

1 AN ACT in regard to vehicles.

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  
5 changing Section 18c-7402 as follows:

6 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)  
7 Sec. 18c-7402. Safety Requirements for Railroad  
8 Operations.

9 (1) Obstruction of Crossings.

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

26 (b) Obstruction of Highway at Grade Crossing  
27 Prohibited. It is unlawful for a rail carrier to permit  
28 any train, railroad car or engine to obstruct public  
29 travel at a railroad-highway grade crossing for a period  
30 in excess of 10 minutes, except where such train or  
31 railroad car is continuously moving or cannot be moved by

1 reason of circumstances over which the rail carrier has  
2 no reasonable control.

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

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

17 (c) Punishment for Obstruction of Grade Crossing.  
18 Any rail carrier violating paragraph (b) of this  
19 subsection shall be guilty of a petty offense and fined  
20 not less than \$200 nor more than \$500 if the duration of  
21 the obstruction is in excess of 10 minutes but no longer  
22 than 15 minutes. If the duration of the obstruction  
23 exceeds 15 minutes the violation shall be a business  
24 offense and the following fines shall be imposed: if the  
25 duration of the obstruction is in excess of 15 minutes  
26 but no longer than 20 minutes, the fine shall be \$500; if  
27 the duration of the obstruction is in excess of 20  
28 minutes but no longer than 25 minutes, the fine shall be  
29 \$700; if the duration of the obstruction is in excess of  
30 25 minutes, but no longer than 30 minutes, the fine shall  
31 be \$900; if the duration of the obstruction is in excess  
32 of 30 minutes but no longer than 35 minutes, the fine  
33 shall be \$1,000; if the duration of the obstruction is in  
34 excess of 35 minutes, the fine shall be \$1,000 plus an

1 additional \$500 for each 5 minutes of obstruction in  
2 excess of 25 minutes of obstruction.

3 (2) Other Operational Requirements.

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

16 (b) Speed Limits. Each rail carrier shall operate  
17 its trains in compliance with speed limits set by the  
18 Commission. The Commission may set train speed limits  
19 only where such limits are necessitated by extraordinary  
20 circumstances effecting the public safety, and shall  
21 maintain such train speed limits in effect only for such  
22 time as the extraordinary circumstances prevail.

23 The Commission and the Department of Transportation  
24 shall conduct a study of the relation between train  
25 speeds and railroad-highway grade crossing safety. The  
26 Commission shall report the findings of the study to the  
27 General Assembly no later than January 5, 1997.

28 (c) Special Speed Limit; Pilot Project. The  
29 Commission and the Board of the Commuter Rail Division of  
30 the Regional Transportation Authority shall conduct a  
31 pilot project in the Village of Fox River Grove, the site  
32 of the fatal school bus accident at a railroad crossing  
33 on October 25, 1995, in order to improve railroad  
34 crossing safety. For this project, the Commission is

1 directed to set the maximum train speed limit for  
2 Regional Transportation Authority trains at 50 miles per  
3 hour at intersections on that portion of the intrastate  
4 rail line located in the Village of Fox River Grove. If  
5 the Regional Transportation Authority deliberately fails  
6 to comply with this maximum speed limit, then any entity,  
7 governmental or otherwise, that provides capital or  
8 operational funds to the Regional Transportation  
9 Authority shall appropriately reduce or eliminate that  
10 funding. The Commission shall report to the Governor and  
11 the General Assembly on the results of this pilot project  
12 in January 1999, January 2000, and January 2001. The  
13 Commission shall also submit a final report on the pilot  
14 project to the Governor and the General Assembly in  
15 January 2001. The provisions of this subsection (c),  
16 other than this sentence, are inoperative after February  
17 1, 2001.

18 (3) Report and Investigation of Rail Accidents.

19 (a) Reports. Every rail carrier shall report to the  
20 Commission, by the speediest means possible, whether  
21 telephone, telegraph, or otherwise, every accident  
22 involving its equipment, track, or other property which  
23 resulted in loss of life to any person. In addition,  
24 such carriers shall file a written report with the  
25 Commission. Reports submitted under this paragraph shall  
26 be strictly confidential, shall be specifically  
27 prohibited from disclosure, and shall not be admissible  
28 in any administrative or judicial proceeding relating to  
29 the accidents reported.

30 (b) Investigations. The Commission may investigate  
31 all railroad accidents reported to it or of which it  
32 acquires knowledge independent of reports made by rail  
33 carriers, and shall have the power, consistent with  
34 standards and procedures established under the Federal

1 Railroad Safety Act, as amended, to enter such temporary  
2 orders as will minimize the risk of future accidents  
3 pending notice, hearing, and final action by the  
4 Commission.

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