

1 AN ACT concerning safety.

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

4 Section 5. The State Finance Act is amended by changing
5 Sections 5.22 and 8.3 as follows:

6 (30 ILCS 105/5.22) (from Ch. 127, par. 141.22)

7 Sec. 5.22. The Crossing Safety Improvement Fund. Grade
8 ~~Crossing-Protection-Fund~~.

9 (Source: Laws 1919, p. 946.)

10 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

11 Sec. 8.3. Money in the Road Fund shall, if and when the
12 State of Illinois incurs any bonded indebtedness for the
13 construction of permanent highways, be set aside and used for
14 the purpose of paying and discharging annually the principal
15 and interest on that bonded indebtedness then due and
16 payable, and for no other purpose. The surplus, if any, in
17 the Road Fund after the payment of principal and interest on
18 that bonded indebtedness then annually due shall be used as
19 follows:

20 first -- to pay the cost of administration of
21 Chapters 2 through 10 of the Illinois Vehicle Code,
22 except the cost of administration of Articles I and II of
23 Chapter 3 of that Code; and

24 secondly -- for expenses of the Department of
25 Transportation for construction, reconstruction,
26 improvement, repair, maintenance, operation, and
27 administration of highways in accordance with the
28 provisions of laws relating thereto, or for any purpose
29 related or incident to and connected therewith, including
30 the separation of grades of those highways with railroads

1 and with highways and including the payment of awards
2 made by the Industrial Commission under the terms of the
3 Workers' Compensation Act or Workers' Occupational
4 Diseases Act for injury or death of an employee of the
5 Division of Highways in the Department of Transportation;
6 or for the acquisition of land and the erection of
7 buildings for highway purposes, including the acquisition
8 of highway right-of-way or for investigations to
9 determine the reasonably anticipated future highway
10 needs; or for making of surveys, plans, specifications
11 and estimates for and in the construction and maintenance
12 of flight strips and of highways necessary to provide
13 access to military and naval reservations, to defense
14 industries and defense-industry sites, and to the sources
15 of raw materials and for replacing existing highways and
16 highway connections shut off from general public use at
17 military and naval reservations and defense-industry
18 sites, or for the purchase of right-of-way, except that
19 the State shall be reimbursed in full for any expense
20 incurred in building the flight strips; or for the
21 operating and maintaining of highway garages; or for
22 patrolling and policing the public highways and
23 conserving the peace; or for any of those purposes or any
24 other purpose that may be provided by law.

25 Appropriations for any of those purposes are payable from
26 the Road Fund. Appropriations may also be made from the Road
27 Fund for the administrative expenses of any State agency that
28 are related to motor vehicles or arise from the use of motor
29 vehicles.

30 Beginning with fiscal year 1980 and thereafter, no Road
31 Fund monies shall be appropriated to the following
32 Departments or agencies of State government for
33 administration, grants, or operations; but this limitation is
34 not a restriction upon appropriating for those purposes any

1 Road Fund monies that are eligible for federal reimbursement;

2 1. Department of Public Health;

3 2. Department of Transportation, only with respect
4 to subsidies for one-half fare Student Transportation and
5 Reduced Fare for Elderly;

6 3. Department of Central Management Services,
7 except for expenditures incurred for group insurance
8 premiums of appropriate personnel;

9 4. Judicial Systems and Agencies.

10 Beginning with fiscal year 1981 and thereafter, no Road
11 Fund monies shall be appropriated to the following
12 Departments or agencies of State government for
13 administration, grants, or operations; but this limitation is
14 not a restriction upon appropriating for those purposes any
15 Road Fund monies that are eligible for federal reimbursement:

16 1. Department of State Police, except for
17 expenditures with respect to the Division of Operations;

18 2. Department of Transportation, only with respect
19 to Intercity Rail Subsidies and Rail Freight Services.

20 Beginning with fiscal year 1982 and thereafter, no Road
21 Fund monies shall be appropriated to the following
22 Departments or agencies of State government for
23 administration, grants, or operations; but this limitation is
24 not a restriction upon appropriating for those purposes any
25 Road Fund monies that are eligible for federal reimbursement:
26 Department of Central Management Services, except for awards
27 made by the Industrial Commission under the terms of the
28 Workers' Compensation Act or Workers' Occupational Diseases
29 Act for injury or death of an employee of the Division of
30 Highways in the Department of Transportation.

31 Beginning with fiscal year 1984 and thereafter, no Road
32 Fund monies shall be appropriated to the following
33 Departments or agencies of State government for
34 administration, grants, or operations; but this limitation is

1 not a restriction upon appropriating for those purposes any
2 Road Fund monies that are eligible for federal reimbursement:

3 1. Department of State Police, except not more than
4 40% of the funds appropriated for the Division of
5 Operations;

6 2. State Officers.

7 Beginning with fiscal year 1984 and thereafter, no Road
8 Fund monies shall be appropriated to any Department or agency
9 of State government for administration, grants, or operations
10 except as provided hereafter; but this limitation is not a
11 restriction upon appropriating for those purposes any Road
12 Fund monies that are eligible for federal reimbursement. It
13 shall not be lawful to circumvent the above appropriation
14 limitations by governmental reorganization or other methods.
15 Appropriations shall be made from the Road Fund only in
16 accordance with the provisions of this Section.

17 Money in the Road Fund shall, if and when the State of
18 Illinois incurs any bonded indebtedness for the construction
19 of permanent highways, be set aside and used for the purpose
20 of paying and discharging during each fiscal year the
21 principal and interest on that bonded indebtedness as it
22 becomes due and payable as provided in the Transportation
23 Bond Act, and for no other purpose. The surplus, if any, in
24 the Road Fund after the payment of principal and interest on
25 that bonded indebtedness then annually due shall be used as
26 follows:

27 first -- to pay the cost of administration of
28 Chapters 2 through 10 of the Illinois Vehicle Code; and

29 secondly -- no Road Fund monies derived from fees,
30 excises, or license taxes relating to registration,
31 operation and use of vehicles on public highways or to
32 fuels used for the propulsion of those vehicles, shall be
33 appropriated or expended other than for costs of
34 administering the laws imposing those fees, excises, and

1 license taxes, statutory refunds and adjustments allowed
2 thereunder, administrative costs of the Department of
3 Transportation, payment of debts and liabilities incurred
4 in construction and reconstruction of public highways and
5 bridges, acquisition of rights-of-way for and the cost of
6 construction, reconstruction, maintenance, repair, and
7 operation of public highways and bridges under the
8 direction and supervision of the State, political
9 subdivision, or municipality collecting those monies, and
10 the costs for patrolling and policing the public highways
11 (by State, political subdivision, or municipality
12 collecting that money) for enforcement of traffic laws.
13 The separation of grades of such highways with railroads
14 and costs associated with protection of at-grade highway
15 and railroad crossing shall also be permissible.

16 Appropriations for any of such purposes are payable from
17 the Road Fund or the Crossing Safety Improvement Fund Grade
18 ~~Crossing--Protection--Fund~~ as provided in Section 8 of the
19 Motor Fuel Tax Law.

20 Beginning with fiscal year 1991 and thereafter, no Road
21 Fund monies shall be appropriated to the Department of State
22 Police for the purposes of this Section in excess of its
23 total fiscal year 1990 Road Fund appropriations for those
24 purposes unless otherwise provided in Section 5g of this Act.
25 It shall not be lawful to circumvent this limitation on
26 appropriations by governmental reorganization or other
27 methods unless otherwise provided in Section 5g of this Act.

28 In fiscal year 1994, no Road Fund monies shall be
29 appropriated to the Secretary of State for the purposes of
30 this Section in excess of the total fiscal year 1991 Road
31 Fund appropriations to the Secretary of State for those
32 purposes, plus \$9,800,000. It shall not be lawful to
33 circumvent this limitation on appropriations by governmental
34 reorganization or other method.

1 Beginning with fiscal year 1995 and thereafter, no Road
 2 Fund monies shall be appropriated to the Secretary of State
 3 for the purposes of this Section in excess of the total
 4 fiscal year 1994 Road Fund appropriations to the Secretary of
 5 State for those purposes. It shall not be lawful to
 6 circumvent this limitation on appropriations by governmental
 7 reorganization or other methods.

8 Beginning with fiscal year 2000, total Road Fund
 9 appropriations to the Secretary of State for the purposes of
 10 this Section shall not exceed the amounts specified for the
 11 following fiscal years:

12	Fiscal Year 2000	\$80,500,000;
13	Fiscal Year 2001	\$80,500,000;
14	Fiscal Year 2002	\$80,500,000;
15	Fiscal Year 2003	\$80,500,000;
16	Fiscal Year 2004 and	
17	each year thereafter	\$30,500,000.

18 It shall not be lawful to circumvent this limitation on
 19 appropriations by governmental reorganization or other
 20 methods.

21 No new program may be initiated in fiscal year 1991 and
 22 thereafter that is not consistent with the limitations
 23 imposed by this Section for fiscal year 1984 and thereafter,
 24 insofar as appropriation of Road Fund monies is concerned.

25 Nothing in this Section prohibits transfers from the Road
 26 Fund to the State Construction Account Fund under Section 5e
 27 of this Act.

28 (Source: P.A. 91-37, eff. 7-1-99; 91-760, eff. 1-1-01.)

29 (30 ILCS 105/8.8b rep.)

30 Section 6. The State Finance Act is amended by repealing
 31 Section 8.8b.

32 Section 10. The Motor Fuel Tax Law is amended by

1 changing Section 8 as follows:

2 (35 ILCS 505/8) (from Ch. 120, par. 424)

3 Sec. 8. Except as provided in Sections 8a and 13a.6 and
4 items 13, 14, 15, and 16 of Section 15, all money received by
5 the Department under this Act, including payments made to the
6 Department by member jurisdictions participating in the
7 International Fuel Tax Agreement, shall be deposited in a
8 special fund in the State treasury, to be known as the "Motor
9 Fuel Tax Fund", and shall be used as follows:

10 (a) 2 1/2 cents per gallon of the tax collected on
11 special fuel under paragraph (b) of Section 2 and Section 13a
12 of this Act shall be transferred to the State Construction
13 Account Fund in the State Treasury;

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

18 (c) \$2,250,000 shall be transferred each month to the
19 Crossing Safety Improvement Fund ~~Grade--Crossing--Protection~~
20 Fund to be used as follows: not less than \$6,000,000 each
21 fiscal year shall be used for the construction or
22 reconstruction of rail highway grade separation structures;
23 beginning with fiscal year 1997 and ending in fiscal year
24 2000, \$1,500,000, beginning with fiscal year 2001 and ending
25 in fiscal year 2003, \$2,250,000, and \$750,000 in fiscal year
26 2004 and each fiscal year thereafter shall be transferred to
27 the Transportation Regulatory Fund and shall be accounted for
28 as part of the rail carrier portion of such funds and shall
29 be used to pay the cost of administration of the Illinois
30 Commerce Commission's railroad safety program in connection
31 with its duties under subsection (3) of Section 18c-7401 of
32 the Illinois Vehicle Code, with the remainder to be used by
33 the Department of Transportation upon order of the Illinois

1 Commerce Commission, to pay that part of the cost apportioned
2 by such Commission to the State to cover the interest of the
3 public in the use of highways, roads, streets, or pedestrian
4 walkways in the county highway system, township and district
5 road system, or municipal street system as defined in the
6 Illinois Highway Code, as the same may from time to time be
7 amended, for separation of grades, for installation,
8 construction or reconstruction of crossing protection or
9 reconstruction, alteration, relocation including construction
10 or improvement of any existing highway necessary for access
11 to property or improvement of any grade crossing including
12 the necessary highway approaches thereto of any railroad
13 across the highway or public road, for education of the
14 public regarding State laws dealing with grade crossing
15 safety or for enforcement of those laws, or for the
16 installation, construction, reconstruction, or maintenance of
17 a pedestrian walkway over or under a railroad right-of-way,
18 as provided for in and in accordance with Section 18c-7401 of
19 the Illinois Vehicle Code. The Commission shall not order
20 more than \$2,000,000 per year in Crossing Safety Improvement
21 Fund Grade-Crossing-Protection--Fund moneys for pedestrian
22 walkways, and shall not order more than \$500,000 per year in
23 Crossing Safety Improvement Fund moneys for public education
24 and enforcement of State laws dealing with grade crossing
25 safety. In entering orders for projects for which payments
26 from the Crossing Safety Improvement Fund Grade-Crossing
27 Protection-Fund will be made, the Commission shall account
28 for expenditures authorized by the orders on a cash rather
29 than an accrual basis. For purposes of this requirement an
30 "accrual basis" assumes that the total cost of the project is
31 expended in the fiscal year in which the order is entered,
32 while a "cash basis" allocates the cost of the project among
33 fiscal years as expenditures are actually made. To meet the
34 requirements of this subsection, the Illinois Commerce

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

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

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

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

23 (3) refunds provided for in Section 13 of this Act
24 and under the terms of the International Fuel Tax
25 Agreement referenced in Section 14a;

26 (4) from October 1, 1985 until June 30, 1994, the
27 administration of the Vehicle Emissions Inspection Law,
28 which amount shall be certified monthly by the
29 Environmental Protection Agency to the State Comptroller
30 and shall promptly be transferred by the State
31 Comptroller and Treasurer from the Motor Fuel Tax Fund to
32 the Vehicle Inspection Fund, and for the period July 1,
33 1994 through June 30, 2000, ~~June-30-2006~~, one-twelfth of
34 \$25,000,000 each month, and for the period July 1, 2000

1 through June 30, 2006, one-twelfth of \$30,000,000 each
2 month, for the administration of the Vehicle Emissions
3 Inspection Law of 1995, to be transferred by the State
4 Comptroller and Treasurer from the Motor Fuel Tax Fund
5 into the Vehicle Inspection Fund;

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

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

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

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

20 (A) 37% into the State Construction Account
21 Fund, and

22 (B) 63% into the Road Fund, \$1,250,000 of
23 which shall be reserved each month for the
24 Department of Transportation to be used in
25 accordance with the provisions of Sections 6-901
26 through 6-906 of the Illinois Highway Code;

27 (2) Until January 1, 2000, 41.6%, and beginning
28 January 1, 2000, 54.4% shall be transferred to the
29 Department of Transportation to be distributed as
30 follows:

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

32 (B) 16.74% to the counties of the State having
33 1,000,000 or more inhabitants,

34 (C) 18.27% to the counties of the State having

1 less than 1,000,000 inhabitants,

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

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
19 be in accordance with any census taken by such municipality.
20 Any municipal census used in accordance with this Section
21 shall be certified to the Department of Transportation by the
22 clerk of such municipality, and the accuracy thereof shall be
23 subject to approval of the Department which may make such
24 corrections 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
27 share of the amount apportioned to the several counties of
28 the State as herein provided. Each allotment to the several
29 counties having less than 1,000,000 inhabitants shall be in
30 proportion to the amount of motor vehicle license fees
31 received from the residents of such counties, respectively,
32 during the preceding calendar year. The Secretary of State
33 shall, on or before April 15 of each year, transmit to the
34 Department of Transportation a full and complete report

1 showing the amount of motor vehicle license fees received
2 from the residents of each county, respectively, during the
3 preceding calendar year. The Department of Transportation
4 shall, each month, use for allotment purposes the last such
5 report received from the Secretary of State.

6 As soon as may be after the first day of each month, the
7 Department of Transportation shall allot to the several
8 counties their share of the amount apportioned for the use of
9 road districts. The allotment shall be apportioned among the
10 several counties in the State in the proportion which the
11 total mileage of township or district roads in the respective
12 counties bears to the total mileage of all township and
13 district roads in the State. Funds allotted to the respective
14 counties for the use of road districts therein shall be
15 allocated to the several road districts in the county in the
16 proportion which the total mileage of such township or
17 district roads in the respective road districts bears to the
18 total mileage of all such township or district roads in the
19 county. After July 1 of any year, no allocation shall be
20 made for any road district unless it levied a tax for road
21 and bridge purposes in an amount which will require the
22 extension of such tax against the taxable property in any
23 such road district at a rate of not less than either .08% of
24 the value thereof, based upon the assessment for the year
25 immediately prior to the year in which such tax was levied
26 and as equalized by the Department of Revenue or, in DuPage
27 County, an amount equal to or greater than \$12,000 per mile
28 of road under the jurisdiction of the road district,
29 whichever is less. If any road district has levied a special
30 tax for road purposes pursuant to Sections 6-601, 6-602 and
31 6-603 of the Illinois Highway Code, and such tax was levied
32 in an amount which would require extension at a rate of not
33 less than .08% of the value of the taxable property thereof,
34 as equalized or assessed by the Department of Revenue, or, in

1 DuPage County, an amount equal to or greater than \$12,000 per
2 mile of road under the jurisdiction of the road district,
3 whichever is less, such levy shall, however, be deemed a
4 proper compliance with this Section and shall qualify such
5 road district for an allotment under this Section. If a
6 township has transferred to the road and bridge fund money
7 which, when added to the amount of any tax levy of the road
8 district would be the equivalent of a tax levy requiring
9 extension at a rate of at least .08%, or, in DuPage County,
10 an amount equal to or greater than \$12,000 per mile of road
11 under the jurisdiction of the road district, whichever is
12 less, such transfer, together with any such tax levy, shall
13 be deemed a proper compliance with this Section and shall
14 qualify the road district for an allotment under this
15 Section.

16 In counties in which a property tax extension limitation
17 is imposed under the Property Tax Extension Limitation Law,
18 road districts may retain their entitlement to a motor fuel
19 tax allotment if, at the time the property tax extension
20 limitation was imposed, the road district was levying a road
21 and bridge tax at a rate sufficient to entitle it to a motor
22 fuel tax allotment and continues to levy the maximum
23 allowable amount after the imposition of the property tax
24 extension limitation. Any road district may in all
25 circumstances retain its entitlement to a motor fuel tax
26 allotment if it levied a road and bridge tax in an amount
27 that will require the extension of the tax against the
28 taxable property in the road district at a rate of not less
29 than 0.08% of the assessed value of the property, based upon
30 the assessment for the year immediately preceding the year in
31 which the tax was levied and as equalized by the Department
32 of Revenue or, in DuPage County, an amount equal to or
33 greater than \$12,000 per mile of road under the jurisdiction
34 of the road district, whichever is less.

1 As used in this Section the term "road district" means
2 any road district, including a county unit road district,
3 provided for by the Illinois Highway Code; and the term
4 "township or district road" means any road in the township
5 and district road system as defined in the Illinois Highway
6 Code. For the purposes of this Section, "road district" also
7 includes park districts, forest preserve districts and
8 conservation districts organized under Illinois law and
9 "township or district road" also includes such roads as are
10 maintained by park districts, forest preserve districts and
11 conservation districts. The Department of Transportation
12 shall determine the mileage of all township and district
13 roads for the purposes of making allotments and allocations
14 of motor fuel tax funds for use in road districts.

15 Payment of motor fuel tax moneys to municipalities and
16 counties shall be made as soon as possible after the
17 allotment is made. The treasurer of the municipality or
18 county may invest these funds until their use is required and
19 the interest earned by these investments shall be limited to
20 the same uses as the principal funds.

21 (Source: P.A. 90-110, eff. 7-14-97; 90-655, eff. 7-30-98;
22 90-659, eff. 1-1-99; 90-691, eff. 1-1-99; 91-37, eff. 7-1-99;
23 91-59, eff. 6-30-99; 91-173, eff. 1-1-00; 91-357, eff.
24 7-29-99; 91-704, eff. 7-1-00; 91-725, eff. 6-2-00; 91-794,
25 eff. 6-9-00; revised 6-28-00.)

26 Section 15. The Grand Avenue Railroad Relocation
27 Authority Act is amended by changing Section 35 as follows:

28 (70 ILCS 1915/35)

29 Sec. 35. Acceptance of grants, loans, and
30 appropriations. The Authority shall have the power to apply
31 for and accept grants, loans, advances and appropriations
32 from the Federal Government and from the State of Illinois or

1 any agency or instrumentality thereof to be used for the
2 purposes of the Authority, and to enter into any agreement in
3 relation to such grants, loans, advances and appropriations.
4 The Authority may also accept from the State, any State
5 agency, department or commission, any county or other
6 political subdivision, any municipal corporation, any
7 Railroads, school authorities, or jointly therefrom, grants
8 of funds or services for any of the purposes of this Act.
9 The Authority shall be treated as a rail carrier subject to
10 the Illinois Commerce Commission's jurisdiction and eligible
11 to receive money from the Crossing Safety Improvement Fund
12 ~~Grade--Crossing--Protection--Fund~~ or any fund of the State or
13 other source available for purposes of promoting safety and
14 separation of at-grade railroad crossings or highway
15 improvements.

16 (Source: P.A. 89-134, eff. 7-14-95.)

17 Section 20. The 25th Avenue Railroad Relocation and
18 Development Authority Act is amended by changing Section 25
19 as follows:

20 (70 ILCS 1920/25)

21 Sec. 25. Acceptance of grants, loans, and
22 appropriations. The Authority shall have the power to apply
23 for and accept grants, loans, advances and appropriations
24 from the Federal Government and from the State of Illinois or
25 any agency or instrumentality thereof to be used for the
26 purposes of the Authority, and to enter into any agreement in
27 relation to such grants, loans, advances and appropriations.
28 The Authority may also accept from the State, any State
29 agency, department or commission, any county or other
30 political subdivision, any municipal corporation, any
31 railroads, school authorities, or jointly therefrom, grants
32 of funds or services for any of the purposes of this Act.

1 The Authority shall be treated as a rail carrier subject to
 2 the Illinois Commerce Commission's jurisdiction and eligible
 3 to receive money from the Crossing Safety Improvement Fund
 4 ~~Grade-Crossing-Protection-Fund~~ or any fund of the State or
 5 other source available for purposes of promoting safety and
 6 separation of at-grade railroad crossings or highway
 7 improvements.

8 (Source: P.A. 91-562, eff. 8-14-99.)

9 Section 25. The Illinois Vehicle Code is amended by
 10 changing Section 11-1201.1 and 18c-7401 as follows:

11 (625 ILCS 5/11-1201.1)

12 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
 13 System.

14 (a) For the purposes of this Section, an automated
 15 railroad grade crossing enforcement system is a system
 16 operated by a law enforcement agency that records a driver's
 17 response to automatic, electrical or mechanical signal
 18 devices and crossing gates. The system shall be designed to
 19 obtain a clear photograph or other recorded image of the
 20 vehicle, vehicle operator and the vehicle registration plate
 21 of a vehicle in violation of Section 11-1201. The photograph
 22 or other recorded image shall also display the time, date and
 23 location of the violation.

24 (b) ~~The Commencing--on--January--17--1996,~~ the Illinois
 25 Commerce Commission and the Commuter Rail Board of the
 26 Regional Transportation Authority shall, in cooperation with
 27 local law enforcement agencies, establish a ~~two--year~~ pilot
 28 program within a county with a population of between 750,000
 29 and 1,000,000 using an automated railroad grade crossing
 30 enforcement system. The Commission shall determine the 3
 31 railroad grade crossings within that county that pose the
 32 greatest threat to human life based upon the number of

1 accidents and fatalities at the crossings during the past 5
2 years and with approval of the local law enforcement agency
3 equip the crossings with an automated railroad grade crossing
4 enforcement system. The pilot program shall continue until
5 terminated by Order of the Commission.

6 (c) For each violation of Section 11-1201 recorded by an
7 automatic railroad grade crossing system, the local law
8 enforcement agency having jurisdiction shall issue a written
9 Uniform Traffic Citation of the violation to the registered
10 owner of the vehicle. The Uniform Traffic Citation shall be
11 delivered to the registered owner, by mail, within 30 days of
12 the violation. The Uniform Traffic Citation shall include
13 the name and address of vehicle owner, the vehicle
14 registration number, the offense charged, the time, date, and
15 location of the violation, the first available court date and
16 that the basis of the citation is the photograph or other
17 recorded image from the automated railroad grade crossing
18 enforcement system.

19 (d) The Uniform Traffic Citation issued to the violator
20 shall be accompanied by a written document which explains the
21 violator's rights and obligations and how the violator can
22 elect to proceed by either paying the fine or challenging the
23 issuance of the Uniform Traffic Citation.

24 (e) Any photograph or other recorded image evidencing a
25 violation of Section 11-1201 shall be admissible in any
26 proceeding resulting from the issuance of the Uniform Traffic
27 Citation. Photographs or recorded images made by an
28 automatic railroad grade crossing enforcement system shall be
29 confidential, and shall be made available only to the
30 defendant, governmental and law enforcement agencies for the
31 purposes of adjudicating a violation of Section 11-1201 of
32 the Illinois Vehicle Code.

33 (f) Rail crossings equipped with an automatic railroad
34 grade crossing enforcement system shall be posted with a sign

1 visible to approaching traffic stating that the railroad
2 grade crossing is being monitored, that citations will be
3 issued, and the amount of the fine for violation.

4 (g) The cost of the installation and maintenance of each
5 automatic railroad grade crossing enforcement system shall be
6 paid from the Crossing Safety Improvement Fund ~~Grade-Crossing~~
7 ~~Protection--Fund~~ if the rail line is not owned by Commuter
8 Rail Board of the Regional Transportation Authority. If the
9 rail line is owned by the Commuter Rail Board of the Regional
10 Transportation Authority, the costs of the installation and
11 maintenance shall be paid from the Regional Transportation
12 Authority's portion of the Public Transportation Fund.

13 (h) The Illinois Commerce Commission shall issue a
14 report to the General Assembly every 2 years and at the
15 conclusion of the ~~two-year~~ pilot program on the effectiveness
16 of the automatic railroad grade crossing enforcement system.

17 (Source: P.A. 89-454, eff. 5-17-96; 90-14, eff. 7-1-97.)

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

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

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

27 (2) Adoption of Federal Standards. The track safety
28 standards and accident/incident standards promulgated by the
29 Federal Railroad Administration shall be safety standards of
30 the Commission. The Commission may, in addition, adopt by
31 reference in its regulations other federal railroad safety
32 standards, whether contained in federal statutes or in
33 regulations adopted pursuant to such statutes.

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

17 The Commission shall also have power, after a hearing, to
18 require major alteration of or to abolish any crossing,
19 heretofore or hereafter established, when in its opinion, the
20 public safety requires such alteration or abolition, and,
21 except in cities, villages and incorporated towns of
22 1,000,000 or more inhabitants, to vacate and close that part
23 of the highway on such crossing altered or abolished and
24 cause barricades to be erected across such highway in such
25 manner as to prevent the use of such crossing as a highway,
26 when, in the opinion of the Commission, the public
27 convenience served by the crossing in question is not such as
28 to justify the further retention thereof; or to require a
29 separation of grades, at railroad-highway grade crossings; or
30 to require a separation of grades at any proposed crossing
31 where a proposed public highway may cross the tracks of any
32 rail carrier or carriers; and to prescribe, after a hearing
33 of the parties, the terms upon which such separations shall
34 be made and the proportion in which the expense of the

1 alteration or abolition of such crossings or the separation
2 of such grades, having regard to the benefits, if any,
3 accruing to the rail carrier or any party in interest, shall
4 be divided between the rail carrier or carriers affected, or
5 between such carrier or carriers and the State, county,
6 municipality or other public authority in interest. However,
7 a public hearing by the Commission to abolish a crossing
8 shall not be required when the public highway authority in
9 interest vacates the highway. In such instance the rail
10 carrier, following notification to the Commission and the
11 highway authority, shall remove any grade crossing warning
12 devices and the grade crossing surface.

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

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

19 Every rail carrier operating in the State of Illinois
20 shall construct and maintain every highway crossing over its
21 tracks within the State so that the roadway at the
22 intersection shall be as flush with the rails as
23 superelevated curves will allow, and, unless otherwise
24 ordered by the Commission, shall construct and maintain the
25 approaches thereto at a grade of not more than 5% within the
26 right of way for a distance of not less the 6 feet on each
27 side of the centerline of such tracks; provided, that the
28 grades at the approaches may be maintained in excess of 5%
29 only when authorized by the Commission.

30 Every rail carrier operating within this State shall
31 remove from its right of way at all railroad-highway grade
32 crossings within the State, such brush, shrubbery, and trees
33 as is reasonably practical for a distance of not less than
34 500 feet in either direction from each grade crossing. The

1 Commission shall have power, upon its own motion, or upon
2 complaint, and after having made proper investigation, to
3 require the installation of adequate and appropriate luminous
4 reflective warning signs, luminous flashing signals, crossing
5 gates illuminated at night, or other protective devices in
6 order to promote and safeguard the health and safety of the
7 public. Luminous flashing signal or crossing gate devices
8 installed at grade crossings, which have been approved by the
9 Commission, shall be deemed adequate and appropriate. The
10 Commission shall have authority to determine the number,
11 type, and location of such signs, signals, gates, or other
12 protective devices which, however, shall conform as near as
13 may be with generally recognized national standards, and the
14 Commission shall have authority to prescribe the division of
15 the cost of the installation and subsequent maintenance of
16 such signs, signals, gates, or other protective devices
17 between the rail carrier or carriers, the public highway
18 authority or other public authority in interest, and in
19 instances involving the use of the Crossing Safety
20 Improvement Fund ~~Grade-Crossing-Protection-Fund~~, the Illinois
21 Department of Transportation.

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

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

30 Any person who unlawfully or maliciously removes, throws
31 down, damages or defaces any sign, signal, gate or other
32 protective device, located at or near any public grade
33 crossing, shall be guilty of a petty offense and fined not
34 less than \$50 nor more than \$200 for each offense. In

1 addition to fines levied under the provisions of this Section
2 a person adjudged guilty hereunder may also be directed to
3 make restitution for the costs of repair or replacement, or
4 both, necessitated by his misconduct.

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

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

31 The Illinois Commerce Commission, upon petition to open
32 or abolish a grade crossing, shall enter an order opening or
33 abolishing the crossing if it meets the specific criteria
34 adopted by the Commission.

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

6 (4) Freight Trains - Radio Communications. The
7 Commission shall after hearing and order require that every
8 main line railroad freight train operating on main tracks
9 outside of yard limits within this State shall be equipped
10 with a radio communication system. The Commission after
11 notice and hearing may grant exemptions from the requirements
12 of this Section as to secondary and branch lines.

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

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

28 (7) Abandoned Bridges, Crossings, and Other Rail Plant.
29 The Commission shall have authority, after notice and
30 hearing, to order:

31 (a) The removal of any abandoned railroad tracks
32 from roads, streets or other thoroughfares in this State;
33 and

34 (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,
5 road 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
8 shall be provided for all new or reconstructed highway
9 bridges constructed over a railroad track. The Commission
10 may permit a lesser clearance if it determines that the 23
11 foot clearance standard cannot be justified based on
12 engineering, operational, and economic conditions.

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

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