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By: **Senator Miller**

Introduced and read first time: February 1, 2002

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Railroad Trespass**

3 FOR the purpose of prohibiting entering or remaining on railroad property except  
4 under certain circumstances; prohibiting riding on certain railroad equipment  
5 without consent or other lawful authorization; establishing criminal penalties  
6 for violations of this Act; providing certain exceptions; defining certain terms;  
7 and generally relating to railroad trespass.

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

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

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

23 **Article - Criminal Law**

24 **PART I. IN GENERAL.**

25 6-501.

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

1 6-507. Reserved.

2 6-508. Reserved.

3

PART II. RAILROAD TRESPASS PREVENTION.

4 6-509.

5 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

6 (B) (1) "PASSENGER" MEANS AN INDIVIDUAL WHO IS TRAVELING BY TRAIN  
7 WITH LAWFUL AUTHORIZATION AND WHO DOES NOT PARTICIPATE IN THE  
8 OPERATION OF THE TRAIN.

9 (2) "PASSENGER" DOES NOT INCLUDE A STOWAWAY.

10 (C) (1) "RAILROAD" MEANS A FORM OF GROUND TRANSPORTATION THAT  
11 RUNS ON RAILS OR ELECTROMAGNETIC GUIDEWAYS.

12 (2) "RAILROAD" INCLUDES:

13 (I) A COMMUTER OR OTHER SHORT-HAUL RAILROAD PASSENGER  
14 SERVICE IN A METROPOLITAN OR SUBURBAN AREA; AND

15 (II) A HIGH-SPEED GROUND TRANSPORTATION SYSTEM THAT  
16 CONNECTS METROPOLITAN AREAS.

17 (3) "RAILROAD" DOES NOT INCLUDE:

18 (I) HIGHWAY GROUND TRANSPORTATION; OR

19 (II) A RAPID TRANSIT OPERATION IN A METROPOLITAN AREA THAT  
20 DOES NOT CONNECT TO THE GENERAL RAILROAD TRANSPORTATION SYSTEM.

21 (D) "RAILROAD CARRIER" MEANS A PERSON WHO PROVIDES RAILROAD  
22 TRANSPORTATION.

23 (E) "RAILROAD PROPERTY" MEANS THE MATERIAL, EQUIPMENT, AND  
24 PROPERTY USED ON OR IN CONNECTION WITH A RAILROAD, ITS RIGHT-OF-WAY, OR  
25 ITS YARD.

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

27 (1) OWNED, LEASED, OR OPERATED BY A RAILROAD CARRIER;

28 (2) LOCATED ON EITHER SIDE OF THE TRACKS OF THE RAILROAD  
29 CARRIER; AND

30 (3) (I) READILY RECOGNIZABLE TO A REASONABLE PERSON AS  
31 RAILROAD PROPERTY; OR

1 (II) REASONABLY IDENTIFIED AS RAILROAD PROPERTY BY  
2 FENCING OR APPROPRIATE SIGNS.

3 (G) "YARD" MEANS A SYSTEM OF PARALLEL TRACKS, CROSSOVERS, AND  
4 SWITCHES WHERE RAILROAD CARS ARE SWITCHED AND MADE UP INTO TRAINS, AND  
5 WHERE RAILROAD CARS, LOCOMOTIVES, AND OTHER ROLLING STOCK ARE KEPT  
6 WHEN NOT IN USE OR WHEN AWAITING REPAIR.

7 5-910.

8 THIS PART DOES NOT APPLY TO:

9 (1) A PASSENGER ON A TRAIN;

10 (2) AN INDIVIDUAL WHO ENTERS RAILROAD PROPERTY IN AN  
11 EMERGENCY TO:

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

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

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

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

22 (5) A PERSON HAVING PERMISSION OF THE RAILROAD CARRIER TO  
23 ENTER THE RAILROAD PROPERTY;

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

26 (7) A REPRESENTATIVE OF THE MARYLAND DEPARTMENT OF  
27 TRANSPORTATION OR THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION  
28 WHILE PERFORMING OFFICIAL DUTIES; OR

29 (8) A REPRESENTATIVE OF THE FEDERAL RAILROAD ADMINISTRATION  
30 OR THE NATIONAL TRANSPORTATION SAFETY BOARD WHILE PERFORMING OFFICIAL  
31 DUTIES.

32 5-911.

33 (A) WITHOUT THE CONSENT OF THE RAILROAD CARRIER OR OTHER LAWFUL  
34 AUTHORIZATION, A PERSON MAY NOT RIDE ON THE OUTSIDE OF A TRAIN, OR ON THE  
35 INSIDE OF A PASSENGER CAR, LOCOMOTIVE, OR FREIGHT CAR, INCLUDING A BOXCAR,  
36 FLATBED, OR CONTAINER.

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

4 5-912.

5 (A) WITHOUT THE CONSENT OF THE RAILROAD CARRIER OR OTHER LAWFUL  
6 AUTHORIZATION, AND EXCEPT TO CROSS THE PROPERTY AT A PUBLIC HIGHWAY OR  
7 OTHER AUTHORIZED CROSSING, A PERSON MAY NOT KNOWINGLY ENTER OR REMAIN  
8 ON RAILROAD PROPERTY.

9 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
10 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A  
11 FINE NOT EXCEEDING \$100 OR BOTH.

12 5-913.

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

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