

1 AN ACT in relation 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-7401 as follows:

6 (625 ILCS 5/18c-7401) (from Ch. 95 1/2, par. 18c-7401)

7 Sec. 18c-7401. Safety Requirements for Track,  
8 Facilities, and Equipment.

9 (1) General Requirements. Each rail carrier shall,  
10 consistent with rules, orders, and regulations of the Federal  
11 Railroad Administration, construct, maintain, and operate all  
12 of its equipment, track, and other property in this State in  
13 such a manner as to pose no undue risk to its employees or  
14 the person or property of any member of the public.

15 (2) Adoption of Federal Standards. The track safety  
16 standards and accident/incident standards promulgated by the  
17 Federal Railroad Administration shall be safety standards of  
18 the Commission. The Commission may, in addition, adopt by  
19 reference in its regulations other federal railroad safety  
20 standards, whether contained in federal statutes or in  
21 regulations adopted pursuant to such statutes.

22 (3) Railroad Crossings. No public road, highway, or  
23 street shall hereafter be constructed across the track of any  
24 rail carrier at grade, nor shall the track of any rail  
25 carrier be constructed across a public road, highway or  
26 street at grade, without having first secured the permission  
27 of the Commission; provided, that this Section shall not  
28 apply to the replacement of lawfully existing roads, highways  
29 and tracks. No public pedestrian bridge or subway shall be  
30 constructed across the track of any rail carrier without  
31 having first secured the permission of the Commission. The

1 Commission shall have the right to refuse its permission or  
2 to grant it upon such terms and conditions as it may  
3 prescribe. The Commission shall have power to determine and  
4 prescribe the manner, including the particular point of  
5 crossing, and the terms of installation, operation,  
6 maintenance, use and protection of each such crossing.

7 The Commission shall also have power, after a hearing, to  
8 require major alteration of or to abolish any crossing,  
9 heretofore or hereafter established, when in its opinion, the  
10 public safety requires such alteration or abolition, and,  
11 except in cities, villages and incorporated towns of  
12 1,000,000 or more inhabitants, to vacate and close that part  
13 of the highway on such crossing altered or abolished and  
14 cause barricades to be erected across such highway in such  
15 manner as to prevent the use of such crossing as a highway,  
16 when, in the opinion of the Commission, the public  
17 convenience served by the crossing in question is not such as  
18 to justify the further retention thereof; or to require a  
19 separation of grades, at railroad-highway grade crossings; or  
20 to require a separation of grades at any proposed crossing  
21 where a proposed public highway may cross the tracks of any  
22 rail carrier or carriers; and to prescribe, after a hearing  
23 of the parties, the terms upon which such separations shall  
24 be made and the proportion in which the expense of the  
25 alteration or abolition of such crossings or the separation  
26 of such grades, having regard to the benefits, if any,  
27 accruing to the rail carrier or any party in interest, shall  
28 be divided between the rail carrier or carriers affected, or  
29 between such carrier or carriers and the State, county,  
30 municipality or other public authority in interest. However,  
31 a public hearing by the Commission to abolish a crossing  
32 shall not be required when the public highway authority in  
33 interest vacates the highway. In such instance the rail  
34 carrier, following notification to the Commission and the

1 highway authority, shall remove any grade crossing warning  
2 devices and the grade crossing surface.

3 The Commission shall also have power by its order to  
4 require the reconstruction, minor alteration, minor  
5 relocation or improvement of any crossing (including the  
6 necessary highway approaches thereto) of any railroad across  
7 any highway or public road, pedestrian bridge, or pedestrian  
8 subway, whether such crossing be at grade or by overhead  
9 structure or by subway, whenever the Commission finds after a  
10 hearing or without a hearing as otherwise provided in this  
11 paragraph that such reconstruction, alteration, relocation or  
12 improvement is necessary to preserve or promote the safety or  
13 convenience of the public or of the employees or passengers  
14 of such rail carrier or carriers. By its original order or  
15 supplemental orders in such case, the Commission may direct  
16 such reconstruction, alteration, relocation, or improvement  
17 to be made in such manner and upon such terms and conditions  
18 as may be reasonable and necessary and may apportion the cost  
19 of such reconstruction, alteration, relocation or improvement  
20 and the subsequent maintenance thereof, having regard to the  
21 benefits, if any, accruing to the railroad or any party in  
22 interest, between the rail carrier or carriers and public  
23 utilities affected, or between such carrier or carriers and  
24 public utilities and the State, county, municipality or other  
25 public authority in interest. The cost to be so apportioned  
26 shall include the cost of changes or alterations in the  
27 equipment of public utilities affected as well as the cost of  
28 the relocation, diversion or establishment of any public  
29 highway, made necessary by such reconstruction, alteration,  
30 relocation or improvement of said crossing. A hearing shall  
31 not be required in those instances when the Commission enters  
32 an order confirming a written stipulation in which the  
33 Commission, the public highway authority or other public  
34 authority in interest, the rail carrier or carriers affected,

1 and in instances involving the use of the Grade Crossing  
2 Protection Fund, the Illinois Department of Transportation,  
3 agree on the reconstruction, alteration, relocation, or  
4 improvement and the subsequent maintenance thereof and the  
5 division of costs of such changes of any grade crossing  
6 (including the necessary highway approaches thereto) of any  
7 railroad across any highway, pedestrian bridge, or pedestrian  
8 subway.

9 Every rail carrier operating in the State of Illinois  
10 shall construct and maintain every highway crossing over its  
11 tracks within the State so that the roadway at the  
12 intersection shall be as flush with the rails as  
13 superelevated curves will allow, and, unless otherwise  
14 ordered by the Commission, shall construct and maintain the  
15 approaches thereto at a grade of not more than 5% within the  
16 right of way for a distance of not less the 6 feet on each  
17 side of the centerline of such tracks; provided, that the  
18 grades at the approaches may be maintained in excess of 5%  
19 only when authorized by the Commission.

20 Every rail carrier operating within this State shall  
21 remove from its right of way at all railroad-highway grade  
22 crossings within the State, such brush, shrubbery, and trees  
23 as is reasonably practical for a distance of not less than  
24 500 feet in either direction from each grade crossing. The  
25 Commission shall have power, upon its own motion, or upon  
26 complaint, and after having made proper investigation, to  
27 require the installation of adequate and appropriate luminous  
28 reflective warning signs, luminous flashing signals, crossing  
29 gates illuminated at night, or other protective devices in  
30 order to promote and safeguard the health and safety of the  
31 public. Luminous flashing signal or crossing gate devices  
32 installed at grade crossings, which have been approved by the  
33 Commission, shall be deemed adequate and appropriate. The  
34 Commission shall have authority to determine the number,

1 type, and location of such signs, signals, gates, or other  
2 protective devices which, however, shall conform as near as  
3 may be with generally recognized national standards, and the  
4 Commission shall have authority to prescribe the division of  
5 the cost of the installation and subsequent maintenance of  
6 such signs, signals, gates, or other protective devices  
7 between the rail carrier or carriers, the public highway  
8 authority or other public authority in interest, and in  
9 instances involving the use of the Grade Crossing Protection  
10 Fund, the Illinois Department of Transportation. If the  
11 Commission has ordered the installation of luminous flashing  
12 signal or crossing gate devices at a grade crossing, the  
13 Commission shall order the installation of temporary stop  
14 signs at the highway intersection with the grade crossing.  
15 The temporary stop signs shall remain in place until the  
16 luminous flashing signal or crossing gate devices have been  
17 installed. The rail carrier is responsible for the cost of  
18 the installation and subsequent maintenance of any required  
19 temporary stop signs.

20 No railroad may change or modify the warning device  
21 system at a railroad-highway grade crossing, including  
22 warning systems interconnected with highway traffic control  
23 signals, without having first received the approval of the  
24 Commission. The Commission shall have the further power,  
25 upon application, upon its own motion, or upon complaint and  
26 after having made proper investigation, to require the  
27 interconnection of grade crossing warning devices with  
28 traffic control signals at highway intersections located at  
29 or near railroad crossings within the distances described by  
30 the State Manual on Uniform Traffic Control Devices adopted  
31 pursuant to Section 11-301 of this Code. In addition, State  
32 and local authorities may not install, remove, modernize, or  
33 otherwise modify traffic control signals at a highway  
34 intersection that is interconnected or proposed to be

1 interconnected with grade crossing warning devices when the  
2 change affects the number, type, or location of traffic  
3 control devices on the track approach leg or legs of the  
4 intersection or the timing of the railroad preemption  
5 sequence of operation until the Commission has approved the  
6 installation, removal, modernization, or modification.  
7 Commission approval shall be limited to consideration of  
8 issues directly affecting the public safety at the  
9 railroad-highway grade crossing. The electrical circuit  
10 devices, alternate warning devices, and preemption sequences  
11 shall conform as nearly as possible, considering the  
12 particular characteristics of the crossing and intersection  
13 area, to the State manual adopted by the Illinois Department  
14 of Transportation pursuant to Section 11-301 of this Code and  
15 such federal standards as are made applicable by subsection  
16 (2) of this Section. In order to carry out this authority,  
17 the Commission shall have the authority to determine the  
18 number, type, and location of traffic control devices on the  
19 track approach leg or legs of the intersection and the timing  
20 of the railroad preemption sequence of operation. The  
21 Commission shall prescribe the division of costs for  
22 installation and maintenance of all devices required by this  
23 paragraph between the railroad or railroads and the highway  
24 authority in interest and in instances involving the use of  
25 the Grade Crossing Protection Fund or a State highway, the  
26 Illinois Department of Transportation.

27 Any person who unlawfully or maliciously removes, throws  
28 down, damages or defaces any sign, signal, gate or other  
29 protective device, located at or near any public grade  
30 crossing, shall be guilty of a petty offense and fined not  
31 less than \$50 nor more than \$200 for each offense. In  
32 addition to fines levied under the provisions of this Section  
33 a person adjudged guilty hereunder may also be directed to  
34 make restitution for the costs of repair or replacement, or

1 both, necessitated by his misconduct.

2 It is the public policy of the State of Illinois to  
3 enhance public safety by establishing safe grade crossings.  
4 In order to implement this policy, the Illinois Commerce  
5 Commission is directed to conduct public hearings and to  
6 adopt specific criteria by July 1, 1994, that shall be  
7 adhered to by the Illinois Commerce Commission in determining  
8 if a grade crossing should be opened or abolished. The  
9 following factors shall be considered by the Illinois  
10 Commerce Commission in developing the specific criteria for  
11 opening and abolishing grade crossings:

- 12 (a) timetable speed of passenger trains;
- 13 (b) distance to an alternate crossing;
- 14 (c) accident history for the last 5 years;
- 15 (d) number of vehicular traffic and posted speed  
16 limits;
- 17 (e) number of freight trains and their timetable  
18 speeds;
- 19 (f) the type of warning device present at the grade  
20 crossing;
- 21 (g) alignments of the roadway and railroad, and the  
22 angle of intersection of those alignments;
- 23 (h) use of the grade crossing by trucks carrying  
24 hazardous materials, vehicles carrying passengers for  
25 hire, and school buses; and
- 26 (i) use of the grade crossing by emergency  
27 vehicles.

28 The Illinois Commerce Commission, upon petition to open  
29 or abolish a grade crossing, shall enter an order opening or  
30 abolishing the crossing if it meets the specific criteria  
31 adopted by the Commission.

32 Except as otherwise provided in this subsection (3), in  
33 no instance shall a grade crossing be permanently closed  
34 without public hearing first being held and notice of such

1 hearing being published in an area newspaper of local general  
2 circulation.

3 (4) Freight Trains - Radio Communications. The  
4 Commission shall after hearing and order require that every  
5 main line railroad freight train operating on main tracks  
6 outside of yard limits within this State shall be equipped  
7 with a radio communication system. The Commission after  
8 notice and hearing may grant exemptions from the requirements  
9 of this Section as to secondary and branch lines.

10 (5) Railroad Bridges and Trestles - Walkway and  
11 Handrail. In cases in which the Commission finds the same to  
12 be practical and necessary for safety of railroad employees,  
13 bridges and trestles, over and upon which railroad trains are  
14 operated, shall include as a part thereof, a safe and  
15 suitable walkway and handrail on one side only of such bridge  
16 or trestle, and such handrail shall be located at the outer  
17 edge of the walkway and shall provide a clearance of not less  
18 than 8 feet, 6 inches, from the center line of the nearest  
19 track, measured at right angles thereto.

20 (6) Packages Containing Articles for First Aid to  
21 Injured on Trains. All rail carriers shall provide a package  
22 containing the articles prescribed by the Commission, on each  
23 train or engine, for first aid to persons who may be injured  
24 in the course of the operation of such trains.

25 (7) Abandoned Bridges, Crossings, and Other Rail Plant.  
26 The Commission shall have authority, after notice and  
27 hearing, to order:

28 (a) The removal of any abandoned railroad tracks  
29 from roads, streets or other thoroughfares in this State;  
30 and

31 (b) The removal of abandoned overhead railroad  
32 structures crossing highways, waterways, or railroads.

33 The Commission may equitably apportion the cost of such  
34 actions between the rail carrier or carriers, public



1 utilities, and the State, county, municipality, township,  
2 road district, or other public authority in interest.

3 (8) Railroad-Highway Bridge Clearance. A vertical  
4 clearance of not less than 23 feet above the top of rail  
5 shall be provided for all new or reconstructed highway  
6 bridges constructed over a railroad track. The Commission  
7 may permit a lesser clearance if it determines that the 23  
8 foot clearance standard cannot be justified based on  
9 engineering, operational, and economic conditions.

10 (Source: P.A. 90-691, eff. 1-1-99; 91-725, eff. 6-2-00.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.