

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 581 Session of
2003

INTRODUCED BY MADIGAN, STOUT, COSTA, MUSTO, KASUNIC, LOGAN,
LEMMOND, MOWERY, WONDERLING, CORMAN, ERICKSON, TARTAGLIONE,
WOZNIAK, O'PAKE, D. WHITE, PILEGGI, BOSCOLA AND RHOADES,
APRIL 7, 2003

REFERRED TO TRANSPORTATION, APRIL 7, 2003

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

bicycle, motorcycle, snowmobile, all-terrain vehicle, car or truck.

(ii) 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.

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

(b) Stowaways prohibited.--

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

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

(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, in imminent danger of death or serious physical injury or to remove an object that the person reasonably believes to pose an imminent danger of death or

1 serious physical injury.

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

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

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

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

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

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

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

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

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

30 (1) Commuter or other short-haul railroad passenger

1 service in a metropolitan or suburban area.

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

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

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

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

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

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

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