

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1117 Session of  
2003

INTRODUCED BY MAHER, GEIST, BENNINGHOFF, BUNT, CAPPELLI, CIVERA,  
COY, HARHAI, HERMAN, HORSEY, LAUGHLIN, McCALL, MELIO,  
S. MILLER, PAYNE, SATHER, STERN, WASHINGTON, WATSON, WILT AND  
YOUNGBLOOD, APRIL 9, 2003

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
JUNE 22, 2004

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~~ PROVIDING FOR RAILROAD <—  
4 PROTECTION, RAILROAD VANDALISM AND INTERFERENCE WITH  
5 TRANSPORTATION FACILITIES AND for penalties.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

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

10 § 3504. Railroad protection, railroad vandalism and  
11 interference with transportation facilities.  
12 (a) Damage to railroad or delay of railroad operations.--  
13 (1) A person commits an offense if, without lawful  
14 authority or the railroad carrier's consent, he causes damage  
15 to property that he knows or reasonably should have known to  
16 be railroad property, including the railroad right-of-way or  
17 yard, or causes a delay in railroad operations, by an act

1 including, but not limited to:

2 (i) Knowingly, purposefully or recklessly  
3 disrupting, delaying or preventing the operation of any  
4 train, jitney, trolley or any other facility of  
5 transportation.

6 (ii) Driving or operating a recreational vehicle or  
7 nonrecreational vehicle, including, but not limited to, a  
8 bicycle, motorcycle, snowmobile, all-terrain vehicle, car  
9 or truck.

10 (iii) Knowingly, purposefully or recklessly damaging  
11 railroad property, railroad infrastructure or railroad  
12 equipment or using railroad property to access adjoining  
13 property to commit acts of vandalism, theft or other  
14 criminal acts.

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

17 (b) Stowaways prohibited.--

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

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

24 (c) Limitation on liability.--

25 (1) A railroad carrier owes no duty of care to keep its  
26 railroad property safe for entry or use by any person who  
27 enters upon any railroad property or railroad right-of-way or  
28 to give any warning to such person entering or going on that  
29 railroad property of a dangerous condition, use or activity  
30 thereon.

1       (2) Except as set forth in paragraph (3), a railroad  
2       carrier shall not:

3           (i) Be presumed to extend any assurance to a person  
4           entering or going on railroad property without the  
5           railroad carrier's consent that the railroad property is  
6           safe for any purpose.

7           (ii) Incur any duty of care toward a person entering  
8           or going on railroad property without the railroad  
9           carrier's consent.

10          (iii) Become liable for any injury to a person  
11          entering or going on railroad property without the  
12          railroad carrier's consent caused by an act or omission  
13          of such person.

14          (3) Nothing in this subsection limits in any way any  
15          liability which otherwise exists for willful or malicious  
16          failure to guard or warn against a dangerous condition, use  
17          or activity.

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

21          "Railroad." Any form of nonhighway ground transportation  
22          that runs on rails or electromagnetic guideways, including, but  
23          not limited to:

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

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

30          "Railroad carrier." A person, including, but not limited to,

1 an owner or operator, providing railroad transportation.

2 "Railroad carrier's consent." Written or other affirmative  
3 communication of permission to be on railroad property. Consent  
4 shall not be implied.

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

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

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

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