



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2489

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 Illinois Vehicle Code. Provides that the owner of a terminal is expressly authorized, within the terminal property, to construct and properly operate and maintain specified security measures to protect the terminal property. Effective immediately.

LRB094 18755 DRH 54137 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; terminal
8 security.

9 (1) Trespassing on railroad property prohibited.

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

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

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

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

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

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

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

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

31 (ii) railroad employees and an authorized
32 representative of rail carrier employees, while

1 performing required duties in accordance with
2 reasonable rail carrier company guidelines;

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

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

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

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

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

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

23 (2) Penalties.

24 (a) Any person found in violation of item (i), (ii),
25 (iii) or (iv) of paragraph (a) of subsection (1) shall be
26 guilty of a Class C misdemeanor for a first offense. In
27 addition to such other sanctions as may be deemed
28 appropriate by the court, the person shall be subject to a
29 mandatory fine of not less than \$150 or more than \$500, or
30 to imprisonment for not less than 5 days nor more than 30
31 days, or both. For each subsequent offense, the person
32 shall be guilty of a Class A misdemeanor. In addition to
33 such sanctions as may be deemed appropriate by the court,
34 the person shall be subject to a mandatory fine of not less
35 than \$500 nor more than \$1,000, or to imprisonment for not
36 less than 10 days or more than one year, or both.

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

12 (c) Local authorities shall impose fines as
13 established in paragraphs (a) and (b) of this subsection
14 (2) for persons found in violation of this Section or any
15 similar local ordinance.

16 (2.5) Terminal security. The owner of a terminal is
17 expressly authorized, within the terminal property, to
18 construct and operate berms, commercially constructed electric
19 fences, and monitoring equipment as security measures for
20 reducing the economic impact of theft, enhancing homeland
21 security, and improving the protection of the general public
22 welfare. The terminal owner shall properly operate and maintain
23 these security measures. The use of any of these security
24 measures is not a violation of this Sub-chapter.

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

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

29 "Railroad" means any form of nonhighway ground
30 transportation that runs on rails or electromagnetic
31 guideways, including:

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

34 (ii) high-speed ground transportation systems that
35 connect metropolitan areas; but does not include rapid
36 transit operations in an urban area that are not

1 connected to the general railroad system of
2 transportation.

3 "Railroad carrier" means a person providing railroad
4 transportation.

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

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

21 "Terminal" means a rail terminal facility, intermodal
22 facility, or other freight facility larger than 25 acres.

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

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

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.