

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  
9 exempt 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  
19 records 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  
21 local emergency energy plan ordinance that is adopted  
22 under 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 carriers  
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

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

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

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

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

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

22 (p) Security portions of system safety program plans,  
23 investigation reports, surveys, schedules, lists, data, or  
24 information compiled, collected, or prepared by or for the  
25 Department of Transportation under Sections 2705-300 and  
26 2705-616 of the Department of Transportation Law of the

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

6               (q) Information prohibited from being disclosed by the  
7       Personnel Record Review Act.

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

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

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

26              (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and  
2 Mental Health Safety Act (also known as 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  
10 Carry Licensing Review Board under the Firearm Concealed  
11 Carry 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  
25 an 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) Information that is exempted from disclosure  
16 under Section 30.1 of the Pharmacy Practice Act.

17           (ff) Information that is exempted from disclosure  
18 under the Revised Uniform Unclaimed Property Act.

19           (gg) Information that is prohibited from being  
20 disclosed under Section 7-603.5 of the Illinois Vehicle  
21 Code.

22           (hh) Records that are exempt from disclosure under  
23 Section 1A-16.7 of the Election Code.

24           (ii) Information which is exempted from disclosure  
25 under Section 2505-800 of the Department of Revenue Law of  
26 the Civil Administrative Code of Illinois.

1 (jj) Information and reports that are required to be  
2 submitted to the Department of Labor by registering day  
3 and temporary labor service agencies but are exempt from  
4 disclosure under subsection (a-1) of Section 45 of the Day  
5 and Temporary Labor Services Act.

6 (kk) Information prohibited from disclosure under the  
7 Seizure and Forfeiture Reporting Act.

8 (ll) Information the disclosure of which is restricted  
9 and exempted under Section 5-30.8 of the Illinois Public  
10 Aid Code.

11 (mm) Records that are exempt from disclosure under  
12 Section 4.2 of the Crime Victims Compensation Act.

13 (nn) Information that is exempt from disclosure under  
14 Section 70 of the Higher Education Student Assistance Act.

15 (oo) Communications, notes, records, and reports  
16 arising out of a peer support counseling session  
17 prohibited from disclosure under the First Responders  
18 Suicide Prevention Act.

19 (pp) Names and all identifying information relating to  
20 an employee of an emergency services provider or law  
21 enforcement agency under the First Responders Suicide  
22 Prevention Act.

23 (qq) Information and records held by the Department of  
24 Public Health and its authorized representatives collected  
25 under the Reproductive Health Act.

26 (rr) Information that is exempt from disclosure under

1 the Cannabis Regulation and Tax Act.

2 (ss) Data reported by an employer to the Department of  
3 Human Rights pursuant to Section 2-108 of the Illinois  
4 Human Rights Act.

5 (tt) Recordings made under the Children's Advocacy  
6 Center Act, except to the extent authorized under that  
7 Act.

8 (uu) Information that is exempt from disclosure under  
9 Section 50 of the Sexual Assault Evidence Submission Act.

10 (vv) Information that is exempt from disclosure under  
11 subsections (f) and (j) of Section 5-36 of the Illinois  
12 Public Aid Code.

13 (ww) Information that is exempt from disclosure under  
14 Section 16.8 of the State Treasurer Act.

15 (xx) Information that is exempt from disclosure or  
16 information that shall not be made public under the  
17 Illinois Insurance Code.

18 (yy) Information prohibited from being disclosed under  
19 the Illinois Educational Labor Relations Act.

20 (zz) Information prohibited from being disclosed under  
21 the Illinois Public Labor Relations Act.

22 (aaa) Information prohibited from being disclosed  
23 under Section 1-167 of the Illinois Pension Code.

24 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
25 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
26 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,



1 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
2 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.  
3 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,  
4 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;  
5 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.  
6 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,  
7 eff. 7-7-20.)

8 Section 10. The Department of Transportation Law of the  
9 Civil Administrative Code of Illinois is amended by changing  
10 Section 2705-300 and by adding Section 2705-616 as follows:

11 (20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

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

14 (1) Advise and assist the Governor and the General  
15 Assembly in formulating (i) a mass transportation policy  
16 for the State, (ii) proposals designed to help meet and  
17 resolve special problems of mass transportation within the  
18 State, and (iii) programs of assistance for the  
19 comprehensive planning, development, and administration of  
20 mass transportation facilities and services.

21 (2) Appear and participate in proceedings before any  
22 federal, State, or local regulatory agency involving or  
23 affecting mass transportation in the State.

24 (3) Study mass transportation problems and provide

1 technical assistance to units of local government.

2 (4) Encourage experimentation in developing new mass  
3 transportation facilities and services.

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

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

10 (7) Participate fully in a statewide effort to improve  
11 transport safety, including, as the designated State  
12 agency responsible for overseeing the safety and security  
13 of rail fixed guideway public transportation systems in  
14 compliance with 49 U.S.C. 5329 and 49 U.S.C. 5330:-

15 (A) developing, adopting, and implementing a  
16 system safety program standard and procedures meeting  
17 the compliance requirements of 49 U.S.C. 5329 and 49  
18 U.S.C. 5330, as now or hereafter amended, for the  
19 safety and security of rail fixed guideway public  
20 transportation systems within the State; and

21 (B) establishing procedures in accordance with 49  
22 U.S.C. 5329 and 49 U.S.C. 5330 to review, approve,  
23 oversee, investigate, audit, and enforce all other  
24 necessary and incidental functions related to the  
25 effectuation of 49 U.S.C. 5329 and 49 U.S.C. 5330, or  
26 other federal law, pertaining to public transportation

1           oversight. The Department may contract for the  
2           services of a qualified consultant to comply with this  
3           subsection.

4           The security portion of the system safety program,  
5           investigation reports, surveys, schedules, lists, or data  
6           compiled, collected, or prepared by or for the Department  
7           under this subsection shall not be subject to discovery or  
8           admitted into evidence in federal or State court or  
9           considered for other purposes in any civil action for  
10           damages arising from any matter mentioned or addressed in  
11           such reports, surveys, schedules, lists, data, or  
12           information. Except for willful or wanton conduct, neither  
13           the Department nor its employees, nor the Regional  
14           Transportation Authority, nor the St. Clair County Transit  
15           District, nor any mass transit district nor service board  
16           subject to this Section, nor their respective directors,  
17           officers, or employees, shall be held liable in any civil  
18           action for any injury to or death of any person or loss of  
19           or damage to property for any act, omission, or failure to  
20           act under this Section or 49 U.S.C. 5329 or 49 U.S.C. 5330  
21           as now or hereafter amended.

22           (8) Conduct by contract or otherwise technical  
23           studies, and demonstration and development projects which  
24           shall be designed to test and develop methods for  
25           increasing public use of mass transportation and for  
26           providing mass transportation in an efficient,

1 coordinated, and convenient manner.

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

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

7 Nothing in this Section alleviates an individual's duty to  
8 comply with the State Officials and Employees Ethics Act.

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

10 (20 ILCS 2705/2705-616 new)

11 Sec. 2705-616. State safety oversight for rail fixed  
12 guideway systems. The Department shall develop, adopt, and  
13 implement a system safety program standard and establish  
14 procedures to comply with 49 U.S.C. 5329 and 49 U.S.C. 5330 as  
15 required under paragraph (7) of Section 2705-300 of the  
16 Department of Transportation Law of the Civil Administrative  
17 Code of Illinois.

18 Section 15. The Metropolitan Transit Authority Act is  
19 amended by changing Section 9b and by adding Section 9c as  
20 follows:

21 (70 ILCS 3605/9b) (from Ch. 111 2/3, par. 309b)

22 Sec. 9b. The Authority shall comply with the requirements  
23 imposed upon a Service Board in Sections 4.09(d) and 4.11 of

1 the Regional Transportation Authority Act and with the  
2 requirements of ~~subsection (b) of~~ Section 2.11 of the Regional  
3 Transportation Authority Act. The Authority shall present  
4 evidence that it has complied with Section 27a of this Act to  
5 the Regional Transportation Authority.

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

7 (70 ILCS 3605/9c new)

8 Sec. 9c. State safety oversight for rail fixed guideway  
9 public transportation systems. The Authority shall comply with  
10 the requirements of 49 U.S.C. 5329 and 49 U.S.C. 5330 as  
11 required by the Department of Transportation under paragraph  
12 (7) of Section 2705-300 of the Department of Transportation  
13 Law of the Civil Administrative Code of Illinois.

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

16 (70 ILCS 3615/2.11) (from Ch. 111 2/3, par. 702.11)

17 Sec. 2.11. Safety.

18 (a) The Service Boards may establish, enforce and  
19 facilitate achievement and maintenance of standards of safety  
20 against accidents with respect to public transportation  
21 provided by the Service Boards or by transportation agencies  
22 pursuant to purchase of service agreements with the Service  
23 Boards. The provisions of general or special orders, rules or

1 regulations issued by the Illinois Commerce Commission  
2 pursuant to Section 57 of "An Act concerning public  
3 utilities", approved June 29, 1921, as amended, which pertain  
4 to public transportation and public transportation facilities  
5 of railroads will continue to apply until the Service Board  
6 determines that different standards are necessary to protect  
7 such health and safety.

8 (b) (Blank). ~~To the extent required by 49 CFR Part 659 as~~  
9 ~~now or hereafter amended, the Authority shall develop and~~  
10 ~~adopt a system safety program standard for the safety of rail~~  
11 ~~fixed guideway systems and the personal security of the~~  
12 ~~systems' passengers and employees and shall establish~~  
13 ~~procedures for safety and security reviews, investigations,~~  
14 ~~and oversight reporting. The Authority shall require the~~  
15 ~~applicable Service Boards to comply with the requirements of~~  
16 ~~49 CFR Part 659 as now or hereafter amended. The Authority may~~  
17 ~~contract for the services of a qualified consultant to comply~~  
18 ~~with this subsection.~~

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

1           (d) Neither the Authority nor its directors, officers, or  
2 employees nor any Service Board subject to this Section nor  
3 its directors, officers, or employees shall be held liable in  
4 any civil action for any injury to any person or property for  
5 any acts or omissions or failure to act under this Section or  
6 pursuant to 49 CFR Part 659 as now or hereafter amended.

7           (e) Nothing in this Section alleviates an individual's  
8 duty to comply with the State Officials and Employees Ethics  
9 Act.

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

11           (45 ILCS 111/Act rep.)

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

13           Section 99. Effective date. This Act takes effect upon  
14 becoming law.