

SB2806



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2806

Introduced 2/17/2016, by Sen. Karen McConnaughay - Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1201

from Ch. 95 1/2, par. 11-1201

Amends the Illinois Vehicle Code. Provides that a driver of a vehicle that approaches a railroad grade crossing under circumstances in which a stop is required and does not stop within 50 feet but not less than 15 feet from the nearest rail, commits a petty offense for which a \$500 fine (previously \$250) shall be imposed for the first violation and a \$1,000 fine (previously \$500) shall be imposed for any subsequent violations.

LRB099 19107 AXK 43496 b

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 5. The Illinois Vehicle Code is amended by changing
5 Section 11-1201 as follows:

6 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

7 Sec. 11-1201. Obedience to signal indicating approach of
8 train or railroad track equipment.

9 (a) Whenever any person driving a vehicle approaches a
10 railroad grade crossing where the driver is not always required
11 to stop, the person must exercise due care and caution as the
12 existence of a railroad track across a highway is a warning of
13 danger, and under any of the circumstances stated in this
14 Section, the driver shall stop within 50 feet but not less than
15 15 feet from the nearest rail of the railroad and shall not
16 proceed until the tracks are clear and he or she can do so
17 safely. The foregoing requirements shall apply when:

18 1. A clearly visible electric or mechanical signal
19 device gives warning of the immediate approach of a
20 railroad train or railroad track equipment;

21 2. A crossing gate is lowered or a human flagman gives
22 or continues to give a signal of the approach or passage of
23 a railroad train or railroad track equipment;

1 3. A railroad train or railroad track equipment
2 approaching a highway crossing emits a warning signal and
3 such railroad train or railroad track equipment, by reason
4 of its speed or nearness to such crossing, is an immediate
5 hazard;

6 4. An approaching railroad train or railroad track
7 equipment is plainly visible and is in hazardous proximity
8 to such crossing;

9 5. A railroad train or railroad track equipment is
10 approaching so closely that an immediate hazard is created.

11 (a-5) Whenever a person driving a vehicle approaches a
12 railroad grade crossing where the driver is not always required
13 to stop but must slow down, the person must exercise due care
14 and caution as the existence of a railroad track across a
15 highway is a warning of danger, and under any of the
16 circumstances stated in this Section, the driver shall slow
17 down within 50 feet but not less than 15 feet from the nearest
18 rail of the railroad and shall not proceed until he or she
19 checks that the tracks are clear of an approaching train or
20 railroad track equipment.

21 (b) No person shall drive any vehicle through, around or
22 under any crossing gate or barrier at a railroad crossing while
23 such gate or barrier is closed or is being opened or closed.

24 (c) The Department, and local authorities with the approval
25 of the Department, are hereby authorized to designate
26 particularly dangerous highway grade crossings of railroads

1 and to erect stop signs thereat. When such stop signs are
2 erected the driver of any vehicle shall stop within 50 feet but
3 not less than 15 feet from the nearest rail of such railroad
4 and shall proceed only upon exercising due care.

5 (d) At any railroad grade crossing provided with railroad
6 crossbuck signs, without automatic, electric, or mechanical
7 signal devices, crossing gates, or a human flagman giving a
8 signal of the approach or passage of a train or railroad track
9 equipment, the driver of a vehicle shall in obedience to the
10 railroad crossbuck sign, yield the right-of-way and slow down
11 to a speed reasonable for the existing conditions and shall
12 stop, if required for safety, at a clearly marked stopped line,
13 or if no stop line, within 50 feet but not less than 15 feet
14 from the nearest rail of the railroad and shall not proceed
15 until he or she can do so safely. If a driver is involved in a
16 collision at a railroad crossing or interferes with the
17 movement of a train or railroad track equipment after driving
18 past the railroad crossbuck sign, the collision or interference
19 is prima facie evidence of the driver's failure to yield
20 right-of-way.

21 (d-1) No person shall, while driving a commercial motor
22 vehicle, fail to negotiate a railroad-highway grade railroad
23 crossing because of insufficient undercarriage clearance.

24 (d-5) (Blank).

25 (e) It is unlawful to violate any part of this Section.

26 (1) A violation of this Section is a petty offense for

1 which a fine of \$500 ~~\$250~~ shall be imposed for a first
2 violation, and a fine of \$1,000 ~~\$500~~ shall be imposed for a
3 second or subsequent violation. The court may impose 25
4 hours of community service in place of the \$500 ~~\$250~~ fine
5 for the first violation.

6 (2) For a second or subsequent violation, the Secretary
7 of State may suspend the driving privileges of the offender
8 for a minimum of 6 months.

9 (f) Corporate authorities of municipal corporations
10 regulating operators of vehicles that fail to obey signals
11 indicating the presence, approach, passage, or departure of a
12 train or railroad track equipment shall impose fines as
13 established in subsection (e) of this Section.

14 (Source: P.A. 95-331, eff. 8-21-07; 96-1244, eff. 1-1-11.)