

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 363

S.P. 143

In Senate, February 12, 2013

An Act To Improve Safety on Railroad Rights-of-way

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator JOHNSON of Lincoln.
Cosponsored by Representative THERIAULT of Madawaska and
Senators: GERZOFSKY of Cumberland, MAZUREK of Knox.

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

2 **Sec. 1. 23 MRSA §7007**, as repealed and replaced by PL 2003, c. 452, Pt. L, §12
3 and affected by Pt. X, §2, is amended to read:

4 **§7007. Penalty for being on track or bridge or entering track with team or vehicle**

5 **1. Walking or standing on or crossing track, bridge or railroad right-of-way.** A
6 person may not, without right, stand ~~on~~, walk ~~on~~ or ride in a railroad ~~track or railroad~~
7 ~~bridge right-of-way~~ or pass over a railroad bridge except by railroad conveyance or cross
8 a railroad track at a location other than at a designated crossing for that purpose. A
9 person may not cross a track when a train is approaching and sounding its bell or horn or
10 displaying warning lights.

11 **2. Entering track or right-of-way.** A person may not, without right, enter upon a
12 railroad track or right-of-way with a team or a vehicle however propelled or drive any
13 team or propel a vehicle upon a railroad track.

14 **3. Penalties.** The following penalties apply to violations of this section.

15 A. A person who violates subsection 1 commits a civil violation for which a fine of
16 not less than ~~\$5~~ \$100 and not more than ~~\$100~~ \$500 may be adjudged.

17 B. A person who violates subsection 1 after having previously violated subsection 1
18 commits a ~~civil violation for which a fine of not less than \$100 and not more than~~
19 ~~\$500 may be adjudged~~ Class E crime.

20 ~~C. A person who violates subsection 1 after having previously violated subsection 1~~
21 ~~2 or more times commits a civil violation for which a fine of not less than \$500 and~~
22 ~~not more than \$1000 may be adjudged.~~

23 D. A person who violates subsection 2 commits a Class E crime and is liable to the
24 owner of the track for any damages to the track or its substructure and for removal of
25 any vehicle from the right-of-way. Violation of subsection 2 is a strict liability crime
26 as defined in Title 17-A, section 34, subsection 4-A.

27 E. A person whose violation of subsection 2 results in a collision of a vehicle with a
28 train or other railroad equipment commits a Class D crime and is liable for any
29 injuries or damages resulting from the collision.

30 **SUMMARY**

31 This bill expands the prohibition on being on or crossing a railroad track or bridge by
32 including railroad rights-of-way and persons crossing at other than designated crossing
33 locations. This bill also increases the civil penalty and clarifies liability for a person
34 being on or crossing a railroad track or right-of-way and makes repeat violations and
35 colliding with a train or railroad equipment crimes.