

1 AN ACT in relation to vehicles.

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 Sections 11-1201 and 18c-7401 as follows:

6 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

7 Sec. 11-1201. Obedience to signal indicating approach of  
8 train.

9 (a) Whenever any person driving a vehicle approaches a  
10 railroad grade crossing such person must exercise due care  
11 and caution as the existence of a railroad track across a  
12 highway is a warning of danger, and under any of the  
13 circumstances stated in this Section, the driver shall stop  
14 within 50 feet but not less than 15 feet from the nearest  
15 rail of the railroad and shall not proceed until he can do so  
16 safely. The foregoing requirements shall apply when:

17 1. A clearly visible electric or mechanical signal  
18 device gives warning of the immediate approach of a  
19 railroad train;

20 2. A crossing gate is lowered or a human flagman  
21 gives or continues to give a signal of the approach or  
22 passage of a railroad train;

23 3. A railroad train approaching a highway crossing  
24 emits a warning signal and such railroad train, by reason  
25 of its speed or nearness to such crossing, is an  
26 immediate hazard;

27 4. An approaching railroad train is plainly visible  
28 and is in hazardous proximity to such crossing.

29 5. A railroad train is approaching so closely that  
30 an immediate hazard is created.

31 (b) No person shall drive any vehicle through, around or

1 under any crossing gate or barrier at a railroad crossing  
2 while such gate or barrier is closed or is being opened or  
3 closed.

4 (c) The Department, and local authorities upon order  
5 ~~with--the--approval~~ of the Department, shall ~~are--hereby~~  
6 ~~authorized--to-designate-particularly-dangerous-highway-grade~~  
7 ~~crossings-of-railroads-and-to~~ erect stop signs at all highway  
8 grade crossings that are not equipped with automatic flashing  
9 lights or gates thereat. When such stop signs are erected  
10 the driver of any vehicle shall stop within 50 feet but not  
11 less than 15 feet from the nearest rail of such railroad and  
12 shall proceed only upon exercising due care. A driver who  
13 violates this subsection (c) commits a petty offense. A  
14 third or subsequent violation within one year of the first  
15 violation is a Class C misdemeanor.

16 (d) At any railroad grade crossing provided with  
17 railroad crossbuck signs, without automatic, electric, or  
18 mechanical signal devices, crossing gates, or a human flagman  
19 giving a signal of the approach or passage of a train, the  
20 driver of a vehicle shall in obedience to the railroad  
21 crossbuck sign, yield the right-of-way and slow down to a  
22 speed reasonable for the existing conditions and shall stop,  
23 if required for safety, at a clearly marked stopped line, or  
24 if no stop line, within 50 feet but not less than 15 feet  
25 from the nearest rail of the railroad and shall not proceed  
26 until he or she can do so safely. If a driver is involved in  
27 a collision at a railroad crossing or interferes with the  
28 movement of a train after driving past the railroad crossbuck  
29 sign, the collision or interference is prima facie evidence  
30 of the driver's failure to yield right-of-way.

31 (e) Except as provided in subsection (c), a violation of  
32 ~~any--part-of~~ this Section shall result in a mandatory fine of  
33 \$500 or 50 hours of community service.

34 (f) Local authorities shall impose fines as established

1 in subsection (e) for vehicles that fail to obey signals  
2 indicating the presence, approach, passage, or departure of a  
3 train.

4 (Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)

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

6 Sec. 18c-7401. Safety Requirements for Track,  
7 Facilities, and Equipment.

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

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

21 (3) Railroad Crossings. No public road, highway, or  
22 street shall hereafter be constructed across the track of any  
23 rail carrier at grade, nor shall the track of any rail  
24 carrier be constructed across a public road, highway or  
25 street at grade, without having first secured the permission  
26 of the Commission; provided, that this Section shall not  
27 apply to the replacement of lawfully existing roads, highways  
28 and tracks. No public pedestrian bridge or subway shall be  
29 constructed across the track of any rail carrier without  
30 having first secured the permission of the Commission. The  
31 Commission shall have the right to refuse its permission or  
32 to grant it upon such terms and conditions as it may  
33 prescribe. The Commission shall have power to determine and

1 prescribe the manner, including the particular point of  
2 crossing, and the terms of installation, operation,  
3 maintenance, use and protection of each such crossing.

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

34 The Commission shall also have power by its order to

1 require the reconstruction, minor alteration, minor  
2 relocation or improvement of any crossing (including the  
3 necessary highway approaches thereto) of any railroad across  
4 any highway or public road, pedestrian bridge, or pedestrian  
5 subway, whether such crossing be at grade or by overhead  
6 structure or by subway, whenever the Commission finds after a  
7 hearing or without a hearing as otherwise provided in this  
8 paragraph that such reconstruction, alteration, relocation or  
9 improvement is necessary to preserve or promote the safety or  
10 convenience of the public or of the employees or passengers  
11 of such rail carrier or carriers. By its original order or  
12 supplemental orders in such case, the Commission may direct  
13 such reconstruction, alteration, relocation, or improvement  
14 to be made in such manner and upon such terms and conditions  
15 as may be reasonable and necessary and may apportion the cost  
16 of such reconstruction, alteration, relocation or improvement  
17 and the subsequent maintenance thereof, having regard to the  
18 benefits, if any, accruing to the railroad or any party in  
19 interest, between the rail carrier or carriers and public  
20 utilities affected, or between such carrier or carriers and  
21 public utilities and the State, county, municipality or other  
22 public authority in interest. The cost to be so apportioned  
23 shall include the cost of changes or alterations in the  
24 equipment of public utilities affected as well as the cost of  
25 the relocation, diversion or establishment of any public  
26 highway, made necessary by such reconstruction, alteration,  
27 relocation or improvement of said crossing. A hearing shall  
28 not be required in those instances when the Commission enters  
29 an order confirming a written stipulation in which the  
30 Commission, the public highway authority or other public  
31 authority in interest, the rail carrier or carriers affected,  
32 and in instances involving the use of the Grade Crossing  
33 Protection Fund, the Illinois Department of Transportation,  
34 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 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  
10 superelevated curves will allow, and, unless otherwise  
11 ordered by the Commission, shall construct and maintain the  
12 approaches thereto at a grade of not more than 5% within the  
13 right of way for a distance of not less the 6 feet on each  
14 side of the centerline of such tracks; provided, that the  
15 grades at the approaches may be maintained in excess of 5%  
16 only when 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  
21 500 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  
27 order to promote and safeguard the health and safety of the  
28 public. Luminous flashing signal or crossing gate devices  
29 installed at grade crossings, which have been approved by the  
30 Commission, shall be deemed adequate and appropriate. The  
31 Commission shall have authority to determine the number,  
32 type, and location of such signs, signals, gates, or other  
33 protective devices which, however, shall conform as near as  
34 may be with generally recognized national standards, and the

1 Commission shall have authority to prescribe the division of  
2 the cost of the installation and subsequent maintenance of  
3 such signs, signals, gates, or other protective devices  
4 between the rail carrier or carriers, the public highway  
5 authority or other public authority in interest, and in  
6 instances involving the use of the Grade Crossing Protection  
7 Fund, the Illinois Department of Transportation.

8 It is the public policy of the State of Illinois to  
9 enhance public safety by establishing safe grade crossings.  
10 The Commission shall order the installation of stop signs at  
11 all grade crossings that are not equipped with automatic  
12 flashing lights or gates. The Commission shall assess the  
13 cost of these stop signs to the Grade Crossing Protection  
14 Fund. These installations shall be adequate and appropriate.  
15 The highway authority in interest shall install and maintain  
16 the stop signs in accordance with the Commission order.

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

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

24 Any person who unlawfully or maliciously removes, throws  
25 down, damages or defaces any sign, signal, gate or other  
26 protective device, located at or near any public grade  
27 crossing, shall be guilty of a petty offense and fined not  
28 less than \$50 nor more than \$200 for each offense. In  
29 addition to fines levied under the provisions of this Section  
30 a person adjudged guilty hereunder may also be directed to  
31 make restitution for the costs of repair or replacement, or  
32 both, necessitated by his misconduct.

33 It is the public policy of the State of Illinois to  
34 enhance public safety by establishing safe grade crossings.



1 In order to implement this policy, the Illinois Commerce  
2 Commission is directed to conduct public hearings and to  
3 adopt specific criteria by July 1, 1994, that shall be  
4 adhered to by the Illinois Commerce Commission in determining  
5 if a grade crossing should be opened or abolished. The  
6 following factors shall be considered by the Illinois  
7 Commerce Commission in developing the specific criteria for  
8 opening and abolishing grade crossings:

- 9 (a) timetable speed of passenger trains;
- 10 (b) distance to an alternate crossing;
- 11 (c) accident history for the last 5 years;
- 12 (d) number of vehicular traffic and posted speed  
13 limits;
- 14 (e) number of freight trains and their timetable  
15 speeds;
- 16 (f) the type of warning device present at the grade  
17 crossing;
- 18 (g) alignments of the roadway and railroad, and the  
19 angle of intersection of those alignments;
- 20 (h) use of the grade crossing by trucks carrying  
21 hazardous materials, vehicles carrying passengers for  
22 hire, and school buses; and
- 23 (i) use of the grade crossing by emergency  
24 vehicles.

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

29 Except as otherwise provided in this subsection (3), in  
30 no instance shall a grade crossing be permanently closed  
31 without public hearing first being held and notice of such  
32 hearing being published in an area newspaper of local general  
33 circulation.

34 (4) Freight Trains - Radio Communications. The

1 Commission shall after hearing and order require that every  
2 main line railroad freight train operating on main tracks  
3 outside of yard limits within this State shall be equipped  
4 with a radio communication system. The Commission after  
5 notice and hearing may grant exemptions from the requirements  
6 of this Section as to secondary and branch lines.

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

17 (6) Packages Containing Articles for First Aid to  
18 Injured on Trains. All rail carriers shall provide a package  
19 containing the articles prescribed by the Commission, on each  
20 train or engine, for first aid to persons who may be injured  
21 in the course of the operation of such trains.

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

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

28 (b) The removal of abandoned overhead railroad  
29 structures crossing highways, waterways, or railroads.

30 The Commission may equitably apportion the cost of such  
31 actions between the rail carrier or carriers, public  
32 utilities, and the State, county, municipality, township,  
33 road district, or other public authority in interest.

34 (8) Railroad-Highway Bridge Clearance. A vertical

1 clearance of not less than 23 feet above the top of rail  
2 shall be provided for all new or reconstructed highway  
3 bridges constructed over a railroad track. The Commission  
4 may permit a lesser clearance if it determines that the 23  
5 foot clearance standard cannot be justified based on  
6 engineering, operational, and economic conditions.

7 (Source: P.A. 90-691, eff. 1-1-99; 91-725, eff. 6-2-00.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.