

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 Motor Fuel Tax Law is amended by changing
5 Section 8 as follows:

6 (35 ILCS 505/8) (from Ch. 120, par. 424)

7 Sec. 8. Except as provided in subsection (a-1) of this
8 Section, Section 8a, subdivision (h)(1) of Section 12a,
9 Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all
10 money received by the Department under this Act, including
11 payments made to the Department by member jurisdictions
12 participating in the International Fuel Tax Agreement, shall
13 be deposited in a special fund in the State treasury, to be
14 known as the "Motor Fuel Tax Fund", and shall be used as
15 follows:

16 (a) 2 1/2 cents per gallon of the tax collected on special
17 fuel under paragraph (b) of Section 2 and Section 13a of this
18 Act shall be transferred to the State Construction Account
19 Fund in the State Treasury; the remainder of the tax collected
20 on special fuel under paragraph (b) of Section 2 and Section
21 13a of this Act shall be deposited into the Road Fund;

22 (a-1) Beginning on July 1, 2019, an amount equal to the
23 amount of tax collected under subsection (a) of Section 2 as a

1 result of the increase in the tax rate under Public Act 101-32
2 ~~this amendatory Act of the 101st General Assembly~~ shall be
3 transferred each month into the Transportation Renewal Fund;~~;~~

4 (b) \$420,000 shall be transferred each month to the State
5 Boating Act Fund to be used by the Department of Natural
6 Resources for the purposes specified in Article X of the Boat
7 Registration and Safety Act;

8 (c) \$3,500,000 shall be transferred each month to the
9 Grade Crossing Protection Fund to be used as follows: not less
10 than \$12,000,000 each fiscal year shall be used for the
11 construction or reconstruction of rail highway grade
12 separation structures; \$2,250,000 in fiscal years 2004 through
13 2009 and \$3,000,000 in fiscal year 2010 and each fiscal year
14 thereafter shall be transferred to the Transportation
15 Regulatory Fund and shall be accounted for as part of the rail
16 carrier portion of such funds and shall be used to pay the cost
17 of administration of the Illinois Commerce Commission's
18 railroad safety program in connection with its duties under
19 subsection (3) of Section 18c-7401 of the Illinois Vehicle
20 Code, with the remainder to be used by the Department of
21 Transportation upon order of the Illinois Commerce Commission,
22 to pay that part of the cost apportioned by such Commission to
23 the State to cover the interest of the public in the use of
24 highways, roads, streets, or pedestrian walkways in the county
25 highway system, township and district road system, or
26 municipal street system as defined in the Illinois Highway

1 Code, as the same may from time to time be amended, for
2 separation of grades, for installation, construction or
3 reconstruction of crossing protection or reconstruction,
4 alteration, relocation including construction or improvement
5 of any existing highway necessary for access to property or
6 improvement of any grade crossing and grade crossing surface
7 including the necessary highway approaches thereto of any
8 railroad across the highway or public road, or for the
9 installation, construction, reconstruction, or maintenance of
10 safety treatments to deter trespassing or a pedestrian walkway
11 over or under a railroad right-of-way, as provided for in and
12 in accordance with Section 18c-7401 of the Illinois Vehicle
13 Code. The Commission may order up to \$2,000,000 per year in
14 Grade Crossing Protection Fund moneys for the improvement of
15 grade crossing surfaces and up to \$300,000 per year for the
16 maintenance and renewal of 4-quadrant gate vehicle detection
17 systems located at non-high speed rail grade crossings. ~~The~~
18 ~~Commission shall not order more than \$2,000,000 per year in~~
19 ~~Grade Crossing Protection Fund moneys for pedestrian walkways.~~
20 In entering orders for projects for which payments from the
21 Grade Crossing Protection Fund will be made, the Commission
22 shall account for expenditures authorized by the orders on a
23 cash rather than an accrual basis. For purposes of this
24 requirement an "accrual basis" assumes that the total cost of
25 the project is expended in the fiscal year in which the order
26 is entered, while a "cash basis" allocates the cost of the

1 project among fiscal years as expenditures are actually made.
2 To meet the requirements of this subsection, the Illinois
3 Commerce Commission shall develop annual and 5-year project
4 plans of rail crossing capital improvements that will be paid
5 for with moneys from the Grade Crossing Protection Fund. The
6 annual project plan shall identify projects for the succeeding
7 fiscal year and the 5-year project plan shall identify
8 projects for the 5 directly succeeding fiscal years. The
9 Commission shall submit the annual and 5-year project plans
10 for this Fund to the Governor, the President of the Senate, the
11 Senate Minority Leader, the Speaker of the House of
12 Representatives, and the Minority Leader of the House of
13 Representatives on the first Wednesday in April of each year;

14 (d) of the amount remaining after allocations provided for
15 in subsections (a), (a-1), (b)L and (c), a sufficient amount
16 shall be reserved to pay all of the following:

17 (1) the costs of the Department of Revenue in
18 administering this Act;

19 (2) the costs of the Department of Transportation in
20 performing its duties imposed by the Illinois Highway Code
21 for supervising the use of motor fuel tax funds
22 apportioned to municipalities, counties and road
23 districts;

24 (3) refunds provided for in Section 13, refunds for
25 overpayment of decal fees paid under Section 13a.4 of this
26 Act, and refunds provided for under the terms of the

1 International Fuel Tax Agreement referenced in Section
2 14a;

3 (4) from October 1, 1985 until June 30, 1994, the
4 administration of the Vehicle Emissions Inspection Law,
5 which amount shall be certified monthly by the
6 Environmental Protection Agency to the State Comptroller
7 and shall promptly be transferred by the State Comptroller
8 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
9 Inspection Fund, and for the period July 1, 1994 through
10 June 30, 2000, one-twelfth of \$25,000,000 each month, for
11 the period July 1, 2000 through June 30, 2003, one-twelfth
12 of \$30,000,000 each month, and \$15,000,000 on July 1,
13 2003, and \$15,000,000 on January 1, 2004, and \$15,000,000
14 on each July 1 and October 1, or as soon thereafter as may
15 be practical, during the period July 1, 2004 through June
16 30, 2012, and \$30,000,000 on June 1, 2013, or as soon
17 thereafter as may be practical, and \$15,000,000 on July 1
18 and October 1, or as soon thereafter as may be practical,
19 during the period of July 1, 2013 through June 30, 2015,
20 for the administration of the Vehicle Emissions Inspection
21 Law of 2005, to be transferred by the State Comptroller
22 and Treasurer from the Motor Fuel Tax Fund into the
23 Vehicle Inspection Fund;

24 (4.5) beginning on July 1, 2019, the costs of the
25 Environmental Protection Agency for the administration of
26 the Vehicle Emissions Inspection Law of 2005 shall be

1 paid, subject to appropriation, from the Motor Fuel Tax
2 Fund into the Vehicle Inspection Fund; beginning in 2019,
3 no later than December 31 of each year, or as soon
4 thereafter as practical, the State Comptroller shall
5 direct and the State Treasurer shall transfer from the
6 Vehicle Inspection Fund to the Motor Fuel Tax Fund any
7 balance remaining in the Vehicle Inspection Fund in excess
8 of \$2,000,000;

9 (5) amounts ordered paid by the Court of Claims; and

10 (6) payment of motor fuel use taxes due to member
11 jurisdictions under the terms of the International Fuel
12 Tax Agreement. The Department shall certify these amounts
13 to the Comptroller by the 15th day of each month; the
14 Comptroller shall cause orders to be drawn for such
15 amounts, and the Treasurer shall administer those amounts
16 on or before the last day of each month;

17 (e) after allocations for the purposes set forth in
18 subsections (a), (a-1), (b), (c), and (d), the remaining
19 amount shall be apportioned as follows:

20 (1) Until January 1, 2000, 58.4%, and beginning
21 January 1, 2000, 45.6% shall be deposited as follows:

22 (A) 37% into the State Construction Account Fund,
23 and

24 (B) 63% into the Road Fund, \$1,250,000 of which
25 shall be reserved each month for the Department of
26 Transportation to be used in accordance with the

1 provisions of Sections 6-901 through 6-906 of the
2 Illinois Highway Code;

3 (2) Until January 1, 2000, 41.6%, and beginning
4 January 1, 2000, 54.4% shall be transferred to the
5 Department of Transportation to be distributed as follows:

6 (A) 49.10% to the municipalities of the State,

7 (B) 16.74% to the counties of the State having
8 1,000,000 or more inhabitants,

9 (C) 18.27% to the counties of the State having
10 less than 1,000,000 inhabitants,

11 (D) 15.89% to the road districts of the State.

12 If a township is dissolved under Article 24 of the
13 Township Code, McHenry County shall receive any moneys
14 that would have been distributed to the township under
15 this subparagraph, except that a municipality that assumes
16 the powers and responsibilities of a road district under
17 paragraph (6) of Section 24-35 of the Township Code shall
18 receive any moneys that would have been distributed to the
19 township in a percent equal to the area of the dissolved
20 road district or portion of the dissolved road district
21 over which the municipality assumed the powers and
22 responsibilities compared to the total area of the
23 dissolved township. The moneys received under this
24 subparagraph shall be used in the geographic area of the
25 dissolved township. If a township is reconstituted as
26 provided under Section 24-45 of the Township Code, McHenry

1 County or a municipality shall no longer be distributed
2 moneys under this subparagraph.

3 As soon as may be after the first day of each month, the
4 Department of Transportation shall allot to each municipality
5 its share of the amount apportioned to the several
6 municipalities which shall be in proportion to the population
7 of such municipalities as determined by the last preceding
8 municipal census if conducted by the Federal Government or
9 Federal census. If territory is annexed to any municipality
10 subsequent to the time of the last preceding census the
11 corporate authorities of such municipality may cause a census
12 to be taken of such annexed territory and the population so
13 ascertained for such territory shall be added to the
14 population of the municipality as determined by the last
15 preceding census for the purpose of determining the allotment
16 for that municipality. If the population of any municipality
17 was not determined by the last Federal census preceding any
18 apportionment, the apportionment to such municipality shall be
19 in accordance with any census taken by such municipality. Any
20 municipal census used in accordance with this Section shall be
21 certified to the Department of Transportation by the clerk of
22 such municipality, and the accuracy thereof shall be subject
23 to approval of the Department which may make such corrections
24 as it ascertains to be necessary.

25 As soon as may be after the first day of each month, the
26 Department of Transportation shall allot to each county its

1 share of the amount apportioned to the several counties of the
2 State as herein provided. Each allotment to the several
3 counties having less than 1,000,000 inhabitants shall be in
4 proportion to the amount of motor vehicle license fees
5 received from the residents of such counties, respectively,
6 during the preceding calendar year. The Secretary of State
7 shall, on or before April 15 of each year, transmit to the
8 Department of Transportation a full and complete report
9 showing the amount of motor vehicle license fees received from
10 the residents of each county, respectively, during the
11 preceding calendar year. The Department of Transportation
12 shall, each month, use for allotment purposes the last such
13 report received from the Secretary of State.

14 As soon as may be after the first day of each month, the
15 Department of Transportation shall allot to the several
16 counties their share of the amount apportioned for the use of
17 road districts. The allotment shall be apportioned among the
18 several counties in the State in the proportion which the
19 total mileage of township or district roads in the respective
20 counties bears to the total mileage of all township and
21 district roads in the State. Funds allotted to the respective
22 counties for the use of road districts therein shall be
23 allocated to the several road districts in the county in the
24 proportion which the total mileage of such township or
25 district roads in the respective road districts bears to the
26 total mileage of all such township or district roads in the

1 county. After July 1 of any year prior to 2011, no allocation
2 shall be made for any road district unless it levied a tax for
3 road and bridge purposes in an amount which will require the
4 extension of such tax against the taxable property in any such
5 road district at a rate of not less than either .08% of the
6 value thereof, based upon the assessment for the year
7 immediately prior to the year in which such tax was levied and
8 as equalized by the Department of Revenue or, in DuPage
9 County, an amount equal to or greater than \$12,000 per mile of
10 road under the jurisdiction of the road district, whichever is
11 less. Beginning July 1, 2011 and each July 1 thereafter, an
12 allocation shall be made for any road district if it levied a
13 tax for road and bridge purposes. In counties other than
14 DuPage County, if the amount of the tax levy requires the
15 extension of the tax against the taxable property in the road
16 district at a rate that is less than 0.08% of the value
17 thereof, based upon the assessment for the year immediately
18 prior to the year in which the tax was levied and as equalized
19 by the Department of Revenue, then the amount of the
20 allocation for that road district shall be a percentage of the
21 maximum allocation equal to the percentage obtained by
22 dividing the rate extended by the district by 0.08%. In DuPage
23 County, if the amount of the tax levy requires the extension of
24 the tax against the taxable property in the road district at a
25 rate that is less than the lesser of (i) 0.08% of the value of
26 the taxable property in the road district, based upon the

1 assessment for the year immediately prior to the year in which
2 such tax was levied and as equalized by the Department of
3 Revenue, or (ii) a rate that will yield an amount equal to
4 \$12,000 per mile of road under the jurisdiction of the road
5 district, then the amount of the allocation for the road
6 district shall be a percentage of the maximum allocation equal
7 to the percentage obtained by dividing the rate extended by
8 the district by the lesser of (i) 0.08% or (ii) the rate that
9 will yield an amount equal to \$12,000 per mile of road under
10 the jurisdiction of the road district.

11 Prior to 2011, if any road district has levied a special
12 tax for road purposes pursuant to Sections 6-601, 6-602, and
13 6-603 of the Illinois Highway Code, and such tax was levied in
14 an amount which would require extension at a rate of not less
15 than .08% of the value of the taxable property thereof, as
16 equalized or assessed by the Department of Revenue, or, in
17 DuPage County, an amount equal to or greater than \$12,000 per
18 mile of road under the jurisdiction of the road district,
19 whichever is less, such levy shall, however, be deemed a
20 proper compliance with this Section and shall qualify such
21 road district for an allotment under this Section. Beginning
22 in 2011 and thereafter, if any road district has levied a
23 special tax for road purposes under Sections 6-601, 6-602, and
24 6-603 of the Illinois Highway Code, and the tax was levied in
25 an amount that would require extension at a rate of not less
26 than 0.08% of the value of the taxable property of that road

1 district, as equalized or assessed by the Department of
2 Revenue or, in DuPage County, an amount equal to or greater
3 than \$12,000 per mile of road under the jurisdiction of the
4 road district, whichever is less, that levy shall be deemed a
5 proper compliance with this Section and shall qualify such
6 road district for a full, rather than proportionate, allotment
7 under this Section. If the levy for the special tax is less
8 than 0.08% of the value of the taxable property, or, in DuPage
9 County if the levy for the special tax is less than the lesser
10 of (i) 0.08% or (ii) \$12,000 per mile of road under the
11 jurisdiction of the road district, and if the levy for the
12 special tax is more than any other levy for road and bridge
13 purposes, then the levy for the special tax qualifies the road
14 district for a proportionate, rather than full, allotment
15 under this Section. If the levy for the special tax is equal to
16 or less than any other levy for road and bridge purposes, then
17 any allotment under this Section shall be determined by the
18 other levy for road and bridge purposes.

19 Prior to 2011, if a township has transferred to the road
20 and bridge fund money which, when added to the amount of any
21 tax levy of the road district would be the equivalent of a tax
22 levy requiring extension at a rate of at least .08%, or, in
23 DuPage County, an amount equal to or greater than \$12,000 per
24 mile of road under the jurisdiction of the road district,
25 whichever is less, such transfer, together with any such tax
26 levy, shall be deemed a proper compliance with this Section

1 and shall qualify the road district for an allotment under
2 this Section.

3 In counties in which a property tax extension limitation
4 is imposed under the Property Tax Extension Limitation Law,
5 road districts may retain their entitlement to a motor fuel
6 tax allotment or, beginning in 2011, their entitlement to a
7 full allotment if, at the time the property tax extension
8 limitation was imposed, the road district was levying a road
9 and bridge tax at a rate sufficient to entitle it to a motor
10 fuel tax allotment and continues to levy the maximum allowable
11 amount after the imposition of the property tax extension
12 limitation. Any road district may in all circumstances retain
13 its entitlement to a motor fuel tax allotment or, beginning in
14 2011, its entitlement to a full allotment if it levied a road
15 and bridge tax in an amount that will require the extension of
16 the tax against the taxable property in the road district at a
17 rate of not less than 0.08% of the assessed value of the
18 property, based upon the assessment for the year immediately
19 preceding the year in which the tax was levied and as equalized
20 by the Department of Revenue or, in DuPage County, an amount
21 equal to or greater than \$12,000 per mile of road under the
22 jurisdiction of the road district, whichever is less.

23 As used in this Section, the term "road district" means
24 any road district, including a county unit road district,
25 provided for by the Illinois Highway Code; and the term
26 "township or district road" means any road in the township and

1 district road system as defined in the Illinois Highway Code.
2 For the purposes of this Section, "township or district road"
3 also includes such roads as are maintained by park districts,
4 forest preserve districts and conservation districts. The
5 Department of Transportation shall determine the mileage of
6 all township and district roads for the purposes of making
7 allotments and allocations of motor fuel tax funds for use in
8 road districts.

9 Payment of motor fuel tax moneys to municipalities and
10 counties shall be made as soon as possible after the allotment
11 is made. The treasurer of the municipality or county may
12 invest these funds until their use is required and the
13 interest earned by these investments shall be limited to the
14 same uses as the principal funds.

15 (Source: P.A. 101-32, eff. 6-28-19; 101-230, eff. 8-9-19;
16 101-493, eff. 8-23-19; revised 9-24-19.)

17 Section 10. The Illinois Vehicle Code is amended by
18 changing Section 18c-7401 as follows:

19 (625 ILCS 5/18c-7401) (from Ch. 95 1/2, par. 18c-7401)

20 Sec. 18c-7401. Safety Requirements for Track, Facilities,
21 and Equipment.

22 (1) General Requirements. Each rail carrier shall,
23 consistent with rules, orders, and regulations of the Federal
24 Railroad Administration, construct, maintain, and operate all

1 of its equipment, track, and other property in this State in
2 such a manner as to pose no undue risk to its employees or the
3 person or property of any member of the public.

4 (2) Adoption of Federal Standards. The track safety
5 standards and accident/incident standards promulgated by the
6 Federal Railroad Administration shall be safety standards of
7 the Commission. The Commission may, in addition, adopt by
8 reference in its regulations other federal railroad safety
9 standards, whether contained in federal statutes or in
10 regulations adopted pursuant to such statutes.

11 (3) Railroad Crossings. No public road, highway, or street
12 shall hereafter be constructed across the track of any rail
13 carrier at grade, nor shall the track of any rail carrier be
14 constructed across a public road, highway or street at grade,
15 without having first secured the permission of the Commission;
16 provided, that this Section shall not apply to the replacement
17 of lawfully existing roads, highways, and tracks. No public
18 pedestrian bridge or subway shall be constructed across the
19 track of any rail carrier without having first secured the
20 permission of the Commission. The Commission shall have the
21 right to refuse its permission or to grant it upon such terms
22 and conditions as it may prescribe. The Commission shall have
23 power to determine and prescribe the manner, including the
24 particular point of crossing, and the terms of installation,
25 operation, maintenance, use, and protection of each such
26 crossing.

1 The Commission shall also have power, after a hearing, to
2 require major alteration of or to abolish any crossing,
3 heretofore or hereafter established, when in its opinion, the
4 public safety requires such alteration or abolition, and,
5 except in cities, villages, and incorporated towns of
6 1,000,000 or more inhabitants, to vacate and close that part
7 of the highway on such crossing altered or abolished and cause
8 barricades to be erected across such highway in such manner as
9 to prevent the use of such crossing as a highway, when, in the
10 opinion of the Commission, the public convenience served by
11 the crossing in question is not such as to justify the further
12 retention thereof; or to require a separation of grades, at
13 railroad-highway grade crossings; or to require a separation
14 of grades at any proposed crossing where a proposed public
15 highway may cross the tracks of any rail carrier or carriers;
16 and to prescribe, after a hearing of the parties, the terms
17 upon which such separations shall be made and the proportion
18 in which the expense of the alteration or abolition of such
19 crossings or the separation of such grades, having regard to
20 the benefits, if any, accruing to the rail carrier or any party
21 in interest, shall be divided between the rail carrier or
22 carriers affected, or between such carrier or carriers and the
23 State, county, municipality or other public authority in
24 interest. However, a public hearing by the Commission to
25 abolish a crossing shall not be required when the public
26 highway authority in interest vacates the highway. In such

1 instance the rail carrier, following notification to the
2 Commission and the highway authority, shall remove any grade
3 crossing warning devices and the grade crossing surface.

4 The Commission shall also have power by its order to
5 require the reconstruction, minor alteration, minor
6 relocation, or improvement of any crossing (including the
7 necessary highway approaches thereto) of any railroad across
8 any highway or public road, pedestrian bridge, or pedestrian
9 subway, whether such crossing be at grade or by overhead
10 structure or by subway, whenever the Commission finds after a
11 hearing or without a hearing as otherwise provided in this
12 paragraph that such reconstruction, alteration, relocation, or
13 improvement is necessary to preserve or promote the safety or
14 convenience of the public or of the employees or passengers of
15 such rail carrier or carriers. By its original order or
16 supplemental orders in such case, the Commission may direct
17 such reconstruction, alteration, relocation, or improvement to
18 be made in such manner and upon such terms and conditions as
19 may be reasonable and necessary and may apportion the cost of
20 such reconstruction, alteration, relocation, or improvement
21 and the subsequent maintenance thereof, having regard to the
22 benefits, if any, accruing to the railroad or any party in
23 interest, between the rail carrier or carriers and public
24 utilities affected, or between such carrier or carriers and
25 public utilities and the State, county, municipality or other
26 public authority in interest. The cost to be so apportioned

1 shall include the cost of changes or alterations in the
2 equipment of public utilities affected as well as the cost of
3 the relocation, diversion or establishment of any public
4 highway, made necessary by such reconstruction, alteration,
5 relocation, or improvement of said crossing. A hearing shall
6 not be required in those instances when the Commission enters
7 an order confirming a written stipulation in which the
8 Commission, the public highway authority or other public
9 authority in interest, the rail carrier or carriers affected,
10 and in instances involving the use of the Grade Crossing
11 Protection Fund, the Illinois Department of Transportation,
12 agree on the reconstruction, alteration, relocation, or
13 improvement and the subsequent maintenance thereof and the
14 division of costs of such changes of any grade crossing
15 (including the necessary highway approaches thereto) of any
16 railroad across any highway, pedestrian bridge, or pedestrian
17 subway.

18 The Commission shall also have power to enter into
19 stipulated agreements with a rail carrier or rail carriers or
20 public authorities to fund, provide, install, and maintain
21 safety treatments to deter trespassing on railroad property in
22 accordance with paragraph (1) of Section 18c-7503 at locations
23 approved by such rail carrier or rail carriers following a
24 diagnostic evaluation between the Commission and the rail
25 carrier or rail carriers, including any public authority in
26 interest or the Federal Railroad Administration, and to order

1 the allocation of the cost of those treatments and their
2 installation and maintenance from the Grade Crossing
3 Protection Fund. Safety treatments approved under this
4 paragraph by the Commission shall be deemed adequate and
5 appropriate.

6 Every rail carrier operating in the State of Illinois
7 shall construct and maintain every highway crossing over its
8 tracks within the State so that the roadway at the
9 intersection shall be as flush with the rails as superelevated
10 curves will allow, and, unless otherwise ordered by the
11 Commission, shall construct and maintain the approaches
12 thereto at a grade of not more than 5% within the right of way
13 for a distance of not less the 6 feet on each side of the
14 centerline of such tracks; provided, that the grades at the
15 approaches may be maintained in excess of 5% only when
16 authorized by the Commission.

17 Every rail carrier operating within this State shall
18 remove from its right of way at all railroad-highway grade
19 crossings within the State, such brush, shrubbery, and trees
20 as is reasonably practical for a distance of not less than 500
21 feet in either direction from each grade crossing. The
22 Commission shall have power, upon its own motion, or upon
23 complaint, and after having made proper investigation, to
24 require the installation of adequate and appropriate luminous
25 reflective warning signs, luminous flashing signals, crossing
26 gates illuminated at night, or other protective devices in

1 order to promote and safeguard the health and safety of the
2 public. Luminous flashing signal or crossing gate devices
3 installed at grade crossings, which have been approved by the
4 Commission, shall be deemed adequate and appropriate. The
5 Commission shall have authority to determine the number, type,
6 and location of such signs, signals, gates, or other
7 protective devices which, however, shall conform as near as
8 may be with generally recognized national standards, and the
9 Commission shall have authority to prescribe the division of
10 the cost of the installation and subsequent maintenance of
11 such signs, signals, gates, or other protective devices
12 between the rail carrier or carriers, the public highway
13 authority or other public authority in interest, and in
14 instances involving the use of the Grade Crossing Protection
15 Fund, the Illinois Department of Transportation. Except where
16 train crews provide flagging of the crossing to road users,
17 yield signs shall be installed at all highway intersections
18 with every grade crossing in this State that is not equipped
19 with automatic warning devices, such as luminous flashing
20 signals or crossing gate devices. A stop sign may be used in
21 lieu of the yield sign when an engineering study conducted in
22 cooperation with the highway authority and the Illinois
23 Department of Transportation has determined that a stop sign
24 is warranted. If the Commission has ordered the installation
25 of luminous flashing signal or crossing gate devices at a
26 grade crossing not equipped with active warning devices, the

1 Commission shall order the installation of temporary stop
2 signs at the highway intersection with the grade crossing
3 unless an engineering study has determined that a stop sign is
4 not appropriate. If a stop sign is not appropriate, the
5 Commission may order the installation of other appropriate
6 supplemental signing as determined by an engineering study.
7 The temporary signs shall remain in place until the luminous
8 flashing signal or crossing gate devices have been installed.
9 The rail carrier is responsible for the installation and
10 subsequent maintenance of any required signs. The permanent
11 signs shall be in place by July 1, 2011.

12 No railroad may change or modify the warning device system
13 at a railroad-highway grade crossing, including warning
14 systems interconnected with highway traffic control signals,
15 without having first received the approval of the Commission.
16 The Commission shall have the further power, upon application,
17 upon its own motion, or upon complaint and after having made
18 proper investigation, to require the interconnection of grade
19 crossing warning devices with traffic control signals at
20 highway intersections located at or near railroad crossings
21 within the distances described by the State Manual on Uniform
22 Traffic Control Devices adopted pursuant to Section 11-301 of
23 this Code. In addition, State and local authorities may not
24 install, remove, modernize, or otherwise modify traffic
25 control signals at a highway intersection that is
26 interconnected or proposed to be interconnected with grade

1 crossing warning devices when the change affects the number,
2 type, or location of traffic control devices on the track
3 approach leg or legs of the intersection or the timing of the
4 railroad preemption sequence of operation until the Commission
5 has approved the installation, removal, modernization, or
6 modification. Commission approval shall be limited to
7 consideration of issues directly affecting the public safety
8 at the railroad-highway grade crossing. The electrical circuit
9 devices, alternate warning devices, and preemption sequences
10 shall conform as nearly as possible, considering the
11 particular characteristics of the crossing and intersection
12 area, to the State manual adopted by the Illinois Department
13 of Transportation pursuant to Section 11-301 of this Code and
14 such federal standards as are made applicable by subsection
15 (2) of this Section. In order to carry out this authority, the
16 Commission shall have the authority to determine the number,
17 type, and location of traffic control devices on the track
18 approach leg or legs of the intersection and the timing of the
19 railroad preemption sequence of operation. The Commission
20 shall prescribe the division of costs for installation and
21 maintenance of all devices required by this paragraph between
22 the railroad or railroads and the highway authority in
23 interest and in instances involving the use of the Grade
24 Crossing Protection Fund or a State highway, the Illinois
25 Department of Transportation.

26 Any person who unlawfully or maliciously removes, throws

1 down, damages or defaces any sign, signal, gate, or other
2 protective device, located at or near any public grade
3 crossing, shall be guilty of a petty offense and fined not less
4 than \$50 nor more than \$200 for each offense. In addition to
5 fines levied under the provisions of this Section a person
6 adjudged guilty hereunder may also be directed to make
7 restitution for the costs of repair or replacement, or both,
8 necessitated by his misconduct.

9 It is the public policy of the State of Illinois to enhance
10 public safety by establishing safe grade crossings. In order
11 to implement this policy, the Illinois Commerce Commission is
12 directed to conduct public hearings and to adopt specific
13 criteria by July 1, 1994, that shall be adhered to by the
14 Illinois Commerce Commission in determining if a grade
15 crossing should be opened or abolished. The following factors
16 shall be considered by the Illinois Commerce Commission in
17 developing the specific criteria for opening and abolishing
18 grade crossings:

19 (a) timetable speed of passenger trains;

20 (b) distance to an alternate crossing;

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

22 (d) number of vehicular traffic and posted speed
23 limits;

24 (e) number of freight trains and their timetable
25 speeds;

26 (f) the type of warning device present at the grade

1 crossing;

2 (g) alignments of the roadway and railroad, and the
3 angle of intersection of those alignments;

4 (h) use of the grade crossing by trucks carrying
5 hazardous materials, vehicles carrying passengers for
6 hire, and school buses; and

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

8 The Illinois Commerce Commission, upon petition to open or
9 abolish a grade crossing, shall enter an order opening or
10 abolishing the crossing if it meets the specific criteria
11 adopted by the Commission.

12 Except as otherwise provided in this subsection (3), in no
13 instance shall a grade crossing be permanently closed without
14 public hearing first being held and notice of such hearing
15 being published in an area newspaper of local general
16 circulation.

17 (4) Freight Trains; Radio Communications. The Commission
18 shall after hearing and order require that every main line
19 railroad freight train operating on main tracks outside of
20 yard limits within this State shall be equipped with a radio
21 communication system. The Commission after notice and hearing
22 may grant exemptions from the requirements of this Section as
23 to secondary and branch lines.

24 (5) Railroad Bridges and Trestles; Walkway and Handrail.
25 In cases in which the Commission finds the same to be practical
26 and necessary for safety of railroad employees, bridges and

1 trestles, over and upon which railroad trains are operated,
2 shall include as a part thereof, a safe and suitable walkway
3 and handrail on one side only of such bridge or trestle, and
4 such handrail shall be located at the outer edge of the walkway
5 and shall provide a clearance of not less than 8 feet, 6
6 inches, from the center line of the nearest track, measured at
7 right angles thereto.

8 (6) Packages Containing Articles for First Aid to Injured
9 on Trains.

10 (a) All rail carriers shall provide a first aid kit
11 that contains, at a minimum, those articles prescribed by
12 the Commission, on each train or engine, for first aid to
13 persons who may be injured in the course of the operation
14 of such trains.

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

21 (7) Abandoned Bridges, Crossings, and Other Rail Plant.
22 The Commission shall have authority, after notice and hearing,
23 to order:

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

26 (b) the removal of abandoned overhead railroad

1 structures crossing highways, waterways, or railroads.

2 The Commission may equitably apportion the cost of such
3 actions between the rail carrier or carriers, public
4 utilities, and the State, county, municipality, township, road
5 district, or other public authority in interest.

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

13 (9) Right of Access To Railroad Property.

14 (a) A community antenna television company franchised
15 by a municipality or county pursuant to the Illinois
16 Municipal Code or the Counties Code, respectively, shall
17 not enter upon any real estate or rights-of-way in the
18 possession or control of a railroad subject to the
19 jurisdiction of the Illinois Commerce Commission unless
20 the community antenna television company first complies
21 with the applicable provisions of subparagraph (f) of
22 Section 11-42-11.1 of the Illinois Municipal Code or
23 subparagraph (f) of Section 5-1096 of the Counties Code.

24 (b) Notwithstanding any provision of law to the
25 contrary, this subsection (9) applies to all entries of
26 railroad rights-of-way involving a railroad subject to the

1 jurisdiction of the Illinois Commerce Commission by a
2 community antenna television company and shall govern in
3 the event of any conflict with any other provision of law.

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

12 (d) Nothing in Public Act 100-251 shall be construed
13 to prevent a railroad from negotiating other terms and
14 conditions or the resolution of any dispute in relation to
15 an entry upon or right of access as set forth in this
16 subsection (9).

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

18 "Broadband service", "cable operator", and "holder"
19 have the meanings given to those terms under Section
20 21-201 of the Public Utilities Act.

21 "Community antenna television company" includes, in
22 the case of real estate or rights-of-way in possession of
23 or in control of a railroad, a holder, cable operator, or
24 broadband service provider.

25 (f) Beginning on August 22, 2017 (the effective date
26 of Public Act 100-251), the Transportation Division of the

1 Illinois Commerce Commission shall include in its annual
2 Crossing Safety Improvement Program report a brief
3 description of the number of cases decided by the Illinois
4 Commerce Commission and the number of cases that remain
5 pending before the Illinois Commerce Commission under this
6 subsection (9) for the period covered by the report.

7 (Source: P.A. 100-251, eff. 8-22-17; 101-81, eff. 7-12-19.)