

1 AN ACT in relation to railroads.

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-7402 as follows:

6 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)

7 Sec. 18c-7402. Safety Requirements for Railroad  
8 Operations.

9 (1) Obstruction of Crossings.

10 (a) Obstruction of Emergency Vehicles. Every  
11 railroad shall be operated in such a manner as to  
12 minimize obstruction of emergency vehicles at crossings.  
13 Where such obstruction occurs and the train crew is aware  
14 of the obstruction, the train crew shall immediately take  
15 any action, consistent with safe operating procedure,  
16 necessary to remove the obstruction. In the Chicago and  
17 St. Louis switching districts, every railroad dispatcher  
18 or other person responsible for the movement of railroad  
19 equipment in a specific area who receives notification  
20 that railroad equipment is obstructing the movement of an  
21 emergency vehicle at any crossing within such area shall  
22 immediately notify the train crew through use of existing  
23 communication facilities. Upon notification, the train  
24 crew shall take immediate action in accordance with this  
25 paragraph.

26 (b) Obstruction of Highway at Grade Crossing  
27 Prohibited. It is unlawful for a rail carrier to permit  
28 any train, railroad car or engine to obstruct public  
29 travel at a railroad-highway grade crossing for a period  
30 in excess of 10 minutes, except where such train or  
31 railroad car is continuously moving or cannot be moved by

1 reason of circumstances over which the rail carrier has  
2 no reasonable control.

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

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

17 (c) Punishment for Obstruction of Grade Crossing.  
18 Any rail carrier violating paragraph (b) of this  
19 subsection shall be guilty of a business petty offense  
20 and fined ~~more not-less~~ than \$1,000 but not ~~\$200-not~~ more  
21 than \$2,500 ~~\$500~~ if the duration of the obstruction is in  
22 excess of 10 minutes but no longer than 15 minutes. If  
23 the duration of the obstruction exceeds 15 minutes the  
24 violation shall be a business offense and the following  
25 fines shall be imposed: if the duration of the  
26 obstruction is in excess of 15 minutes but no longer than  
27 20 minutes, the fine shall be \$2,500 ~~\$500~~; if the  
28 duration of the obstruction is in excess of 20 minutes  
29 but no longer than 25 minutes, the fine shall be \$3,500  
30 ~~\$700~~; if the duration of the obstruction is in excess of  
31 25 minutes, but no longer than 30 minutes, the fine shall  
32 be \$4,500 ~~\$900~~; if the duration of the obstruction is in  
33 excess of 30 minutes but no longer than 35 minutes, the  
34 fine shall be \$5,000 ~~\$1,000~~; if the duration of the

1 obstruction is in excess of 35 minutes, the fine shall be  
2 \$5,000 ~~\$1,000~~ plus an additional \$2,500 ~~\$500~~ for each 5  
3 minutes of obstruction in excess of 25 minutes of  
4 obstruction.

5 (2) Other Operational Requirements.

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

18 (b) Speed Limits. Each rail carrier shall operate  
19 its trains in compliance with speed limits set by the  
20 Commission. The Commission may set train speed limits  
21 only where such limits are necessitated by extraordinary  
22 circumstances effecting the public safety, and shall  
23 maintain such train speed limits in effect only for such  
24 time as the extraordinary circumstances prevail.

25 The Commission and the Department of Transportation  
26 shall conduct a study of the relation between train  
27 speeds and railroad-highway grade crossing safety. The  
28 Commission shall report the findings of the study to the  
29 General Assembly no later than January 5, 1997.

30 (c) Special Speed Limit; Pilot Project. The  
31 Commission and the Board of the Commuter Rail Division of  
32 the Regional Transportation Authority shall conduct a  
33 pilot project in the Village of Fox River Grove, the site  
34 of the fatal school bus accident at a railroad crossing

1 on October 25, 1995, in order to improve railroad  
2 crossing safety. For this project, the Commission is  
3 directed to set the maximum train speed limit for  
4 Regional Transportation Authority trains at 50 miles per  
5 hour at intersections on that portion of the intrastate  
6 rail line located in the Village of Fox River Grove. If  
7 the Regional Transportation Authority deliberately fails  
8 to comply with this maximum speed limit, then any entity,  
9 governmental or otherwise, that provides capital or  
10 operational funds to the Regional Transportation  
11 Authority shall appropriately reduce or eliminate that  
12 funding. The Commission shall report to the Governor and  
13 the General Assembly on the results of this pilot project  
14 in January 1999, January 2000, and January 2001. The  
15 Commission shall also submit a final report on the pilot  
16 project to the Governor and the General Assembly in  
17 January 2001. The provisions of this subsection (c),  
18 other than this sentence, are inoperative after February  
19 1, 2001.

20 (3) Report and Investigation of Rail Accidents.

21 (a) Reports. Every rail carrier shall report to the  
22 Commission, by the speediest means possible, whether  
23 telephone, telegraph, or otherwise, every accident  
24 involving its equipment, track, or other property which  
25 resulted in loss of life to any person. In addition,  
26 such carriers shall file a written report with the  
27 Commission. Reports submitted under this paragraph shall  
28 be strictly confidential, shall be specifically  
29 prohibited from disclosure, and shall not be admissible  
30 in any administrative or judicial proceeding relating to  
31 the accidents reported.

32 (b) Investigations. The Commission may investigate  
33 all railroad accidents reported to it or of which it  
34 acquires knowledge independent of reports made by rail

1 carriers, and shall have the power, consistent with  
2 standards and procedures established under the Federal  
3 Railroad Safety Act, as amended, to enter such temporary  
4 orders as will minimize the risk of future accidents  
5 pending notice, hearing, and final action by the  
6 Commission.

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