



IN THE OFFICE OF
SECRETARY OF STATE
EXECUTIVE ORDER

SPRINGFIELD, ILLINOIS

2018-03

**EXECUTIVE ORDER REQUIRING THE ILLINOIS DEPARTMENT OF
TRANSPORTATION TO COMPLY WITH FEDERAL STATE SAFETY OVERSIGHT
REQUIREMENTS**

WHEREAS, maintaining the safety of the State of Illinois' infrastructure and transit systems is of critical importance; and

WHEREAS, the State of Illinois is committed to working with the federal government to create and fund robust transit safety programs; and

WHEREAS, federal law, codified at 49 U.S.C. § 5329(e), requires state oversight of safety and security for rail fixed guideway public transportation systems within the jurisdiction of the State that are in operation or in the construction or engineering phase of development if those systems are not – or will not be – subject to regulation by the Federal Railroad Administration; and

WHEREAS, state oversight of these systems includes, but is not limited to, investigations, safety and security audits, development of safety standards, enforcement of corrective action plans, review of safety and security programs, and annual reporting to the Federal Transit Administration (“FTA”); and

WHEREAS, for the FTA to obligate funds to transit agencies of all modes in the State of Illinois under 49 U.S.C. § 5338, the State is required to have in effect an approved State Safety Oversight (“SSO”) program; and

WHEREAS, all federal funding for transit, which is critical to maintaining safe and reliable transit systems in Illinois, would be withheld from the State if the SSO program were not certified by the FTA as compliant with federal regulations; and

WHEREAS, in Executive Order 2016-07, Governor Bruce Rauner designated the Illinois Department of Transportation (“IDOT”) as the State Safety Oversight Agency (“SSOA”) in Illinois with the authority to develop and implement SSO program standards; and

WHEREAS, additional federal regulation expanding the minimum requirements of an SSO program necessitate the requirement for IDOT to re-establish its baseline program standards to comply with these enhanced federal requirements and any forthcoming regulations; and

WHEREAS, IDOT currently houses a safety oversight program and continues to be the only state agency with the expertise and ability to comply with the aforementioned responsibilities; and

WHEREAS, state law, 20 ILCS 2705/2705-300, authorizes IDOT to “[p]articipate fully in a statewide effort to improve transport safety”;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. DEFINITIONS

“Rail fixed guideway public transportation system” means, as set forth at 49 CFR Part 674.7, any fixed guideway system that uses rail, is operated for public transportation, is within the jurisdiction of the State, and is not subject to the jurisdiction of the Federal Railroad Administration, or any such system in engineering or construction.

“SSO” means State Safety Oversight, the program established by 49 U.S.C. § 5329 and 49 U.S.C. § 5330 for state oversight of safety and security for rail fixed guideway public transportation systems.

“SSOA” means the State Safety Oversight Agency designated by the Governor of Illinois to comply with and implement FTA requirements at 49 U.S.C. § 5329 and 49 U.S.C. § 5330 for oversight of safety and security for rail fixed guideway public transportation systems.

“State” means the State of Illinois.

II. STATE SAFETY OVERSIGHT

1. IDOT is the designated SSOA for the State pursuant to 49 U.S.C. § 5329 and 49 U.S.C. § 5330. IDOT shall comply with all SSO requirements under 49 U.S.C. § 5329 and 49 U.S.C. § 5330.
2. IDOT shall have the authority to develop, adopt, and implement a system safety program standard and procedures meeting the compliance requirements of 49 U.S.C. § 5329 and 49 U.S.C. § 5330, as now or hereafter amended, for the safety and security of rail fixed guideway public transportation systems within the State.
3. IDOT shall have the authority to establish procedures in accordance with 49 U.S.C. § 5329 and 49 U.S.C. § 5330 to review, approve, oversee, investigate, audit, and enforce all other necessary and incidental functions related to the effectuation of 49 U.S.C. § 5329, 49 U.S.C. § 5330, or other federal law pertaining to public transportation safety or security oversight.
4. IDOT may contract for the services of a qualified consultant to comply with 49 U.S.C. § 5329 and 49 U.S.C. § 5330.

III. SAVINGS CLAUSE

This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement.

IV. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order.

V. SEVERABILITY CLAUSE

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If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

VI. EFFECTIVE DATE

This Executive Order shall take effect immediately upon filing with the Secretary of State.



Bruce Rauner, Governor

Issued by Governor: March 16, 2018

Filed with Secretary of State: March 16, 2018

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