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SENATE BILL NO. 1416

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 2, 2015)

(Patron Prior to Substitute—Senator Marsden)

A *BILL to amend and reenact § 18.2-159 of the Code of Virginia, relating to railroad property; trespassing; penalties.*

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-159 of the Code of Virginia is amended and reenacted 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 without the consent of the railroad company is guilty of a Class 2 misdemeanor.

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