

By: Representatives Hamilton, Baker,
Barbour, Barnett (116th), Barnett (92nd),
Cameron, Creel, Davis, Dedeaux, Eakes,
Ellzey, Franks, Hudson, Maples, Mayo, Miles,
Moore (100th), Nettles, Pierce, Read,
Rotenberry, Shows, Smith (59th), Stringer, Taylor, Ward, Woods

To: Transportation

HOUSE BILL NO. 1313

1 AN ACT TO PRESCRIBE CERTAIN CONDUCT RELATING TO RAILROAD
2 LINES AND RAILROAD PROPERTY AS UNLAWFUL; TO PROVIDE PENALTIES FOR
3 SUCH VIOLATIONS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. (1) For purposes of this section, the term
6 "right-of-way" means track, roadbed and adjacent property which
7 would be readily recognizable to a reasonable person as railroad
8 property.

9 (2) It is unlawful for any person to commit the following
10 acts without first having obtained written permission from the
11 owner or operator of the involved railroad line:

12 (a) To trespass or otherwise be upon or along the
13 right-of-way or yard of a railroad company other than to pass over
14 the right-of-way or yard within a public or private crossing;

15 (b) To attempt to board or disembark from a moving
16 freight train;

17 (c) To damage or deface, or attempt to damage or
18 deface, railroad track, signals, switches, buildings, structures,
19 bridges, rights-of-way, wire lines, motive power, rolling stock or
20 other property;

21 (d) To dump or cause to be dumped upon railroad
22 right-of-way any waste paper, ashes, sweepings, household wastes,
23 glass, metal, tires, mattresses or other furniture, dangerous
24 substances or any other refuse or rubbish of any kind.

25 (3) Subsection (2) of this section shall not apply to any of
26 the following:

27 (a) Railroad passengers who are using those parts of
28 railroad property designated for passenger usage;

29 (b) Railroad employees engaged in the performance of
30 their duties;

31 (c) A person going upon the right-of-way or tracks in
32 an effort to save a human being, a farm animal or a domestic pet;

33 (d) An authorized representative of the railroad
34 employees;

35 (e) Public officials, such as representatives of the
36 Mississippi Department of Transportation, the Surface
37 Transportation Board, the Federal Railroad Administration and the
38 National Transportation Safety Board, who are engaged in the
39 performance of official duties; and

40 (f) Representatives of utilities or other agencies with
41 easements across or along the railroad.

42 (4) The provisions of this section shall not apply to any
43 railroad right-of-way which has been legally abandoned and which
44 is not being used for railroad purposes.

45 (5) Any person who engages in conduct prohibited by this
46 section assumes the risk of loss, injury or death resulting from
47 or arising out of the prohibited course of conduct engaged in by
48 the perpetrator or an accomplice, and the company owning or
49 operating the involved railroad line, and all officers and
50 employees of such company, shall be immune from and not liable for
51 any civil damages which result from the acts or omissions of the
52 perpetrator or an accomplice.

53 SECTION 2. (1) (a) Any person who violates subsection
54 (1)(a) of Section 1 of this act shall be guilty of a misdemeanor
55 and, upon conviction, shall be punished by imprisonment for not
56 more than twenty-four (24) hours, or by a fine of Twenty-five
57 Dollars (\$25.00), or by both such fine and imprisonment.

58 (b) Any person who violates subsection (b), (c) or (d)
59 of Section 1 of this act shall be guilty of a misdemeanor and,

60 upon conviction, shall be punished by imprisonment for not more
61 than thirty (30) days, or by a fine of not less than Fifty Dollars
62 (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00), or by
63 both such fine and imprisonment. In addition, such person shall
64 be ordered by the court to make restitution to the owners or
65 operators of the railroad line or property in an amount determined
66 by the court to compensate for all costs related to cleanup.

67 SECTION 3. The penalties and relief provided for in this act
68 shall be in addition to all other fines, penalties and punishment
69 as may be prescribed by law for trespass, vandalism or illegal
70 dumping.

71 SECTION 4. This act shall take effect and be in force from
72 and after July 1, 2001.