



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0560

Introduced 2/5/2007, 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.

LRB095 06859 DRH 26977 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

1 crew shall take immediate action in accordance with this
2 paragraph.

3 (b) Obstruction of Highway at Grade Crossing
4 Prohibited. It is unlawful for a rail carrier to permit any
5 train, railroad car or engine to obstruct public travel at
6 a railroad-highway grade crossing for a period in excess of
7 10 minutes, except where such train or railroad car is
8 continuously moving or cannot be moved by reason of
9 circumstances over which the rail carrier has no reasonable
10 control.

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

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

25 (c) Punishment for Obstruction of Grade Crossing. Any
26 rail carrier violating paragraph (b) of this subsection (1)

1 ~~is shall be~~ guilty of a petty offense and shall be fined
2 ~~not less than \$200 nor more than~~ \$500 if the duration of
3 the obstruction is in excess of 8 ~~10~~ minutes but no longer
4 than 15 minutes. ~~If the duration of the obstruction exceeds~~
5 ~~15 minutes the violation shall be a business offense and~~
6 ~~the following fines shall be imposed:~~ if the duration of
7 the obstruction is in excess of 15 minutes but no longer
8 than 20 minutes, the violation is a petty offense and the
9 fine shall be \$800. ~~If \$500;~~ if the duration of the
10 obstruction is in excess of 20 minutes, the violation is a
11 business offense and the following fines shall be imposed:
12 if the duration of the obstruction is in excess of 20
13 minutes but no longer than 25 minutes, the fine shall be
14 \$1,200 ~~\$700~~; if the duration of the obstruction is in
15 excess of 25 minutes, but no longer than 30 minutes, the
16 fine shall be \$1,500 ~~\$900~~; if the duration of the
17 obstruction is in excess of 30 minutes but no longer than
18 35 minutes, the fine shall be \$2,000 ~~\$1,000~~; if the
19 duration of the obstruction is in excess of 35 minutes, the
20 fine shall be \$2,000 ~~\$1,000~~ plus an additional \$750 ~~\$500~~
21 for each 5 minutes of obstruction in excess of 25 minutes
22 of obstruction. Of each fine levied against and paid by a
23 railroad for a violation of paragraph (b) of this
24 subsection (1), \$250 shall be deposited into the Local
25 Government Distributive Fund.

26 (2) Other Operational Requirements.

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

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

24 (b) Speed Limits. Each rail carrier shall operate its
25 trains in compliance with speed limits set by the
26 Commission. The Commission may set train speed limits only

1 where such limits are necessitated by extraordinary
2 circumstances effecting the public safety, and shall
3 maintain such train speed limits in effect only for such
4 time as the extraordinary circumstances prevail.

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

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

1 pilot project in January 1999, January 2000, and January
2 2001. The Commission shall also submit a final report on
3 the pilot project to the Governor and the General Assembly
4 in January 2001. The provisions of this subsection (c),
5 other than this sentence, are inoperative after February 1,
6 2001.

7 (3) Report and Investigation of Rail Accidents.

8 (a) Reports. Every rail carrier shall report to the
9 Commission, by the speediest means possible, whether
10 telephone, telegraph, or otherwise, every accident
11 involving its equipment, track, or other property which
12 resulted in loss of life to any person. In addition, such
13 carriers shall file a written report with the Commission.
14 Reports submitted under this paragraph shall be strictly
15 confidential, shall be specifically prohibited from
16 disclosure, and shall not be admissible in any
17 administrative or judicial proceeding relating to the
18 accidents reported.

19 (b) Investigations. The Commission may investigate all
20 railroad accidents reported to it or of which it acquires
21 knowledge independent of reports made by rail carriers, and
22 shall have the power, consistent with standards and
23 procedures established under the Federal Railroad Safety
24 Act, as amended, to enter such temporary orders as will
25 minimize the risk of future accidents pending notice,
26 hearing, and final action by the Commission.

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