

# HB5337



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-7402

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

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning railroad safety.

LRB093 17461 DRH 43127 b

A BILL FOR

1 AN ACT in regard to 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 changing  
5 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 the  
13 ~~such~~ 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 St.  
17 Louis switching districts, every railroad dispatcher or  
18 other person responsible for the movement of railroad  
19 equipment in a specific area who receives notification that  
20 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  
24 crew shall take immediate action in accordance with this  
25 paragraph.

26 (b) Obstruction of Highway at Grade Crossing  
27 Prohibited. It is unlawful for a rail carrier to permit any  
28 train, railroad car or engine to obstruct public travel at  
29 a railroad-highway grade crossing for a period in excess of  
30 10 minutes, except where such train or railroad car is  
31 continuously moving or cannot be moved by reason of  
32 circumstances over which the rail carrier has no reasonable

1 control.

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

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

16 (c) Punishment for Obstruction of Grade Crossing. Any  
17 rail carrier violating paragraph (b) of this subsection  
18 shall be guilty of a petty offense and fined not less than  
19 \$200 nor more than \$500 if the duration of the obstruction  
20 is in excess of 10 minutes but no longer than 15 minutes.  
21 If the duration of the obstruction exceeds 15 minutes the  
22 violation shall be a business offense and the following  
23 fines shall be imposed: if the duration of the obstruction  
24 is in excess of 15 minutes but no longer than 20 minutes,  
25 the fine shall be \$500; if the duration of the obstruction  
26 is in excess of 20 minutes but no longer than 25 minutes,  
27 the fine shall be \$700; if the duration of the obstruction  
28 is in excess of 25 minutes, but no longer than 30 minutes,  
29 the fine shall be \$900; if the duration of the obstruction  
30 is in excess of 30 minutes but no longer than 35 minutes,  
31 the fine shall be \$1,000; if the duration of the  
32 obstruction is in excess of 35 minutes, the fine shall be  
33 \$1,000 plus an additional \$500 for each 5 minutes of  
34 obstruction in excess of 25 minutes of obstruction.

35 (2) Other Operational Requirements.

36 (a) Bell and Whistle-Crossings. Every rail carrier

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

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

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

30 The Commission and the Department of Transportation  
31 shall conduct a study of the relation between train speeds  
32 and railroad-highway grade crossing safety. The Commission  
33 shall report the findings of the study to the General  
34 Assembly no later than January 5, 1997.

35 (c) Special Speed Limit; Pilot Project. The Commission  
36 and the Board of the Commuter Rail Division of the Regional

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

22 (3) Report and Investigation of Rail Accidents.

23 (a) Reports. Every rail carrier shall report to the  
24 Commission, by the speediest means possible, whether  
25 telephone, telegraph, or otherwise, every accident  
26 involving its equipment, track, or other property which  
27 resulted in loss of life to any person. In addition, such  
28 carriers shall file a written report with the Commission.  
29 Reports submitted under this paragraph shall be strictly  
30 confidential, shall be specifically prohibited from  
31 disclosure, and shall not be admissible in any  
32 administrative or judicial proceeding relating to the  
33 accidents reported.

34 (b) Investigations. The Commission may investigate all  
35 railroad accidents reported to it or of which it acquires  
36 knowledge independent of reports made by rail carriers, and

1 shall have the power, consistent with standards and  
2 procedures established under the Federal Railroad Safety  
3 Act, as amended, to enter such temporary orders as will  
4 minimize the risk of future accidents pending notice,  
5 hearing, and final action by the Commission.

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