

RESOLUTION

R 112 00

A RESOLUTION AUTHORIZING APPLICATION
FOR A MASS TRANSPORTATION CAPITAL ASSISTANCE GRANT
UNDER THE ILLINOIS DEPARTMENT OF TRANSPORTATION'S GENERAL
AUTHORITY TO MAKE SUCH GRANTS

WHEREAS, the provision and improvement of mass transportation facilities is essential to the development of a safe, efficient, functional mass transportation system; and

WHEREAS, the Illinois Department of Transportation's authority to make Grants for the aforementioned purposes makes funds available to offset certain capital costs of providing and improving mass transportation facilities; and

WHEREAS, Grants for said funds will impose certain obligations upon the recipient.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That an application be made to the Division of Public Transportation, Department of Transportation, State of Illinois, for a financial assistance Grant under the Illinois Department of Transportation's general authority to make such Grants, for the purpose of off-setting certain mass transportation facility capital costs of the Village of Lombard.

SECTION 2: That David Hulseberg, Community Development Director for the Village of Lombard, is hereby authorized and directed to execute and file on behalf of the Village of Lombard such application.

SECTION 3: That David Hulseberg, Community Development Director for the Village of Lombard is authorized to furnish such additional information as may be required by the Division of Public Transportation in connection with the aforesaid application for said Grant.

Adopted this 16th day of March, 2000.

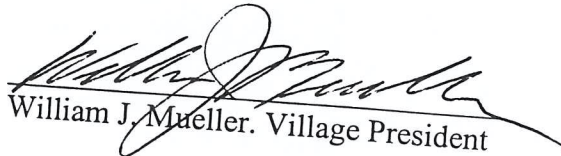
Ayes: Trustees Borgatell, Tross, Schaffer, Florey and Kufrin

Nays: None

Absent: Trustee Sebbly

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Approved this 16th, day of March, 2000.


William J. Mueller, Village President

ATTEST:


Lorraine G. Gerhardt, Village Clerk

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ILLINOIS DEPARTMENT OF TRANSPORTATION

**ILLINOIS FIRST
OPERATION GREENLIGHT TRANSIT PROGRAM**

**CAPITAL ASSISTANCE
APPLICATION**

November 1999

INTRODUCTION

Statutory Authority

Under provisions in the Civil Administrative Code of Illinois [20 ILCS 2705/49 et seq.], the Illinois Department of Transportation is authorized to make grants to municipalities, mass transit districts, and mass transit carriers for the improvement of mass transportation facilities. In 1989, the Illinois General Assembly passed legislation which specifically authorized the Department to let contracts for mass transportation projects for the purpose of reducing urban congestion. In order to implement the provisions of this new legislation, the Department established the Operation GreenLight Transit Program. In 1999 the State of Illinois passed the Illinois FIRST infrastructure funding program, which included a re-appropriation of the Operation GreenLight Transit Program. Responsibility for implementation and administration of this program rests with the Division of Public Transportation. Total funding is estimated to be \$37,500,000 over a period of five years for capital improvement projects throughout the suburbs of northeast Illinois.

Project Eligibility

Grants are made for projects that retain, upgrade, or expand existing mass transportation facilities or provide new facilities in connection with expansion of service. Local share is not required. In some instances however, Operation GreenLight funding may constitute only a portion of total project costs based on a determination of transit benefit, delineation of a specific scope of work, or an allocated portion of total cost. Land acquisition, design engineering, and construction are eligible activities. Not eligible are fare subsidies, operating expenses, routine maintenance and service, administrative expenses, planning studies, and any other costs which are of a non-capital nature. Costs or obligations incurred prior to grant approval are ineligible for reimbursement unless specifically authorized in writing by the Department.

Consistent with legislative intent for Operation GreenLight, the Department specifically seeks and places the highest priority on projects which achieve the following objectives: 1) enhance or expand transit operations; 2) improve pedestrian, bicycle, and vehicle access at transit facilities; or 3) reduce pedestrian, bus, rail and auto conflicts within transit facilities. The following table shows typical project types envisioned for the Operation GreenLight Transit Program.

- Bus passenger facility improvements (passenger shelters, turnouts, bus staging areas, by-pass lanes)
- Multi-modal facility access improvements (traffic flow reconfiguration within a transit facility, access roads to a transit facility, and dedicated pedestrian & bicycle facilities)
- Commuter parking facilities
- Transit facility improvements (rehabilitation or expansion of an existing facility)
- System expansion (new rail or bus transit facilities for existing or new services)

Application Processing

Required application items are listed on the attached checklist. Upon receipt of an application, the Department will issue a letter of acknowledgment. In the acknowledgment, the applicant will be advised of any missing or supplemental information required with respect to checklist items, or other supporting documentation. Acknowledgment of the application is an assurance that the Department will review the application; it does not obligate the Department to approve a project. However, the Department considers the application as representing the applicant's intent to undertake the proposed project promptly if approved.

In the course of its review and evaluation of an application, the Department may require the applicant to submit additional information in support of the proposed project. When the Department is satisfied that all information necessary for evaluation of the application has been submitted, a final review will be undertaken. Projects will be judged on the basis of consistency with, and achievement of program goals and objectives, mass transportation system needs, regional impact, and funding availability.

Once review of the application is complete, the applicant will be notified of its acceptance or rejection. If accepted, the Department will prepare an approval recommendation for the Secretary of Transportation. Upon approval by the Secretary and the Office of the Governor, the Department will process grant contracts for execution by the applicant and the Department.

Application for Operation GreenLight Capital Assistance Grant

Checklist

Instructions for this application are contained in Appendix F.

Below is a checklist provided to assist preparers of applications in meeting all of the requirements of the application process. All items are required unless otherwise indicated. **Include this checklist with the application submittal** (indicate by cover letter items which are pending).

Check List **Key:** √ Item Enclosed n/a Not Applicable

- √ 1. Completed Application Form
- n/a 2. Public Notice (Appendix A and B)
- n/a 3. Historic Preservation (Appendix C)
- n/a 4. Opinion of Counsel (Appendix D)
- n/a 5. Applicant's Governing Board Resolution (Appendix E)

Note 1: IDOT may require the submittal of information in addition to that contained in this application.

Note 2: If awarded Operation GreenLight funds, project sponsors will be responsible for project operation and maintenance after completion of construction.

Note 3: Please submit one original and one copy of this application to:

Suburban Grants Program Coordinator
Illinois Department of Transportation
Division of Public Transportation
310 South Michigan Avenue Room 1608
Chicago, Illinois 60604

Note 4: Applications are due on or before January 14, 2000.

I. Project Description

A. Please supply below a detailed scope of work. Provide additional pages if necessary.

The Village of Lombard is proposing the leasing of the Lombard Metra station from Union Pacific with the planned installation of two handicapped restrooms and two folding metal gates. The two restrooms will enable the current 1,285 current daily Metra passengers to commute more comfortably and may encourage other area residents to use the services provided by the rail line. The proposed instillation of two folding metal gates will also help to create a more pleasant atmosphere for Metra riders using the Lombard station by restricting after hours access to areas of the station that are currently in a state of disrepair do to the presence of scattered debris and, among other waste, the strong smell of urine.

You **must** include with this application a site or concept plan that clearly and accurately represents your project. Photographs, aerial photographs and other illustrations also may help reviewers understand your project.

B. If the proposed Operation GreenLight project is part of larger project, please describe its relationship to the larger project.

Not Applicable

C. Can the Operation GreenLight portion of the project function on stand-alone basis?

Yes

D. Are there any other proposed infrastructure improvements, by you or any local government, located in the vicinity of this project? If yes, please describe.

No/ Not Applicable

E. Please complete Table One. Include a map that clearly distinguishes each parcel if land acquisition or an easement is necessary for project implementation.

Table One Land for Project Site			
Parcel Boundaries	Current Owner	*Status	Current Land Use
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>

Not Applicable		Applicable	
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* For status, enter one of the following:

AFS = Land must be **acquired and is for sale**

ANS = Land must be **acquired and** currently is **not for sale** or lease

AL = Land is **available for lease only**

EPRI = Easement required for access to privately owned land

EPUB = Easement required for access to publicly owned land

NA = Project sponsor is owner

F. TRANSIT TRAVEL GENERATORS:

Potential transit generators in the vicinity of the project, such as those shown below, should be reviewed and recorded. Note below the types of generators within 1 mile of the project or project corridor. Attach a map of this area with these generators generally shown. Sections of municipal zoning or land use maps are acceptable, as well as photocopies of aerial photos.

Generators	Yes	No	Generators	Yes	No
residential areas	X	O	Shopping centers	X	O
parks	X	O	hospitals	O	X
recreation areas	X	O	employment centers	O	X
transit facilities	X	O	government offices	O	X
schools	X	O	local businesses	X	O
libraries	X	O	industrial plants	O	X
existing bicycle trails	X	O	museums/landmarks	X	O
planned bicycle trails	O	X	other ()	O	X

G. How many cars or individual commuters do you estimate will use the improvement annually? Include the data and methodology you used to arrive at your answer. (Assume 250 days of public transportation use per year.)

Estimates of commuters are at 1,285 passangers daily or 321,250 per 250 day year.

H. How many cars or individual commuters do you estimate will use the improvement annually for reasons other than transit? Include the data and methodology you used to arrive at your answer. (Assume 250 days of public transportation use per year.)

Estimates of other uses of the station include 20 "Cruise Nights" with an average expected attendance of 600 per night and 10 other downtown events with an average expected attendance of 600 per night. This brings the total yearly attendance for all events to 1,800 people.

II. Project Justification

A. Please describe all transit problem(s) that your project will solve and how it will do so. Appropriate answers will address the operation, design, capacity and/or other aspects of the facility currently and with the proposed improvement.

Problem One: This building currently does not have restroom facilities available to patrons.
Solution: Install two handicapped restrooms in the west side of the building (currently the “warming room”). This would service the entire estimated 339,250 annual visitors to the building. Problem Two:
Fecal matter, the strong smell of urine, and scattered debris was noted in the station area by the Village of Lombard. Solution: Install two folding steel gates. The first will be located on the lower level of McGuire Drive (North side) and the second will be located on the upper level on the tracked side of the building (South side). This would prevent after hours entrance to the location, thus hindering vandalism and damage to the site.

B. Does this project reduce conflicts among modes within the transit facility? If so, please explain.
Through the use of the two folding metal gates, this project will have the minor improvement of reducing bicycle traffic in and around the station by limiting after hours access to the building.

C. Does this project introduce innovations or use current technology in an innovative manner? If so, please explain.
No/Not Applicable

D. Are there any documented safety conditions which will be alleviated by implementing the proposed project? If yes, please explain and include supporting documentation with the application.
No.

E. Will the project provide transit where none previously existed or where you believe latent demand exists? If yes, please explain how each mode (bus, bicycle, pedestrian, and automobile) will be affected.
No/Not Applicable

F. If the project is necessary to meet anticipated or latent demand, provide supporting data below. Attach additional pages if necessary.
No/Not Applicable

III. Project Readiness

A. Do you have any indication of popular public support for or opposition to the project? If so, document your answer.
This project has a great deal of public support. Currently, the closest handicap equipped bathroom is approximately 350 feet away, and requires going down scissor ramps and across three streets (only two have signals). Additionally, the Village of Lombard has already received some 15 complaints on the poor

conditions (lack of restrooms, smell, litter, etc.) of the station and the platform. A petition is currently being circulated.

B. Does this project impact a Metra or Pace facility or require the involvement of either agency?
Yes. This project impacts both Metra and Pace.

C. Have Metra and/or Pace representatives been contacted regarding the proposed improvement? If yes, is the proposed scope of work consistent with their plans? Include any supporting correspondence with the application.

Metra and Pace have been contacted on this issue. The Village of Lombard is currently awaiting a letter of approval from both.

D. Are there any other agencies or parties that may be affected by this project? If yes, please explain and include supporting documentation with the application.

No.

E. ENVIRONMENTAL CONCERNS:

Please identify any environmental conditions that may be impacted by the proposed improvement.

a) wetlands:	yes ___	no <u>X</u>	d) stream crossings:	yes ___	no <u>X</u>
b) historic resources:	yes ___	no <u>X</u>	e) IDNR/ACOE permit:	yes ___	no <u>X</u>
c) contaminated soil:	yes ___	no <u>X</u>	f) public parks:	yes ___	no <u>X</u>
g) quality vegetation:	yes ___	no <u>X</u>			

F. If any answer to the above questions is "yes" please describe how the design process will take this issue into consideration.

No/Not Applicable

G. What level of engineering has been completed for the project?

AIA on staff has reviewed project and submitted projected construction costs.

H. When will the construction plans be ready?

Final plans will be ready one month from approval.

IV. Project Budget:

- A. What is the proposed project budget, implementation schedule, and cost participation? Show line items with estimated costs by type of activity. Include, as appropriate, land acquisition, demolition, material purchases, design engineering, construction, construction management and inspection. Please add a 10% contingency line item. See Appendix F for additional information regarding project budget breakdown.

Project Elements and Funding Request:

Activity	Description	Amount
Material _____	Upper Gate _____	\$ 2,700 ____
Construction _____	Upper Gate _____	\$ 1,350 ____
Material _____	Lower Gate _____	\$ 2,700 ____
Construction _____	Lower Gate _____	\$ 1,350 ____
Material _____	2 Handicaped Equipted Restrooms ____	\$ 35,000 ____
Construction _____	2 Handicaped Equipted Restrooms ____	\$ 30,000 ____
Contingency _____	_____	\$ 7,310 ____
	TOTAL	\$ 80,410 ____

Implementation Schedule (State Fiscal Year begins July 1):

State Fiscal Quarter	Major Activity Initiated	Amount	% of Total
July 1, 2000 _____	Gates Installation _____	\$ 8,100 ____	10.07 % ____
July 1, 2000 _____	Restroom Installation ____	\$ 65,000 ____	80.84 % ____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Non-Participating Costs:

Source (identify)	Activity	Amount
Federal _____	_____	_____
State _____	_____	_____
Applicant _____	_____	_____
Other _____	_____	_____
Other _____	_____	_____

Appendix A: Notice of Opportunity for Public Hearing (Sample Language)

NOTICE
Opportunity for Public Hearing
On Proposed (*Name of Project*)

Notice is hereby given that an opportunity for a public hearing is being offered to all persons interested in the proposed improvement of (*Facility Name*) in (*Name of County*) County.

The proposed improvement will consist of (*Brief Description of the Project Including Nature, Size, Location and Limits*).

Maps, sketches, environmental studies and other information pertinent to the location and design of the improvement are available for inspection, review, and copying at the office of the (*Local Agency Department or Official*). Comments on the project information should be received by the (*Name and Designation of Local Agency Official*) at the address given below on or before (*Mo./Day/Yr.*).

Any individual, group, business, or public agency may request that a public hearing be held regarding this improvement by submitting a written request to (*Name and Designation of Local Agency Official*) at the address given below on or before (*Mo./Day/Yr.*).

However, all interested persons desiring more information are encouraged to contact the (*Designation of Local Agency Official*) by telephone (*Phone No.*) before requesting a public hearing.

(*Name, Designation and Address*)
(*of the Local Agency Official*)

Appendix B: Public Hearing Notice (Sample Language)

Notice of Public Hearing

(Name of Applicant)

RE: Capital Assistance Grant, Illinois Operation GreenLight Transit Program for Improvements to *(Description and Location of Project Facilities)*

I. Notice is hereby given that a public hearing will be held by the *(Name of Applicant)*.

Date:

Time:

Room:

Place:

For the purpose of considering a project for which financial assistance is being sought from the Illinois Department of Transportation, pursuant to their Operation GreenLight Transit Program. The project is generally described as follows:

- A. Project Description: *(Brief Description of the Project Including Nature, Size, Location and Limits)*.
- B. Relocation: Relocation Assistance will not be required.
- C. Environment: This project is being implemented to minimize environmental impacts.
- D. Comprehensive Planning: This project is in conformance with comprehensive transportation planning in the area.
- E. Elderly and Handicapped: All new facilities included in this project will be accessible to the elderly and handicapped.

II. At the hearing, the *(Name of Applicant)* will afford an opportunity for interested persons or agencies to be heard with respect to the social, economic, and environmental aspects of the project. Interested persons may submit orally or in writing evidence and recommendations with respect to said project.

III. The *(Name of Applicant)* requests that any hearing impaired person wishing to attend this Public Hearing notify the *(Applicant Contact Person & Telephone No.)* at least one week before the scheduled hearing date so that arrangements can be made to provide an interpreter.

IV. A copy of the application for a state grant for the proposed project will be made available for public inspection at *(Name & Address of Applicant)*.

(Contact Person Name), (Title)

(Address)

(Telephone)

Appendix C

**Historic Preservation
Basic Review Information Requirements**

In order to request the comments of the State Historic Preservation Officer concerning possible project effects on cultural resources for purposes of the National Historic Preservation Act or the Illinois State Agency Historic Resources Protection Act, the following information should be provided:

1. Description of proposed undertaking.
2. Name of managing, funding, or licensing agency (state or federal).
3. Name of satellite agencies involved in project (state and federal).
4. Project address(es); street, municipality, and county.
5. Map (USGS 7.5 minute series topographic) of project location, and project site plan, if applicable.
6. Current photos of all standing structures within the project area (no Xerox).
7. Project plans and specifications if applicable.
8. Participating federal, state, and local funding sources/programs.

This information should be addressed to:

Anne Haaker, Deputy Historic Preservation Officer
Preservation Services Division
Illinois Historic Preservation Agency
Old State Capitol
Springfield, IL 62701

SCHEDULE B - DIVISION OF PUBLIC TRANSPORTATION

1. Purchase or rehabilitation of rolling stock.
2. Equipment purchases and installation.
3. Replacement / installation of railroad crossing signal systems.
4. Rebuild / resurface an existing parking lot as long as no enlargement occurs.
5. Construction of bus turnouts of less than one acre on existing right-of-way.
6. Construction of bus layover facilities of less than one acre on existing right-of-way.
7. Construction of passenger stations / shelters of less than one acre on existing property where no demolition occurs.
8. Construction of sidewalks on existing right-of-way.
9. Parking deck replacement or expansion (vertical).
10. Underground fuel storage replacement / installation on transit property.
11. Rehabilitation work done on existing facilities less than 40 years old (garages, stations, rail yards, buildings, structures, electrical, signal, and communication systems).
12. Replacement of ballast, ties, and rail on existing right-of-way.
13. Replacement of bridges less than 40 years old where no more than one acre of new right-of-way is required.
14. Construction of pedestrian canopies.
15. Engineering / planning studies for the classes of action included above.

Appendix D: Opinion of Counsel (Sample Language)

Opinion of Counsel

I, the undersigned am an attorney, licensed by and duly admitted to practice law in the State of Illinois and am counsel for and attorney for the *(Name of Applicant)*. In this capacity, my opinion has been requested concerning the eligibility of the *(Name of Applicant)* for grant assistance under the provisions of the Civil Administrative Code of Illinois [20 ILCS 2705/49 et seq.]. You are hereby advised as follows:

1. The *(Name of Applicant)* is an eligible recipient as defined in state regulations.
2. There are no provisions in the *(Name of Applicant)*'s charter or by-laws or in the statutes of the State, the United States of America, or any other local ordinances that preclude or prohibit the *(Name of Applicant)* from making said application for or contracting with the State for the purpose of receiving a State capital improvement grant.
3. The undersigned has no knowledge of any pending or threatened litigation, in either Federal or State courts which would adversely affect this application, or which seeks to prohibit the *(Name of Applicant)* from contracting with the State for the purpose of receiving a State capital improvement grant.

Based upon the foregoing, I am of the opinion that the *(Name of Applicant)* is an eligible recipient under the provisions of the Act, and that it is fully empowered and authorized to apply for and to accept the grant from the State.

Signature: _____
(Attorney's Name)

Attorney for: *(Name of Applicant)*

Date: _____

Appendix E: Governing Board Resolution (Sample Language)

Resolution

No. _____

Resolution authorizing application for a Mass Transportation Capital Assistance Grant under the Illinois Department of Transportation's general authority to make such Grants.

WHEREAS, The provision and improvement of mass transportation facilities is essential to the development of a safe, efficient, functional mass transportation system; and

WHEREAS, The Illinois Department of Transportation's authority to make such Grants, makes funds available to offset certain capital costs of providing and improving mass transportation facilities; and

WHEREAS, Grants for said funds will impose certain obligations upon the recipient.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE
(*Name of Applicant*) :

Section 1. That an application be made to the Division of Public Transportation, Department of Transportation, State of Illinois, for a financial assistance grant under the Illinois Department of Transportation's general authority to make such Grants, for the purpose of off-setting certain mass transportation facility capital costs of (*Name of Applicant*).

Section 2. That (*Designated Official*) of the (*Name of Applicant*) is hereby authorized and directed to execute and file on behalf of the (*Name of Applicant*) such application.

Section 3. That the (*Designated Official*) of the (*Name of Applicant*) is authorized to furnish such additional information as may be required by the Division of Public Transportation in connection with the aforesaid application for said grant.

PRESENT and ADOPTED the _____ day of _____, 19__

(*Signature of Official*)

ATTEST: _____

Title

Title

Appendix F: Instructions

These instructions have been developed to assist agencies in completing the application form and in complying with program requirements. Applicants should review the requirements carefully. Failure to comply with any requirements may delay or disqualify applications from consideration.

CHECK-LIST

Use this page as a check-off list of the items enclosed in the application package. Mark each item with a check as it is completed. Mark any item(s) not required with "N/A" (not applicable).

PREPARING THE APPLICATION FORM

Applicant - Name of applicant organization, must be a municipality, transit operator, or transit district.

Date of Application - Show the actual date the application is completed and mailed to the Department.

Address - Show the agency's complete mailing address.

Contact Person - Identify the name, title, and phone number of the person responsible for completing the application form.

Project Description - Describe the nature, size, location, and limits of all elements of the proposed project scope. If the scope-of-work proposed for Operation GreenLight grant funding is part of a larger project, describe its relationship to the larger project and whether this scope can function on a stand-alone basis. Indicate owners of record for all property required for project. Explain any adverse impact the project may have on the environment. Attach site plans, conceptual plans, aerials, or photographs if available.

Project Justification - Indicate why the proposed improvements are necessary. Current conditions including any operational, design and capacity deficiencies should be discussed. Describe how the proposed improvement will ameliorate such conditions. Emphasize as appropriate, accomplishment of Operation GreenLight program goals of improving access to, and reducing congestion at transit facilities. Applicants are advised to focus on project justification within the context of benefits to the transit system and its patrons.

Project Readiness - Indicate the level of coordination that has transpired between your agency and those agencies or parties that may be affected by your proposal. In addition, describe the current state of project development (concept, engineering complete, etc.), public support, environmental concerns, and an indication of when the project will be ready for construction.

Project Elements and Funding Request - Show line items with estimated costs by type of activity (land acquisition, demolition, material purchases, design engineering, construction, and construction management and inspection). A 10% contingency line item should also be included.

Implementation Schedule - Show anticipated contract obligations and cash disbursements by fiscal quarter after project approval. Percentages may be used in lieu of dollar amounts.

Non-Participating Costs - If the proposed scope-of-work to be funded through Operation GreenLight will not function on a stand-alone basis, please indicate the source and amount of other funding.

PUBLIC NOTICE

The applicant must afford the public an opportunity to comment on the proposed project. This may be accomplished by conducting a public hearing, or by placing an advertisement describing the project in a newspaper with local circulation to determine the public's interest in holding a public hearing. Submit certificates of publication, and if a public hearing is held, an attendance list, written comments, and report (transcript) of proceedings. Sample Opportunity for Public Hearing and Public Hearing notices are attached as Appendix A and B.

HISTORIC PRESERVATION

Projects undertaken with state funding provided by the Illinois Department of Transportation are subject to the requirements of the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/1 et seq.]. In compliance with this statute and appurtenant interagency agreements, applicants must either:

1. Identify the appropriate project type (from schedule B - "Public Transportation" list, included as part of Appendix C) which is considered to have no effect on historic, architectural or archeological resources and thus need not be reviewed under the Illinois State Agency Historic Resources Preservation Act; OR
2. Submit documentation from the Illinois Historic Preservation Agency (IHPA) that the undertaking not covered in Schedule B will have no effect on historic, architectural, or archeological resources (information required by IHPA for its review is contained in Appendix C); OR
3. Submit documentation of an agreement between IHPA and the applicant regarding action that will be taken to accommodate any historic, architectural, or archeological resource.

OPINION OF COUNSEL

An opinion of the applicant's legal counsel is required stating that the applicant is legally organized, is empowered (eligible) to apply for, and receive the requested grant, and that there is no pending or threatened litigation that would adversely affect the applicant's ability to receive the requested funds. A sample Opinion of Counsel is attached as Appendix D.

GOVERNING BOARD RESOLUTION

A resolution must be passed by the applicant's governing board authorizing the filing of the application. A sample Governing Board Resolution is attached as Appendix E.

LAW OFFICES
KLEIN, THORPE AND JENKINS, LTD.

SUITE 1660
20 NORTH WACKER DRIVE
CHICAGO, ILLINOIS 60606-2903

TELEPHONE (312) 984-6400
FACSIMILE (312) 984-6444
FACSIMILE (312) 606-7077

ORLAND PARK OFFICE
15010 S. RAVINIA AVE., SUITE 17
ORLAND PARK, IL 60462-3162
TELEPHONE (708) 349-3888
FACSIMILE (708) 349-1506

PATRICK A. LUCANSKY
E. KENNETH FRIKER
GERARD E. DEMPSEY
TERRENCE M. BARNICLE
BRUCE A. ZOLNA
JAMES P. BARTLEY
RICHARD T. WIMMER
MICHAEL J. DUGGAN
THOMAS P. BAYER
DENNIS G. WALSH
SCOTT F. UHLER
EVERETTE M. HILL, JR.
JANET N. PETSCH
JAMES V. FEROLLO
RINDA Y. ALLISON

MICHAEL T. JURUSIK
THOMAS M. MELODY
LANCE C. MALINA
THOMAS H. BENTZ, JR.
JULIE E. HEUBERGER
MICHAEL P. O'BRIEN
DAVID J. FISH

OF COUNSEL
ARTHUR C. THORPE
PHILIPPE R. WEISS

WRITER'S DIRECT DIAL
984-6422

WRITER'S E-MAIL

February 23, 2000

State of Illinois
Department of Transportation
Division of Public Transportation

Re: Application by the Village of Lombard for a Capital Assistance Grant
Relative to the Operation Greenlight Transit Program

Ladies and Gentlemen:

I, the undersigned, am an attorney licensed by and duly admitted to practice law in the State of Illinois, and am counsel for and attorney for the Village of Lombard. In this capacity, my opinion has been requested concerning the eligibility of the Village of Lombard for grant assistance under the provisions of the Civil Administrative Code of Illinois [20 ILCS 2705/49, et seq.]. In regard to said eligibility status, please be advised as follows:

1. The Village of Lombard is an eligible recipient as defined in state regulations.
2. There are no provisions in the Village of Lombard's charter or Village Code or in the statutes of the State of Illinois, the United States of America, or any other local ordinances that preclude or prohibit the Village of Lombard from making said application for or contracting with the State for the purpose of receiving a State capital improvement grant.
3. The undersigned has no knowledge of any pending or threatened litigation, in either Federal or State courts, which would adversely affect this application, or which seeks to prohibit the Village of Lombard from contracting with the State for the purpose of receiving a State capital improvement grant.

State of Illinois
Department of Transportation
February 23, 2000
Page 2

Based upon the foregoing, I am of the opinion that the Village of Lombard is an eligible recipient under the applicable provisions of the State statutes, and that it is fully empowered and authorized to apply for and to accept the above-captioned grant from the State.

Very truly yours,

KLEIN, THORPE AND JENKINS, LTD.

A handwritten signature in black ink that reads "Thomas P. Bayer". The signature is written in a cursive style with a large, stylized "T" and "B".

Thomas P. Bayer

TPB/jcc

cc: William T. Lichter, Village Manager

David Hulseberg, Director of Community Development

