

1 AMENDMENT TO HOUSE BILL 3082

2 AMENDMENT NO. _____. Amend House Bill 3082, on page 8,
3 line 22, by replacing "\$500,000 per year" with "\$250,000 in
4 fiscal year 2002"; and

5 on page 16, line 10, by replacing "Section 11-1201.1 and
6 18c-7401" with "Sections 18c-7401 and 18c-7402 and by adding
7 Section 18c-7402.1"; and

8 on page 16, by deleting lines 11 through 32; and

9 on page 17, by deleting lines 1 through 34; and

10 on page 18, by deleting lines 1 through 17; and

11 on page 22, immediately below line 21, by inserting the
12 following:

13 "It is the public policy of the State of Illinois to
14 enhance public safety by establishing safe grade crossings.
15 In furtherance of that public policy, the Commission shall
16 order the installation of stop signs at all public grade
17 crossings that are not equipped with automatic flashing light
18 signals or gates, except at those grade crossings where the
19 Commission determines that the existing warning devices or
20 signs are adequate and appropriate. The installation of stop
21 signs shall meet the guidelines and standards contained in

1 the national Manual on Uniform Traffic Control Devices. The
2 Commission shall assess the cost of these stop signs to the
3 rail carrier whose tracks traverse the grade crossing. If the
4 Commission determines that a stop sign must be installed, the
5 stop sign must be located on rail carrier property, unless
6 the Commission specifically determines that it is unsafe to
7 do so. If the Commission directs the stop sign to be erected
8 on rail carrier property, the rail carrier must, at its
9 expense, install and maintain the stop sign in accordance
10 with the Commission's order. If the Commission directs the
11 stop sign to be erected on property of the highway authority
12 in interest, the highway authority must install and maintain
13 the stop sign in accordance with the Commission's order. The
14 Commission shall issue an order in compliance with this
15 amendatory Act of the 92nd General Assembly no later than
16 July 1, 2003."; and

17 on page 26, immediately below line 13, by inserting the
18 following:

19 "(625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)
20 Sec. 18c-7402. Safety Requirements for Railroad
21 Operations.

22 (1) Obstruction of Crossings.

23 (a) Obstruction of Emergency Vehicles. Every
24 railroad shall be operated in such a manner as to
25 minimize obstruction of emergency vehicles at crossings.
26 Where such obstruction occurs and the train crew is aware
27 of the obstruction, the train crew shall immediately take
28 any action, consistent with safe operating procedure,
29 necessary to remove the obstruction. In the Chicago and
30 St. Louis switching districts, every railroad dispatcher
31 or other person responsible for the movement of railroad
32 equipment in a specific area who receives notification
33 that railroad equipment is obstructing the movement of an

1 emergency vehicle at any crossing within such area shall
2 immediately notify the train crew through use of existing
3 communication facilities. Upon notification, the train
4 crew shall take immediate action in accordance with this
5 paragraph.

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

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

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

28 (c) Punishment for Obstruction of Grade Crossing.
29 Any rail carrier violating paragraph (b) of this
30 subsection shall be guilty of a petty offense and fined
31 not less than \$200 nor more than \$500 if the duration of
32 the obstruction is in excess of 10 minutes but no longer
33 than 15 minutes. If the duration of the obstruction
34 exceeds 15 minutes the violation shall be a business

1 offense and the following fines shall be imposed: if the
2 duration of the obstruction is in excess of 15 minutes
3 but no longer than 20 minutes, the fine shall be \$500; if
4 the duration of the obstruction is in excess of 20
5 minutes but no longer than 25 minutes, the fine shall be
6 \$700; if the duration of the obstruction is in excess of
7 25 minutes, but no longer than 30 minutes, the fine shall
8 be \$900; if the duration of the obstruction is in excess
9 of 30 minutes but no longer than 35 minutes, the fine
10 shall be \$1,000; if the duration of the obstruction is in
11 excess of 35 minutes, the fine shall be \$1,000 plus an
12 additional \$500 for each 5 minutes of obstruction in
13 excess of 25 minutes of obstruction.

14 (2) Other Operational Requirements.

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

27 (a-5) The requirements of paragraph (a) of this
28 subsection (2) regarding ringing a bell and sounding a
29 whistle or horn do not apply at a railroad crossing that
30 has a permanently installed automated audible warning
31 device authorized by the Commission under Section
32 18c-7402.1 that sounds automatically when an approaching
33 train is at least 1,320 feet from the crossing and that
34 keeps sounding until the lead locomotive has crossed the

1 highway. The engineer or fireman may ring the bell or
2 sound the whistle or horn at a railroad crossing that has
3 a permanently installed audible warning device.

4 (b) Speed Limits. Each rail carrier shall operate
5 its trains in compliance with speed limits set by the
6 Commission. The Commission may set train speed limits
7 only where such limits are necessitated by extraordinary
8 circumstances effecting the public safety, and shall
9 maintain such train speed limits in effect only for such
10 time as the extraordinary circumstances prevail.

11 The Commission and the Department of Transportation
12 shall conduct a study of the relation between train
13 speeds and railroad-highway grade crossing safety. The
14 Commission shall report the findings of the study to the
15 General Assembly no later than January 5, 1997.

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

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

6 (3) Report and Investigation of Rail Accidents.

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

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

27 (Source: P.A. 90-187, eff. 1-1-98; 91-675, eff. 6-1-00.)

28 (625 ILCS 5/18c-7402.1 new)

29 Sec. 18c-7402.1. Pilot projects; automated audible
30 warning devices.

31 (a) The General Assembly finds and declares that, for
32 the communities of the State that are traversed by railroads,
33 there is a growing need to mitigate train horn noise without

1 compromising the safety of the public. Therefore, after
2 applications are filed and approved by the Commission, the
3 Commission shall authorize pilot projects in the counties of
4 Cook, DuPage, Lake, and Will to test the utility and safety
5 of stationary automated audible warning devices as an
6 alternative to trains having to sound their horns as they
7 approach highway-rail crossings. Any Commission order
8 authorizing a pilot project under this Section shall require
9 that the automated audible warning device system must
10 include a visual cue, visible to the approaching engineer
11 from a distance of not less than 1,320 feet from the
12 crossing, indicating that the audible warning device is
13 functioning as designed. The Commission order shall further
14 require that in the event the visual cue is not visible to
15 the approaching engineer at a distance of 1,320 feet, the
16 engineer shall immediately sound the locomotive horn as
17 provided by section 18c-7402(2)(a).

18 (b) In light of the pending proposed ruling by the
19 Federal Railroad Administration on the use of locomotive
20 horns at all highway-rail crossings across the nation, it is
21 in the best interest of the State for the Commission to
22 expedite the pilot projects in order to contribute data to
23 the federal rulemaking process regarding the possible
24 inclusion of stationary automated warning devices in the
25 counties of Cook, DuPage, Lake, and Will as a safety measure
26 option to the proposed federal rule.

27 (c) The Commission shall adopt rules for implementing
28 the pilot projects in the counties of Cook, DuPage, Lake, and
29 Will."