

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Transportation Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Section 2705-300 and adding Section 2705-615 as follows:

7 (20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

8 Sec. 2705-300. Powers concerning mass transportation. The
9 Department has the power to do the following:

10 (1) Advise and assist the Governor and the General Assembly
11 in formulating (i) a mass transportation policy for the State,
12 (ii) proposals designed to help meet and resolve special
13 problems of mass transportation within the State, and (iii)
14 programs of assistance for the comprehensive planning,
15 development, and administration of mass transportation
16 facilities and services.

17 (2) Appear and participate in proceedings before any
18 federal, State, or local regulatory agency involving or
19 affecting mass transportation in the State.

20 (3) Study mass transportation problems and provide
21 technical assistance to units of local government.

22 (4) Encourage experimentation in developing new mass
23 transportation facilities and services.

1 (5) Recommend policies, programs, and actions designed to
2 improve utilization of mass transportation services.

3 (6) Cooperate with mass transit districts and systems,
4 local governments, and other State agencies in meeting those
5 problems of air, noise, and water pollution associated with
6 transportation.

7 (7) Participate fully in a statewide effort to improve
8 transport safety including, but not limited to:-

9 (a) to the extent required by Fixing America's Surface
10 Transportation Act ("FAST Act"), Section 5329 of 49 U.S.C.
11 and 49 CFR Part 674, developing, adopting, and implementing
12 a system safety program standard meeting the compliance
13 requirements of Section 5329 of 49 U.S.C. for the safety of
14 planned, under construction, or in revenue operation rail
15 fixed guideway systems and the personal security of the
16 systems' passengers and employees;

17 (b) in accordance with the FAST Act, establishing
18 procedures to regulate, investigate, inspect, audit, and
19 enforce all other necessary and incidental functions
20 related to the effectuation of the FAST Act, or other
21 federal law pertaining to public transportation oversight;
22 and

23 (c) requiring the local mass transit districts, the
24 Regional Transportation Authority, St. Clair County
25 Transit District, and applicable Service Boards to comply
26 with the requirements of Section 5329 of 49 U.S.C. as now

1 or hereafter amended. The Department may contract for the
2 services of a qualified consultant to comply with this
3 subsection.

4 (d) The security portion of the system safety program,
5 including, without limitation, investigation reports,
6 surveys, schedules, lists, or data compiled, collected, or
7 prepared by or for the Department under this subsection,
8 shall not be subject to discovery or admitted into evidence
9 in federal or State court or considered for other purposes
10 in any civil action for damages arising from any matter
11 mentioned or addressed in such reports, surveys,
12 schedules, lists, data, or information.

13 (e) Except for willful or wanton conduct, the
14 Department and its employees, and any local mass transit
15 district, the Regional Transportation Authority, St. Clair
16 County Transit District, or any Service Board subject to
17 this Section, or their respective directors, officers, or
18 employees, shall not be held liable in any civil action for
19 any injury to or death of any person or loss of or damage
20 to property for any acts or omissions or failures to act
21 under this Section or pursuant to the FAST Act as now or
22 hereafter amended.

23 (8) Conduct by contract or otherwise technical studies, and
24 demonstration and development projects which shall be designed
25 to test and develop methods for increasing public use of mass
26 transportation and for providing mass transportation in an

1 efficient, coordinated, and convenient manner.

2 (9) Make applications for, receive, and make use of grants
3 for mass transportation.

4 (10) Make grants for mass transportation from the
5 Transportation Fund pursuant to the standards and procedures of
6 Sections 2705-305 and 2705-310.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 (20 ILCS 2705/2705-615 new)

9 Sec. 2705-615. FAST Act. The Department shall develop,
10 adopt, and implement a system safety program standard and
11 establish procedures to comply with the federal Fixing
12 America's Surface Transportation Act ("FAST Act") as required
13 under paragraph (7) of Section 2705-300 of the Department of
14 Transportation Law of the Civil Administrative Code of
15 Illinois.

16 Pursuant to 49 CFR 659, the St. Clair County Transit
17 District and the Department shall have concurrent rail transit
18 safety oversight authority for MetroLink until December 31,
19 2016. Thereafter, the Department shall have rail transit safety
20 oversight authority in the State of Illinois for MetroLink.

21 Section 10. The Bi-State Transit Safety Act is amended by
22 adding Section 100 as follows:

23 (45 ILCS 111/100 new)

1 Sec. 100. Repeal. This Act is repealed on December 31,
2 2016.

3 Section 15. The Regional Transportation Authority Act is
4 amended by changing Section 2.11 as follows:

5 (70 ILCS 3615/2.11) (from Ch. 111 2/3, par. 702.11)

6 Sec. 2.11. Safety.

7 (a) The Service Boards may establish, enforce and
8 facilitate achievement and maintenance of standards of safety
9 against accidents with respect to public transportation
10 provided by the Service Boards or by transportation agencies
11 pursuant to purchase of service agreements with the Service
12 Boards. The provisions of general or special orders, rules or
13 regulations issued by the Illinois Commerce Commission
14 pursuant to Section 57 of "An Act concerning public utilities",
15 approved June 29, 1921, as amended, which pertain to public
16 transportation and public transportation facilities of
17 railroads will continue to apply until the Service Board
18 determines that different standards are necessary to protect
19 such health and safety.

20 (b) (Blank). ~~To the extent required by 49 CFR Part 659 as~~
21 ~~now or hereafter amended, the Authority shall develop and adopt~~
22 ~~a system safety program standard for the safety of rail fixed~~
23 ~~guideway systems and the personal security of the systems'~~
24 ~~passengers and employees and shall establish procedures for~~

1 ~~safety and security reviews, investigations, and oversight~~
2 ~~reporting. The Authority shall require the applicable Service~~
3 ~~Boards to comply with the requirements of 49 CFR Part 659 as~~
4 ~~now or hereafter amended. The Authority may contract for the~~
5 ~~services of a qualified consultant to comply with this~~
6 ~~subsection.~~

7 (c) The security portion of the system safety program,
8 investigation reports, surveys, schedules, lists, or data
9 compiled, collected, or prepared by or for the Department of
10 Transportation or the Authority under this subsection, shall
11 not be subject to discovery or admitted into evidence in
12 federal or State court or considered for other purposes in any
13 civil action for damages arising from any matter mentioned or
14 addressed in such reports, surveys, schedules, lists, data, or
15 information.

16 (d) Neither the Authority nor its directors, officers, or
17 employees, nor any Service Board subject to this Section nor
18 its directors, officers, or employees, nor a local mass transit
19 district nor its directors, officers, or employees shall be
20 held liable in any civil action for any injury to any person or
21 property for any acts or omissions or failure to act under this
22 Section or pursuant to the federal Fixing America's Surface
23 Transportation Act 49 CFR Part 659 as now or hereafter amended.

24 (e) The Authority shall comply with all requirements of
25 Section 5329 of 79 U.S.C. as required by the Department of
26 Transportation under paragraph (7) of Section 2705-300 of the

1 Department of Transportation Law of the Civil Administrative

2 Code of Illinois.

3 (Source: P.A. 90-273, eff. 7-30-97.)