



Joseph G. Aninao

*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 553**

123rd General Assembly  
(As Introduced)

**Reps. Jolivette, Taylor, Tiberi, Allen, Flannery, Pringle, Redfern**

---

### **BILL SUMMARY**

- Creates the offense of criminal trespass upon a railroad track, which prohibits generally any person from knowingly going upon or over a railroad track unless the person is legally entitled to do so or the railroad gives the person consent to do so.
- Specifies certain persons and circumstances to which the above prohibition is inapplicable.

---

### **CONTENT AND OPERATION**

#### **New offense of criminal trespass upon a railroad track**

The bill creates the offense of criminal trespass upon a railroad track. It prohibits generally any person from knowingly going upon or over a railroad track unless the person is legally entitled to do so or the railroad gives the person consent to do so. (R.C. 4999.09(B).) By definition, the bill does not apply to abandoned railroad tracks.

#### **Exceptions to the new prohibition**

This new prohibition does not apply to the following persons and circumstances (R.C. 4999.09(C)(1) to (11)):

(1) A person crossing a track at a highway grade crossing or other authorized crossing location;

(2) Railroad passengers and railroad employees (by definition, a "stowaway" is not a passenger);

(3) Law enforcement officers, firefighters, and emergency medical service personnel while performing official duties;

(4) A person rescuing another person or an animal from an imminent threat or removing an object from the track if the person reasonably believes the object poses an imminent threat to persons on a train;

(5) A person on railroad property for the purpose of transacting lawful business;

(6) A person who occupies land (or a relative, invitee, employee, or contractor of such a person) who goes upon or over a railroad track to obtain access to that land;

(7) A person with written permission from a railroad to go upon or over the track;

(8) Agents and employees of the Public Utilities Commission or Department of Transportation while engaged in their official duties;

(9) Agents and employees of the Federal Railroad Administration or National Transportation Safety Board while engaged in their official duties;

(10) Labor representatives of railroad employees, including representatives of a fraternal benefit society for a railroad labor organization;

(11) Any person engaged in a lawful activity who makes a necessary and incidental pass over a railroad track in the course of conducting that activity by means not involving a motor vehicle. This exception does not apply to any area of track the railroad, after reasonable investigation, has determined to be hazardous and has posted as hazardous.

**Prohibition against a court finding consent was implied due to lack of notice**

The bill provides that no court may find that consent on the part of the railroad was implied in a case involving railroad track trespass because of the failure of the railroad to post signs or give notice that the person was not permitted to go upon or over the track (R.C. 4999.09(D)).

**Penalty**

Whoever violates the bill's prohibition is guilty of criminal trespass upon a railroad track, a misdemeanor of the fourth degree, which is punishable by a fine of not more than \$250, a term of imprisonment of not more than 30 days, or both.

---

**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-00	p. 1537

H0553-I.123/jc

