

1 AN ACT to re-enact the Bi-State Transit Safety Act.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Bi-State Transit Safety Act.

6 Section 5. Definitions. As used in this Act:

7 "Accident" means any event involving the revenue service
8 operation of a rail fixed guideway system if as a result:

9 (1) an individual dies;

10 (2) an individual suffers bodily injury and
11 immediately receives medical treatment away from the
12 scene of the accident; or

13 (3) a collision, derailment, or fire causes
14 property damage in excess of \$100,000.

15 "APTA Guidelines" means the American Public Transit
16 Association's "Manual for the Development of Rail Transit
17 System Safety Program Plans", published on August 20, 1991.

18 "FTA" means the Federal Transit Administration, an agency
19 within the U.S. Department of Transportation.

20 "Hazardous condition" means a condition that may endanger
21 human life or property. It includes unacceptable hazardous
22 conditions.

23 "Investigation" means a process to determine the probable
24 cause of an accident or an unacceptable hazardous condition;
25 it may involve no more than a review and approval of the
26 transit agency's determination of the probable cause of an
27 accident or unacceptable hazardous condition.

28 "Rail fixed guideway system" means any light, heavy, or
29 rapid rail system, monorail, inclined plane, funicular,
30 trolley, or automated guideway that is:

31 (1) included in FTA's calculation for fixed

1 guideway route miles or receives funding under FTA's
2 formula program for urbanized areas; and

3 (2) not regulated by the Federal Railroad
4 Administration.

5 "Revenue service operation" means an operation outside of
6 a rail yard.

7 "System safety program plan" means a document adopted by
8 the transit agency detailing its safety policies, objectives,
9 responsibilities, and procedures.

10 "System safety program standard" means the standard
11 developed and adopted by the State oversight agency which, at
12 a minimum, complies with the APTA Guidelines, requires the
13 immediate notification of appropriate Illinois emergency
14 service agencies in the event of an accident in Illinois, and
15 which addresses personal security.

16 "Transit agency" means an entity operating a rail fixed
17 guideway system.

18 "Unacceptable hazardous condition" means a hazardous
19 condition determined to be an unacceptable hazardous
20 condition using the APTA Guidelines' Hazard Resolution
21 Matrix.

22 Section 10. Powers. In further effectuation of the
23 Bi-State Development Compact Act creating the Bi-State
24 Development Agency, the State of Illinois hereby authorizes
25 the St. Clair County Transit District to exercise the
26 following powers:

27 (1) To regulate the safety of rail fixed guideway
28 systems and the personal security of the passengers and
29 employees of the Bi-State Development Agency located and
30 operated within the boundaries of the State of Illinois,
31 in a manner consistent with "Rail Fixed Guideway Systems;
32 State Safety Oversight", 49 CFR Part 659.

33 (2) To develop, adopt, and implement a system

1 safety program standard meeting the compliance
2 requirements prescribed in Sections 659.31 and 659.33 of
3 "Rail Fixed Guideway Systems; State Safety Oversight".

4 (3) To require the Bi-State Development Agency to
5 report accidents and unacceptable hazardous conditions to
6 the St. Clair County Transit District within a period of
7 time specified by the St. Clair County Transit District
8 as required by Section 659.39 of "Rail Fixed Guideway
9 Systems; State Safety Oversight".

10 (4) To establish procedures to investigate
11 accidents and unacceptable hazardous conditions as
12 required by Section 659.41 of "Rail Fixed Guideway
13 Systems; State Safety Oversight".

14 (5) To direct the Bi-State Development Agency to
15 minimize, control, correct, or eliminate any investigated
16 hazardous condition within a period of time specified by
17 the St. Clair County Transit District as required by
18 Section 659.43 of "Rail Fixed Guideway Systems; State
19 Safety Oversight".

20 (6) To perform all other necessary and incidental
21 functions related to its effectuation of this Act and as
22 mandated by "Rail Fixed Guideway Systems; State Safety
23 Oversight".

24 Section 15. Confidentiality of investigation reports.
25 The security portion of the system safety program plan,
26 investigation reports, surveys, schedules, lists, or data
27 compiled, collected, or prepared by the Bi-State Development
28 Agency or the St. Clair County Transit District under this
29 Act shall not be subject to discovery or admitted into
30 evidence in federal or State court or considered for other
31 purposes in any civil action for damages arising from any
32 matter mentioned or addressed in such plan, reports, surveys,
33 schedules, lists, or data.

1 Section 20. Right to contract for safety consultation.
2 The St. Clair County Transit District may contract for safety
3 consultation under the St. Clair County District's duties
4 created by this Act. The St. Clair County District may
5 assess the Bi-State Development Agency for its expenses in
6 administering the Act.

7 Section 25. Jurisdiction. The jurisdiction of the St.
8 Clair County Transit District under this Act shall be
9 exclusive, except to the extent that its jurisdiction is
10 preempted by federal statute, regulation, or order.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.