



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0420

by Rep. Kelly Burke

SYNOPSIS AS INTRODUCED:

See Index

Creates the Rail Crossing Blocking Act. Requires the Illinois Commerce Commission and the Department of Transportation to annually study railroad crossings in municipalities of 100,000 or more to identify crossings which if blocked for longer than 10 minutes would pose significant public safety concerns by impeding emergency, fire, and police. A municipality, under 100,000, may petition to have a crossing included in the study. The Commission shall use the study to designate Essential Rail Crossings. Provides a person or entity may not physically block an Essential Rail Crossing in a manner which obstructs traffic for a period longer than 10 minutes or in excess of a total of 10 minutes during a 30 minute period in a municipality in a county of more than 1,000,000, unless the blocking of the crossing is by reason of circumstances over which the person or entity has no reasonable control, is necessary for maintenance of the crossing, or is otherwise allowed or required under State or federal law, rule, or regulation. Provides exemptions and a petty offense penalty for blocking 15 minutes or less and a business offense penalty for blocking exceeding 15 minutes. Provides graduated fines and that all fines collected shall be deposited into the Rail Crossing Blocking Fund. Amends the Department of Transportation Law of the Civil Administrative Code of Illinois. Allows the Department to grant funds to any railroad, rail user, or owner or lessee of a railroad right-of-way for improvement or construction of railroad crossings, but only those not in violation of the Rail Crossing Blocking Act or those agreeing to reduce violations of the Act. Amends the State Finance Act and the Illinois Vehicle Code to make conforming changes.

LRB099 02770 MRW 22778 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 1. Short title. This Act may be cited as the Rail
5 Crossing Blocking Act.

6 Section 5. Definitions. As used in this Act, unless the
7 context clearly requires otherwise, the following terms are
8 defined as indicated:

9 "Essential Rail Crossing" means a railroad-highway grade
10 crossing designated by the Illinois Commerce Commission under
11 Section 10 of this Act.

12 "Physically block" means to obstruct the movement of all
13 motor vehicle traffic from passing through a railroad-highway
14 grade crossing, and includes blocking of a crossing by a
15 malfunctioning railroad crossing signal and gate located on the
16 railroad right-of-way.

17 "Rail carrier" means any person engaged in the
18 transportation of property or passengers for hire by railroad,
19 together with all employees or agents of this person or entity,
20 and all property used, controlled, or owned by this person or
21 entity.

22 Section 10. Illinois Commerce Commission rail crossing

1 designation.

2 The Illinois Commerce Commission and the Department of
3 Transportation shall conduct a study annually of
4 railroad-highway grade crossings located within municipalities
5 with a population of 100,000 or more inhabitants, as determined
6 by the most recent federal census, to identify those crossings
7 which if blocked from normal motor vehicle traffic flow for a
8 period of time in excess of 10 minutes would pose significant
9 public safety concerns by impeding emergency, fire, and police
10 use of the crossings. The Commission and Department may consult
11 with an affected municipality for purposes of the study. A
12 municipality, with a population under 100,000, may petition the
13 Commission and the Department to have a railroad-highway grade
14 crossing located within the municipality included in the study.
15 The Commission shall use the study to annually designate any
16 railroad-highway grade crossings in those municipalities as
17 Essential Rail Crossings and shall publish its Essential Rail
18 Crossing designations on its Internet website. The Commission
19 shall notify each municipality of the location of any Essential
20 Rail Crossing designations within the municipality.

21 Section 15. Obstruction of Essential Rail Crossing
22 prohibited.

23 (a) Except as otherwise provided in subsection (b) of this
24 Section, a person or entity may not physically block an
25 Essential Rail Crossing in a manner which obstructs motor

1 vehicle traffic over the crossing for a period in excess of 10
2 minutes, unless the blocking of the crossing is by reason of
3 circumstances over which the person or entity has no reasonable
4 control, is necessary for maintenance of the crossing, or is
5 otherwise allowed or required under State or federal law, rule,
6 or regulation. This Section does not apply to a rail carrier's
7 train or railroad car which is continuously moving or cannot be
8 moved by reason of circumstances over which the rail carrier
9 has no reasonable control, is necessary for maintenance, or is
10 otherwise allowed or required under State or federal law, rule,
11 or regulation.

12 (b) In a municipality within a county with a population of
13 more than 1,000,000, as determined by the most recent federal
14 census, during the hours of 7:00 a.m. through 9:00 a.m. and
15 4:00 p.m. through 6:00 p.m. a person or entity may not
16 physically block an Essential Rail Crossing in a manner which
17 obstructs motor vehicle traffic over the crossing for a period
18 in excess of a total of 10 minutes during a 30 minute period,
19 except when the blocking is by reason of circumstances over
20 which the person or entity has no reasonable control, is
21 necessary for maintenance of the crossing, or is otherwise
22 allowed or required under State or federal law, rule, or
23 regulation. This Section does not apply to a rail carrier's
24 train or railroad car which is continuously moving or where the
25 train or railroad car cannot be moved by reason or
26 circumstances over which the rail carrier has no reasonable

1 control, is necessary for maintenance, or is otherwise allowed
2 or required by State or federal law, rule, or regulation.

3 (c) Under no circumstances shall a moving train be stopped
4 for the purposes of issuing a citation related to this Section.
5 No employee acting under the rules or orders of his or her
6 employer or its supervisory personnel may be prosecuted for a
7 violation of this Section.

8 Section 20. Penalty for obstruction of grade crossing.

9 (a) Any person or entity violating subsection (a) or (b) of
10 Section 15 of this Act shall be guilty of a petty offense and
11 fined not less than \$600 nor more than \$1,500 plus costs, if
12 the duration of the obstruction is in excess of 10 minutes but
13 no longer than 15 minutes.

14 (b) Any person or entity violating subsection (a) or (b) of
15 Section 15 of this Act shall be guilty of a business offense
16 and fined:

17 (1) \$1,500 plus costs, if the duration of the
18 obstruction is in excess of 15 minutes but no longer than
19 20 minutes;

20 (2) \$2,100 plus costs, if the duration of the
21 obstruction is in excess of 20 minutes but no longer than
22 25 minutes;

23 (3) \$2,700 plus costs, if the duration of the
24 obstruction is in excess of 25 minutes, but no longer than
25 30 minutes;

1 (4) \$3,000 plus costs, if the duration of the
2 obstruction is in excess of 30 minutes but no longer than
3 35 minutes; or

4 (5) if the duration of the obstruction is in excess of
5 35 minutes, the fine shall be \$3,300 plus an additional
6 \$500 for each 5 minutes of obstruction in excess of 35
7 minutes of obstruction, plus costs.

8 (c) All fines collected under this Section shall be
9 transmitted to the State Treasurer, who shall deposit them into
10 the Rail Crossing Blocking Fund, a special fund created in the
11 State treasury. Moneys in the Rail Crossing Blocking Fund shall
12 be appropriated solely to the Department of Transportation for
13 purposes referencing the Rail Crossing Blocking Act under
14 Section 2705-435 of the Department of Transportation Law of the
15 Civil Administrative Code of Illinois.

16 Section 100. The Department of Transportation Law of the
17 Civil Administrative Code of Illinois is amended by changing
18 Section 2705-435 as follows:

19 (20 ILCS 2705/2705-435) (was 20 ILCS 2705/49.25g-1)

20 Sec. 2705-435. Loans, grants, or contracts to
21 rehabilitate, improve, or construct rail facilities; State
22 Rail Freight Loan Repayment Fund. In addition to the powers
23 under Section 105-430, the Department shall have the power to
24 enter into agreements to loan or grant State funds to any

1 railroad, unit of local government, rail user, or owner or
2 lessee of a railroad right of way to rehabilitate, improve, or
3 construct rail facilities.

4 For each project proposed for funding under this Section
5 the Department shall, to the extent possible, give preference
6 to cost effective projects that facilitate continuation of
7 existing rail freight service. In the exercise of its powers
8 under this Section, the Department shall coordinate its program
9 with the industrial retention and attraction programs of the
10 Department of Commerce and Economic Opportunity. No funds
11 provided under this Section shall be expended for the
12 acquisition of a right of way or for operating subsidies. The
13 costs of a project funded under this Section shall be
14 apportioned in accordance with the agreement of the parties for
15 the project. Projects are eligible for a loan or grant under
16 this Section only when the Department determines that the
17 transportation, economic, and public benefits associated with
18 a project are greater than the capital costs of that project
19 incurred by all parties to the agreement and that the project
20 would not have occurred without its participation. In addition,
21 a project to be eligible for assistance under this Section must
22 be included in a State plan for rail transportation and local
23 rail service prepared by the Department. The Department may
24 also expend State funds for professional engineering services
25 to conduct feasibility studies of projects proposed for funding
26 under this Section, to estimate the costs and material

1 requirements for those projects, to provide for the design of
2 those projects, including plans and specifications, and to
3 conduct investigations to ensure compliance with the project
4 agreements.

5 The Department, acting through the Department of Central
6 Management Services, shall also have the power to let contracts
7 for the purchase of railroad materials and supplies. The
8 Department shall also have the power to let contracts for the
9 rehabilitation, improvement, or construction of rail
10 facilities. Any such contract shall be let, after due public
11 advertisement, to the lowest responsible bidder or bidders,
12 upon terms and conditions to be fixed by the Department. With
13 regard to rehabilitation, improvement, or construction
14 contracts, the Department shall also require the successful
15 bidder or bidders to furnish good and sufficient bonds to
16 ensure proper and prompt completion of the work in accordance
17 with the provisions of the contracts.

18 In the case of an agreement under which State funds are
19 loaned under this Section, the agreement shall provide the
20 terms and conditions of repayment. The agreement shall provide
21 for the security that the Department shall determine to protect
22 the State's interest. The funds may be loaned with or without
23 interest. Loaned funds that are repaid to the Department shall
24 be deposited in a special fund in the State treasury to be
25 known as the State Rail Freight Loan Repayment Fund. In the
26 case of repaid funds deposited in the State Rail Freight Loan

1 Repayment Fund, the Department shall, subject to
2 appropriation, have the reuse of those funds and the interest
3 accrued thereon, which shall also be deposited by the State
4 Treasurer in the Fund, as the State share in other eligible
5 projects under this Section. However, no expenditures from the
6 State Rail Freight Loan Repayment Fund for those projects shall
7 at any time exceed the total sum of funds repaid and deposited
8 in the State Rail Freight Loan Repayment Fund and interest
9 earned by investment by the State Treasurer which the State
10 Treasurer shall have deposited in that Fund.

11 For the purposes of promoting swift and continuous rail
12 travel and service through railroad-highway grade crossings,
13 the Department may enter into grant agreements with any
14 railroad, rail user, or owner or lessee of a railroad
15 right-of-way who has not been found in violation of the Rail
16 Crossing Blocking Act, or if found in violation of the Rail
17 Crossing Blocking Act agrees to reduce the number of violations
18 in each year of the agreement. These additional funds shall be
19 directed towards rehabilitation, improvement, or construction
20 of railroad-highway grade crossings and signals, and towards
21 improvements related to reducing violations of the Rail
22 Crossing Blocking Act. The grants may be made from funds
23 appropriated for that purpose from the Rail Crossing Blocking
24 Fund.

25 For the purposes of promoting efficient rail freight
26 service, the Department may also provide technical assistance

1 to railroads, units of local government or rail users, or
2 owners or lessees of railroad rights-of-way.

3 The Department shall take whatever actions are necessary or
4 appropriate to protect the State's interest in the event of
5 bankruptcy, default, foreclosure, or noncompliance with the
6 terms and conditions of financial assistance or participation
7 provided hereunder, including the power to sell, dispose,
8 lease, or rent, upon terms and conditions determined by the
9 Secretary to be appropriate, real or personal property that the
10 Department may receive as a result thereof.

11 The Department is authorized to make reasonable rules and
12 regulations consistent with law necessary to carry out the
13 provisions of this Section.

14 (Source: P.A. 94-793, eff. 5-19-06; 94-807, eff. 5-26-06.)

15 Section 105. The State Finance Act is amended by adding
16 Section 5.866 as follows:

17 (30 ILCS 105/5.866 new)

18 Sec. 5.866. The Rail Crossing Blocking Fund.

19 Section 110. The Illinois Vehicle Code is amended by
20 changing Section 18c-7402 as follows:

21 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

22 Sec. 18c-7402. Safety Requirements for Railroad

1 Operations.

2 (1) Obstruction of Crossings.

3 (a) Obstruction of Emergency Vehicles. Every railroad
4 shall be operated in such a manner as to minimize
5 obstruction of emergency vehicles at crossings. Where such
6 obstruction occurs and the train crew is aware of the
7 obstruction, the train crew shall immediately take any
8 action, consistent with safe operating procedure,
9 necessary to remove the obstruction. In the Chicago and St.
10 Louis switching districts, every railroad dispatcher or
11 other person responsible for the movement of railroad
12 equipment in a specific area who receives notification that
13 railroad equipment is obstructing the movement of an
14 emergency vehicle at any crossing within such area shall
15 immediately notify the train crew through use of existing
16 communication facilities. Upon notification, the train
17 crew shall take immediate action in accordance with this
18 paragraph.

19 (b) (Blank). ~~Obstruction of Highway at Grade Crossing~~
20 ~~Prohibited. It is unlawful for a rail carrier to permit any~~
21 ~~train, railroad car or engine to obstruct public travel at~~
22 ~~a railroad highway grade crossing for a period in excess of~~
23 ~~10 minutes, except where such train or railroad car is~~
24 ~~continuously moving or cannot be moved by reason of~~
25 ~~circumstances over which the rail carrier has no reasonable~~
26 ~~control.~~

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

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

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

~~obstruction is in excess of 25 minutes, but no longer than 30 minutes, the fine shall be \$900; if the duration of the obstruction is in excess of 30 minutes but no longer than 35 minutes, the fine shall be \$1,000; if the duration of the obstruction is in excess of 35 minutes, the fine shall be \$1,000 plus an additional \$500 for each 5 minutes of obstruction in excess of 25 minutes of obstruction.~~

(2) Other Operational Requirements.

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

(a-5) The requirements of paragraph (a) of this subsection (2) regarding ringing a bell and sounding a whistle or horn do not apply at a railroad crossing that has a permanently installed automated audible warning device authorized by the Commission under Section 18c-7402.1 that sounds automatically when an approaching

1 train is at least 1,320 feet from the crossing and that
2 keeps sounding until the lead locomotive has crossed the
3 highway. The engineer or fireman may ring the bell or sound
4 the whistle or horn at a railroad crossing that has a
5 permanently installed audible warning device.

6 (b) Speed Limits. Each rail carrier shall operate its
7 trains in compliance with speed limits set by the
8 Commission. The Commission may set train speed limits only
9 where such limits are necessitated by extraordinary
10 circumstances effecting the public safety, and shall
11 maintain such train speed limits in effect only for such
12 time as the extraordinary circumstances prevail.

13 The Commission and the Department of Transportation
14 shall conduct a study of the relation between train speeds
15 and railroad-highway grade crossing safety. The Commission
16 shall report the findings of the study to the General
17 Assembly no later than January 5, 1997.

18 (c) Special Speed Limit; Pilot Project. The Commission
19 and the Board of the Commuter Rail Division of the Regional
20 Transportation Authority shall conduct a pilot project in
21 the Village of Fox River Grove, the site of the fatal
22 school bus accident at a railroad crossing on October 25,
23 1995, in order to improve railroad crossing safety. For
24 this project, the Commission is directed to set the maximum
25 train speed limit for Regional Transportation Authority
26 trains at 50 miles per hour at intersections on that

1 portion of the intrastate rail line located in the Village
2 of Fox River Grove. If the Regional Transportation
3 Authority deliberately fails to comply with this maximum
4 speed limit, then any entity, governmental or otherwise,
5 that provides capital or operational funds to the Regional
6 Transportation Authority shall appropriately reduce or
7 eliminate that funding. The Commission shall report to the
8 Governor and the General Assembly on the results of this
9 pilot project in January 1999, January 2000, and January
10 2001. The Commission shall also submit a final report on
11 the pilot project to the Governor and the General Assembly
12 in January 2001. The provisions of this subsection (c),
13 other than this sentence, are inoperative after February 1,
14 2001.

15 (3) Report and Investigation of Rail Accidents.

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

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

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

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INDEX

2

Statutes amended in order of appearance

3

New Act

4

20 ILCS 2705/2705-435

was 20 ILCS 2705/49.25g-1

5

30 ILCS 105/5.866 new

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625 ILCS 5/18c-7402

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