



Sen. Sue Rezin

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09900SB2527sam001

LRB099 16376 AWJ 46946 a

1 AMENDMENT TO SENATE BILL 2527

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2527 by replacing  
3 everything after the enacting clause with the following:

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.

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

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

6 (4) Encourage experimentation in developing new mass  
7 transportation facilities and services.

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

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

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

16 (a) to the extent required by the federal Moving Ahead  
17 for Progress in the 21st Century Act ("MAP-21"), Section  
18 5329 of 49 U.S.C. and 49 CFR Part 659, developing,  
19 adopting, and implementing a system safety program  
20 standard meeting the compliance requirements of Section  
21 5329 of 49 U.S.C. for the safety of planned, under  
22 construction, or in revenue operation rail fixed guideway  
23 systems and the personal security of the systems'  
24 passengers and employees;

25 (b) in accordance with MAP-21, establishing procedures  
26 to regulate, investigative, inspect, audit, and enforce

1 all other necessary and incidental functions related to the  
2 effectuation of MAP-21, or other federal law pertaining to  
3 public transportation oversight; and

4 (c) requiring the local mass transit districts, the  
5 Regional Transportation Authority ("the Authority"), and  
6 applicable Service Boards to comply with the requirements  
7 of Section 5329 of 49 U.S.C. as now or hereafter amended.  
8 The Department may contract for the services of a qualified  
9 consultant to comply with this subsection.

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

19 (e) The Department and its employees, and any local  
20 mass transit district, the Authority, or any Service Board  
21 subject to this Section, or their respective directors,  
22 officers, or employees, shall not be held liable in any  
23 civil action for any injury to or death of any person or  
24 loss of or damage to property for any acts or omissions or  
25 failures to act under this Section or pursuant to MAP-21 as  
26 now or hereafter amended.

1 (8) Conduct by contract or otherwise technical studies, and  
2 demonstration and development projects which shall be designed  
3 to test and develop methods for increasing public use of mass  
4 transportation and for providing mass transportation in an  
5 efficient, coordinated, and convenient manner.

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

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

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

12 (20 ILCS 2705/2705-615 new)

13 Sec. 2705-615. MAP-21. The Department shall develop,  
14 adopt, and implement a system safety program standard and  
15 establish procedures to comply with the federal Moving Ahead  
16 for Progress in the 21st Century Act ("MAP-21") as required  
17 under paragraph (7) of Section 2705-300 of the Department of  
18 Transportation Law.

19 Section 10. The Regional Transportation Authority Act is  
20 amended by changing Section 2.11 as follows:

21 (70 ILCS 3615/2.11) (from Ch. 111 2/3, par. 702.11)

22 Sec. 2.11. Safety.

23 (a) The Service Boards may establish, enforce and

1 facilitate achievement and maintenance of standards of safety  
2 against accidents with respect to public transportation  
3 provided by the Service Boards or by transportation agencies  
4 pursuant to purchase of service agreements with the Service  
5 Boards. The provisions of general or special orders, rules or  
6 regulations issued by the Illinois Commerce Commission  
7 pursuant to Section 57 of "An Act concerning public utilities",  
8 approved June 29, 1921, as amended, which pertain to public  
9 transportation and public transportation facilities of  
10 railroads will continue to apply until the Service Board  
11 determines that different standards are necessary to protect  
12 such health and safety.

13 (b) (Blank). ~~To the extent required by 49 CFR Part 659 as~~  
14 ~~now or hereafter amended, the Authority shall develop and adopt~~  
15 ~~a system safety program standard for the safety of rail fixed~~  
16 ~~guideway systems and the personal security of the systems'~~  
17 ~~passengers and employees and shall establish procedures for~~  
18 ~~safety and security reviews, investigations, and oversight~~  
19 ~~reporting. The Authority shall require the applicable Service~~  
20 ~~Boards to comply with the requirements of 49 CFR Part 659 as~~  
21 ~~now or hereafter amended. The Authority may contract for the~~  
22 ~~services of a qualified consultant to comply with this~~  
23 ~~subsection.~~

24 (c) The security portion of the system safety program,  
25 investigation reports, surveys, schedules, lists, or data  
26 compiled, collected, or prepared by or for the Department of

1 Transportation or the Authority under this subsection, shall  
2 not be subject to discovery or admitted into evidence in  
3 federal or State court or considered for other purposes in any  
4 civil action for damages arising from any matter mentioned or  
5 addressed in such reports, surveys, schedules, lists, data, or  
6 information.

7 (d) Neither the Authority nor its directors, officers, or  
8 employees; nor a local mass transit district or any Service  
9 Board subject to this Section nor their ~~its~~ directors,  
10 officers, or employees shall be held liable in any civil action  
11 for any injury to any person or property for any acts or  
12 omissions or failure to act under this Section or pursuant to  
13 the federal Moving Ahead for Progress in the 21st Century Act  
14 ("MAP-21") ~~49 CFR Part 659~~ as now or hereafter amended.

15 (e) The Authority shall comply with all requirements of  
16 Section 5329 of 79 U.S.C. as required by the Department of  
17 Transportation under paragraph (7) of Section 2705-300 of the  
18 Department of Transportation Law.

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