

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 70

H.P. 56

House of Representatives, January 7, 1999

An Act to Enact the Railroad Trespass Prevention Act.

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LINDAHL of Northport.
Cosponsored by Senator O'GARA of Cumberland.

2 Be it enacted by the People of the State of Maine as follows:

4 Sec. 1. 23 MRSA §5006 is enacted to read:

6 **§5006. Railroad Trespass Prevention Act**

8 1. Short title. This section may be known and cited as the "Railroad Trespass Prevention Act."

10 2. Definitions. As used in this section, unless the
12 context otherwise indicates, the following terms have the
14 following meanings.

16 A. "Passenger" means a person who is traveling by train
18 with lawful authority and who does not participate in the
20 train's operation. "Passenger" does not include a stowaway.

22 B. "Railroad" means a form of nonhighway ground
24 transportation that runs on rails or electromagnetic
26 guideways, including:

28 (1) A commuter or other shorthaul railroad passenger
30 service; and

32 (2) A high-speed ground transportation system.

34 "Railroad" does not include rapid transit operations that
36 are not connected to the general railroad system.

38 C. "Railroad carrier" means a person providing railroad
40 transportation.

42 D. "Railroad property" means all tangible property owned,
44 leased or operated by a railroad carrier, including a
46 right-of-way, track, bridge, yard, shop, station, tunnel,
48 viaduct, trestle, depot, warehouse, terminal or any other
50 structure, appurtenance or equipment owned, leased or used
in the operation of a 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
office, office equipment or intangible property such as
computer software or other information.

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

2 F. "Yard" means a system of parallel tracks, crossovers and
4 switches where railroad cars are switched and made up into
6 trains and where railroad cars, locomotives and other
 rolling stock are kept when not in use or when awaiting
 repairs.

8 3. Railroad property; trespassing. A person is guilty of
10 trespassing if that person, without the railroad carrier's
12 consent, except to cross the property at a public highway or
 other authorized crossing, knowingly enters on the railroad
 property by:

14 A. Standing, sitting, resting, walking, jogging, driving or
16 operating a recreational or nonrecreational vehicle,
 including, but not limited to, a bicycle, motorcycle,
 snowmobile, car or truck; or

18 B. Engaging in recreational activity, including, but not
20 limited to, bicycling, hiking, fishing, camping,
 cross-country skiing or hunting.

22 A person violating this subsection is subject to either a fine of
24 not more than \$100 or imprisonment for not more than 30 days or
 both.

26 4. Stowaway; prohibited. A person is guilty of being a
28 stowaway if that person, without the railroad carrier's consent,
30 rides on the outside of a train or inside a passenger car,
32 locomotive or freight car, including a box car, flatbed or
 container. A person violating this subsection is subject to
 either a fine of not more than \$1,000 or imprisonment of not more
 than 6 months or both.

34 5. Exemption. Subsections 3 and 4 do not apply to the
36 following persons:

38 A. A passenger on a train or an employee of a railroad
40 carrier engaged in the performance of official duties;

42 B. A police officer, a firefighter, or an emergency
44 response person engaged in the performance of official
 duties;

46 C. A person going upon railroad property to rescue a person
48 or an animal or to remove an object that the person
 reasonably believes to pose an imminent threat;

2 D. A person on the station grounds or in the depot of the
railroad carrier either as a passenger or for the purpose of
4 transacting lawful business;

6 E. A person, or the person's family or invitee or the
person's employee or independent contractor, going upon a
8 railroad's right-of-way for the purpose of crossing at a
private crossing site approved by the railroad carrier to
10 obtain access to land that the person owns, leases or works;

12 F. A person having written permission from the railroad
carrier to go upon railroad property;

14 G. A representative of a utility or the Department of
Transportation engaged in the performance of official duties;

16 H. A representative of the Federal Railroad Administration
18 engaged in the performance of official duties; or

20 I. A representative of the National Transportation Safety
Board engaged in the performance of official duties.

22
24 **SUMMARY**

26 This bill creates the Railroad Trespass Prevention Act. The
28 bill makes it illegal to trespass on railroad property without
the railroad's consent and imposes either a fine of not more than
30 \$100 or imprisonment of not more than 30 days for trespassing.
The bill also makes it illegal to be a stowaway and imposes a
32 fine of not more than \$1,000 or imprisonment of not more than 6
months for being a stowaway.