

SENATE BILL REPORT

SB 5632

As of February 19, 2001

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

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

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

Brief History:

Committee Activity: Transportation: 2/20/01.

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. Current law regarding criminal trespass is not specific to the crime of trespass on a railroad right of way.

Summary of Bill: Railroad right of way is defined as the rails over which a railroad can operate, any structure 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.

Railroad right of way does not include formerly used rights of way that have been abandoned or converted to non-railroad use.

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 the performance of 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: Available.

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