

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 243\*  
Committee Substitute Favorable 4/27/95  
Third Edition Engrossed 5/4/95

Short Title: RR Trespassing/Crossing Safety.

(Public)

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Sponsors:

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Referred to:

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February 22, 1995

A BILL TO BE ENTITLED

AN ACT TO CREATE A NEW OFFENSE OF TRESPASSING ON RAILROAD RIGHTS-OF-WAY, TO INCREASE THE PENALTY FOR FAILURE TO OBEY RAILROAD SIGNALS, AND TO OTHERWISE IMPROVE SAFETY AT RAILROAD CROSSINGS.

The General Assembly of North Carolina enacts:

Section 1. Article 22 of Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-159.3. Trespassing on railroad rights-of-way.**

(a) Except as provided in subsection (b) of this section, it is unlawful for any person to go upon the track, real property, or right-of-way of a railroad, without authorization from the railroad, other than to pass over the track, real property, or right-of-way at a public or private crossing, whether on foot, in or on any type of vehicle, or on or with an animal.

Any person violating this section is guilty of a Class 3 misdemeanor.

(b) This section shall not apply to:

(1) Persons owning lots or parcels of land abutting the railroad right-of-way when those persons go upon that portion of the right-of-way abutting

1                    their lot or parcel of land unless the railroad has notified those persons  
2                    in writing not to go upon the right-of-way of the railroad.

3            (2)        A section of railroad right-of-way that has been designated by a State or  
4                    local agency for a recreational, pedestrian, or transportation use and has  
5                    been appropriately marked with signs notifying the public of that  
6                    designation.

7            (3)        A unit of local government that:

8                    a.        After notice to the railroad, is on the right-of-way for the purpose  
9                    of locating easements for future road or utility crossings or for  
10                    the construction or maintenance of intersecting street rights-of-  
11                    way; or

12                    b.        Otherwise has permission of the railroad to be on the right-of-  
13                    way.

14        This section shall not apply to land surveyors."

15                    Sec. 2. G.S. 20-142.1(d) reads as rewritten:

16                    "(d) Any person who violates any provisions of this section ~~shall be guilty of is~~  
17 responsible for an infraction and punished in accordance with G.S. 20-176. shall be ordered  
18 to pay a penalty of up to one hundred dollars (\$100.00). Violation of this section shall  
19 not constitute negligence per se."

20                    Sec. 3. G.S. 136-20 is amended by adding a new subsection to read:

21                    "(i) Whenever the Secretary of Transportation finds that a railroad company or the  
22 owner or lessee of property adjacent to a railroad grade crossing has failed to maintain  
23 safe sight distances at a railroad grade crossing, the Department of Transportation may  
24 require the railroad company or adjacent property owner or lessee to relocate or remove  
25 any vegetation or other obstructions that may interfere with the safety of the traveling  
26 public. The Department of Transportation may adopt rules to implement the provisions  
27 of this section."

28                    Sec. 4. Sections 1 and 2 of this act become effective December 1, 1995, and  
29 apply to offenses committed on or after that date. The remainder of this act is effective  
30 upon ratification. Section 1 of this act applies only within the incorporated areas of  
31 municipalities with a population of 10,000 or more under the latest decennial census.