



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB4543**

Introduced 1/30/2026, by Rep. Nabeela Syed

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-7401

from Ch. 95 1/2, par. 18c-7401

Amends the Illinois Vehicle Code. Requires every rail carrier operating within the State to install, operate, and maintain pedestrian crossing gates at every grade crossing located within 1.5 miles of a school. Provides that the Illinois Commerce Commission shall have the authority to (i) determine the number, type, and location of the signs, signals, gates, or other protective devices and (ii) prescribe the division of the cost of the installation and subsequent maintenance of the signs, signals, gates, or other protective devices between the rail carrier or carriers, the public highway authority or other public authority in interest, and, in instances involving the use of the Grade Crossing Protection Fund, the Department of Transportation.

LRB104 15931 LNS 29166 b

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  
5 changing Section 18c-7401 as follows:

6 (625 ILCS 5/18c-7401) (from Ch. 95 1/2, par. 18c-7401)

7 Sec. 18c-7401. Safety requirements for track, facilities,  
8 and equipment.

9 (1) General Requirements. Each rail carrier shall,  
10 consistent with rules, orders, and regulations of the Federal  
11 Railroad Administration, construct, maintain, and operate all  
12 of its equipment, track, and other property in this State in  
13 such a manner as to pose no undue risk to its employees or the  
14 person or property of any member of the public.

15 (2) Adoption of Federal Standards. The track safety  
16 standards and accident/incident standards promulgated by the  
17 Federal Railroad Administration shall be safety standards of  
18 the Commission. The Commission may, in addition, adopt by  
19 reference in its regulations other federal railroad safety  
20 standards, whether contained in federal statutes or in  
21 regulations adopted pursuant to such statutes.

22 (3) Railroad Crossings. No public road, highway, or street  
23 shall hereafter be constructed across the track of any rail

1 carrier at grade, nor shall the track of any rail carrier be  
2 constructed across a public road, highway or street at grade,  
3 without having first secured the permission of the Commission;  
4 provided, that this Section shall not apply to the replacement  
5 of lawfully existing roads, highways, and tracks. No public  
6 pedestrian bridge or subway shall be constructed across the  
7 track of any rail carrier without having first secured the  
8 permission of the Commission. The Commission shall have the  
9 right to refuse its permission or to grant it upon such terms  
10 and conditions as it may prescribe. The Commission shall have  
11 power to determine and prescribe the manner, including the  
12 particular point of crossing, and the terms of installation,  
13 operation, maintenance, use, and protection of each such  
14 crossing.

15 The Commission shall also have power, after a hearing, to  
16 require major alteration of or to abolish any crossing,  
17 heretofore or hereafter established, when in its opinion, the  
18 public safety requires such alteration or abolition, and,  
19 except in cities, villages, and incorporated towns of  
20 1,000,000 or more inhabitants, to vacate and close that part  
21 of the highway on such crossing altered or abolished and cause  
22 barricades to be erected across such highway in such manner as  
23 to prevent the use of such crossing as a highway, when, in the  
24 opinion of the Commission, the public convenience served by  
25 the crossing in question is not such as to justify the further  
26 retention thereof; or to require a separation of grades, at

1 railroad-highway grade crossings; or to require a separation  
2 of grades at any proposed crossing where a proposed public  
3 highway may cross the tracks of any rail carrier or carriers;  
4 and to prescribe, after a hearing of the parties, the terms  
5 upon which such separations shall be made and the proportion  
6 in which the expense of the alteration or abolition of such  
7 crossings or the separation of such grades, having regard to  
8 the benefits, if any, accruing to the rail carrier or any party  
9 in interest, shall be divided between the rail carrier or  
10 carriers affected, or between such carrier or carriers and the  
11 State, county, municipality or other public authority in  
12 interest. However, a public hearing by the Commission to  
13 abolish a crossing shall not be required when the public  
14 highway authority in interest vacates the highway. In such  
15 instance the rail carrier, following notification to the  
16 Commission and the highway authority, shall remove any grade  
17 crossing warning devices and the grade crossing surface.

18 The Commission shall also have power by its order to  
19 require the reconstruction, minor alteration, minor  
20 relocation, or improvement of any crossing (including the  
21 necessary highway approaches thereto) of any railroad across  
22 any highway or public road, pedestrian bridge, or pedestrian  
23 subway, whether such crossing be at grade or by overhead  
24 structure or by subway, whenever the Commission finds after a  
25 hearing or without a hearing as otherwise provided in this  
26 paragraph that such reconstruction, alteration, relocation, or

1 improvement is necessary to preserve or promote the safety or  
2 convenience of the public or of the employees or passengers of  
3 such rail carrier or carriers. By its original order or  
4 supplemental orders in such case, the Commission may direct  
5 such reconstruction, alteration, relocation, or improvement to  
6 be made in such manner and upon such terms and conditions as  
7 may be reasonable and necessary and may apportion the cost of  
8 such reconstruction, alteration, relocation, or improvement  
9 and the subsequent maintenance thereof, having regard to the  
10 benefits, if any, accruing to the railroad or any party in  
11 interest, between the rail carrier or carriers and public  
12 utilities affected, or between such carrier or carriers and  
13 public utilities and the State, county, municipality or other  
14 public authority in interest. The cost to be so apportioned  
15 shall include the cost of changes or alterations in the  
16 equipment of public utilities affected as well as the cost of  
17 the relocation, diversion or establishment of any public  
18 highway, made necessary by such reconstruction, alteration,  
19 relocation, or improvement of said crossing. A hearing shall  
20 not be required in those instances when the Commission enters  
21 an order confirming a written stipulation in which the  
22 Commission, the public highway authority or other public  
23 authority in interest, the rail carrier or carriers affected,  
24 and in instances involving the use of the Grade Crossing  
25 Protection Fund, the Illinois Department of Transportation,  
26 agree on the reconstruction, alteration, relocation, or

1 improvement and the subsequent maintenance thereof and the  
2 division of costs of such changes of any grade crossing  
3 (including the necessary highway approaches thereto) of any  
4 railroad across any highway, pedestrian bridge, or pedestrian  
5 subway.

6 The Commission shall also have power to enter into  
7 stipulated agreements with a rail carrier or rail carriers or  
8 public authorities to fund, provide, install, and maintain  
9 safety treatments to deter trespassing on railroad property in  
10 accordance with paragraph (1) of Section 18c-7503 at locations  
11 approved by such rail carrier or rail carriers following a  
12 diagnostic evaluation between the Commission and the rail  
13 carrier or rail carriers, including any public authority in  
14 interest or the Federal Railroad Administration, and to order  
15 the allocation of the cost of those treatments and their  
16 installation and maintenance from the Grade Crossing  
17 Protection Fund. Safety treatments approved under this  
18 paragraph by the Commission shall be deemed adequate and  
19 appropriate.

20 Every rail carrier operating in the State of Illinois  
21 shall construct and maintain every highway crossing over its  
22 tracks within the State so that the roadway at the  
23 intersection shall be as flush with the rails as superelevated  
24 curves will allow, and, unless otherwise ordered by the  
25 Commission, shall construct and maintain the approaches  
26 thereto at a grade of not more than 5% within the right of way

1 for a distance of not less the 6 feet on each side of the  
2 centerline of such tracks; provided, that the grades at the  
3 approaches may be maintained in excess of 5% only when  
4 authorized by the Commission.

5 Every rail carrier operating within this State shall  
6 remove from its right of way at all railroad-highway grade  
7 crossings within the State, such brush, shrubbery, and trees  
8 as is reasonably practical for a distance of not less than 500  
9 feet in either direction from each grade crossing. The  
10 Commission shall have power, upon its own motion, or upon  
11 complaint, and after having made proper investigation, to  
12 require the installation of adequate and appropriate luminous  
13 reflective warning signs, luminous flashing signals, crossing  
14 gates illuminated at night, or other protective devices in  
15 order to promote and safeguard the health and safety of the  
16 public. Luminous flashing signal or crossing gate devices  
17 installed at grade crossings, which have been approved by the  
18 Commission, shall be deemed adequate and appropriate. The  
19 Commission shall have authority to determine the number, type,  
20 and location of such signs, signals, gates, or other  
21 protective devices which, however, shall conform as near as  
22 may be with generally recognized national standards, and the  
23 Commission shall have authority to prescribe the division of  
24 the cost of the installation and subsequent maintenance of  
25 such signs, signals, gates, or other protective devices  
26 between the rail carrier or carriers, the public highway

1 authority or other public authority in interest, and in  
2 instances involving the use of the Grade Crossing Protection  
3 Fund, the Illinois Department of Transportation. Except where  
4 train crews provide flagging of the crossing to road users,  
5 yield signs shall be installed at all highway intersections  
6 with every grade crossing in this State that is not equipped  
7 with automatic warning devices, such as luminous flashing  
8 signals or crossing gate devices. A stop sign may be used in  
9 lieu of the yield sign when an engineering study conducted in  
10 cooperation with the highway authority and the Illinois  
11 Department of Transportation has determined that a stop sign  
12 is warranted. If the Commission has ordered the installation  
13 of luminous flashing signal or crossing gate devices at a  
14 grade crossing not equipped with active warning devices, the  
15 Commission shall order the installation of temporary stop  
16 signs at the highway intersection with the grade crossing  
17 unless an engineering study has determined that a stop sign is  
18 not appropriate. If a stop sign is not appropriate, the  
19 Commission may order the installation of other appropriate  
20 supplemental signing as determined by an engineering study.  
21 The temporary signs shall remain in place until the luminous  
22 flashing signal or crossing gate devices have been installed.  
23 The rail carrier is responsible for the installation and  
24 subsequent maintenance of any required signs. The permanent  
25 signs shall be in place by July 1, 2011.

26 No railroad may change or modify the warning device system

1 at a railroad-highway grade crossing, including warning  
2 systems interconnected with highway traffic control signals,  
3 without having first received the approval of the Commission.  
4 The Commission shall have the further power, upon application,  
5 upon its own motion, or upon complaint and after having made  
6 proper investigation, to require the interconnection of grade  
7 crossing warning devices with traffic control signals at  
8 highway intersections located at or near railroad crossings  
9 within the distances described by the State Manual on Uniform  
10 Traffic Control Devices adopted pursuant to Section 11-301 of  
11 this Code. In addition, State and local authorities may not  
12 install, remove, modernize, or otherwise modify traffic  
13 control signals at a highway intersection that is  
14 interconnected or proposed to be interconnected with grade  
15 crossing warning devices when the change affects the number,  
16 type, or location of traffic control devices on the track  
17 approach leg or legs of the intersection or the timing of the  
18 railroad preemption sequence of operation until the Commission  
19 has approved the installation, removal, modernization, or  
20 modification. Commission approval shall be limited to  
21 consideration of issues directly affecting the public safety  
22 at the railroad-highway grade crossing. The electrical circuit  
23 devices, alternate warning devices, and preemption sequences  
24 shall conform as nearly as possible, considering the  
25 particular characteristics of the crossing and intersection  
26 area, to the State manual adopted by the Illinois Department

1 of Transportation pursuant to Section 11-301 of this Code and  
2 such federal standards as are made applicable by subsection  
3 (2) of this Section. In order to carry out this authority, the  
4 Commission shall have the authority to determine the number,  
5 type, and location of traffic control devices on the track  
6 approach leg or legs of the intersection and the timing of the  
7 railroad preemption sequence of operation. The Commission  
8 shall prescribe the division of costs for installation and  
9 maintenance of all devices required by this paragraph between  
10 the railroad or railroads and the highway authority in  
11 interest and in instances involving the use of the Grade  
12 Crossing Protection Fund or a State highway, the Illinois  
13 Department of Transportation.

14 Any person who unlawfully or maliciously removes, throws  
15 down, damages or defaces any sign, signal, gate, or other  
16 protective device, located at or near any public grade  
17 crossing, shall be guilty of a petty offense and fined not less  
18 than \$50 nor more than \$200 for each offense. In addition to  
19 fines levied under the provisions of this Section a person  
20 adjudged guilty hereunder may also be directed to make  
21 restitution for the costs of repair or replacement, or both,  
22 necessitated by his misconduct.

23 It is the public policy of the State of Illinois to enhance  
24 public safety by establishing safe grade crossings. In order  
25 to implement this policy, the Illinois Commerce Commission is  
26 directed to conduct public hearings and to adopt specific

1 criteria by July 1, 1994, that shall be adhered to by the  
2 Illinois Commerce Commission in determining if a grade  
3 crossing should be opened or abolished. The following factors  
4 shall be considered by the Illinois Commerce Commission in  
5 developing the specific criteria for opening and abolishing  
6 grade crossings:

7 (a) timetable speed of passenger trains;

8 (b) distance to an alternate crossing;

9 (c) accident history for the last 5 years;

10 (d) number of vehicular traffic and posted speed  
11 limits;

12 (e) number of freight trains and their timetable  
13 speeds;

14 (f) the type of warning device present at the grade  
15 crossing;

16 (g) alignments of the roadway and railroad, and the  
17 angle of intersection of those alignments;

18 (h) use of the grade crossing by trucks carrying  
19 hazardous materials, vehicles carrying passengers for  
20 hire, and school buses; and

21 (i) use of the grade crossing by emergency vehicles.

22 The Illinois Commerce Commission, upon petition to open or  
23 abolish a grade crossing, shall enter an order opening or  
24 abolishing the crossing if it meets the specific criteria  
25 adopted by the Commission.

26 Except as otherwise provided in this subsection (3), in no

1 instance shall a grade crossing be permanently closed without  
2 public hearing first being held and notice of such hearing  
3 being published in an area newspaper of local general  
4 circulation.

5 (4) Freight Trains; Radio Communications. The Commission  
6 shall after hearing and order require that every main line  
7 railroad freight train operating on main tracks outside of  
8 yard limits within this State shall be equipped with a radio  
9 communication system. The Commission after notice and hearing  
10 may grant exemptions from the requirements of this Section as  
11 to secondary and branch lines.

12 (5) Railroad Bridges and Trestles; Walkway and Handrail.  
13 In cases in which the Commission finds the same to be practical  
14 and necessary for safety of railroad employees, bridges and  
15 trestles, over and upon which railroad trains are operated,  
16 shall include as a part thereof, a safe and suitable walkway  
17 and handrail on one side only of such bridge or trestle, and  
18 such handrail shall be located at the outer edge of the walkway  
19 and shall provide a clearance of not less than 8 feet, 6  
20 inches, from the center line of the nearest track, measured at  
21 right angles thereto.

22 (6) Packages Containing Articles for First Aid to Injured  
23 on Trains.

24 (a) All rail carriers shall provide a first aid kit  
25 that contains, at a minimum, those articles prescribed by  
26 the Commission, on each train or engine, for first aid to

1 persons who may be injured in the course of the operation  
2 of such trains.

3 (b) A vehicle, excluding a taxi cab used in an  
4 emergency situation, operated by a contract carrier  
5 transporting railroad employees in the course of their  
6 employment shall be equipped with a readily available  
7 first aid kit that contains, as a minimum, the same  
8 articles that are required on each train or engine.

9 (7) Abandoned Bridges, Crossings, and Other Rail Plant.  
10 The Commission shall have authority, after notice and hearing,  
11 to order:

12 (a) the removal of any abandoned railroad tracks from  
13 roads, streets or other thoroughfares in this State; and

14 (b) the removal of abandoned overhead railroad  
15 structures crossing highways, waterways, or railroads.

16 The Commission may equitably apportion the cost of such  
17 actions between the rail carrier or carriers, public  
18 utilities, and the State, county, municipality, township, road  
19 district, or other public authority in interest.

20 (8) Railroad-Highway Bridge Clearance. A vertical  
21 clearance of not less than 23 feet above the top of rail shall  
22 be provided for all new or reconstructed highway bridges  
23 constructed over a railroad track. The Commission may permit a  
24 lesser clearance if it determines that the 23-foot clearance  
25 standard cannot be justified based on engineering,  
26 operational, and economic conditions.

1 (9) Right of Access To Railroad Property.

2 (a) A community antenna television company franchised  
3 by a municipality or county pursuant to the Illinois  
4 Municipal Code or the Counties Code, respectively, shall  
5 not enter upon any real estate or rights-of-way in the  
6 possession or control of a railroad subject to the  
7 jurisdiction of the Illinois Commerce Commission unless  
8 the community antenna television company first complies  
9 with the applicable provisions of subparagraph (f) of  
10 Section 11-42-11.1 of the Illinois Municipal Code or  
11 subparagraph (f) of Section 5-1096 of the Counties Code.

12 (b) Notwithstanding any provision of law to the  
13 contrary, this subsection (9) applies to all entries of  
14 railroad rights-of-way involving a railroad subject to the  
15 jurisdiction of the Illinois Commerce Commission by a  
16 community antenna television company and shall govern in  
17 the event of any conflict with any other provision of law.

18 (c) This subsection (9) applies to any entry upon any  
19 real estate or right-of-way in the possession or control  
20 of a railroad subject to the jurisdiction of the Illinois  
21 Commerce Commission for the purpose of or in connection  
22 with the construction, or installation of a community  
23 antenna television company's system or facilities  
24 commenced or renewed on or after August 22, 2017 (the  
25 effective date of Public Act 100-251).

26 (d) Nothing in Public Act 100-251 shall be construed

1 to prevent a railroad from negotiating other terms and  
2 conditions or the resolution of any dispute in relation to  
3 an entry upon or right of access as set forth in this  
4 subsection (9).

5 (e) For purposes of this subsection (9):

6 "Broadband service", "cable operator", and "holder"  
7 have the meanings given to those terms under Section  
8 21-201 of the Public Utilities Act.

9 "Community antenna television company" includes, in  
10 the case of real estate or rights-of-way in possession of  
11 or in control of a railroad, a holder, cable operator, or  
12 broadband service provider.

13 (f) Beginning on August 22, 2017 (the effective date  
14 of Public Act 100-251), the Transportation Division of the  
15 Illinois Commerce Commission shall include in its annual  
16 Crossing Safety Improvement Program report a brief  
17 description of the number of cases decided by the Illinois  
18 Commerce Commission and the number of cases that remain  
19 pending before the Illinois Commerce Commission under this  
20 subsection (9) for the period covered by the report.

21 (10) Railroad Crossings Near Schools. Every rail carrier  
22 operating within this State shall, in addition to the other  
23 requirements of this Article, install, operate, and maintain  
24 pedestrian crossing gates at every grade crossing located  
25 within 1.5 miles of a school. The Illinois Commerce Commission  
26 shall have the authority to determine the number, type, and

1 location of the signs, signals, gates, or other protective  
2 devices, which shall conform as much as possible with  
3 generally recognized national standards. The Illinois Commerce  
4 Commission shall have the authority to prescribe the division  
5 of the cost of the installation and subsequent maintenance of  
6 the signs, signals, gates, or other protective devices between  
7 the rail carrier or carriers, the public highway authority or  
8 other public authority in interest, and, in instances  
9 involving the use of the Grade Crossing Protection Fund, the  
10 Department of Transportation.

11 (Source: P.A. 101-81, eff. 7-12-19; 102-16, eff. 6-17-21.)