

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

27 (b) Obstruction of Highway at Grade Crossing
28 Prohibited. It is unlawful for a rail carrier to permit
29 any train, railroad car or engine to obstruct public
30 travel at a railroad-highway grade crossing for a period
31 in excess of 10 minutes, except where such train or

1 railroad car is continuously moving or cannot be moved by
2 reason of circumstances over which the rail carrier has
3 no reasonable control.

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

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

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

1 excess of 35 minutes, the fine shall be \$1,000 plus an
2 additional \$500 for each 5 minutes of obstruction in
3 excess of 25 minutes of obstruction.

4 (2) Other Operational Requirements.

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

17 (a-5) The requirements of paragraph (a) of this
18 subsection (2) regarding ringing a bell and sounding a
19 whistle or horn do not apply at a railroad crossing that
20 has a permanently installed automated audible warning
21 device authorized by the Commission under Section
22 18c-7402.1 that sounds automatically when an approaching
23 train is at least 1,320 feet from the crossing and that
24 keeps sounding until the lead locomotive has crossed the
25 highway. The engineer or fireman may ring the bell or
26 sound the whistle or horn at a railroad crossing that has
27 a permanently installed audible warning device.

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

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

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

30 (3) Report and Investigation of Rail Accidents.

31 (a) Reports. Every rail carrier shall report to the
32 Commission, by the speediest means possible, whether
33 telephone, telegraph, or otherwise, every accident
34 involving its equipment, track, or other property which

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

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

17 (Source: P.A. 91-675, eff. 6-1-00; 92-284, eff. 8-9-01.)