Act No. 341
Public Acts of 1990
Approved by the Governor
December 21, 1990
Filed with the Secretary of State
December 21, 1990

STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990

Introduced by Reps. Ouwinga, Stacey, Hoffman, Weeks, Bandstra, Strand, Pitoniak, Willis Bullard, DeMars, Allen, Munsell, Pridnia, Crandall, Middaugh, Camp, Walberg and Krause

ENROLLED HOUSE BILL No. 4628

AN ACT 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," being section 469.421 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

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

Sec. 1. (1) Except in the case of a right of way designated as a demonstration snowmobile trail in section 15 of Act No. 74 of the Public Acts of 1968, being section 254.1515 of the Michigan Compiled Laws, a person shall not walk, ride, drive, or be upon or along the right of way or yard of a railroad company operating its lines within this state, or go upon or cross the right of way or yard at a place other than a public or private crossing, after having been forbidden to do so by the owner or occupant railroad, its agent or servant.

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

(3) A person shall not be upon, enter, or damage any buildings, rolling stock, or equipment of any railway company operating its lines within this state.

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

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

(b) An authorized representative of the railroad employees.

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

(d) A person going or being upon or in the station grounds or depot of the railroad company as a passenger or for the purpose of transacting business with the railroad company.

(e) A person, members of his or her family, or his or her employees going upon the right of way or tracks for the purpose of crossing from 1 part to another of a farm he or she may own or lease, where the farm lies on both sides of the right of way.

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

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

(5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 30 days, or by a fine of not more than $100.00, or both.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.