



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2454

Introduced 2/26/2021, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5	
20 ILCS 2705/2705-300	was 20 ILCS 2705/49.18
20 ILCS 2705/2705-616 new	
70 ILCS 3605/9b	from Ch. 111 2/3, par. 309b
70 ILCS 3605/9c new	
70 ILCS 3615/2.11	from Ch. 111 2/3, par. 702.11
45 ILCS 111/Act rep.	

Amends the Department of Transportation Law of the Civil Administrative Code of Illinois. Designates the Department of Transportation (instead of the Regional Transportation Authority) as the State agency responsible for overseeing the safety and security of rail fixed guideway public transportation systems in compliance with federal statutes concerning the public transportation safety program. Adds provisions governing immunity for the Department in administering the program. Makes corresponding changes in the Freedom of information Act, the Metropolitan Transit Authority Act, and the Regional Transportation Authority Act. Repeals the Bi-State Transit Safety Act. Effectively immediately.

LRB102 12004 RAM 17340 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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be
9 exempt from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other
19 records prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a
21 local emergency energy plan ordinance that is adopted
22 under Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the
15 Capital Crimes Litigation Act. This subsection (n) shall
16 apply until the conclusion of the trial of the case, even
17 if the prosecution chooses not to pursue the death penalty
18 prior to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional
2 Transportation Authority under Section 2.11 of the
3 Regional Transportation Authority Act, or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

6 (q) Information prohibited from being disclosed by the
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted
11 under Section 5-108 of the Public Utilities Act.

12 (t) All identified or deidentified health information
13 in the form of health data or medical records contained
14 in, stored in, submitted to, transferred by, or released
15 from the Illinois Health Information Exchange, and
16 identified or deidentified health information in the form
17 of health data and medical records of the Illinois Health
18 Information Exchange in the possession of the Illinois
19 Health Information Exchange Office due to its
20 administration of the Illinois Health Information
21 Exchange. The terms "identified" and "deidentified" shall
22 be given the same meaning as in the Health Insurance
23 Portability and Accountability Act of 1996, Public Law
24 104-191, or any subsequent amendments thereto, and any
25 regulations promulgated thereunder.

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied
4 for or received Firearm Owner's Identification Cards under
5 the Firearm Owners Identification Card Act or applied for
6 or received a concealed carry license under the Firearm
7 Concealed Carry Act, unless otherwise authorized by the
8 Firearm Concealed Carry Act; and databases under the
9 Firearm Concealed Carry Act, records of the Concealed
10 Carry Licensing Review Board under the Firearm Concealed
11 Carry Act, and law enforcement agency objections under the
12 Firearm Concealed Carry Act.

13 (w) Personally identifiable information which is
14 exempted from disclosure under subsection (g) of Section
15 19.1 of the Toll Highway Act.

16 (x) Information which is exempted from disclosure
17 under Section 5-1014.3 of the Counties Code or Section
18 8-11-21 of the Illinois Municipal Code.

19 (y) Confidential information under the Adult
20 Protective Services Act and its predecessor enabling
21 statute, the Elder Abuse and Neglect Act, including
22 information about the identity and administrative finding
23 against any caregiver of a verified and substantiated
24 decision of abuse, neglect, or financial exploitation of
25 an eligible adult maintained in the Registry established
26 under Section 7.5 of the Adult Protective Services Act.

1 (z) Records and information provided to a fatality
2 review team or the Illinois Fatality Review Team Advisory
3 Council under Section 15 of the Adult Protective Services
4 Act.

5 (aa) Information which is exempted from disclosure
6 under Section 2.37 of the Wildlife Code.

7 (bb) Information which is or was prohibited from
8 disclosure by the Juvenile Court Act of 1987.

9 (cc) Recordings made under the Law Enforcement
10 Officer-Worn Body Camera Act, except to the extent
11 authorized under that Act.

12 (dd) Information that is prohibited from being
13 disclosed under Section 45 of the Condominium and Common
14 Interest Community Ombudsperson Act.

15 (ee) Information that is exempted from disclosure
16 under Section 30.1 of the Pharmacy Practice Act.

17 (ff) Information that is exempted from disclosure
18 under the Revised Uniform Unclaimed Property Act.

19 (gg) Information that is prohibited from being
20 disclosed under Section 7-603.5 of the Illinois Vehicle
21 Code.

22 (hh) Records that are exempt from disclosure under
23 Section 1A-16.7 of the Election Code.

24 (ii) Information which is exempted from disclosure
25 under Section 2505-800 of the Department of Revenue Law of
26 the Civil Administrative Code of Illinois.

1 (jj) Information and reports that are required to be
2 submitted to the Department of Labor by registering day
3 and temporary labor service agencies but are exempt from
4 disclosure under subsection (a-1) of Section 45 of the Day
5 and Temporary Labor Services Act.

6 (kk) Information prohibited from disclosure under the
7 Seizure and Forfeiture Reporting Act.

8 (ll) Information the disclosure of which is restricted
9 and exempted under Section 5-30.8 of the Illinois Public
10 Aid Code.

11 (mm) Records that are exempt from disclosure under
12 Section 4.2 of the Crime Victims Compensation Act.

13 (nn) Information that is exempt from disclosure under
14 Section 70 of the Higher Education Student Assistance Act.

15 (oo) Communications, notes, records, and reports
16 arising out of a peer support counseling session
17 prohibited from disclosure under the First Responders
18 Suicide Prevention Act.

19 (pp) Names and all identifying information relating to
20 an employee of an emergency services provider or law
21 enforcement agency under the First Responders Suicide
22 Prevention Act.

23 (qq) Information and records held by the Department of
24 Public Health and its authorized representatives collected
25 under the Reproductive Health Act.

26 (rr) Information that is exempt from disclosure under

1 the Cannabis Regulation and Tax Act.

2 (ss) Data reported by an employer to the Department of
3 Human Rights pursuant to Section 2-108 of the Illinois
4 Human Rights Act.

5 (tt) Recordings made under the Children's Advocacy
6 Center Act, except to the extent authorized under that
7 Act.

8 (uu) Information that is exempt from disclosure under
9 Section 50 of the Sexual Assault Evidence Submission Act.

10 (vv) Information that is exempt from disclosure under
11 subsections (f) and (j) of Section 5-36 of the Illinois
12 Public Aid Code.

13 (ww) Information that is exempt from disclosure under
14 Section 16.8 of the State Treasurer Act.

15 (xx) Information that is exempt from disclosure or
16 information that shall not be made public under the
17 Illinois Insurance Code.

18 (yy) Information prohibited from being disclosed under
19 the Illinois Educational Labor Relations Act.

20 (zz) Information prohibited from being disclosed under
21 the Illinois Public Labor Relations Act.

22 (aaa) Information prohibited from being disclosed
23 under Section 1-167 of the Illinois Pension Code.

24 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
25 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
26 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,

1 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
2 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
3 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
4 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
5 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
6 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,
7 eff. 7-7-20.)

8 Section 10. The Department of Transportation Law of the
9 Civil Administrative Code of Illinois is amended by changing
10 Section 2705-300 and by adding Section 2705-616 as follows:

11 (20 ILCS 2705/2705-300) (was 20 ILCS 2705/49.18)

12 Sec. 2705-300. Powers concerning mass transportation. The
13 Department has the power to do the following:

14 (1) Advise and assist the Governor and the General
15 Assembly in formulating (i) a mass transportation policy
16 for the State, (ii) proposals designed to help meet and
17 resolve special problems of mass transportation within the
18 State, and (iii) programs of assistance for the
19 comprehensive planning, development, and administration of
20 mass transportation facilities and services.

21 (2) Appear and participate in proceedings before any
22 federal, State, or local regulatory agency involving or
23 affecting mass transportation in the State.

24 (3) Study mass transportation problems and provide

1 technical assistance to units of local government.

2 (4) Encourage experimentation in developing new mass
3 transportation facilities and services.

4 (5) Recommend policies, programs, and actions designed
5 to improve utilization of mass transportation services.

6 (6) Cooperate with mass transit districts and systems,
7 local governments, and other State agencies in meeting
8 those problems of air, noise, and water pollution
9 associated with transportation.

10 (7) Participate fully in a statewide effort to improve
11 transport safety, including, as the designated State
12 agency responsible for overseeing the safety and security
13 of rail fixed guideway public transportation systems in
14 compliance with 49 U.S.C. 5329 and 49 U.S.C. 5330:-

15 (A) developing, adopting, and implementing a
16 system safety program standard and procedures meeting
17 the compliance requirements of 49 U.S.C. 5329 and 49
18 U.S.C. 5330, as now or hereafter amended, for the
19 safety and security of rail fixed guideway public
20 transportation systems within the State; and

21 (B) establishing procedures in accordance with 49
22 U.S.C. 5329 and 49 U.S.C. 5330 to review, approve,
23 oversee, investigate, audit, and enforce all other
24 necessary and incidental functions related to the
25 effectuation of 49 U.S.C. 5329 and 49 U.S.C. 5330, or
26 other federal law, pertaining to public transportation

1 oversight. The Department may contract for the
2 services of a qualified consultant to comply with this
3 subsection.

4 The security portion of the system safety program,
5 investigation reports, surveys, schedules, lists, or data
6 compiled, collected, or prepared by or for the Department
7 under this subsection shall not be subject to discovery or
8 admitted into evidence in federal or State court or
9 considered for other purposes in any civil action for
10 damages arising from any matter mentioned or addressed in
11 such reports, surveys, schedules, lists, data, or
12 information. Except for willful or wanton conduct, neither
13 the Department nor its employees, nor the Regional
14 Transportation Authority, nor the St. Clair County Transit
15 District, nor any mass transit district nor service board
16 subject to this Section, nor their respective directors,
17 officers, or employees, shall be held liable in any civil
18 action for any injury to or death of any person or loss of
19 or damage to property for any act, omission, or failure to
20 act under this Section or 49 U.S.C. 5329 or 49 U.S.C. 5330
21 as now or hereafter amended.

22 (8) Conduct by contract or otherwise technical
23 studies, and demonstration and development projects which
24 shall be designed to test and develop methods for
25 increasing public use of mass transportation and for
26 providing mass transportation in an efficient,

1 coordinated, and convenient manner.

2 (9) Make applications for, receive, and make use of
3 grants for mass transportation.

4 (10) Make grants for mass transportation from the
5 Transportation Fund pursuant to the standards and
6 procedures of Sections 2705-305 and 2705-310.

7 Nothing in this Section alleviates an individual's duty to
8 comply with the State Officials and Employees Ethics Act.

9 (Source: P.A. 91-239, eff. 1-1-00.)

10 (20 ILCS 2705/2705-616 new)

11 Sec. 2705-616. State safety oversight for rail fixed
12 guideway systems. The Department shall develop, adopt, and
13 implement a system safety program standard and establish
14 procedures to comply with 49 U.S.C. 5329 and 49 U.S.C. 5330 as
15 required under paragraph (7) of Section 2705-300 of the
16 Department of Transportation Law of the Civil Administrative
17 Code of Illinois.

18 Section 15. The Metropolitan Transit Authority Act is
19 amended by changing Section 9b and by adding Section 9c as
20 follows:

21 (70 ILCS 3605/9b) (from Ch. 111 2/3, par. 309b)

22 Sec. 9b. The Authority shall comply with the requirements
23 imposed upon a Service Board in Sections 4.09(d) and 4.11 of

1 the Regional Transportation Authority Act and with the
2 requirements of ~~subsection (b) of~~ Section 2.11 of the Regional
3 Transportation Authority Act. The Authority shall present
4 evidence that it has complied with Section 27a of this Act to
5 the Regional Transportation Authority.

6 (Source: P.A. 90-273, eff. 7-30-97.)

7 (70 ILCS 3605/9c new)

8 Sec. 9c. State safety oversight for rail fixed guideway
9 public transportation systems. The Authority shall comply with
10 the requirements of 49 U.S.C. 5329 and 49 U.S.C. 5330 as
11 required by the Department of Transportation under paragraph
12 (7) of Section 2705-300 of the Department of Transportation
13 Law of the Civil Administrative Code of Illinois.

14 Section 20. The Regional Transportation Authority Act is
15 amended by changing Section 2.11 as follows:

16 (70 ILCS 3615/2.11) (from Ch. 111 2/3, par. 702.11)

17 Sec. 2.11. Safety.

18 (a) The Service Boards may establish, enforce and
19 facilitate achievement and maintenance of standards of safety
20 against accidents with respect to public transportation
21 provided by the Service Boards or by transportation agencies
22 pursuant to purchase of service agreements with the Service
23 Boards. The provisions of general or special orders, rules or

1 regulations issued by the Illinois Commerce Commission
2 pursuant to Section 57 of "An Act concerning public
3 utilities", approved June 29, 1921, as amended, which pertain
4 to public transportation and public transportation facilities
5 of railroads will continue to apply until the Service Board
6 determines that different standards are necessary to protect
7 such health and safety.

8 (b) (Blank). ~~To the extent required by 49 CFR Part 659 as~~
9 ~~now or hereafter amended, the Authority shall develop and~~
10 ~~adopt a system safety program standard for the safety of rail~~
11 ~~fixed guideway systems and the personal security of the~~
12 ~~systems' passengers and employees and shall establish~~
13 ~~procedures for safety and security reviews, investigations,~~
14 ~~and oversight reporting. The Authority shall require the~~
15 ~~applicable Service Boards to comply with the requirements of~~
16 ~~49 CFR Part 659 as now or hereafter amended. The Authority may~~
17 ~~contract for the services of a qualified consultant to comply~~
18 ~~with this subsection.~~

19 (c) The security portion of the system safety program,
20 investigation reports, surveys, schedules, lists, or data
21 compiled, collected, or prepared by or for the Authority under
22 this subsection, shall not be subject to discovery or admitted
23 into evidence in federal or State court or considered for
24 other purposes in any civil action for damages arising from
25 any matter mentioned or addressed in such reports, surveys,
26 schedules, lists, data, or information.

1 (d) Neither the Authority nor its directors, officers, or
2 employees nor any Service Board subject to this Section nor
3 its directors, officers, or employees shall be held liable in
4 any civil action for any injury to any person or property for
5 any acts or omissions or failure to act under this Section or
6 pursuant to 49 CFR Part 659 as now or hereafter amended.

7 (e) Nothing in this Section alleviates an individual's
8 duty to comply with the State Officials and Employees Ethics
9 Act.

10 (Source: P.A. 90-273, eff. 7-30-97.)

11 (45 ILCS 111/Act rep.)

12 Section 25. The Bi-State Transit Safety Act is repealed.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.