

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 49 U.S.C. 5329 and 49 CFR Part 674, as now  
3 or hereafter amended, for the safety of planned, under  
4 construction, or in revenue operation rail fixed guideway  
5 systems and the personal security of the systems'  
6 passengers and employees;

7 (B) establishing procedures in accordance with 49  
8 U.S.C. 5329 and 49 CFR Part 674 to regulate, investigate,  
9 inspect, audit, and enforce all other necessary and  
10 incidental functions related to the effectuation of 49  
11 U.S.C. 5329 and 49 CFR Part 674 or other federal law  
12 pertaining to public transportation oversight; and

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

20 The security portion of the system safety program,  
21 investigation reports, surveys, schedules, lists, or data  
22 compiled, collected, or prepared by or for the Department under  
23 this subsection shall not be subject to discovery or admitted  
24 into evidence in federal or State court or considered for other  
25 purposes in any civil action for damages arising from any  
26 matter mentioned or addressed in such reports, surveys,

1 schedules, lists, data, or information.

2 Except for willful or wanton conduct, neither the  
3 Department nor its employees, nor the Regional Transportation  
4 Authority, nor the St. Clair County Transit District, nor any  
5 mass transit district nor service board subject to this  
6 Section, nor their respective directors, officers, or  
7 employees, shall be held liable in any civil action for any  
8 injury to or death of any person or loss of or damage to  
9 property for any act, omission, or failure to act under this  
10 Section, 49 U.S.C. 5329, 49 CFR Part 659, or 49 CFR Part 674,  
11 as now or hereafter amended.

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

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

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

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

23 (20 ILCS 2705/2705-615 new)

24 Sec. 2705-615. State safety oversight for rail fixed  
25 guideway systems. The Department shall develop, adopt, and

1 implement a system safety program standard and establish  
2 procedures to comply with 49 U.S.C. 5329 and 49 CFR Part 674 as  
3 required under paragraph (7) of Section 2705-300 of the  
4 Department of Transportation Law of the Civil Administrative  
5 Code of Illinois.

6 Section 15. The Metropolitan Transit Authority Act is  
7 amended by changing Section 9b and by adding Section 9c as  
8 follows:

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

10 Sec. 9b. The Authority shall comply with the requirements  
11 imposed upon a Service Board in Sections 4.09(d) and 4.11 of  
12 the Regional Transportation Authority Act and with the  
13 requirements of ~~subsection (b) of~~ Section 2.11 of the Regional  
14 Transportation Authority Act. The Authority shall present  
15 evidence that it has complied with Section 27a of this Act to  
16 the Regional Transportation Authority.

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

18 (70 ILCS 3605/9c new)

19 Sec. 9c. State safety oversight for rail fixed guideway  
20 systems. The Authority shall comply with the requirements of 49  
21 U.S.C. 5329 as required by the Department of Transportation  
22 under paragraph (7) of Section 2705-300 of the Department of  
23 Transportation Law of the Civil Administrative Code of

1 Illinois.

2 Section 20. The Regional Transportation Authority Act is  
3 amended by changing Section 2.11 as follows:

4 (70 ILCS 3615/2.11) (from Ch. 111 2/3, par. 702.11)

5 Sec. 2.11. Safety.

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

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

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

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

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

23 (e) The Authority shall comply with all requirements of 49  
24 U.S.C. 5329 as required by the Department of Transportation  
25 under paragraph (7) of Section 2705-300 of the Department of  
26 Transportation Law of the Civil Administrative Code of

1 Illinois.

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

3 (45 ILCS 111/Act rep.)

4 Section 25. The Bi-State Transit Safety Act is repealed.

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