

1 AN ACT to amend the Illinois Vehicle Code by changing  
2 Section 18c-7402 and adding Section 18c-7402.1.

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

5 Section 5. The Illinois Vehicle Code is amended by  
6 changing Section 18c-7402 and adding Section 18c-7402.1 as  
7 follows:

8 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)  
9 Sec. 18c-7402. Safety Requirements for Railroad  
10 Operations.

11 (1) Obstruction of Crossings.

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

28 (b) Obstruction of Highway at Grade Crossing  
29 Prohibited. It is unlawful for a rail carrier to permit  
30 any train, railroad car or engine to obstruct public  
31 travel at a railroad-highway grade crossing for a period

1 in excess of 10 minutes, except where such train or  
2 railroad car is continuously moving or cannot be moved by  
3 reason of circumstances over which the rail carrier has  
4 no reasonable control.

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

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

19 (c) Punishment for Obstruction of Grade Crossing.  
20 Any rail carrier violating paragraph (b) of this  
21 subsection shall be guilty of a petty offense and fined  
22 not less than \$200 nor more than \$500 if the duration of  
23 the obstruction is in excess of 10 minutes but no longer  
24 than 15 minutes. If the duration of the obstruction  
25 exceeds 15 minutes the violation shall be a business  
26 offense and the following fines shall be imposed: if the  
27 duration of the obstruction is in excess of 15 minutes  
28 but no longer than 20 minutes, the fine shall be \$500; if  
29 the duration of the obstruction is in excess of 20  
30 minutes but no longer than 25 minutes, the fine shall be  
31 \$700; if the duration of the obstruction is in excess of  
32 25 minutes, but no longer than 30 minutes, the fine shall  
33 be \$900; if the duration of the obstruction is in excess  
34 of 30 minutes but no longer than 35 minutes, the fine

1 shall be \$1,000; if the duration of the obstruction is in  
2 excess of 35 minutes, the fine shall be \$1,000 plus an  
3 additional \$500 for each 5 minutes of obstruction in  
4 excess of 25 minutes of 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 a 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 (a-5) The requirements of paragraph (a) of this  
19 subsection (2) regarding ringing a bell and sounding a  
20 whistle or horn do not apply at a railroad crossing that  
21 has a permanently installed automated audible warning  
22 device authorized by the Commission under Section  
23 18c-7402.1 that sounds automatically when an approaching  
24 train is at least 1,320 feet from the crossing and that  
25 keeps sounding until the lead locomotive has crossed the  
26 highway. The engineer or fireman may ring the bell or  
27 sound the whistle or horn at a railroad crossing that has  
28 a permanently installed audible warning device.

29 (b) Speed Limits. Each rail carrier shall operate  
30 its trains in compliance with speed limits set by the  
31 Commission. The Commission may set train speed limits  
32 only where such limits are necessitated by extraordinary  
33 circumstances effecting the public safety, and shall  
34 maintain such train speed limits in effect only for such

1 time as the extraordinary circumstances prevail.

2 The Commission and the Department of Transportation  
3 shall conduct a study of the relation between train  
4 speeds and railroad-highway grade crossing safety. The  
5 Commission shall report the findings of the study to the  
6 General Assembly no later than January 5, 1997.

7 (c) Special Speed Limit; Pilot Project. The  
8 Commission and the Board of the Commuter Rail Division of  
9 the Regional Transportation Authority shall conduct a  
10 pilot project in the Village of Fox River Grove, the site  
11 of the fatal school bus accident at a railroad crossing  
12 on October 25, 1995, in order to improve railroad  
13 crossing safety. For this project, the Commission is  
14 directed to set the maximum train speed limit for  
15 Regional Transportation Authority trains at 50 miles per  
16 hour at intersections on that portion of the intrastate  
17 rail line located in the Village of Fox River Grove. If  
18 the Regional Transportation Authority deliberately fails  
19 to comply with this maximum speed limit, then any entity,  
20 governmental or otherwise, that provides capital or  
21 operational funds to the Regional Transportation  
22 Authority shall appropriately reduce or eliminate that  
23 funding. The Commission shall report to the Governor and  
24 the General Assembly on the results of this pilot project  
25 in January 1999, January 2000, and January 2001. The  
26 Commission shall also submit a final report on the pilot  
27 project to the Governor and the General Assembly in  
28 January 2001. The provisions of this subsection (c),  
29 other than this sentence, are inoperative after February  
30 1, 2001.

31 (3) Report and Investigation of Rail Accidents.

32 (a) Reports. Every rail carrier shall report to the  
33 Commission, by the speediest means possible, whether  
34 telephone, telegraph, or otherwise, every accident

1 involving its equipment, track, or other property which  
2 resulted in loss of life to any person. In addition,  
3 such carriers shall file a written report with the  
4 Commission. Reports submitted under this paragraph shall  
5 be strictly confidential, shall be specifically  
6 prohibited from disclosure, and shall not be admissible  
7 in any administrative or judicial proceeding relating to  
8 the accidents reported.

9 (b) Investigations. The Commission may investigate  
10 all railroad accidents reported to it or of which it  
11 acquires knowledge independent of reports made by rail  
12 carriers, and shall have the power, consistent with  
13 standards and procedures established under the Federal  
14 Railroad Safety Act, as amended, to enter such temporary  
15 orders as will minimize the risk of future accidents  
16 pending notice, hearing, and final action by the  
17 Commission.

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

19 (625 ILCS 5/18c-7402.1 new)

20 Sec. 18c-7402.1. Pilot projects; automated audible  
21 warning devices.

22 (a) The General Assembly finds and declares that, for  
23 the communities of the State that are traversed by railroads,  
24 there is a growing need to mitigate train horn noise without  
25 compromising the safety of the public. Therefore, after  
26 applications are filed and approved by the Commission, the  
27 Commission shall authorize pilot projects in the counties of  
28 Cook, DuPage, Lake, and Will to test the utility and safety  
29 of stationary automated audible warning devices as an  
30 alternative to trains having to sound their horns as they  
31 approach highway-rail crossings.

32 (b) In light of the pending proposed ruling by the  
33 Federal Railroad Administration on the use of locomotive

1 horns at all highway-rail crossings across the nation, it is  
2 in the best interest of the State for the Commission to  
3 expedite the pilot projects in order to contribute data to  
4 the federal rulemaking process regarding the possible  
5 inclusion of stationary automated warning devices in the  
6 counties of Cook, DuPage, Lake, and Will as a safety measure  
7 option to the proposed federal rule.

8 (c) The Commission shall adopt rules for implementing  
9 the pilot projects in the counties of Cook, DuPage, Lake, and  
10 Will.

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