



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2846

by Rep. Margo McDermed

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5	
20 ILCS 2705/2705-300	was 20 ILCS 2705/49.18
20 ILCS 2705/2705-615 new	
45 ILCS 111/100 new	
70 ILCS 3605/9b	from Ch. 111 2/3, par. 309b
70 ILCS 3615/2.11	from Ch. 111 2/3, par. 702.11

Amends the Department of Transportation Law of the Civil Administrative Code of Illinois. Provides that the Illinois Department of Transportation (currently, the Regional Transportation Authority) shall develop, adopt, and implement system safety program standards and procedures meeting the requirements of the federal Fixing America's Surface Transportation Act. Limits liability. Amends the Freedom of Information Act to make certain records of the Illinois Department of Transportation exempt from inspection and copying. Amends the Bi-State Transit Safety Act. Provides a repeal date of December 31, 2017 for that Act. Amends the Regional Transportation Authority Act. Provides that the Regional Transportation Authority shall comply with all safety requirements under specified federal law as required by the Department of Transportation. Provides that the Department of Transportation has rail transit safety oversight authority for MetroLink. Makes other changes. Effective immediately.

LRB100 11107 AWJ 21368 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by wireless
25 carriers under the Wireless Emergency Telephone Safety
26 Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Illinois Department of Transportation under Sections

1 2705-300 and 2705-615 of the Department of Transportation
2 Law of the Civil Administrative Code of Illinois, the
3 Regional Transportation Authority under Section 2.11 of
4 the Regional Transportation Authority Act, or the St. Clair
5 County Transit District under the Bi-State Transit Safety
6 Act.

7 (q) Information prohibited from being disclosed by the
8 Personnel Records Review Act.

9 (r) Information prohibited from being disclosed by the
10 Illinois School Student Records Act.

11 (s) Information the disclosure of which is restricted
12 under Section 5-108 of the Public Utilities Act.

13 (t) All identified or deidentified health information
14 in the form of health data or medical records contained in,
15 stored in, submitted to, transferred by, or released from
16 the Illinois Health Information Exchange, and identified
17 or deidentified health information in the form of health
18 data and medical records of the Illinois Health Information
19 Exchange in the possession of the Illinois Health
20 Information Exchange Authority due to its administration
21 of the Illinois Health Information Exchange. The terms
22 "identified" and "deidentified" shall be given the same
23 meaning as in the Health Insurance Portability and
24 Accountability Act of 1996, Public Law 104-191, or any
25 subsequent amendments thereto, and any regulations
26 promulgated thereunder.

1 (u) Records and information provided to an independent
2 team of experts under Brian's Law.

3 (v) Names and information of people who have applied
4 for or received Firearm Owner's Identification Cards under
5 the Firearm Owners Identification Card Act or applied for
6 or received a concealed carry license under the Firearm
7 Concealed Carry Act, unless otherwise authorized by the
8 Firearm Concealed Carry Act; and databases under the
9 Firearm Concealed Carry Act, records of the Concealed Carry
10 Licensing Review Board under the Firearm Concealed Carry
11 Act, and law enforcement agency objections under the
12 Firearm Concealed Carry Act.

13 (w) Personally identifiable information which is
14 exempted from disclosure under subsection (g) of Section
15 19.1 of the Toll Highway Act.

16 (x) Information which is exempted from disclosure
17 under Section 5-1014.3 of the Counties Code or Section
18 8-11-21 of the Illinois Municipal Code.

19 (y) Confidential information under the Adult
20 Protective Services Act and its predecessor enabling
21 statute, the Elder Abuse and Neglect Act, including
22 information about the identity and administrative finding
23 against any caregiver of a verified and substantiated
24 decision of abuse, neglect, or financial exploitation of an
25 eligible adult maintained in the Registry established
26 under Section 7.5 of the Adult Protective Services Act.

1 (z) Records and information provided to a fatality
2 review team or the Illinois Fatality Review Team Advisory
3 Council under Section 15 of the Adult Protective Services
4 Act.

5 (aa) Information which is exempted from disclosure
6 under Section 2.37 of the Wildlife Code.

7 (bb) Information which is or was prohibited from
8 disclosure by the Juvenile Court Act of 1987.

9 (cc) Recordings made under the Law Enforcement
10 Officer-Worn Body Camera Act, except to the extent
11 authorized under that Act.

12 (dd) Information that is prohibited from being
13 disclosed under Section 45 of the Condominium and Common
14 Interest Community Ombudsperson Act.

15 (ee) ~~(dd)~~ Information that is exempted from disclosure
16 under Section 30.1 of the Pharmacy Practice Act.

17 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
18 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
19 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
20 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
21 8-19-16; revised 9-1-16.)

22 Section 10. The Department of Transportation Law of the
23 Civil Administrative Code of Illinois is amended by changing
24 Section 2705-300 and adding Section 2705-615 as follows:

1 (20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

2 Sec. 2705-300. Powers concerning mass transportation. The
3 Department has the power to do the following:

4 (1) Advise and assist the Governor and the General Assembly
5 in formulating (i) a mass transportation policy for the State,
6 (ii) proposals designed to help meet and resolve special
7 problems of mass transportation within the State, and (iii)
8 programs of assistance for the comprehensive planning,
9 development, and administration of mass transportation
10 facilities and services.

11 (2) Appear and participate in proceedings before any
12 federal, State, or local regulatory agency involving or
13 affecting mass transportation in the State.

14 (3) Study mass transportation problems and provide
15 technical assistance to units of local government.

16 (4) Encourage experimentation in developing new mass
17 transportation facilities and services.

18 (5) Recommend policies, programs, and actions designed to
19 improve utilization of mass transportation services.

20 (6) Cooperate with mass transit districts and systems,
21 local governments, and other State agencies in meeting those
22 problems of air, noise, and water pollution associated with
23 transportation.

24 (7) Participate fully in a statewide effort to improve
25 transport safety, including, but not limited to:-

26 (A) developing, adopting, and implementing a system

1 safety program standard meeting the compliance
2 requirements of the Fixing America's Surface
3 Transportation Act (FAST Act), 49 U.S.C. 5329, and 49 CFR
4 Part 674, as now or hereafter amended, for the safety of
5 planned, under construction, or in revenue operation rail
6 fixed guideway systems and the personal security of the
7 systems' passengers and employees;

8 (B) establishing procedures in accordance with the
9 FAST Act, to regulate, investigate, inspect, audit, and
10 enforce all other necessary and incidental functions
11 related to the effectuation of the FAST Act or other
12 federal law pertaining to public transportation oversight;
13 and

14 (C) requiring the local mass transit districts, the
15 Regional Transportation Authority, St. Clair County
16 Transit District, and applicable service boards to comply
17 with the requirements of 49 U.S.C. 5329 and 49 CFR Part
18 674, as now or hereafter amended. The Department may
19 contract for the services of a qualified consultant to
20 comply with this subsection.

21 The security portion of the system safety program,
22 including, without limitation, investigation reports, surveys,
23 schedules, lists, or data compiled, collected, or prepared by
24 or for the Department under this subsection, shall not be
25 subject to discovery or admitted into evidence in federal or
26 State court or considered for other purposes in any civil

1 action for damages arising from any matter mentioned or
2 addressed in such reports, surveys, schedules, lists, data, or
3 information.

4 The Department or its employees, or any local mass transit
5 district, the Regional Transportation Authority, St. Clair
6 County Transit District, or any service board subject to this
7 Section, or their respective directors, officers, or
8 employees, are not liable in any civil action for any injury to
9 or death of any person or loss of or damage to property for any
10 act, omission, or failure to act under this Section, the Fast
11 Act, 49 U.S.C. 5329, 49 CFR Part 659, or 49 CFR Part 674, as now
12 or hereafter amended.

13 (8) Conduct by contract or otherwise technical studies, and
14 demonstration and development projects which shall be designed
15 to test and develop methods for increasing public use of mass
16 transportation and for providing mass transportation in an
17 efficient, coordinated, and convenient manner.

18 (9) Make applications for, receive, and make use of grants
19 for mass transportation.

20 (10) Make grants for mass transportation from the
21 Transportation Fund pursuant to the standards and procedures of
22 Sections 2705-305 and 2705-310.

23 (Source: P.A. 91-239, eff. 1-1-00.)

24 (20 ILCS 2705/2705-615 new)

25 Sec. 2705-615. Fixing America's Surface Transportation

1 Act. The Department shall develop, adopt, and implement a
2 system safety program standard and establish procedures to
3 comply with the federal Fixing America's Surface
4 Transportation Act as required under paragraph (7) of Section
5 2705-300 of the Department of Transportation Law of the Civil
6 Administrative Code of Illinois.

7 Pursuant to 49 CFR 659, the Department has rail transit
8 safety oversight authority in this State for MetroLink.

9 Section 15. The Bi-State Transit Safety Act is amended by
10 adding Section 100 as follows:

11 (45 ILCS 111/100 new)

12 Sec. 100. Repeal. This Act is repealed on December 31,
13 2017.

14 Section 20. The Metropolitan Transit Authority Act is
15 amended by changing Section 9b as follows:

16 (70 ILCS 3605/9b) (from Ch. 111 2/3, par. 309b)

17 Sec. 9b. The Authority shall comply with the requirements
18 imposed upon a Service Board in Sections 4.09(d) and 4.11 of
19 the Regional Transportation Authority Act ~~and with the~~
20 ~~requirements of subsection (b) of Section 2.11 of the Regional~~
21 ~~Transportation Authority Act.~~ The Authority shall present
22 evidence that it has complied with Section 27a of this Act to

1 the Regional Transportation Authority.

2 (Source: P.A. 90-273, eff. 7-30-97.)

3 Section 25. The Regional Transportation Authority Act is
4 amended by changing Section 2.11 as follows:

5 (70 ILCS 3615/2.11) (from Ch. 111 2/3, par. 702.11)

6 Sec. 2.11. Safety.

7 (a) The Service Boards may establish, enforce and
8 facilitate achievement and maintenance of standards of safety
9 against accidents with respect to public transportation
10 provided by the Service Boards or by transportation agencies
11 pursuant to purchase of service agreements with the Service
12 Boards. The provisions of general or special orders, rules or
13 regulations issued by the Illinois Commerce Commission
14 pursuant to Section 57 of "An Act concerning public utilities",
15 approved June 29, 1921, as amended, which pertain to public
16 transportation and public transportation facilities of
17 railroads will continue to apply until the Service Board
18 determines that different standards are necessary to protect
19 such health and safety.

20 (b) (Blank). ~~To the extent required by 49 CFR Part 659 as~~
21 ~~now or hereafter amended, the Authority shall develop and adopt~~
22 ~~a system safety program standard for the safety of rail fixed~~
23 ~~guideway systems and the personal security of the systems'~~
24 ~~passengers and employees and shall establish procedures for~~

1 ~~safety and security reviews, investigations, and oversight~~
2 ~~reporting. The Authority shall require the applicable Service~~
3 ~~Boards to comply with the requirements of 49 CFR Part 659 as~~
4 ~~now or hereafter amended. The Authority may contract for the~~
5 ~~services of a qualified consultant to comply with this~~
6 ~~subsection.~~

7 (c) The security portion of the system safety program,
8 investigation reports, surveys, schedules, lists, or data
9 compiled, collected, or prepared by or for the Department of
10 Transportation or the Authority under this subsection, shall
11 not be subject to discovery or admitted into evidence in
12 federal or State court or considered for other purposes in any
13 civil action for damages arising from any matter mentioned or
14 addressed in such reports, surveys, schedules, lists, data, or
15 information.

16 (d) Neither the Authority nor its directors, officers, or
17 employees, nor any Service Board subject to this Section nor
18 its directors, officers, or employees, nor a local mass transit
19 district nor its directors, officers, or employees shall be
20 held liable in any civil action for any injury to any person or
21 property for any acts or omissions or failure to act under this
22 Section or pursuant to the federal Fixing America's Surface
23 Transportation Act, 49 CFR Part 659 as now or hereafter
24 amended.

25 (e) The Authority shall comply with all requirements of 49
26 U.S.C. 5329 as required by the Department of Transportation

1 under paragraph (7) of Section 2705-300 of the Department of
2 Transportation Law of the Civil Administrative Code of
3 Illinois.

4 (Source: P.A. 90-273, eff. 7-30-97.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.