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SENATE BILL NO. 1416

Offered January 23, 2015

A *BILL to amend and reenact § 18.2-159 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 56-417.2, relating to railroad property; trespassing; signage required; penalties.*

Patron—Marsden

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-159 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 56-417.2 as follows:

§ 18.2-159. Trespassing on railroad property; penalties.

A. Any person who goes upon the track of a railroad other than to pass over such road at a public or private crossing, or who willfully rides, drives, or leads any animal or contrives for any animal to go on such track except to cross as aforesaid, without the consent of the railroad company or person operating such road, shall be guilty of a Class 4 misdemeanor. A second violation of the provisions of this ~~section~~ subsection occurring within two years of the first violation shall be punishable as a Class 3 misdemeanor. A third or subsequent violation of the provisions of this ~~section~~ subsection occurring within two years of a second or a subsequent violation shall be punishable as a Class 1 misdemeanor.

This ~~section~~ subsection shall not apply to any section of track ~~which~~ that has been legally abandoned pursuant to an order of a federal or state agency having jurisdiction over the track and is not being used for railroad service.

For purposes of this ~~section~~ subsection, ~~track shall mean~~ "track" means the rail, ties, and ballast of the railroad.

B. Any person who goes upon a railroad trestle or railroad bridge or within or upon a railroad tunnel or within a railway yard as defined in § 56-417.2 without the consent of the railroad company is guilty of a Class 2 misdemeanor.

§ 56-417.2. Railroad companies; requirement to post no trespassing signs; penalties.

Railroad companies shall post signs in conspicuous locations at (i) railway yards, (ii) both ends of railroad tunnels, and (iii) both ends of railroad trestles or railroad bridges that are more than 100 feet in length stating the penalties for trespassing on railroad property.

A railroad company that fails to post signs as required by this section shall be subject to a civil penalty of \$100 to be enforced by the State Corporation Commission.

For the purposes of this section, a "railway yard" is a yard where regular switching is performed.

INTRODUCED

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