



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB2401**

Introduced 1/18/2006, by Sen. Debbie DeFrancesco Halvorson

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/18c-7503

from Ch. 95 1/2, par. 18c-7503

Amends the Chapter of the Illinois Vehicle Code containing the Illinois Commercial Transportation Law. Provides that the Illinois Commerce Commission may adopt, as necessary, policies, rules, or orders to ensure that an authorized representative of rail carrier employees has reasonable access to railroad property to perform any necessary inspection or investigation.

LRB094 17152 DRH 52440 b

1 AN ACT concerning transportation.

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 changing  
5 Section 18c-7503 as follows:

6 (625 ILCS 5/18c-7503) (from Ch. 95 1/2, par. 18c-7503)  
7 Sec. 18c-7503. Trespassing on railroad property.

8 (1) Trespassing on railroad property prohibited.

9 (a) General prohibition. Except as otherwise provided  
10 in paragraph (b) of this subsection, no person may:

11 (i) walk, ride, drive or be upon or along the right  
12 of way or rail yard of a rail carrier within the State,  
13 at a place other than a public crossing;

14 (ii) enter or be upon any railroad property;

15 (iii) without lawful authority or the railroad  
16 carrier's consent, ride on the outside of a train or  
17 inside a passenger car, locomotive, or freight car,  
18 including a box car, flatbed, or container;

19 (iv) willfully lead or contrive any animal to go  
20 upon the railroad's rights of way for any reason other  
21 than to pass over such rights of way at a marked public  
22 crossing; or

23 (v) throw or cause to be thrown on to the  
24 railroad's rights of way any waste paper, ashes,  
25 household waste, glass, metal, tires, refuse, or  
26 rubbish.

27 (b) Exceptions. This subsection shall not apply to:

28 (i) fare paying passengers on trains or employees  
29 of a rail carrier;

30 (ii) railroad employees and an authorized  
31 representative of rail carrier employees, while  
32 performing required duties in accordance with

1 reasonable rail carrier company guidelines;

2 (iii) a person going upon the right of way or into  
3 the rail yard to save human life or to remove an object  
4 that a reasonable person would believe poses an  
5 imminent threat to human life or limb;

6 (iv) a person being on the station grounds or in  
7 the depot of the rail carrier for the purpose of  
8 transacting business;

9 (v) a person, his family, or his employees or  
10 agents going across a farm crossing, as defined in this  
11 Chapter, for the purpose of crossing from one part to  
12 another part of a farm he owns or leases, where the  
13 farm lies on both sides of the right of way;

14 (vi) a person having written permission from the  
15 rail carrier to go upon the right of way or into the  
16 rail yard;

17 (vii) representatives of local, State, and federal  
18 governmental agencies in performance of their official  
19 duties; and

20 (viii) a person having written permission from the  
21 rail carrier to go in or be upon railroad property.

22 (c) Access by an authorized representative of rail  
23 carrier employees. In accordance with subdivision (b) (ii)  
24 of this subsection (1), the Commission may adopt, as  
25 necessary, policies, rules, or orders to ensure that an  
26 authorized representative of rail carrier employees has  
27 reasonable access to railroad property to perform  
28 inspections or investigations that are necessary to  
29 determine a rail carrier's compliance with applicable  
30 safety laws and regulations.

31 (2) Penalties.

32 (a) Any person found in violation of item (i), (ii),  
33 (iii) or (iv) of paragraph (a) of subsection (1) shall be  
34 guilty of a Class C misdemeanor for a first offense. In  
35 addition to such other sanctions as may be deemed  
36 appropriate by the court, the person shall be subject to a

1 mandatory fine of not less than \$150 or more than \$500, or  
2 to imprisonment for not less than 5 days nor more than 30  
3 days, or both. For each subsequent offense, the person  
4 shall be guilty of a Class A misdemeanor. In addition to  
5 such sanctions as may be deemed appropriate by the court,  
6 the person shall be subject to a mandatory fine of not less  
7 than \$500 nor more than \$1,000, or to imprisonment for not  
8 less than 10 days or more than one year, or both.

9 (b) Any person found in violation of item (v) of  
10 paragraph (a) of subsection (1) shall be guilty of an  
11 offense and in addition to such sanctions as may be deemed  
12 appropriate by the court shall be subject to a fine of not  
13 less than \$100 nor more than \$500, or community service of  
14 not less than 8 hours nor more than 50 hours, or both. If  
15 damage to any railroad property or bodily injury occurs to  
16 another as a result of a violation of item (v) of paragraph  
17 (a) of subsection (1), that person shall be charged with  
18 the offense of Malicious Removal of or Damage to Railroad  
19 Property or Freight pursuant to Section 18c-7502.

20 (c) Local authorities shall impose fines as  
21 established in paragraphs (a) and (b) of this subsection  
22 (2) for persons found in violation of this Section or any  
23 similar local ordinance.

24 (3) Definitions. For purposes of this Section:

25 "Authorized representative of rail carrier employees"  
26 means a person duly authorized by the labor organization  
27 certified to represent a class or craft of railroad employees  
28 under the applicable State or federal laws.

29 "Passenger" means a person who is traveling by train with  
30 lawful authority and who does not participate in the train's  
31 operation. The term "passenger" does not include stowaways.

32 "Railroad" means any form of nonhighway ground  
33 transportation that runs on rails or electromagnetic  
34 guideways, including:

35 (i) commuter or other short-haul railroad  
36 passenger service in a metropolitan or urban area; and

1           (ii) high-speed ground transportation systems that  
2           connect metropolitan areas; but does not include rapid  
3           transit operations in an urban area that are not  
4           connected to the general railroad system of  
5           transportation.

6           "Railroad carrier" means a person providing railroad  
7           transportation.

8           "Railroad property" means all tangible property owned,  
9           leased, or operated by a railroad carrier including a right of  
10          way, track, bridge, yard, shop, station, tunnel, viaduct,  
11          trestle, depot, warehouse, terminal, or any other structure,  
12          appurtenance, or equipment owned, leased, or used in the  
13          operation of any railroad carrier including trains,  
14          locomotives, engines, railroad cars, work equipment, rolling  
15          stock, or safety devices. "Railroad property" does not include  
16          a railroad carrier's administrative buildings or offices,  
17          office equipment, or intangible property such as software or  
18          other information.

19          "Right of way" means the track or roadbed owned, leased, or  
20          operated by a rail carrier which is located on either side of  
21          its tracks and which is readily recognizable to a reasonable  
22          person as being railroad property or is reasonably identified  
23          as such by fencing or appropriate signs.

24          "Yard" means a system of parallel tracks, crossovers, and  
25          switches where railroad cars are switched and made up into  
26          trains, and where railroad cars, locomotives, and other rolling  
27          stock is kept when not in use or when awaiting repair.

28          (Source: P.A. 90-655, eff. 7-30-98; 90-691, eff. 1-1-98;  
29          91-532, eff. 1-1-00.)