



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5554

Introduced 01/27/06, by Rep. Jay C. Hoffman

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 a rail carrier may not restrict or hinder any inspection or investigation by an employee or an authorized representative of rail carrier employees that is necessary to determine compliance with applicable safety laws and regulations. Provides that the Illinois Commerce Commission shall require and enforce that an authorized representative of rail carrier employees has reasonable access to railroad property to perform any necessary inspection or investigation. Effective immediately.

LRB094 14884 DRH 49904 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; however, a
2 rail carrier may not restrict or hinder any inspection
3 or investigation by an employee or an authorized
4 representative of rail carrier employees that is
5 necessary to determine compliance with applicable
6 safety laws and regulations;

7 (iii) a person going upon the right of way or into
8 the rail yard to save human life or to remove an object
9 that a reasonable person would believe poses an
10 imminent threat to human life or limb;

11 (iv) a person being on the station grounds or in
12 the depot of the rail carrier for the purpose of
13 transacting business;

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

19 (vi) a person having written permission from the
20 rail carrier to go upon the right of way or into the
21 rail yard;

22 (vii) representatives of local, State, and federal
23 governmental agencies in performance of their official
24 duties; and

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

27 (c) Access by an authorized representative of rail
28 carrier employees. In accordance with subdivision (b) (ii)
29 of this subsection (1), the Commission shall require and
30 enforce that an authorized representative of rail carrier
31 employees has reasonable access to railroad property to
32 perform inspections or investigations that are necessary
33 to determine a rail carrier's compliance with applicable
34 safety laws and regulations.

35 (2) Penalties.

36 (a) Any person found in violation of item (i), (ii),

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

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

24 (c) Local authorities shall impose fines as
25 established in paragraphs (a) and (b) of this subsection
26 (2) for persons found in violation of this Section or any
27 similar local ordinance.

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

29 "Authorized representative of rail carrier employees"
30 means a person duly authorized by the labor organization
31 certified to represent a class or craft of railroad employees
32 under the applicable State or federal laws.

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

36 "Railroad" means any form of nonhighway ground

1 transportation that runs on rails or electromagnetic
2 guideways, including:

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

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

10 "Railroad carrier" means a person providing railroad
11 transportation.

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

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

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

32 (Source: P.A. 90-655, eff. 7-30-98; 90-691, eff. 1-1-98;
33 91-532, eff. 1-1-00.)

34 Section 99. Effective date. This Act takes effect upon
35 becoming law.