

By Mr. Cox of Lowell, petition of John F. Cox relative to the penalty for trespassing on railroad property. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT RELATIVE TO TRESPASS ON RAILROAD PROPERTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 160, Section 218, is amended by striking
2 it out in its entirety, inserting in place thereof the following: —

3 Whoever, without right is present, stands, or walks, or rides a
4 bicycle, snow vehicle, recreational or other vehicle on the right-
5 of-way, bridge, or other property of, or used or controlled by, any
6 railroad corporation, except at a highway or other authorized
7 grade crossing, shall be fined one hundred dollars (\$100.00). Any
8 person violating this section may be arrested without a warrant
9 by any police officer, including Railroad Police, and proceeded
10 against according to law.

1 SECTION 2. Chapter 160, Section 220, is hereby amended to
2 read as follows: —

3 Whoever, without right, rides or attempts to ride upon a
4 locomotive engine, tender, freight car, caboose, other conveyance
5 or passenger train other than as a fare paying passenger, upon
6 a railroad or upon the trains of the Massachusetts Bay
7 Transportation Authority Commuter Rail shall be punished by
8 a fine of not more than five hundred dollars or imprisonment for
9 not more than six months. A sheriff, deputy sheriff, constable,
10 police officer, railroad police officer, or officer appointed with the
11 powers of a railroad police officer, upon view of such an offense,
12 may, without warrant, arrest the offender and make complaint
13 against him therefor.

14 This section shall not apply to railroad employees while in the
15 discharge of their duties.

1 SECTION 3. Chapter 159, Section 93, as amended, is hereby
2 amended by adding two new sentences to read as follows: —

3 Railroad Police officers shall have authority to issue citations
4 for violations of Chapter 160, Section 218, as amended. Said
5 citations shall have the same force and effect as citations issued
6 pursuant to Chapter 90, Sections 2, 3, 5, 7, 9 and 10.

1 SECTION 4. Chapter 260 of the Massachusetts General Laws
2 shall be amended by adding a new section 2D as follows: —

3 2D. A railroad corporation or the Massachusetts Bay Trans-
4 portation Authority (MBTA) shall not be liable to any person for
5 personal injuries or property damages sustained by any person
6 while walking, standing, or riding a bicycle, snow vehicle,
7 recreational or other vehicle on the right-of-way, bridge, or other
8 property of any railroad corporation or the MBTA contrary to
9 law, unless such injury or damage is caused by the willful, wanton
10 or malicious conduct of said railroad corporation or the MBTA
11 against said person after said person's presence is actually dis-
12 covered.

1 SECTION 5. Chapter 160, Section 232, is hereby amended by
2 adding the following language: —

3 Provided, however, that a railroad corporation shall not be held
4 liable by any person for personal injuries or property damage
5 sustained by any person at a grade crossing collision if the
6 operator of the motor vehicle involved in the collision was under
7 the influence of intoxicating liquor, or of marijuana, narcotic
8 drugs, depressants or stimulant substances, all as defined in
9 section one of chapter ninety-four C, or the vapors of glue and/
10 or failed to observe or obey flashing lights, gates, signals or other
11 devices warning of a train occupying or approaching said crossing,
12 unless such injury or damage was caused by the willful or
13 malicious conduct of said railroad corporation directed at such
14 person. This section shall not be construed as limiting the rights
15 of railroad employees injured while in the discharge of their duties.

1 SECTION 6. Chapter 90, Section 15, is hereby amended by
2 striking out the third and concluding sentence and inserting in
3 place thereof the following sentence: — Whoever violates any
4 provision of this section shall be punished by a fine of not less
5 than one hundred nor more than two hundred dollars.

1 SECTION 7. Chapter 229, Section 2, is hereby amended by
2 adding the following language to item (2) in the exceptions
3 phrase: —

4 . . . or who, while operating a motor vehicle under the influ-
5 ence of intoxicating liquor, or of marihuana, narcotic drugs, de-
6 pressants or stimulant substances, all as defined in section one of
7 chapter ninety-four C, or the vapor of glue and/or failed to
8 observe or obey flashing lights, gates, signals or other devices
9 warning of a train occupying or approaching a railroad right-of-
10 way or crossing, comes into contact with a train or other railroad
11 equipment or rolling stock at any grade crossing,

