

SENATE BILL REPORT

SB 5339

As of February 16, 1999

Title: An act relating to railroad right of way trespassing.

Brief Description: Providing a penalty for railroad right of way trespassing.

Sponsors: Senators Haugen, Goings and Jacobsen; by request of Utilities & Transportation Commission.

Brief History:

Committee Activity: Transportation: 2/17/99.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Jennifer Ziegler (786-7316)

Background: Knowingly entering or remaining upon land without the permission of the owner constitutes criminal trespass. The current law regarding criminal trespass is not specific to the crime of trespass on a railroad right of way.

Summary of Bill: A railroad right of way on which rails exist is not unimproved or apparently unused land and therefore is not exempt from the statutory definition of trespassing.

Railroad right of way is defined as the rails over which a railroad can operate, any structures supporting the rails, land within ten feet of any rail, and land owned or leased by a railroad carrier which is readily recognizable to a reasonable person as being railroad property.

Entering or remaining unlawfully upon a railroad right of way is a misdemeanor. Specific individuals have lawful authority to enter a railroad right of way while engaged in performance of their official duties.

A person may enter railroad rights of way if the person enters the right of way at a public crossing or the person has consent of the railroad carrier to remain on the right of way. A person may also enter the right of way in an emergency to rescue a person or animal or to remove an object that poses an imminent threat to life or limb.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.