SENATE BILL NO. 3029
(As Sent to Governor)

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

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

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

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

(b) To damage or deface, or attempt to damage or
deface, railroad track, signals, switches, buildings, structures,
bridges, right-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 paper, ashes, sweepings, household wastes, glass,
metal, tires, mattresses, furniture, dangerous substances or any
other refuse or substance of any kind.

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

(a) Railroad employees engaged in the performance of
their duties; or

(b) Representatives of utilities or other agencies with
easements across or along the railroad in the performance of their
duties.

(3) Any person who violates the provisions of this section
shall be guilty of a misdemeanor and, upon conviction thereof, be
punished by imprisonment for not more than thirty (30) days or by
a fine of not less than Fifty Dollars ($50.00) but not more than Two Hundred Fifty Dollars ($250.00), or both, and may be required to pay any clean-up costs. In addition, any person who is convicted for a violation of subsection (1)(b) or subsection (1)(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.

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

(5) As used in 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.

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