

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

COMMITTEE SUBSTITUTE
FOR
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:

10 (a) To board or disembark, or attempt to board or
11 disembark, a moving freight train;

12 (b) To damage or deface, or attempt to damage or
13 deface, railroad track, signals, switches, buildings, structures,
14 bridges, rights-of-way, wire lines, motive power, rolling stock or
15 other property; or

16 (c) To dump or cause to be dumped upon railroad
17 right-of-way any waste paper, ashes, sweepings, household wastes,
18 glass, metal, tires, mattresses, furniture, dangerous substances
19 or any other refuse or rubbish of any kind.

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

22 (a) Any person who first obtains written permission
23 from the owner or operator of the railroad line before engaging in
24 the conduct described in subsection (2) of this section;

25 (b) Railroad passengers who are using those parts of
26 railroad property designated for passenger usage;

27 (c) Railroad employees engaged in the performance of
28 their duties;

29 (d) An authorized representative of the railroad
30 employees; and

31 (e) Public officials, such as representatives of the
32 Mississippi Department of Transportation, the Surface
33 Transportation Board, the Federal Railroad Administration and the
34 National Transportation Safety Board, who are engaged in the
35 performance of official duties.

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

39 SECTION 2. Any person who violates Section 1 of this act
40 shall be guilty of a misdemeanor and, upon conviction, shall be
41 punished by imprisonment for not more than thirty (30) days, or by
42 a fine of not less than Fifty Dollars (\$50.00) nor more than Two
43 Hundred Fifty Dollars (\$250.00), or by both such fine and
44 imprisonment. In addition, any person who is convicted for a
45 violation of subsection (2)(b) or subsection (2)(c) of Section 1
46 of this act shall be ordered by the court to make restitution to
47 the owners or operators of the railroad line or property in an
48 amount determined by the court to compensate for all damages
49 caused by such person and all costs related to cleanup
50 necessitated as a result of such person's unlawful conduct.

51 SECTION 3. The penalties and relief provided for in this act
52 shall be in addition to all other fines, penalties and punishment
53 as otherwise may be prescribed by law for such unlawful conduct.

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