

SB0024



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0024

Introduced 1/9/2019, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-7402

from Ch. 95 1/2, par. 18c-7402

Amends the Illinois Vehicle Code. Provides that no rail carrier shall operate a train or light engine used in connection with the movement of freight unless it has an operating crew consisting of at least 2 individuals. Provides that the minimum freight train crew size shall remain in effect until a federal law or rule encompassing the subject matter has been adopted. Grants the Illinois Commerce Commission the power to conduct evidentiary hearings, make findings, and issue and enforce orders, including sanctions, with respect to freight train crew member size. Provides that "train or light engine" does not include trains operated by a hostler service or utility employees.

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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 1. Policy; findings. It is the public policy of the
5 State of Illinois to enhance public safety by establishing a
6 minimum freight train operating crew size to address the
7 transportation of all freight, including, but not limited to,
8 hazardous and volatile materials, on the railroads of Illinois.
9 The transportation of this freight, coupled with substantially
10 longer trains, creates significant health, safety, and
11 security concerns for local communities. Adequate railroad
12 operating personnel are critical to ensuring railroad
13 operational safety and security and in supporting first
14 responder activities in the event of a hazardous material
15 incident, grade crossing incident, or mechanical failure.

16 Section 5. The Illinois Vehicle Code is amended by changing
17 Section 18c-7402 as follows:

18 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

19 Sec. 18c-7402. Safety requirements for railroad
20 operations.

21 (1) Obstruction of crossings.

22 (a) Obstruction of emergency vehicles. Every railroad

1 shall be operated in such a manner as to minimize
2 obstruction of emergency vehicles at crossings. Where such
3 obstruction occurs and the train crew is aware of the
4 obstruction, the train crew shall immediately take any
5 action, consistent with safe operating procedure,
6 necessary to remove the obstruction. In the Chicago and St.
7 Louis switching districts, every railroad dispatcher or
8 other person responsible for the movement of railroad
9 equipment in a specific area who receives notification that
10 railroad equipment is obstructing the movement of an
11 emergency vehicle at any crossing within such area shall
12 immediately notify the train crew through use of existing
13 communication facilities. Upon notification, the train
14 crew shall take immediate action in accordance with this
15 paragraph.

16 (b) Obstruction of highway at grade crossing
17 prohibited. It is unlawful for a rail carrier to permit any
18 train, railroad car or engine to obstruct public travel at
19 a railroad-highway grade crossing for a period in excess of
20 10 minutes, except where such train or railroad car is
21 continuously moving or cannot be moved by reason of
22 circumstances over which the rail carrier has no reasonable
23 control.

24 In a county with a population of greater than
25 1,000,000, as determined by the most recent federal census,
26 during the hours of 7:00 a.m. through 9:00 a.m. and 4:00

1 p.m. through 6:00 p.m. it is unlawful for a rail carrier to
2 permit any single train or railroad car to obstruct public
3 travel at a railroad-highway grade crossing in excess of a
4 total of 10 minutes during a 30 minute period, except where
5 the train or railroad car cannot be moved by reason or
6 circumstances over which the rail carrier has no reasonable
7 control. Under no circumstances will a moving train be
8 stopped for the purposes of issuing a citation related to
9 this Section.

10 However, no employee acting under the rules or orders
11 of the rail carrier or its supervisory personnel may be
12 prosecuted for a violation of this subsection (b).

13 (c) Punishment for obstruction of grade crossing. Any
14 rail carrier violating paragraph (b) of this subsection
15 shall be guilty of a petty offense and fined not less than
16 \$200 nor more than \$500 if the duration of the obstruction
17 is in excess of 10 minutes but no longer than 15 minutes.
18 If the duration of the obstruction exceeds 15 minutes the
19 violation shall be a business offense and the following
20 fines shall be imposed: if the duration of the obstruction
21 is in excess of 15 minutes but no longer than 20 minutes,
22 the fine shall be \$500; if the duration of the obstruction
23 is in excess of 20 minutes but no longer than 25 minutes,
24 the fine shall be \$700; if the duration of the obstruction
25 is in excess of 25 minutes, but no longer than 30 minutes,
26 the fine shall be \$900; if the duration of the obstruction

1 is in excess of 30 minutes but no longer than 35 minutes,
2 the fine shall be \$1,000; if the duration of the
3 obstruction is in excess of 35 minutes, the fine shall be
4 \$1,000 plus an additional \$500 for each 5 minutes of
5 obstruction in excess of 25 minutes of obstruction.

6 (2) Other operational requirements.

7 (a) Bell and whistle-crossings. Every rail carrier
8 shall cause a bell, and a whistle or horn to be placed and
9 kept on each locomotive, and shall cause the same to be
10 rung or sounded by the engineer or fireman, at the distance
11 of at least 1,320 feet, from the place where the railroad
12 crosses or intersects any public highway, and shall be kept
13 ringing or sounding until the highway is reached; provided
14 that at crossings where the Commission shall by order
15 direct, only after a hearing has been held to determine the
16 public is reasonably and sufficiently protected, the rail
17 carrier may be excused from giving warning provided by this
18 paragraph.

19 (a-5) The requirements of paragraph (a) of this
20 subsection (2) regarding ringing a bell and sounding a
21 whistle or horn do not apply at a railroad crossing that
22 has a permanently installed automated audible warning
23 device authorized by the Commission under Section
24 18c-7402.1 that sounds automatically when an approaching
25 train is at least 1,320 feet from the crossing and that
26 keeps sounding until the lead locomotive has crossed the

1 highway. The engineer or fireman may ring the bell or sound
2 the whistle or horn at a railroad crossing that has a
3 permanently installed audible warning device.

4 (b) Speed limits. Each rail carrier shall operate its
5 trains in compliance with speed limits set by the
6 Commission. The Commission may set train speed limits only
7 where such limits are necessitated by extraordinary
8 circumstances affecting the public safety, and shall
9 maintain such train speed limits in effect only for such
10 time as the extraordinary circumstances prevail.

11 The Commission and the Department of Transportation
12 shall conduct a study of the relation between train speeds
13 and railroad-highway grade crossing safety. The Commission
14 shall report the findings of the study to the General
15 Assembly no later than January 5, 1997.

16 (c) Special speed limit; pilot project. The Commission
17 and the Board of the Commuter Rail Division of the Regional
18 Transportation Authority shall conduct a pilot project in
19 the Village of Fox River Grove, the site of the fatal
20 school bus accident at a railroad crossing on October 25,
21 1995, in order to improve railroad crossing safety. For
22 this project, the Commission is directed to set the maximum
23 train speed limit for Regional Transportation Authority
24 trains at 50 miles per hour at intersections on that
25 portion of the intrastate rail line located in the Village
26 of Fox River Grove. If the Regional Transportation

1 Authority deliberately fails to comply with this maximum
2 speed limit, then any entity, governmental or otherwise,
3 that provides capital or operational funds to the Regional
4 Transportation Authority shall appropriately reduce or
5 eliminate that funding. The Commission shall report to the
6 Governor and the General Assembly on the results of this
7 pilot project in January 1999, January 2000, and January
8 2001. The Commission shall also submit a final report on
9 the pilot project to the Governor and the General Assembly
10 in January 2001. The provisions of this subsection (c),
11 other than this sentence, are inoperative after February 1,
12 2001.

13 (d) Freight train crew size. No rail carrier shall
14 operate or cause to operate a train or light engine used in
15 connection with the movement of freight unless it has an
16 operating crew consisting of at least 2 individuals. The
17 minimum freight train crew size indicated in this
18 subsection (d) shall remain in effect until a federal law
19 or rule encompassing the subject matter has been adopted.
20 The Commission, with respect to freight train crew member
21 size under this subsection (d), has the power to conduct
22 evidentiary hearings, make findings, and issue and enforce
23 orders, including sanctions under Section 18c-1704 of this
24 Chapter. As used in this subsection (d), "train or light
25 engine" does not include trains operated by a hostler
26 service or utility employees.

1 (3) Report and investigation of rail accidents.

2 (a) Reports. Every rail carrier shall report to the
3 Commission, by the speediest means possible, whether
4 telephone, telegraph, or otherwise, every accident
5 involving its equipment, track, or other property which
6 resulted in loss of life to any person. In addition, such
7 carriers shall file a written report with the Commission.
8 Reports submitted under this paragraph shall be strictly
9 confidential, shall be specifically prohibited from
10 disclosure, and shall not be admissible in any
11 administrative or judicial proceeding relating to the
12 accidents reported.

13 (b) Investigations. The Commission may investigate all
14 railroad accidents reported to it or of which it acquires
15 knowledge independent of reports made by rail carriers, and
16 shall have the power, consistent with standards and
17 procedures established under the Federal Railroad Safety
18 Act, as amended, to enter such temporary orders as will
19 minimize the risk of future accidents pending notice,
20 hearing, and final action by the Commission.

21 (Source: P.A. 100-201, eff. 8-18-17.)