



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1865

Introduced 2/20/2015, by Sen. Dale A. Righter

#### SYNOPSIS AS INTRODUCED:

New Act

625 ILCS 5/18c-7402

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

Creates the Rail Crossing Blocking Act. Requires the Illinois Commerce Commission and the Department of Transportation to annually study railroad crossings in municipalities of 15,000 or more to identify crossings which if blocked for longer than 30 minutes would pose significant public safety concerns by impeding emergency, fire, and police. The Commission shall use the study to designate Essential Rail Crossings. Provides a municipality may, by ordinance, provide that a person or entity may not physically block an Essential Rail Crossing in a manner which obstructs traffic for a period in excess of a total of 30 minutes, 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, is an emergency, or is otherwise allowed or required under State or federal law, rule, or regulation. Provides any municipality adopting an ordinance under the Act on an Essential Rail Crossing may impose, by ordinance, a fine for violation of this Act. Amends the Illinois Vehicle Code to make conforming changes.

LRB099 07215 RJF 27311 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. 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 15,000 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 30 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. The  
12 Commission shall use the study to annually designate any  
13 railroad-highway grade crossings in those municipalities as  
14 Essential Rail Crossings and shall publish its Essential Rail  
15 Crossing designations on its Internet website. The Commission  
16 shall notify each municipality of the location of any Essential  
17 Rail Crossing designations within the municipality.

18 Section 15. Obstruction of Essential Rail Crossing  
19 ordinance.

20 (a) A municipality, other than as provided in subsection  
21 (b), may by ordinance, provide that a person or entity may not  
22 physically block an Essential Rail Crossing within the  
23 municipality in a manner which obstructs motor vehicle traffic  
24 over the crossing for a period in excess of 30 minutes, unless  
25 the blocking of the crossing is by reason of circumstances over

1 which the person or entity has no reasonable control, is  
2 necessary for maintenance of the crossing, is an emergency, or  
3 is otherwise allowed or required under State or federal law,  
4 rule, or regulation. The ordinance may not apply to a rail  
5 carrier's train or railroad car which is continuously moving or  
6 cannot be moved by reason of circumstances over which the rail  
7 carrier has no reasonable control, is necessary for  
8 maintenance, is an emergency, or is otherwise allowed or  
9 required under State or federal law, rule, or regulation.

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

1 regulation.

2 (c) The ordinance must also provide that under no  
3 circumstances shall a moving train be stopped for the purposes  
4 of issuing a citation related to this Section, and that no  
5 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 Any municipality adopting an ordinance under Section 15 of  
10 this Act may impose, by ordinance, a fine for violating the  
11 applicable subsection (a) or (b) of Section 15 of this Act.

12 Section 100. The Illinois Vehicle Code is amended by  
13 changing Section 18c-7402 as follows:

14 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

15 Sec. 18c-7402. Safety Requirements for Railroad  
16 Operations.

17 (1) Obstruction of Crossings.

18 (a) Obstruction of Emergency Vehicles. Every railroad  
19 shall be operated in such a manner as to minimize  
20 obstruction of emergency vehicles at crossings. Where such  
21 obstruction occurs and the train crew is aware of the  
22 obstruction, the train crew shall immediately take any  
23 action, consistent with safe operating procedure,

1 necessary to remove the obstruction. In the Chicago and St.  
2 Louis switching districts, every railroad dispatcher or  
3 other person responsible for the movement of railroad  
4 equipment in a specific area who receives notification that  
5 railroad equipment is obstructing the movement of an  
6 emergency vehicle at any crossing within such area shall  
7 immediately notify the train crew through use of existing  
8 communication facilities. Upon notification, the train  
9 crew shall take immediate action in accordance with this  
10 paragraph.

11 (b) (Blank). ~~Obstruction of Highway at Grade Crossing~~  
12 ~~Prohibited. It is unlawful for a rail carrier to permit any~~  
13 ~~train, railroad car or engine to obstruct public travel at~~  
14 ~~a railroad highway grade crossing for a period in excess of~~  
15 ~~10 minutes, except where such train or railroad car is~~  
16 ~~continuously moving or cannot be moved by reason of~~  
17 ~~circumstances over which the rail carrier has no reasonable~~  
18 ~~control.~~

19 ~~In a county with a population of greater than 1,000,000, as~~  
20 ~~determined by the most recent federal census, during the hours~~  
21 ~~of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through 6:00 p.m.~~  
22 ~~it is unlawful for a rail carrier to permit any single train or~~  
23 ~~railroad car to obstruct public travel at a railroad highway~~  
24 ~~grade crossing in excess of a total of 10 minutes during a 30~~  
25 ~~minute period, except where the train or railroad car cannot be~~  
26 ~~moved by reason or circumstances over which the rail carrier~~

1 ~~has no reasonable control. Under no circumstances will a moving~~  
2 ~~train be stopped for the purposes of issuing a citation related~~  
3 ~~to this Section.~~

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

7 (c) (Blank). ~~Punishment for Obstruction of Grade~~  
8 ~~Crossing. Any rail carrier violating paragraph (b) of this~~  
9 ~~subsection shall be guilty of a petty offense and fined not~~  
10 ~~less than \$200 nor more than \$500 if the duration of the~~  
11 ~~obstruction is in excess of 10 minutes but no longer than~~  
12 ~~15 minutes. If the duration of the obstruction exceeds 15~~  
13 ~~minutes the violation shall be a business offense and the~~  
14 ~~following fines shall be imposed: if the duration of the~~  
15 ~~obstruction is in excess of 15 minutes but no longer than~~  
16 ~~20 minutes, the fine shall be \$500; if the duration of the~~  
17 ~~obstruction is in excess of 20 minutes but no longer than~~  
18 ~~25 minutes, the fine shall be \$700; if the duration of the~~  
19 ~~obstruction is in excess of 25 minutes, but no longer than~~  
20 ~~30 minutes, the fine shall be \$900; if the duration of the~~  
21 ~~obstruction is in excess of 30 minutes but no longer than~~  
22 ~~35 minutes, the fine shall be \$1,000; if the duration of~~  
23 ~~the obstruction is in excess of 35 minutes, the fine shall~~  
24 ~~be \$1,000 plus an additional \$500 for each 5 minutes of~~  
25 ~~obstruction in excess of 25 minutes of obstruction.~~

26 (2) Other Operational Requirements.

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

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

24           (b) Speed Limits. Each rail carrier shall operate its  
25 trains in compliance with speed limits set by the  
26 Commission. The Commission may set train speed limits only



1 where such limits are necessitated by extraordinary  
2 circumstances effecting the public safety, and shall  
3 maintain such train speed limits in effect only for such  
4 time as the extraordinary circumstances prevail.

5 The Commission and the Department of Transportation  
6 shall conduct a study of the relation between train speeds  
7 and railroad-highway grade crossing safety. The Commission  
8 shall report the findings of the study to the General  
9 Assembly no later than January 5, 1997.

10 (c) Special Speed Limit; Pilot Project. The Commission  
11 and the Board of the Commuter Rail Division of the Regional  
12 Transportation Authority shall conduct a pilot project in  
13 the Village of Fox River Grove, the site of the fatal  
14 school bus accident at a railroad crossing on October 25,  
15 1995, in order to improve railroad crossing safety. For  
16 this project, the Commission is directed to set the maximum  
17 train speed limit for Regional Transportation Authority  
18 trains at 50 miles per hour at intersections on that  
19 portion of the intrastate rail line located in the Village  
20 of Fox River Grove. If the Regional Transportation  
21 Authority deliberately fails to comply with this maximum  
22 speed limit, then any entity, governmental or otherwise,  
23 that provides capital or operational funds to the Regional  
24 Transportation Authority shall appropriately reduce or  
25 eliminate that funding. The Commission shall report to the  
26 Governor and the General Assembly on the results of this

1 pilot project in January 1999, January 2000, and January  
2 2001. The Commission shall also submit a final report on  
3 the pilot project to the Governor and the General Assembly  
4 in January 2001. The provisions of this subsection (c),  
5 other than this sentence, are inoperative after February 1,  
6 2001.

7 (3) Report and Investigation of Rail Accidents.

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

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

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