

By: Senator(s) Dearing

To: Highways and
Transportation; Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3029

1 AN ACT TO MAKE UNLAWFUL CERTAIN ACTS COMMITTED ON A RAILROAD
2 RIGHT-OF-WAY AND TO PROVIDE PENALTIES THEREFOR; AND FOR RELATED
3 PURPOSES.

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

5 SECTION 1. (1) Except as otherwise provided in subsection
6 (2) of this section, it shall be unlawful for any person to do any
7 of the following acts without first having obtained written
8 permission from the owner or operator of the railroad line:

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

12 (b) To attempt to board or disembark from a moving
13 freight train;

14 (c) To damage or deface, or attempt to damage or
15 deface, railroad track, signals, switches, buildings, structures,
16 bridges, right-of-way, wire lines, motive power, rolling stock or
17 other property; or

18 (d) To dump, or cause to be dumped, upon railroad
19 right-of-way any paper, ashes, sweepings, household wastes, glass,
20 metal, tires, mattresses or other furniture, dangerous substances
21 or any other refuse or substance of any kind.

22 (2) Subsection (1) of this section shall not apply to:

23 (a) Railroad passengers who are utilizing those parts
24 of railroad property designated for passenger usage;

25 (b) Railroad employees engaged in the performance of
26 their duties;



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

29 (d) An authorized representative of railroad employees;

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

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

37 (3) Any person who violates the provisions of subsection
38 (1)(a) of this section shall be guilty of a misdemeanor and, upon
39 conviction thereof, be punished by imprisonment for not more than
40 twenty-four (24) hours or by a fine of Twenty-five Dollars
41 (\$25.00), or both.

42 (4) Any person who violates the provisions of subsection
43 (1)(b), (c) or (d) of this section shall be guilty of a
44 misdemeanor and, upon conviction thereof, be punished by
45 imprisonment for not more than thirty (30) days or by a fine of
46 not less than Fifty Dollars (\$50.00) but not more than Two Hundred
47 Fifty Dollars (\$250.00), or both, and may be required to pay any
48 clean-up costs.

49 (5) The penalties provided for in this section shall be in
50 addition to any other penalties provided by law for the same or
51 similar acts.

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

55 (7) As used in this section the term "right-of-way" means
56 track, roadbed and adjacent property which would be readily
57 recognizable to a reasonable person as railroad property.

58 SECTION 2. This act shall take effect and be in force from
59 and after July 1, 2001.

