

A BILL

To amend [State Code], and for other purposes.

Be it enacted by [] legislature [State of] assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Trespass Prevention Act".

SEC. 2. PURPOSE.

The purpose of this Act is to prevent accidents and casualties to persons who unlawfully enter upon railroad property, and otherwise to enhance the safety of transportation by railroad.

SEC. 3. AMENDMENTS TO CRIMINAL TRESPASSING LAWS.

Section [] of Chapter [], [State General Laws], is amended [to read as follows:][by adding at the end thereof the following new section:]

“§[]. TRESPASSING ON RAILROAD PROPERTY.

“(a) **Trespassing on railroad property.** Whoever, without lawful authority or the railroad carrier’s consent, knowingly enters or remains upon railroad property, by an act including, but not limited to--

“(1) standing, sitting, resting, walking, jogging, running, driving, or operating a recreational or non-recreational vehicle including, but not limited to, a bicycle, motorcycle, snowmobile, car, or truck; or

“(2) engaging in recreational activity, including, but not limited to, bicycling, hiking, fishing, camping, cross-country skiing, or hunting--

except for the purpose of crossing such property at a public highway or other authorized crossing, shall be guilty of a misdemeanor. Upon conviction of such act, the person shall be fined not more than \$100, imprisoned for not more than 30 days, or both.

“(b) **Stowaways prohibited.** Whoever, without lawful authority or the railroad carrier’s consent, rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a box car, flatbed, or container, shall be guilty of a misdemeanor. Upon conviction of such act, the person shall be fined not more than \$1,000, imprisoned for not more than six months, or both.

“(c) **Persons with lawful authority to be on specified railroad property.**

Subsections (a) and (b) do not apply to--

“(1) Passengers on trains, or employees of a railroad carrier while engaged in the performance of their official duties;

“(2) Police officers, firefighters, peace officers, and emergency response personnel, while engaged in the performance of their official duties;

“(3) A person going upon railroad property in an emergency to rescue a person or animal such as livestock, pets, or wildlife from harm’s way, or to remove an object that the person reasonably believes to pose an imminent threat to life or limb;

“(4) A person on the station grounds or in the depot of the railroad carrier as a passenger, or for the purpose of transacting lawful business;

“(5) A person, or the person’s family or invitee, or the person’s employee or independent contractor going upon a railroad’s right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land [a farm] [a ranch] that the person owns, leases, or operates;

“(6) A person having written permission from the railroad carrier to go upon the railroad property in question;

“(7) Representatives of the [State Utility Department][Transportation Department] while engaged in the performance of their official duties;

“(8) Representatives of the Federal Railroad Administration while engaged in the performance of their official duties; or

“(9) Representatives of the National Transportation Safety Board while engaged in the performance of their official duties.

“(d) **Definitions.** For purposes of this section--

“(1) ‘passengers’ means persons who are traveling by train with lawful authority and who do not participate in the train’s operation. The term ‘passengers’ does not include stowaways.

“(2) ‘railroad’ means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways, including--

“(i) commuter or other short-haul railroad passenger service in a metropolitan or suburban area; and

“(ii) high-speed ground transportation systems that connect metropolitan areas--

but does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation;

“(3) ‘railroad carrier’ means a person providing railroad transportation;

“(4) ‘railroad property’ means all tangible property owned, leased, or operated by a railroad carrier including a right-of-way, track, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal, or any other structure, appurtenance, or equipment owned, leased, or used in the operation of any railroad carrier including a train, locomotive, engine, railroad car, work equipment, rolling stock, or safety device. ‘Railroad property’ does not include a railroad carrier’s administrative building or offices, office equipment, or intangible property such as computer software or other information;

“(5) ‘right-of-way’ means the track or roadbed owned, leased, or operated by a railroad carrier which is located on either side of its tracks and which is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing or appropriate signs; and

“(6) ‘yard’ means a system of parallel tracks, crossovers, and switches where railroad cars are switched and made up into trains, and where railroad cars, locomotives, and other rolling stock are kept when not in use or when awaiting repairs.”.