

1 AN ACT to amend the Illinois Vehicle Code by changing
2 Section 18c-7402 and adding Section 18c-7402.1.

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

5 Section 5. The Illinois Vehicle Code is amended by
6 changing Section 18c-7402 and adding Section 18c-7402.1 as
7 follows:

8 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)
9 Sec. 18c-7402. Safety Requirements for Railroad
10 Operations.

11 (1) Obstruction of Crossings.

12 (a) Obstruction of Emergency Vehicles. Every
13 railroad shall be operated in such a manner as to
14 minimize obstruction of emergency vehicles at crossings.
15 Where such obstruction occurs and the train crew is aware
16 of the obstruction, the train crew shall immediately take
17 any action, consistent with safe operating procedure,
18 necessary to remove the obstruction. In the Chicago and
19 St. Louis switching districts, every railroad dispatcher
20 or other person responsible for the movement of railroad
21 equipment in a specific area who receives notification
22 that railroad equipment is obstructing the movement of an
23 emergency vehicle at any crossing within such area shall
24 immediately notify the train crew through use of existing
25 communication facilities. Upon notification, the train
26 crew shall take immediate action in accordance with this
27 paragraph.

28 (b) Obstruction of Highway at Grade Crossing
29 Prohibited. It is unlawful for a rail carrier to permit
30 any train, railroad car or engine to obstruct public
31 travel at a railroad-highway grade crossing for a period

1 in excess of 10 minutes, except where such train or
2 railroad car is continuously moving or cannot be moved by
3 reason of circumstances over which the rail carrier has
4 no reasonable control.

5 In a county with a population of greater than 1,000,000,
6 as determined by the most recent federal census, during the
7 hours of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through
8 6:00 p.m. it is unlawful for a rail carrier to permit any
9 single train or railroad car to obstruct public travel at a
10 railroad-highway grade crossing in excess of a total of 10
11 minutes during a 30 minute period, except where the train or
12 railroad car cannot be moved by reason or circumstances over
13 which the rail carrier has no reasonable control. Under no
14 circumstances will a moving train be stopped for the purposes
15 of issuing a citation related to this Section.

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

19 (c) Punishment for Obstruction of Grade Crossing.
20 Any rail carrier violating paragraph (b) of this
21 subsection shall be guilty of a petty offense and fined
22 not less than \$200 nor more than \$500 if the duration of
23 the obstruction is in excess of 10 minutes but no longer
24 than 15 minutes. If the duration of the obstruction
25 exceeds 15 minutes the violation shall be a business
26 offense and the following fines shall be imposed: if the
27 duration of the obstruction is in excess of 15 minutes
28 but no longer than 20 minutes, the fine shall be \$500; if
29 the duration of the obstruction is in excess of 20
30 minutes but no longer than 25 minutes, the fine shall be
31 \$700; if the duration of the obstruction is in excess of
32 25 minutes, but no longer than 30 minutes, the fine shall
33 be \$900; if the duration of the obstruction is in excess
34 of 30 minutes but no longer than 35 minutes, the fine

1 shall be \$1,000; if the duration of the obstruction is in
2 excess of 35 minutes, the fine shall be \$1,000 plus an
3 additional \$500 for each 5 minutes of obstruction in
4 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
8 and kept on each locomotive, and shall cause the same to
9 be rung or sounded by the engineer or fireman, at the
10 distance of a least 1,320 feet, from the place where the
11 railroad crosses or intersects any public highway, and
12 shall be kept ringing or sounding until the highway is
13 reached; provided that at crossings where the Commission
14 shall by order direct, only after a hearing has been held
15 to determine the public is reasonably and sufficiently
16 protected, the rail carrier may be excused from giving
17 warning provided by this 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
27 sound the whistle or horn at a railroad crossing that has
28 a permanently installed audible warning device.

29 (b) Speed Limits. Each rail carrier shall operate
30 its trains in compliance with speed limits set by the
31 Commission. The Commission may set train speed limits
32 only where such limits are necessitated by extraordinary
33 circumstances effecting the public safety, and shall
34 maintain such train speed limits in effect only for such

1 time as the extraordinary circumstances prevail.

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

7 (c) Special Speed Limit; Pilot Project. The
8 Commission and the Board of the Commuter Rail Division of
9 the Regional Transportation Authority shall conduct a
10 pilot project in the Village of Fox River Grove, the site
11 of the fatal school bus accident at a railroad crossing
12 on October 25, 1995, in order to improve railroad
13 crossing safety. For this project, the Commission is
14 directed to set the maximum train speed limit for
15 Regional Transportation Authority trains at 50 miles per
16 hour at intersections on that portion of the intrastate
17 rail line located in the Village of Fox River Grove. If
18 the Regional Transportation Authority deliberately fails
19 to comply with this maximum speed limit, then any entity,
20 governmental or otherwise, that provides capital or
21 operational funds to the Regional Transportation
22 Authority shall appropriately reduce or eliminate that
23 funding. The Commission shall report to the Governor and
24 the General Assembly on the results of this pilot project
25 in January 1999, January 2000, and January 2001. The
26 Commission shall also submit a final report on the pilot
27 project to the Governor and the General Assembly in
28 January 2001. The provisions of this subsection (c),
29 other than this sentence, are inoperative after February
30 1, 2001.

31 (3) Report and Investigation of Rail Accidents.

32 (a) Reports. Every rail carrier shall report to the
33 Commission, by the speediest means possible, whether
34 telephone, telegraph, or otherwise, every accident

1 involving its equipment, track, or other property which
2 resulted in loss of life to any person. In addition,
3 such carriers shall file a written report with the
4 Commission. Reports submitted under this paragraph shall
5 be strictly confidential, shall be specifically
6 prohibited from disclosure, and shall not be admissible
7 in any administrative or judicial proceeding relating to
8 the accidents reported.

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

18 (Source: P.A. 90-187, eff. 1-1-98; 91-675, eff. 6-1-00.)

19 (625 ILCS 5/18c-7402.1 new)

20 Sec. 18c-7402.1. Pilot projects; automated audible
21 warning devices.

22 (a) The General Assembly finds and declares that, for
23 the communities of the State that are traversed by railroads,
24 there is a growing need to mitigate train horn noise without
25 compromising the safety of the public. Therefore, after
26 applications are filed and approved by the Commission, the
27 Commission shall authorize pilot projects in the counties of
28 Cook, DuPage, Lake, and Will to test the utility and safety
29 of stationary automated audible warning devices as an
30 alternative to trains having to sound their horns as they
31 approach highway-rail crossings.

32 (b) In light of the pending proposed ruling by the
33 Federal Railroad Administration on the use of locomotive

1 horns at all highway-rail crossings across the nation, it is
2 in the best interest of the State for the Commission to
3 expedite the pilot projects in order to contribute data to
4 the federal rulemaking process regarding the possible
5 inclusion of stationary automated warning devices in the
6 counties of Cook, DuPage, Lake, and Will as a safety measure
7 option to the proposed federal rule.

8 (c) The Commission shall adopt rules for implementing
9 the pilot projects in the counties of Cook, DuPage, Lake, and
10 Will.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.