



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3755

by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-7402

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

Amends the Illinois Vehicle Code. Provides that no rail carrier shall operate a train or light engine used in connection with the movement of freight unless it has an operating crew consisting of at least 2 individuals. Provides that the minimum freight train crew size shall remain in effect until a federal law or rule encompassing the subject matter has been adopted. Grants the Illinois Commerce Commission the power to conduct evidentiary hearings, make findings, and issue and enforce orders, including sanctions, with respect to freight train crew member size. Provides that the term "train or light engine" does not include trains operated by a hostler service or utility employees.

LRB099 09487 RJF 29695 b

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. Findings. It is the public policy of the State
5 of Illinois to enhance public safety by establishing a minimum
6 freight train operating crew size to address the transportation
7 of all freight, including but not limited to hazardous and
8 volatile materials, on the railroads of Illinois. The
9 transportation of this freight, coupled with substantially
10 longer trains, creates significant health, safety, and
11 security concerns for local communities. Adequate railroad
12 operating personnel are critical to ensuring railroad
13 operational safety and security and in supporting first
14 responder activities in the event of a hazardous material
15 incident, grade crossing incident, or mechanical failure.

16 Section 5. The Illinois Vehicle Code is amended by changing
17 Section 18c-7402 as follows:

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

19 Sec. 18c-7402. Safety Requirements for Railroad
20 Operations.

21 (1) Obstruction of Crossings.

22 (a) Obstruction of Emergency Vehicles. Every railroad

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

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

24 In a county with a population of greater than 1,000,000, as
25 determined by the most recent federal census, during the hours
26 of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through 6:00 p.m.

1 it is unlawful for a rail carrier to permit any single train or
2 railroad car to obstruct public travel at a railroad-highway
3 grade crossing in excess of a total of 10 minutes during a 30
4 minute period, except where the train or railroad car cannot be
5 moved by reason or circumstances over which the rail carrier
6 has no reasonable control. Under no circumstances will a moving
7 train be stopped for the purposes of issuing a citation related
8 to this Section.

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

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

1 the fine shall be \$1,000; if the duration of the
2 obstruction is in excess of 35 minutes, the fine shall be
3 \$1,000 plus an additional \$500 for each 5 minutes of
4 obstruction in excess of 25 minutes of obstruction.

5 (2) Other Operational Requirements.

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

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

1 the whistle or horn at a railroad crossing that has a
2 permanently installed audible warning device.

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

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

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

1 speed limit, then any entity, governmental or otherwise,
2 that provides capital or operational funds to the Regional
3 Transportation Authority shall appropriately reduce or
4 eliminate that funding. The Commission shall report to the
5 Governor and the General Assembly on the results of this
6 pilot project in January 1999, January 2000, and January
7 2001. The Commission shall also submit a final report on
8 the pilot project to the Governor and the General Assembly
9 in January 2001. The provisions of this subsection (c),
10 other than this sentence, are inoperative after February 1,
11 2001.

12 (d) Freight Train Crew Size. No rail carrier shall
13 operate or cause to operate a train or light engine used in
14 connection with the movement of freight unless it has an
15 operating crew consisting of at least 2 individuals. The
16 minimum freight train crew size indicated in this
17 subsection (d) shall remain in effect until a federal law
18 or rule encompassing the subject matter has been adopted.
19 The Commission, with respect to freight train crew member
20 size under this subsection (d), has the power to conduct
21 evidentiary hearings, make findings, and issue and enforce
22 orders, including sanctions under Section 18c-1704 of this
23 Chapter. For the purposes of this subsection (d), the term
24 "train or light engine" does not include trains operated by
25 a hostler service or utility employees.

26 (3) Report and Investigation of Rail Accidents.

1 (a) Reports. Every rail carrier shall report to the
2 Commission, by the speediest means possible, whether
3 telephone, telegraph, or otherwise, every accident
4 involving its equipment, track, or other property which
5 resulted in loss of life to any person. In addition, such
6 carriers shall file a written report with the Commission.
7 Reports submitted under this paragraph shall be strictly
8 confidential, shall be specifically prohibited from
9 disclosure, and shall not be admissible in any
10 administrative or judicial proceeding relating to the
11 accidents reported.

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

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