

HOUSE BILL No. 5716

March 25, 1992, Introduced by Reps. Hoffman, Bartnik, Olshove, Hertel and Hoekman and referred to the Committee on Transportation.

A bill to amend section 1 of Act No. 245 of the Public Acts of 1917, entitled as amended

"An act to prevent trespassing on the rights of way and tracks of railroad companies within this state; and to prescribe a penalty,"

as amended by Act No. 341 of the Public Acts of 1990, being section 469.421 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 245 of the Public Acts of
2 1917, as amended by Act No. 341 of the Public Acts of 1990, being
3 section 469.421 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 1. (1) Except in the case of a right of way designated
6 as a demonstration snowmobile trail in section 15 of Act No. 74
7 of the Public Acts of 1968, being section ~~254.1515~~ 257.1515 of
8 the Michigan Compiled Laws, a person shall not walk, ride, drive,

1 or be upon or along the right of way or yard of a railroad
2 company operating its lines within this state, or go upon or
3 cross the right of way or yard at a place other than a public or
4 private crossing, ~~after having been forbidden to do so by~~
5 UNLESS HAVING FIRST OBTAINED WRITTEN PERMISSION FROM the owner or
6 occupant railroad, its agent or servant.

7 (2) For purposes of this section, right of way means the
8 track or roadbed owned by a railroad and that property owned by a
9 railroad which is located on either side of its tracks and which
10 is readily recognizable to a reasonable person as being railroad
11 property or is reasonably identified as such by fencing, THE
12 EXISTENCE OF RAILROAD TRACKS, or appropriate signs.

13 (3) A person shall not be upon, enter, or damage any build-
14 ings, rolling stock, or equipment of any railway company operat-
15 ing its lines within this state.

16 (4) This act shall not apply to any of the following:

17 (a) Passengers on trains or employees of a railroad company
18 while engaged in the performance of the duties of their
19 employment.

20 (b) An authorized representative of the railroad employees.

21 (c) A person going upon the right of way or tracks to save
22 human life or to protect property.

23 (d) A person going or being upon or in the station grounds
24 or depot of the railroad company as a passenger or for the pur-
25 pose of transacting business with the railroad company.

26 (e) A person, members of his or her family, or his or her
27 employees going upon the right of way or tracks for the purpose

1 of crossing from 1 part to another of a farm he or she may own or
2 lease, where the farm lies on both sides of the right of way.

3 (f) A person having written permission to go upon the right
4 of way or tracks granted by the railroad company, a person using
5 officially abandoned right of ways for recreational purposes, the
6 Michigan public service commission, the state transportation
7 department, or the interstate commerce commission.

8 (g) A registered land surveyor or his or her employees for
9 the purpose of making land surveys.

10 (5) A person who violates this section is guilty of a misde-
11 meanor punishable by imprisonment for not more than 30 days, or
12 by a fine of not more than \$100.00, or both.