

ORDINANCE NO. 021-119

AN ORDINANCE APPROVING THE  
FISCAL YEARS 2022-2026 CAPITAL  
IMPROVEMENT PROGRAM AND  
AUTHORIZING THE FILING AND  
EXECUTION OF GRANT AND  
COOPERATIVE AGREEMENTS AND  
AMENDMENTS AND RELATED  
MATERIALS

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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 funding from federal programs for the following projects in the Authority’s five-year capital program: Congestion Mitigation and Air Quality (CMAQ) funds of \$67.8 million for the purchase of electric buses and charging infrastructure, \$30 million for the Red Line Extension (RLE) project, \$15.3 million for the implementation of bus priority treatments targeting high-ridership corridors, and Surface Transportation funds of \$13.9 million to provide for Austin Green Line Rail Station accessibility improvements; and

WHEREAS, CMAP has evaluated the anticipated regional Unified Work Program (UWP) funding levels and awarded Federal Section 5303 planning funds totaling \$420,000 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

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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, RTA has implemented a new methodology to allocate regional capital funding, and specifically for FTA formula and State Motor Fuel Tax (MFT) funds. Beginning in FY 2025, the RTA region's total funding is to be distributed to each of the Service Boards including the Authority on the basis of the 2016 RTA Asset Condition Assessment where each agency's share of the total need for the region to reach a State of Good Repair (SOGR) was as follows: the Authority (59.7%), Metra (32.8%), and Pace (7.5%). Additionally, starting in FY 2026 performance-based capital program criteria will be applied where Service Boards will be elevated based on annual average age of outstanding (unexpended) capital grant funds and the percentages of funds spent in the current year; and

WHEREAS, The State Capital construction program known as Rebuild Illinois provides an annual recurring funding source to fund SOGR projects and meet deferred capital maintenance needs for transit agencies. Proceed are generated from a 2019 increase in the State's Motor Fuel Tax of \$0.19 per gallon; 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

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's GTT and/or Authority revenues; and

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WHEREAS, The Metropolitan Transit Authority Act, 70 ILCS 3605/12, empowers the Authority to issue bonds to finance capital projects, the FY 2022-2026 CIP includes receipt of approximately \$557.6 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 2022-2026 CIP is hereby approved.

SECTION 2. The Chairman of the Chicago Transit Board, the President of the Chicago Transit Authority, or their designees, are 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 2022-2026 elements of the Capital Improvement Program ("Program") in an amount not to exceed \$1,076,292,833 (FY 2022 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 Chairman, President, or their designees are 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 Chairman, the President, or their designees are 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:

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Chairman

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Assistant Secretary

November 17, 2021

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