

1 AN ACT in regard to vehicles.

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

26 (b) Obstruction of Highway at Grade Crossing
27 Prohibited. It is unlawful for a rail carrier to permit
28 any train, railroad car or engine to obstruct public
29 travel at a railroad-highway grade crossing for a period
30 in excess of 10 minutes, except where such train or
31 railroad car is continuously moving or cannot be moved by

1 reason of circumstances over which the rail carrier has
2 no reasonable control.

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

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

17 (c) Punishment for Obstruction of Grade Crossing.
18 Any rail carrier violating paragraph (b) of this
19 subsection shall be guilty of a petty offense and fined
20 not less than \$200 nor more than \$500 if the duration of
21 the obstruction is in excess of 10 minutes but no longer
22 than 15 minutes. If the duration of the obstruction
23 exceeds 15 minutes the violation shall be a business
24 offense and the following fines shall be imposed: if the
25 duration of the obstruction is in excess of 15 minutes
26 but no longer than 20 minutes, the fine shall be \$500; if
27 the duration of the obstruction is in excess of 20
28 minutes but no longer than 25 minutes, the fine shall be
29 \$700; if the duration of the obstruction is in excess of
30 25 minutes, but no longer than 30 minutes, the fine shall
31 be \$900; if the duration of the obstruction is in excess
32 of 30 minutes but no longer than 35 minutes, the fine
33 shall be \$1,000; if the duration of the obstruction is in
34 excess of 35 minutes, the fine shall be \$1,000 plus an

1 additional \$500 for each 5 minutes of obstruction in
2 excess of 25 minutes of obstruction.

3 (2) Other Operational Requirements.

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

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

27 (b) Speed Limits. Each rail carrier shall operate
28 its trains in compliance with speed limits set by the
29 Commission. The Commission may set train speed limits
30 only where such limits are necessitated by extraordinary
31 circumstances effecting the public safety, and shall
32 maintain such train speed limits in effect only for such
33 time as the extraordinary circumstances prevail.

34 The Commission and the Department of Transportation

1 shall conduct a study of the relation between train
2 speeds and railroad-highway grade crossing safety. The
3 Commission shall report the findings of the study to the
4 General Assembly no later than January 5, 1997.

5 (c) Special Speed Limit; Pilot Project. The
6 Commission and the Board of the Commuter Rail Division of
7 the Regional Transportation Authority shall conduct a
8 pilot project in the Village of Fox River Grove, the site
9 of the fatal school bus accident at a railroad crossing
10 on October 25, 1995, in order to improve railroad
11 crossing safety. For this project, the Commission is
12 directed to set the maximum train speed limit for
13 Regional Transportation Authority trains at 50 miles per
14 hour at intersections on that portion of the intrastate
15 rail line located in the Village of Fox River Grove. If
16 the Regional Transportation Authority deliberately fails
17 to comply with this maximum speed limit, then any entity,
18 governmental or otherwise, that provides capital or
19 operational funds to the Regional Transportation
20 Authority shall appropriately reduce or eliminate that
21 funding. The Commission shall report to the Governor and
22 the General Assembly on the results of this pilot project
23 in January 1999, January 2000, and January 2001. The
24 Commission shall also submit a final report on the pilot
25 project to the Governor and the General Assembly in
26 January 2001. The provisions of this subsection (c),
27 other than this sentence, are inoperative after February
28 1, 2001.

29 (3) Report and Investigation of Rail Accidents.

30 (a) Reports. Every rail carrier shall report to the
31 Commission, by the speediest means possible, whether
32 telephone, telegraph, or otherwise, every accident
33 involving its equipment, track, or other property which
34 resulted in loss of life to any person. In addition,

1 such carriers shall file a written report with the
2 Commission. Reports submitted under this paragraph shall
3 be strictly confidential, shall be specifically
4 prohibited from disclosure, and shall not be admissible
5 in any administrative or judicial proceeding relating to
6 the accidents reported.

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

16 (Source: P.A. 91-675, eff. 6-1-00; 92-284, eff. 8-9-01.)