

By: Senator(s) Dearing

To: Highways and
Transportation; Judiciary

SENATE BILL NO. 3029
(As Sent to Governor)

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 attempt to board or disembark from a moving
10 freight train;

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

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

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

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

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

25 (3) Any person who violates the provisions of this section
26 shall be guilty of a misdemeanor and, upon conviction thereof, be
27 punished by imprisonment for not more than thirty (30) days or by

28 a fine of not less than Fifty Dollars (\$50.00) but not more than
29 Two Hundred Fifty Dollars (\$250.00), or both, and may be required
30 to pay any clean-up costs. In addition, any person who is
31 convicted for a violation of subsection (1)(b) or subsection
32 (1)(c) of Section 1 of this act shall be ordered by the court to
33 make restitution to the owners or operators of the railroad line
34 or property in an amount determined by the court to compensate for
35 all damages caused by such person and all costs related to cleanup
36 necessitated as a result of such person's unlawful conduct.

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

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

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