



## **The Metropolitan Mobility Authority Act**

### ***Index of Provisions within HB 5823/SB 3937***

The Metropolitan Mobility Authority Act (HB 5823 – Representative Buckner/SB 3937 - Senator Villivalam) proposes consolidating the Chicago area’s main transit agencies—Chicago Transit Authority (CTA), Metra, and Pace—into a single entity. This would replace the Regional Transportation Authority (RTA) and aim to improve coordination, reduce competition and streamline service with a unified fare system. The legislation is part of broader efforts to address underfunding and operational inefficiencies, exacerbated by a looming \$730 million budget shortfall confronting the transit agencies in 2026 as federal pandemic funds run out.

This document provides an overview of the content within the Metropolitan Mobility Authority Act. The Act was introduced in the Illinois House on April 29, 2024, as HB 5823 and in the Illinois Senate on May 1, 2024, as SB 3937. Provisions summarized include the page or range of pages where the language can be found.

The legislation is 539 pages in length. The first 176 pages consists of entirely new provisions establishing the Metropolitan Mobility Authority Act. The remainder of the bill includes amendments to already existing statutes. Most of these subsequent changes involve updating existing laws to effectuate the new provisions within the Metropolitan Mobility Authority Act. For this reason, this index of provisions will focus on the first 176 pages of the legislation.

Those seeking additional details about one or more provisions within the identical House and Senate legislation are encouraged to utilize this index to find and review the relevant pages. This overview should be considered an aid to establish familiarity with the legislation and is not intended as a substitute for a careful review of the text.

#### **Legislative Findings**

##### ***Pages 1-5***

The purpose of the Metropolitan Mobility Authority Act is outlined and justified within the first several pages of the legislation. The purposes and justifications are as follows:

The Illinois Constitution recognizes that public transportation is an essential public purpose for which public funds may be expended and provides the State with authority to offer financial assistance to units of local government for public transportation purposes. **(Page 1)**

Provide for reforms so that a unit of local government can ensure the proper management and operation of public transportation. This includes receiving, raising and distributing state and federal revenues for operating costs within the region inclusive of Cook, DuPage, Kane, Lake, McHenry and Will Counties. **(Pages 1-2)**

Support public health, safety and welfare while addressing economic well-being, the climate crisis, affordable transportation options, conservation of energy and land, traffic congestion, maintaining a healthy environment in the region and advancing equity and equality of opportunity, access to jobs, commercial businesses, schools, medical facilities and cultural attractions. **(Page 2)**

Public transportation advances equity and equal opportunity by improving the mobility of the public and providing more people with greater access to jobs, commercial businesses, schools, medical facilities and cultural attractions. **(Page 2)**

Public transportation in the metropolitan region is threatened by grave financial conditions and inadequate service for users. **(Pages 2-3)**

The COVID-19 pandemic disrupted the transportation system and ridership has not recovered to pre-pandemic levels. **(Page 3)**

Commitments to persons with disabilities, the economically disadvantaged and elderly are necessary. **(Page 3)**

The need to create a single integrated regional transportation authority to preserve stability of the system and with power to ensure adequate public transportation and a board of directors with diverse experience, expertise and background to oversee the system. **(Page 4)**

A substantial or total loss of public transportation services or any segment of public transportation services would create an emergency threatening the safety and well-being of people in the metropolitan region. **(Page 4)**

The economic vitality of Illinois requires regionwide and systemwide efforts to increase transit ridership, improve roadway operations with the metropolitan region and allocate resources for transportation to assist in the development of an adequate, efficient, equitable and coordinated regional public transportation system that is in a state of good repair. **(Page 4)**

## **Definitions**

*Pages 5-7*

These pages include the key definitions used throughout the legislation.

## Creation and Organization

### *Pages 8-24*

The Metropolitan Mobility Authority (the Authority) is created as a unit of local government, body politic, political subdivision and municipal corporation within the territory of Cook, DuPage, Kane, Lake, McHenry and Will Counties. **(Page 8)**

Other counties or portions of counties may be annexed to the Authority by ordinance by the county board and approval by the Authority. **(Page 8)**

No area may be annexed to the Authority except upon the approval of a majority of electors of such area voting on the proposition. The 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. **(Pages 8-9)**

The Authority may enter into intergovernmental agreements with any unit of government, individual, corporation or other person or public agency in or of any state (Illinois, Wisconsin or Indiana) for transportation service. **(Page 9)**

The Authority shall be governed by a Board of Directors (18 voting Directors) consisting of the following: **(Pages 10-11)**

- 3 Directors appointed by the Governor with advice and consent of the Senate.
- 5 Directors appointed by the Mayor of Chicago with advice and consent of the City Council, one of whom shall be the Commissioner of the Mayor's Office for People with Disabilities.
- 5 Directors appointed by the Cook County Board President with advice and consent of the members of the Cook County Board of Commissioners.
- 1 Director appointed by each of the chairs of the county boards of DuPage, Kane, Lake, McHenry and Will Counties with the advice and consent of their respective county boards.

Six non-voting members that include the following:

- The Secretary of Transportation or their designee.
- The Chair of the Board of Directors of the Illinois State Toll Highway Authority or the Chair's designee.
- A representative from organized labor, appointed by the Governor.
- A representative from the business community in the metropolitan region, appointed by the voting members of the Board.
- A representative from the disability community, appointed by the voting members of the Board after consulting with at least 3 organizations in the disability community in the metropolitan region selected by the Board.
- The Chair of the Citizens Advisory Board.

The Chair of the Board shall be appointed by the other Directors for a term of 5 years. **(Page 13)**

The Chair shall serve as Acting Chief Executive Officer (CEO) until the appointment of the initial CEO. **(Page 13)**

The term of each Director shall be 5 years and until the Director's successor has been appointed. **(Page 13)**

The initial term of for a Director appointed by the Mayor of Chicago shall be 3 years with their successor serving 5-year terms. **(Page 14)**

The initial term of Directors appointed by the Cook County Board President and the board chairs of Will, Kane, DuPage, McHenry and Lake Counties shall be 5 years and their successors shall also serve 5-year terms. **(Page 14)**

Board members, including the Chair, shall receive \$25,000 per year in compensation except for non-voting members employed by a public agency. **(Page 15)**

The Director selection and appointment process, attendance requirements, including an expectation for their ridership on the system are detailed within the legislation. **(Pages 83-86)**

The Board shall determine its meeting schedule and the locations for meetings. Meetings shall be subject to the Open Meetings Act. **(Page 15)**

Open meetings shall be broadcast to the public and maintained in real time on the Board's website. Minutes must be published on the website as well. **(Page 15)**

There shall be a Citizen Advisory Board consisting of 5-15 members appointed by the Board. The Citizen Advisory Board shall meet at least quarterly and advise the Board of the impact of its policies and programs. **(Page 15)**

The Board shall establish a Transition Committee of the Board to manage the transitions required under the legislation. Members of the Committee may receive additional compensation. **(Page 18)**

The Board is required to implement the following activities within specified timetables:

- Fill all seats on the Board, select a Chair and appoint a Transition Committee no later than one year following the effective date of the legislation. **(Page 19)**
- The Integration Management Office shall be fully organized and operating no later than 2 years following the effective date of the legislation. **(Page 19)**
- Selection of a permanent CEO no later than 3 years following the effective date of the legislation. **(Page 19)**
- Transfer of all functions and responsibilities to the Authority no later than 4 years following the effective date of the legislation. **(Page 19)**

The following actions are required immediately upon the effective date of the legislation:

- The Chicago Transit Authority (CTA), Commuter Rail Division and Suburban Bus Division of the Regional Transportation Authority (RTA) and the RTA are consolidated into the Authority and the Service Boards are abolished. **(Page 20)**
- The Authority shall succeed to all the rights, assets, franchises, contracts, property and interests of the consolidated entities. **(Page 20)**
- Previous lawful actions of the consolidated entities shall remain valid and binding upon the Authority. **(Page 20)**
- All fines, penalties and forfeitures incurred or imposed for the violation of any ordinance of a consolidated entity shall be enforced or collected by the Authority. **(Page 20)**
- Title to and possession of land, property and funds shall be vested in the Authority **(Page 21)**
- All papers, records, books, documents, property, real and personal, pending business and monies in the prior director's, officer's or employee's possession shall be turned over to the Authority. **(Page 21)**
- The consolidated entities shall cease to exist and the term of office of each director and officer of those entities shall terminate, except the directors of the RTA who shall serve as temporary Directors of the Authority until their successors are appointed. **(Page 21)**

All employees of the consolidated entities become employees of the Authority and all applicable collective bargaining, pension credits and obligations, sick leave, vacation, insurance and other agreements remain applicable. **(Page 22)**

No later than one year following the effective date of the legislation, the Authority shall enter into written employment agreements with at least the 5 most senior staff executives or officers of the Authority and shall implement a performance-based compensation system. **(Pages 86-87)**

## **Powers of the Authority**

*Pages 24-83*

The following powers are vested in the Authority:

- Adopt plans that implement coordinated transportation throughout the metropolitan region. **(Page 24)**
- Develop service standards and performance measures and use the standards to determine what public transportation services should be offered. **(Pages 24-25)**
- Budget and allocate operating and capital funds. **(Page 25)**
- Coordinate public transportation and investment in public transportation throughout the region. **(Page 25)**
- Operate the transportation system. **(Page 25)**
- Plan, procure and operate an integrated fare collection system. **(Page 25)**
- Conduct operations, service and capital planning. **(Page 25)**
- Provide design and construction oversight of capital projects. **(Page 25)**

- Procure goods and services to fulfill responsibilities. **(Page 25)**
- Develop or participate in residential and commercial development on and in the vicinity of public transportation stations and routes to facilitate transit-supportive land uses, increase ridership, generate revenue and improve access to jobs. **(Pages 25-26)**
- Take all other necessary and reasonable steps to provide public transportation in the region. **(Page 26)**

Several additional general powers are included in the legislation. They are as follows:

- To sue and be sued. **(Page 26)**
- To invest fund in accordance with the Public Funds Investment Act. **(Page 26)**
- To make, amend and repeal by-laws, rules and ordinances consistent with the legislation. **(Page 26)**
- To borrow money and issue negotiable bonds or notes. **(Page 26)**
- To hold, sell, sell by installment contract, lease or lessor, transfer or dispose of real or personal property as appropriate. **(Page 26)**
- To enter lands, waters or premises that may be necessary, convenient or desirable for making surveys, soundings, borings and examinations after providing reasonable notice. **(Pages 26-27)**
- To procure goods and services necessary to perform responsibilities. **(Page 27)**
- To make and execute all contracts and other instruments to exercise powers. **(Page 27)**
- To enter into contracts of group insurance for employees, to provide for retirement or pensions or other employee benefit arrangement and to assume obligations for pensions or other benefit arrangements for employees. **(Page 27)**
- To provide for the insurance of any property, directors, officers, employees or operations of the Authority against risk or hazard and to self-insure or participate in joint self-insurance pools or entities to insure against risk or hazard. **(Page 27)**
- To appear before the Illinois Commerce Commission (ICC) in all proceedings concerning the Authority or any transportation agency. **(Page 27)**
- To pass all ordinances and make all rules and regulations to regulate the use, operation and maintenance of its property and facilities and those of its Operating Divisions and, by ordinance, to prescribe fines and penalties for ordinance violations. **(Page 28)**
- To enter into arbitration arrangements. **(Page 28)**
- To provide funding and other support for projects in the metropolitan region under the Equitable Transit-Supportive Development Act. **(Page 28)**

The legislation authorizes the Authority to purchase existing transit services. **(Pages 28-30)**

The legislation requires the Authority to develop plans for ADA paratransit services and fund those services. “ADA paratransit services” are defined. **(Pages 30-34)**

The Authority shall set fares and charges for public transportation services in the region and determine the nature and standards of public transportation for the region. **(Page 34)**

The Authority shall assess the need to make fare adjustments at least every two years. **(Page 35)**

No later than two years following the effective date of the legislation, the Authority must implement an income-based reduced fare program and fare capping for individual services and across public transportation providers. **(Page 35)**

The legislation includes a section providing that, by ordinance, the Authority may use streets and roads for the provision of public transit. This usage is without franchise, charge, permit or license and includes any public road, street, way, highway, bridge and toll bridge. **(Page 36)**

The Authority shall accelerate the implementation of bus rapid transit services using the expressway, tollway and other roadway systems in the region. **(Page 37)**

The legislation includes language requiring the Authority and the Illinois Department of Transportation (IDOT) to coordinate and jointly develop and publish on their mutual websites' guidelines, timetables and best practices for advancing highway designs and operations on highways under IDOT's jurisdiction in the metropolitan region. **(Pages 37-38)**

The Authority is granted the power of eminent domain over private and public property. **(Pages 38-40)**

The Authority may acquire any public transportation facility for its use or for use by a transportation agency, including any equipment and obligations of the facility. **(Pages 40-42)**

The Board shall adopt rules to ensure that any acquisition by the Authority of services or public transportation facilities, other than real estate, involving a cost of more than the small purchase threshold set by the Federal Transit Administration (FTA) shall be after public notice and public bidding. **(Pages 42-47)**

The legislation specifies limitations on Authority powers. The Authority shall not:

- 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. **(Page 47)**
- Obtain by eminent domain any interest in a right of way or any other real property of a railroad that is not a public body and access of the interest to be used for public transportation as provided in the legislation. **(Page 47)**
- Prohibit the operation of public transportation by a private carrier that does not receive a grant or purchase of service agreement from the Authority. **(Pages 47-48)**

The Authority shall establish and maintain a disadvantaged business enterprise contracting program. **(Pages 59-61)**

The legislation includes a section requiring the Authority to engage in research and development projects to improve public transportation. **(Page 61-62)**

The legislation includes provisions requiring efforts to minimize environmental disruption and pollution arising from its activities. **(Pages 62-63)**

The Authority is authorized to acquire, construct, operate and maintain on-road and off-road bikeways, bike lanes and trains that connect people to public transportation facilities and services **(Page 63)**

Some funds available to the Authority must be used to incorporate technologies advancing clean or green energy and alternative fuels. **(Pages 63-64)**

The legislation permits the authority to establish a City-Suburban Mobility Innovations Program. Moneys collected for this purpose can be used for operating or capital grants or loans to transportation agencies or units of local government for the following purposes:

- Providing transit services that enhance local mobility including, but not limited to, demand-responsive transit services, ridesharing, van pooling, micromobility and mobility hubs, and first-mile and last-mile services. **(Pages 65-66)**
- Enhancing safe access to fixed route transit services for bicyclists and pedestrians through improvements to sidewalks and path networks bicycle lanes crosswalks lighting and other improvements. **(Page 66)**
- Offering workforce development and training that provides a pathway for careers and public transportation in the metropolitan region testing new technologies features and enhancements to the transit system to determine their value and readiness for broader adoption. **(Page 66)**

The Authority may establish a Transit Supportive Development Incentive Program. This program can be used for operating or capital grants or loans to transportation agencies or units of local government for the following purposes:

Investment in transit-supportive residential and commercial development including developments on or in the vicinity of property owned by the Authority, an Operating Division or a transportation agency. **(Page 68)**

Grants to local governments to help cover the cost of drafting and implementing land use parking and other laws intended to encourage transit supportive residential and commercial development. **(Page 68)**

Providing resources for increased public transportation service in and around transit supportive residential and commercial developments especially newly created transit supportive developments. **(Page 68)**

The Authority shall coordinate with planning agencies charged with responsibility for long-range or comprehensive planning for the metropolitan region. The Authority shall use the forecasts and plans of the Chicago Metropolitan Agency for Planning in developing the Strategic Plan, Five-Year Capital Program and Service Standards. **(Pages 69-70)**

Authorizes the Authority to establish an Authority police force to aid, coordinate and supplement other police forces in protecting persons and property and reducing the threats of crime. **(Page 71-72)**



Allows the authority to cooperate with local governments and law enforcement agencies in the region on the enforcement of laws designed to protect public transportation operations. **(Pages 73-75)**

The legislation includes a section allowing for the suspension of riding privileges and confiscation of fare media. **(Pages 75-79)**

The Authority shall continue the Domestic Violence and Sexual Assault Regional Transit Authority Public Transportation Assistance Program. **(Pages 79-81)**

Requires the Authority to establish, enforce and facilitate achievement and maintenance of standards of safety with respect to public transportation provided by the Authority or transportation agencies pursuant to purchase of service or grant agreements. **(Pages 81-83)**

Subjects the Authority to the Local Government Prompt Payment Act for purchases made pursuant to the legislation. **(Page 83)**

### **Accountability Provisions**

#### ***Pages 83-116***

The legislation includes a revolving door prohibition preventing Directors, Citizen Advisory Board members, former Directors or former Citizen Advisory Board members from certain business activities during or within one year immediately after the end of their term. **(Pages 87-88)**

The Authority must implement its responsibilities in the following 5 public documents adopted by its Directors: **(Page 88)**

- Strategic Plan **(Pages 88-94)**
- Five-Year Capital Program **(Pages 95-96)**
- Annual Capital Improvement Plan **(Pages 96-99)**
- Service Standards **(Pages 99-103)**
- Annual Budget and Two-Year Financial Plan **(Pages 103-107)**

Subjects the Authority and transportation agencies to the jurisdiction of the Governor's Executive Inspector General. **(Pages 107-108)**

Establishes the conduct of performance audits of the Authority and transportation agencies by the Auditor General. **(Pages 108-110)**

Requires the Authority to maintain a website known as the Greater Chicago Mass Transit Transparency and Accountability Portal and the Authority must compile and update the database with information received by the Authority. **(Pages 110-112)**

Within 6 months after the end of each fiscal year, the Board must prepare a complete and detailed report of the audit of the Authority and review the state of the Authority and of the public transportation provided by transportation agencies. **(Pages 112-113)**

Includes an opt-out provision whereby the county boards of DuPage, Kane, Lake, McHenry or Will Counties may by ordinance elect to terminate the powers of the Authority in that county. Approved ordinances would trigger a referendum to seek approval of the voters of the county. **(Pages 113-114)**

The powers terminated following a successful opt-out by a county exclude those powers and functions that the Authority determines to be necessary to exercise regarding the following **(Page 114)**.

- Public transportation by commuter rail and related public transportation facilities.
- Public transportation other than by commuter rail that is required to comply with federal or State laws and regulations and related public transportation facilities.
- Public transportation other than by commuter rail provided by the Authority pursuant to contract with the county or other governmental entity within the county and related public transportation facilities.

Following a successful opt-out, the legislation includes the obligations and responsibilities that must be assumed by the county. **(Pages 114-115)**

The legislation includes language specifying what happens with the proceeds of taxes imposed by the Authority collected within a county that opted-out. The taxes shall be used by the Authority to support commuter rail services attributable to that county. Additional proceeds more than what is necessary to support such services shall be paid by the Authority to the county to be expended for public transportation purposes. **(Page 116)**

## **Finances**

### ***Pages 116-171***

The Authority may apply for, receive and expend grants, loans or other funds from the State of Illinois or a department or agency thereof, from any unit of local government or from the federal government or a department or agency thereof for use in connection with any of the powers or purposes of the Authority. **(Page 116-118)**

The Authority is permitted to impose taxes by ordinance that are applicable throughout the metropolitan region. The legislation identifies these taxes. **(Pages 118-140)**

The legislation includes a Section concerning the distribution of revenues collected from taxation or received from various sources. **(Page 140-142)**

The Authority is permitted to borrow money and to issue its negotiable bonds or notes as provided within the legislation. **(Page 142-157)**

The Authority is exempt from all State and local government taxes and registration and license fees other than as required for motor vehicle registration in accordance with the Illinois Vehicle Code. **(Page 157)**

The legislation includes financial transfer requirements whereby the state deposits monies into the Public Transportation Fund and Metropolitan Mobility Authority Occupation and Use Tax Replacement Fund based upon the collection of various taxes. **(Pages 157-168)**

The legislation provides for a Strategic Capital Improvement Program to enhance the ability of the Authority to acquire, repair or replace public transportation facilities in the metropolitan region that shall be financed through the issuance of bonds or notes. **(Page 168)**

The Authority is permitted to enter into rate protection contracts in connection with or incidental to the issuance by the Authority of its bonds or notes. **(Pages 169-170)**

Creates a Metropolitan Mobility Authority Additional Operating Fund for the deposit of moneys to be expended for any purpose authorized by the Metropolitan Mobility Authority Act. **(Page 170)**

### **Office of Transit-Oriented Development**

*Pages 171-176*

Creates the Office of Transit-Oriented Development to achieve the following objectives:

- Strengthen connections among people, places and transit. **(Page 171)**
- Establish a virtuous cycle of increasing residential units and employment near transit that supports increased transit service. **(Page 171)**
- Support increased housing opportunities and other infill development in transit-served locations. **(Page 171)**
- Enhance the resilience of Illinois' transit assets and leverage the value of transit to property owners and tenants. **(Page 171)**
- Increase transit availability and ridership to achieve quality of life, economic development and sustainability objectives. **(Page 171)**

Requires the metropolitan planning organization for each municipality seeking eligibility for assistance by the Office to develop standards for transit support overlay districts for that urban area. **(Pages 174-175)**

Requires the Office to submit a report to the General Assembly no later than two years after the effective date of the legislation that includes a comprehensive study of State programs for affordable housing, economic development and other capital investments to determine how the criteria for investment under those programs can be aligned to support transit and transit-oriented development. **(Page 176)**