**Section 1535.400 Procedure Before Commission**

a) No change, except in case of emergencies, shall be made in existing marking or warning devices at any grade crossing, unless and until the approval of the Commission is obtained as outlined in this Subpart. This Section shall not apply to the substitution of reflector type signs for plain signs.

b) Approval for making minor changes in the marking or warning devices at crossings may be made by shortened procedure under Section 1535.400(c) if the changes consist of any of the following:

1) Installing bells or additional lamp units on flashing light signals, or additional signal units to meet special conditions at crossings where flashing light signals are already established.

2) Establishing new or additional lighting, either by floodlight or by new or additional lamps placed on gates, signs or other warning devices.

3) A temporary change, such as one made necessary by highway reconstruction in progress, or the like.

4) Relocating of flashing light signals or other warning devices at a particular crossing to conform to changed traffic conditions where the new location of the signals or other equipment meets the requirements of other applicable rules of this Part, including removal of track from crossing or increasing width of highway.

5) Changes in track circuits or controls for automatic warning devices to conform to changed traffic conditions, to eliminate unnecessary indication or to otherwise improve operation. Only general description of change is required.

6) Eliminating signs and signals where all tracks through the crossing are abandoned and removed.

c) Where changes in or additions to marking or warning devices of the nature outlined in Section 1535.400(b) are to be made, the rail carrier shall so notify the Commission, in writing, substantially according to the Commission's Form 1, at least 15 days prior to making the change or addition. If change requires relocation of signals, Form 1 shall be accompanied by a sketch of the crossing showing existing and proposed location of said signals as well as any other contemplated changes. If no objection is made in writing by the Commission to such change, then, upon the expiration of the 15 days notice, the rail carrier shall be deemed to have the approval of the Commission and may proceed to make the change as described. In the event that, within 15 days after the receipt of a notice setting forth a proposed change in or addition to marking or warning devices, objection thereto shall be made in writing by the Commission, the proposed change shall not be made. If the matter cannot be adjusted informally, the rail carrier may then file a petition seeking authority to make the proposed change, which may then be duly docketed for hearing and be disposed of in the same manner as any other formal petition. Where, due to emergency or otherwise, it is impossible or unreasonable to give 15 days notice of a proposed change, the rail carrier shall at once notify the Commission of that fact, and may proceed to take such immediate action as may be appropriate, subject to the right of the Commission to review such action and require any further action or changes that it may find to be in the public interest.

d) When a rail carrier has completed a minor change in the marking or warning devices at crossings, which was previously approved by the Commission, a Form 2 shall be submitted to the Commission.

e) Where a rail carrier plans a major change or a reduction in marking or warning devices at any public grade crossing and no order has been issued by the Commission approving such change or reduction, the rail carrier shall give written notice of such change or reduction to the highway authority having jurisdiction over the roadway involved, and a copy of a letter setting forth notice of such change or reduction shall be attached to the Commission's Form 3 when filed with the Commission. If the highway authority has objection to the proposed change or reduction, it shall notify the Commission within 45 days of receipt of the notice from the rail carrier. If no objection is filed with the Commission, the Commission may approve the proposed change or reduction without hearing by X-Resolution.

f) When a significant deviation from improvements approved by the Commission occurs, the rail carrier shall submit a set of "as-built" plans to explain the deviations.

g) When any city, town, village, township, county or the Department proposes any highway change, including changes in highway traffic direction, that would necessitate a change in the marking, warning devices at, or construction of any crossing, notice of the proposed change shall be submitted to the rail carrier involved at least three months in advance of the date upon which the change is to be made. A copy of the notice shall be furnished to this Commission.

h) A supply of blank Forms 1, 2 and 3 may be requested from the Railroad Section of the Illinois Commerce Commission, 527 E. Capitol Avenue, Springfield, Illinois 62701.

(Source: Amended at 29 Ill. Reg. 20376, effective December 15, 2005)