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SPRINGFIELD

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FILE NO. S-1401

TRANSPORTATION:

**Authority of Regional Transportation
Authority to Provide Grants to Public
School Districts for the Operation of
School Buses**

Honorable Gene L. Armentrout
State's Attorney
Kane County
404 Kane County Courthouse
Geneva, Illinois 60134

Dear Mr. Armentrout:

I have your letter which contains the following inquiry:

"Do the Illinois Statutes, in any way, prevent the RTA from providing grants to public school districts for the operation of school buses from the gasoline taxes collected within the County in which said public school districts are located."

Section 2.02(b) of the Regional Transportation
Authority Act (Ill. Rev. Stat. 1977, ch. 111 2/3, par. 702.02(b))

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sets forth the conditions under which the Regional Transportation Authority may make grants to help cover operating expenses and other costs involved in providing transportation.

It provides, in pertinent part:

"The Authority may make grants to transportation agencies 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 the Authority shall prescribe or as the Authority and the transportation agency shall agree in any grant contract; * * *"

The term "transportation agency" is defined in section 1.03 of the Act. (Ill. Rev. Stat. 1977, ch. 111 2/3, par. 701.03.) The relevant portion of that section reads as follows:

" * * *

'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, which provides public transportation, * * *"

Section 1.03 defines "public transportation" as:

" * * *

* * * [T]he 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;

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The primary purpose for which school buses are operated is to provide transportation for school age children. (See, article 29 of The School Code (Ill. Rev. Stat. 1977, ch. 122, par. 29-1 et seq..) The general public is not entitled to ride on public school buses. This means that the operation of school buses does not amount to providing "public transportation" within the meaning of section 1.03 of the Regional Transportation Authority Act.

Since the Regional Transportation Authority is only authorized to make grants to "transportation agencies", and since the operation of "public transportation" is a prerequisite to qualification as a "transportation agency", it is my opinion that the Regional Transportation Authority is not authorized to make grants to public school districts for the operation of school buses.

Very truly yours,

A T T O R N E Y G E N E R A L