

HB0389



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0389

Introduced 1/25/2005, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-7402

from Ch. 95 1/2, par. 18c-7402

Amends the Illinois Vehicle Code. Provides for increased fines if a railroad causes the obstruction of a crossing for longer than 8 (rather than 10) minutes. Provides that \$250 of any fine levied against and paid by a railroad for crossing obstruction shall be deposited into the Local Government Distributive Fund.

LRB094 05700 DRH 35751 b

FISCAL NOTE ACT
MAY APPLY

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 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 railroad
11 shall be operated in such a manner as to minimize
12 obstruction of emergency vehicles at crossings. Where such
13 obstruction occurs and the train crew is aware of the
14 obstruction, the train crew shall immediately take any
15 action, consistent with safe operating procedure,
16 necessary to remove the obstruction. In the Chicago and St.
17 Louis switching districts, every railroad dispatcher or
18 other person responsible for the movement of railroad
19 equipment in a specific area who receives notification that
20 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 any
28 train, railroad car or engine to obstruct public travel at
29 a railroad-highway grade crossing for a period in excess of
30 10 minutes, except where such train or railroad car is
31 continuously moving or cannot be moved by reason of
32 circumstances over which the rail carrier has no reasonable

1 control.

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

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

16 (c) Punishment for Obstruction of Grade Crossing. Any
17 rail carrier violating paragraph (b) of this subsection (1)
18 is shall be guilty of a petty offense and shall be fined
19 ~~not less than \$200 nor more than~~ \$500 if the duration of
20 the obstruction is in excess of 8 ~~10~~ minutes but no longer
21 than 15 minutes. ~~If the duration of the obstruction exceeds~~
22 ~~15 minutes the violation shall be a business offense and~~
23 ~~the following fines shall be imposed:~~ if the duration of
24 the obstruction is in excess of 15 minutes but no longer
25 than 20 minutes, the violation is a petty offense and the
26 fine shall be \$800. ~~If \$500;~~ if the duration of the
27 obstruction is in excess of 20 minutes, the violation is a
28 business offense and the following fines shall be imposed:
29 if the duration of the obstruction is in excess of 20
30 minutes but no longer than 25 minutes, the fine shall be
31 \$1,200 ~~\$700;~~ if the duration of the obstruction is in
32 excess of 25 minutes, but no longer than 30 minutes, the
33 fine shall be \$1,500 ~~\$900;~~ if the duration of the
34 obstruction is in excess of 30 minutes but no longer than
35 35 minutes, the fine shall be \$2,000 ~~\$1,000;~~ if the
36 duration of the obstruction is in excess of 35 minutes, the

1 fine shall be \$2,000 ~~\$1,000~~ plus an additional \$750 ~~\$500~~
2 for each 5 minutes of obstruction in excess of 25 minutes
3 of obstruction. Of each fine levied against and paid by a
4 railroad for a violation of paragraph (b) of this
5 subsection (1), \$250 shall be deposited into the Local
6 Government Distributive Fund.

7 (2) Other Operational Requirements.

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

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

31 (b) Speed Limits. Each rail carrier shall operate its
32 trains in compliance with speed limits set by the
33 Commission. The Commission may set train speed limits only
34 where such limits are necessitated by extraordinary
35 circumstances effecting the public safety, and shall
36 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 speeds
4 and railroad-highway grade crossing safety. The Commission
5 shall report the findings of the study to the General
6 Assembly no later than January 5, 1997.

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

1 Reports submitted under this paragraph shall be strictly
2 confidential, shall be specifically prohibited from
3 disclosure, and shall not be admissible in any
4 administrative or judicial proceeding relating to the
5 accidents reported.

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

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