of such lifts, impede the securing of wheelchairs in the tie-down devices located on such buses or impede the exit of such passengers using wheelchairs.

(f) No person shall bring or carry onto a conveyance any liquid in an open container.

(g) No person shall falsely represent himself or herself as an agent, employee or representative of the authority or falsely represent himself or herself as a member of the Transit Police Department.

Historical Note

Sec. filed May 24, 1985; amds. filed: Sept. 18, 1989; Dec. 29, 1989 as emergency measure; March 26, 1990 as emergency measure; May 21, 1990 as emergency measure; July 3, 1990; Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.7 Disorderly conduct.

No person on or in any facility or conveyance shall:

(a) litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, urinating, except in facilities provided). Trash and other waste materials contained in waste receptacles shall not be removed, except by persons duly authorized by the authority;

(b) smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except in those areas or locations specifically designated by the authority as authorized for smoking;

(c) sleep or doze where such activity may be hazardous to such person or to others or may interfere with the operation of the authority's transit system or the comfort of its passengers;

(d) engage in any form of gambling, except as specifically authorized as, for example, at OTB parlors;

(e) create any sound through the use of any sound production device, except as authorized by section 1050.6(c) of this Part. Use of radios and other devices listened to solely by headphones or earphones and inaudible to others is permitted;

(f) throw, drop or cause to be propelled any stone, projectile or other article at, from, upon, in or on a facility or conveyance;

(g) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants;

(h) enter or remain in any facility or conveyance while his or her ability to function safely in the environment of an authority transit system is impaired by the consumption of alcohol or by the taking of any drug;

(i) conduct himself or herself in any manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace;

(j) occupy more than one seat on a station, platform or conveyance; lie on the floor, platform, stairway, landing or conveyance; or block free movement on a station, stairway, platform or conveyance; or

(k) commit any act which causes or may tend to cause harm to oneself to any other person including, but not limited to riding a bicycle, skateboard, roller skates, in-line skates or any self-propelled or motor-propelled vehicle. This provision does not apply to the proper use of self-propelled or motor-propelled wheelchairs or similar devices by a nonambulatory individual.

Historical Note

Sec. filed: May 24, 1985; March 26, 1990 as emergency measure; May 21, 1990 as emergency measure; July 3, 1990; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.8 Weapons and other dangerous instruments.

(a) No weapon, dangerous instrument, or any other item intended for use as a weapon may be carried in or on any facility or conveyance. This provision does not apply to law enforcement personnel and persons to whom a license for such weapon has been duly issued and is in force (provided in the latter case the weapon is concealed from view). For the purposes hereof, a weapon or dangerous instrument shall include, but not be limited to, a firearm, switchblade knife,

boxcutter, straight razor or razor blades that are not wrapped or enclosed in a protective covering, gravity knife, sword, shotgun or rifle.

(b) No explosives or other highly combustible materials, or radioactive materials, may be carried on or in any facility or conveyance, except as authorized by the authority.

(c) Subject to other provisions of the law, this section shall not apply to a rifle or shotgun which is unloaded and carried in an enclosed case, box or other container which completely conceals the item from view and identification as a weapon.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994 Amended (a).

§ 1050.9 Restricted areas and activities.

(a) No person, except as specifically authorized by the authority, shall enter or attempt to enter into any area not open to the public, including but not limited to train operator's cabs, conductor's cabs, bus operator's seat location, token booths, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns, train yards, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment.

(b) No vehicle, except as specifically authorized, may be parked on authority property.

(c) Photography, filming or video recording in any facility or conveyance is permitted except that ancillary equipment such as lights, reflectors or tripods may not be used. Members of the press holding valid identification issued by the New York City Police Department are hereby authorized to use necessary ancillary equipment. All photographic activity must be conducted in accordance with the provisions of this Part.

(d) No person may ride on the roof, platform between subway cars or on any other area outside any subway car or bus or other conveyance operated by the authority.

(e) No person shall extend his hand, arm, leg, head or other part of his or her person, or extend any item, article or other substance outside of the window or door of a subway car, bus or other conveyance operated by the authority.

(f) No person shall enter or leave a subway car, bus or other conveyance operated by the authority except through the entrances and exits provided for that purpose.

(g) No person may carry on or bring to any facility or conveyance any item that:

(1) is so long as to extend outside the window or door of a subway car, bus or other conveyance;

(2) constitutes a hazard to the operation of the authority, interferes with passenger traffic, or impedes service; and

(3) constitutes a danger or hazard to other persons.

Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes or other physical assistance devices.

(h) (1) No person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.

(2) Paragraph (1) of this subdivision does not apply to working dogs for law enforcement agencies, to service animals which have been trained or are being trained to aid or guide a person with a disability and are accompanying persons with disabilities, or to service animals which are being trained by a professional trainer. All service animals must be harnessed or leashed.

(3) Upon request by a law enforcement officer or other designated employee of the authority, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or a service animal in training. Upon request of designated authority personnel, a passenger must display a service animal license issued by the Department of Health of the City of New York or by other governmental agencies in New York

or elsewhere authorized to issue such licenses, or an identification from a professional training school that the animal is a trained service animal.

(4) Persons with disabilities who use service animals who do not have a service animal license or other proof that the animal is professionally trained as described in this subdivision may apply to the Metropolitan Transportation Authority on behalf of the authority for a service animal identification card.

(5) Designated authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal which posed a direct threat to the safety of other passengers.

Historical Note

Sec. filed May 24, 1985; amds. filed: March 31, 1993; Sept. 26, 1994 eff. Oct. 12, 1994.
Amended (a), (d), (h).

§ 1050.10 Fines and penalties.

Pursuant to section 1204(5-a) of the Public Authorities Law, any person committing one or more violations of these rules shall be subject to either:

(a) criminal prosecution in the criminal court of the City of New York, which court may impose a fine not to exceed \$25 or a term of imprisonment for not longer than 10 days, or both; or

(b) civil penalties imposed by the transit adjudication bureau in an amount not to exceed \$100 per violation (exclusive of interest or costs assessed thereon).

(1) The schedule of such civil penalties will be set forth in an internal procedure manual of the transit adjudication bureau and may be revised from time to time, including provisions for repeat offenses.

(2) In addition to a civil penalty for one or more violations of these rules, an additional penalty, not to exceed \$50, may be imposed upon the failure of a respondent in any proceeding commenced with respect to any such violation to make a timely response to or appearance in connection with a notice of violation or order issued by the authority in such proceeding.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.11 Ejection.

(a) Any person who is observed by a transit police officer to be violating any of these rules and who may receive or has received a notice of violation therefore is subject to ejection from the facilities.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

§ 1050.12 Persons authorized to issue notices of violation.

(a) Any transit police officer, New York City police officer, or other person(s) designated by the president of the authority shall be empowered to issue a notice of violation for violation of any of these rules.

Historical Note

Sec. filed May 24, 1985; amd. filed Sept. 26, 1994 eff. Oct. 12, 1994.

Chapter 306: COUNTY TRANSIT SYSTEM; REGIONAL TRANSIT AUTHORITY; REGIONAL TRANSIT COMMISSION

306.01 Establishing county transit system.

(A) Whenever the county commissioners of any county declare, by resolution, that it is essential to the best interests of the county that a county transit system be established, the commissioners shall either appoint a county transit board, with powers and duties as specified by sections 306.01 to [306.13](#) and section [306.99](#) of the Revised Code, or state in the resolution that the board of county commissioners itself shall operate the county transit system and assume all the powers and duties assigned to a board of county commissioners in sections [306.04](#), [306.06](#), [306.08](#), [306.09](#), [306.10](#), [306.12](#), and [306.13](#) of the Revised Code; except that no county transit board shall be appointed nor any county transit system established in any county which is included in whole or in part in a regional transit authority established pursuant to sections [306.30](#) to [306.53](#) of the Revised Code.

(B) Once a county transit system has been established, the board of county commissioners may, by resolution, change the governing board for the system from the board of county commissioners to a county transit board, or from a county transit board to the board of county commissioners. If the resolution transfers the governing authority from the county transit board to the board of county commissioners, the transfer shall not occur for six months after the date of the resolution. On the date of transfer, the transit board shall be dissolved, the board of county commissioners shall assume all contracts, property, and debts of the transit board, and all transit employees shall be transferred to the control of the board of county commissioners. The board of county commissioners shall collect all taxes levied by the transit board for the county transit system.

If the resolution transfers the governing authority to a county transit board, the board of county commissioners shall appoint a board under section [306.02](#) of the Revised Code. All transit employees except the executive director of the system shall be transferred to the control of the county transit board. The board of county commissioners shall transfer to the transit board, and the transit board shall assume, all contracts, property, and debts of the county relative to the transit system. The county shall continue to collect any taxes it levies for the transit system, but the proceeds shall be deposited in the funds of the transit board for the transit purposes for which they were levied.

(C) Any county that has a county transit system operated by the board of county commissioners shall create within the county general fund an account for the county transit system.

Effective Date: 10-25-1995

306.02 Members of board, qualifications, terms.

A county transit board authorized by section [306.01](#) of the Revised Code shall consist of seven members. All members shall be electors of the county, shall be appointed by the board of county commissioners, and shall have such qualifications as the board of county commissioners may establish in its resolution under section [306.01](#) of the Revised Code. The appointments shall be for overlapping three-year terms, provided that of the initial terms, two shall be for one year, two for two years, and three for three years. Appointments thereafter shall be for the full term of three years except that any vacancy which occurs during a term shall be filled for the unexpired term. The county commissioners shall fill any vacancy which occurs in the board within ninety days after the occurrence of the vacancy.

The members of the board shall not be interested financially in any contract, work, or service for the county.

The county commissioners shall designate a chairman for the term of his office or for the term of three years, whichever is shorter and shall fill any vacancy in such position. The compensation of the members of the

board shall be determined by the county commissioners. The county commissioners may fix the chairman's salary above those of the other board members. No more than four members of the board shall belong to the same political party.

A member of the board may be removed for cause by the county commissioners, but only after opportunity has been afforded for a public hearing before the county commissioners within ten days after written charges have been given such member. Such member shall be heard in person or by counsel and action by the county commissioners shall be final.

Effective Date: 10-25-1995

306.03 Organization of county transit board.

As soon as possible after the appointment of the initial members, a county transit board shall organize for the transaction of business, elect a vice-chairman and secretary and prescribe their duties, designate a fiscal officer who need not be a member of the board, and adopt bylaws, rules, and regulations to govern its proceedings. Thereafter the board shall hold regular meetings at least once every month. Special meetings may be called by the chairman, or at the request of any two members. All meetings shall be open to the public and the board shall keep full and accurate minutes of its proceedings, and minutes of its proceedings shall be maintained as a public record.

A majority of the board shall constitute a quorum for the conduct of business at its meetings. The board shall act by resolution and a concurrence of four members shall be sufficient for action by the board.

Effective Date: 10-25-1995

306.04 [First of two versions] Powers and duties of board.

(A) Except as otherwise provided in division (B) of this section, employees of a county transit board or a board of county commissioners operating a transit system are employees of the county. If the system is operated by the board of county commissioners, the board shall appoint an executive director, who shall be in the unclassified service.

(B) Any county transit board that established its own civil service organization and procedure prior to the effective date of this amendment shall continue to operate under that organization. Appointments and promotions in that system shall be made, as far as practicable, by competitive examination.

A board that established its own civil service organization prior to the effective date of this amendment shall establish by rule the seniority provisions relating to street railway and motor bus employees in effect at the time of the acquisition of the transit system by the county. The vacation, holiday, and sick leave privileges shall not be regulated by other provisions of law relating to public employees of the state or county, except that the transit board, its officers and employees, shall be subject to the public employees retirement system of the state and the transit board shall assume any pension obligations which have been assumed by any publicly owned transit system which the county may acquire.

(C) A county transit board or board of county commissioners operating a transit system may:

(1) Acquire in its name by gift, grant, purchase, or condemnation and hold and operate real estate and interests therein and personal property suitable for its purposes;

(2) In its name purchase, acquire, construct, enlarge, improve, equip, repair, maintain, sell, exchange, lease as lessee or lessor, receive a right of use of, and manage, control, and operate, in or out of the county, a county transit system consisting of all real estate and interests therein, personal property, and a combination thereof, for or related to the movement of persons including but not limited to street railway, tramline,

subways, rapid transits, monorails, and passenger bus systems but excluding therefrom trucks, the movement of property by truck, and facilities designed for use in the movement of property by truck for hire;

(3) Issue, with the approval of the county commissioners when the issuance is made by the transit board, revenue bonds of the county as provided in division (B) of section [306.09](#) of the Revised Code, to secure funds to accomplish its purposes. The principal of and interest on such bonds, together with all other payments required to be made by the trust agreement or indenture securing such bonds, shall be paid solely from revenues or other income accruing to the board from facilities of the county transit system designated in said agreement or indenture.

(4) Enter into contracts in the exercise of the rights, powers, and duties conferred upon it, and execute all instruments necessary in the conduct of its business;

(5) Fix, alter, and charge rates and other charges for the use of its real estate and interests therein, personal property, and combinations thereof;

(6) Employ such financial consultants, accountants, appraisers, consulting engineers, architects, construction experts, attorneys-at-law, managers and other supervisory personnel, and other officers, employees, and agents as it determines necessary to conduct its business, and fix their compensation and duties;

(7) Pledge, hypothecate, or otherwise encumber its revenues and other income as security for its obligations and enter into trust agreements or indentures for the benefit of revenue bondholders;

(8) Borrow money or accept or contract to accept advances, loans, gifts, grants, devises, or bequests from and enter into contracts or agreements with any federal, state, or other governmental or private source and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof including provisions which are required by such federal, state, or other governmental or private source to protect the interest of employees affected by such advances, loans, gifts, grants, devises, or bequests. Such advances, loans, gifts, grants, or devises may be subject to any reasonable reservation and any gift, grant, or devise or real estate may be in fee simple or any lesser estate. Any advances or loans received from any federal, state, or other governmental or private source may be repaid in accordance with the terms of such advance or loan.

(9) Conduct investigations and surveys into the needs of the public within or without the county for transportation services to provide for the movement of persons within, into, or from the area serviced or to be serviced by the county transit system;

(10) Enter into lawful arrangements with the appropriate federal or state department or agency, county, township, municipal corporation, or other political subdivision or public agency for the planning and installation of any public facilities which are determined necessary in the conduct of its business;

(11) Purchase fire, extended coverage, and liability insurance for the real estate and interests therein, personal property and any combination thereof, used by or in connection with the county transit system and insurance covering the board and the county transit system and its officers and employees for liability for damage or injury to persons or property;

(12) Procure and pay all or any part of the cost of group hospitalization, surgical, major medical, or sickness and accident insurance, or a combination thereof, for the officers and employees of the county transit system and their immediate dependents, issued by an insurance company, duly authorized to do business in this state;

(13) Sell, lease, release, or otherwise dispose of real estate or interests therein or personal property owned by it and grant such easements across its real estate and interests therein as will not interfere with its use by the county transit system;

(14) Establish rules for the use and operation of the county transit system including the real estate or interests therein, personal property or a combination of the foregoing used by or in connection with such system;

(15) Exercise the power of eminent domain to appropriate any real estate or interests therein, personal property, franchises, or any combination thereof, within or without the county, necessary or proper in the exercise of its powers provided in sections [306.01](#) to [306.13](#) of the Revised Code, as provided in sections [163.01](#) to [163.22](#) of the Revised Code, and subject to divisions (15)(a), (b), and (c) of this section, provided that a county transit board or a board of county commissioners operating a transit system shall not proceed to so appropriate real property outside its territorial boundaries, until it has served at the office of the county commissioners of the county in which it is proposed to appropriate real property, a notice describing the real property to be taken and the purpose for which it is proposed to be taken, and such county commissioners have entered on their journal within thirty days after such service a resolution approving such appropriation;

(a) Nothing contained in this division authorizes a county transit board or a board of county commissioners to appropriate any land, rights, rights-of-way, franchises, or easements belonging to the state or to a municipal corporation without the consent of the state or of the municipal corporation, and no county transit board or board of county commissioners shall exercise the right of eminent domain to acquire any certificate of public convenience and necessity, or any part thereof, issued to a motor transportation company by the public utilities commission of Ohio or by the interstate commerce commission of the United States, or to take or disturb other real estate or interests therein, personal property, or any combination thereof belonging to any municipal corporation without the consent of the legislative authority of such municipal corporation, or take or disturb real estate or interests therein, personal property, or any combination thereof belonging to any other political subdivision, public corporation, public utility, or common carrier, which is necessary and convenient in the operation of such political subdivision, public corporation, public utility, or common carrier unless provision is made for the restoration, relocation, or duplication of that taken or upon the election of such political subdivision, public corporation, public utility, or common carrier for the payment of compensation, if any, at the sole cost of the county transit system.

(b) If any restoration or duplication proposed to be made under this division involves a relocation, the new location shall have at least comparable utilitarian value and effectiveness, and such relocation shall not impair the ability of the public utility or common carrier to compete in its original area of operation.

(c) If such restoration or duplication proposed to be made under this division involves a relocation, the county transit board or board of county commissioners shall acquire no interest or right in or to the appropriated property or facility until the relocated property or facility is available for use and until marketable title thereto has been transferred to the political subdivision, public corporation, public utility, or common carrier. Nothing in this division shall require any board of county commissioners or county transit board operating a county transit system to so restore, relocate, or duplicate, if all of the real estate and interests therein, personal property, and any combination of the foregoing which is owned by a public utility or common carrier and used by it or in connection with the movement of persons, is acquired by exercise of the power of eminent domain.

(16) When real property is acquired that is located outside the county and is removed from the tax duplicate, the county transit board or board of county commissioners operating a transit system shall pay annually to the county treasurer of the county in which that property is located, commencing with the first tax year in which that property is removed from the tax duplicate, an amount of money in lieu of taxes equal to the smaller of the following:

(a) The last annual installment of taxes due from the acquired property before removal from the tax duplicate;

(b) An amount equal to the difference between the combined revenue from real estate taxes of all the taxing districts in which the property is located in the tax year immediately prior to the removal of the acquired property from the tax duplicate, and either:

(i) The total revenue which would be produced by the tax rate of each such taxing district in the tax year immediately prior to the removal of the acquired property from the tax duplicate, applied to the real estate tax duplicate of each of such taxing districts in each tax year subsequent to the year of removal; or

(ii) The combined revenue from real estate taxes of all such taxing districts in each tax year subsequent to the year of removal, whichever is the greater.

The county transit board or board of county commissioners may be exempted from such payment by agreement of the affected taxing district or districts in the county in which the property is located.

The county auditor of the county in which that property is located shall apportion each such annual payment to each taxing district as if the annual payment had been levied and collected as a tax.

Those annual payments shall never again be made after they have ceased.

(17) Sue or be sued, plead or be impleaded, and be held liable in any court of proper jurisdiction for damages received by reason of negligence, in the same manner and to the same extent as if the county transit system were privately operated, provided, that no funds of a county other than those of the county transit board or, if the transit system is operated by the board of county commissioners, other than those in the account for the county transit system created under division (C) of section [306.01](#) of the Revised Code, shall be available for the satisfaction of judgments rendered against that system;

(18) Annually prepare and make available for public inspection a report in condensed form showing the financial results of the operation of the county transit system. For systems operated by a county transit board, copies of this report shall be furnished to the county commissioners as well as a monthly summary statement of revenues and expenses for the preceding month sufficient to show the exact financial condition of the county transit system as of the last day of the preceding month.

(19) With the approval of the county commissioners when the action is taken by the transit board, and without competitive bidding, sell, lease, or grant the right of use of all or a portion of the county transit system to any other political subdivision, taxing district, or other public body or agency having the power to operate a transit system;

(20) Enter into and supervise franchise agreements for the operation of a county transit system;

(21) Accept the assignment of and then supervise an existing franchise agreement for the operation of a county transit system.

Effective Date: 10-25-1995

This section is set out twice. See also § [306.04](#), as amended by 129th General Assembly File No. 10, SB 5, § 1subject to referendum.

306.04 [Second of two versions] Powers and duties of board

(A) Except as otherwise provided in division (B) of this section, employees of a county transit board or a board of county commissioners operating a transit system are employees of the county. If the system is operated by the board of county commissioners, the board shall appoint an executive director, who shall be in the unclassified service.

(B) Any county transit board that established its own civil service organization and procedure prior to October 25, 1995, shall continue to operate under that organization. Appointments and promotions in that system shall be made, as far as practicable, by competitive examination.

A board that established its own civil service organization prior to October 25, 1995, shall establish by rule

the seniority provisions relating to street railway and motor bus employees in effect at the time of the acquisition of the transit system by the county. When a reduction in force is necessary, the board shall not use an employee's length of service as the only factor to determine whether to lay off the employee. The vacation, holiday, and sick leave privileges shall not be regulated by other provisions of law relating to public employees of the state or county, except that the transit board, its officers and employees, shall be subject to the public employees retirement system of the state and the transit board shall assume any pension obligations which have been assumed by any publicly owned transit system which the county may acquire.

(C) A county transit board or board of county commissioners operating a transit system may:

(1) Acquire in its name by gift, grant, purchase, or condemnation and hold and operate real estate and interests therein and personal property suitable for its purposes;

(2) In its name purchase, acquire, construct, enlarge, improve, equip, repair, maintain, sell, exchange, lease as lessee or lessor, receive a right of use of, and manage, control, and operate, in or out of the county, a county transit system consisting of all real estate and interests therein, personal property, and a combination thereof, for or related to the movement of persons including but not limited to street railway, tramline, subways, rapid transits, monorails, and passenger bus systems but excluding therefrom trucks, the movement of property by truck, and facilities designed for use in the movement of property by truck for hire;

(3) Issue, with the approval of the county commissioners when the issuance is made by the transit board, revenue bonds of the county as provided in division (B) of section 306.09 of the Revised Code, to secure funds to accomplish its purposes. The principal of and interest on such bonds, together with all other payments required to be made by the trust agreement or indenture securing such bonds, shall be paid solely from revenues or other income accruing to the board from facilities of the county transit system designated in said agreement or indenture.

(4) Enter into contracts in the exercise of the rights, powers, and duties conferred upon it, and execute all instruments necessary in the conduct of its business;

(5) Fix, alter, and charge rates and other charges for the use of its real estate and interests therein, personal property, and combinations thereof;

(6) Employ such financial consultants, accountants, appraisers, consulting engineers, architects, construction experts, attorneys-at-law, managers and other supervisory personnel, and other officers, employees, and agents as it determines necessary to conduct its business, and fix their compensation and duties;

(7) Pledge, hypothecate, or otherwise encumber its revenues and other income as security for its obligations and enter into trust agreements or indentures for the benefit of revenue bondholders;

(8) Borrow money or accept or contract to accept advances, loans, gifts, grants, devises, or bequests from and enter into contracts or agreements with any federal, state, or other governmental or private source and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof including provisions which are required by such federal, state, or other governmental or private source to protect the interest of employees affected by such advances, loans, gifts, grants, devises, or bequests. Such advances, loans, gifts, grants, or devises may be subject to any reasonable reservation and any gift, grant, or devise or real estate may be in fee simple or any lesser estate. Any advances or loans received from any federal, state, or other governmental or private source may be repaid in accordance with the terms of such advance or loan.

(9) Conduct investigations and surveys into the needs of the public within or without the county for transportation services to provide for the movement of persons within, into, or from the area serviced or to be serviced by the county transit system;

(10) Enter into lawful arrangements with the appropriate federal or state department or agency, county,

township, municipal corporation, or other political subdivision or public agency for the planning and installation of any public facilities which are determined necessary in the conduct of its business;

(11) Purchase fire, extended coverage, and liability insurance for the real estate and interests therein, personal property and any combination thereof, used by or in connection with the county transit system and insurance covering the board and the county transit system and its officers and employees for liability for damage or injury to persons or property;

(12) Procure and pay all or any part of the cost of group hospitalization, surgical, major medical, or sickness and accident insurance, or a combination thereof, for the officers and employees of the county transit system and their immediate dependents, issued by an insurance company, duly authorized to do business in this state;

(13) Sell, lease, release, or otherwise dispose of real estate or interests therein or personal property owned by it and grant such easements across its real estate and interests therein as will not interfere with its use by the county transit system;

(14) Establish rules for the use and operation of the county transit system including the real estate or interests therein, personal property or a combination of the foregoing used by or in connection with such system;

(15) Exercise the power of eminent domain to appropriate any real estate or interests therein, personal property, franchises, or any combination thereof, within or without the county, necessary or proper in the exercise of its powers provided in sections 306.01 to 306.13 of the Revised Code, as provided in sections 163.01 to 163.22 of the Revised Code, and subject to divisions (15)(a), (b), and (c) of this section, provided that a county transit board or a board of county commissioners operating a transit system shall not proceed to so appropriate real property outside its territorial boundaries, until it has served at the office of the county commissioners of the county in which it is proposed to appropriate real property, a notice describing the real property to be taken and the purpose for which it is proposed to be taken, and such county commissioners have entered on their journal within thirty days after such service a resolution approving such appropriation;

(a) Nothing contained in this division authorizes a county transit board or a board of county commissioners to appropriate any land, rights, rights-of-way, franchises, or easements belonging to the state or to a municipal corporation without the consent of the state or of the municipal corporation, and no county transit board or board of county commissioners shall exercise the right of eminent domain to acquire any certificate of public convenience and necessity, or any part thereof, issued to a motor transportation company by the public utilities commission of Ohio or by the interstate commerce commission of the United States, or to take or disturb other real estate or interests therein, personal property, or any combination thereof belonging to any municipal corporation without the consent of the legislative authority of such municipal corporation, or take or disturb real estate or interests therein, personal property, or any combination thereof belonging to any other political subdivision, public corporation, public utility, or common carrier, which is necessary and convenient in the operation of such political subdivision, public corporation, public utility, or common carrier unless provision is made for the restoration, relocation, or duplication of that taken or upon the election of such political subdivision, public corporation, public utility, or common carrier for the payment of compensation, if any, at the sole cost of the county transit system.

(b) If any restoration or duplication proposed to be made under this division involves a relocation, the new location shall have at least comparable utilitarian value and effectiveness, and such relocation shall not impair the ability of the public utility or common carrier to compete in its original area of operation.

(c) If such restoration or duplication proposed to be made under this division involves a relocation, the county transit board or board of county commissioners shall acquire no interest or right in or to the appropriated property or facility until the relocated property or facility is available for use and until marketable title thereto

has been transferred to the political subdivision, public corporation, public utility, or common carrier. Nothing in this division shall require any board of county commissioners or county transit board operating a county transit system to so restore, relocate, or duplicate, if all of the real estate and interests therein, personal property, and any combination of the foregoing which is owned by a public utility or common carrier and used by it or in connection with the movement of persons, is acquired by exercise of the power of eminent domain.

(16) When real property is acquired that is located outside the county and is removed from the tax duplicate, the county transit board or board of county commissioners operating a transit system shall pay annually to the county treasurer of the county in which that property is located, commencing with the first tax year in which that property is removed from the tax duplicate, an amount of money in lieu of taxes equal to the smaller of the following:

(a) The last annual installment of taxes due from the acquired property before removal from the tax duplicate;

(b) An amount equal to the difference between the combined revenue from real estate taxes of all the taxing districts in which the property is located in the tax year immediately prior to the removal of the acquired property from the tax duplicate, and either:

(i) The total revenue which would be produced by the tax rate of each such taxing district in the tax year immediately prior to the removal of the acquired property from the tax duplicate, applied to the real estate tax duplicate of each of such taxing districts in each tax year subsequent to the year of removal; or

(ii) The combined revenue from real estate taxes of all such taxing districts in each tax year subsequent to the year of removal, whichever is the greater.

The county transit board or board of county commissioners may be exempted from such payment by agreement of the affected taxing district or districts in the county in which the property is located.

The county auditor of the county in which that property is located shall apportion each such annual payment to each taxing district as if the annual payment had been levied and collected as a tax.

Those annual payments shall never again be made after they have ceased.

(17) Sue or be sued, plead or be impleaded, and be held liable in any court of proper jurisdiction for damages received by reason of negligence, in the same manner and to the same extent as if the county transit system were privately operated, provided, that no funds of a county other than those of the county transit board or, if the transit system is operated by the board of county commissioners, other than those in the account for the county transit system created under division (C) of section 306.01 of the Revised Code, shall be available for the satisfaction of judgments rendered against that system;

(18) Annually prepare and make available for public inspection a report in condensed form showing the financial results of the operation of the county transit system. For systems operated by a county transit board, copies of this report shall be furnished to the county commissioners as well as a monthly summary statement of revenues and expenses for the preceding month sufficient to show the exact financial condition of the county transit system as of the last day of the preceding month.

(19) With the approval of the county commissioners when the action is taken by the transit board, and without competitive bidding, sell, lease, or grant the right of use of all or a portion of the county transit system to any other political subdivision, taxing district, or other public body or agency having the power to operate a transit system;

(20) Enter into and supervise franchise agreements for the operation of a county transit system;

(21) Accept the assignment of and then supervise an existing franchise agreement for the operation of a county transit system.

Amended by 129th General Assembly File No. 10, SB 5, § 1. This amendment is subject to referendum in the Nov. 8, 2011 election.

Effective Date: 10-25-1995

The amendment to this section by 129th General Assembly File No. 10, SB 5, § 1 has been made subject to referendum in the upcoming November, 2011 election.

This section is set out twice.

306.05 Advancement of funds for county transit system.

The county commissioners may advance funds from any available fund of the county for purchase or acquisition of a transit system, surveys, planning, and mass transportation studies. The amount advanced may be reimbursed from any funds of the county transit board including the proceeds of the sale of bonds for the purchase, acquisition, construction, enlargement, improvement, or equipment of the county transit system.

Effective Date: 08-31-1970

306.06 Agreements to provide transportation service.

The county transit board or board of county commissioners operating a transit system may enter into an agreement with any municipal corporation, township, or other county, whereby the board undertakes to provide transportation service for the movement of persons within, from, or to that municipal corporation, township, or county, to make payments or transfer real estate or interests therein or a combination thereof, as therein provided, in consideration of the board providing those transportation services. Any moneys so paid to the board shall be received by it and used solely for the purposes specified in the agreement. Moneys so paid may include all or a part of the cost of permanent improvements to be used by the county transit system under the agreement and to that extent may include the proceeds of bonds issued in accordance with Chapter 133. of the Revised Code, by such municipal corporation, township, or county for the purpose of paying all or a part of the cost of those permanent improvements.

Any municipal corporation, county, township, school district, or other political subdivision or taxing district may convey or lease to or exchange with any county transit board or board of county commissioners operating a transit system and any county transit board or board of county commissioners operating a transit system may convey or lease to or exchange with any state, municipal corporation, county, township, school district, or other political subdivision or taxing district without competitive bidding and on mutually agreeable terms any personal property, real estate, or interests therein.

Effective Date: 10-25-1995

306.07 Exempting revenue and income from taxation.

The operations, revenues, and property of the county transit system and all obligations secured by the real estate or interests therein or revenues of the system, or the income derived therefrom, are exempt from the levy of any excise or other tax by the county or any political subdivision of the state, unless and to the extent such exemption is prohibited by the constitution or other laws of this state.

Effective Date: 08-31-1970

306.08 Acquiring publicly or privately owned transit system.

Any county transit board or board of county commissioners operating a transit system, that acquires, leases as lessee, or receives a right to use a publicly or privately owned transit system may enter into an agreement

with the operator thereof transferring that transit system, and that operator may enter into an agreement with the county transit board or board of county commissioners operating a transit system providing for the transfer or grant of the use to the county transit board or board of county commissioners of all or any part of the real estate or interests therein, personal property, or any combination thereof, and of the funds under the control of or held for the use or benefit of such transit system being transferred, whether held in trust or otherwise, and any such agreement may make further provision for any one or more of the following:

- (A) Continuation of any transportation services then provided by that operator;
- (B) Contribution to the county transit board or board of county commissioners of moneys or other real state or interests therein, personal property, and any combination thereof, by a municipal corporation or county which was the operator, to assist in the payment of costs of providing transportation services for the movement of persons within, from, or to such municipal corporation or county;
- (C) Assumption, funding, or refunding of outstanding revenue bonds of a municipal corporation or county issued in connection with the transit system being transferred or provision for making payment of the principal and interest as well as other charges in connection with the revenue bonds of such municipal corporation or county;
- (D) Assumption by the county transit board or board of county commissioners of any contractual obligations, trusts, commitments and duties incurred or assumed by such operator, provided that no contract not specifically assumed by the board in the agreement or in a separate agreement with a contracting party shall be binding on the board;
- (E) Continuation and the assignment and assumption of obligations, including, but not limited to, existing pension rights, plans, and benefits, under contracts or other agreements of the operator, provided that such assignment of any such obligation is not binding upon the other party to the contract or agreement with that operator unless so provided in the contract or agreement or duly approved by that party;
- (F) Continuation of, including modification or expansion of the scope of, any contracts or other agreements of the operator providing for transportation services;
- (G) Retention by the county transit board or board of county commissioners of the status and salaries of officers and employees of the transit system being transferred;
- (H) The same or similar terms and conditions of employment as were provided by the operator under section [306.12](#) of the Revised Code;
- (I) The time when such agreement or parts thereof are to take effect and the period during which they are to remain in effect;
- (J) Procedures for the amendment of the agreement, including designation of parties to execute or approve such amendments;
- (K) Such other provisions as may be determined necessary or appropriate.

Effective Date: 10-25-1995

306.09 Issuing bonds.

(A) The board of county commissioners, on its own initiative if it operates a county transit system or at the request of the county transit board if one is appointed, may issue bonds of the county pursuant to Chapter 133. of the Revised Code, for the purpose of purchasing, acquiring, constructing, enlarging, and improving the county transit system.

(B) The board of county commissioners operating a transit system or a county transit board, with the approval of the county commissioners, may issue revenue bonds of the county for the purpose of purchasing, acquiring, constructing, enlarging, and improving the county transit system. The issuing board shall provide by resolution for the issuance of such bonds. The principal, interest, and all other payments required to be made by any trust agreement or indenture securing such bonds shall be payable, as provided in such resolution, solely from the revenues or other income of the county transit system. Bonds may be issued at one time or from time to time and each issue shall be dated, bear interest, mature at such time or times not exceeding forty years from the date of issue, and be redeemable before maturity at the option of the board at such price or prices and under such terms and conditions as may be provided by the board in its resolution. The board shall determine the form of the bonds and any coupons pertaining thereto, fix their denominations, and establish within or without this state the place or places of payment of principal and interest. The resolution shall determine the method of execution of such bonds, provide for sale of the bonds at public or private sale as the board determines most advantageous and for such prices, above or below the par value thereof, as the board determines or within such limit or limits as it may fix.

Where a transit board is appointed, if any member of the county transit board or officer of the county transit system who has signed bonds or coupons pertaining thereto or caused the member's or officer's facsimile signature to be affixed thereto ceases to be a member or officer before such bonds or coupons have been delivered, such bonds or coupons may be issued and delivered as though the person who had signed the bonds or coupons or caused the person's facsimile signature to be affixed thereto had not ceased to be a member or officer. Bonds or coupons may be executed on behalf of the county by a member of the county transit board or officer of the county transit system who is a member or officer on the date of execution, although such person was not a member or officer on the date of such bonds or coupons.

All bonds issued under authority of this section have all qualities and incidents of negotiable instruments, subject to provisions for registration, and may be issued in coupon or fully registered form, or both, as the board provides. Provision may be made for the registration of any coupon bonds as to principal alone or as to both principal and interest and for the conversion into fully registered bonds of coupon bonds, and into coupon bonds of any fully registered bond or bonds registered as to both principal and interest.

(C) The proceedings authorizing issuance of revenue bonds pursuant to division (B) of this section may contain provisions that shall be a part of the contract with the bondholders as to:

(1) Pledging the rates, revenues, and other income, charges, and moneys therein designated for the payment of the principal of and interest on the bonds and all other payments required to be made by the bond proceedings;

(2) Provisions regarding the purposes to which the proceeds of the bonds may be applied;

(3) Terms of the bonds;

(4) Maintenance, collection, use, and disposition of rates, revenues, and other income, charges, and moneys received from the operation or disposition of the county transit system;

(5) Terms and conditions under which additional bonds may be issued secured by a pledge of rates, revenues, and other income, charges, and moneys received from the operation or disposition of the county transit system;

(6) Terms of any trust agreement or indenture of mortgage securing the bonds, including authorization for the county transit board to enter into such agreement or indenture on behalf of the county and with a corporate trustee which may be any trust company or bank having the powers of a trust company within or without this state;

(7) The deposit, application, safeguarding, and investment of funds of the county transit board or board of

county commissioners received or held under such trust agreement or indenture to which the provisions of Chapters 131. and 135. of the Revised Code are not applicable;

(8) Any other appropriate agreements with the bondholders with respect to the rates, revenues, and other income, charges, and moneys received from the operation or disposition of the county transit system;

(9) Other provisions that are customary or appropriate in an agreement or indenture of such type, including but not limited to:

(a) Mortgage or any real estate or interest therein acquired from the proceeds of such bonds;

(b) Covenant to maintain each pledge, trust agreement, and indenture of mortgage made for the security of any bonds until the principal of and interest on the bonds has been fully paid, or provision therefor has been made, for the security of which the pledge has been made and the trust agreement or the indenture of mortgage has been given;

(c) In the event of default in any payments required to be made or any other agreement made as a part of the contract under which the bonds are issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver in equity, or, if a mortgage has been given, the foreclosure of such mortgage, or any combination of the foregoing;

(d) The rights and remedies of the bondholders and of the trustee and provisions for protecting and enforcing them, including limitations on rights of individual bondholders;

(e) Such other provisions as the trustee, the original purchaser of the bonds, and the board of county commissioners or county transit board agree upon.

(D) Any holder of bonds issued pursuant to division (B) of this section or a trustee under a trust agreement or indenture of mortgage entered into pursuant to division (C)(6) of this section, except to the extent that their rights are restricted by the bond proceedings or the terms of the bonds, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by the bond proceedings. Such rights include the right:

(1) To compel the performance of all duties of the county transit board or board of county commissioners required by sections [306.01](#) to [306.13](#) of the Revised Code, or the bond proceedings;

(2) To enjoin unlawful activities;

(3) In the event of default in the payment of any principal or interest on any bond or in the performance of any covenant or agreement on the part of the county transit board or board of county commissioners in the resolution, trust agreement, or indenture, to apply to a court to appoint a receiver to administer and operate the county transit system, the rates, revenues, and other income, charges, and moneys of which are pledged to the payment of and interest on such bonds, or which are the subject of the covenant or agreement, with full power to pay and to provide for payment of principal and interest on such bonds, and with such powers subject to the direction of the court as are accorded receivers in general equity cases, excluding any power to pledge additional rates, revenues, or other income, charges, or moneys of the county, including those derived from taxation, to the payment of such principal and interest;

(4) To foreclose the mortgage on any real estate or interest therein which has been mortgaged, in the same manner as real estate of private corporations.

(E) Bonds issued pursuant to division (B) of section 306.09 and to section [306.10](#) of the Revised Code are lawful investments of banks, societies for savings, savings and loan associations, deposit guaranty associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special

funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund of the state, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, and are acceptable as security for the deposit of public moneys.

Effective Date: 11-02-1999

306.10 Issuing refunding bonds.

The county transit board or a board of county commissioners operating a transit system may issue refunding bonds of the county to refund any bonds previously issued under division (B) of section [306.09](#) of the Revised Code for any of the following purposes:

(A) Refunding bonds which have matured or are about to mature when the rentals, revenues, and other income, charges, and moneys pledged for the payment of such bonds are insufficient to pay bonds which have matured or are about to mature or to make payments to other funds required by the bond proceedings;

(B) Refunding any bonds as an incidence to providing funds for reconstructing, enlarging, improving and equipping the county transit system;

(C) Refunding all of the outstanding bonds of any issue both matured and unmatured when the rates, revenues, or other income, charges, or moneys pledged for the payment of such bonds are insufficient to pay bonds which have matured or are about to mature or to make payments to other funds required by the bond proceedings, if such outstanding bonds can be retired by call, at maturity, or with the consent of the holders thereof, whether from the proceeds of the sale of the refunding bonds or by exchange for the refunding bonds, provided that the principal amount of the refunding bonds shall not exceed the aggregate of the par value of the bonds to be retired, any redemption premium, past-due and future interest to the date of maturity or proposed redemption that cannot otherwise be paid, and funds, if any, to reconstruct, enlarge, improve, and equip, or any combination thereof, the county transit system;

(D) Refunding any bonds of any issue previously issued and outstanding when the refunding bonds will bear interest at a lower rate than the bonds to be refunded or when the interest cost of the refunding bonds computed to the absolute maturity will be less than the interest of the bonds to be refunded.

Except as provided in this section the terms of the issuance and sale of refunding bonds shall be as provided in sections [306.01](#) to [306.11](#) of the Revised Code, for an original issue of bonds.

Effective Date: 10-25-1995

306.11 Control over county transit system's revenue and funds.

In counties that have a county transit board, that transit board shall have exclusive control over the county transit system's budgets, appropriations, collections, custody, and application of its revenues or other funds received by it and shall have jurisdiction of all purchases and contracts entered into in connection with the county transit system pursuant to sections [307.86](#) to [307.92](#) of the Revised Code. In those counties, the officers and employees of the county transit system shall be under the sole control of the county transit board and are not subject to supervision of other county officers.

Effective Date: 10-25-1995

306.12 Acquiring publicly or privately owned transit system - employee rights.

Any board of county commissioners operating a transit system or any county transit board shall, if it acquires any existing transit system, assume all the employer's obligations under any existing labor contract between the employees and management of the system. The board shall, if it acquires, constructs, controls, or operates any such facilities, negotiate arrangements to protect the interests of employees affected by such acquisition, construction, control, or operation. Such arrangements shall include, but are not limited to:

(A) The preservation of rights, privileges, and benefits under existing collective bargaining agreements or otherwise, the preservation of rights and benefits under any existing pension plans covering prior service, and continued participation in social security, in addition to participation in the public employees retirement system as required in Chapter 145. of the Revised Code;

(B) The continuation of collective bargaining rights;

(C) The protection of individual employees against a worsening of their positions with respect to their employment;

(D) Assurances of employment to employees of such transit systems and priority of re-employment of employees terminated or laid off;

(E) Paid training or retraining programs;

(F) Signed written labor agreements.

Such arrangements may include provisions for the submission of labor disputes to final and binding arbitration.

Effective Date: 10-25-1995

306.13 Exempting real and personal property from taxation.

A board of county commissioners operating a transit system or a county transit board created under sections [306.01](#) to 306.13 of the Revised Code shall be exempt from and shall not be required to pay any taxes on property, both real and personal, belonging to the board, which is used exclusively for any public purpose; provided, such exemption shall not apply to any property belonging to the board while a private enterprise is a lessee of such property under written lease providing tenancy for longer than one year.

Effective Date: 10-25-1995

306.30 Regional transit authority definitions.

As used in sections 306.30 to [306.53](#), inclusive, of the Revised Code, "transit facility" means any:

(A) Street railway, motor bus, tramline, subway, monorail, rapid transit, aeroplane, helicopter, ferry, or other ground or water transportation system having as its primary purpose the regularly scheduled mass movement of passengers between locations within the territorial boundaries of a regional transit authority, including all right-of-way, power lines, rolling stock, equipment, machinery, terminals, buildings, administration and maintenance and repair facilities, and supporting parking facilities, and franchise rights attendant thereto, but excluding therefrom trucks and facilities designed for use in the movement of property by truck;

(B) Docks, wharves, warehouses, piers, and other port, terminal, or transportation facilities and marinas;

(C) Facilities used, available for use, or designed for use to aid in the safe taking off or landing of aircraft, for the safety, storage, and maintenance of aircraft, for the comfort and accommodation of users of air transportation, including persons, property, and mail, or for the safe and efficient operation and maintenance of an airport; and buildings and facilities as are reasonably necessary for the comfort and accommodation of

the users of transit facilities; or

(D) Any combination of the foregoing.

Effective Date: 08-25-1970

306.301 Resolution designating part of township member of regional transit authority.

(A) As used in sections [306.30](#) to [306.71](#) of the Revised Code, "township" means either of the following:

(1) An entire township;

(2) Township territory that is designated as a township under division (B) of this section for the purpose of joining a regional transit authority.

(B) A board of township trustees may adopt a resolution designating as a township, for the purpose of joining a regional transit authority, territory consisting of contiguous whole election precincts that make up less than the entire unincorporated area of the township, provided that none of the territory is already part of a regional transit authority. The resolution shall specify the precinct numbers of the precincts that make up the territory. Upon adopting such a resolution, the board of township trustees shall take appropriate action under section [306.32](#) or [306.321](#) of the Revised Code to enable the territory consisting of those precincts to become part of a contiguous regional transit authority.

(C) The right to initiate proceedings to join a regional transit authority in accordance with this section shall terminate after June 30, 1986, except that nothing in this section shall be construed to deprive any portion of a township that has acted under this section prior to that date of the power to take any action necessary to continue in the regional transit authority.

Effective Date: 01-03-1985

306.31 Creating regional transit authority.

A regional transit authority may be created in the manner provided in section [306.32](#) of the Revised Code, for any one or more of the following purposes: acquiring, constructing, operating, maintaining, replacing, improving, and extending transit facilities; controlling and administering the public utilities franchise of such transit facilities; entering into and supervising franchise agreements; accepting assignment of and then supervising an existing franchise agreement; and accepting assignment of and exercising a right to purchase a transit system in accordance with the acquisition terms of an existing franchise agreement. A regional transit authority so created is a political subdivision of the state and a body corporate with all the powers of a corporation, comprised of the territory of one, or two or more counties, municipal corporations, townships, or any combination thereof, provided, that each county, municipal corporation, or township included within a regional transit authority shall be a county which is, or be located in a county which is or is contiguous to a county which is, or in which a municipal corporation or township is located which is, included in such regional transit authority.

Effective Date: 08-25-1970

306.32 Resolution for creation of regional transit authority.

Any county, or any two or more counties, municipal corporations, or townships, or any combination of these, may create a regional transit authority by the adoption of a resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of

township trustees of each township which is to create or to join in the creation of the regional transit authority. The resolution or ordinance shall state:

- (A) The necessity for the creation of a regional transit authority;
- (B) The counties, municipal corporations, or townships which are to create or to join in the creation of the regional transit authority;
- (C) The official name by which the regional transit authority shall be known;
- (D) The place in which the principal office of the regional transit authority will be located or the manner in which it may be selected;
- (E) The number, term, and compensation, or method for establishing compensation, of the members of the board of trustees of the regional transit authority. Compensation shall not exceed fifty dollars for each board and committee meeting attended by a member, except that if compensation is provided annually it shall not exceed six thousand dollars for the president of the board or four thousand eight hundred dollars for each other board member.
- (F) The manner in which vacancies on the board of trustees of the regional transit authority shall be filled;
- (G) The manner and to what extent the expenses of the regional transit authority shall be apportioned among the counties, municipal corporations, and townships creating it;
- (H) The purposes, including the kinds of transit facilities, for which the regional transit authority is organized.

The regional transit authority provided for in the resolution or ordinance shall be deemed to be created upon the adoption of the resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance.

The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships or for any other purpose, by the adoption of the amendment by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which has created or joined or proposes to join the regional transit authority.

After each county, municipal corporation, and township which has created or joined or proposes to join the regional transit authority has adopted its resolution or ordinance approving inclusion of additional counties, municipal corporations, or townships in the regional transit authority, a copy of each resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the regional transit authority. The inclusion is effective when all such filing has been completed, unless the regional transit authority to which territory is to be added has authority to levy an ad valorem tax on property, or a sales tax, within its territorial boundaries, in which event the inclusion shall become effective on the sixtieth day after the last such filing is accomplished, unless, prior to the expiration of the sixty-day period, qualified electors residing in the area proposed to be added to the regional transit authority, equal in number to at least ten per cent of the qualified electors from the area who voted for governor at the last gubernatorial election, file a petition of referendum against the inclusion. Any petition of referendum filed under this section shall be filed at the office of the secretary of the board of trustees of the regional transit authority. The person presenting the petition shall be given a receipt containing on it the time of the day, the date, and the purpose of the petition. The secretary of the board of trustees of the regional transit authority shall cause the appropriate board or boards of elections to check the sufficiency of signatures on any petition of referendum filed under this section and, if found to be sufficient, shall present

the petition to the board of trustees at a meeting of said board which occurs not later than thirty days following the filing of said petition. Upon presentation to the board of trustees of a petition of referendum against the proposed inclusion, the board of trustees shall promptly certify the proposal to the board or boards of elections for the purpose of having the proposal placed on the ballot at the next general or primary election which occurs not less than ninety days after the date of the meeting of said board, or at a special election, the date of which shall be specified in the certification, which date shall be not less than ninety days after the date of such meeting of the board. Signatures on a petition of referendum may be withdrawn up to and including the meeting of the board of trustees certifying the proposal to the appropriate board or boards of elections. If territory of more than one county, municipal corporation, or township is to be added to the regional transit authority, the electors of the territories of the counties, municipal corporations, or townships which are to be added shall vote as a district, and the majority affirmative vote shall be determined by the vote cast in the district as a whole. Upon certification of a proposal to the appropriate board or boards of elections pursuant to this section, the board or boards of election shall make the necessary arrangements for the submission of the question to the electors of the territory to be added to the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section [5705.191](#) of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within the (Name or names of political subdivisions to be joined) be added to (Name) regional transit authority?" and shall a(n) (here insert type of tax or taxes) at a rate of taxation not to exceed (here insert maximum tax rate or rates) be levied for all transit purposes?"

If the question is approved by at least a majority of the electors voting on the question, the joinder is immediately effective, and the regional transit authority may extend the levy of the tax against all the taxable property within the territory which has been added. If the question is approved at a general election or at a special election occurring prior to the general election but after the fifteenth day of July, the regional transit authority may amend its budget and resolution adopted pursuant to section [5705.34](#) of the Revised Code, and the levy shall be placed on the current tax list and duplicate and collected as other taxes are collected from all taxable property within the territorial boundaries of the regional transit authority, including the territory within each political subdivision added as a result of the election.

The territorial boundaries of a regional transit authority shall be coextensive with the territorial boundaries of the counties, municipal corporations, and townships included within the regional transit authority, provided that the same area may be included in more than one regional transit authority so long as the regional transit authorities are not organized for purposes as provided for in the resolutions or ordinances creating the same, and any amendments to them, relating to the same kinds of transit facilities; and provided further, that if a regional transit authority includes only a portion of an entire county, a regional transit authority for the same purposes may be created in the remaining portion of the same county by resolution of the board of county commissioners acting alone or in conjunction with municipal corporations and townships as provided in this section.

No regional transit authority shall be organized after January 1, 1975, to include any area already included in a regional transit authority, except that any regional transit authority organized after June 29, 1974, and having territorial boundaries entirely within a single county shall, upon adoption by the board of county commissioners of the county of a resolution creating a regional transit authority including within its territorial jurisdiction the existing regional transit authority and for purposes including the purposes for which the existing regional transit authority was created, be dissolved and its territory included in such new regional transit authority. Any resolution creating such a new regional transit authority shall make adequate provision for satisfaction of the obligations of the dissolved regional transit authority.

Amended by 128th General Assembly File No. 29, HB 48, § 1, eff. 7/2/2010.

306.321 Inclusion of additional counties, municipal corporations, or townships in regional transit authority.

The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships by the adoption of an amendment by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which has created or, prior to the adoption of the amendment, joined or proposes to join the regional transit authority.

After each county, municipal corporation, and township which has created or, prior to the adoption of the amendment, joined or proposes to join the regional transit authority has adopted its resolution or ordinance approving inclusion of additional counties, municipal corporations, or townships in the regional transit authority, a copy of each resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the regional transit authority.

Any ordinances or resolutions adopted pursuant to this section approving inclusion of additional counties, municipal corporations, or townships in the regional transit authority shall provide that the board of trustees of the regional transit authority must, not later than the tenth day following the day on which the filing of the ordinances or resolutions, as required by the immediately preceding paragraph, is completed, adopt its resolution providing for submission to the electors of the regional transit authority as enlarged, of the question pursuant to section [306.49](#) of the Revised Code, of the renewal, the renewal and increase, or the increase of, or the imposition of an additional, ad valorem tax, or of the question pursuant to section [306.70](#) of the Revised Code, of the renewal, the renewal and increase, or the increase of, or the imposition of an additional, sales and use tax. The resolution submitting the question of the tax shall specify the date of the election, which shall be not less than ninety days after certification of the resolution to the board of elections and which shall be consistent with the requirements of section [3501.01](#) of the Revised Code. The inclusion of the territory of the additional counties, municipal corporations, or townships in the regional transit authority shall be effective as of the date on which the resolution of the board of trustees of the regional transit authority is adopted submitting the question to the electors, provided that until the question is approved, existing contracts providing payment for transit services within the added territory shall remain in effect and transit services shall not be affected by the inclusion of the additional territory. The resolution shall be certified to the board of elections and the election shall be held, canvassed, and certified as provided in section [306.49](#) of the Revised Code in the case of an ad valorem tax or in section [306.70](#) of the Revised Code in the case of a sales and use tax.

If the question of the tax which is submitted is not approved by a majority of the electors of the enlarged regional transit authority voting on the question, as of the day following the day on which the results of the election become conclusive, the additional counties, municipal corporations, or townships, which had been included in the regional transit authority as of the date of the adoption of the resolution submitting to the electors the question, shall be removed from the territory of the regional transit authority and shall no longer be a part of that authority without any further action by either the political subdivisions which were included in the authority prior to the adoption of the resolution submitting the question to the electors or of the political subdivisions added to the authority as a result of the adoption of the resolution. The regional transit authority reduced to its territory as it existed prior to the inclusion of the additional counties, municipal corporations, or townships, shall be entitled to levy and collect any ad valorem or sales and use taxes which it was authorized to levy and collect prior to the enlargement of its territory and for which authorization has not expired, as if the enlargement had not occurred.

If the question of the tax which is submitted provides for a sales and use tax to be imposed and the question is approved, and the regional transit authority had previously been authorized pursuant to section [306.49](#) of the Revised Code to levy an ad valorem tax, the regional transit authority shall appropriate from the first moneys received from the sales and use tax in each year, the full amount required in order to pay the principal of and interest on any notes of the regional transit authority issued pursuant to section [306.49](#) of the Revised Code, in anticipation of the collection of the ad valorem tax; and shall not thereafter levy and collect the ad valorem tax previously approved unless the levy and collection is necessary to pay the principal of and interest on notes issued in anticipation of the tax in order to avoid impairing the obligation of the contract between the regional transit authority and the note holders.

If the question of the additional or renewal tax levy is approved, the tax may be levied and collected as is otherwise provided for an ad valorem tax or a sales and use tax imposed by a regional transit authority, provided that if a question relating to an ad valorem tax is approved at the general election or at a special election occurring prior to a general election, but after the fifteenth day of July, the regional transit authority may amend its budget for its next fiscal year and its resolution adopted pursuant to section [5705.34](#) of the Revised Code or adopt such resolution, and the levy shall be placed on the current tax list and duplicate and collected as all other taxes are collected from all taxable property within the enlarged territory of the regional transit authority including the territory within each political subdivision which has been added to the regional transit authority pursuant to this section, provided further that if a question relating to sales and use tax is approved after the fifteenth day of July in any calendar year, the regional transit authority may amend its budget for the current and next fiscal year and any resolution adopted pursuant to section [5705.34](#) of the Revised Code, to reflect the imposition of the sales and use tax and shall amend its budget for the next fiscal year and any resolution adopted pursuant to section [5705.34](#) of the Revised Code to comply with the immediately preceding paragraph. If the budget of the regional transit authority is amended pursuant to this paragraph, the county auditor shall prepare and deliver an amended certificate of estimated resources to reflect the change in anticipated revenues of the regional transit authority.

The procedures of this section are in addition to and an alternative to those established in section [306.32](#) of the Revised Code for joining to a regional transit authority additional counties, municipal corporations, or townships.

Amended by 128th General Assembly File No. 29, HB 48, § 1, eff. 7/2/2010.

Effective Date: 01-01-1982; 12-20-2005

[306.322 Additional provisions for joining additional counties, municipal corporations, or townships to the regional transit authority.](#)

(A) For any regional transit authority that levies a property tax and that includes in its membership political subdivisions that are located in a county having a population of at least four hundred thousand according to the most recent federal census, the procedures of this section apply until November 5, 2013, and are in addition to and an alternative to those established in sections 306.32 and 306.321 for joining to the regional transit authority additional counties, municipal corporations, or townships.

(B) Any municipal corporation or township may adopt a resolution or ordinance proposing to join a regional transit authority described in division (A) of this section. In its resolution or ordinance, the political subdivision may propose joining the regional transit authority for a limited period of three years or without a time limit.

(C) The political subdivision proposing to join the regional transit authority shall submit a copy of its resolution or ordinance to the legislative authority of each municipal corporation and the board of trustees of each township comprising the regional transit authority. Within thirty days of receiving the resolution or

ordinance for inclusion in the regional transit authority, the legislative authority of each municipal corporation and the board of trustees of each township shall consider the question of whether to include the additional subdivision in the regional transit authority, shall adopt a resolution or ordinance approving or rejecting the inclusion of the additional subdivision, and shall present its resolution or ordinance to the board of trustees of the regional transit authority.

(D) If a majority of the political subdivisions comprising the regional transit authority approve the inclusion of the additional political subdivision, the board of trustees of the regional transit authority, not later than the tenth day following the day on which the last ordinance or resolution is presented, shall notify the subdivision proposing to join the regional transit authority that it may certify the proposal to the board of elections for the purpose of having the proposal placed on the ballot at the next general election or at a special election conducted on the day of the next primary election that occurs not less than ninety days after the resolution or ordinance is certified to the board of elections.

(E) Upon certification of a proposal to the board of elections pursuant to this section, the board of elections shall make the necessary arrangements for the submission of the question to the electors of the territory to be included in the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the same manner as regular elections for the election of officers of the subdivision proposing to join the regional transit authority, except that, if the resolution proposed the inclusion without a time limitation the question appearing on the ballot shall read:

"Shall the territory within the (Name or names of political subdivisions to be joined) be added to (Name) regional transit authority?" and shall a(n) (here insert type of tax or taxes) at a rate of taxation not to exceed (here insert maximum tax rate or rates) be levied for all transit purposes?"

If the resolution proposed the inclusion with a three-year time limitation, the question appearing on the ballot shall read:

"Shall the territory within the (Name or names of political subdivisions to be joined) be added to (Name) regional transit authority?" for three years and shall a(n) (here insert type of tax or taxes) at a rate of taxation not to exceed (here insert maximum tax rate or rates) be levied for all transit purposes for three years?"

(F) If the question is approved by at least a majority of the electors voting on the question, the addition of the new territory is effective six months from the date of the certification of its passage, and the regional transit authority may extend the levy of the tax against all the taxable property within the territory that was added. If the question is approved at a general election or at a special election occurring prior to the general election but after the fifteenth day of July, the regional transit authority may amend its budget and resolution adopted pursuant to section 5705.34 of the Revised Code, and the levy shall be placed on the current tax list and duplicate and collected as other taxes are collected from all taxable property within the territorial boundaries of the regional transit authority, including the territory within the political subdivision added as a result of the election. If the budget of the regional transit authority is amended pursuant to this paragraph, the county auditor shall prepare and deliver an amended certificate of estimated resources to reflect the change in anticipated revenues of the regional transit authority.

(G) If the question is approved by at least a majority of the electors voting on the question, the board of trustees of the regional transit authority immediately shall amend the resolution or ordinance creating the regional transit authority to include the additional political subdivision.

(H) If the question approved by a majority of the electors voting on the question added the subdivision for three years, the territory of the additional municipal corporation or township in the regional transit authority shall be removed from the territory of the regional transit authority three years after the date the territory was

added, as determined in the effective date of the election, and shall no longer be a part of that authority without any further action by either the political subdivisions that were included in the authority prior to submitting the question to the electors or of the political subdivision added to the authority as a result of the election. The regional transit authority reduced to its territory as it existed prior to the inclusion of the additional municipal corporation or township shall be entitled to levy and collect any property taxes that it was authorized to levy and collect prior to the enlargement of its territory and for which authorization has not expired, as if the enlargement had not occurred.

Added by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 9/29/2011.

306.33 Appointment of board of trustees.

Within sixty days after a regional transit authority has been created under section [306.32](#) of the Revised Code, the board of trustees for such regional transit authority shall be appointed as provided in this section.

Members of a board of trustees of an authority created by the exclusive action of a county shall be appointed by the county commissioners of such county. A board of trustees of an authority created by two or more political subdivisions shall consist of such number of members, who shall have such qualifications and who shall be appointed by such public officers as shall be provided in the resolutions or ordinances creating such authority, or any amendments thereto. If the resolutions or ordinances creating such authority, or any amendments thereto, so provide, then the government shall appoint such members of the board of a regional transit authority as provided in such resolutions and ordinances. The appointing authority may at any time remove a trustee for misfeasance, nonfeasance, or malfeasance in office.

The trustees of any authority first appointed shall serve staggered terms. Thereafter each successor shall serve terms of three years, except that any person appointed to fill a vacancy shall be appointed to only the unexpired term. Any appointed trustee is eligible for reappointment.

A majority of the board of trustees constitute a quorum, the affirmative vote of which is necessary for any action taken by the authority. No vacancy in the board shall impair the rights of a quorum to exercise all rights and perform all the duties of the authority.

Each member of the board of trustees, before entering upon his official duties, shall take and subscribe to an oath or affirmation that he will honestly, faithfully, and impartially perform the duties of his office, and that he will not be personally interested directly or indirectly in any contract let by the regional transit authority.

After each member of the board has taken the oath as prescribed by this section the board shall meet and organize by electing one of its members as president and another as vice-president, who shall hold their respective offices until the next annual meeting of the board as provided in its bylaws. At each annual meeting thereafter the board shall elect from its membership a president and a vice-president who shall serve for a term of one year.

The board shall appoint and fix the compensation of a secretary-treasurer, who shall be the fiscal officer and shall not be a member of the board and who shall serve at the pleasure of the board. Each member of the board of trustees is entitled to receive from the regional transit authority reimbursement for his reasonable expenses in the performance of his duties.

Effective Date: 06-29-1974

306.331 Board of trustees for joint county and municipal authority.

Notwithstanding section [306.33](#) of the Revised Code, the board of trustees of any regional transit authority created by one county and two municipal corporations, with the county having a population of at least five hundred thousand according to the most recent federal census, shall be appointed and governed as provided

in this section.

The board of trustees of such a regional transit authority shall consist of nine members, six of whom shall be appointed by the board of county commissioners, two of whom shall be appointed by the most populous municipal corporation that is included in the regional transit authority, and one of whom shall be appointed by the second most populous municipal corporation in the county, regardless of whether the second most populous municipal corporation in the county is a member of the regional transit authority. A trustee appointed under this section shall serve at the pleasure of the appointing authority.

The trustees of any authority first appointed under this section shall serve staggered terms. Thereafter each successor shall serve a term of three years, except that any person appointed to fill a vacancy shall be appointed to only the unexpired term. The resolutions or ordinances creating the regional transit authority may determine whether an appointed trustee is eligible for reappointment.

A majority of the board of trustees constitutes a quorum, the affirmative vote of which is necessary for any action taken by the authority. No vacancy in the board shall impair the rights of a quorum to exercise all rights and perform all the duties of the authority.

Each member of the board of trustees, before entering upon the trustee's official duties, shall take and subscribe to an oath or affirmation that the trustee will honestly, faithfully, and impartially perform the duties of office and that the trustee will not be personally interested directly or indirectly in any contract let by the regional transit authority.

After each member of the board has taken the oath as prescribed by this section, the board shall meet and organize by electing one of its members as president and another as vice-president, who shall hold their respective offices until the next annual meeting of the board as provided in its bylaws. At each annual meeting thereafter, the board shall elect from its membership a president and a vice-president who shall serve for a term of one year. The board shall hold regular and special meetings in a time, place, and manner established in its bylaws, provided that all meetings shall be open to the public except executive sessions as set forth in section [122.22](#) of the Revised Code.

The board shall appoint and fix the compensation of a secretary-treasurer, who shall be the fiscal officer. The secretary-treasurer shall not be a member of the board and shall serve at the pleasure of the board. Each member of the board of trustees is entitled to receive from the regional transit authority reimbursement for reasonable expenses in the performance of the trustee's duties.

Effective Date: 09-29-2005

306.34 Power and authority of board of trustees.

All the power and authority granted to a regional transit authority shall be vested in and exercised by its board of trustees which shall manage and conduct its affairs. The board shall, within the limitations of sections [306.30](#) to [306.47](#), inclusive, of the Revised Code, by its rules and regulations provide the procedure for its actions, the manner of selection of its president, vice-president, secretary-treasurer, and other officers and employees, their titles, terms of office, compensation, duties, number, and qualifications, and any other lawful subject necessary to the operation of the regional transit authority and the exercise of the powers granted to it.

Effective Date: 11-01-1965

306.35 Regional transit authority - powers and duties.

Upon the creation of a regional transit authority as provided by section 306.32 of the Revised Code, and upon the qualifying of its board of trustees and the election of a president and a vice-president, the authority shall

exercise in its own name all the rights, powers, and duties vested in and conferred upon it by sections 306.30 to 306.53 of the Revised Code. Subject to any reservations, limitations, and qualifications that are set forth in those sections, the regional transit authority:

(A) May sue or be sued in its corporate name;

(B) May make contracts in the exercise of the rights, powers, and duties conferred upon it;

(C) May adopt and at will alter a seal and use such seal by causing it to be impressed, affixed, reproduced, or otherwise used, but failure to affix the seal shall not affect the validity of any instrument;

(D)(1) May adopt, amend, and repeal bylaws for the administration of its affairs and rules for the control of the administration and operation of transit facilities under its jurisdiction, and for the exercise of all of its rights of ownership in those transit facilities;

(2) The regional transit authority also may adopt bylaws and rules for the following purposes:

(a) To prohibit selling, giving away, or using any beer or intoxicating liquor on transit vehicles or transit property; (b) For the preservation of good order within or on transit vehicles or transit property;

(c) To provide for the protection and preservation of all property and life within or on transit vehicles or transit property;

(d) To regulate and enforce the collection of fares.

(3) Before a bylaw or rule adopted under division (D)(2) of this section takes effect, the regional transit authority shall provide for a notice of its adoption to be published once a week for two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code.

(4) No person shall violate any bylaw or rule of a regional transit authority adopted under division (D)(2) of this section.

(E) May fix, alter, and collect fares, rates, and rentals and other charges for the use of transit facilities under its jurisdiction to be determined exclusively by it for the purpose of providing for the payment of the expenses of the regional transit authority, the acquisition, construction, improvement, extension, repair, maintenance, and operation of transit facilities under its jurisdiction, the payment of principal and interest on its obligations, and to fulfill the terms of any agreements made with purchasers or holders of any such obligations, or with any person or political subdivision;

(F) Shall have jurisdiction, control, possession, and supervision of all property, rights, easements, licenses, moneys, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to it;

(G) (1) Except as provided in division (G)(2) of this section, may acquire, construct, improve, extend, repair, lease, operate, maintain, or manage transit facilities within or without its territorial boundaries, considered necessary to accomplish the purposes of its organization and make charges for the use of transit facilities.

(2) Beginning on July 1, 2011, a regional transit authority shall not extend its service or facilities into a political subdivision outside the territorial boundaries of the authority without giving prior notice to the legislative authority of the political subdivision. The legislative authority shall have thirty days after receiving the notice to comment on the proposal.

(H) May levy and collect taxes as provided in sections 306.40 and 306.49 of the Revised Code;

(I) May issue bonds secured by its general credit as provided in section 306.40 of the Revised Code;

(J) May hold, encumber, control, acquire by donation, by purchase for cash or by installment payments, by lease-purchase agreement, by lease with option to purchase, or by condemnation, and may construct, own, lease as lessee or lessor, use, and sell, real and personal property, or any interest or right in real and personal property, within or without its territorial boundaries, for the location or protection of transit facilities and improvements and access to transit facilities and improvements, the relocation of buildings, structures, and improvements situated on lands acquired by the regional transit authority, or for any other necessary purpose, or for obtaining or storing materials to be used in constructing, maintaining, and improving transit facilities under its jurisdiction;

(K) May exercise the power of eminent domain to acquire property or any interest in property, within or without its territorial boundaries, that is necessary or proper for the construction or efficient operation of any transit facility or access to any transit facility under its jurisdiction in accordance with section 306.36 of the Revised Code;

(L) May provide by agreement with any county, including the counties within its territorial boundaries, or any municipal corporation or any combination of counties or municipal corporations for the making of necessary surveys, appraisals, and examinations preliminary to the acquisition or construction of any transit facility and the amount of the expense for the surveys, appraisals, and examinations to be paid by each such county or municipal corporation;

(M) May provide by agreement with any county, including the counties within its territorial boundaries, or any municipal corporation or any combination of those counties or municipal corporations for the acquisition, construction, improvement, extension, maintenance, or operation of any transit facility owned or to be owned and operated by it or owned or to be owned and operated by any such county or municipal corporation and the terms on which it shall be acquired, leased, constructed, maintained, or operated, and the amount of the cost and expense of the acquisition, lease, construction, maintenance, or operation to be paid by each such county or municipal corporation;

(N) May issue revenue bonds for the purpose of acquiring, replacing, improving, extending, enlarging, or constructing any facility or permanent improvement that it is authorized to acquire, replace, improve, extend, enlarge, or construct, including all costs in connection with and incidental to the acquisition, replacement, improvement, extension, enlargement, or construction, and their financing, as provided by section 306.37 of the Revised Code;

(O) May enter into and supervise franchise agreements for the operation of a transit system;

(P) May accept the assignment of and supervise an existing franchise agreement for the operation of a transit system;

(Q) May exercise a right to purchase a transit system in accordance with the acquisition terms of an existing franchise agreement; and in connection with the purchase the regional transit authority may issue revenue bonds as provided by section 306.37 of the Revised Code or issue bonds secured by its general credit as provided in section 306.40 of the Revised Code;

(R) May apply for and accept grants or loans from the United States, the state, or any other public body for the purpose of providing for the development or improvement of transit facilities, mass transportation facilities, equipment, techniques, methods, or services, and grants or loans needed to exercise a right to purchase a transit system pursuant to agreement with the owner of those transit facilities, or for providing lawful financial assistance to existing transit systems; and may provide any consideration that may be required in order to obtain those grants or loans from the United States, the state, or other public body, either of which grants or loans may be evidenced by the issuance of revenue bonds as provided by section 306.37 of the Revised Code or general obligation bonds as provided by section 306.40 of the Revised Code;

(S) May employ and fix the compensation of consulting engineers, superintendents, managers, and such other engineering, construction, accounting and financial experts, attorneys, and other employees and agents necessary for the accomplishment of its purposes;

(T) May procure insurance against loss to it by reason of damages to its properties resulting from fire, theft, accident, or other casualties or by reason of its liability for any damages to persons or property occurring in the construction or operation of transit facilities under its jurisdiction or the conduct of its activities;

(U) May maintain funds that it considers necessary for the efficient performance of its duties;

(V) May direct its agents or employees, when properly identified in writing, after at least five days' written notice, to enter upon lands within or without its territorial boundaries in order to make surveys and examinations preliminary to the location and construction of transit facilities, without liability to it or its agents or employees except for actual damage done;

(W) On its own motion, may request the appropriate zoning board, as defined in section 4563.03 of the Revised Code, to establish and enforce zoning regulations pertaining to any transit facility under its jurisdiction in the manner prescribed by sections 4563.01 to 4563.21 of the Revised Code;

(X) If it acquires any existing transit system, shall assume all the employer's obligations under any existing labor contract between the employees and management of the system. If the board acquires, constructs, controls, or operates any such facilities, it shall negotiate arrangements to protect the interests of employees affected by the acquisition, construction, control, or operation. The arrangements shall include, but are not limited to:

(1) The preservation of rights, privileges, and benefits under existing collective bargaining agreements or otherwise, the preservation of rights and benefits under any existing pension plans covering prior service, and continued participation in social security in addition to participation in the public employees retirement system as required in Chapter 145. of the Revised Code;

(2) The continuation of collective bargaining rights;

(3) The protection of individual employees against a worsening of their positions with respect to their employment;

(4) Assurances of employment to employees of those transit systems and priority reemployment of employees terminated or laid off;

(5) Paid training or retraining programs;

(6) Signed written labor agreements.

The arrangements may include provisions for the submission of labor disputes to final and binding arbitration.

(Y) May provide for and maintain security operations, including a transit police department, subject to section 306.352 of the Revised Code. Regional transit authority police officers shall have the power and duty to act as peace officers within transit facilities owned, operated, or leased by the transit authority to protect the transit authority's property and the person and property of passengers, to preserve the peace, and to enforce all laws of the state and ordinances and regulations of political subdivisions in which the transit authority operates. Regional transit authority police officers also shall have the power and duty to act as peace officers when they render emergency assistance outside their jurisdiction to any other peace officer who is not a regional transit authority police officer and who has arrest authority under section 2935.03 of the Revised Code. Regional transit authority police officers may render emergency assistance if there is a threat of imminent physical danger to the peace officer, a threat of physical harm to another person, or any other serious emergency situation and if either the peace officer who is assisted requests emergency assistance or it appears that the

peace officer who is assisted is unable to request emergency assistance and the circumstances observed by the regional transit authority police officer reasonably indicate that emergency assistance is appropriate.

Before exercising powers of arrest and the other powers and duties of a peace officer, each regional transit authority police officer shall take an oath and give bond to the state in a sum that the board of trustees prescribes for the proper performance of the officer's duties.

Persons employed as regional transit authority police officers shall complete training for the position to which they have been appointed as required by the Ohio peace officer training commission as authorized in section 109.77 of the Revised Code, or be otherwise qualified. The cost of the training shall be provided by the regional transit authority.

(Z) May procure a policy or policies insuring members of its board of trustees against liability on account of damages or injury to persons and property resulting from any act or omission of a member in the member's official capacity as a member of the board or resulting solely out of the member's membership on the board;

(AA) May enter into any agreement for the sale and leaseback or lease and leaseback of transit facilities, which agreement may contain all necessary covenants for the security and protection of any lessor or the regional transit authority including, but not limited to, indemnification of the lessor against the loss of anticipated tax benefits arising from acts, omissions, or misrepresentations of the regional transit authority. In connection with that transaction, the regional transit authority may contract for insurance and letters of credit and pay any premiums or other charges for the insurance and letters of credit. The fiscal officer shall not be required to furnish any certificate under section 5705.41 of the Revised Code in connection with the execution of any such agreement.

(BB) In regard to any contract entered into on or after March 19, 1993, for the rendering of services or the supplying of materials or for the construction, demolition, alteration, repair, or reconstruction of transit facilities in which a bond is required for the faithful performance of the contract, may permit the person awarded the contract to utilize a letter of credit issued by a bank or other financial institution in lieu of the bond;

(CC) May enter into agreements with municipal corporations located within the territorial jurisdiction of the regional transit authority permitting regional transit authority police officers employed under division (Y) of this section to exercise full arrest powers, as provided in section 2935.03 of the Revised Code, for the purpose of preserving the peace and enforcing all laws of the state and ordinances and regulations of the municipal corporation within the areas that may be agreed to by the regional transit authority and the municipal corporation.

Amended by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 6/30/2011.

Effective Date: 09-26-2003

306.351 Purchase and operation of flexible joint bus.

A regional transit authority may purchase an articulated bus only if the regional transit authority establishes and follows a preference system for buses that are manufactured or assembled within this state, or, if none, within the United States.

Effective Date: 06-30-1993; 09-16-2004

306.352 Felony conviction precludes or terminates employment.

(A) As used in this section, "felony" has the same meaning as in section [109.511](#) of the Revised Code.

(B)(1) In the exercise of its authority under division (Y) of section [306.35](#) of the Revised Code, a regional transit authority shall not employ a person as a regional transit authority police officer on a permanent basis, on a temporary basis, for a probationary term, or on other than a permanent basis if the person previously has been convicted of or has pleaded guilty to a felony.

(2)(a) The transit authority shall terminate the employment of a person as a regional transit authority police officer if the person does either of the following:

(i) Pleads guilty to a felony;

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated plea agreement as provided in division (D) of section [2929.43](#) of the Revised Code in which the police officer agrees to surrender the certificate awarded to that police officer under section [109.77](#) of the Revised Code.

(b) The transit authority shall suspend from employment a person designated as a regional transit authority police officer if that person is convicted, after trial, of a felony. If the police officer files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if the police officer does not file a timely appeal, the transit authority shall terminate the employment of that police officer. If the police officer files an appeal that results in the police officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the police officer, the transit authority shall reinstate that police officer. A police officer who is reinstated under division (B)(2)(b) of this section shall not receive any back pay unless that officer's conviction of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the police officer of the felony.

(3) Division (B) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension from employment, or the termination of the employment, of a regional transit authority police officer under division (B)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

Effective Date: 01-01-2004

[306.36 Power of eminent domain.](#)

(A) The board of trustees of a regional transit authority may exercise the power of eminent domain to appropriate any land, rights, rights-of-way, franchise, power lines, easements, or other property, within or without the territorial boundaries of the regional transit authority, necessary or proper for the construction or efficient operation of any transit facility or access thereto under its jurisdiction pursuant to the procedure provided in sections [163.01](#) to [163.22](#), inclusive, of the Revised Code, and subject to division (B) of this section, provided that a regional transit authority shall not proceed to so appropriate real property outside its territorial boundaries, until it has served at the office of the county commissioners of the county in which it is proposed to appropriate real property, a notice describing the real property to be taken and the purpose for which it is proposed to be taken, and such county commissioners have entered on their journal within thirty days after such service a resolution approving such appropriation.

(B) Nothing contained in sections [306.30](#) to [306.53](#), inclusive, of the Revised Code authorizes a regional transit authority to appropriate any land, rights, rights-of-way, franchises, or easements belonging to the state or a municipal corporation without the consent of the state or municipal corporation, and no regional transit authority shall exercise the right of eminent domain to acquire any certificate of public convenience and necessity, or any part thereof, issued to a motor transportation company by the public utilities commission of Ohio or by the interstate commerce commission of the United States, or to take or disturb other property or facilities belonging to any political subdivision, public corporation, public utility, or common carrier, which

property or facility is necessary and convenient in the operation of such political subdivision, public corporation, public utility, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facility, or upon the election of such political subdivision, public corporation, public utility, or common carrier, for the payment of compensation, if any, at the sole cost of the regional transit authority, provided:

(1) If any restoration or duplication of any property or facility proposed to be made under this division involves a relocation of such property or facility the new facility and location thereof shall be of at least comparable utilitarian value and effectiveness and such relocation shall not impair the ability of the public utility or common carrier to compete in its original area of operation.

(2) If any restoration or duplication of any property or facility proposed to be made under this division involves a relocation of such property or facility, the regional transit authority shall acquire no interest or right in or to the appropriated property or facility until the relocated property or facility is available for use and until marketable title thereto has been transferred to the public utility or common carrier.

(C) When real property is acquired which is located outside the territorial boundaries of the regional transit authority and which is removed from the tax duplicate, the regional transit authority shall pay annually to the county treasurer of the county in which such property is located, commencing with the first tax year in which such property is removed from the tax duplicate, an amount of money in lieu of taxes equal to the smaller of the following:

(1) The last annual installment of taxes due from the acquired property before removal from the tax duplicate;

(2) An amount equal to the difference between the combined revenue from real estate taxes of all the taxing districts in which such property is located in the tax year immediately prior to the removal of such acquired property from the tax duplicate, and either:

(a) The total revenue which would be produced by the tax rate of each such taxing district in the tax year immediately prior to the removal of such acquired property from the tax duplicate, applied to the real estate tax duplicate of each of such taxing districts in each tax year subsequent to the year of removal; or

(b) The combined revenue from real estate taxes of all such taxing districts in each tax year subsequent to the year of removal, whichever is the greater.

The county auditor of each county in which such property is located shall apportion each such annual payment to each taxing district as if such annual payment has been levied and collected as a tax.

Such annual payments shall never again be made after they have ceased.

The regional transit authority may be exempted from such payment by agreement of the affected taxing district or districts in the county in which such property is located.

Effective Date: 08-25-1970

306.37 Issuing revenue bonds.

(A) As used in division (B)(3) of this section, "proposed new construction" means a proposal to erect, construct, repair, alter, redevelop, or maintain a single-family, two-family, or three-family dwelling or any structure that is regulated by the Ohio building code.

(B)(1)(a) The board of county commissioners may adopt local residential building regulations governing residential buildings as defined in section [3781.06](#) of the Revised Code, to be enforced within the unincorporated area of the county or within districts the board establishes in any part of the unincorporated area. No local residential building regulation shall differ from the state residential building code the board of

building standards establishes pursuant to Chapter 3781. of the Revised Code unless the regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section [3781.01](#) of the Revised Code.

(b) The board of county commissioners may, by resolution, adopt, administer, and enforce within the unincorporated area of the county, or within districts the board establishes in the unincorporated area, an existing structures code pertaining to the repair and continued maintenance of structures and the premises of those structures provided that the existing structures code governs subject matter not addressed by, and is not in conflict with, the state residential building code adopted pursuant to Chapter 3781. of the Revised Code. The board may adopt by incorporation by reference a model or standard code prepared and promulgated by the state, any agency of this state, or any private organization that publishes a recognized or standard existing structures code.

(c) The board shall assign the duties of administering and enforcing any local residential building regulations or existing structures code to a county officer or employee who is trained and qualified for those duties and shall establish by resolution the minimum qualifications necessary to perform those duties.

(2) The board may adopt regulations for participation in the national flood insurance program established in the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, and regulations adopted for the purposes of section [1506.04](#) or [1506.07](#) of the Revised Code governing the prohibition, location, erection, construction, redevelopment, or floodproofing of new buildings or structures, substantial improvements to existing buildings or structures, or other development in unincorporated territory within flood hazard areas identified under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, or within Lake Erie coastal erosion areas identified under section [1506.06](#) of the Revised Code, including, but not limited to, residential, commercial, institutional, or industrial buildings or structures or other permanent structures, as defined in section [1506.01](#) of the Revised Code. Rules adopted under division (B)(2) of this section shall not conflict with the state residential and nonresidential building codes adopted pursuant to section [3781.10](#) of the Revised Code.

(3)(a) A board may adopt regulations that provide for a review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The regulations may require reasonable drainage mitigation and reasonable alteration of a proposed new construction before a building permit is issued in order to prevent or correct any adverse effects that the proposed new construction may have on existing surface or subsurface drainage. The regulations shall not be inconsistent with, more stringent than, or broader in scope than standards adopted by the natural resource conservation service in the United States department of agriculture concerning drainage or rules adopted by the environmental protection agency for reducing, controlling, or mitigating storm water runoff from construction sites, where applicable. The regulations shall allow a person who is registered under Chapter 4703. or 4733. of the Revised Code to prepare and submit relevant plans and other documents for review, provided that the person is authorized to prepare the plans and other documents pursuant to the person's registration.

(b) If regulations are adopted under division (B)(3) of this section, the board shall specify in the regulations a procedure for the review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The procedure shall include at a minimum all of the following:

(i) A meeting at which the proposed new construction shall be examined for those specific effects. The meeting shall be held within thirty days after an application for a building permit is filed or a review is requested unless the applicant agrees in writing to extend that time period or to postpone the meeting to another date, time, or place. The meeting shall be scheduled within five days after an application for a building permit is filed or a review is requested.

(ii) Written notice of the date, time, and place of that meeting, sent by regular mail to the applicant. The written notice shall be mailed at least seven days before the scheduled meeting date.

(iii) Completion of the review by the board of county commissioners not later than thirty days after the application for a building permit is filed or a review is requested unless the applicant has agreed in writing to extend that time period or postpone the meeting to a later time, in which case the review shall be completed not later than two days after the date of the meeting. A complete review shall include the issuance of any order of the board of county commissioners regarding necessary reasonable drainage mitigation and necessary reasonable alterations to the proposed new construction to prevent or correct any adverse effects on existing surface or subsurface drainage so long as those alterations comply with the state residential and nonresidential building codes adopted pursuant to section [3781.10](#) of the Revised Code. If the review is not completed within the thirty-day period or an extended or postponed period that the applicant has agreed to, the proposed new construction shall be deemed to have no adverse effects on existing surface or subsurface drainage, and those effects shall not be a valid basis for the denial of a building permit.

(iv) A written statement, provided to the applicant at the meeting or in an order for alterations to a proposed new construction, informing the applicant of the right to seek appellate review of the denial of a building permit under division (B)(3)(b)(iii) of this section by filing a petition in accordance with Chapter 2506. of the Revised Code.

(c) The regulations may authorize the board, after obtaining the advice of the county engineer, to enter into an agreement with the county engineer or another qualified person or entity to carry out any necessary inspections and make evaluations about what, if any, alterations are necessary to prevent or correct any adverse effects that a proposed new construction may have on existing surface or subsurface drainage.

(d) Regulations adopted pursuant to division (B)(3) of this section shall not apply to any property that a platting authority has approved under section [711.05](#), [711.09](#), or [711.10](#) of the Revised Code and shall not govern the same subject matter as the state residential or nonresidential building codes adopted pursuant to section [3781.10](#) of the Revised Code.

(e) As used in division (B)(3) of this section, "subsurface drainage" does not include a household sewage treatment system as defined in section [3709.091](#) of the Revised Code.

(C)(1) Any regulation, code, or amendment may be adopted under this section only after a public hearing at not fewer than two regular or special sessions of the board. The board shall cause notice of any public hearing to be published in a newspaper of general circulation in the county once a week for the two consecutive weeks immediately preceding the hearing, except that if the board posts the hearing notice on the board's internet site on the world wide web, the board need publish only one notice of the hearing in a newspaper of general circulation if that newspaper notice includes the board's internet site and a statement that the notice is also posted on the internet site. Any notice of a public hearing shall include the time, date, and place of the hearing.

(2) Any proposed regulation, code, or amendment shall be made available to the public at the board office. The regulations or amendments shall take effect on the thirty-first day following the date of their adoption.

(D)(1) No person shall violate any regulation, code, or amendment the board adopts under sections [307.37](#) to [307.40](#) of the Revised Code.

(2) Each day during which an illegal location, erection, construction, floodproofing, repair, alteration, development, redevelopment, or maintenance continues may be considered a separate offense.

(E) Regulations or amendments the board adopts pursuant to this section, with the exception of an existing structures code, do not affect buildings or structures that exist or on which construction has begun on or before the date the board adopts the regulation or amendment.

(F)(1) The board may create a building department and employ the personnel it determines necessary to administer and enforce any local residential building regulations or existing structures code the board adopts

pursuant to this section. The building department may enforce the state residential and nonresidential building codes adopted pursuant to Chapter 3781. of the Revised Code if the building department is certified pursuant to section [3781.10](#) of the Revised Code to enforce those codes.

(2) The board may direct the building department, upon certification, to exercise enforcement authority and to accept and approve plans pursuant to sections [3781.03](#) and [3791.04](#) of the Revised Code for the class of building for which the department and personnel are certified.

Effective Date: 02-20-1986; 09-29-2005

306.38 Trust agreement may secure revenue bonds.

At the discretion of the board of trustees of a regional transit authority, the revenue bonds of the regional transit authority may be secured by a trust agreement between the board of trustees on behalf of the regional transit authority and a corporate trustee, which trustee may be any trust company or bank having powers of a trust company, within or without the state.

Such trust agreement may provide for the pledge or assignment of the revenues to be received, shall not pledge the general credit of the regional transit authority, but may include a mortgage on any real property or interests therein acquired from the proceeds of such revenue bonds. The trust agreement or the resolution providing for the issuance of revenue bonds may set forth the rights and remedies of the bond holders and trustees, including, in the event of a default, appointment of a receiver to administer and operate transit facilities, and may contain such other provisions for protecting and enforcing their rights and remedies as are, in the discretion of the board of trustees, reasonable and proper. Such agreement or resolution may provide for the custody, investment, and disbursement of all moneys derived from the sale of such bonds or from the revenues of the regional transit authority pledged to pay the interest and principal on such bonds and may provide for the deposit of such funds without regard to section [306.42](#) of the Revised Code.

Effective Date: 08-25-1970

306.39 Interest and maturity of revenue bonds.

Revenue bonds issued by a regional transit authority shall bear interest at the rate or rates approved by the board of trustees, shall mature within forty years following the date of issuance, and in such amount, at such times, and in such number of installments as may be provided in the resolution authorizing their issuance. Such resolution shall also provide for the execution and sealing of the bonds and the use of facsimile signatures and facsimile of the seal, the manner of sale of the bonds, and such other terms and conditions relative to the issuance, sale, and retirement of said bonds as the board of trustees in their discretion believe reasonable and proper.

If such bonds are callable, bonds called may be refunded. If revenues prove insufficient to pay maturing bonds, bonds which have matured or are about to mature may be refunded.

Effective Date: 08-25-1970

306.40 Issuing general obligation bonds.

The regional transit authority may submit to the electors within its territorial boundaries the question of issuing bonds of such authority and also the necessity of a tax outside the limitation imposed by section 2 of Article XII, Ohio Constitution, to pay the interest on and to retire the bonds. Such bonds when so approved by the electors may be issued by the regional transit authority to purchase, acquire, construct, replace, improve, extend, and enlarge any transit facility which serves or will serve an area within the territorial boundaries of the regional transit authority, or to make an indemnification payment pursuant to an agreement for the sale

and leaseback of qualified mass commuting vehicles as provided in division (AA) of section [306.35](#) of the Revised Code, or to pay a final judgment or judgments rendered against the regional transit authority, including settlement of a claim approved by a court, in an action for personal injuries or based on any other noncontractual obligation, provided that the net indebtedness, as defined for a municipal corporation in section [133.05](#) of the Revised Code, incurred by a regional transit authority shall never exceed five per cent of the total value of all property within the territorial boundaries of the regional transit authority as listed and assessed for taxation, and that no part of the proceeds of such bonds shall at any time be used to meet or defray any of the normal operating expenses of any transit facility or part thereof and provided also, that bonds issued to make an indemnification payment pursuant to an agreement for the sale and leaseback of qualified mass commuting vehicles as provided in division (AA) of section [306.35](#) of the Revised Code shall have a maturing of not more than five years. The proceedings for such election and for the issuance and sale of such bonds shall be as provided by Chapter 133. of the Revised Code, provided that such a bond issue may be submitted to the electors and such bonds may be issued for any one or more of the purposes set forth in this section. If a majority of those voting upon the proposition vote in favor thereof, the board of trustees of the regional transit authority may proceed with the issue of such bonds and the levy of a tax outside the ten-mill limitation, sufficient in amount to pay the interest on and retire such bonds at maturity. Notes may be issued in anticipation of such bonds as provided in section [133.22](#) of the Revised Code. The board of trustees shall be the taxing authority or bond issuing authority of the regional transit authority.

The regional transit authority may also issue bonds and notes in anticipation of such bonds for any one or more of the purposes set forth in this section and as provided in Chapter 133. of the Revised Code, without a vote of the electors residing within the territorial boundaries of the authority. Prior to the issuance of such bonds or notes, the fiscal officer of the authority shall file with the board of trustees a certificate showing that the estimated revenues of the authority from sources other than ad valorem taxes on property, after first meeting from all available resources the estimated operation and maintenance expenses of the authority as they become due, are sufficient to pay the principal of and interest on such bonds as they become due, and that the maximum aggregate amount of principal and interest to become payable in any one calendar year on all of the bonds of the authority issued pursuant to this section without a vote of the electors does not exceed one-tenth of one per cent of the total value of all the property within the territory of the authority as listed and assessed for taxation. To the extent that revenues of the authority from sources other than ad valorem taxes on property, after paying the operation and maintenance expenses of the facilities financed from the proceeds of bonds and notes issued pursuant to this section and any moneys required for the payment of the principal of and interest and any premium on revenue bonds issued by the regional transit authority pursuant to section [306.37](#) of the Revised Code, are sufficient to pay the principal of and interest on bonds issued pursuant to this section as they become due, such bonds shall not be considered within the five per cent limitation on indebtedness imposed by this section.

Effective Date: 10-30-1989

306.41 Income and profit from binds exempt from taxation.

Bonds issued under sections [306.37](#) to [306.40](#), inclusive, of the Revised Code, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

Effective Date: 11-01-1965

306.42 Secretary-treasurer of regional transit authority duties.

(A) The secretary-treasurer of the regional transit authority shall be the fiscal officer of the regional transit authority and the custodian of its funds and records and shall assist the board of directors in such particulars as it directs in the performance of its duties.

(B) Before receiving any moneys, the secretary-treasurer shall furnish bond in such amount as is determined by the board of trustees of the regional transit authority with surety satisfactory to it. Except as provided in division (C) of this section, all funds coming into the hands of the secretary-treasurer shall be deposited by the secretary-treasurer to the account of the regional transit authority in one or more such depositories as are qualified to receive deposits of county funds, which deposits shall be secured in the same manner as county funds are required to be secured. No disbursements shall be made from such funds except in accordance with rules and regulations adopted by the board of trustees of the regional transit authority.

(C) Funds received by the secretary-treasurer pursuant to an agreement under division (AA) of section [306.35](#) of the Revised Code shall be deposited to an account of the regional transit authority as designated in the agreement and shall be invested as provided in the agreement. Such funds are not subject to Chapter 135. of the Revised Code.

Effective Date: 06-30-1999

306.43 Contracts - competitive bidding.

(A) The board of trustees of a regional transit authority or any officer or employee designated by such board may make any contract for the purchase of goods or services, the cost of which does not exceed one hundred thousand dollars. When an expenditure, other than for the acquisition of real estate, the discharge of claims, or the acquisition of goods or services under the circumstances described in division (H) of this section, is expected to exceed one hundred thousand dollars, such expenditure shall be made through full and open competition by the use of competitive procedures. The regional transit authority shall use the competitive procedure, as set forth in divisions (B), (C), (D), and (E) of this section, that is most appropriate under the circumstances of the procurement.

(B) Competitive sealed bidding is the preferred method of procurement and a regional transit authority shall use that method if all of the following conditions exist:

- (1) A clear, complete and adequate description of the goods, services, or work is available;
- (2) Time permits the solicitation, submission, and evaluation of sealed bids;
- (3) The award will be made on the basis of price and other price-related factors;
- (4) It is not necessary to conduct discussions with responding offerors about their bids;
- (5) There is a reasonable expectation of receiving more than one sealed bid.

A regional transit authority shall publish a notice calling for bids once a week for no less than two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code. A regional transit authority may require that a bidder for any contract other than a construction contract provide a bid guaranty in the form, quality, and amount considered appropriate by the regional transit authority. The board may let the contract to the lowest responsive and responsible bidder. Where fewer than two responsive bids are received, a regional transit authority may negotiate price with the sole responsive bidder or may rescind the solicitation and procure under division (H)(2) of this section.

(C) A regional transit authority may use two-step competitive bidding, consisting of a technical proposal and a separate, subsequent sealed price bid from those submitting acceptable technical proposals, if both of the following conditions exist:

- (1) A clear, complete, and adequate description of the goods, services, or work is not available, but definite criteria exist for the evaluation of technical proposals;

(2) It is necessary to conduct discussions with responding offerors.

A regional transit authority shall publish a notice calling for technical proposals once a week for no less than two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code. A regional transit authority may require a bid guaranty in the form, quality, and amount the regional transit authority considers appropriate. The board may let the contract to the lowest responsive and responsible bidder. Where fewer than two responsive and responsible bids are received, a regional transit authority may negotiate price with the sole responsive and responsible bidder or may rescind the solicitation and procure under division (H)(2) of this section.

(D) A regional transit authority shall make a procurement by competitive proposals if competitive sealed bidding or two-step competitive bidding is not appropriate. A regional transit authority shall publish a notice calling for proposals once a week for no less than two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code. A regional transit authority may require a proposal guaranty in the form, quality, and amount considered appropriate by the regional transit authority. The board may let the contract to the proposer making the offer considered most advantageous to the authority. Where fewer than two competent proposals are received, a regional transit authority may negotiate price and terms with the sole proposer or may rescind the solicitation and procure under division (H)(2) of this section.

(E)(1) A regional transit authority shall procure the services of an architect or engineer in the manner prescribed by the "Federal Mass Transportation Act of 1987," Public Law No. 100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 1608 and the services of a construction manager in the manner prescribed by sections 9.33 to 9.332 of the Revised Code.

(2) A regional transit authority may procure revenue rolling stock in the manner prescribed by division (B), (C), or (D) of this section.

(3) All contracts for construction in excess of one hundred thousand dollars shall be made only after the regional transit authority has published a notice calling for bids once a week for two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code. The board may award a contract to the lowest responsive and responsible bidder. Where only one responsive and responsible bid is received, the regional transit authority may negotiate price with the sole responsive bidder or may rescind the solicitation. The regional transit authority shall award construction contracts in accordance with sections 153.12 to 153.14 and 153.54 of the Revised Code. Divisions (B) and (C) of this section shall not apply to the award of contracts for construction.

(F) All contracts involving expenditures in excess of one hundred thousand dollars shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done. The plans and specifications shall at all times be made and considered part of the contract. For all contracts other than construction contracts, a regional transit authority may require performance, payment, or maintenance guaranties or any combination of such guaranties in the form, quality, and amount it considers appropriate. The contract shall be approved by the board and signed on behalf of the regional transit authority and by the contractor.

(G) In making a contract, a regional transit authority may give preference to goods produced in the United States in accordance with the Buy America requirements in the "Surface Transportation Assistance Act of 1982," Public Law No. 97-424, section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, and the rules adopted thereunder. The regional transit authority also may give preference to providers of goods produced in and services provided in labor surplus areas as defined by the United States department of labor in 41 U.S.C.A. 401 note, Executive Order No. 12073, August 16, 1978, 43 Fed. Reg. 36873, as amended.

(H) Competitive procedures under this section are not required in any of the following circumstances:

(1) The board of trustees of a regional transit authority, by a two-thirds affirmative vote of its members, determines that a real and present emergency exists under any of the following conditions, and the board enters its determination and the reasons for it in its proceedings:

(a) Affecting safety, welfare, or the ability to deliver transportation services;

(b) Arising out of an interruption of contracts essential to the provision of daily transit services;

(c) Involving actual physical damage to structures, supplies, equipment, or property.

(2) The purchase consists of goods or services, or any combination thereof, and after reasonable inquiry the board or any officer or employee the board designates finds that only one source of supply is reasonably available.

(3) The expenditure is for a renewal or renegotiation of a lease or license for telecommunications or electronic data processing equipment, services, or systems, or for the upgrade of such equipment, services, or systems, or for the maintenance thereof as supplied by the original source or its successors or assigns.

(4) The purchase of goods or services is made from another political subdivision, public agency, public transit system, regional transit authority, the state, or the federal government, or as a third-party beneficiary under a state or federal procurement contract, or as a participant in a department of administrative services contract under division (B) of section 125.04 of the Revised Code.

(5) The sale and leaseback or lease and leaseback of transit facilities is made as provided in division (AA) of section 306.35 of the Revised Code.

(6) The purchase substantially involves services of a personal, professional, highly technical, or scientific nature, including but not limited to the services of an attorney, physician, surveyor, appraiser, investigator, court reporter, adjuster, advertising consultant, or licensed broker, or involves the special skills or proprietary knowledge required for the servicing of specialized equipment owned by the regional transit authority.

(7) Services or supplies are available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code.

(8) The purchase consists of the product or services of a public utility.

(9) The purchase is for the services of individuals with disabilities to work in the authority's commissaries or cafeterias, and those individuals are supplied by a nonprofit corporation or association whose purpose is to assist individuals with disabilities, whether or not that corporation or association is funded entirely or in part by the federal government, or the purchase is for services provided by a nonprofit corporation or association whose purpose is to assist individuals with disabilities, whether or not that corporation or association is funded entirely or in part by the federal government. For purposes of division (H)(9) of this section, "disability" has the same meaning as in section 4112.01 of the Revised Code.

(I) A regional transit authority may enter into blanket purchase agreements for purchases of maintenance, operating, or repair goods or services where the item cost does not exceed five hundred dollars and the annual expenditure does not exceed one hundred thousand dollars.

(J) Nothing contained in this section prohibits a regional transit authority from participating in intergovernmental cooperative purchasing arrangements.

(K) Except as otherwise provided in this chapter, a regional transit authority shall make a sale or other disposition of property through full and open competition. Except as provided in division (L) of this section, all dispositions of personal property and all grants of real property for terms exceeding five years shall be made by public auction or competitive procedure.

(L) The competitive procedures required by division (K) of this section are not required in any of the following circumstances:

(1) The grant is a component of a joint development between public and private entities and is intended to enhance or benefit public transit.

(2) The grant of a limited use or of a license affecting land is made to an owner of abutting real property.

(3) The grant of a limited use is made to a public utility.

(4) The grant or disposition is to a department of the federal or state government, to a political subdivision of the state, or to any other governmental entity.

(5) Used equipment is traded on the purchase of equipment and the value of the used equipment is a price-related factor in the basis for award for the purchase.

(6) The value of the personal property is such that competitive procedures are not appropriate and the property either is sold at its fair market value or is disposed of by gift to a nonprofit entity having the general welfare or education of the public as one of its principal objects.

(M) The board of trustees of a regional transit authority, when making a contract funded exclusively by state or local moneys or any combination thereof, shall make a good faith effort to use disadvantaged business enterprise participation to the same extent required under Section 105(f) of the "Surface Transportation Assistance Act of 1982," Public Law No. 97-424, 96 Stat. 2100, and Section 106(c) of the "Surface Transportation and Uniform Relocation Assistance Act of 1987," Public Law No. 100-17, 101 Stat. 145, and the rules adopted thereunder.

(N) As used in this section:

(1) "Goods" means all things, including specially manufactured goods, that are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities, and things in action. "Goods" also includes other identified things attached to realty as described in section 1302.03 of the Revised Code.

(2) "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of goods or reports other than goods or reports that are merely incidental to the required performance, including but not limited to insurance, bonding, or routine operation, routine repair, or routine maintenance of existing structures, buildings, real property, or equipment, but does not include employment agreements, collective bargaining agreements, or personal services.

(3) "Construction" means the process of building, altering, repairing, improving, painting, decorating, or demolishing any structure or building, or other improvements of any kind to any real property owned or leased by a regional transit authority.

(4) "Full and open competition" has the same meaning as in the "Office of Federal Procurement Policy Act," Public Law No. 98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403.

(5) A bidder is "responsive" if, applying the criteria of division (A) of section 9.312 of the Revised Code, the bidder is "responsive" as described in that section.

(6) A bidder is "responsible" if, applying the criteria of division (B) of section 9.312 of the Revised Code and of the "Office of Federal Procurement Policy Act," Public Law No. 98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the bidder is "responsible" as described in those sections.

Amended by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 9/29/2011.

Effective Date: 03-17-2000; 2008 HB562 09-22-2008

306.44 Contracts with other governmental entities.

The board of trustees of a regional transit authority may enter into such contracts or other arrangements with the United States government or any department thereof, with the state government of this or other states, with counties, municipalities, townships, or other governmental agencies created by or under the authority of the laws of the state or other states, with persons, with public corporations and private corporations as may be necessary or convenient for the making of surveys, investigations or reports thereon, and for the exercise of the powers granted by sections [306.30](#) to [306.47](#), inclusive, of the Revised Code.

Effective Date: 11-01-1965

306.45 Officers and employees are eligible for public employees retirement system.

All officers and employees of a regional transit authority shall be considered as public employees within the meaning of section [145.01](#) of the Revised Code and a regional transit authority, its officers, and employees shall be subject to Chapter 145. of the Revised Code.

Effective Date: 09-21-2000

306.46 Counties and municipalities - powers not limited.

Nothing in sections [306.30](#) to [306.47](#), inclusive, of the Revised Code, shall limit the exercise of the power or authority granted to counties or municipal corporations by sections [307.20](#), [717.01](#), and [719.01](#) of the Revised Code.

Effective Date: 11-01-1965

306.47 Appropriation for county funds for expenses.

The board of county commissioners of any county included within a regional transit authority may appropriate annually, from moneys to the credit of the general fund of the county and not otherwise appropriated, that portion of the expense of the regional transit authority to be paid by such county as provided in the resolution creating or enlarging the regional transit authority adopted under section [306.32](#) or [306.321](#) of the Revised Code, or by any amendment thereto.

Effective Date: 06-24-1975

306.48 Group insurance for officers and employees.

A regional transit authority may procure and pay all or any part of the cost of group hospitalization, surgical, major medical, or sickness and accident insurance or a combination of any of the foregoing for the officers and employees of the regional transit authority and their immediate dependents, whether issued by an insurance company or a health insuring corporation duly authorized to do business in this state.

Effective Date: 06-04-1997

306.49 Annual tax levy.

(A) Upon the affirmative vote of at least a majority of the qualified electors within the territorial boundaries of the regional transit authority voting on the question at an election held for the purpose of authorizing it, the

regional transit authority may levy upon the property within its territorial boundaries a tax, for all purposes other than bond debt charges, not in excess of five mills annually on the total value of all property as listed and assessed for taxation for any period not exceeding ten years. Such election shall be called, held, canvassed, and certified in the same manner as is provided for elections held pursuant to section [5705.191](#) of the Revised Code. On approval of such a levy, notes may be issued in anticipation of the collection of the proceeds thereof, in the amount and manner and at the times as are provided in section [5705.193](#) of the Revised Code. The regional transit authority may borrow money in anticipation of the collection of current revenues as provided in section [133.10](#) of the Revised Code.

(B) Whenever the question of a tax upon property as provided in division (A) of this section has been rejected at an election, the regional transit authority may thereafter submit the question at a subsequent election to the qualified electors of the largest municipal corporation located within the territorial boundaries of the regional transit authority, and to the qualified electors of any other municipal corporation or township located within such boundaries, when its legislative authority or board of trustees has adopted a resolution requesting to be included in such election and has filed a copy thereof with the secretary-treasurer of the regional transit authority not later than ninety days prior to the date of the election.

Upon the affirmative vote of a majority of the qualified electors of the largest municipal corporation voting on the question, the regional transit authority may levy a tax as provided in division (A) of this section upon all property within the municipal corporation, and upon all property within any other municipal corporation or township included in the election when a majority of the qualified electors of such municipal corporation or township have authorized the tax.

Whenever a tax upon property has been authorized pursuant to this division, the legislative authority of any municipal corporation, or the board of trustees of any township, that is not subject to the tax, but is included within the territorial boundaries of the regional transit authority, may adopt a resolution requesting the regional transit authority to hold an election submitting the question of levying the tax to the electors of such municipal corporation or township.

Any election held pursuant to this division shall be called, held, canvassed, and certified in the same manner as provided for elections held pursuant to division (A) of this section, and any tax authorized by an election held under this division shall grant the same authority and be subject to the same requirements with respect to the issuance of notes and the borrowing of money as provided in division (A) of this section.

(C) Any tax authorized by an election held under this section shall be levied annually as provided in section [5705.34](#) of the Revised Code during the period authorized, and shall be for the purpose of providing funds necessary for the regional transit authority budget, except that any tax authorized under division (B) of this section shall be used for such purpose only in those municipal corporations or townships which have authorized the tax. The collection of such tax levy shall conform in all matters to the provisions of the Revised Code governing the collection of taxes and assessments levied by taxing districts, and the same provisions concerning the nonpayment of taxes shall apply to taxes levied pursuant to this section.

Effective Date: 10-30-1989

[306.50 \[Repealed\].](#)

Effective Date: 10-30-1989

[306.51 Conveyance, lease, or exchange of personal or real property.](#)

The legislative authority of any municipal corporation, county, township, school district, or other political subdivision or taxing district, may convey or lease to, or exchange with, any regional transit authority or any such authority may convey or lease to, or exchange with, a municipal corporation, county, township, school

district, or other political subdivision or taxing district, without competitive bidding and at mutually agreeable terms, any personal or real property, or any interest therein, to be used by the recipient for its purposes.

Effective Date: 08-25-1970

306.52 Real and personal property exempt from taxation.

(A) A regional transit authority created under sections [306.30](#) to [306.53](#) of the Revised Code, shall be exempt from and shall not be required to pay any taxes on property, both real and personal, belonging to any such authority, which is used exclusively for any public purpose. However, except as provided in division (B) of this section, such exemption shall not apply to any property belonging to any authority while a private enterprise is a lessee of such property under written lease providing for tenancy for longer than one year.

(B) The property tax exemption under this section applies to a transit facility that is the subject of an agreement under division (AA) of section [306.35](#) of the Revised Code, so long as the transit facility is used by the regional transit authority exclusively for a public purpose.

Effective Date: 06-30-1999

306.53 Cooperation with other governmental agencies.

A regional transit authority may cooperate with other governmental agencies of this state, or of the United States, to carry out the purposes set forth in section [306.31](#) of the Revised Code.

Effective Date: 08-25-1970

306.54 Dissolution or modification in membership.

Subject to making due provisions for the payment and performance of its obligations, the resolution or ordinance creating the regional transit authority may provide for its dissolution or modification in membership under circumstances described therein, or a regional transit authority may be dissolved or its membership modified by its board of trustees with the consent of the subdivision or subdivisions creating such regional transit authority. In the event of dissolution the properties of the regional transit authority shall be transferred to the subdivision creating it, or if created by more than one subdivision, to the subdivisions creating it in such manner as may be agreed upon by such subdivisions.

Effective Date: 03-22-1972

306.55 Withdrawal from regional transit authority.

Beginning July 1, 2011 and until November 5, 2013, any municipal corporation or township that has created or joined a regional transit authority that levies a property tax and that includes in its membership political subdivisions that are located in a county having a population of at least four hundred thousand according to the most recent federal census, may withdraw from the regional transit authority in the manner provided in this section. The legislative authority of the municipal corporation or board of township trustees of the township proposing to withdraw shall adopt a resolution to submit the question of withdrawing from the regional transit authority to the electors of the territory to be withdrawn and shall certify the proposal to the board of elections for the purpose of having the proposal placed on the ballot at the next general election or at a special election conducted on the day of the next primary election that occurs not less than ninety days after the resolution is certified to the board of elections.

Upon certification of a proposal to the board of elections pursuant to this section, the board of elections shall make the necessary arrangements for the submission of the question to the electors of the territory to be

withdrawn from the regional transit authority qualified to vote on the question, and the election shall be held, canvassed, and certified in the same manner as regular elections for the election of officers of the subdivision proposing to withdraw from the regional transit authority, except that the question appearing on the ballot shall read:

"Shall the territory within the (Name of political subdivision to be withdrawn) be withdrawn from (Name) regional transit authority?"

If the question is approved by at least a majority of the electors voting on the question, the withdrawal is effective six months from the date of the certification of its passage.

The board of elections to which the resolution was certified shall certify the results of the election to the board or legislative authority of the subdivision that submitted the resolution to withdraw and to the board of trustees of the regional transit authority from which the subdivision proposed to withdraw.

If the question of withdrawing from the regional transit authority is approved, the power of the regional transit authority to levy a tax on taxable property in the withdrawing subdivision terminates.

Added by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 9/29/2011.

306.551 Contract for transit services after withdrawal.

Any municipal corporation or township that withdraws from a regional transit authority under section 306.55 of the Revised Code may enter into a contract with a regional transit authority or other provider of transit services to provide transportation service for handicapped, disabled, or elderly persons and for any other service the legislative authority of the municipal corporation or township may determine to be appropriate.

Added by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 9/29/2011.

306.70 Resolution levying tax for regional transit purposes.

A tax proposed to be levied by a board of county commissioners or by the board of trustees of a regional transit authority pursuant to sections 5739.023 and 5741.022 of the Revised Code shall not become effective until it is submitted to the electors residing within the county or within the territorial boundaries of the regional transit authority and approved by a majority of the electors voting on it. Such question shall be submitted at a general election or at a special election on a day specified in the resolution levying the tax and occurring not less than ninety days after such resolution is certified to the board of elections, in accordance with section 3505.071 of the Revised Code.

The board of elections of the county or of each county in which any territory of the regional transit authority is located shall make the necessary arrangements for the submission of such question to the electors of the county or regional transit authority, and the election shall be held, canvassed, and certified in the same manner as regular elections for the election of county officers. Notice of the election shall be published in a newspaper of general circulation in the territory of the county or of the regional transit authority once a week for two consecutive weeks prior to the election or as provided in section 7.16 of the Revised Code. If the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the type, rate, and purpose of the tax to be levied, the length of time during which the tax will be in effect, and the time and place of the election.

More than one such question may be submitted at the same election. The form of the ballots cast at such election shall be:

"Shall a(n) (sales and use) tax be levied for all transit purposes of the (here insert name of the county or regional transit authority) at a rate not exceeding (here insert

percentage) per cent for (here insert number of years the tax is to be in effect, or that it is to be in effect for a continuing period of time)?”

If the tax proposed to be levied is a continuation of an existing tax, whether at the same rate or at an increased or reduced rate, or an increase in the rate of an existing tax, the notice and ballot form shall so state.

The board of elections to which the resolution was certified shall certify the results of the election to the county auditor of the county or secretary-treasurer of the regional transit authority levying the tax and to the tax commissioner of the state.

Amended by 129th General Assembly File No. 28, HB 153, § 101.01, eff. 9/29/2011.

Amended by 128th General Assembly File No. 29, HB 48, § 1, eff. 7/2/2010.

Effective Date: 03-23-1981; 06-01-2006

306.71 Election on question of decrease in tax rate.

The question of the decrease of the rate of a tax approved for a continuing period of time by the voters of a county or regional transit authority pursuant to sections [5739.023](#) and [5741.022](#) of the Revised Code may be initiated by the filing of a petition with the board of elections of the county, or in the case of a regional transit authority with the board of elections as determined pursuant to section [3505.071](#) of the Revised Code, prior to the ninetieth day before the general election in any year requesting that an election be held on such question. Such petition shall state the amount of the proposed decrease in the rate of the tax and shall be signed by at least ten per cent of the number of qualified electors residing in such county, or in the territory of the regional transit authority, who voted at the last general election.

After determination by it that such petition is valid, the board of elections shall submit the question to the electors of the county or regional transit authority at the succeeding general election. The election shall be conducted, notice thereof shall be given, and the results thereof shall be certified in the manner provided in section [306.70](#) of the Revised Code. If a majority of the qualified electors voting on such question approve the proposed decrease in rate, such decrease in rate shall become effective on the first day of the second January after such election.

In any case where bonds, or notes in anticipation of bonds, of a regional transit authority have been issued under section [306.40](#) of the Revised Code without a vote of the electors while the tax proposed to be reduced was in effect, the board of trustees of the regional transit authority shall continue to levy and collect under authority of the original election authorizing the tax a rate of tax in each year which the authority reasonably estimates will produce an amount in that year equal to the amount of principal of and interest on such bonds as is payable in that year.

Amended by 128th General Assembly File No. 29, HB 48, § 1, eff. 7/2/2010.

Effective Date: 08-22-1995

306.73 Notice of change in transit system's territorial boundaries.

The county transit board or a board of county commissioners operating a transit system, or the board of trustees of a regional transit authority, shall notify the tax commissioner immediately of any changes in the transit system's territorial boundaries if the board levies a tax under sections [5739.023](#) and [5741.022](#) of the Revised Code.

Effective Date: 07-01-2003

306.80 Agreement for regional system between governmental instrumentalities of adjacent states.

One or more contiguous counties of this state, or one or more municipal corporations which are in the same county or in contiguous counties, any one of which is adjacent to another state, may enter into an agreement, to the extent and in the manner authorized by the laws of the United States, with entities or instrumentalities of government of other states or of the United States, to provide for the creation of a regional transit commission which will provide services and facilities for a service area within this state and within one or more states adjacent to this state, for the transportation of persons in a manner that will be in the best public interest in view of the geographic, economic, population, and other factors influencing the needs and development of such service area. The exercise by a regional transit commission of the powers and duties conferred upon it shall be deemed to be the exercise of essential governmental functions of the states having territory included within the territorial boundaries of the regional transit commission.

Effective Date: 08-09-1976

306.81 Adjacent states definitions.

As used in sections [306.80](#) to [306.90](#), inclusive, of the Revised Code:

(A) "Public agency" means this state or any adjacent state, or any political subdivision, taxing district, or board, commission, or authority of either, or the United States or any department, agency, board, commission, authority, or corporation thereof.

(B) "Regional transit commission" means a body politic and corporate created pursuant to sections [306.80](#) to [306.90](#), inclusive, of the Revised Code, and having territorial boundaries which include the territory of all counties of this state which enter into the agreement creating a regional transit commission, or thereafter join a regional transit commission, and the territory within one or more other states which has been included in a regional transit commission pursuant to such agreement or subsequent joinder.

(C) "Transit facility" means any street railway, motor bus, tramline, subway, monorail, rapid transit, aeroplane, helicopter, ferry, or other ground or water transportation system having as its primary purpose the regularly scheduled mass movement of passengers between locations within the territorial boundaries of a regional transit commission, including all rights-of-way, power lines, rolling stock, equipment, machinery, terminals, buildings, administration and maintenance and repair facilities, and supporting parking facilities, and franchise rights attendant thereto, but excluding therefrom trucks and facilities designed for use in the movement of property by truck; docks, wharves, warehouses, piers, and other port, terminal, or transportation facilities and marinas; facilities used, available for use, or designed for use to aid in the safe taking off or landing of aircraft, for the safety, storage, and maintenance of aircraft, for the comfort and accommodation of users of air transportation of persons, property, and mail, or for the safe and efficient operation and maintenance of an airport; and buildings and facilities as are reasonably necessary for the comfort and accommodation of the users of transit facilities; or any combination of the foregoing.

Effective Date: 08-25-1970

306.82 Provisions to include in agreement.

An agreement entered into pursuant to section [306.80](#) of the Revised Code may, with respect to a regional transit commission created by such agreement, provide for the following:

(A) Acquisition, by purchase or donation, or by the exercise of the power of eminent domain, construction, improvement, extension, enlargement, repair, lease as lessee or lessor, sale, operation, maintenance, and

management of transit facilities within or without the territorial boundaries of such commission, together with any other powers and duties provided by sections [306.30](#) to [306.53](#) of the Revised Code, to a regional transit authority, and by Chapter 308. of the Revised Code to a regional airport authority;

(B) Adoption of rules, including the imposition of rates or charges, respecting the ownership, operation, and use of transit facilities subject to the jurisdiction of the regional transit commission;

(C) Petitioning, intervening, and appearing before the interstate commerce commission or any other federal, state, or local authority for the adoption, alteration, enforcement, or execution of any physical improvement, or tariffs, rates, or charges for the use of, or rules concerning, transit facilities;

(D) Initiating or intervening in any legal proceeding affecting the regional transit commission;

(E) Contracting with persons, corporations, partnerships, associations, or public agencies to provide or operate transit facilities;

(F) Establishing procedure for issuance and securing of revenue bonds of the commission, which shall be negotiable instruments, for the purpose of acquiring, constructing, improving, extending, or enlarging any one or more transit facilities, including all costs incidental thereto and in connection therewith, including the financing thereof. Such procedure may provide for securing such revenue bonds by the pledge of net revenues of the regional transit commission and by mortgaging any real property acquired from the proceeds of such revenue bonds.

(G) Establishing procedures for the issuance of general obligation bonds of the commission pursuant to the procedure set forth in the agreement, for which the full faith and credit of the commission shall be pledged. The principal of, and any premium and interest on, such bonds shall be paid from the proceeds of ad valorem taxes levied on all taxable property within the territorial boundaries of the commission, provided that such procedure complies with all requirements of the constitutions of all states having territory included within the territorial boundaries of the commission, and that the net indebtedness, as defined for a municipal corporation in section [133.05](#) of the Revised Code, incurred by a regional transit commission, shall never exceed three per cent of the total value of all property within the territorial boundaries of the regional transit commission as listed and assessed for taxation. Such procedure shall also include submission to the electors within the territorial boundaries of the regional transit commission of the question of issuing the bonds of such commission and the levy of such tax for the payment of the principal of, and any premium and interest on, such bonds. The secretary of state and each board of elections of this state within the territorial boundaries of the regional transit commission shall follow the procedure established by the agreement for submitting the question of the issuance of such bonds to the electors of a regional transit commission. Each auditor and treasurer of any county of this state which is included within the territorial boundaries of a regional transit commission, shall extend on the tax list and duplicate of all taxable property included within the territorial boundaries of a regional transit commission, any tax which is to be levied pursuant to provisions of such agreement included therein under authority of this division.

(H) Designation of the official name by which the regional transit commission shall be known;

(I) Establishing the number, term of office, and compensation, which shall not exceed fifty dollars for each board or committee meeting attended, of the members of the governing board of the regional transit commission and the procedures for the appointment of such members and the filling of vacancies;

(J) Establishing procedure for submitting to the electors of the territory included in a regional transit commission, the question of the levy, for a period not exceeding ten years, on all taxable property within the territorial boundaries of the regional transit commission of an ad valorem tax, not to exceed one mill for each dollar of assessed valuation, for the purposes of the regional transit commission. Such procedure shall comply with all requirements of the constitutions of all states having territory included within the territorial

boundaries of the commission. Each auditor and treasurer of any county of this state which is included within the territorial boundaries of a regional transit commission shall extend on the tax list and duplicate of all taxable property included within the territorial boundaries of a regional transit commission, any tax which is authorized pursuant to this division.

(K) Exercising the power of eminent domain within the states which have territory included within the territorial boundaries of the regional transit commission, provided that such power, when exercised within this state, shall be exercised in the manner and to the extent it is authorized to be exercised by a regional transit authority pursuant to section [306.36](#) of the Revised Code;

(L) Establishing procedure for adding to the regional transit commission additional areas within a state which has territory included within the territorial boundaries of the regional transit commission, provided that such procedure for adding territory within this state shall be substantially the same as that provided for adding territory to a regional transit authority as provided in division (G) of section [306.32](#) of the Revised Code;

(M) Organizing the governing board of the regional transit commission, and employing and compensating employees of and consultants for such commission;

(N) Suing or being sued in the corporate name of the regional transit commission;

(O) Establishing procedure for competitive bidding in the sale or lease by a regional transit commission of real and personal property and for the acquisition, except for real property or interests therein, construction, or improvement of transit facilities, and providing reasonable exemptions from such requirement;

(P) Providing for employee relations in the same manner as is provided by division (X) of section [306.35](#) of the Revised Code for a regional transit authority;

(Q) Providing for the duration of the agreement and the termination thereof, and the procedure for admitting to the regional transit commission territory within a state not having territory included within the territorial boundaries of the regional transit commission;

(R) Providing a system of pension benefits for employees of a regional transit commission, including an opportunity to employees resident of this state to participate in the public employees retirement system pursuant to Chapter 145. of the Revised Code;

(S) Providing for the performance of all functions necessary and incidental to a regional transit commission.

Effective Date: 10-30-1989

306.83 Advancement or donation of money.

Any political subdivision of this state within the territorial boundaries of a regional transit commission may advance or donate moneys to such regional transit commission.

Effective Date: 08-25-1970

306.84 No property to be included in more than one regional commission.

No property within this state shall be included within the territorial boundaries of more than one regional transit commission, nor shall any regional transit authority be created pursuant to sections [306.30](#) to [306.53](#), inclusive, of the Revised Code, which includes any territory within the territorial boundaries of a regional transit commission. No regional transit commission shall be created which includes territory theretofore included within the territorial boundaries of a regional transit authority unless all of the territory within the

territorial boundaries of such regional transit authority is included within the territorial boundaries of the regional transit commission, in which event, to the extent lawful, the regional transit authority shall be merged into the regional transit commission, and the regional transit commission shall assume and perform all of the obligations of such regional transit authority.

Effective Date: 08-25-1970

306.85 Bonds are lawful investments.

Bonds of a regional transit commission are lawful investments of banks, savings banks, mutual savings banks, trust companies, savings and loan associations, deposit guaranty associations, bond retirement funds or sinking funds of municipal corporations, boards of education, regional transit commissions, counties, the administrator of workers' compensation, state teachers retirement system, school employees retirement system, public employees retirement system, Ohio police and fire pension fund, and domestic insurance companies for life and other than life, and are acceptable as security for the deposit of public moneys.

Effective Date: 11-02-1999

306.86 Conveyance, lease, or exchange of personal or real property.

Any municipal corporation, county, township, school district, or other political subdivision or taxing district, or commission, board, or authority of this state, may convey or lease to, or exchange with, any regional transit commission, or such commission may convey or lease to, or exchange with, any political subdivision, taxing district, or board, commission, or authority of this state or any other state having territory within the territorial boundaries of the regional transit commission, without competitive bidding and at mutually agreeable terms, any personal or real property, or any interest therein.

Effective Date: 08-25-1970

306.87 Real and personal property exempt from taxation.

A regional transit commission authorized under sections [306.80](#) to [306.90](#), inclusive, of the Revised Code, is exempt from and is not required to pay any taxes on property, both real and personal, belonging to such commission, which is used exclusively for any public purpose; provided, such exemption does not apply to any property belonging to any commission while a private enterprise is a lessee of such property under written lease providing for tenancy for longer than one year.

Effective Date: 08-25-1970

306.88 Filing certified copy of agreement with county recorder.

A certified copy of any agreement made pursuant to sections [306.80](#) to [306.90](#), inclusive, of the Revised Code, shall be filed with the recorder of each county of this state which is party to the agreement or in which any other public agency which is party to such agreement has located, and with the secretary of state of Ohio. Such agreement has the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto are the real parties in interest.

Effective Date: 08-25-1970

306.89 Federal and state approval necessary.

The powers and duties provided in any agreement made pursuant to sections [306.80](#) to [306.90](#), inclusive, of

the Revised Code, shall become effective only when such agreement has been approved by the legislatures of all states having territory within the territorial boundaries of the regional transit commission and has received the consent of the Congress of the United States.

Effective Date: 08-25-1970

306.90 Severability.

Each agreement made pursuant to sections [306.80](#) to 306.90, inclusive, of the Revised Code, shall be entered into and become effective in accordance with the applicable provisions of the constitution and statutes of this state, the other states having territory included within the territorial boundaries of the regional transit commission, and the United States. If any such agreement or any law pursuant to which such an agreement is entered into or any part of such an agreement or law is held unconstitutional, void, or ineffective for any cause, such holding shall not affect the validity or constitutionality of any other law or agreement or any other part of such agreement.

Effective Date: 08-25-1970

306.99 Penalty.

(A) No person shall violate any rule or regulation adopted pursuant to division (N) of section [306.04](#) of the Revised Code and whoever violates such a rule or regulation shall be fined not more than one thousand dollars or imprisoned not more than ninety days or both.

(B) Whoever violates division (D)(4) of section [306.35](#) of the Revised Code shall be fined not more than one hundred dollars on a first offense and not more than five hundred dollars on each subsequent offense.

Fines levied and collected for such violations shall be paid into the treasury of the regional transit authority. The regional transit authority may use such fine money for any purpose that is not inconsistent with sections [306.30](#) to [306.54](#) of the Revised Code.

Effective Date: 09-26-2003

VIRGINIA ACTS OF ASSEMBLY -- 2002 RECONVENED SESSION

CHAPTER 846

An Act to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 48.2, consisting of sections numbered 15.2-4829 through 15.2-4840, and to repeal Chapter 610 of the Acts of Assembly of 2001, relating to the Northern Virginia Transportation Authority.

[S 576]

Approved April 17, 2002

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 48.2, consisting of sections numbered 15.2-4829 through 15.2-4840, as follows:

CHAPTER 48.2.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY.

§ 15.2-4829. *Short title.*

This chapter shall be known and may be cited as the Northern Virginia Transportation Authority Act.

§ 15.2-4830. *Authority created.*

There is hereby created a political subdivision of the Commonwealth known as the Northern Virginia Transportation Authority, hereinafter known as "the Authority."

In addition to such other powers vested in the Authority by this chapter, the Authority shall have the following powers and functions:

1. The Authority shall prepare a regional transportation plan for Planning District Eight, to include, but not necessarily be limited to, transportation improvements of regional significance, and those improvements necessary or incidental thereto, and shall from time to time revise and amend the plan. The provisions of Article 7 (§ 15.2-4527 et seq.) of Chapter 45 of this title shall apply, mutatis mutandis, to preparation of such transportation plan.

2. The Authority may, when a transportation plan is adopted according to subdivision 1, construct or acquire, by purchase, lease, contract, or otherwise, the transportation facilities specified in such transportation plan.

3. The Authority may enter into agreements or leases with public or private entities for the operation of its facilities, or may operate such facilities itself.

4. The Authority may enter into contracts or agreements with the counties and cities embraced by the Authority, with other transportation commissions of transportation districts adjoining any county or city embraced by the Authority, with any transportation authority, or with any state, local, private or federal entity to provide, or cause to be provided, transportation facilities and services to the area embraced by the Authority. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be used by the Authority to finance the construction and operation of transportation facilities and such contracts, agreements or leases shall inure to the benefit of any creditor of the Authority.

Notwithstanding the above, however, the Authority shall not have the power to regulate services provided by taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly reserved to the municipalities within which taxicabs operate.

5. Notwithstanding any other provision of law to the contrary the Authority may:

a. Acquire land or any interest therein by purchase, lease, or gift and provide transportation facilities thereon for use in connection with any transportation service;

b. Acquire land or any interest therein by purchase, lease, or gift in advance of the need for sale or contribution to an agency, for use by that agency in connection with an adopted transportation plan;

c. Prepare a plan for mass transportation services with persons, cities, counties, agencies, authorities, or transportation commissions and may further contract with any such person or other entity to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

§ 15.2-4831. *Counties and cities embraced by the Authority.*

The Authority shall embrace the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

§ 15.2-4832. *Composition of Authority; Chairman and Vice-Chairman.*

The Authority shall consist of sixteen members as follows:

The chief elected officer of the governing body of each county and city embraced by the Authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of such governing body;

Two members of the House of Delegates who reside in different counties or cities embraced by the Authority, appointed by the Speaker of the House, to the extent practicable, from the membership of the

House Committee on Appropriations, the House Committee on Finance, or the House Committee on Transportation;

One member of the Senate who resides in a county or city embraced by the Authority, appointed by the Senate Committee on Privileges and Elections, to the extent practicable, from the membership of the Senate Committee on Finance and the Senate Committee on Transportation; and

Two citizens who reside in counties and cities embraced by the Authority, appointed by the Governor. One gubernatorial appointment shall include a member of the Commonwealth Transportation Board who resides in a county or city embraced by the Authority. The remaining gubernatorial appointment shall be a person who has significant experience in transportation planning, finance, engineering, construction, or management and shall be a resident of a county or city embraced by the Authority, but shall not be a resident of the same county or city as the other gubernatorial appointee to the Authority. The gubernatorial appointee who is not a member of the Commonwealth Transportation Board shall serve for a term of four years.

In addition, the following persons shall serve as nonvoting members of the Authority: the Director of the Virginia Department of Rail and Public Transportation, or his designee, and the Commonwealth Transportation Commissioner, or his designee.

The Authority shall appoint the chairman and vice-chairman.

§ 15.2-4833. Staff.

The Authority shall employ a chief executive officer and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a member of the Authority. The Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation shall make their employees available to assist the Authority, upon request.

§ 15.2-4834. Decisions of Authority.

A majority of the Authority, which majority shall include at least a majority of the representatives of the counties and cities embraced by the Authority, shall constitute a quorum. Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures established by the Authority. In all cases, decisions of the Authority shall require the affirmative vote of two-thirds of the members of the Authority present and voting, and two-thirds of the representatives of the counties and cities embraced by the Authority who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Authority; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose representative's sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Authority shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population projections made by the Weldon Cooper Center for Public Service of the University of Virginia.

§ 15.2-4835. Allocation of certain Authority expenses among component counties and cities.

The administrative expenses of the Authority, as provided in an annual budget adopted by the Authority, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component counties and cities on the basis of the relative population, as determined pursuant to § 15.2-4834. Such budget shall be limited solely to the administrative expenses of the Authority and shall not include any funds for construction or acquisition of transportation facilities and/or the performing of any transportation service.

§ 15.2-4836. Payment to members of Authority.

The members of the Authority may be paid for their services a per diem in either (i) the amount provided in the general appropriations act for members of the General Assembly engaged in legislative business between sessions or (ii) a lesser amount as determined by the Authority.

§ 15.2-4837. Formation of advisory committees.

The Authority shall have a technical advisory committee, consisting of nine individuals who reside or are employed in counties and cities embraced by the Authority and have experience in transportation planning, finance, engineering, construction, or management. Six members shall be appointed by local jurisdictions and three members shall be appointed by the chairman of the Commonwealth Transportation Board. The technical advisory committee shall advise and provide recommendations on the development of projects as required by § 15.2-4838 and funding strategies and other matters as directed by the Authority. The Authority also shall have a planning coordination advisory committee, which shall include, but not be limited to, at least one elected official from each town that is located in any county embraced by the Authority and receives street maintenance payments under § 33.1-41.1. The Authority may, in its discretion, form additional advisory committees.

§ 15.2-4838. Responsibilities of Authority for long-range transportation planning.

A. The Authority shall be responsible for long-range transportation planning for regional transportation projects in Northern Virginia. In carrying out this responsibility, the Authority shall, on the basis of a regional consensus, whenever possible, set regional transportation policies and priorities

for regional transportation projects. The policies and priorities shall be guided by performance-based criteria such as the ability to improve travel times, reduce delays, connect regional activity centers, improve safety, improve air quality, and move the most people in the most cost-effective manner.

B. The Authority shall report annually on (i) the allocation and expenditure of all moneys deposited to the Special Fund Account of the Northern Virginia Transportation Authority pursuant to subsection D of § 58.1-604.5; (ii) use of these moneys to reduce traffic congestion in the counties and cities described in subsections A and B of § 58.1-604.5; and (iii) use of these moneys to improve air quality in such counties and cities and in the Washington Metropolitan Area.

§ 15.2-4839. Authority to issue bonds.

The Authority may issue bonds and other evidences of debt as may be authorized by law. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of this title shall apply, mutatis mutandis, to the issuance of such bonds or other debt.

§ 15.2-4840. Other duties and responsibilities of Authority.

In addition to other powers herein granted, the Authority shall have the following duties and responsibilities:

1. General oversight of regional programs involving mass transit or congestion mitigation, including, but not necessarily limited to, carpooling, vanpooling, and ridesharing;

2. Long-range regional planning, both financially constrained and unconstrained;

3. Recommending to state, regional, and federal agencies regional transportation priorities, including public-private transportation projects, and funding allocations;

4. Developing, in coordination with affected counties and cities, regional priorities and policies to improve air quality;

5. Allocating to priority regional transportation projects any funds made available to the Authority and, at the discretion of the Authority, directly overseeing such projects;

6. Recommending to the Commonwealth Transportation Board priority regional transportation projects for receipt of federal and state funds;

7. Recommending to the Commonwealth Transportation Board use and/or changes in use of tolls for facilities in the area embraced by the Authority;

8. General oversight of regional transportation issues of a multijurisdictional nature, including but not limited to intelligent transportation systems, signalization, and preparation for and response to emergencies;

9. Serving as an advocate for the transportation needs of Northern Virginia before the state and federal governments;

10. Applying to and negotiating with the government of the United States, the Commonwealth of Virginia, or any agency or instrumentality thereof, for grants and any other funds available to carry out the purposes of this chapter and receiving, holding, accepting, and administering from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or other things of value to be held, used and applied to carry out the purposes of this chapter subject, however, to any conditions upon which gifts, bequests, grants, aid, or contributions are made. Unless otherwise restricted by the terms of the gift, bequest, or grant, the Authority may sell, exchange, or otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance of its purposes; and

11. Acting as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of a "qualifying transportation facility" under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.).

2. That Chapter 610 of the Acts of Assembly of 2001 is repealed.

Chapter 81.112 RCW
Regional transit authorities
(formerly regional transportation authorities)

RCW Sections

- 81.112.010 Findings -- Intent.
- 81.112.020 Definitions.
- 81.112.030 Formation -- Submission of ballot propositions to voters.
- 81.112.040 Board appointments -- Voting -- Expenses.
- 81.112.050 Area included -- Elections -- Expiration of subsection.
- 81.112.060 Powers.
- 81.112.070 General powers.
- 81.112.080 Additional powers -- Acquisition of facilities -- Disposal of property--Rates, tolls, fares, charges.
- 81.112.086 Maintenance plan.
- 81.112.090 Agreements with operators of high capacity transportation services.
- 81.112.100 Transfer of local government powers to authority.
- 81.112.110 Acquisition of existing system -- Components.
- 81.112.120 Treasurer -- Funds -- Auditor -- Bond.
- 81.112.130 General obligation bonds.
- 81.112.140 Revenue bonds.
- 81.112.150 Local improvement districts authorized -- Special assessment bonds.
- 81.112.160 County assessor's duties.
- 81.112.170 Interim financing.
- 81.112.180 Rail fixed guideway system -- Safety program plan and security and emergency preparedness plan.
- 81.112.190 Requirements for signage.
- 81.112.210 Fare payment -- Fines and penalties established -- Enforcement.
- 81.112.220 Fare payment -- Proof of payment -- Civil infractions.
- 81.112.230 Fare payment -- Prosecution for theft, trespass, or other charges.
- 81.112.235 Power conferred is supplemental.
- 81.112.300 Sale and leaseback, similar transactions -- Authorized.
- 81.112.310 Sale and leaseback -- Conditions.
- 81.112.320 Sale and leaseback -- Creation of public entity.
- 81.112.330 Sale and leaseback -- Restrictions, requirements.
- 81.112.340 Supplemental transportation improvements.
- 81.112.900 Section headings not part of law -- 1992 c 101.
- 81.112.901 Severability -- 1992 c 101.
- 81.112.902 Effective date -- 1992 c 101.

Notes:

Additional powers: RCW 81.104.120.

Funding sources

employer taxes: RCW 81.104.150.

sales and use taxes: RCW 81.104.170.

vehicle taxes: RCW 81.104.160.

81.112.010

Findings — Intent.

The legislature recognizes that existing transportation facilities in the central Puget Sound area are inadequate to address mobility needs of the area. The geography of the region, travel demand growth, and public resistance to new roadways combine to further necessitate the rapid development of alternative modes of travel.

The legislature finds that local governments have been effective in cooperatively planning a multicounty, high capacity transportation system. However, a continued multijurisdictional approach to funding, construction, and operation of a multicounty high capacity transportation system may impair the successful implementation of such a system.

The legislature finds that a single agency will be more effective than several local jurisdictions working collectively at planning, developing, operating, and funding a high capacity transportation system. The single agency's services must be carefully integrated and coordinated with public transportation services currently provided. As the single agency's services are established, any public transportation services currently provided that are duplicative should be eliminated. Further, the single agency must coordinate its activities with other agencies providing local and state roadway services, implementing comprehensive planning, and implementing transportation demand management programs and assist in developing infrastructure to support high capacity systems including but not limited to feeder systems, park and ride facilities, intermodal centers, and related roadway and operational facilities. Coordination can be best achieved through common governance, such as integrated governing boards.

It is therefore the policy of the state of Washington to empower counties in the state's most populous region to create a local agency for planning and implementing a high capacity transportation system within that region. The authorization for such an agency, except as specifically provided in this chapter, is not intended to limit the powers of existing transit agencies.

[1992 c 101 § 1.]

81.112.020

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Authority" means a regional transit authority authorized under this chapter.
- (2) "Board" means the board of a regional transit authority.
- (3) "Facilities" means any lands, interest in land, air rights over lands, and improvements thereto including vessel terminals, and any equipment, vehicles, vessels, trains, stations, designated passenger waiting areas, and other components necessary to support the system.
- (4) "Proof of payment" means evidence of fare prepayment authorized by a regional transit authority for the use of its facilities.
- (5) "Service area" or "area" means the area included within the boundaries of a regional transit authority.
- (6) "System" means a regional transit system authorized under this chapter and under the jurisdiction of a regional transit authority.

[2009 c 279 § 4; 1999 c 20 § 2; 1992 c 101 § 2.]

Notes:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Purpose -- Intent -- 1999 c 20: See note following RCW 81.112.210.

81.112.030

Formation — Submission of ballot propositions to voters.

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

(4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

(5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

(6) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

(9) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. Beginning no sooner than the 2007 general election, the authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

(10) At the 2007 general election, the authority shall submit a proposition to support a system and financing plan or additional implementation phases of the authority's system and financing plan as part of a single ballot proposition that includes a plan to support a regional transportation investment plan developed under chapter 36.120 RCW. The authority's plan shall not be considered approved unless both a majority of the persons voting on the proposition residing within the authority vote in favor of the proposition and a majority of the persons voting on the proposition residing within the proposed regional transportation investment district vote in favor of the proposition.

(11) Additional phases of plan implementation may include a transportation subarea equity element which (a) identifies the combined authority and regional transportation investment district revenues anticipated to be generated by corridor and by county within the authority's boundaries, and (b) identifies the degree to which the combined authority and regional transportation investment district revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue. For purposes of the transportation subarea equity principle established under this subsection, the authority may use the five subareas within the authority's boundaries as identified in the authority's system plan adopted in May 1996.

(12) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

[2007 c 509 § 3; 2006 c 311 § 12; 1994 c 44 § 1; 1993 sp.s. c 23 § 62; 1992 c 101 § 3.]

Notes:

Findings -- Intent -- Constitutional challenges -- Expedited appeals -- Severability -- Effective date -- 2007 c 509: See notes following RCW 36.120.070.

Findings -- 2006 c 311: See note following RCW 36.120.020.

Effective dates -- 1993 sp.s. c 23: See note following RCW 43.89.010.

81.112.040

Board appointments — Voting — Expenses.

(1) The regional transit authority shall be governed by a board consisting of representatives appointed by the county executive and confirmed by the council or other legislative authority of each member county. Membership shall be based on population from that portion of each county which lies within the service area. Board members shall be appointed initially on the basis of one for each one hundred forty-five thousand population within the county. Such appointments shall be made following consultation with city and town jurisdictions within the service area. In addition, the secretary of transportation or the secretary's designee shall serve as a member of the board and may have voting status with approval of a majority of the other members of the board. Only board members, not including alternates or designees, may cast votes.

Each member of the board, except the secretary of transportation or the secretary's designee, shall be:

- (a) An elected official who serves on the legislative authority of a city or as mayor of a city within the boundaries of the authority;
- (b) On the legislative authority of the county, if fifty percent of the population of the legislative official's district is within the authority boundaries; or
- (c) A county executive from a member county within the authority boundaries.

When making appointments, each county executive shall ensure that representation on the board includes an elected city official representing the largest city in each county and assures proportional representation from other cities, and representation from unincorporated areas of each county within the service area. At least one-half of all appointees from each county shall serve on the governing authority of a public transportation system.

Members appointed from each county shall serve staggered four-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

The governing board shall be reconstituted, with regard to the number of representatives from each county, on a population basis, using the official office of financial management population estimates, five years after its initial formation and, at minimum, in the year following each official federal census. The board membership may be reduced, maintained, or expanded to reflect population changes but under no circumstances may the board membership exceed twenty-five.

(2) Major decisions of the authority shall require a favorable vote of two-thirds of the entire membership of the voting members. "Major decisions" include at least the following: System plan adoption and amendment; system phasing decisions; annual budget adoption; authorization of annexations; modification of board composition; and executive director employment.

(3) Each member of the board is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation as provided in RCW 43.03.250.

[1994 c 109 § 1; 1992 c 101 § 4.]

81.112.050

Area included — Elections — Expiration of subsection.

(1) At the time of formation, the area to be included within the boundary of the authority shall be that area set forth in the system plan adopted by the joint regional policy committee. Prior to submitting the system and financing plan to the voters, the authority may make adjustments to the boundaries as deemed appropriate but must assure that, to the extent possible, the boundaries: (a) Include the largest-population urban growth area designated by each county under chapter 36.70A RCW; and (b) follow election precinct boundaries. If a portion of any city is determined to be within the service area, the entire city must be included within the boundaries of the authority. Subsequent to formation, when territory is annexed to a city located within the boundaries of the authority, the territory is simultaneously included within the boundaries of the authority and subject to all taxes and other liabilities and obligations applicable within the city with respect to the authority as provided in RCW 35.13.500 and 35A.14.475 and notwithstanding any other provision of law.

(2) After voters within the authority boundaries have approved the system and financing plan, elections to add areas contiguous to the authority boundaries may be called by resolution of the regional transit authority, after consultation with affected transit agencies and with the concurrence of the legislative authority of the city or town if the area is incorporated, or with the concurrence of the county legislative authority if the area is unincorporated. Only those areas that would benefit from the services provided by the authority may be included and services or projects proposed for the area must be consistent with the regional transportation plan. The election may include a single ballot proposition providing for annexation to the authority boundaries and imposition of the taxes at rates already imposed within the authority boundaries.

(3) Upon receipt of a resolution requesting exclusion from the boundaries of the authority from a city whose municipal boundaries cross the boundaries of an authority and thereby result in only a portion of the city being subject to local option taxes imposed by the authority under chapters 81.104 and 81.112 RCW in order to implement a high capacity transit plan, and where the vote to approve the city's incorporation occurred simultaneously with an election approving the local option taxes, then upon a two-thirds majority vote of the governing board of the authority, the governing board shall redraw the boundaries of the authority to exclude that portion of the city that is located within the authority's boundaries, and the excluded area is no longer subject to local option taxes imposed by the authority. This subsection expires December 31, 1998.

[2010 c 19 § 3; 1998 c 192 § 1; 1992 c 101 § 5.]

81.112.060

Powers.

An authority shall have the following powers:

(1) To establish offices, departments, boards, and commissions that are necessary to carry out the purposes of the authority, and to prescribe the functions, powers, and duties thereof.

(2) To appoint or provide for the appointment of, and to remove or to provide for the removal of, all officers and employees of the authority.

(3) To fix the salaries, wages, and other compensation of all officers and employees of the authority.

(4) To employ such engineering, legal, financial, or other specialized personnel as may be necessary to accomplish the purposes of the authority.

(5) To determine risks, hazards, and liabilities in order to obtain insurance consistent with these determinations. This insurance may include any types of insurance covering, and for the benefit of, one or more parties with whom the authority contracts for any purpose, and insurance for the benefit of its board members, authority officers, and employees to insure against liability for acts or omissions

while performing or in good faith purporting to perform their official duties. All insurance obtained for construction of authority projects with a total project cost exceeding one hundred million dollars may be acquired by bid or by negotiation. In order to allow the authority flexibility to secure appropriate insurance by negotiation, the authority is exempt from RCW 48.30.270.

[2007 c 166 § 1; 2000 2nd sp.s. c 4 § 32; 1992 c 101 § 6.]

81.112.070

General powers.

In addition to the powers specifically granted by this chapter an authority shall have all powers necessary to implement a high capacity transportation system and to develop revenues for system support. An authority may contract with the United States or any agency thereof, any state or agency thereof, any public transportation benefit area, any county, county transportation authority, city, metropolitan municipal corporation, special district, or governmental agency, within or without the state, and any private person, firm, or corporation for: (1) The purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies; (2) the design, construction, or operation of high capacity transportation system facilities; or (3) the provision or receipt of services, facilities, or property rights to provide revenues for the system. An authority shall have the power to contract pursuant to RCW 39.33.050. In addition, an authority may contract with any governmental agency or with any private person, firm, or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights-of-way of all kinds which are owned, leased, or held by the other party and for the purpose of planning, constructing, or operating any facility or performing any service that the authority may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties. Before any contract for the lease or operation of any authority facilities is let to any private person, firm, or corporation, a general schedule of rental rates for equipment with or without operators applicable to all private certificated carriers shall be publicly posted, and for other facilities competitive bids shall first be called upon such notice, bidder qualifications, and bid conditions as the board shall determine. This shall allow use of negotiated procurements.

[1992 c 101 § 7.]

81.112.080

Additional powers — Acquisition of facilities — Disposal of property — Rates, tolls, fares, charges.

An authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To carry out the planning processes set forth in RCW 81.104.100;

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of high capacity transportation facilities and properties within authority boundaries including surface, underground, or overhead railways, tramways, busways, buses, bus sets, entrained and linked buses, ferries, or other means of local transportation except taxis, and including escalators, moving sidewalks, personal rapid transit systems or other people-moving systems, passenger terminal and parking facilities and properties, and such other facilities and properties as may be necessary for passenger, vehicular, and vessel access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights-of-way, property, equipment, and accessories necessary for such high capacity transportation systems. When developing specifications for high capacity transportation system operating equipment, an authority shall take into account efforts to establish or sustain a domestic manufacturing capacity for such equipment. The right of eminent domain shall be exercised by an authority in the same manner and by the same procedure as or may be provided by law for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter. Public transportation facilities and properties which are owned by any city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation may be acquired or used by an authority only with the consent of the agency owning such facilities. Such agencies are hereby authorized to convey or lease such facilities to an authority or to contract for their joint use on such terms as may be fixed by agreement between the agency and the authority.

The facilities and properties of an authority whose vehicles will operate primarily within the rights-of-way of public streets, roads, or highways, may be acquired, developed, and operated without the corridor and design hearings that are required by *RCW 35.58.273 for mass transit facilities operating on a separate right-of-way;

(3) To dispose of any real or personal property acquired in connection with any authority function and that is no longer required for the purposes of the authority, in the same manner as provided for cities of the first class. When an authority determines that a facility or any part thereof that has been acquired from any public agency without compensation is no longer required for authority purposes, but is required by the agency from which it was acquired, the authority shall by resolution transfer it to such agency;

(4) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service. Fares or

charges may be adjusted or eliminated for any distinguishable class of users.

[1992 c 101 § 8.]

Notes:

***Reviser's note:** RCW 35.58.273 was repealed by 2002 c 6 § 2.

81.112.086

Maintenance plan.

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the department of transportation. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life-cycle cost methodologies.

[2006 c 334 § 28; 2003 c 363 § 306.]

Notes:

Effective date -- 2006 c 334: See note following RCW 47.01.051.

Finding -- Intent -- 2003 c 363: See note following RCW 35.84.060.

Part headings not law -- Severability -- 2003 c 363: See notes following RCW 47.28.241.

81.112.090

Agreements with operators of high capacity transportation services.

Except in accordance with an agreement made as provided in this section, upon the date an authority begins high capacity transportation service, no person or private corporation may operate a high capacity transportation service within the authority boundary with the exception of services owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

The authority and any person or corporation legally operating a high capacity transportation service wholly within or partly within and partly without the authority boundary on the date an authority begins high capacity transportation service may enter into an agreement under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Such agreement shall provide for a periodic review of the terms and conditions contained therein. Where any such high capacity transportation service will be required to cease to operate within the authority boundary, the authority may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached, an authority shall condemn such assets in the manner and by the same procedure as is or may be provided by law for the condemnation of other properties for cities of the first class, except insofar as such laws may be inconsistent with this chapter.

Wherever a privately owned public carrier operates wholly or partly within an authority boundary, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

[1992 c 101 § 9.]

81.112.100

Transfer of local government powers to authority.

An authority shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of high capacity transportation system facilities that are identified in the system plan developed pursuant to RCW 81.104.100 that any city, county, county transportation authority, metropolitan municipal corporation, or public transportation benefit area within the authority boundary has been previously empowered to exercise and such powers shall not thereafter be exercised by such agencies without the consent of the authority. Nothing in this chapter shall restrict development, construction, or operation of a personal rapid transit system by a city or county.

An authority may adopt, in whole or in part, and may complete, modify, or terminate any planning, environmental review, or procurement processes related to the high capacity transportation system that had been commenced by a joint regional policy committee or a city, county, county transportation authority, metropolitan municipality, or public transportation benefit area prior to the formation of the authority.

[1992 c 101 § 10.]

81.112.110

Acquisition of existing system — Components.

If an authority acquires any existing components of a high capacity transportation system, it shall assume and observe all existing labor contracts relating to the transportation system and, to the extent necessary for operation of facilities, all of the employees of such acquired transportation system whose duties are necessary to operate efficiently the facilities acquired shall be appointed to comparable positions to those which they held at the time of such transfer, and no employee or retired or pensioned employee of such transportation systems shall be placed in any worse position with respect to pension seniority, wages, sick leave, vacation or other benefits that he or she enjoyed as an employee of the transportation system prior to such acquisition. At such times as may be required by such contracts, the authority shall engage in collective bargaining with the duly appointed representatives of any employee labor organization having existing contracts with the acquired transportation system and may enter into labor contracts with such employee labor organization. Facilities and equipment which are acquired after July 1, 1993, related to high capacity transportation services which are to be assumed by the authority as specifically identified in the adopted system plan shall be acquired by the authority in a manner consistent with RCW 81.112.070 through 81.112.100.

[1992 c 101 § 11.]

81.112.120

Treasurer — Funds — Auditor — Bond.

The board of an authority, by resolution, shall designate a person having experience in financial or fiscal matters as treasurer of the authority. The board may designate, with the concurrence of the treasurer, the treasurer of a county within which the authority is located. Such a treasurer shall possess all of the powers, responsibilities, and duties the county treasurer possesses for a public transportation benefit area authority related to investing surplus authority funds. The board shall require a bond with a surety company authorized to do business in the state of Washington in an amount and under the terms and conditions the board, by resolution, from time to time finds will protect the authority against loss. The premium on any such bond shall be paid by the authority.

All authority funds shall be paid to the treasurer and shall be disbursed by the treasurer only on warrants issued by the authority upon orders or vouchers approved by the board.

The treasurer shall establish a special fund, into which shall be paid all authority funds, and the treasurer shall maintain such special accounts as may be created by the authority into which shall be placed all money as the board may, by resolution, direct.

If the treasurer of the authority is the treasurer of a county, all authority funds shall be deposited with the county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the authority is some other person, all funds shall be deposited in such bank or banks authorized to do business in this state that have qualified for insured deposits under any federal deposit insurance act as the board, by resolution, shall designate.

The authority may by resolution designate a person having experience in financial or fiscal matters, as the auditor of the authority. Such auditor shall possess all of the powers, responsibilities, and duties related to creating and maintaining funds, issuing warrants, and maintaining a record of receipts and disbursements.

The board may provide and require a reasonable bond of any other person handling moneys or securities of the authority, but the authority shall pay the premium on the bond.

[1992 c 101 § 12.]

81.112.130

General obligation bonds.

Notwithstanding RCW 39.36.020(1), an authority may at any time contract indebtedness or borrow money for authority purposes and may issue general obligation bonds in an amount not exceeding, together with any existing indebtedness of the authority not authorized by the voters, one and one-half percent of the value of the taxable property within the boundaries of the authority; and with the assent of three-fifths of the voters therein voting at an election called for that purpose, may contract indebtedness or borrow money for authority purposes and may issue general obligation bonds therefor, provided the total indebtedness of the authority shall not exceed five percent of the value of the taxable property therein. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

The term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

[1992 c 101 § 13.]

81.112.140

Revenue bonds.

(1) An authority may issue revenue bonds to provide funds to carry out its authorized functions without submitting the matter to the voters of the authority. The authority shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the authority may obligate itself to pay such amounts of the gross revenue of the high capacity transportation system constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the authority shall determine and may obligate the authority to pay such amounts out of otherwise unpledged revenue that may be derived from the ownership, use, or operation of properties or facilities owned, used, or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes, or other sources of payment lawfully authorized for such purpose, as the authority shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners of such bonds shall have a lien and charge against the gross revenue of such high capacity transportation system or any other revenue, fees, tolls, charges, tariffs, fares, special taxes, or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the owners thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the authority.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

[1992 c 101 § 14.]

81.112.150

Local improvement districts authorized — Special assessment bonds.

(1) An authority may form a local improvement district to provide any transportation improvement it has the authority to provide, impose special assessments on all property specially benefited by the transportation improvements, and issue special assessment bonds or revenue bonds to fund the costs of the transportation improvement. Local improvement districts shall be created and assessments shall be made and collected pursuant to chapters 35.43, 35.44, 35.49, 35.50, 35.51, 35.53, and 35.54 RCW.

(2) The board shall by resolution establish for each special assessment bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. The maximum term of any special assessment bonds shall not exceed thirty years beyond the date of issue. Special assessment bonds issued pursuant to this section shall not be an indebtedness of the authority issuing the bonds, and the interest and principal on the bonds shall only be payable from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund that the authority has created. The owner or bearer of a special assessment bond or any interest coupon issued pursuant to this section shall not have any claim against the authority arising from the bond or coupon except for the payment from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund the authority has created. The authority issuing the special assessment bonds is not liable to the owner or bearer of any special assessment bond or any interest coupon issued pursuant to this section for any loss occurring in the lawful operation of its local improvement guaranty fund. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each special assessment bond issued pursuant to this section.

(3) Assessments shall reflect any credits given by the authority for real property or property right donations made pursuant to RCW 47.14.030.

(4) The board may establish and pay moneys into a local improvement guaranty fund to guarantee special assessment bonds issued by the authority.

[1992 c 101 § 15.]

81.112.160

County assessor's duties.

It shall be the duty of the assessor of each component county to certify annually to a regional transit authority the aggregate assessed valuation of all taxable property within the boundaries of the authority as the same appears from the last assessment roll of the county.

[1992 c 101 § 16.]

81.112.170

Interim financing.

A regional transit authority may apply for high capacity transportation account funds and for central Puget Sound account funds for high capacity transit planning and system development.

Transit agencies contained wholly or partly within a regional transit authority may make grants or loans to the authority for high capacity transportation planning and system development.

[1992 c 101 § 17.]

81.112.180

Rail fixed guideway system — Safety program plan and security and emergency preparedness plan.

(1) Each regional transit authority that owns or operates a rail fixed guideway system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state department of transportation by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting revisions to its plans. These plans must describe the authority's procedures for (a) reporting and investigating reportable accidents, unacceptable hazardous conditions, and security breaches, (b) submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state department of transportation, and (d) addressing passenger and employee security. The plans must, at a minimum, conform to the standards adopted by the state department of transportation. If required by the department, the regional transit authority shall revise its plans to incorporate the department's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each regional transit authority shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The regional transit authority shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the department of transportation no later than December 15th each year. The regional transit authority shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the department no later than February 15th. This annual report must include the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each regional transit authority shall notify the department of transportation within two hours of an occurrence of a reportable accident, unacceptable hazardous condition, or security breach. The department may adopt rules further defining a reportable accident, unacceptable hazardous condition, or security breach. The regional transit authority shall investigate all reportable accidents, unacceptable hazardous conditions, or security breaches and provide a written investigation report to the department within forty-five calendar days after the reportable accident, unacceptable hazardous condition, or security breach.

(4) The system security and emergency preparedness plan required in subsection (1)(d) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

[2007 c 422 § 6; 2005 c 274 § 360; 1999 c 202 § 6.]

Notes:

Part headings not law -- Effective date -- 2005 c 274: See RCW 42.56.901 and 42.56.902.

Effective date -- 1999 c 202: See note following RCW 35.21.228.

81.112.190

Requirements for signage.

Each authority shall incorporate in plans for stations along any light-rail facility signing that is easily understood by the traveling public, including, but not limited to, persons with disabilities, non-English speaking persons, and visitors from other nations. The signage must employ graphics consistent with international symbols for transportation facilities and signage that are consistent with department of transportation guidelines and programs. The signage must also use distinguishing symbols or pictograms developed by the authority as a means to identify stations and may identify points of interest along the corridor for persons who use languages that are not Roman-alphabet based. These requirements are intended to apply to new sign installation and not to existing signs, installed before July 24, 2005. The authority may replace existing signs as it chooses; however, it shall use the new signing designs when existing signs are replaced. All signage must comply with requirements of applicable federal law and may include recommendations contained in federal publications providing directions on way-finding for persons with disabilities.

[2005 c 19 § 3.]

Notes:

Intent -- Findings -- 2005 c 19: See note following RCW 35.95A.140.

81.112.210

Fare payment — Fines and penalties established — Enforcement.

(1) An authority is authorized to establish, by resolution, a schedule of fines and penalties for civil infractions established in RCW 81.112.220. Fines established by a regional transit authority shall not exceed those imposed for class 1 infractions under RCW 7.80.120.

(2)(a) A regional transit authority may designate persons to monitor fare payment who are equivalent to and are authorized to exercise all the powers of an enforcement officer, defined in RCW 7.80.040. An authority is authorized to employ personnel to either monitor fare payment, or to contract for such services, or both.

(b) In addition to the specific powers granted to enforcement officers under RCW 7.80.050 and 7.80.060, persons designated to monitor fare payment also have the authority to take the following actions:

(i) Request proof of payment from passengers;

(ii) Request personal identification from a passenger who does not produce proof of payment when requested;

(iii) Issue a citation conforming to the requirements established in RCW 7.80.070; and

(iv) Request that a passenger leave the regional transit authority facility when the passenger has not produced proof of payment after being asked to do so by a person designated to monitor fare payment.

(3) Regional transit authorities shall keep records of citations in the manner prescribed by RCW 7.80.150. All civil infractions established by chapter 20, Laws of 1999 shall be heard and determined by a district or municipal court as provided in RCW 7.80.010 (1), (2), and (4).

[2009 c 279 § 5; 1999 c 20 § 3.]

Notes:

Purpose -- Intent -- 1999 c 20: "The purpose of this act is to facilitate ease of boarding of commuter trains and light rail trains operated by regional transit authorities by allowing for barrier free entry ways. This act provides regional transit authorities with the power to require proof of payment; to set a schedule of fines and penalties not to exceed those classified as class 1 infractions under RCW 7.80.120; to employ individuals to monitor fare payment or contract for

such services; to issue citations for fare nonpayment or related activities; and to keep records regarding citations issued for the purpose of tracking violations and issuing citations consistent with established schedules. This act is intended to be consistent with and implemented pursuant to chapter 7.80 RCW with regard to civil infractions, the issuance of citations, and the maintenance of citation records." [1999 c 20 § 1.]

81.112.220

Fare payment — Proof of payment — Civil infractions.

(1) Persons traveling on facilities operated by an authority shall pay the fare established by the authority. Such persons shall produce proof of payment when requested by a person designated to monitor fare payment.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by the authority under RCW 81.112.210(1):

- (a) Failure to pay the required fare;
- (b) Failure to display proof of payment when requested to do so by a person designated to monitor fare payment; and
- (c) Failure to depart the facility when requested to do so by a person designated to monitor fare payment.

[2009 c 279 § 6; 1999 c 20 § 4.]

Notes:

Purpose -- Intent -- 1999 c 20: See note following RCW 81.112.210.

81.112.230

Fare payment — Prosecution for theft, trespass, or other charges.

Nothing in RCW 81.112.020 and 81.112.210 through 81.112.230 shall be deemed to prevent law enforcement authorities from prosecuting for theft, trespass, or other charges by any individual who:

- (1) Fails to pay the required fare on more than one occasion within a twelve-month period;
- (2) Fails to timely select one of the options for responding to the notice of civil infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options; or
- (3) Fails to depart the facility when requested to do so by a person designated to monitor fare payment.

[2009 c 279 § 7; 2006 c 270 § 12; 1999 c 20 § 5.]

Notes:

Purpose -- Intent -- 1999 c 20: See note following RCW 81.112.210.

81.112.235

Power conferred is supplemental.

The powers and authority conferred by RCW 81.112.210 through 81.112.230 are in addition and supplemental to powers or authority conferred by any other law. RCW 81.112.210 through 81.112.230 do not limit any other powers or authority of a regional transit authority.

[2009 c 279 § 8.]

81.112.300

Sale and leaseback, similar transactions — Authorized.

(1) In order to enable regional transit authorities to acquire or finance equipment or facilities, or reduce the cost of equipment or facilities, regional transit authorities may enter into sale and leaseback, leaseout and leaseback, and other similar transactions with respect to equipment, facilities, and other real and personal property. In connection with any such transaction, a regional transit authority may execute, as it considers appropriate, contracts, agreements, notes, security agreements, conveyances, bills of sale, deeds, leases as lessee or lessor, and currency hedges, defeasance arrangements, interest rate, currency or other swap transactions, one or more payment undertaking agreements, and agreements relating to foreign and domestic currency. These agreements or instruments must have terms, maturities, durations, provisions as to governing laws, grants of security interests, and other provisions that are approved by the board of the regional transit authority.

(2) "Payment undertaking agreement" means one or more agreements, undertakings or arrangements under which all or a portion of the funds generated by a sale and leaseback, leaseout and leaseback, or other similar transaction are directed or paid over to a financial institution, insurance company, or other entity that agrees to meet or fulfill, in consideration for the funds, some or all of the obligations of the regional transit authority, or any public corporation or other entity created under RCW 81.112.320, to make future rent, debt service, or purchase price installment payments in connection with the transaction.

[2000 2nd sp.s. c 4 § 18.]

Notes:

Findings -- 2000 2nd sp.s. c 4 §§ 18-30: "The legislature finds that additional funds or other benefits can be made available to Washington regional transit authorities by facilitating their entry into sale and leaseback, leaseout and leaseback, and similar transactions that provide to private parties, in consideration for the funds or other benefits obtained by the regional transit authorities, tax benefits that are not otherwise available to regional transit authorities. The legislature further finds that such transactions have been encouraged by agencies of the federal government as ways to provide additional funds for public facilities. To facilitate such transactions for regional transit authorities, the legislature has determined that while regional transit authorities may currently have the necessary statutory authority and may currently enjoy exemptions from Washington state taxes for such transactions, an explicit statement of statutory authority and exemption from Washington state taxes is necessary and helpful for the parties to such transactions. In recognition of the complexity of such transactions, the legislature desires that the authority and exemptions provided by RCW 81.112.300, 81.112.310, 81.112.320, 82.08.834, 82.12.834, 82.04.050, 82.04.4201, 82.29A.134, 82.45.010, 84.36.605, 35.21.756, 35.21.755, and 81.112.330 be subject to certain limitations and be granted for a period as specified in RCW 81.112.330." [2000 2nd sp.s. c 4 § 17.]

Construction -- 2000 2nd sp.s. c 4 §§ 18-30: "The authority granted by RCW 81.112.300, 81.112.310, 81.112.320, 82.08.834, 82.12.834, 82.04.050, 82.04.4201, 82.29A.134, 82.45.010, 84.36.605, 35.21.756, 35.21.755, and 81.112.330 is in addition and supplemental to any authority previously granted and does not limit nor is limited by any other powers or authority previously granted to regional transit authorities or any public corporation, or restrictions on such powers or authority. Nothing in RCW 81.112.300, 81.112.310, 81.112.320, 82.08.834, 82.12.834, 82.04.050, 82.04.4201, 82.29A.134, 82.45.010, 84.36.605, 35.21.756, 35.21.755, and 81.112.330 limits other statutory authority previously granted to regional transit authorities or public corporations or other tax exemptions granted to regional transit authorities or public corporations. Nothing in RCW 81.112.300, 81.112.310, 81.112.320, 82.08.834, 82.12.834, 82.04.050, 82.04.4201, 82.29A.134, 82.45.010, 84.36.605, 35.21.756, 35.21.755, and 81.112.330 limits the authority of the state, any political subdivision thereof, or any other public or municipal corporation to undertake the activities described in RCW 81.112.300, 81.112.310, 81.112.320, 82.08.834, 82.12.834, 82.04.050, 82.04.4201, 82.29A.134, 82.45.010, 84.36.605, 35.21.756, 35.21.755, and 81.112.330 as expressly or impliedly authorized by other provisions of law. Nothing in RCW 81.112.300, 81.112.310, 81.112.320, 82.08.834, 82.12.834, 82.04.050, 82.04.4201, 82.29A.134, 82.45.010, 84.36.605, 35.21.756, 35.21.755, and 81.112.330 is an authorization to provide indemnification to the extent the indemnification is prohibited or restricted by other provisions of law or the Constitution of the state of Washington." [2000 2nd sp.s. c 4 § 31.]

81.112.310

Sale and leaseback — Conditions.

Transactions undertaken under RCW 81.112.300 are subject to the following conditions:

(1) The financial institution, insurance company, or other entity that enters into a payment undertaking agreement with the regional transit authority or public development corporation or entity created under RCW 81.112.320 as a counterparty must have a rating from

at least two nationally recognized credit rating agencies, as of the date of execution of the payment undertaking agreement, that is within the two highest long-term investment grade rating categories, without regard to subcategories, or the obligations of the counterparty must be guaranteed by a financial institution, insurance company, or other entity with that credit rating. The payment undertaking agreement must require that the obligations of the counterparty or the guarantor, as the case may be, must be collateralized by collateral of a type and in an amount specified by the governing body of the regional transit authority if the credit ratings of the counterparty or its guarantor fall below the level required by this subsection.

(2) The amount to be paid by the counterparties under payment undertaking agreements for a transaction under the terms of the agreements, when combined with the amount of securities, deposits, and investments set aside by the regional transit authority for payment in respect of the transactions, together with interest or other earnings on the securities, deposits, or investments, must be sufficient to pay when due all amounts required to be paid by the regional transit authority, or public corporation or entity created under RCW 81.112.320, as rent, debt service, or installments of purchase price, as the case may be, over the full term of the transaction plus any optional purchase price due under the transaction. A certification by an independent financial expert, banker, or certified public accountant, who is not an employee of the regional transit authority or public corporation or entity created under RCW 81.112.320, certifying compliance with this requirement is conclusive evidence that the arrangements, by their terms, comply with the requirement under this subsection on the sufficiency of the amount.

(3) The payment undertaking agreements, and all other basic and material agreements entered into in connection with the transactions, must specify that the parties to the agreements consent to the jurisdiction of state courts of Washington for disputes arising out of the agreements and agree not to contest venue before such courts. Regardless of the choice of law specified in the foregoing agreements, the agreements must acknowledge that the regional transit authority or public development corporation or entity created under RCW 81.112.320 that is a party to the agreements is an entity created under the laws of the state of Washington whose power and authority and limitations and restrictions on the power and authority are governed by the laws of the state of Washington.

Payment undertaking agreements that meet the foregoing requirement must be treated for all relevant purposes as agreements under which future services are performed for a present payment and shall not be treated as payment agreements within the meaning of chapter 39.96 RCW.

[2000 2nd sp.s. c 4 § 19.]

Notes:

Findings -- Construction -- 2000 2nd sp.s. c 4 §§ 18-30: See notes following RCW 81.112.300.

81.112.320

Sale and leaseback — Creation of public entity.

To accomplish any of the activities under RCW 81.112.300, a regional transit authority may create a public corporation, commission, or authority under RCW 35.21.730 through 35.21.755, and authorize the corporation, commission, or authority to provide any of the facilities and services that a regional transit authority may provide including any activities under RCW 81.112.300. A regional transit authority has all the powers, authorities, and rights granted to any city, town, or county or their agents under RCW 35.21.730 through 35.21.755 for the purposes of entering into and implementing transactions under RCW 81.112.300.

[2000 2nd sp.s. c 4 § 20.]

Notes:

Effective date -- 2000 2nd sp.s. c 4 §§ 1-3, 20: See note following RCW 82.08.020.

Findings -- Construction -- 2000 2nd sp.s. c 4 §§ 18-30: See notes following RCW 81.112.300.

81.112.330

Sale and leaseback — Restrictions, requirements.

(1) Except as provided in subsection (3) of this section, no regional transit authority may initiate a transaction authorized under RCW 81.112.300 after June 30, 2007.

(2) The termination of authority to enter into transactions after June 30, 2007, does not affect the validity of any transactions entered into under RCW 81.112.300.

(3) A regional transit authority may enter into a transaction in accordance with RCW 81.112.300 after June 30, 2007, to replace or refinance a transaction that relates to specific obligations entered into on or before that date and that has terminated, or is, under the terms of the replacement or refinance, to terminate, before the final stated term of that transaction. The exemptions from taxes provided by RCW 82.08.834, 82.12.834, 82.04.4201, 82.29A.134, 82.36.605 [84.36.605], 35.21.756, 82.04.050, 82.45.010, and 35.21.755 apply to the replacement or refinance transactions.

(4) A regional transit authority, or public corporation or entity created under RCW 81.112.320, that undertakes a transaction authorized by RCW 81.112.300, shall provide to the state finance committee, or its financial advisor, at the state finance committee's discretion, a copy of all material agreements executed in connection with the transaction within three months of the closing of the transaction and shall make a report to the state finance committee, the president of the senate, and the speaker of the house of representatives on transactions authorized by RCW 81.112.300. The report must include the amount of the transactions, the expected savings or losses resulting from the transactions, the transaction costs, including fees and detailed pricing information, the risks associated with the transaction, and any other information the regional transit authority determines relevant. The report must be submitted within six months of the closing of each transaction.

[2000 2nd sp.s. c 4 § 30.]

Notes:

Findings -- Construction -- 2000 2nd sp.s. c 4 §§ 18-30: See notes following RCW 81.112.300.

81.112.340

Supplemental transportation improvements.

If the legislative authority of a city provides or contracts for supplemental transportation improvements, as described in RCW 35.21.925 or under chapter 36.73 RCW, a regional transit authority serving the city or border jurisdictions shall coordinate its services with the supplemental transportation improvements to maximize efficiencies in public transportation services within and across service boundaries.

[2010 c 251 § 6.]

81.112.900

Section headings not part of law — 1992 c 101.

Section headings as used in this act do not constitute any part of the law.

[1992 c 101 § 33.]

81.112.901

Severability — 1992 c 101.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1992 c 101 § 34.]

81.112.902

Effective date — 1992 c 101.

This act shall take effect July 1, 1992.

[1992 c 101 § 35.]

APPENDIX F

REGIONAL TRANSIT AUTHORITY PLAN

**MUNICIPALITY OF ANCHORAGE AND THE MATANUSKA-SUSITNA
BOROUGH**

INTERMUNICIPAL AGREEMENTS

OCTOBER 17, 2011



Memorandum of Agreement Amendment #1
Between the Municipality of Anchorage and the Matanuska-Susitna Borough
for a Regional Vanpool Program

The Municipality of Anchorage (MOA) and the Matanuska-Susitna Borough (MSB) wish to enter into an agreement to coordinate a Regional Vanpool Program. The goals of this program are to reduce congestion, improve air quality and acquire additional vanpool vehicles and place them in service to assist residents of both areas with the increasing costs of commuting to and from work. Both parties agree to comply with applicable U.S. Department of Transportation, Federal Transit Administration (FTA), requirements and support any FTA, as well as any other audits and reviews that may be required of this program. The applicable FTA provisions are included in the attached FTA contract provision certifications signed by VPSI on August 17, 2010.

The Matanuska-Susitna Borough will support a regional vanpool program by:

- Funding the purchase of twelve (12) vanpool vehicles, two funded by FTA Section 5311 and ten (10) funded by ARRA. The vehicles shall be purchased by the MOA through the Municipality's program vanpool contractor, VPSI. The titles will be retained by VPSI for 13 months per the MOA's Pre-Paid Capital Lease Agreement. After 13 months, the titles of the vehicles will revert to the State of Alaska. These vehicles will be used in the Regional Vanpool Program which includes MOA/MSB commutes and MSB/MSB commutes.
- Requesting reimbursement from State of Alaska Department of Transportation & Public Facilities (ADOT&PF) to the Contractor, VPSI, Inc., for the vehicle purchase costs not to exceed \$40,824.30 per vehicle. This amount includes studded tires mounted on rims in addition to the tires provided on the vehicle.
- Reimburse the Contractor for the local match required for the two (2) vehicles funded by FTA Section 5311 in the amount of \$4,340.50 per vehicle for a total of \$8,681.00.
- Meeting with the Municipality of Anchorage on a semi-annual basis to discuss and review the coordinated efforts.
- Participating in joint promotions.

The Municipality of Anchorage, Public Transportation will support a Regional Vanpool Program by:

- Providing carpool and vanpool matching services to residents of the MSB who travel within the MSB and/or Anchorage commute areas.
- Amending the contract with its existing vanpool program contractor to include the vehicles provided by MSB following the same services provided to MOA-funded vehicles, including purchase of vehicles, maintenance, studded snow tires, driver training, insurance, fleet reporting, program promotion, fare collection, roadside assistance and accident investigation, and annual reporting of vanpool ridership for NTD purposes for all vehicles that qualify.
- Incorporating vanpool vehicles funded by MSB for this program, into the fleet currently established by MOA.
- Conducting post-delivery audits, providing proof of insurance and copies of vehicle titles for each vehicle.

- Submitting invoices to MSB for their local match requirement and to ADOT&PF for the federal portion of the vehicle procurement.

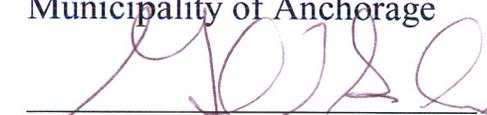
The parties to this agreement will continue to work toward securing additional funding for vanpool vehicles through locally adopted Capital Improvement Budgets and through State Legislative requests.

This agreement will be effective upon signing by both parties and will remain in effect until it is terminated. Either party may terminate this cooperative effort by no less than 60 days notice to the other party. Upon any such termination, all rights and obligations of the parties hereunder terminate. MOA will direct the Contractor to transfer the vehicles to ADOT&PF.

The total amount to be paid by MSB for the purchase of twelve (12) vanpool vehicles is \$489,891.60; to be paid in part by MSB Capital Grant match (\$8,681.00) and an FTA grant directly paid by ADOT&PF to VPSI in the amount of (\$481,210.60) upon acceptance and appropriation by the MSB Assembly. ADOT&PF will issue payment to VPSI once the vehicles have been received and post-delivery documentation has been submitted to ADOT&PF.

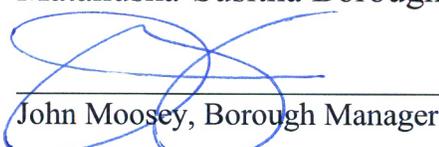
Upon execution of this agreement, MOA will exercise its option to purchase twelve (12) vehicles through its existing contract with VPSI following established Municipal procurement processes.

Municipality of Anchorage


George Vakalis, Municipal Manager

Date: 5/19/11

Matanuska-Susitna Borough


John Moosey, Borough Manager

Date: 8.10.11

**INTER-MUNICIPAL AGREEMENT BETWEEN THE
TOWNS OF COHASSET, HINGHAM, HULL AND NORWELL
FOR A REGIONAL DISPATCH CENTER**

PREAMBLE

In order to establish, operate and maintain a consolidated communications system for the Towns of Cohasset, Hingham, Hull and Norwell, all of Massachusetts, ("Towns" or, as may be separately designated as Cohasset, Hingham, Hull and Norwell) the parties agree to the following terms and conditions.

This agreement entered into this 11th day of November, 2009 by and among the Towns is entered into pursuant to G.L. c. 40, section 4A, which authorizes the Towns to contract with governmental units and/or to join together for performing jointly services, activities and undertakings which any of the individual Towns are authorized to provide. As relates to this agreement, the Towns propose to join together to provide for the operating and maintaining of a consolidated communications system. The Towns shall sometimes be referred to herein as the Parties.

WITNESSETH:

WHEREAS the Parties are each empowered by law to staff, maintain and operate a public safety communications/dispatch center, which is a proper governmental function and service: and

WHEREAS the Parties wish to join together to establish a dispatch region ("Region") made up of their communities and any others who may in the future be admitted to the Region; and

WHEREAS the Parties desire to operate and maintain a consolidated regional wide public safety communications/dispatch center hereinafter referred to as the System or center and to provide an orderly method for the accomplishment thereof and

WHEREAS the Parties desire to accomplish the aforesaid purposes by jointly exercising their common powers in the manner set forth in this agreement

NOW THEREFORE the Parties for and in consideration of the mutual benefits, promises and agreements set forth herein agree as follows.

Section 1. Purposes

The purpose of this agreement is to provide for the establishment, operation and maintenance of a consolidated regional wide public safety communications/dispatch center, (hereinafter the "System" or "center"), by constructing, equipping, staffing, maintaining and operating a facility or facilities which provide call receiving and dispatching services to the Parties, by providing computers, radios and other equipment for use in the field and by further providing the System to the Parties. A description of the initial System is attached hereto as Exhibit A.

This agreement also establishes and provides a forum for discussion, study, development and implementation of programs and services of mutual interest related to the system of mutual interest.

This agreement is made pursuant to and under the provisions of G.L. c. 40, section 4A, which allows governmental units such as the Parties to enter into Inter-Municipal Agreements for this purpose.

Section 2. Designation of System Operator

Pursuant to and under the provisions of the authorizing law the Parties hereby appoint Hingham to serve as system operator ("System Operator"). In that regard Hingham shall have overall responsibility for System quality. The Parties acknowledge that System quality is subject to cost efficiency and budget constraints and that various sections of this agreement impose requirements related to budget approval. As System Operator Hingham shall provide staff as employees of Hingham who shall be responsible for:

- A. Training
- B. System Dispatch and Operations
- C. System Maintenance
- D. Undertaking such other duties as may be agreed between Hingham and the Advisory Board as defined below.

It is understood that the staff responsible for such functions unless expressly otherwise authorized herein shall be employees of Hingham. Salaries and benefits for all such persons shall be subject to the budget approval process set forth herein.

Section 3. Governance

A. Board of Directors for Regional Dispatch Center

The Towns hereby establish a Board of Directors ("Board") for the effective and orderly operation of the System and delegate to the Board the responsibility to make policy for the System. In carrying out its responsibility the Board shall be subject to the following standards:

- 1 The System shall be intended to provide consolidated regional wide public safety communications/dispatch center to the Towns in the Region.
- 2 All System components shall be compatible with each other.
- 3 The choice of System components and the operation and maintenance of the System shall be based upon cost efficiency including budget constraints and effectiveness and upon a desire to establish appropriate response to the emergency dispatch and communications needs of the citizens of the Region.
- 4 The Parties acknowledge that System quality is subject to cost efficiency and budget constraints and that various sections of this agreement impose requirements related to budget approval.

The System shall be governed by the Board. Each of the four Towns as a whole shall have one seat on the Board. Each Town's seat shall be filled by the Chief Administrative Officer or his or her designee (also known as an "alternate") to be called a Director. A Board member shall cease to be a Director if he/she ceases to hold office of the appointing Party or if the appointing Party ceases to be a Party to this agreement. Each Director shall notify the Secretary of the Board of their respective alternates. The Secretary shall notify each Party of the designation of the other Party's representatives and maintain an updated list of all Directors and alternates and the Parties they represent.

An alternate shall have the authority to vote in the name and stead of the person appointing the same. Alternates shall only be appointed in writing and shall only have authority for the particular meetings for which appointment was made. Attendance by any regular Board Member at a meeting shall, without the necessity of further action, revoke the authority given to any alternate of such regular Board Member with regard to such meeting. The appointing Board Member's shall have the right to change or revoke appointment of his or her designated alternate at any time.

The act of at least a majority in number of the then-current Board members (or their alternates) and not a majority of a quorum shall be deemed the act of the Board except as provided elsewhere in this agreement. Each Board member shall have an equal vote except as otherwise provided elsewhere in this

agreement. The Parties intend by this Section to require at least a majority in number of the then current Board members to approve any matter. Different voting requirements are set out in those specific circumstances where a lesser quantum of vote is permitted.

B. Officers and Auditor of the Board of Directors

a. Designation of Officers

The officers of the Board shall be the Chair, the Vice Chair, the Treasurer (for record keeping purposes) and the Secretary. The office of Chair shall be rotated on an annual basis at the first meeting of each fiscal year, except that for the first fiscal year the chair shall be from the Town of Hingham.

b. Duty of Officers

1. Chair and Vice Chair

The Chair or in his her absence the Vice Chair shall preside at and conduct all Board meetings. In the absence or inability of the Chair to act the Vice Chair shall act as the Chair.

2. Treasurer

The Treasurer shall, working with the Auditor, keeps records for the Board pertaining to the finances of the System. The Treasurer shall not have direct access or control over funds. The Treasurer shall advise the Board as to the financial affairs of the System.

3. Secretary

The Secretary, working with the other members, shall develop the agenda for regular meetings. The absence of a matter from an agenda shall not prevent the matter from being discussed and acted upon by the Board. The Secretary will give notice of regular meetings to the Board at least forty-eight (48) hours in advance of the scheduled date. The Secretary will keep minutes of Board Meetings.

B Auditor of the System

The Board shall hire an independent auditor annually to audit the financial records of the System.

The Auditor shall report to the Board and be responsible to the Board in the conduct of his or her duties as they relate to the System.

C. Operations Board

The Operations Board shall be comprised of the Chiefs of the Fire Department and Police Department of the member Towns, or their designees. The Operations Board shall use professional standards in developing policies and procedures for the System and in monitoring the Systems performance. The Operations Board shall make recommendations to the Board and perform such other duties as may be assigned by the Board. The Operations Board shall annually organize itself with a Chair, Vice-Chair and Secretary.

D. System Director

The System Director shall be appointed in the manner required by Section 4 C4. The System Director shall attend all meetings of the Board as an advisory member. The System Director shall be an employee of Hingham but shall be hired, suspended or terminated only upon the recommendation of the Board. The System Director shall be responsible for all operational and personnel matters relating to the System. In particular the System Director shall:

1. enforce strict compliance with the approved annual System budget and approve only expenditures authorized therein
2. maintain an inventory of all property of the System and serve as custodian of the property
3. have overall responsibility for the operation and maintenance of the System subject to the specific authority retained herein by the Board and the general supervisory authority of the Board.
4. establish the budget format for the System, establish and maintain particular funds and accounts and furnish monthly revenue expenditures and funds status to the Board. In carrying out such functions the System Director shall follow generally accepted accounting principles applicable to municipal government. The System Director shall make System books and records available to the Board and to the public to the extent required by law for any municipality.

E. Meetings of the Board of Directors

1. Meetings of the Board of Directors

The Board shall conduct regular meetings holding at least one regular meeting each quarter. The first meeting of each fiscal year shall be the annual meeting. The date and hour of any regular meeting shall be scheduled by order of the Board or by the Board Chair. The Board shall provide for additional meetings as may be needed depending upon the pressure of business. A Board meeting

shall be called upon the request of the Chair or any two 2 Board members with the persons calling the meeting setting the location, date and hour thereof. Absent an emergency the Secretary of the Board shall give each Board member at least forty-eight (48) hours notice of any specially called Board meeting, such notice to set out the location, date and time of the meeting. The location for the conduct of meetings shall be as determined by the Board and shall be the System's central dispatch building in the absence of a contrary determination. Changes in the location must be made by resolution of the Board or by the Chair and notice of Board meetings shall be posted in compliance with applicable law.

2. Meeting Rules

The Board may adopt rules for conducting their respective meetings and other business as they deem necessary and appropriate. In the absence of rules to the contrary, common law principles for the operation of meetings shall govern. The failure however to comply with such rules shall not affect the validity of any action. The Board may suspend the rules if it so chooses.

3. Minutes

The Secretary or such other person designated shall keep minutes of regular, adjourned regular and special meetings of the Board. A copy of the minutes shall be provided to each Board member and the Town Clerk of each member of the Region and to any member of the public requesting same. The provisions of the Public Records Law shall be applicable to the minutes and other documents of the Region.

4. Quorum and quantum of vote

A majority of the members of the Board constitutes a quorum for the transaction of business by the Board. However, in the event of a bare quorum, the affirmative vote of a majority of all of the Board members shall be required to pass a motion. When the full Board is present, the quantum of vote needed to pass a motion shall be a majority.

Section 4. Powers and Duties

A. Authority of Hingham

In accordance with the provisions of the Act and this agreement, the Parties hereby delegate to Hingham, subject to the authority of and approval by the Board as set forth in Section 4C hereof or otherwise expressly reserved herein or by law, the power to construct, equip, staff, maintain, operate and all other normal and customary acts necessary for the effective and orderly operation of the dispatch center. As the provider of the System Hingham shall endeavor to meet desired quality standards established by the Parties hereto also taking into

account cost efficiency, System effectiveness, budget constraints and System compatibility.

B. Communication Services to Other Agencies

The Region may provide dispatch or other communication services to other public or private agencies which provide a critical public health or safety service and/or public agencies not a Party to this agreement but only upon approval and recommendation of and subject to such terms and conditions as the Board of Directors may establish. Such service may be evidenced by contract or Inter-Municipal Agreement or other agreement.

The Region shall establish the amount of charge for the service being provided to other agencies. Charges will be set with the intent of recovering all capital operational and maintenance costs expended in providing the services to a particular agency both annually and for prorated periods thereof as well as sums as may be needed for future improvements, repairs, upgrades or expansions.

C. Authority of the Board of Directors

The Board of Directors as the governing and administrative body of the System shall exercise the following authority:

1. The Board shall approve the annual System budget.
2. The Board shall review System expenditures.
3. The Board shall consider the recommendations of any member community.
4. The Board shall approve the appointment of the System Director and all employees of the System, all of whom shall be considered employees of Hingham.
5. The Board shall approve the provisions of communications services to any entities not a Party to this agreement
6. The Board shall develop and recommend all cost sharing formula for annual operating expenses. Said formula shall consist of two parts. One half shall be a Standard Base Charge, based on the percentage of the population of each party to the total population of the System. The remaining half shall be a Variable Charge based on the per cent of total calls estimated from each particular community. There shall be a reconciliation or "true up" of the actual calls quarterly. The total of the parts of the formulae shall equal the budget necessary for operation for the current fiscal year.

7. Based on the recommendations of the Operations Board, the Board shall establish the Standard Operational Procedures for the System and will review all procedures programs and situations and make necessary recommendations as they pertain to the daily operation of the System.

Section 5. Facility

The center proper shall provide suitable and necessary components for a modern dispatch center.

All equipment and materials within the facility will be supported and maintained through an annual operational budget as outlined in Section 6 C 1. All new equipment or materials used as part of the System will be owned as set forth Section 8.

Section 6. Fiscal Year and Annual Budget

A. Fiscal Year

The System's fiscal year shall be the twelve month period commencing each July 1 and ending the following June 30 except if the effective date of this agreement is other than July 1 in which case the first fiscal year shall be the short year commencing the effective date and ending the following June 30.

B. Annual Budget

1. The System shall operate only under an approved fiscal year Budget. The System may not operate at a deficit. The Parties shall pay for the entire costs of operation and maintenance of the System with annual System expenditures determining the total amount of assessment required.

2. It is acknowledged by the Parties that the equipping of the Center and rehabilitation of the space into the Center shall be covered by the grant from the Commonwealth of Massachusetts, Department of Public Safety, 911 Office.

3. A cost formula shall be developed by and approved by the Board will be used to determine the total percentage of annual assessments. Said formula shall consist of two components. One half shall be a Standard Base Charge, based on the percentage of the population of each party to the total population of the System. The remaining half shall be a Variable Charge based on the percent of total calls estimated from each particular community. There shall be a reconciliation or "true up" of the charges based on the actual calls quarterly. The total of the parts of the formula shall equal the budget necessary for operation for the current fiscal year.

4. Each annual operating budget shall include a reasonable reserve contingency. Money may be expended from this reserve only with the express approval of the Board. The unspent portion of the reserve shall be carried forward to the next fiscal year in addition to the reserve contribution for each such fiscal year.

5. The total budget upon which is based the assessment against each of the Parties will be reduced by revenue from entities not a party hereto, by unexpected or unencumbered funds available at the end of each fiscal year prior to the year for which the budget is applicable or by other revenues available to the System (in excess of amounts required by the budget and not required to be refunded as provided in Section 6 C 3) as of the date such budget is determined.

6. In the event that emergency expenditures are required to maintain System integrity in excess of amount budgeted therefore the System is authorized to incur the same first from the reserve and second from other funds available to the System.

7. The budget shall be adopted by the System for each fiscal year on or before the time needed for each member to address their assessment in their budget process so that the member communities will have such information for their respective Town Meetings. A copy of the System budget and each Party's assessment shall be delivered to each Party immediately after the System budget is adopted.

8. The Parties hereby agree that payment of the assessments shall fairly compensate the performing Parties including Hingham for the services or functions performed hereunder. Hingham will annually provide an estimate of those services which shall be transmitted to the Board for approval and assessment as part of the annual budget.

C. Budget Elements

Unless a Party intends to withdraw from the Region and this agreement, each Party hereby agrees to seek an appropriation to pay its assessment sum and percentage of each year's annual budget approved by the Board.

The budget shall include but is not limited to the following components:

1. Operation and Maintenance Expenses

The cost of operating and maintaining the System shall include, but is not limited to, personnel salaries and benefits, training office and computer supplies, and other consumables payments to lease facilities or equipment and replacement parts necessary to repair or maintain System improvements, or equipment due to normal wear and tear from ordinary usage, or other costs of operation and

maintenance determined in accordance with accounting principles applicable to the System.

2. Capital Expenditures

Capital expenditures shall include the costs of purchase of communications and computer equipment, hardware, software and other fixed asset type items typically having a useful life of more than one (1) year including equipment improvements and additions as opposed to replacement parts for ordinary maintenance during the useful life of the capital items and other capital costs determined in accordance with accounting principles applicable to the System. Hingham shall act as the procurement authority for any such purchases.

3. Payment of Assessments

Upon adoption of the fiscal year budget by the Board with the first budget anticipated to take affect with the fiscal year beginning July 1, 2010 and the forwarding thereof to the governing bodies of the Parties by the Board Secretary, unless otherwise specified by the order of the Board, the assessments fixed therein (based on the population and call volume for each Town for the previous fiscal year) are automatically due and payable without further notice as follows:

July 1, 2010	25% of total assessment
October 1, 2010	25% of total assessment
January 1, 2011	25% of total assessment
April 1, 2011	25% of total assessment

The quarterly payments will be made subject to adjustment as contemplated in Section 4 C6, above.

Upon 90 calendar days advance notice to the Parties the Board may set a different payment schedule to fund System costs if sufficient monies would not otherwise be on hand as needed for the System.

Assessments shall be payable only from current appropriations of each Party. Each Party agrees to provide in its annual budget an appropriation to be available in an amount adequate for that Party's assessment for the same fiscal year.

The Parties intend to pay for actual System costs incurred (and the reserve contingency). Periodically and at least at the end of each fiscal year, a reconciliation will be made of actual System costs and amounts previously paid by each Party and payments shall be made based upon such reconciliation to adjust each Party's payments to its share of actual System costs.

At least annually the System Director shall present a cost of service study to the Board showing annual System costs as compared to budgeted line items.

A five percent (5%) late charge shall be imposed upon assessment payments not received within thirty (30) calendar days following the scheduled dates for payment. An additional five percent (5%) charge shall be imposed if payment is not made within an additional thirty 30 calendar days. If an assessment including late charges is not paid in full within seventy five (75) calendar days following any scheduled due date the Party shall be in default and subject to termination upon the vote of all of a majority of members on the Board not subject to termination. The breaching Party shall not have the right to vote or be counted in determining a majority in interest.

D. Budget Authority of System Director

The System Director has the power fully to draft and implement the approved budget. However the System Director may not exceed the personnel staffing authorized in the budget either in number, position, classification, or salary. In addition the System Director may not exceed any line item, utilize the reserve contingency or exceed the total amount of approved budgeted expenditures without the approval of the Board.

The System Director may recommend expenditures for approval separate from the budget process in which case the further recommendation of the Board is required prior to any actual expenditure. The System Director may also seek authorization from the Board for budgetary transfers or budget adjustments as necessary.

Section 7. Personnel

A. System Director

The System Director is authorized to act on the behalf of the Board in all matters of personnel administration given the positions and funding authorized in the annual System budget. This includes but is not limited to supervisory, direction, performance evaluations, disciplinary actions, and and such other duties related to the effective and orderly operation of the System as may be assigned by the Board.

As System personnel shall be employees of Hingham, they shall be subject to grievance or other personnel procedures and policies applicable to Hingham employees. Each Party or other entity receiving services from the System shall report any personnel difficulties to the System Director for the System Director's further action or such action as the Board may determine, consistent with the applicable Hingham personnel practices and applicable law.

B. Supervisory and Operations Positions

Hingham shall employ supervisory and operations staff as approved in each System budget. All such persons shall be employees of Hingham. All positions must be recommended by the Board as part of the System budget process and provided for in the annual System budget adopted by the County. The System shall utilize the services of the personnel director or person performing similar functions of Hingham to create any needed class specifications job descriptions or address other personnel matters.

C. Salaries and Benefits

Except to the extent wages, hours and terms and conditions are covered by a collective bargaining agreement under G.L. c. 150E, the Board shall recommend to Hingham the salaries of the System staff as part of the budget process and employee benefits shall be determined in accordance with Hingham's employee benefit plan for persons making such salaries.

Section 8. Maintenance, Capital Assets and Acquisitions

The Parties intend:

1. To share the costs of operating and maintaining the System as set forth in this Agreement.
2. Capital costs, except those paid for pursuant to any grants or as otherwise determined by the Board are to be shared equally by the participants.

The parties to this Agreement shall be the owner of the System. No new capital assets will be acquired which would not be compatible with the System at the time of acquisition.

The Board will determine what communications equipment is necessary to operate and maintain the System.

Section 9. Term of Agreement

This agreement is intended as a long term obligation of each of the participating Parties. This agreement shall be for successive term of approximately five years each, as set forth herein. Unless sooner terminated or dissolved by agreement of the Parties, this agreement shall expire June 30, 2015.

The initial Term of this agreement ("Initial Term") shall commence on the effective date of this agreement and expire on June 30, 2015. Thereafter, this agreement shall be automatically extended for subsequent terms of five (5) years

each ("Extension Terms") on the same conditions as set forth herein, subject to termination or withdrawal as provided herein. Any Party may terminate its obligations hereunder as of the end of the initial Term or any Extension Term upon giving at least one year's prior written notice to each of the other Parties hereto. Withdrawal or termination of any Party shall not have the effect of terminating this agreement as to the remaining Parties

Section 10. Termination or Withdrawal

A. Termination

Each Party shall remain a Party to this agreement and share in the costs of operation and maintenance of the System until the end of the Term applicable to such Party. If in the interim a Party defaults on payment of any assessment or otherwise breaches this agreement, such Party shall be subject to termination as a Party to this agreement upon the vote of a majority of the Board members not subject to termination, acting on behalf of their respective communities. The breaching Party shall not be entitled to vote on its own termination or be counted in determining a majority in interest.

Upon being so terminated, the terminated Town shall be responsible for paying for an actuarial study to be performed by the Board for the purpose of determining any adjustments and payments due from the terminated party for any sums due, health or other employment benefits, pension costs and any other benefits that may apply. It shall be a condition of termination that the terminated party and the System enter into an agreement setting forth the obligation to make such payment.

The terminated Party shall remain liable for any defaulted payment and late charges to the end of the Initial Term or, if the termination occurs during an Extension Term, through the end of the fiscal year following the year in which the termination was effective. Such subsequent assessments will be determined as if the terminated Party were still a Party to the agreement at the same percentage in effect at the date of termination. The assessment will be due and payable at the same time assessments are due from the remaining Parties for the fiscal years in question.

The remaining Parties shall attempt to mitigate the damages caused by termination by either obtaining other Parties hereto or by reducing System expenses, but until any mitigation actually occurs the terminated Party shall remain liable for its assessment in full. The type of activities to be taken in mitigation shall be determined in the sole discretion of the remaining Parties. All Parties agree that the System is configured and System expenditures are committed on the understanding that all Parties will remain Parties at least until the end of the then-current Term and that the payments to be made hereunder represent reasonable liquidated damages and not a penalty.

B. Withdrawal

At least one year prior to the end of the Initial Term, a Party may give notice of its withdrawal as a Party to this agreement as of the end of the Initial Term without penalty commencing on the first day after the end of the Term applicable to such Party with withdrawal to be effective at the end of said term. Such withdrawing Party shall perform all obligations under this agreement until the effective date of withdrawal. During any Extension Term, a Party may give notice of its withdrawal as a Party to this agreement without penalty said withdrawal to be effective as of the last day of the fiscal year following the fiscal year in which said notice has been given.

Upon notice of withdrawal, the withdrawing Town shall be responsible for paying for an actuarial study to be performed by the Board for the purpose of determining any adjustments and payments due from the withdrawing party for any sums due, health or other employment benefits, pension costs and any other benefits that may apply. It shall be a condition of withdrawal that the withdrawing party and the System enter into an agreement setting forth the withdrawal terms and conditions, including the obligation to make such payment.

C. Legal Redress

The Board, acting on behalf of the Parties, shall have the right to seek legal redress if necessary to obtain payment on amounts due or otherwise to enforce the terms of this agreement. Venue for any litigation under this Agreement shall be Plymouth County.

D. Use of System and System Assets

Upon termination or withdrawal, any withdrawing or terminated Party shall no longer receive services from the System after the effective date of termination or withdrawal. The effective date of termination and the effective date of withdrawal shall be as defined in Section 10.

The withdrawing or terminating Party shall leave as part of the System those assets owned by it previously used as part of the System and which the remaining Parties desire to use as part of the System. In the case of a withdrawing party, if the remaining Parties desire to use any such assets they shall purchase the same at the then current book value from the withdrawing or party. If such a purchase occurs an offset may be taken of any amount owed by the withdrawing Party hereunder against the amount paid for such assets, said offset to be taken at the time of the purchase.

Section 11. Dissolution

Unless earlier terminated as provided herein, effective June 30, 2015 or thereafter by agreement of the Parties and subject in all respects to applicable law, this agreement shall expire and the System shall be dissolved. Dissolution shall only be effective upon the last day of the fiscal year but shall in no event be effective until the requirements of Section 12 are met.

Section 12. Disposition of Assets

A. Process of Winding Up

This agreement may not be considered as having expired or disposition of assets made to the Parties to the agreement until the System reasonably exhausts all means of collecting any monies due hereunder and identifies and satisfies all obligations and liabilities related to the System. A final accounting shall be prepared by the System Director and be submitted to the Parties and the Board and be approved by both the Parties and the Board before any final disposition of assets may be made and termination of the agreement consummated.

B. Asset Distribution

Upon expiration, the Parties shall retain title to those assets purchased in their individual names. As to any capital assets purchased in common as provided in this agreement and as to any monies held in System accounts, such capital assets shall be sold and the proceeds and other monies shall be distributed according to the relative assessments paid by the Parties during the five years immediately preceding termination.

Section 13. Amendment to Agreement

The agreement may be amended only by a majority vote of the Parties hereto as of the date of the Amendment. Any proposed amendment shall be formally directed to the Board. The Board shall then review the proposed amendment and forward the proposed amendment with its own recommendation to the governing body of each Party to the agreement. A proposed amendment must be approved by the governing body of each Party to be effective. The Secretary shall notify each Party of the resultant action.

Section 14. Additional Parties to Agreement

Entities which are not Parties in this agreement may become Parties hereto only by amendment to this agreement as defined in Section 13.

The admission of any new party shall be by vote of at least three (3) of the present Parties to this agreement. The amendment authorizing the admission of

a new Party shall set forth the capital contributions, obligations, payments and other terms and conditions pertaining to the admission of the new Party. Said amendment shall also specify any changes in quorum or voting requirements arising due to the fact that there is another member to the System.

Section 15. Severability Compliance with Applicable Law

Should any part, term, portion or provision of this agreement or the application thereof to any person or circumstances be in conflict with any local, state or federal law or otherwise be rendered unenforceable or ineffectual the validity of the remaining parts terms portions or provisions or the application thereof to other persons or circumstances shall be deemed severable and shall not be affected thereby. The Parties further intend for this Agreement to be modified to comply with any applicable local, state or federal law should it be determined not to be in compliance and to remain binding between them as so modified. In particular but without limiting the generality of the foregoing, the Parties intend for this Agreement to remain binding against each of them notwithstanding any legal requirement that would alter the term hereof or change the way in which any party is required to pay its share of assessments. The Parties will remain bound hereunder subject to such modified terms.

Section 16. Indemnification and Insurance

By entering into this agreement, none of the Parties have waived any governmental immunity or limitation of damages which may be extended to them by operation of law. This agreement is by and between the municipalities which have executed it and each states that it is intended for their mutual benefit alone and is not intended to confer any express or implied benefits on any other person or entity. This agreement is not intended to confer third-party beneficiary status on any person.

It is expressly understood that the services provided hereunder are deemed for public and governmental purposes and all privileges and immunities from liability enjoyed by municipalities shall extend to their participation hereunder and to the activities so undertaken to the fullest extent provided by law.

Insurance for the operations of the Center shall be under Hingham's insurance policy or policies. The cost for said insurance shall be a cost of the System.

Section 17. Miscellaneous Provisions

- a) Entire Understanding: This agreement represents the entire understanding of the Parties with respect to its subject matter.
- b) Governing Law: This Agreement shall be governed by the laws of the Commonwealth of Massachusetts and venue for any action shall be in the Superior Court of Plymouth County.

- c) Dispute Resolution: Any disputes arising under this Agreement shall first be attempted to be resolved through arbitration in the following manner: the Boards of Selectmen of each Town shall each appoint an arbitrator; if the four arbitrators so appointed can not agree on a resolution, then a majority vote of the four arbitrators shall be determinative. Each Party does however retain the right to seek a declaratory judgment for any dispute.
- d) Binding Effect: All of the terms and provisions of this agreement shall be binding on and inure to the benefit of and be enforceable by the respective Parties hereto, their successors and assigns.
- e) Headings: The headings used herein are for convenience only and shall not be considered in any interpretation of any disputes over the terms of this agreement.
- f) Joint Drafting: Each Party acknowledges that it has participated equally in the drafting of this Agreement and that each has or had consulted with legal counsel of its own choosing in entering into this agreement.

[balance of page intentionally left blank]

IN WITNESS WHEREOF the Parties hereto have caused this agreement to be executed and attested by their proper officers hereunto duly authorized and their official seals to be hereto affixed as of the day and year first above written.

TOWN OF HULL,

By:

John D. Reilly, Jr., Chairman, Board of Selectmen

Philip E. Lemnios, Town Manager

Date:

Certification of Available Appropriation

Marcia Bohinc, Hull Town Accountant

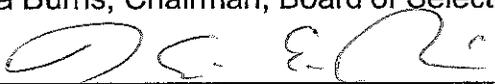
Approved as to Form Only

James B. Lampke, Esq., Town Counsel

TOWN OF HINGHAM,



Laura Burns, Chairman, Board of Selectmen



Kevin Paicos, Town Administrator

Date:

Certification of Available Appropriation

Ted C. Alexiades, Hingham Town Accountant

Approved as to Form Only

James A. Toomey, Esq., Town Counsel

TOWN OF COHASSET,

By:



Paul Carlson, Chairman, Board of Selectmen



William R. Griffin, Town Manager

Date:

Certification of Available Appropriation

J. Michael Buckley, Cohasset Town Accountant

Approved as to Form Only

Paul R. DeRensis, Esq., Town Counsel

TOWN OF NORWELL,

By:

Thomas Bigger, Chairman, Board of Selectmen

Date:

James Bourdreau, Town Manager

Certification of Available Appropriation

Donna Mangan, Norwell Town Accountant

Approved as to Form Only

Robert W. Galvin, Esq., Town Counsel

ATTACH CERTIFIED VOTES OF THE BOARD OF SELECTMEN FOR EACH PARTICIPATING GOVERNMENTAL UNIT

ATTACH EXHIBIT A – DESIGN OF INITIAL SYSTEM

APPENDIX G

REGIONAL TRANSIT AUTHORITY PLAN

**MUNICIPALITY OF ANCHORAGE AND THE MATANUSKA-SUSITNA
BOROUGH**

BY-LAWS

OCTOBER 17, 2011



**AMENDED BYLAWS OF
CENTRAL MIDLANDS REGIONAL TRANSIT AUTHORITY**

**ARTICLE 1
PREAMBLE**

Section 1.1 Statutory Authority. The Central Midlands Regional Transit Authority (the "Authority") was re-established pursuant to Sections 58-25-10 to 58-25-100, Code of Laws of South Carolina, 1976 (the Enabling Act), as implemented by resolutions adopted by each of Richland County Council, City Councils of the City of Columbia and the City of Forest Acres, Town Councils of the Town of Arcadia Lakes, the Town of Blythewood, and the Town of Eastover (the "Members"). The Resolutions authorize each of Richland County, City of Columbia, City of Forest Acres, Town of Arcadia Lakes, Town of Blythewood, Town of Eastover, to execute the Amended Agreement Re-Creating a Regional Transit Authority of the Geographic Area of Richland County and The Municipalities Located Therein to Be Known as the Central Midlands Regional Transit Authority, a copy of which is attached to each resolution (the "Amended Agreement"). References to the provisions of the Resolutions herein incorporate as well the terms and conditions of the Amended Agreement. These Amended Bylaws, which set forth the terms and conditions under which the Authority shall operate, may be amended from time to time, consistent with the provisions of the Enabling Act, as amended, and the Resolutions, as amended.

Section 1.2. Name of Authority. The name of this Organization shall be the Central Midlands Regional Transit Authority.

Section 1.3. Purpose of Authority. The purpose of this Organization shall be to promote transportation opportunities for all citizens within the service area which shall initially consist of Richland County and limited service into Lexington County. This shall be done by providing transportation services and encouraging the cooperation and coordination of existing transportation providers. The Authority shall utilize revenues from the Authority's transportation system, government grants, contracts for services, intergovernmental agreements, franchising contracts, contributions from SCANA Corporation and its subsidiary South Carolina Electric and Gas and any other source, and such funds as may be appropriated by the governing bodies of the Members of the Authority, in accordance with Article IV, Section 2 of the Amended Agreement.

Section 1.4. Power of Authority. The Authority shall have such powers as are set forth in the Enabling Act, the Amended Agreement and the Resolutions including any amendments thereto. In addition, for elections, amendments hereto, and the employment or dismissal of the Executive Director, an affirmative vote of a simple majority of the total voting membership of the Board shall be required.

**ARTICLE 2
MEMBERSHIP**

Section 2.1. Membership. *Voting members* - Requirements as to the membership of the Authority, including the appointment of Board members, confirmation of Board members, restrictions on eligibility for appointment, terms of office, vacancies in office and removal from office shall be as set forth in the provisions of the Enabling Act, the Amended Agreement and the Resolutions, including any amendments thereto. Attachment A illustrates the current membership distribution for the CMRTA, and may be amended from time to time

Non-voting members – Each of Lexington County, Batesburg-Leesville, Cayce, Chapin, Town of Lexington, Pine Ridge, South Congaree, Springdale and West Columbia may appoint one representative

to the Board. Said Board member shall serve in an advisory capacity and shall not be entitled to vote on matters before the Board or committees.

Voting Board members not attending three (3) consecutive meetings without an excuse and more than one half of the regular and special meetings of the Authority during the fiscal year without an excuse shall be deemed to have relinquished membership and shall be subject to replacement by the Member making the original appointment. The absence of any voting Board member for unavoidable reasons including work conflicts, illness or scheduled vacation shall be deemed excused. The voting Board member requesting an excuse shall be responsible for providing a written explanation of the absence to the Secretary/Treasurer. The Chairman, in his discretion, may excuse other absences based on extenuating circumstances.

ARTICLE 3 OFFICERS

Section 3.1. In General. The officers of the Board shall be a Chairman, Vice-Chairman and Secretary-Treasurer, each of whom must be voting members of the Board. The Chairman and Vice-Chairman must be representatives of either Richland County or the City of Columbia. When the Chairman is a representative of Richland County, the Vice-Chairman must be a representative of the City of Columbia. When the Chairman is a representative of the City of Columbia, the Vice-Chairman must be a representative of Richland County. The Secretary-Treasurer may be a representative of any Member of the Authority. The Chairman and Vice-Chairman shall each serve two-year terms and may not serve consecutive terms. After being absent from the office for a two-year term, a Board member shall be eligible for re-nomination to the offices of Chairman and Vice-Chairman. Every two years, the Member appointing the Chairman and Vice-Chairman shall alternate between Richland County and the City of Columbia. The Secretary Treasurer shall be eligible for re-nomination and may serve consecutive terms. Officers shall be elected employing the voting procedures set forth in Section 4.6 herein.

Section 3.2. Chairman. The Chairman shall preside at all meetings of the Board, shall direct the work of the staff and oversee the execution of the business and the Chair or designee, shall be the sole spokesperson for the Authority. The Chairman shall have the authority to execute contracts and agreements approved by the Board and to oversee the expenditures of the Board funds in accordance with the established budget of the Board. The Chairman shall be an ex-officio voting member of all standing or special committees of the Board.

Section 3.3. Vice-Chairman. The Vice-Chairman shall assume the authority and perform the duties of the Chairman in the absence or incapacity of the Chairman.

Section 3.4. Secretary-Treasurer. The Secretary-Treasurer shall supervise the maintenance of the minutes of the proceedings of the Board and the papers and records of the Board. The Secretary-Treasurer shall supervise the proper disposition of the funds and securities of the Board and the preparation of such records and reports as the Board may deem appropriate.

ARTICLE 4 MEETING, VOTING, RULES

Section 4.1. Meeting Schedule. The Board shall meet as often as may be required to carry out the responsibilities and purposes set forth in the Enabling Act, the Amended Agreement, the Resolutions and these Bylaws. The Chairman may, on his own initiative, cancel or postpone any regular meeting with seventy-two (72) hours notice to Board Members, excepting emergencies.

Section 4.2. Meeting Location. Meetings of the Board shall be held at the public place or places as the Board may designate.

Section 4.3. Notice of Meeting. Board members shall be notified of the time and place of meetings at least seven (7) days in advance of regular meetings. A majority of voting members of the Board present at any meeting may approve shorter notice thereof. Special Meetings may be called by the Chairman on his own initiative or must be called by him upon the written request of forty percent (40%) or more of the voting members of the Board. Such meetings shall be held at the main office of the Authority. Notice of a meeting of the Board shall be provided to the media and public in accordance with the provisions of the South Carolina Freedom of Information Act.

Section 4.4. Agenda. The Chairman shall be responsible for preparing or causing to be prepared an agenda for each regular and special meeting. The Chairman must include on the agenda any item at the written request of twenty percent (20%) or more of the voting members of the Board. The agenda may be modified with the approval of the Chairman prior to 24 hours before each meeting. At each meeting, the agenda may be amended by a majority vote of voting members of the Board present at the meeting; provided, however, that items of new business may be added to the agenda only with unanimous consent of the voting members of the Board present at the meeting.

Section 4.5. Quorum. A quorum of the Board shall consist of a majority of the voting members.

Section 4.6. Voting. A quorum of the Board must be present in person or by electronic or telephonic means to execute formal action. Each voting member of the Board shall have one vote. Matters upon which the Board is required to vote shall be decided upon the basis of a simple majority vote of the voting members present and voting. No voting member of the Board shall be allowed a proxy vote.

Section 4.7. Electronic or Teleconference Meeting. Any voting member of the Board may attend any Board meeting, participate and vote by any electronic means or telephonic equipment that will allow all participants to hear all that is said or communicated by means of the electronic or telephonic equipment. No such participation will be allowed during executive session.

Section 4.8. Procedure. Parliamentary procedure in Board meetings shall be governed by Robert's Rules of Order to the extent that such rules are not in conflict with these bylaws.

Section 4.9. Minutes. Written, summary minutes of all public meetings of the Board shall be kept and provided to the members. Minutes of all public meetings shall also be provided to the media and public in accordance with the provisions of the South Carolina Freedom of Information Act.

ARTICLE 5 COMMITTEES

Section 5.1. Committees. The Board may create such standing or special committees as it deems appropriate and shall fix and define the powers of such committees; provided, however, such committees shall be in compliance with the Enabling Act, the Amended Agreement and the Resolutions. The Chairman of the Board may appoint such members of the Board as he deems advisable to the membership on any committee or task force of the Board, and he shall designate the Chairman of such committee; provided that the majority of the membership of any committee or task force must be voting members of the Board. The Chairman of the Board may appoint as Chairman of any task force of the Board persons who are not Members of the Authority. The Chairman of the Board, together with the

Chairman of a task force, may appoint as members of a task force persons who are not members of the Board. No committee or task force of the Board shall have any power to exercise discretion or perform any act for the Authority except with prior approval of the Board.

Section 5.2. Executive Committee. An Executive Committee with a total of five (5) voting members will be appointed by the Chairman and approved by the full Board. The Executive Committee shall include the Chairman, Vice-Chairman, Secretary-Treasurer with the remaining Executive Committee members appointed from the Board at large. The Chairman shall automatically serve as Chairman of the Executive Committee. The powers and duties of the Executive Committee shall consist generally of governing the routine fiscal and administrative responsibilities of the Authority, and such specific tasks as may be defined in the Enabling Act, the Amended Agreement, Bylaws and Resolutions. During times between Board meetings or in the absence of quorum for any Board meeting, the Executive Committee may exercise any and all powers vested in the Board with respect to operations of the Authority in the normal course of business. Such matters would include but not be limited to authorization of and execution of necessary documents in connection with grant applications and contracts. Such matters would not include personnel decisions; amendments to Bylaws, Creating Agreement or Intergovernmental Agreement; or contractual matters involving the procurement of vehicles or selection of a contract operator.

ARTICLE 6 FINANCES

Section 6.1. Fiscal Year. The fiscal year of the Authority shall be October 1 to September 30.

Section 6.2. Annual Budget. The Board shall prepare, and the Board shall adopt by vote of its voting members an annual budget. The annual budget shall be prepared and adopted in conformity with the requirements of the Enabling Act, the Amended Agreement and the Resolutions. The annual budget may be amended to reflect annual expenditures and revenues consistent with actual receipts and any properly authorized expenditures. The annual budget shall be reviewed quarterly by the Board.

Section 6.3. Financial Policies. The Board shall undertake, or shall cause to be undertaken on behalf of the Authority, the following:

- a. establish fund receipt and disbursement procedures in accordance with prudent accounting and audit practices and requirements.
- b. maintain eligibility of the Authority to apply for and receive public monies.
- c. prepare, maintain and distribute financial reports relating to the activities, revenues and expenses of the Authority.
- d. an audit of the financial affairs of the Authority, performed annually by certified public accountants.

Section 6.4. Financial Statements. The Board shall cause to be prepared financial reports, which shall be delivered to each voting Board member in a timely manner. The financial reports shall be prepared not less frequently than quarterly.

Section 6.5. Deposits. All funds of the Authority not otherwise employed shall be deposited as received to the credit of the Authority in such banks, trust companies or other depositories as the Board

or its designated fiscal agent may select. For the purpose of such deposits, the Chairman or any employee of the Board or the fiscal agent to whom such duty may be delegated, may endorse, assign and deliver checks, drafts and other orders for the payment of money which are payable to the order of the Authority.

Section 6.6. Checks, Drafts, etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Authority shall be signed by the officer or officers, agent or agents of the Authority and in such manner as shall from time to time be determined by resolution of the Authority.

Section 6.7. Reimbursement. A voting Board member of the Authority shall receive, as the Board determines, reimbursement for reasonable travel expenses and other out-of-pocket expenses incurred in the discharge of the member's duties. The Board shall develop or cause the development of appropriate policies and procedures governing reimbursement.

ARTICLE 7 PERSONNEL

Section 7.1. Personnel. The Board may employ or contract with such agents and employees as it may require. The Board shall develop or cause the development of appropriate policies and procedures for the employment of personnel. The Executive Director and any other fiscal personnel shall be bonded for such amounts as may be determined from time to time by the Board.

Section 7.2. Executive Director. The Board may employ an Executive Director who will be responsible for the administration of the Authority under an approved annual budget by the Board. Any obligations outside the budget shall be made only upon Board approval. The Executive Director shall continue to hold such position at the discretion of the Board. The Executive Committee shall conduct an annual review of the performance of the Executive Director. The employment or dismissal of the Executive Director shall require an affirmative vote of a simple majority of the total voting membership of the Board. All other staff shall be employed by and be responsible to the Executive Director.

Section 7.3. Compliance with Regulations. The Board shall competitively fill each position within the Authority in compliance with all applicable federal, state and local regulations and rules. The Board shall not discriminate on the basis of disability or by race, color, creed, gender, age, sexual preference or religion in its employment practices. Positions shall be filled based on the qualifications of the applicant and the requirements of the position.

Section 7.4. Contractors. The Board shall select and engage contractors as required and in compliance with all applicable federal, state and local regulations and rules. The Board shall not discriminate on the basis of disability or by race, color, creed, gender, religion, sexual preference or age in selecting and engaging contractors.

ARTICLE 8 LIABILITY

Section 8.1. Limitation on Liability. No member of the Board shall be liable personally for losses unless the losses are occasioned by the willful misconduct of the member.

Section 8.2. S.C. Tort Claims Act. The Board shall be a "political subdivision" as set forth at Section 15-78-30 (h) for purposes of the S.C. Tort Claims Act, Chapter 78 of Title 15.

Section 8.3. Insurance. The Board shall purchase and maintain bonds / insurance on behalf of any person who is or was a member or officer of the Board as a member or Officer of another corporation, or as its representative in a partnership, joint venture, trust, or other enterprise, against any liability asserted against such person and incurred in any such capacity or arising out of such status, whether or not the Board would have the power to indemnify such person.

ARTICLE 9 DISSOLUTION

Section 9.1. Dissolution. Dissolution of the Authority shall be accomplished in accordance with the provisions set forth in the Enabling Act, the Amended Agreement and the Resolutions and any amendments thereto and in compliance with federal regulations.

ARTICLE 10 GENERAL LAW

Section 10.1. State Ethics Act. (Conflict of Interest) The Authority and members of the Board shall comply with the provisions of the State Ethics Act, Chapter 13 of Title 8 of the 1976 S.C. Code of Laws, Ann.

Section 10.2. Freedom of Information Act. The Authority shall comply with the provisions of the S.C. Freedom of Information Act, 1976, Code, Ann., Section 30-4-10, et seq.

Section 10.3. S.C. Consolidated Procurement Code. The Authority shall comply with the provisions of the S.C. State Procurement Code, Chapter 35 of Title 11 of the 1976 S.C. Code of Laws, Ann.

Section 10.4. Other Applicable Law. The Authority shall comply with the provisions of all other statutes, law or regulations applicable to its operation.

ARTICLE 11 MISCELLANEOUS

Section 11.1. Amendments. These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by the Board; provided that members shall be given seven (7) days written notice, prior to formal action, of the proposed amendment, which notice must include the actual wording of the proposed amendment.

Section 11.2. Severability. Any provisions of these Bylaws, or any amendment or alteration thereof, which is determined to be unenforceable or in violation of the provisions of the Enabling Act, the Amended Agreement, the Resolutions or other applicable law shall not in any way render any of the remaining provisions invalid.

Section 11.3. References to Gender and Number Terms. In construing these Bylaws, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.

Section 11.4. Headings. The Article and Section headings in the Bylaws are inserted for convenience only and are not part of the Bylaws.

BYLAWS
OF
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

ARTICLE I

POWERS AND DUTIES

The Northern Virginia Transportation Authority, (the “Authority”) shall have all of the rights, powers and duties, and shall be subject to the limitations and restrictions, set forth in Chapter 48.2 of Title 15.2 of the Code of Virginia, the Northern Virginia Transportation Authority Act, §15.2-4829 *et seq. Va. Code Ann.*, as such may be amended from time to time.

ARTICLE II

MEMBERSHIP

- A. **Jurisdictions Embraced by Authority.** The Authority shall embrace the counties of Arlington, Fairfax, Loudoun, and Prince William, and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.
- B. **Authority Members.** The Authority shall consist of seventeen (17) members as follows:
- (1) The chief elected officer of the governing body of each of the counties and cities embraced by the Authority. The chief elected officer may, in his or her discretion, appoint a designee upon written notice signed by the chief elected officer provided to the Chairman, which designee shall be a current elected officer of the same governing body as the chief elected officer, to serve as a member of the Authority in the place and stead of the chief elected officer and who shall serve until the designee resigns as the designee or ceases to be an elected officer of the governing body, the chief elected officer making the appointment leaves office, the chief elected officer replaces the designee, or the duration of the designation expires.
 - (2) Two members of the House of Delegates who reside in different counties or cities embraced by the Authority. The House members shall be appointed to the Authority by the Speaker of the House and shall be, to the extent practicable, from

the membership of the House Committee on Appropriations, the House Committee on Finance, or the House Committee on Transportation.

- (3) One member of the Senate who resides in a county or city embraced by the Authority. The Senate member shall be appointed by the Senate Committee on Privileges and Elections and shall be, to the extent practicable, from the membership of the Senate Committee on Finance and the Senate Committee on Transportation.
- (4) Two citizens appointed by the Governor. One of the citizens shall be a member of the Commonwealth Transportation Board who resides in a county or city embraced by the Authority. The other citizen appointed by the Governor shall be a person who has significant experience in transportation planning, finance, engineering, construction, or management who resides in a county or city embraced by the Authority but who is not a resident of the same county or city as the other citizen appointed by the Governor to the Authority.
- (5) The Director of the Virginia Department of Rail and Public Transportation, or his or her designee, shall be a non-voting member of the Authority.
- (6) The Commonwealth Transportation Commissioner, or his or her designee, shall be a non-voting member of the Authority.
- (7) The chief elected officer of one town in a county which the Authority embraces to be chosen by the Authority shall be a non-voting member of the Authority.

ARTICLE III

OFFICERS AND DUTIES

- A. **Officers.** The Authority shall annually elect from its members a Chairman and a Vice Chairman. The Authority may further elect such other subordinate officers from among its members as it may from time to time deem appropriate. The election of officers shall be conducted in accordance with the voting procedures set forth in Article IV, section L.
- B. **Terms of Office.** Officers of the Authority shall be elected at the annual organizational meeting of the Authority to serve for a term of one (1) year, unless sooner removed by the Authority, the officer ceases to be a member of the Authority, or until a successor is elected. All officers shall be eligible for re-election. Any vacancy occurring in an office will be filled for the unexpired term by the Authority at the next regular meeting following the occurrence of such vacancy.
- C. **Appointment.** At a regular meeting held preceding the annual organizational meeting at which the election of officers will be held, the Chairman shall appoint a nominating

committee. At the annual organizational meeting, the nominating committee shall submit the name or names of one or more persons for each office to be filled. Further nominations may be made by any member at the annual meeting.

- D. **Chairman.** The Chairman shall preside over all meetings of the Authority at which he or she is present, and shall vote as any other member. The Chairman shall be responsible for the implementation of the actions taken and policies established by the Authority, shall have all of the powers and duties customarily pertaining to the office of Chairman, and shall perform such other duties as may from time to time be established by the Authority.
- E. **Vice Chairman.** In the event of the absence of the Chairman, or the inability of the Chairman to perform any of the duties of the office or to exercise any of the powers thereof, the Vice Chairman shall perform such duties and possess such powers as are conferred on the Chairman, and shall perform such other duties as may from time to time be assigned to the Vice Chairman by the Chairman or be established by the Authority.

ARTICLE IV

MEETINGS

- A. **Annual Organizational Meeting.** Effective with calendar year 2009, the Authority hereby establishes as its annual organizational meeting the first meeting held by the Authority in the month of January.
- B. **Regular Meetings.** At its annual organizational meeting, the Authority shall adopt a schedule of times, dates, and places of its regular meetings for the relevant calendar year, and shall assess the need for adoption of, or revisions to, meeting procedure rules for the Authority.
- C. **Changing Meetings.** The Authority may change the date, time, or place of any regular meeting to another, when such change is deemed necessary by the Authority, or it may establish additional regular meetings in any month. The Authority may eliminate any regular meetings shown on its annual schedule of meeting dates in the event that it determines that it can successfully complete its work in fewer meetings.
- D. **Special Meetings.** Special meetings shall be held when requested by two or more Authority members. Such request shall be in writing, addressed to the Chairman, and shall specify the matter(s) to be considered at the meeting. Upon receipt of such request, the Chairman shall immediately ensure the necessary coordination for a meeting site and time and cause notice to be provided to each member of the Authority to attend the special meeting at the time and place specified. Such notice shall specify the matter(s) to be considered at the meeting, and shall be sent by electronic (e.g., email) or telephonic means. No matter not specified in the notice

shall be considered at such meeting unless all of the members of the Authority are present.

- E. **Adjourned Meetings.** Any regular or special meeting may be adjourned to a date and time certain.
- F. **Public Notice.** All meetings of the NVTa shall be preceded by public notice of at least three business days. Public notice shall include, as a minimum, providing the date, time and place, as well as the agenda, for all meetings on the NVTa website and available in the office of the Executive Director.
- G. **Public Hearing.** Public hearings may be held at the direction of the Authority and shall, unless otherwise specified by the Authority or these Bylaws, be upon notice provided on the NVTa website and in a newspaper or newspapers having general circulation in the geographic area encompassed by the Authority.
- H. **Open Meetings.** All Authority meetings shall be open to the public in accordance with The Virginia Freedom of Information Act (§2.2-3700 *et seq. Va. Code Ann*), provided that the Authority may meet in closed session for those purposes authorized by, and held in accordance with, the requirements of The Virginia Freedom of Information Act, to include requirements for public notice.
- I. **Quorum.** A majority of the Authority, which majority shall include at least a majority of the representatives of the counties and cities embraced by the Authority and a majority of the members of the Authority, shall constitute a quorum. The three nonvoting members of the Authority shall be included for purposes of constituting a quorum.
- J. **Temporary Absence.** No decision shall be made by the Authority unless a quorum is present; provided, however, that the temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations or the discussion of matters submitted to the Authority. The Chairman or any other Authority member may suggest the absence of a quorum prior to the taking of any action by the Authority, but a failure to suggest the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as a prerequisite to any decision.
- K. **Decisions of the Authority.** The Authority shall act in one of the following ways:
 - (1) **Resolution** - The Authority may act upon adoption of a resolution. Resolutions shall be in writing, and a copy shall be delivered to all members of the Authority, to the extent practicable at least three business days before the resolution is proposed for adoption.
 - (2) **Motion** - The Authority may act on an oral motion made by a voting member of the Authority.

L. Voting.

- (1) Votes - Votes shall be taken only upon motions made and seconded. Each member of the Authority, with the exception of the Director of the Virginia Department of Rail and Public Transportation, or his designee, the Commonwealth Transportation Commissioner, or his designee, and the town representative, shall be entitled to one (1) vote in all matters requiring action by the Authority. Decisions of the Authority shall require the affirmative vote of two-thirds of the Authority members present and voting, and two-thirds of the representatives of the counties and cities embraced by the Authority who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Authority. However, no vote to fund a specific facility or service shall fail because of the aforesaid population criterion if such facility or service is not located or to be located, or provided or to be provided within the county or city whose representative's sole negative vote caused the facility or service to fail to meet the population criterion. For purposes of the foregoing, the population of the counties and cities embraced by the Authority shall be determined in accordance with Article VIII, section D of these Bylaws.
- (2) Methods of Voting - All voting shall be taken by voice or by roll call if requested by any voting member of the Authority.
- (3) Restating the Question - The Chairman shall restate the question prior to the taking of a vote, provided, however, that at the request of the Chairman, an Authority member may restate the question if it is the opinion of the Chairman that such procedure will expedite the decision of the question.
- (4) Reconsideration - Action on a resolution or motion may be reconsidered only upon motion of a member voting with the prevailing side on the original vote, which motion must be made at the same or immediately subsequent regular meeting. A motion to reconsider may be seconded by any member. Any such matter defeated by a tie vote may be reconsidered upon motion by any Authority member having voted to defeat the matter at the same or the next regularly scheduled meeting.

M. Commencement of Meetings. At the times specified for the commencement of regular meetings, and at the hour specified for adjourned or special meetings, the Chairman shall call the meeting to order, and shall ensure that the presence or absence of Authority members is noted. A quorum shall be required for the commencement of any meeting.

N. Agenda. The Chairman shall cause to have prepared an agenda for each meeting. Any member having matters to be considered by the Authority shall submit them to the Chairman for inclusion on an appropriate agenda. The agenda for an upcoming

meeting shall be sent to the Authority members at least one (1) week prior to the meeting date.

O. **Minutes.** Minutes of the meetings of the Authority shall be kept, which minutes shall be a public record, except closed sessions. Copies of the minutes shall be provided to each member of the Authority prior to the meeting at which the minutes are to be presented for approval by the Authority.

P. **Closed Sessions.** If a closed session is required at a meeting, consistent with the purposes permitted by *Va. Code Ann. §2.2-3711*, the agenda shall specify a time or position on the agenda, generally after all public business has concluded, for such a closed session properly called and conducted in accordance with *The Virginia Freedom of Information Act §2.2-3712*. When so requested, the Chairman may permit a closed session at any other time prior to consideration of any agenda item.

Q. **Order in Conduct of Business.**

(1) Persons Addressing the Authority – Prior to public comment and public hearings, the Authority will provide guidelines for length of presentations by individuals and group representatives. Persons speaking at public hearings shall confine their remarks to the subject of the public hearing. At the discretion of the Chairman, the conduct of business by the Authority may be reordered to allow earlier consideration of matters about which a substantial number of persons desire to address the Authority. Persons addressing the Authority may furnish the Chairman and members of the Authority with a written copy of their remarks, at or before the meeting.

(2) Recognition - Recognition shall be given only by the Chairman. No person shall address the Authority without first having been recognized.

(3) Questions - Questions by members of the Authority shall be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process, and duplicating ground the speaker may cover.

(4) Authority Discussion - Discussion and debate by the Authority shall be conducted following the presentation of the item of business pending. Members shall not speak to the item until recognized by the Chairman.

R. **Decorum.**

(1) Authority Members - Decorum of Authority members shall be maintained in order to expedite disposition of the business before the Authority. Questions and remarks shall be limited to those relevant to the pending business. Members shall address all remarks to the Chairman.

- (2) Others - Decorum of persons other than members shall be maintained by the Chairman, who may request such assistance as may appear necessary. Persons addressing the Authority shall first be recognized by the Chairman and shall audibly state their name and address, and, if applicable, who they represent. Speakers shall limit their remarks to those relevant to the pending items and to answering questions. They shall address the Authority as a whole unless answering an individual member's questions. Persons whose allotted time to speak has expired shall be warned by the Chairman to conclude after which such person shall leave, unless he or she is asked to remain to answer questions from the Authority. The Chairman shall call the speaker to order if out-of-order remarks are made or other indecorous conduct occurs. If such persists, the Chairman shall rule the speaker out of order and direct the speaker to leave. Groups or a person in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the Chairman.

ARTICLE V

COMMITTEES

- A. **Open Meeting Requirement.** Consistent with § 2.2-3701 and § 2.2-3707 Va. Code Ann., all Authority-appointed committees and subcommittees (e.g., Finance Committee) of the Authority shall comply with the open meeting requirements of the Virginia Freedom of Information Act.
- B. **Finance Committee.**
- (1) Charge. This committee shall be responsible for advising the Authority on all financial matters and overseeing financial activities undertaken by the NVTA professional staff, including:
- (a) Reviewing, commenting on, and recommending the annual budget presented by the Executive Director
 - (b) Reviewing, commenting on, and recommending any budget amendments presented by the Executive Director
 - (c) Overseeing the NVTA's financial policies (e.g., bond, investment, procurement, risk management) and making appropriate recommendations
 - (d) Monitoring contracts for incidental services, including incidental financial services, and recommending task orders
 - (e) Monitoring NVTA's expenditures for compliance with policies and guidance of the NVTA

- (f) Reviewing annual revenue estimates
 - (g) Approving the selection of an audit firm and audit work plan supporting the annual preparation of financial statements
 - (h) Assisting with other financial activities as may be directed by the NVTA.
- (2) Membership. The Committee shall consist of five (5) members of the NVTA appointed by the Chairman for staggered two year terms.
- (3) Chairman. The chairman and the vice chairman of the Committee shall be appointed by the Chairman of the NVTA.
- (4) Staff Support. Staff support will be provided by the NVTA staff. As requested by the committee chairman, additional support may be provided by jurisdictional or agency staffs.
- (5) Quorum and Voting. A quorum shall consist of a majority (3) of the committee members. The committee shall strive for consensus when developing recommendations. Approval of recommendations or actions shall require an affirmative vote of a majority of the members present, which shall include at least three jurisdictional representatives in the affirmative.

C. Technical Advisory Committee (TAC).

- (1) Charge. This committee of individuals with multi-modal expertise and regional focus shall be responsible for reviewing the development of major projects and potential funding strategies and providing recommendations to the NVTA. “Development of projects” means the identification of projects for the NVTA Long Range Transportation Plan and the NVTA Six Year Program, and the application of performance-based criteria to the projects identified.
- (2) Membership. The committee shall consist of nine (9) individuals who reside or are employed in counties and cities embraced by the Authority and have experience in transportation planning, finance, engineering, construction, or management. An effort shall be made to have multi-modal representation, to include highway, transit, pedestrian, and bicycle expertise as well as being balanced regionally. The NVTA will recommend a list of members each year and request that the chief elected officer from relevant jurisdictions appoint selected persons to the committee. Initially, half the locally appointed members will serve a one (1) year term. The other half will serve two (2) year terms. Subsequently, members will serve three (3) year terms. The chairman of the Commonwealth Transportation Board (CTB) will appoint three members to three (3) year terms. Locally appointed members may be removed by the Chairman of the NVTA for failure to attend three consecutive meetings or if the member no longer resides or is employed in an NVTA jurisdiction.

- (3) Chairman. The chairman and vice chairman shall be appointed by the Chairman of the NVTA.
- (4) Staff Support. Staff support shall be provided by NVTA professional staff, with additional support as may be needed from time to time from the Jurisdictional and Agency Coordinating Committee (JACC).
- (5) Quorum and Voting. A quorum shall consist of a majority (5) of members. The committee shall strive for consensus when developing recommendations. If consensus cannot be achieved, majority and minority reports that identify issues that need to be addressed shall be presented to the NVTA.

D. Planning Coordination Advisory Committee (PCAC).

- (1) Charge. This committee shall be responsible for advising the NVTA on broad policy issues related to the periodic update of the NVTA's Long Range Transportation Plan (e.g., TransAction 2030) and the development of the NVTA's Six Year Program with special consideration to regional transportation, land use and growth issues and provide advisory recommendations to the NVTA.
- (2) Membership. All members shall be elected officials from jurisdictions embraced by the NVTA. Such membership shall include, as a minimum, one elected official from each town that is located in any county embraced by the NVTA and receives street maintenance payments. [Remaining membership TBD.]
- (3) Chairman. The chairman and vice chairman shall be appointed by the Chairman of the NVTA.
- (4) Staff Support. Staff support shall be provided by the NVTA staff. The chairman may request additional support from jurisdictional and agency staffs as needed.
- (5) Quorum and Voting. A quorum shall consist of a majority of the committee members. The committee shall strive for consensus when developing recommendations. In the event that consensus cannot be attained, approval of an advisory recommendation or other actions shall require an affirmative vote of two thirds of the members present representing two thirds of the region's population. For purposes of such votes, town populations shall be subtracted from county populations and voted independently.

E. Ad Hoc Committees. As needed, the Chairman of the NVTA may appoint ad hoc committees to pursue specific tasks (e.g., nominating committee).

ARTICLE VI

NVTA TRANSPORTATION PLAN

A. **NVTA Regional Transportation Plan.** The Authority shall adopt a NVTA Regional Transportation Plan for Northern Virginia. The Plan shall consist of the NVTA Long Range Transportation Plan and the NVTA Six Year Program.

(1) NVTA Long Range Transportation Plan. The Authority shall adopt an unconstrained NVTA Long Range Transportation Plan (*TransAction 2030* or its successor) for Northern Virginia. In carrying out this responsibility, the Authority shall, on the basis of regional consensus, set regional transportation policies and priorities for regional transportation projects. In support of regional consensus, it is desirable that NVTA secure the formal approval of each of its member jurisdictions before adoption of the plan. The policies and priorities shall be guided by performance-based criteria such as the ability to improve travel times, reduce delays, connect regional activity centers, improve safety, improve air quality, and move the most people in the most cost-effective manner.

(2) NVTA Six Year Program. The Authority shall adopt a NVTA Six Year Program for Northern Virginia that includes, but not necessarily be limited to, transportation improvements of regional significance and those improvements necessary or incidental thereto. The NVTA Six Year Program shall include all transportation improvements to be funded from NVTA-generated funding over a six (6) year period. The Authority shall from time to time, not less than annually, review and, as necessary, revise and amend the Six Year Program. The provisions of §§15.2-4527 *et seq.*, Va. Code shall apply to preparation and adoption of the Six Year Program.

B. **Procedure for Adoption and Amendment of Long Range Transportation Plan and Six Year Program.** The Long Range Transportation Plan and the Six Year Program, separately or at the same time, shall be adopted, altered, revised or amended only after a public hearing held upon thirty (30) days' notice consistent with NVTA public notice procedures.

ARTICLE VII

ADMINISTRATION

A. **Executive Director.** The Authority shall employ an Executive Director who shall have direct authority for the employment, retention, and supervision of all of the other employees of the Authority. The Executive Director shall have direct control, subject to the Authority, of the management of the day-to-day administrative affairs of the Authority. The Executive Director shall propose activities to the Authority and shall

carry out policies, programs and projects approved by the Authority, and shall be responsible for preparing and presenting the annual budget. The Executive Director may not contemporaneously serve as a member of the Authority.

- B. **Staff.** The Authority may employ such staff of qualified professional and other persons as the Authority determines to be necessary to carry out its duties and responsibilities. Staff of the Authority may not contemporaneously serve as a member of the Authority.
- C. **Execution of Instruments.** The Executive Director, on specific authorization by the Authority, shall have the power to sign or countersign in its behalf any agreement or other instrument to be executed by the Authority including checks and vouchers in payment of obligations of the Authority.

ARTICLE VIII

FINANCES

- A. **Finances and Payments.** The monies of the Authority shall be deposited in a separate bank account or accounts in such banks or trust companies as the Authority designates, and all payments (with the exception of those from petty cash) shall be made in the most practicable manner as determined by the Authority. Checks and drafts shall be signed in the name of the Authority by the Executive Director or, in the Executive Director's absence, those authorized from time to time by vote of the Authority. An Authority financial policy shall be developed that prescribes threshold requiring any countersignatures.
- B. **Audits.** At least once each year, the Authority shall cause an audit to be made by an independent certified public accountant of all funds of the Authority. Such audits will, at a minimum, obtain an opinion as to the accuracy of the annual financial statements from a certified public accounting firm. Additional audit activity may be obtained by the Finance Committee as it deems prudent.
- C. **Budget and Fiscal Year.** After a duly convened public hearing held in accordance with the requirements of these Bylaws, the Authority shall adopt an annual budget prior to the start of its fiscal year which budget shall provide for all of the revenues and the operating, capital, and administrative expenses of the Authority for the fiscal year. The fiscal year of the Authority will commence on July 1st each year and will terminate on the following June 30th.
- D. **Administrative Expenses.** The administrative expenses of the Authority, as provided for in the Authority's annual budget, and which shall not include funds for construction or acquisition of transportation facilities and/or the performance of any transportation service, shall be allocated, to the extent funds for such expenses are not provided for from other sources, among the component counties and cities on the

basis of relative population as determined by the most recently preceding decennial census, except that on July 1 of the fifth (5th) year following such census, the population of each county and city shall be adjusted based on population projections made by the Weldon Cooper Center for Public Service of the University of Virginia.

- E. **Per Diem Payments.** The Authority may pay its members for their services to the Authority a per diem in either: (1) the amount provided in the general appropriations act for members of the General Assembly engaged in legislative business between sessions, or (2) a lesser amount determined by the Authority.
- F. **Bond of Officers and Others.** The officers of the Authority and such employees as the Authority so designates, may, prior to taking office or starting employment, respectively, be required by the Authority to give bond payable to the Authority conditioned upon the faithful discharge of that officer or employee's duties, in such amount as the Authority may require. The premium for each such bond shall be paid by the Authority and the bond(s) shall be filed with the Authority. The Authority may fulfill this bonding requirement through plans or agreements offered by the Commonwealth of Virginia.

ARTICLE IX

AMENDMENTS

Any proposed amendment, repeal or alteration, in whole or in part, of these Bylaws shall be presented in writing and read for a first time at a regular meeting of the Authority. Such proposal may be considered and amended at such meeting, but shall not be acted on by the Authority until a subsequent regular meeting or a special meeting called for the purpose. At such subsequent meeting, such proposal shall be read a second time, shall be subject to further consideration and amendment germane to the section or sections affected by such proposal, and shall thereafter be acted on in accordance with the voting requirements of these Bylaws.

ARTICLE X

PROCEDURES

Parliamentary Procedure. In all matters of parliamentary procedure not specifically governed by these Bylaws or otherwise required by law, the current edition of *Robert's Rules of Order*, newly revised, shall apply.

SOUTHWEST OHIO REGIONAL TRANSIT AUTHORITY

BYLAWS

(Effective November 17, 2009)

ARTICLE I

Bylaws, Their Purpose, Adoption, Amendment,
Repeal and Emergency Applicability

Section 1. Purpose

These Bylaws govern the administration of all of the affairs of the Southwest Ohio Regional Transit Authority (the "Authority".) They shall be applied to promote economy and efficiency in that administration.

Section 2. Adoption

These Bylaws are adopted pursuant to Ohio Revised Code ("ORC") Section 306.34.

Section 3. Amendment, Repeal, and Emergency Applicability

These Bylaws may be amended or repealed by a two-thirds vote of the full Board. Notice in writing of a proposal to present to the Board an amendment to these Bylaws must be delivered to the Trustees, in the manner set forth in Article II, Section 3.1.1, at least 10 calendar days prior to the meeting of the Board at which the amendment is proposed to be presented. The Board may, with the approval of the majority of those Board members present at the meeting, consider and approve such additional changes to the Bylaws as the Board may deem appropriate regardless of whether those changes were included in the original proposed amendments to the Bylaws that were received prior to the meeting.

In an emergency, as defined by ORC Section 1701.01(U), the special rules set forth in ORC Section 1701.11(C) shall be applicable and emergency regulations may be adopted either before or during an emergency under ORC Section 1701.11 and/or 1702.11.

ARTICLE II

Board of Trustees

Section 1. Composition of the Board of Trustees, Selection and Terms of Office

The Board of Trustees shall be composed of not less than 13 and no more than 17 members representing the City of Cincinnati (seven members), the four southwest Ohio counties of Hamilton (three members), Butler, Warren and Clermont (one member for each county) and such other political subdivisions as may be permitted to participate under the applicable laws. The selection and appointment of the Trustees shall take place as set forth by the Board of County Commissioners of Hamilton County in its Resolution of October 2, 1968, as amended January 30, 2009 (the "Hamilton County Resolution"). The term of office for a Trustee is three years, or until the Trustee's successor is appointed and qualifies, except that any person appointed to fill a vacancy shall be appointed to only the unexpired term.

Section 2. Rights, Powers and Duties

All power and authority granted to the Authority by law, shall be vested in and exercised by the Board, which shall in its own name manage and conduct the affairs of the Authority. These Bylaws, the resolutions of the Board, and the contracts approved by the Board shall constitute the rules and regulations of the Board.

Section 3. Meetings of the Board

Section 3.1 Regular Meetings

3.1.1 The Board shall hold a regular meeting once each month, unless cancelled by the Chair and the Chief Executive Officer or by an action of the Board. A notice in writing of the time, place and proposed agenda shall be delivered to the Trustees prior to each regular meeting by overnight delivery service, personal delivery, facsimile or e-mail delivered not later than on the business day prior to the meeting date or by U.S. mail sent at least three

business days prior to the meeting date. Notices shall also be given to others requesting them, according to the provisions of rules adopted by the Board from time to time.

3.1.2 The Board shall have its annual meeting and election of officers at its regularly scheduled meeting in January of each year, unless postponed by a two-thirds vote of the Board.

Section 3.2 Special Meetings

Special meetings shall be held at the call of the Chair or at the request in writing to the Chair of any three Trustees. A notice in writing of the time, place and proposed agenda shall be delivered to the Trustees prior to each special meeting by overnight delivery service, personal delivery, facsimile, or e-mail delivered not later than on the third business day prior to the meeting date or by U.S. mail sent at least five business days prior to the meeting date. Notices and proposed agenda shall be given to others requesting them according to the provisions of the rules adopted by the Board from time to time.

Section 3.3 Waiver of Meeting Notice

Notice of any meeting may be waived, either before or after the holding of the meeting, by a writing filed with or entered upon the minutes of the meeting. Attendance at any meeting without protesting the lack of proper notice, prior to or at the commencement of the meeting, shall also constitute a waiver of notice.

Section 3.4 Quorum

A majority of the then appointed Trustees shall constitute a quorum for all Board meetings. No vacancy in the Board shall impair the rights of a quorum to exercise all rights and perform all the duties of the Authority.

Section 3.5 Adjournment and Recess

The Board may adjourn or recess from time to time, and in case there is no quorum present on the day fixed for a regular or special meeting, the Trustees present,

or the Secretary-Treasurer, if no Trustees are present, may adjourn the meeting until a quorum is obtained.

Section 3.6 Chair of the Meeting

All Board meetings shall be chaired by the Chair, and in the Chair's absence by the Vice Chair, and in the absence of both the Chair and Vice Chair, by a Trustee delegated by the Chair, or in the absence of such delegation, selected by those Trustees present.

Section 3.7 Order of Business

3.7.1 Except as the chair of the meeting may otherwise determine, the order of business for regular meetings shall be:

1. Call to order.
2. Hearings from citizens.
3. Approval of minutes of the preceding Board meeting.
4. Committee Reports.
5. Other items to come before the Board.
6. Adjournment.

Section 3.8 Voting

3.8.1 Except as required by law or these Bylaws the favorable vote of the majority of the then appointed Trustees shall be necessary for any action taken by the Authority. (ORC Section 306.33)

3.8.2 A two-thirds affirmative vote of the then appointed Trustees shall be required (i) to determine (pursuant to ORC Section 306.43(H)(1)) the existence of a real and present emergency dispensing with the necessity of competitive bidding or (ii) to authorize the sale to another public agency, public transit system, or regional transit authority of capital equipment unique to the operation of a public transit system.

3.8.3 When voting on a resolution, the Board shall be polled and the yeas and nays entered upon the minutes. Voting by procedural motions placed before the Board shall be by acclamation. All votes shall be conducted openly; no secret ballots shall be used.

ARTICLE III

Officers and Employees

Section 1. Chair

The Chair shall be a member of the Board and shall be elected for a term of one year by the Board at its annual meeting. The Chair shall conduct all regular and special meetings of the Board, and with the Secretary-Treasurer, sign the minutes thereof. The Chair shall be the official representative of the Authority where appropriate. The Chair shall have all the powers and duties normally incident to such office and such other powers as may be conferred by these Bylaws or by the Board. The Chair is deemed to be, and shall fulfill the function of, the "president" as set forth in Chapter 306 of the ORC and the "President" as set forth in the Hamilton County Resolution.

Section 2. Vice Chair

The Vice Chair shall be a member of the Board and be elected for a term of one year by the Board at its annual meeting. The Vice Chair shall act as Chair in the absence of the Chair. The Vice Chair shall have all the powers and duties normally incident to such office and such other powers as may be conferred by these Bylaws or by the Board. The Vice Chair is deemed to be, and shall fulfill the function of, the "vice-president" as set forth in Chapter 306 of the ORC.

Section 3. Secretary-Treasurer

The Secretary-Treasurer shall be appointed by a majority vote of the then appointed Trustees and shall not be a member of the Board. The Secretary-Treasurer shall serve at the pleasure of the Board. The Secretary-Treasurer shall be the Authority's fiscal officer and

have such other powers and duties as are prescribed by law, the Board or these Bylaws. The Secretary-Treasurer, or his or her designee, shall be responsible for arrangements for and attend all meetings of the Board and its committees, shall be its secretary and shall keep a true and complete record of all its proceedings. The Secretary-Treasurer shall be custodian of the Authority's funds and records, and shall furnish bond in such amount and with such surety as may be determined by the Board, the cost of which shall be paid by the Authority.

Section 4. Officer Vacancies

A vacancy in the position of Chair, Vice Chair, or Secretary-Treasurer shall be filled as soon as practical by majority vote of the Board at a regular meeting or at a special meeting called for that purpose.

Section 5. Compensation, Reimbursement and Additional Officers and Employees

The compensation of all officers and employees and the appointment, titles, terms of office, duties, number and qualifications of officers and employees not prescribed by law or these Bylaws shall be as determined from time to time by the Board, which determination may be made for all positions, except those of Chief Executive Officer and the Secretary-Treasurer, by the Board's adoption of an annual budget and the determination of the details by the Chief Executive Officer. Each member of the Board is entitled to receive from the Authority reimbursement for the member's reasonable expenses in the performance of his or her duties pursuant to such policies as the Board may adopt from time to time.

ARTICLE IV

Committees

Section 1. Establishment of Committees

There shall be established the following standing committees: the Operations and Management Committee and the Planning and Development Committee. The duties of each such

Committee shall be determined by the Board. The Chairperson may, with the consent of the Board, establish other committees and designate their powers and duties.

Section 2. Membership and Meetings

Section 2.1 Except as set forth in Section 2.2 of this Article IV, the Chair shall, with the consent of the Board, appoint the Committee Chair for each such Committee and as many other members of the Board or other persons as the Chair deems appropriate to serve as regular or alternate committee members. The Chair shall be a member of every committee ex-officio. Committee meetings shall be open to any Board member who wishes to attend even though he or she is not a member of the Committee. Notice of all Committee meetings shall be given to all members of the Board.

Section 3. Functioning

All major matters coming before the Board of Trustees shall first be considered by the appropriate committees except in case of an emergency. The Secretary-Treasurer and the Chief Executive Officer of the Authority shall be responsible for providing all information and support activities needed by each committee.

ARTICLE V

Disbursement of Funds

Funds shall be disbursed only upon authorization by the Board given either specifically or by budget approval. Checks shall be signed in the manner and by such persons as the Board shall direct from time to time.

ARTICLE VI

Defense and Indemnification

Section 1. Trustee Defense Indemnity and Hold Harmless

Without limiting any rights to defense and indemnity set forth in Section 2 of this Article VI, the Authority shall, to the fullest extent permitted by law, indemnify each present or future member of its Board of Trustees for, and hold him or her harmless against, any loss or liability from any act or omission of the Trustee in connection with the Trustee's performance of his or her responsibilities as a Trustee of the Authority or arising from the Trustee's membership on the Board. The indemnification set forth in this Article VI, Section 1, includes, but is not limited to, damages, settlement amounts, counsel fees, court costs and other costs of defense, and actual or threatened arbitration, administrative and judicial proceedings of all kinds.

Section 2. All Employee Defense, Indemnity and Hold Harmless

Section 2.1 The Authority shall provide for the defense of an Authority employee, as defined by ORC Section 2744.01(B) ("Employee"), in any state or federal court, in any civil action or proceeding which contains an allegation for damages for injury, death, or loss to persons or property caused by an act or omission of an Authority Employee in connection with a governmental or proprietary function. The Authority shall defend the Employee if the act or omission occurred while the Employee was acting both in good faith and not manifestly outside the scope of employment or official responsibilities. Amounts expended by the Authority in the defense of its Employees shall be from funds appropriated for this purpose or from proceeds of insurance. The duty to provide for the defense of an Employee does not apply in a civil action or proceeding that is commenced by or on behalf of a political subdivision.

Section 2.2 The Authority shall indemnify and hold harmless an Employee in the amount of any judgment, other than a judgment for punitive or exemplary damages, that is obtained against the Employee in a state or federal court or as a result of a law of a foreign

jurisdiction and that is for damages for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function, if at the time of the act or omission the Employee was acting in good faith and within the scope of his or her employment or official responsibilities.

Section 2.3 The Authority may enter into a consent judgment or settlement and may secure releases from liability for an Employee, with respect to any claim for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function.

Section 3. Further Rights to Indemnify

Nothing in this Article VI shall limit any other right of the Authority to insure, defend, indemnify or hold harmless the Authority itself and any Authority Employee.

BYLAWS OF THE SOUTHEASTERN REGIONAL TRANSIT AUTHORITY

Adopted – December 18, 2009

PREAMBLE

These Bylaws, consistent with the Statutes of the State of Wisconsin, define and regulate the activities of the Transit Authority for Kenosha, Milwaukee, and Racine Counties and officers established by, and responsible to the Authority, and have been adopted by the Board of the Authority for that purpose. Where the word “Authority” appears hereinafter, it shall be construed to mean the “Southeastern Regional Transit Authority.” These Bylaws are intended to govern the activities of the Authority as the Authority responds to its statutory charge of constructing, operating, and managing a commuter rail line.

ARTICLE I – NAME AND LOCATION OF AUTHORITY

Section 1 – NAME -- The Transit Authority for Kenosha, Milwaukee, and Racine Counties established under State Law shall be named the “Southeastern Regional Transit Authority.”

Section 2 – OFFICES -- The offices of the Authority shall be at the offices of the Southeastern Wisconsin Regional Planning Commission (SEWRPC), which will act as staff and administrative and fiscal agent for the Authority until permanent staff have been retained. The SEWRPC offices are located at W239 N1812 Rockwood Drive, P. O. Box 1607, Waukesha, Wisconsin 53187-1607.

ARTICLE II – MEETINGS

Section 1 – REGULAR MEETINGS – The Authority shall regularly meet on the third Monday of each calendar month, unless such meeting date shall coincide with a holiday formally recognized by the State of Wisconsin. In the event that a holiday is observed on a third Monday of a month, the Chair of the Authority shall select an alternate meeting day.

Section 2 – SPECIAL MEETINGS – Special meetings may be called at any time by the Chair of the Authority. Special meetings shall also be called by the Chair upon written request of five or more Board members.

Section 3 – MEETING LOCATIONS – The regular meetings of the Authority shall be held in the Sijan Room of General Mitchell International Airport unless unavailable, and all meetings shall be held in facilities open to the public.

Section 4 – NOTICES OF MEETINGS – The Secretary of the Authority shall mail to each member of the Board, either via electronic mail or the U.S. Postal Service, a meeting notice not less than seven (7) days before the holding of any regular Authority meetings and one (1) day for special or emergency meetings; and such notice shall state a time and place of such meeting and the business to be undertaken. The notice shall also be posted on the SERTA website.

Section 5 – QUORUM – As required by the State enabling legislation, five of the nine members of the Authority are required to make up a quorum at any meeting. If five or more members of the Authority desire to discuss Authority business outside of the regular or special meetings of the Authority, such members shall request that the Secretary of the Authority appropriately post a notice of such a meeting. All meetings of the Authority shall be conducted in accordance with the requirements of the Wisconsin Open Meetings Law.

Section 6 – MEETING PAYMENTS – Each member of the Authority’s Board attending any meeting of the Board shall be entitled to receive a payment of \$0 for attending such meeting. In addition, each member of the Authority’s Board shall be entitled to payment of travel costs as determined by the Board on a case-by-case basis.

Section 7 – SUBCOMMITTEES – The Board may create subcommittees of the Board to facilitate completion of its work.

ARTICLE III – OFFICERS

Section 1 – NUMBER AND TERM – The officers of the Authority shall be comprised of a Chair, Vice-Chair, Secretary, and Treasurer. The officers shall be selected by action of the Board of the Authority at a regular meeting and shall serve a term of no more than two (2) years. The election of each officer shall require the affirmative vote of five of the nine members of the Authority. Should any office become vacant for any cause, the Authority Board shall select a successor at the next regularly scheduled meeting or at a special meeting called for that purpose.

Section 2 – CHAIR – The Chair of the Authority shall preside at all meetings of the Authority Board. The Chair shall work with the Authority staff to present to the Authority all matters requiring attention. Subject to any contrary requirements in these Bylaws, the Chair shall be guided by Roberts Rules of Order in the conduct of meetings.

Section 3 – VICE-CHAIR – The Vice-Chair shall preside at all meetings of the Authority Board in the absence of the Chair or in the event that the Chair is incapacitated or unable to serve.

Section 4 – SECRETARY/DEPUTY SECRETARY -- The Secretary of the Authority shall keep and distribute minutes of all meetings of the Authority Board, shall countersign all documents required to be executed, and shall keep and preserve all resolutions, transactions, findings, and determinations of the Authority Board. In the absence of the Secretary or as requested by the Secretary, the Deputy Secretary, who shall be the SEWRPC Executive Director, shall perform the duties of the Secretary.

Section 5 – TREASURER/DEPUTY TREASURER -- The Treasurer of the Authority shall keep all the funds of the Authority and shall place them in a depository authorized by the Authority, and shall keep an accurate record of all receipts and disbursements. In the absence of the Treasurer or as requested by the Treasurer, the Deputy Treasurer, who shall be the SEWRPC Business Manager, shall perform the duties of the Treasurer. The Treasurer shall report all receipts and disbursements at least once each calendar quarter to the Authority Board.

ARTICLE IV – STAFFING AND PERSONNEL

Section 1 – STAFF ARRANGEMENTS -- The staff of the Southeastern Wisconsin Regional Planning Commission, and in particular, the Commission's Executive Director, and Business Manager, shall serve as staff to the Authority, until the authority retains its own staff.

Section 2 – CONSULTANTS AND ADVISORS -- The Authority Board, may retain consultants and other advisors as may be necessary to help meet the statutory charge given to the Board.

ARTICLE V – FINANCIAL ARRANGEMENTS

Section 1 – REVENUE SOURCE -- All of the revenue required to support the operations of the Authority shall come from the vehicle rental fee authorized under the enabling legislation of the Authority. The Deputy Treasurer shall be responsible for making all necessary arrangements for the transfer of that revenue from the Wisconsin Department of Revenue to a depository bank selected by the Authority Board. The Board may borrow against anticipated funds if deemed necessary by the Board to complete its work.

Section 2 – CHECKS, DRAFTS, AND VOUCHERS – The Treasurer of the Authority is authorized and directed to issue such checks, drafts, and vouchers as may be necessary for the payment of bills and expenses incurred for and on behalf of the Authority in meeting its statutory charge. All disbursements of the Authority shall be by check drawn on the Authority's depository bank and co-signed by the Chair and Treasurer. All disbursements made on behalf of the Authority shall be reported to the Authority Board at least once each calendar quarter.

Section 3 – INVESTMENT OF FUNDS -- The Deputy Treasurer shall maintain on behalf of the Authority, an account in the Local Government Investment Pool maintained by the State Treasurer of Wisconsin and shall place in that Investment Pool all funds not required for the immediate use of the Authority.

Section 4 – FISCAL YEAR -- The fiscal year of the Authority shall be the calendar year.

Section 5 – REPORTS AND AUDITS -- No less than once each calendar quarter, the Treasurer shall present a fiscal report to the Authority Board for its review and approval. The Authority's accounts shall be kept in a manner consistent with generally accepted accounting principles. The Deputy Treasurer shall be responsible for securing an annual audit of the Authority's accounts after conferring with the Treasurer as to the selection of an auditor.

ARTICLE VI – RECORDS AND MATERIALS

Section 1 – RETENTION OF RECORDS -- The SEWRPC shall keep the records of the Authority until the Authority retains its own staff. The Regional Planning Commission shall transfer the records to the staff of the Authority.

ARTICLE VII – AMENDMENTS

Section 1 -- These Bylaws may be amended by the Authority Board at any regular meeting of the Authority or at any special meeting called by the Chair of the Authority for such purpose. Amendment of bylaws will require two meetings, one for introduction of amendments, and the second for Board action on such amendments.

ARTICLE VIII – COMPLIANCE WITH WISCONSIN LAW

Section 1 – INCONSISTENCIES -- In the event that these Bylaws, or any provision herein contained, should in any manner be contrary to the provisions of the Wisconsin Law, the provisions of the Wisconsin Law shall prevail.

PART By-Laws

Preamble

This public body corporate, having been created pursuant to the Regional Public Transportation Authority Act, North Carolina General Statutes Chapter 160A, Article 27 (the "Act") by resolutions of the governing boards of the municipalities of Burlington, Greensboro, High Point and Winston-Salem, and as chartered by the Secretary of State on July 17th, 1998, is named the Piedmont Authority For Regional Transportation (the "Authority"); and pursuant to the Act, the Authority's Board of Trustees (the "Board") has the power to make such by-laws for its operation as it may deem appropriate, not inconsistent with the Act. The by-laws of the Authority are as follows:

ARTICLE I

Offices

The principal offices of the Authority shall be located within the territorial jurisdiction of the Authority. The Authority may have offices at such other places within the State of North Carolina as determined by the Board.

ARTICLE II

Board of Trustees

Section 1. General Powers. The property, affairs, and business of the Authority shall be managed by or under the direction of the Board to the extent of the powers and authority granted to the Board by the Act.

Section 2. Composition of Board. The composition, qualifications and terms of office of the members of the Board shall be as provided in N.C.G.S. 160A-635, as amended.

Section 3. Meetings. The Board shall establish, and may modify in its discretion, the time and place for its regular meetings. Special meetings may be called by the Chairperson or any two members of the Board by signing a written notice stating the time and place of the meeting and the matters to be considered. Only those matters specified in the notice may be dealt with at a special meeting unless all members are present or have signed a written waiver. The notice shall be delivered to each member of the Board either personally, or by mail or facsimile machine addressed to the member's last known address, at least 48 hours before the time of the special meeting. Special meetings may also be held at any time when the Chairperson and all members of the Board are present and consent thereto, or when those not present have signed a written waiver of notice. During any regular meeting or any duly called special meeting the Board may call or schedule a special meeting, provided that the motion scheduling any such special meeting shall specify the time, place and matters to be considered at of such meeting and shall be adopted during an open session. Any regular or duly called special meeting may be adjourned to reconvene at a time and place certain.

Section 4. Quorum. A majority of the members of the Board of Trustees shall constitute a quorum for the transaction of business. If a quorum is not present at any meeting of the Board, a majority of the Board members present may adjourn the meeting to another time and place. Notice of any such adjourned meeting shall be given to all Board members in accordance with Section 3 of the Article 11.

Section 5. Voting. Except for non-voting ex officio members, each member shall have one vote. An affirmative vote equal to a majority of the membership of the Board is required to take any action, unless otherwise specifically authorized by law or these by-laws. No person shall be entitled to exercise a proxy vote for any Board member. A member may abstain or be excused from voting only if the member has a direct financial conflict of interest and has been excused from voting by the Board. A failure to vote by a Board member in attendance shall be counted as an affirmative vote, unless the Board member has been excused from voting by the Board pursuant to this Section.

Section 6. Vacancies. Any vacancy occurring among the members of the Board shall be filled in the same manner as the vacated member's original appointment.

Section 7. Committees. The authority may create in its discretion one or more committees or other advisory groups to assist the Authority in carrying out its functions, which may include or be composed of Board members or non-Board members.

Section 8. Compensation. Each member of the Board shall be paid by the Authority the sum of fifty (\$50.00) dollars for each official meeting of the Board of Trustees the members of the Board of Trustees the members attends. Members of the Board may also be reimbursed for actual expenses necessarily incurred in the performance of duties, as authorized by the Board.

Section 9. Parliamentary Rules. Except where inconsistent with the Act or these by-laws, Robert's rules of Order, as from time to time revised, shall govern the proceedings of the Board and its committees.

ARTICLE III

Officers, Agents, and Employees

Section 1. Officers of the Board. The Board shall annually elect a Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer. The Chairperson and Vice-Chairperson shall be elected from among the members of the Board. A Board member may hold only one office on the Board at any one time.

Section 2. Election and Term of Office. Officers shall be elected at the first Board meeting in January of each calendar year, and those elected assume office upon election. If the election of officers is not held at a January meeting, such election shall be held as soon thereafter as is convenient to the Board. Officers shall hold office until their successors are duly elected.

Section 3. Vacancies. A vacancy in any office of the Authority may be filled by the Board, such appointment by the Board to continue until the expiration of the current term of the vacant office.

Section 4. Duties.

Chairperson. The Chairperson shall have the following powers and duties: to preside, when present, at all meetings of the Board: to sign and execute on behalf of the Authority all bonds, deeds, mortgages, debentures, contracts, or any other instruments of whatever nature, the Board has authorized to be executed: to perform all duties incident to the office of Chairperson and such other duties as may be prescribed by these by-laws or assigned by the Board from time to time.

Vice-Chairperson. The Vice-Chairperson shall have the power and authority of the Chairperson and shall perform the duties of the Chairperson in case of disability or absence of the Chairperson, or when requested to perform such duties by the Chairperson, and shall perform such other duties as may from time to time be assigned by the Chairperson or by the Board.

3. Secretary. The Secretary shall have the following powers and duties: to attest or affix the seal of the Authority to all bonds, deeds, mortgages, debentures, contracts, or any other instruments or documents of whatever nature which the Board has authorized to be executed or which any Board member, officer, or staff member of the Authority has authority to execute; and to perform the duties incident to the office of the Secretary, and such other duties as may from time to time be assigned by the Board.

4. Treasurer. The treasurer shall perform all the duties incident to the office of the treasurer, and such other duties as may from time to time be assigned by the Board.

5. Employees, Agents, Contractors. The Authority may employ or engage such employees, agents, contractors, consultants, attorneys, accountants, or others in the operation and management of the Authority as the Board deems advisable.

ARTICLE IV

Amendments

These By-Laws may be amended by the Board by at least a two-thirds vote of the membership of the Board at any regular or duly called special meeting.

Adopted this 1st day of December, 1998.

APPENDIX H

REGIONAL TRANSIT AUTHORITY PLAN

**MUNICIPALITY OF ANCHORAGE AND THE MATANUSKA-SUSITNA
BOROUGH**

PUBLIC SURVEYS

OCTOBER 17, 2011



REGIONAL TRANSIT AUTHORITY SURVEY

Summary of comments

The project team distributed comment sheets at several events in September. Seven comment sheets were returned. The responses are summarized below:

Were you aware of the Regional Transit Authority study prior to this Open House?

Two indicated they were fully aware of the study prior to the open house. One said it was their first meeting. Others skipped the question.

After reviewing the information provided, I think it would be a good idea to create a Regional Transit Authority serving Mat-Su and Anchorage with new transportation services. Valley Mover and others could contract with the RTA to operate the new service.

Strongly Agree			Neutral				Strongly Disagree		
10	9	8	7	6	5	4	3	2	1
4		1		2	1				

Why?

1) People Mover is a fine system as it is. 2) MASCOT is an excellent small service, but needs to be expanded. 3) Valley Mover is a new service. 4) I'm not sure how you could improve these services unless you have \$\$\$\$\$.

The RTA Study recommends Commuter Express Bus Service serving commuters in the Glenn Highway Corridor. Do you agree with this recommendation?

Strongly Agree			Neutral				Strongly Disagree		
10	9	8	7	6	5	4	3	2	1
6		1	1						

Why?

Must serve all major population areas—Eagle River included.

How do you propose improving the service at a reasonable cost?

The RTA Study recommends Commuter Express Bus Service serving commuters in South Anchorage. Do you agree with this recommendation?

Strongly Agree			Neutral			Strongly Disagree			
10	9	8	7	6	5	4	3	2	1
4			1	2	1				

Why?

People Mover serves this area fine. Most people in this area have cars.

The RTA Study recommends expanding the Vanpool (Share-a-Ride) Service serving commuters between the Mat-Su Borough and jobs in Anchorage. Do you agree with this recommendation?

Strongly Agree			Neutral			Strongly Disagree			
10	9	8	7	6	5	4	3	2	1
5	1	1		1					

Why?

Increase considered with and in conjunction with Express Bus.

I'm retired.

The study identified steps necessary at the state and local level. At the state level, a law would need to pass that allows the creation of regional transit authorities describing the allowed powers, such as revenue generation.

Would you support a state law enabling the creation of Regional Transit Authorities in Alaska?

4 said Yes

1 said No

1 said they would need more information before responding. They also ask: Would there be more transit service? Would there be lower fares? And would there be better connections? Or would there just be more taxes???

At a regional level, do you agree that the Mat-Su Borough and the Municipality of Anchorage should enter into an agreement to form a Regional Transit Authority? (Circle your response)

Strongly Agree			Neutral				Strongly Disagree		
10	9	8	7	6	5	4	3	2	1
4		1							

Why?

So that 2 different plans don't clash.

The RTA will fail otherwise.

Why form a new group? Why not help the existing transit companies to serve their areas better? What is the advantage of a RTA?

Please check one of the following:

1 indicated "I commute to Anchorage via Drive Alone"

1 indicated "I commute to Anchorage twice a month via Valley Mover"

1 indicated "I commute to Anchorage via Vanpool"

Other comments or questions for the study team.

Need to update base data.

MASCOT buses give excellent service, but this company needs to dramatically expand and increase its service because the Valley is growing so fast. Please help them. I do not drive any more because I was hit by a red-light runner 8 years ago. The buses are my lifeline to everywhere. Occasionally I take a cab or someone gives me a ride in their car.

I used to live in Anchorage and I rode the People Mover buses all over the city - UAA classes, stores, Post Office, libraries, social events, etc. Now I live in Wasilla and ride the MASCOT buses everywhere they go. MASCOT is the most personal, helpful service in Alaska. MASCOT needs to dramatically expand and increase its services to meet the needs of Valley residents. Why don't you help them? You need more input from bus riders!!!



recd 9/15/11

Regional Transit Authority Study

Comment Sheet

We studied the feasibility of creating a Regional Transit Authority and we want your thoughts on the study's conclusions. We have prepared a set of questions we would like you to answer after you view the display board.

Were you aware of the Regional Transit Authority study prior to this Open House?

Fully Somewhat Not really This is my 1st meeting

To assist the team in understanding whether we are on the right track, please indicate how strongly you agree or disagree with the following statements.

After reviewing the information provided, I think it would be a good idea to create a Regional Transit Authority serving Mat-Su and Anchorage with new transportation services. Valley Mover and others could contract with the RTA to operate the new service. (Circle your response)

Strongly Agree		Neutral			Strongly Disagree			Why?	
10	9	8	7	<input checked="" type="checkbox"/> 6	5	4	3	2	1

The RTA Study recommends Commuter Express Bus Service serving commuters in the Glenn Highway Corridor. Do you agree with this recommendation? (Circle your response)

Strongly Agree		Neutral			Strongly Disagree			Why?	
<input checked="" type="checkbox"/> 10	9	8	7	6	5	4	3	2	1

The RTA Study recommends Commuter Express Bus Service serving commuters in South Anchorage. Do you agree with this recommendation? (Circle your response)

Strongly Agree		Neutral			Strongly Disagree			Why?	
10	9	8	7	<input checked="" type="checkbox"/> 6	5	4	3	2	1

The RTA Study recommends expanding the Vanpool (Share-a-Ride) Service serving commuters between the Mat-Su Borough and jobs in Anchorage. Do you agree with this recommendation?

(Circle your response)

Strongly Agree		Neutral			Strongly Disagree			Why?	
<input checked="" type="checkbox"/> 10	9	8	7	6	5	4	3	2	1

The study identified steps necessary at the state and local level. At the state level, a law would need to pass that allows the creation of regional transit authorities describing the allowed powers, such as revenue generation.

Would you support a state law enabling the creation of Regional Transit Authorities in Alaska?

(Check one) Yes No I would need more information to respond.

20110915csanon4 1/1

recd 9/15/11



Regional Transit Authority Study

Comment Sheet

We studied the feasibility of creating a Regional Transit Authority and we want your thoughts on the study's conclusions. We have prepared a set of questions we would like you to answer after you view the display board.

Were you aware of the Regional Transit Authority study prior to this Open House?

Fully Somewhat Not really This is my 1st meeting

To assist the team in understanding whether we are on the right track, please indicate how strongly you agree or disagree with the following statements.

After reviewing the information provided, I think it would be a good idea to create a Regional Transit Authority serving Mat-Su and Anchorage with new transportation services. Valley Mover and others could contract with the RTA to operate the new service. (Circle your response)

Strongly Agree			Neutral			Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1	

The RTA Study recommends Commuter Express Bus Service serving commuters in the Glenn Highway Corridor. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral			Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1	

The RTA Study recommends Commuter Express Bus Service serving commuters in South Anchorage. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral			Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1	

The RTA Study recommends expanding the Vanpool (Share-a-Ride) Service serving commuters between the Mat-Su Borough and jobs in Anchorage. Do you agree with this recommendation?

(Circle your response)

Strongly Agree			Neutral			Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1	

The study identified steps necessary at the state and local level. At the state level, a law would need to pass that allows the creation of regional transit authorities describing the allowed powers, such as revenue generation.

Would you support a state law enabling the creation of Regional Transit Authorities in Alaska?
(Check one) Yes No I would need more information to respond.

20110915 cs anon 3 1/1



Recd 9/15/11

Regional Transit Authority Study

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Strongly Agree			Neutral				Strongly Disagree			Why?
10	9	8	7	6	5	4	3	2	1	

The RTA Study recommends Commuter Express Bus Service serving commuters in the Glenn Highway Corridor. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral				Strongly Disagree			Why?
10	9	8	7	6	5	4	3	2	1	

The RTA Study recommends Commuter Express Bus Service serving commuters in South Anchorage. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral				Strongly Disagree			Why?
10	9	8	7	6	5	4	3	2	1	

The RTA Study recommends expanding the Vanpool (Share-a-Ride) Service serving commuters between the Mat-Su Borough and jobs in Anchorage. Do you agree with this recommendation?

(Circle your response)

Strongly Agree			Neutral				Strongly Disagree			Why?
10	9	8	7	6	5	4	3	2	1	

The study identified steps necessary at the state and local level. At the state level, a law would need to pass that allows the creation of regional transit authorities describing the allowed powers, such as revenue generation.

Would you support a state law enabling the creation of Regional Transit Authorities in Alaska?
(Check one) Yes No I would need more information to respond.

20110915 cs Anon 1 1/1



Recd 9/15/11

Regional Transit Authority Study

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Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

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Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

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Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

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(Circle your response)

Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

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Would you support a state law enabling the creation of Regional Transit Authorities in Alaska?

(Check one) Yes No I would need more information to respond.

At a regional level, do you agree that the Mat-Su Borough and the Municipality of Anchorage should enter into an agreement to form a Regional Transit Authority? (Circle your response)

Strongly Agree			Neutral				Strongly Disagree			
10	9	8	7	6	5	4	3	2	1	

Why?

The RTA will fail otherwise.

Please check one of the following:

- I do not commute to Anchorage. I commute to Anchorage via: Van Pool
- Drive Alone Carpool Vanpool Valley Mover
- Other Please specify _____

I'd like to continue to receive information about the Regional Transit Authority.

Name: John Pagel E-mail: john_pagel@hotmail.com

Other comments or questions for the study team:

Please provide your comment to the team tonight or send via:

Mail Brooks & Associates Attn: Regional Transit Authority Study 301 W. Northern Lights Blvd, Suite 400 Anchorage, AK 99503	Call Toll Free: 1-866-535-1877 Phone: 1-907-272-1877 Or Alaska Relay TTY 800-770-8973
Email: mycomments@brooks-alaska.com	Fax: 1 (907) 743-6087

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20110915csPagel 2/2



recd 9/15/11

Regional Transit Authority Study

Comment Sheet

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Were you aware of the Regional Transit Authority study prior to this Open House?

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Strongly Agree			Neutral			Strongly Disagree				Why?
10	9	8	7	<input checked="" type="checkbox"/> 6	5	4	3	2	1	

The RTA Study recommends Commuter Express Bus Service serving commuters in the Glenn Highway Corridor. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral			Strongly Disagree				Why?
10	9	<input checked="" type="checkbox"/> 8	7	6	5	4	3	2	1	

The RTA Study recommends Commuter Express Bus Service serving commuters in South Anchorage. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral			Strongly Disagree				Why?
10	9	8	<input checked="" type="checkbox"/> 7	6	5	4	3	2	1	

The RTA Study recommends expanding the Vanpool (Share-a-Ride) Service serving commuters between the Mat-Su Borough and jobs in Anchorage. Do you agree with this recommendation?

(Circle your response)

Strongly Agree			Neutral			Strongly Disagree				Why?
<input checked="" type="checkbox"/> 10	9	8	7	6	5	4	3	2	1	

The study identified steps necessary at the state and local level. At the **state** level, a law would need to pass that allows the creation of regional transit authorities describing the allowed powers, such as revenue generation.

Would you support a state law enabling the creation of Regional Transit Authorities in Alaska?
(Check one) Yes No I would need more information to respond.

20110915cs March 1/2

At a regional level, do you agree that the Mat-Su Borough and the Municipality of Anchorage should enter into an agreement to form a Regional Transit Authority? (Circle your response)

Strongly Agree		Neutral			Strongly Disagree			Why?	
X	9	8	7	6	5	4	3	2	1

So that 2 different plans don't clash

Please check one of the following:

- I do not commute to Anchorage. I commute to Anchorage via:
- Drive Alone Carpool Vanpool Valley Mover
- Other Please specify _____

I'd like to continue to receive information about the Regional Transit Authority.

Name: Jim Marsh E-mail: jimmash3@hotmail.com

Other comments or questions for the study team:

Please provide your comment to the team tonight or send via:

<p><input checked="" type="checkbox"/> Mail Brooks & Associates Attn: Regional Transit Authority Study 301 W. Northern Lights Blvd, Suite 400 Anchorage, AK 99503</p>	<p><input checked="" type="checkbox"/> Call Toll Free: 1-866-535-1877 Phone: 1-907-272-1877 Or Alaska Relay TTY 800-770-8973</p>
<p><input checked="" type="checkbox"/> Email: mycomments@brooks-alaska.com</p>	<p><input checked="" type="checkbox"/> Fax: 1 (907) 743-6087</p>

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20110915 cs Marsh 2/2



recd 9/5/11

Regional Transit Authority Study

Comment Sheet

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Were you aware of the Regional Transit Authority study prior to this Open House?

___ Fully Somewhat ___ Not really ___ This is my 1st meeting

To assist the team in understanding whether we are on the right track, please indicate how strongly you agree or disagree with the following statements.

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Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

The RTA Study recommends Commuter Express Bus Service serving commuters in the Glenn Highway Corridor. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1	MUST SERVE ALL MAJOR POPULATION AREAS - EAGLE RIVER INCLUDED	

The RTA Study recommends Commuter Express Bus Service serving commuters in South Anchorage. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

The RTA Study recommends expanding the Vanpool (Share-a-Ride) Service serving commuters between the Mat-Su Borough and jobs in Anchorage. Do you agree with this recommendation?

(Circle your response)

Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1	INCREASE CONSIDERED WITH AND IN CONJUNCTION WITH EXPRESS BUS	

The study identified steps necessary at the state and local level. At the state level, a law would need to pass that allows the creation of regional transit authorities describing the allowed powers, such as revenue generation.

Would you support a state law enabling the creation of Regional Transit Authorities in Alaska?

(Check one) Yes No I would need more information to respond.

20110915csanon2 1/2

At a regional level, do you agree that the Mat-Su Borough and the Municipality of Anchorage should enter into an agreement to form a Regional Transit Authority? (Circle your response)

Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

Please check one of the following:

- I do not commute to Anchorage. I commute to Anchorage via:
- Drive Alone Carpool Vanpool Valley Mover
- Other Please specify _____

I'd like to continue to receive information about the Regional Transit Authority.

Name: _____ E-mail: _____

Other comments or questions for the study team:

NEED TO UP-DATE BKE DATA

Please provide your comment to the team tonight or send via:

<p>✉ Mail Brooks & Associates Attn: Regional Transit Authority Study 301 W. Northern Lights Blvd, Suite 400 Anchorage, AK 99503</p>	<p>☎ Call Toll Free: 1-866-535-1877 Phone: 1-907-272-1877 Or Alaska Relay TTY 800-770-8973</p>
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20110915 Casaron 2 2/2

recd 9/15/11

llw



Regional Transit Authority Study

Comment Sheet

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Were you aware of the Regional Transit Authority study prior to this Open House?

Fully Somewhat Not really This is my 1st meeting

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Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

The RTA Study recommends Commuter Express Bus Service serving commuters in the Glenn Highway Corridor. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

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Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

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(Circle your response)

Strongly Agree			Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1		

The study identified steps necessary at the state and local level. At the state level, a law would need to pass that allows the creation of regional transit authorities describing the allowed powers, such as revenue generation.

Would you support a state law enabling the creation of Regional Transit Authorities in Alaska?

(Check one) Yes No I would need more information to respond.

20110915cs Sullivan 1/2

At a regional level, do you agree that the Mat-Su Borough and the Municipality of Anchorage should enter into an agreement to form a Regional Transit Authority? (Circle your response)

Strongly Agree		Neutral			Strongly Disagree			Why?		
10	9	8	7	6	5	4	3	2	1	

Please check one of the following:

- I do not commute to Anchorage. I commute to Anchorage via:
- Drive Alone Carpool Vanpool Valley Mover
- Other Please specify _____

I'd like to continue to receive information about the Regional Transit Authority.

Name: Tim Sullivan E-mail: TIMSSR@GMAIL.COM

Other comments or questions for the study team: _____

Please provide your comment to the team tonight or send via:

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20110915 cs Sullivan 2/2



Recd 9/15/14

Regional Transit Authority Study

Comment Sheet

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Strongly Agree		Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1	

The RTA Study recommends Commuter Express Bus Service serving commuters in the Glenn Highway Corridor. Do you agree with this recommendation? (Circle your response)

Strongly Agree		Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1	

The RTA Study recommends Commuter Express Bus Service serving commuters in South Anchorage. Do you agree with this recommendation? (Circle your response)

Strongly Agree		Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1	

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(Circle your response)

Strongly Agree		Neutral				Strongly Disagree				Why?
10	9	8	7	6	5	4	3	2	1	

The study identified steps necessary at the state and local level. At the state level, a law would need to pass that allows the creation of regional transit authorities describing the allowed powers, such as revenue generation.

Would you support a state law enabling the creation of Regional Transit Authorities in Alaska?
(Check one) Yes No I would need more information to respond.

20110915 es ~~Dukny~~ 2 1/2

At a regional level, do you agree that the Mat-Su Borough and the Municipality of Anchorage should enter into an agreement to form a Regional Transit Authority? (Circle your response)

Strongly Agree		Neutral			Strongly Disagree			Why?		
(10)	9	8	7	6	5	4	3	2	1	

Please check one of the following:

- I do not commute to Anchorage. I commute to Anchorage via:
- Drive Alone Carpool Vanpool Valley Mover
- Other Please specify _____

I'd like to continue to receive information about the Regional Transit Authority.

Name: Jay Dulany E-mail: dulany@ak.net

Other comments or questions for the study team: _____

Please provide your comment to the team tonight or send via:

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<p>Email: mycomments@brooks-alaska.com</p>	<p>Fax: 1 (907) 743-6087</p>

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20110915cs Dulany 2/2



Regional Transit Authority Study

Comment Sheet

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Were you aware of the Regional Transit Authority study prior to this Open House?

Fully
 Somewhat
 Not really
 This is my 1st meeting

To assist the team in understanding whether we are on the right track, please indicate how strongly you agree or disagree with the following statements.

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Strongly Agree			Neutral			Strongly Disagree			
10	9	8	7	6	5	4	3	2	1

Why?

1. People Mover is a fine system as it is
 2. MASCOT is an excellent small service, but needs to be expanded.
 3. Valley Mover is a new service

4. I'm not sure how you could improve these services unless you have \$\$\$\$\$.

The RTA Study recommends Commuter Express Bus Service serving commuters in the Glenn Highway Corridor. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral			Strongly Disagree			
10	9	8	7	6	5	4	3	2	1

Why?

How do you propose improving the service at a reasonable cost?

The RTA Study recommends Commuter Express Bus Service serving commuters in South Anchorage. Do you agree with this recommendation? (Circle your response)

Strongly Agree			Neutral			Strongly Disagree			
10	9	8	7	6	5	4	3	2	1

Why?

People Mover serves this area fine. Most people in this area have cars.

The RTA Study recommends expanding the Vanpool (Share-a-Ride) Service serving commuters between the Mat-Su Borough and jobs in Anchorage. Do you agree with this recommendation?

(Circle your response)

Strongly Agree			Neutral			Strongly Disagree			
10	9	8	7	6	5	4	3	2	1

Why?

I'm retired.

The study identified steps necessary at the state and local level. At the state level, a law would need to pass that allows the creation of regional transit authorities describing the allowed powers, such as revenue generation.

Would you support a state law enabling the creation of Regional Transit Authorities in Alaska?

(Check one) Yes No I would need more information to respond.

Would there be more transit service?
 Would there be lower fares?
 Would there be better connections?

Or would there just be more taxes???

20110916 cs YAVPIN

At a regional level, do you agree that the Mat-Su Borough and the Municipality of Anchorage should enter into an agreement to form a Regional Transit Authority? (Circle your response)

Strongly Agree			Neutral		Strongly Disagree				
10	9	8	7	6	5	4	3	2	1

Why? Why form a new group? Why not help the existing transit companies to serve their areas better? What is the advantage of a RTA?

Please check one of the following:

- I do not commute to Anchorage. I commute to Anchorage via: twice a month
- Drive Alone Carpool Vanpool Valley Mover
- Other Please specify _____

I'd like to continue to receive information about the Regional Transit Authority.

Name: Rosemary VAVRIN E-mail: tetarozmaryka@yahoo.com

Other comments or questions for the study team:

MASCOT buses give excellent service, but this company needs to dramatically expanded and increase its service because the Vallog is growing so fast.

Please provide your comment to the team tonight or send via:

<p><input checked="" type="checkbox"/> Mail Brooks & Associates Attn: Regional Transit Authority Study 301 W. Northern Lights Blvd, Suite 400 Anchorage, AK 99503</p>	<p><input type="checkbox"/> Call Toll Free: 1-866-535-1877 Phone: 1-907-272-1877 Or Alaska Relay TTY 800-770-8973</p>
<p><input checked="" type="checkbox"/> Email: mycomments@brooks-alaska.com</p>	<p><input type="checkbox"/> Fax: 1 (907) 743-6087</p>

I do not drive any more because I was hit by a red-light runner 8 years ago. The buses are my lifeline to everywhere. Occasionally I take a cab or someone gives me a ride in their car.

I used to live in Anchorage and I rode the People Mover buses all over the city - VAA classes, stores, Post Office, libraries, social events, etc. Now I live in Wasilla and ride the MASCOT buses everywhere they go. MASCOT is the most personal, helpful service in Alaska. MASCOT needs to dramatically expand and increase its services to meet the needs of Vallog residents.

Brooks & Associates
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301 West Northern Lights Blvd, Suite 440
Anchorage, AK 99503

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Why don't you help them?

You need more input from bus riders!!!