

# HB3137



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3137

Introduced 2/26/2007, by Rep. Tom Cross

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-7402

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

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning railroad safety.

LRB095 06786 DRH 26902 b

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 ~~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 shall be guilty of a petty offense and fined not less than  
2 \$200 nor more than \$500 if the duration of the obstruction  
3 is in excess of 10 minutes but no longer than 15 minutes.  
4 If the duration of the obstruction exceeds 15 minutes the  
5 violation shall be a business offense and the following  
6 fines shall be imposed: if the duration of the obstruction  
7 is in excess of 15 minutes but no longer than 20 minutes,  
8 the fine shall be \$500; if the duration of the obstruction  
9 is in excess of 20 minutes but no longer than 25 minutes,  
10 the fine shall be \$700; if the duration of the obstruction  
11 is in excess of 25 minutes, but no longer than 30 minutes,  
12 the fine shall be \$900; if the duration of the obstruction  
13 is in excess of 30 minutes but no longer than 35 minutes,  
14 the fine shall be \$1,000; if the duration of the  
15 obstruction is in excess of 35 minutes, the fine shall be  
16 \$1,000 plus an additional \$500 for each 5 minutes of  
17 obstruction in excess of 25 minutes of obstruction.

18 (2) Other Operational Requirements.

19 (a) Bell and Whistle-Crossings. Every rail carrier  
20 shall cause a bell, and a whistle or horn to be placed and  
21 kept on each locomotive, and shall cause the same to be  
22 rung or sounded by the engineer or fireman, at the distance  
23 of a least 1,320 feet, from the place where the railroad  
24 crosses or intersects any public highway, and shall be kept  
25 ringing or sounding until the highway is reached; provided  
26 that at crossings where the Commission shall by order

1 direct, only after a hearing has been held to determine the  
2 public is reasonably and sufficiently protected, the rail  
3 carrier may be excused from giving warning provided by this  
4 paragraph.

5 (a-5) The requirements of paragraph (a) of this  
6 subsection (2) regarding ringing a bell and sounding a  
7 whistle or horn do not apply at a railroad crossing that  
8 has a permanently installed automated audible warning  
9 device authorized by the Commission under Section  
10 18c-7402.1 that sounds automatically when an approaching  
11 train is at least 1,320 feet from the crossing and that  
12 keeps sounding until the lead locomotive has crossed the  
13 highway. The engineer or fireman may ring the bell or sound  
14 the whistle or horn at a railroad crossing that has a  
15 permanently installed audible warning device.

16 (b) Speed Limits. Each rail carrier shall operate its  
17 trains in compliance with speed limits set by the  
18 Commission. The Commission may set train speed limits only  
19 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 speeds  
25 and railroad-highway grade crossing safety. The Commission  
26 shall report the findings of the study to the General

1 Assembly no later than January 5, 1997.

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

25 (3) Report and Investigation of Rail Accidents.

26 (a) Reports. Every rail carrier shall report to the

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

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

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