ORDINANCE NO. 020-108

AN ORDINANCE APPROVING THE FISCAL YEARS 2021-2025 CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZING THE FILING AND EXECUTION OF GRANT AND COOPERATIVE AGREEMENTS AND AMENDMENTS AND RELATED MATERIALS

WHEREAS, The Federal Transit Administration (“FTA”), an operating administration of the United States Department of Transportation (“USDOT”), is authorized to provide grants for transit improvement projects under Chapter 53 of title 49, as amended by the FAST Act, U.S.C. sections 5307, 5337, 5309(m)(2)(A), 5339 and 5340, and under 23 U.S.C. sections 117, 133, 142 and 149, and other federal statutes; and

WHEREAS, The FTA has been delegated authority to award federal financial assistance for transportation projects; and

WHEREAS, The Chicago Transit Authority (“Authority”) is or will be a Designated Recipient under 49 U.S.C. Section 5307(a) (2); and

WHEREAS, The Chicago Metropolitan Agency for Planning (“CMAP”) as the designated Metropolitan Planning Organization (MPO) for the Northeastern Illinois Region has approved the following projects in the five-year program: Surface Transportation funds of $13.9 million to provide for Austin Green Line Rail Station Accessibility Improvements, Congestion Mitigation and Air Quality (CMAQ) funds of $39.1 million for the purchase of electric buses and charging infrastructure, and $16.9 million for the implementation of bus priority treatments targeting high-ridership corridors; and

WHEREAS, CMAP has evaluated the anticipated regional Unified Work Program (UWP) funding levels and awarded Federal 5303 UWP funds totaling $420,000.00 to the Authority for capital program development activities to incorporate Authority capital projects in the regional and state Transportation Improvement Plans; and

WHEREAS, The United States Department of Homeland Security, which administers federal financial assistance for measures that enhance transit security, is prepared to make grant funds available to the Authority under the Transit Security Grant Program (TSGP) for capital projects; and
WHEREAS, The grants or cooperative agreements for federal financial assistance will impose certain obligations upon the Authority, and may require the Authority to provide the non-federal share of the projects; and

WHEREAS, The Regional Transportation Authority ("RTA") is authorized to make grants for constructing or acquiring transportation facilities under Section 2.02 of the Regional Transportation Authority Act; and

WHEREAS, In June 2019, the State of Illinois capital construction program known as "Rebuild Illinois" was enacted into law. The State bond program is authorized for over a six-year period where the Authority's share of this program totals to $1.24 billion of which $413.5 million is programmed in the FY 2021-2025 plan and the remainder of $825.4 million was previously programmed in FY 2020; and

WHEREAS, The Rebuild Illinois program also accounts for the 2019 increase in the State’s Motor Fuel Tax (MFT) of $0.19 per gallon. The MFT increase is dedicated to funding state transit projects. The Chicago RTA region’s first allocation is $227 million and this is for a dedicated recurring source of funds. The Authority’s share of estimated annual proceeds is $142 million. Each year’s MFT’s total allocation will be adjusted based on the inflation indices. The RTA region total will be distributed based on the following shares for CTA (62.5%), Metra (32.5%), and Pace (5.0%); and

WHEREAS, RTA has proposed that future regional capital program specifically regional FTA and State MFT funds beginning in FY 2025 are to be distributed to the Service Boards including the Authority on a performance-based capital program initiative where specific criteria are yet to be determined. For now FY 2025 funds are set aside to RTA as a regional total and are not shown in the Authority’s five-year Capital Improvement Program (the "Program"); and

WHEREAS, The Illinois Department of Transportation ("IDOT") Office of Planning and Programming has awarded to the Authority $220,000.00 of Illinois State Planning and Research Funds - Long Range Transportation Plan (LRTP). The LRTP's objective is to provide strategic direction for the development of the Illinois transportation system. The funds will provide for the second year of funding for the Bus Priority Zone Study, and the Transit System Network Design Study; and

WHEREAS, The Authority has provided, or will provide to the FTA, USDOT, IDOT, and RTA all annual certifications and assurances required for the projects; and
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WHEREAS, The City of Chicago ("City") Municipal Code 3-46-030(A) empowers the City to impose a Ground Transportation Tax (GTT) on all persons engaged in the occupation of providing ground transportation vehicles for use in the City; and

WHEREAS, The Authority proposes to issue municipal bonds expected to generate $179 million in project funds to provide for capital improvements to tracks and to traction power, and to modernize and secure stations. This bond issuance is to be supported by the City of Chicago Ground Transportation Tax; and

WHEREAS, The Metropolitan Transit Authority Act, 70 ILCS 3605/12, empowers the Authority to issue bonds to finance capital projects, the FY 2021-2025 CIP includes receipt of approximately $447.6 million in proceeds available to pay project costs from Authority capital bonds, and funds are aligned to reflect anticipated Authority bond needs; now, therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. The Fiscal Year 2021-2025 CIP is hereby approved.

SECTION 2. The Board Chair of the Chicago Transit Board or the Vice Chair in the absence of a Board Chair, the President of the Chicago Transit Authority, or their designee is authorized to execute and file applications on behalf of the Authority for financial assistance from any federal, state, or local agency or government, including but not limited to the Federal Transit Administration, the Illinois Department of Transportation, and the Regional Transportation Authority, to aid in financing the capital and planning projects included in the 2021-2025 elements of the Capital Improvement Program in an amount not to exceed $995,282,484.00 (FY 2021 funds) and to amend grants approved under prior years’ programs, pursuant to Title 49 of the U.S. Code, Chapter 53, Title 23 of the U.S. Code, and 70 ILCS 3615, 20 ILCS 2705 and 30 ILCS 330 et seq.

SECTION 3. The Board Chair or Vice Chair in the absence of a Board Chair, the President, or their designee is authorized to execute and file the annual certifications and assurances and such other documents as are required by any federal, state, or local agency or government, including but not limited to the Federal Transit Administration, Illinois Department of Transportation, or Regional Transportation Authority.
SECTION 4. The Board Chair or Vice Chair in the absence of a Board Chair, the President, or their designee is authorized to execute grant and cooperative agreements and amendments and any subsequent amendments thereto that do not increase the aggregate amount of the Program or substantially change the Program.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

APPROVED: ____________________________  PASSED: ____________________________

Vice Chair                        Assistant Secretary
November 18, 2020               November 18, 2020