

HB2524



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2524

Introduced 2/19/2021, by Rep. Jay Hoffman - Kelly M. Burke

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-7402

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

Amends the Illinois Commercial Transportation Law of the Illinois Vehicle Code. Provides that no railroad operating within this State on any main line or any other line shall operate, or permit to be operated, any train that exceeds 8,500 feet in length. Contains a statement of legislative purpose, and defines "main line", "railroad", "train", and "train length".

LRB102 15677 RAM 21041 b

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

6 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

7 Sec. 18c-7402. Safety requirements for railroad
8 operations.

9 (1) Obstruction of crossings.

10 (a) Obstruction of emergency vehicles. Every railroad
11 shall be operated in such a manner as to minimize
12 obstruction of emergency vehicles at crossings. Where such
13 obstruction occurs and the train crew is aware of the
14 obstruction, the train crew shall immediately take any
15 action, consistent with safe operating procedure,
16 necessary to remove the obstruction. In the Chicago and
17 St. Louis switching districts, every railroad dispatcher
18 or other person responsible for the movement of railroad
19 equipment in a specific area who receives notification
20 that railroad equipment is obstructing the movement of an
21 emergency vehicle at any crossing within such area shall
22 immediately notify the train crew through use of existing
23 communication facilities. Upon notification, the train

1 crew shall take immediate action in accordance with this
2 paragraph.

3 (b) Obstruction of highway at grade crossing
4 prohibited. It is unlawful for a rail carrier to permit
5 any train, railroad car or engine to obstruct public
6 travel at a railroad-highway grade crossing for a period
7 in excess of 10 minutes, except where such train or
8 railroad car is continuously moving or cannot be moved by
9 reason of circumstances over which the rail carrier has no
10 reasonable control.

11 In a county with a population of greater than
12 1,000,000, as determined by the most recent federal
13 census, during the hours of 7:00 a.m. through 9:00 a.m.
14 and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail
15 carrier to permit any single train or railroad car to
16 obstruct public travel at a railroad-highway grade
17 crossing in excess of a total of 10 minutes during a 30
18 minute period, except where the train or railroad car
19 cannot be moved by reason or circumstances over which the
20 rail carrier has no reasonable control. Under no
21 circumstances will a moving train be stopped for the
22 purposes of issuing a citation related to this Section.

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

26 (c) Punishment for obstruction of grade crossing. Any

1 rail carrier violating paragraph (b) of this subsection
2 shall be guilty of a petty offense and fined not less than
3 \$200 nor more than \$500 if the duration of the obstruction
4 is in excess of 10 minutes but no longer than 15 minutes.
5 If the duration of the obstruction exceeds 15 minutes the
6 violation shall be a business offense and the following
7 fines shall be imposed: if the duration of the obstruction
8 is in excess of 15 minutes but no longer than 20 minutes,
9 the fine shall be \$500; if the duration of the obstruction
10 is in excess of 20 minutes but no longer than 25 minutes,
11 the fine shall be \$700; if the duration of the obstruction
12 is in excess of 25 minutes, but no longer than 30 minutes,
13 the fine shall be \$900; if the duration of the obstruction
14 is in excess of 30 minutes but no longer than 35 minutes,
15 the fine shall be \$1,000; if the duration of the
16 obstruction is in excess of 35 minutes, the fine shall be
17 \$1,000 plus an additional \$500 for each 5 minutes of
18 obstruction in excess of 25 minutes of obstruction.

19 (2) Other operational requirements.

20 (a) Bell and whistle-crossings. Every rail carrier
21 shall cause a bell, and a whistle or horn to be placed and
22 kept on each locomotive, and shall cause the same to be
23 rung or sounded by the engineer or fireman, at the
24 distance of at least 1,320 feet, from the place where the
25 railroad crosses or intersects any public highway, and
26 shall be kept ringing or sounding until the highway is

1 reached; provided that at crossings where the Commission
2 shall by order direct, only after a hearing has been held
3 to determine the public is reasonably and sufficiently
4 protected, the rail carrier may be excused from giving
5 warning provided by this paragraph.

6 (a-5) The requirements of paragraph (a) of this
7 subsection (2) regarding ringing a bell and sounding a
8 whistle or horn do not apply at a railroad crossing that
9 has a permanently installed automated audible warning
10 device authorized by the Commission under Section
11 18c-7402.1 that sounds automatically when an approaching
12 train is at least 1,320 feet from the crossing and that
13 keeps sounding until the lead locomotive has crossed the
14 highway. The engineer or fireman may ring the bell or
15 sound the whistle or horn at a railroad crossing that has a
16 permanently installed audible warning device.

17 (b) Speed limits. Each rail carrier shall operate its
18 trains in compliance with speed limits set by the
19 Commission. The Commission may set train speed limits only
20 where such limits are necessitated by extraordinary
21 circumstances affecting the public safety, and shall
22 maintain such train speed limits in effect only for such
23 time as the extraordinary circumstances prevail.

24 The Commission and the Department of Transportation
25 shall conduct a study of the relation between train speeds
26 and railroad-highway grade crossing safety. The Commission

1 shall report the findings of the study to the General
2 Assembly no later than January 5, 1997.

3 (c) Special speed limit; pilot project. The Commission
4 and the Board of the Commuter Rail Division of the
5 Regional Transportation Authority shall conduct a pilot
6 project in the Village of Fox River Grove, the site of the
7 fatal school bus accident at a railroad crossing on
8 October 25, 1995, in order to improve railroad crossing
9 safety. For this project, the Commission is directed to
10 set the maximum train speed limit for Regional
11 Transportation Authority trains at 50 miles per hour at
12 intersections on that portion of the intrastate rail line
13 located in the Village of Fox River Grove. If the Regional
14 Transportation Authority deliberately fails to comply with
15 this maximum speed limit, then any entity, governmental or
16 otherwise, that provides capital or operational funds to
17 the Regional Transportation Authority shall appropriately
18 reduce or eliminate that funding. The Commission shall
19 report to the Governor and the General Assembly on the
20 results of this pilot project in January 1999, January
21 2000, and January 2001. The Commission shall also submit a
22 final report on the pilot project to the Governor and the
23 General Assembly in January 2001. The provisions of this
24 subsection (c), other than this sentence, are inoperative
25 after February 1, 2001.

26 (d) Freight train crew size. No rail carrier shall

1 operate or cause to operate a train or light engine used in
2 connection with the movement of freight unless it has an
3 operating crew consisting of at least 2 individuals. The
4 minimum freight train crew size indicated in this
5 subsection (d) shall remain in effect until a federal law
6 or rule encompassing the subject matter has been adopted.
7 The Commission, with respect to freight train crew member
8 size under this subsection (d), has the power to conduct
9 evidentiary hearings, make findings, and issue and enforce
10 orders, including sanctions under Section 18c-1704 of this
11 Chapter. As used in this subsection (d), "train or light
12 engine" does not include trains operated by a hostler
13 service or utility employees.

14 (e) (i) Freight train length. It is the public policy
15 of this State to enhance public safety by establishing
16 freight train length restrictions on any train that is
17 operated within this State on any rail carrier's main
18 line, or any other line, that (A) exposes the general
19 public to unnecessary dangers; (B) causes or could
20 reasonably cause unnecessary delays to intercity passenger
21 and commuter trains; or (C) causes or could reasonably
22 cause disruption of commerce.

23 (ii) No railroad operating within this State on any
24 main line or any other line shall operate, or permit to be
25 operated, any train that exceeds 8,500 feet in length. The
26 Commission, with respect to freight train length

1 restrictions under this paragraph (e), has the power to
2 conduct evidentiary hearings, make findings, and issue and
3 enforce orders, including sanctions, under Section
4 18c-1704.

5 (iii) As used in this paragraph:

6 "Main line" means any railroad, as documented in
7 current timetables filed by any railroad with the Federal
8 Railroad Association under 49 CFR 217.7, over which
9 5,000,000 or more gross tons of railroad traffic is
10 transported annually. "Main line" includes any other rail
11 line connected to it or used for regularly scheduled
12 intercity or commuter rail passenger service, or both.
13 Tourist, scenic, historic, or excursion operations are not
14 considered intercity or commuter passenger service.

15 "Railroad" means any form of nonhighway ground
16 transportation that runs on rails or electromagnetic
17 guideways, including intercity passenger rail and commuter
18 passenger service in a metropolitan or suburban area, and
19 high-speed ground transportation systems that connect
20 metropolitan areas, regardless of whether those systems
21 use new technologies not associated with traditional
22 railroads. "Railroad" does not include a rapid transit
23 operation in an urban area that is not connected to the
24 general railroad system of transportation.

25 "Train" means one or more locomotives coupled with or
26 without cars, requiring an air brake test in accordance

1 with 49 CFR Part 232 or Part 238, except during switching
2 operations or where the operation is that of classifying
3 and assembling rail cars within a railroad yard for the
4 purpose of making or breaking up trains. "Train" includes
5 a single locomotive, multiple locomotives coupled, or one
6 or more locomotives coupled with one or more cars.

7 "Train length" means the measurement of any train
8 operating on a main line or any other line within this
9 State.

10 (3) Report and investigation of rail accidents.

11 (a) Reports. Every rail carrier shall report to the
12 Commission, by the speediest means possible, whether
13 telephone, telegraph, or otherwise, every accident
14 involving its equipment, track, or other property which
15 resulted in loss of life to any person. In addition, such
16 carriers shall file a written report with the Commission.
17 Reports submitted under this paragraph shall be strictly
18 confidential, shall be specifically prohibited from
19 disclosure, and shall not be admissible in any
20 administrative or judicial proceeding relating to the
21 accidents reported.

22 (b) Investigations. The Commission may investigate all
23 railroad accidents reported to it or of which it acquires
24 knowledge independent of reports made by rail carriers,
25 and shall have the power, consistent with standards and
26 procedures established under the Federal Railroad Safety

1 Act, as amended, to enter such temporary orders as will
2 minimize the risk of future accidents pending notice,
3 hearing, and final action by the Commission.

4 (Source: P.A. 100-201, eff. 8-18-17; 101-294, eff. 1-1-20.)