



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3730

Introduced 2/25/2009, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-7401

from Ch. 95 1/2, par. 18c-7401

Amends the Illinois Vehicle Code. Provides that, except where train crews provide flagging of the crossing to road users, yield signs shall be installed at all highway intersections with every grade crossing in this State that is not equipped with automatic warning devices, such as luminous flashing signals or crossing gate devices. Provides that a stop sign may be used in lieu of the yield sign when an engineering study conducted in cooperation with the highway authority and the Illinois Department of Transportation has determined that a stop sign is warranted. Restores language requiring temporary stop signs at grade crossings under specified circumstances. Provides that, if the Illinois Commerce Commission has ordered the installation of luminous flashing signal or crossing gate devices at a grade crossing not equipped with active warning devices, the Commission shall order the installation of temporary stop signs at the highway intersection with the grade crossing unless an engineering study has determined that a stop sign is not appropriate. Provides that, if a stop sign is not appropriate, the Commission may order the installation of other appropriate supplemental signing as determined by an engineering study. Requires permanent signs to be in place by July 1, 2011. Effective immediately.

LRB096 09362 AJT 19519 b

FISCAL NOTE ACT
MAY APPLY

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 changing
5 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, Facilities,
8 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 the
14 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 street
23 shall hereafter be constructed across the track of any rail

1 carrier at grade, nor shall the track of any rail carrier be
2 constructed across a public road, highway or street at grade,
3 without having first secured the permission of the Commission;
4 provided, that this Section shall not apply to the replacement
5 of lawfully existing roads, highways and tracks. No public
6 pedestrian bridge or subway shall be constructed across the
7 track of any rail carrier without having first secured the
8 permission of the Commission. The Commission shall have the
9 right to refuse its permission or to grant it upon such terms
10 and conditions as it may prescribe. The Commission shall have
11 power to determine and prescribe the manner, including the
12 particular point of crossing, and the terms of installation,
13 operation, maintenance, use and protection of each such
14 crossing.

15 The Commission shall also have power, after a hearing, to
16 require major alteration of or to abolish any crossing,
17 heretofore or hereafter established, when in its opinion, the
18 public safety requires such alteration or abolition, and,
19 except in cities, villages and incorporated towns of 1,000,000
20 or more inhabitants, to vacate and close that part of the
21 highway on such crossing altered or abolished and cause
22 barricades to be erected across such highway in such manner as
23 to prevent the use of such crossing as a highway, when, in the
24 opinion of the Commission, the public convenience served by the
25 crossing in question is not such as to justify the further
26 retention thereof; or to require a separation of grades, at

1 railroad-highway grade crossings; or to require a separation of
2 grades at any proposed crossing where a proposed public highway
3 may cross the tracks of any rail carrier or carriers; and to
4 prescribe, after a hearing of the parties, the terms upon which
5 such separations shall be made and the proportion in which the
6 expense of the alteration or abolition of such crossings or the
7 separation of such grades, having regard to the benefits, if
8 any, accruing to the rail carrier or any party in interest,
9 shall be divided between the rail carrier or carriers affected,
10 or between such carrier or carriers and the State, county,
11 municipality or other public authority in interest. However, a
12 public hearing by the Commission to abolish a crossing shall
13 not be required when the public highway authority in interest
14 vacates the highway. In such instance the rail carrier,
15 following notification to the Commission and the highway
16 authority, shall remove any grade crossing warning devices and
17 the grade crossing surface.

18 The Commission shall also have power by its order to
19 require the reconstruction, minor alteration, minor relocation
20 or improvement of any crossing (including the necessary highway
21 approaches thereto) of any railroad across any highway or
22 public road, pedestrian bridge, or pedestrian subway, whether
23 such crossing be at grade or by overhead structure or by
24 subway, whenever the Commission finds after a hearing or
25 without a hearing as otherwise provided in this paragraph that
26 such reconstruction, alteration, relocation or improvement is

1 necessary to preserve or promote the safety or convenience of
2 the public or of the employees or passengers of such rail
3 carrier or carriers. By its original order or supplemental
4 orders in such case, the Commission may direct such
5 reconstruction, alteration, relocation, or improvement to be
6 made in such manner and upon such terms and conditions as may
7 be reasonable and necessary and may apportion the cost of such
8 reconstruction, alteration, relocation or improvement and the
9 subsequent maintenance thereof, having regard to the benefits,
10 if any, accruing to the railroad or any party in interest,
11 between the rail carrier or carriers and public utilities
12 affected, or between such carrier or carriers and public
13 utilities and the State, county, municipality or other public
14 authority in interest. The cost to be so apportioned shall
15 include the cost of changes or alterations in the equipment of
16 public utilities affected as well as the cost of the
17 relocation, diversion or establishment of any public highway,
18 made necessary by such reconstruction, alteration, relocation
19 or improvement of said crossing. A hearing shall not be
20 required in those instances when the Commission enters an order
21 confirming a written stipulation in which the Commission, the
22 public highway authority or other public authority in interest,
23 the rail carrier or carriers affected, and in instances
24 involving the use of the Grade Crossing Protection Fund, the
25 Illinois Department of Transportation, agree on the
26 reconstruction, alteration, relocation, or improvement and the

1 subsequent maintenance thereof and the division of costs of
2 such changes of any grade crossing (including the necessary
3 highway approaches thereto) of any railroad across any highway,
4 pedestrian bridge, or pedestrian subway.

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

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

1 grade crossings, which have been approved by the Commission,
2 shall be deemed adequate and appropriate. The Commission shall
3 have authority to determine the number, type, and location of
4 such signs, signals, gates, or other protective devices which,
5 however, shall conform as near as may be with generally
6 recognized national standards, and the Commission shall have
7 authority to prescribe the division of the cost of the
8 installation and subsequent maintenance of such signs,
9 signals, gates, or other protective devices between the rail
10 carrier or carriers, the public highway authority or other
11 public authority in interest, and in instances involving the
12 use of the Grade Crossing Protection Fund, the Illinois
13 Department of Transportation. Except where train crews provide
14 flagging of the crossing to road users, yield signs shall be
15 installed at all highway intersections with every grade
16 crossing in this State that is not equipped with automatic
17 warning devices, such as luminous flashing signals or crossing
18 gate devices. A stop sign may be used in lieu of the yield sign
19 when an engineering study conducted in cooperation with the
20 highway authority and the Illinois Department of
21 Transportation has determined that a stop sign is warranted. If
22 the Commission has ordered the installation of luminous
23 flashing signal or crossing gate devices at a grade crossing
24 not equipped with active warning devices, the Commission shall
25 order the installation of temporary stop signs at the highway
26 intersection with the grade crossing unless an engineering

1 study has determined that a stop sign is not appropriate. If a
2 stop sign is not appropriate, the Commission may order the
3 installation of other appropriate supplemental signing as
4 determined by an engineering study. The temporary ~~stop~~ signs
5 shall remain in place until the luminous flashing signal or
6 crossing gate devices have been installed. The rail carrier is
7 responsible for ~~the cost of~~ the installation and subsequent
8 maintenance of any required ~~temporary stop~~ signs. The permanent
9 signs shall be in place by July 1, 2011.

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

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

24 Any person who unlawfully or maliciously removes, throws
25 down, damages or defaces any sign, signal, gate or other
26 protective device, located at or near any public grade

1 crossing, shall be guilty of a petty offense and fined not less
2 than \$50 nor more than \$200 for each offense. In addition to
3 fines levied under the provisions of this Section a person
4 adjudged guilty hereunder may also be directed to make
5 restitution for the costs of repair or replacement, or both,
6 necessitated by his misconduct.

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

- 17 (a) timetable speed of passenger trains;
- 18 (b) distance to an alternate crossing;
- 19 (c) accident history for the last 5 years;
- 20 (d) number of vehicular traffic and posted speed
21 limits;
- 22 (e) number of freight trains and their timetable
23 speeds;
- 24 (f) the type of warning device present at the grade
25 crossing;
- 26 (g) alignments of the roadway and railroad, and the

1 angle of intersection of those alignments;

2 (h) use of the grade crossing by trucks carrying
3 hazardous materials, vehicles carrying passengers for
4 hire, and school buses; and

5 (i) use of the grade crossing by emergency vehicles.

6 The Illinois Commerce Commission, upon petition to open or
7 abolish a grade crossing, shall enter an order opening or
8 abolishing the crossing if it meets the specific criteria
9 adopted by the Commission.

10 Except as otherwise provided in this subsection (3), in no
11 instance shall a grade crossing be permanently closed without
12 public hearing first being held and notice of such hearing
13 being published in an area newspaper of local general
14 circulation.

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

22 (5) Railroad Bridges and Trestles - Walkway and Handrail.
23 In cases in which the Commission finds the same to be practical
24 and necessary for safety of railroad employees, bridges and
25 trestles, over and upon which railroad trains are operated,
26 shall include as a part thereof, a safe and suitable walkway

1 and handrail on one side only of such bridge or trestle, and
2 such handrail shall be located at the outer edge of the walkway
3 and shall provide a clearance of not less than 8 feet, 6
4 inches, from the center line of the nearest track, measured at
5 right angles thereto.

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

11 (7) Abandoned Bridges, Crossings, and Other Rail Plant. The
12 Commission shall have authority, after notice and hearing, to
13 order:

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

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

18 The Commission may equitably apportion the cost of such
19 actions between the rail carrier or carriers, public utilities,
20 and the State, county, municipality, township, road district,
21 or other public authority in interest.

22 (8) Railroad-Highway Bridge Clearance. A vertical
23 clearance of not less than 23 feet above the top of rail shall
24 be provided for all new or reconstructed highway bridges
25 constructed over a railroad track. The Commission may permit a
26 lesser clearance if it determines that the 23 foot clearance

1 standard cannot be justified based on engineering,
2 operational, and economic conditions.

3 (Source: P.A. 93-604, eff. 11-21-03.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.