

By: **Senator Miller**

Introduced and read first time: February 1, 2002

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2002

CHAPTER 335

1 AN ACT concerning

2 **Crimes - Railroad Trespass**

3 FOR the purpose of repealing a prohibition against a person being in or on a certain
4 railroad vehicle under certain circumstances; repealing a certain penalty;
5 prohibiting entering or remaining on railroad property except under certain
6 circumstances; prohibiting riding on certain railroad ~~equipment~~ vehicles
7 without consent or other lawful authorization; establishing criminal penalties
8 for violations of this Act; providing certain exceptions; defining certain terms;
9 and generally relating to railroad trespass.

10 BY repealing and reenacting, without amendments,
11 Article - Criminal Law
12 Section 6-501 to be under the new part "Part I. In General"
13 Annotated Code of Maryland
14 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
15 2002)

16 ~~BY adding to~~
17 ~~Article - Criminal Law~~
18 ~~Section 6-509 through 6-513 to be under the new part "Part II. Railroad~~
19 ~~Trespass Prevention"~~
20 ~~Annotated Code of Maryland~~
21 ~~(As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of~~
22 ~~2002)~~

23 BY repealing and reenacting, with amendments,
24 Article - Criminal Law

1 Section 6-503
 2 Annotated Code of Maryland
 3 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
 4 2002)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article - Criminal Law**

8 PART I. IN GENERAL.

9 6-501.

10 In this subtitle, "railroad vehicle" includes a car, carriage, engine, locomotive, or
 11 tender.

12 ~~6-507. Reserved.~~

13 ~~6-508. Reserved.~~

14 ~~PART II. RAILROAD TRESPASS PREVENTION.~~

15 ~~6-509.~~

16 ~~6-503.~~

17 (a) Except as authorized by law or the rules of the railroad company, a person
 18 may not be in or on a railroad vehicle on a railroad track in the State.

19 (b) A person who violates this section is guilty of a misdemeanor and on
 20 conviction is subject to imprisonment not exceeding 1 month or a fine not exceeding
 21 \$25 or both.]

22 (A) (1) IN THIS PART SECTION, THE FOLLOWING WORDS HAVE THE
 23 MEANINGS INDICATED.

24 ~~(B)~~ (2) ~~(1)~~ "PASSENGER" MEANS AN INDIVIDUAL WHO IS TRAVELING BY
 25 ~~TRAIN~~ RAILROAD VEHICLE WITH LAWFUL AUTHORIZATION AND WHO DOES NOT
 26 PARTICIPATE IN THE OPERATION OF THE ~~TRAIN~~ RAILROAD VEHICLE.

27 ~~(2)~~ (II) "PASSENGER" DOES NOT INCLUDE A STOWAWAY.

28 ~~(3)~~ (3) ~~(1)~~ "RAILROAD" MEANS A FORM OF GROUND TRANSPORTATION
 29 THAT RUNS ON RAILS OR ELECTROMAGNETIC GUIDE WAYS.

30 ~~(2)~~ (II) "RAILROAD" INCLUDES:

31 ~~(1)~~ 1. A COMMUTER OR OTHER SHORT-HAUL RAILROAD
 32 PASSENGER SERVICE IN A METROPOLITAN OR SUBURBAN AREA; AND

1 ~~(H)~~ 2. A HIGH-SPEED GROUND TRANSPORTATION SYSTEM THAT
2 CONNECTS METROPOLITAN AREAS.

3 ~~(E)~~ (III) "RAILROAD" DOES NOT INCLUDE:

4 ~~(H)~~ 1. HIGHWAY GROUND TRANSPORTATION; OR

5 ~~(H)~~ 2. A RAPID TRANSIT OPERATION IN A METROPOLITAN AREA
6 THAT DOES NOT CONNECT TO THE GENERAL RAILROAD TRANSPORTATION SYSTEM.

7 ~~(D)~~ (4) "RAILROAD CARRIER" MEANS A PERSON WHO PROVIDES RAILROAD
8 TRANSPORTATION.

9 ~~(E)~~ (5) "RAILROAD PROPERTY" MEANS THE MATERIAL, EQUIPMENT, AND
10 PROPERTY USED ON OR IN CONNECTION WITH A RAILROAD, ~~ITS~~ RIGHT-OF-WAY, OR
11 ~~ITS~~ YARD.

12 ~~(F)~~ (6) "RIGHT-OF-WAY" MEANS THE TRACK OR ROADBED THAT IS:

13 ~~(H)~~ (I) OWNED, LEASED, OR OPERATED BY A RAILROAD CARRIER;

14 ~~(E)~~ (II) LOCATED ON EITHER SIDE OF THE TRACKS OF THE RAILROAD
15 CARRIER; AND

16 ~~(E)~~ (III) ~~(H)~~1. READILY RECOGNIZABLE TO A REASONABLE PERSON AS
17 RAILROAD PROPERTY; OR

18 ~~(H)~~ 2. REASONABLY IDENTIFIED AS RAILROAD PROPERTY BY
19 FENCING OR APPROPRIATE SIGNS.

20 ~~(G)~~ (7) "YARD" MEANS A SYSTEM OF PARALLEL TRACKS, CROSSOVERS, AND
21 SWITCHES WHERE RAILROAD ~~CARS ARE SWITCHED AND MADE UP INTO TRAINS~~
22 VEHICLES ARE SWITCHED OR CONNECTED, AND WHERE RAILROAD ~~CARS,~~
23 ~~LOCOMOTIVES, VEHICLES~~ AND OTHER ROLLING STOCK ARE KEPT WHEN NOT IN USE
24 OR WHEN AWAITING REPAIR.

25 ~~5-910.~~

26 (B) THIS ~~PART~~ SECTION DOES NOT APPLY TO:

27 (1) A PASSENGER ON A ~~TRAIN~~ RAILROAD VEHICLE;

28 (2) AN INDIVIDUAL WHO ENTERS RAILROAD PROPERTY IN AN
29 EMERGENCY TO:

30 (I) RESCUE FROM HARM ANOTHER INDIVIDUAL OR AN ANIMAL,
31 INCLUDING LIVESTOCK, A PET, OR WILDLIFE; OR

32 (II) REMOVE AN OBJECT THAT THE INDIVIDUAL REASONABLY
33 BELIEVES TO POSE AN IMMINENT THREAT TO LIFE OR LIMB;

1 (3) AN INDIVIDUAL ON THE STATION GROUNDS OR IN THE DEPOT OF A
2 RAILROAD CARRIER AS A PASSENGER OR TO TRANSACT LAWFUL BUSINESS;

3 (4) A PERSON, A FAMILY MEMBER OR INVITEE OF A PERSON, OR AN
4 EMPLOYEE OR INDEPENDENT CONTRACTOR OF A PERSON WHO ENTERS A RAILROAD
5 RIGHT-OF-WAY TO OBTAIN ACCESS TO LAND THAT THE PERSON OWNS, LEASES, OR
6 OPERATES AT A PRIVATE CROSSING APPROVED BY THE RAILROAD CARRIER;

7 (5) A PERSON HAVING PERMISSION OF THE RAILROAD CARRIER TO
8 ENTER THE RAILROAD PROPERTY;

9 (6) A LAW ENFORCEMENT OFFICER, FIREFIGHTER, OR EMERGENCY
10 RESPONSE PERSONNEL WHILE PERFORMING OFFICIAL DUTIES;

11 (7) A REPRESENTATIVE OF THE MARYLAND DEPARTMENT OF
12 TRANSPORTATION OR THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION
13 WHILE PERFORMING OFFICIAL DUTIES; OR

14 (8) A REPRESENTATIVE OF THE FEDERAL RAILROAD ADMINISTRATION
15 OR THE NATIONAL TRANSPORTATION SAFETY BOARD WHILE PERFORMING OFFICIAL
16 DUTIES.

17 ~~5-911.~~

18 ~~(A)~~ (C) (1) WITHOUT THE CONSENT OF THE RAILROAD CARRIER OR OTHER
19 LAWFUL AUTHORIZATION, A PERSON MAY NOT RIDE ON THE OUTSIDE ~~OF A TRAIN,~~
20 ~~OR ON THE INSIDE OF A PASSENGER CAR, LOCOMOTIVE, OR FREIGHT CAR,~~
21 ~~INCLUDING A BOXCAR, FLATBED, OR INSIDE OF A RAILROAD VEHICLE, INCLUDING A~~
22 FLATBED OR CONTAINER.

23 ~~(B)~~ (2) A PERSON WHO VIOLATES THIS ~~SECTION~~ SUBSECTION IS GUILTY OF
24 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
25 EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

26 ~~5-912.~~

27 ~~(A)~~ (D) (1) WITHOUT THE CONSENT OF THE RAILROAD CARRIER OR OTHER
28 LAWFUL AUTHORIZATION, AND EXCEPT TO CROSS THE PROPERTY AT A PUBLIC
29 HIGHWAY OR OTHER AUTHORIZED CROSSING, A PERSON MAY NOT KNOWINGLY
30 ENTER OR REMAIN ON RAILROAD PROPERTY.

31 ~~(B)~~ (2) A PERSON WHO VIOLATES THIS ~~SECTION~~ SUBSECTION IS GUILTY OF
32 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
33 EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.

34 ~~5-913.~~

35 ~~THIS PART MAY BE CITED AS THE "RAILROAD TRESPASS PREVENTION ACT".~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2002.