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

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

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

(2) It is unlawful for any person:

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

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

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

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

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

(b) Railroad passengers who are using those parts of railroad property designated for passenger usage;
(c) Railroad employees engaged in the performance of their duties;
(d) An authorized representative of the railroad employees; and
(e) Public officials, such as representatives of the Mississippi Department of Transportation, the Surface Transportation Board, the Federal Railroad Administration and the National Transportation Safety Board, who are engaged in the performance of official duties.

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

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

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

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