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LRB095 18952 AJO 45114 r

1 HOUSE JOINT RESOLUTION

2 WHEREAS, There are numerous, negative impacts on a
3 municipality when a railroad train blocks one or more railroad
4 crossings for a significant length of time; and

5 WHEREAS, An impact may be severe if emergency responders
6 are forced to wait at a crossing or take a longer alternative
7 route because of the blocked crossing; and

8 WHEREAS, Municipalities have the duty to protect and
9 enhance the health, safety, and welfare of their residents; and

10 WHEREAS, Blocked railroad crossings are a direct threat to
11 the health, safety, and welfare of the residents of a
12 municipality; and

13 WHEREAS, The federal government has failed to take action
14 on the issue of trains blocking municipal railroad crossings;
15 and

16 WHEREAS, Section 18c-7402(1)(b) of the Illinois Vehicle
17 Code makes it a violation for a train to obstruct a
18 railroad-highway grade crossing for a period in excess of 10
19 minutes unless the train is continuously moving or cannot be
20 moved by reason of circumstances over which the railroad has no

1 reasonable control; and

2 WHEREAS, Multiple municipalities throughout Illinois,
3 including the Village of Mundelein, have adopted ordinances
4 modeled after the State statute because of the negative impact
5 of trains blocking railroad crossings for extensive lengths of
6 time in those municipalities; and

7 WHEREAS, The Village of Mundelein, pursuant to its
8 ordinance, cited a railroad for blocking a railroad-highway
9 crossing for 157 minutes and the trial court found the railroad
10 guilty and imposed a \$14,000 fine; the railroad appealed to the
11 Appellate Court which reversed the trial court's ruling; after
12 which the Village of Mundelein appealed to the Illinois Supreme
13 Court; and

14 WHEREAS, The Illinois Supreme Court recently struck down
15 the Village of Mundelein ordinance modeled after the Illinois
16 statute in the case of Village of Mundelein v. Wisconsin
17 Central Railroad; and

18 WHEREAS, The Illinois Supreme Court ruled that the Federal
19 Railroad Safety Authorization Act of 1994 preempts both
20 Illinois law and municipal ordinances; therefore, be it

21 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE

1 NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
2 SENATE CONCURRING HEREIN, that the United States Congress, the
3 United States Department of Transportation, and the United
4 States Department of Homeland Security, be encouraged to
5 promptly take the necessary legislative and administrative
6 steps to rectify the safety concerns that arise when trains
7 block municipal railroad crossings for extensive lengths of
8 time; and be it further

9 RESOLVED, That the United States Congress, the United
10 States Department of Transportation, and the United States
11 Department of Homeland Security create guidelines and models
12 for municipalities to follow to ensure uniformity for both
13 municipalities and railroads; and be it further

14 RESOLVED, That a suitable copy of this resolution be
15 delivered to the United States Secretary of Transportation, the
16 United States Secretary of Homeland Security, the Speaker and
17 minority leader of the United States House of Representatives,
18 the President Pro Tempore and the minority leader of the United
19 States Senate, and each member of the Illinois congressional
20 delegation.