

By: Senator(s) Dearing

To: Highways and
Transportation; Judiciary

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; TO PROVIDE THAT
3 ANY PERSON WHO ENGAGES IN SUCH PROHIBITED ACTS ASSUMES THE RISK OF
4 ANY LOSS OR INJURY THAT MAY RESULT THEREFROM; TO PROVIDE THAT THE
5 RAILROAD COMPANY AND ITS EMPLOYEES SHALL BE IMMUNE FROM ANY SUIT
6 OR DAMAGES WHICH RESULT FROM SUCH ACTS; AND FOR RELATED PURPOSES.

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

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

12 (a) To trespass or otherwise be upon or along the
13 right-of-way or yard or 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, right-of-way, wire lines, motive power, rolling stock or
20 other property; or

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

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

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

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

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

32 (d) An authorized representative of railroad employees;

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

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

40 (3) Any person who engages in conduct made unlawful by this
41 section assumes the risk of loss, injury or death resulting from
42 or arising out of the course of conduct engaged in and the company
43 owning or operating the railroad, and all officers and employees
44 of such company, shall be immune for suit and not liable for any
45 civil damages which result from such acts.

46 (4) Any person who violates the provisions of subsection
47 (1)(a) of this section shall be guilty of a misdemeanor and, upon
48 conviction thereof, be punished by imprisonment for not more than
49 twenty-four (24) hours or by a fine of Twenty-five Dollars
50 (\$25.00), or both.

51 (5) Any person who violates the provisions of subsection
52 (1)(b), (c) or (d) of this section shall be guilty of a
53 misdemeanor and, upon conviction thereof, be punished by
54 imprisonment for not more than thirty (30) days or by a fine of
55 not less than Fifty Dollars (\$50.00) but not more than Two Hundred
56 Fifty Dollars (\$250.00), or both, and may be required to pay any
57 clean-up costs.

58 (6) The penalties provided for in this section shall be in
59 addition to any other penalties provided by law for the same or
60 similar acts.

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

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

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