

HOUSE BILL No. 4628

April 13, 1989, Introduced by Reps. Ouwinga, Stacey, Hoffman, Weeks, Bandstra, Strand, Pitoniak, Willis Bullard, DeMars, Allen, Munsell, Pridnia, Crandall, Middaugh, Camp, Walberg and Krause and referred to the Committee on Conservation, Recreation and Environment.

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,"

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, being section 469.421 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 1. (1) ~~—A~~ EXCEPT IN THE CASE OF A RIGHT OF WAY
5 RENDERED INOPERABLE AS A RIGHT OF WAY AND DESIGNATED BY THE OWNER
6 FOR SNOWMOBILE USE, A person shall not walk, ride, drive, or be
7 upon or along the right of way or yard of a railroad company
8 operating its lines within this state, or go upon or cross the
9 right of way or yard at a place other than a public or private

1 crossing, after having been forbidden to do so by the owner or
2 occupant railroad, its agent or servant.

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

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

12 (4) This act shall not apply to ~~passengers~~ ANY OF THE
13 FOLLOWING:

14 (A) PASSENGERS on trains or employees of a railroad company
15 while engaged in the performance of the duties of their
16 employment. ~~an~~

17 (B) AN authorized representative of the railroad employees.
18 ~~a~~

19 (C) A person going upon the right of way or tracks to save
20 human life or to protect property. ~~a~~

21 (D) A person going or being upon or in the station grounds
22 or depot of the railroad company as a passenger or for the pur-
23 pose of transacting business ~~therewith; a~~ WITH THE RAILROAD
24 COMPANY.

25 (E) A person, members of his OR HER family, or his OR HER
26 employees going upon the right of way or tracks for the purpose
27 of crossing from 1 part to another of a farm he OR SHE may own or

1 lease, where the farm lies on both sides of the right of way.

2 ~~, to a~~

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 ~~Michigan department of~~
7 state ~~highways and~~ transportation DEPARTMENT, or the interstate
8 commerce commission. ~~, or to a~~

9 (G) A registered land surveyor or his OR HER employees for
10 the purpose of making land surveys.

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