

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2917 Session of  
2002

INTRODUCED BY MAHER, GEIST, BENNINGHOFF, BROWNE, CAPPELLI,  
COSTA, HERMAN, HUTCHINSON, NICKOL, TIGUE, WANSACZ, WILT AND  
YUDICHAK, OCTOBER 15, 2002

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 15, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, defining the offense of trespassing on  
3 railroad property; and providing for penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 3504. Trespassing on railroad property.

9 (a) Trespassing on railroad property.--

10 (1) A person commits an offense if, without lawful  
11 authority or the railroad carrier's consent, he enters or  
12 remains upon property that he knows or reasonably should have  
13 known to be railroad property, including the railroad right-  
14 of-way or yard, by an act including, but not limited to:

15 (i) Standing, sitting, resting, walking, jogging,  
16 running, driving or operating a recreational or  
17 nonrecreational vehicle, including, but not limited to, a  
18 bicycle, motorcycle, snowmobile, all-terrain vehicle, car

1       or truck.

2           (ii) Engaging in recreational activity, including,  
3       but not limited to, bicycling, hiking, fishing, camping,  
4       cross-country skiing or hunting, except for the purpose  
5       of crossing such property at a public highway or other  
6       authorized crossing.

7       (2) An offense under this subsection constitutes a  
8       misdemeanor of the third degree if the offender damages the  
9       premises. Otherwise it is a summary offense.

10      (b) Stowaways prohibited.--

11           (1) A person commits an offense if, without lawful  
12       authority or the railroad carrier's consent, he rides on the  
13       outside of a train or inside a passenger car, locomotive or  
14       freight car, including a box car, flatbed or container.

15           (2) An offense under this subsection constitutes a  
16       misdemeanor of the third degree.

17      (c) Persons with lawful authority to be on specified  
18      railroad property.--Subsections (a) and (b) do not apply to:

19           (1) Passengers on trains or employees of a railroad  
20       carrier while engaged in the performance of their official  
21       duties.

22           (2) Police officers, firefighters, peace officers and  
23       emergency response personnel while engaged in the performance  
24       of their official duties.

25           (3) A person going upon railroad property in an  
26       emergency to rescue a person or animal, such as livestock,  
27       pets or wildlife, in imminent danger of death or serious  
28       physical injury or to remove an object that the person  
29       reasonably believes to pose an imminent danger of death or  
30       serious physical injury.

1       (4) A person on the station grounds or in the depot of  
2       the railroad carrier as a passenger or for the purpose of  
3       transacting lawful business.

4       (5) A person or the person's family, invitee, employee  
5       or independent contractor going upon a railroad's right-of-  
6       way for the purpose of crossing at a private crossing site  
7       approved by the railroad carrier to obtain access to land  
8       that the person owns, leases or operates.

9       (6) A person having written permission from the railroad  
10      carrier to go upon the railroad property in question.

11      (7) Representatives of the Department of Transportation  
12      and the Pennsylvania Public Utility Commission while engaged  
13      in the performance of their official duties.

14      (8) Representatives of the Federal Railroad  
15      Administration while engaged in the performance of their  
16      official duties.

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

20      (d) Definitions.--As used in this section, the following  
21      words and phrases shall have the meanings given to them in this  
22      subsection:

23      "Passengers." Persons who are traveling by train with lawful  
24      authority and who do not participate in the train's operation.  
25      The term does not include stowaways.

26      "Railroad." Any form of nonhighway ground transportation  
27      that runs on rails or electromagnetic guideways, including, but  
28      not limited to:

29      (1) Commuter or other short-haul railroad passenger  
30      service in a metropolitan or suburban area.

1       (2) High-speed ground transportation systems that  
2       connect metropolitan areas, but not rapid transit operations  
3       in an urban area that are not connected to the general  
4       railroad system of transportation.

5       "Railroad carrier." A person providing railroad  
6       transportation.

7       "Railroad carrier's consent." Written or other affirmative  
8       communication of permission to be on railroad property. Consent  
9       shall not be implied.

10       "Railroad property." All tangible property owned, leased or  
11       operated by a railroad carrier, including a right-of-way, track,  
12       bridge, yard, shop, station, tunnel, viaduct, trestle, depot,  
13       warehouse, terminal or any other structure, appurtenance or  
14       equipment owned, leased or used in the operation of any railroad  
15       carrier including a train, locomotive, engine, railroad car,  
16       work equipment, rolling stock or safety device. The term does  
17       not include a railroad carrier's administrative building or  
18       offices, office equipment or intangible property such as  
19       computer software or other information.

20       "Right-of-way." The track or roadbed owned, leased or  
21       operated by a railroad carrier which is located on either side  
22       of its tracks and which is readily recognizable to a reasonable  
23       person as being railroad property or is reasonably identified as  
24       such by fencing or appropriate signs.

25       "Yard." A system of parallel tracks, crossovers and switches  
26       where railroad cars are switched and made up into trains and  
27       where railroad cars, locomotives and other rolling stock are  
28       kept when not in use or when awaiting repairs.

29       Section 2. This act shall take effect in 60 days.