

1 reasonable person as being railroad property or is reasonably identified as such by fencing or
2 appropriate signs.

3 (6) “Yard” means a system of parallel tracks, crossovers, and switches where railroad cars
4 are switched and made up into trains, and where railroad cars, locomotives, and other rolling
5 stock are kept when not in use or when awaiting repairs.

6 (b) Trespassing on railroad property prohibited. Except for the purpose of crossing railroad
7 property at a public highway or other authorized crossing, a person shall not, without lawful
8 authority or the railroad carrier’s consent, knowingly enter or remain upon railroad property by
9 an act including:

10 (1) standing, sitting, resting, walking, jogging, or running, or operating a recreational or
11 nonrecreational vehicle, including a bicycle, motorcycle, snowmobile, car, or truck; or

12 (2) engaging in recreational activity, including bicycling, hiking, camping, or cross-
13 country skiing.

14 (c) Stowaways prohibited. A person shall not, without lawful authority or the railroad
15 carrier’s consent, ride on the outside of a train or inside a passenger car, locomotive, or freight
16 car, including a box car, flatbed, or container.

17 (d) Persons with lawful authority to be on specified railroad property. The following is a
18 nonexhaustive list of persons who have lawful authority to be on railroad property and are not
19 subject to the prohibitions of subsections (b) and (c) of this section:

20 (1) passengers on trains, or employees of a railroad carrier while engaged in the
21 performance of their official duties;

22 (2) police officers, firefighters, peace officers, and emergency response personnel, while
23 engaged in the performance of their official duties;

1 (3) a person going upon railroad property in an emergency to rescue a person or animal
2 such as livestock, pets, or wildlife from harm, or to remove an object that the person reasonably
3 believes to pose an imminent hazard;

4 (4) a person on the station grounds or in the depot of the railroad carrier as a passenger, or
5 for the purpose of transacting lawful business;

6 (5) a person, or the person's family or invitee, or the person's employee or independent
7 contractor going upon a railroad's right-of-way for the purpose of crossing at a farm or private
8 crossing site approved by the railroad carrier or other crossing authorized by law in order to
9 obtain access to land that the person owns, leases, or operates;

10 (6) a person having written permission from the railroad carrier to go upon the railroad
11 property in question;

12 (7) representatives of the Transportation Board or Agency of Transportation while
13 engaged in the performance of their official duties;

14 (8) representatives of the Federal Railroad Administration while engaged in the
15 performance of their official duties; or

16 (9) representatives of the National Transportation Safety Board while engaged in the
17 performance of their official duties.

18 (e) Exemptions.

19 (1) The following persons are not subject to the prohibition of subsection (b) of this
20 section:

21 (A) A person who has permission from the owner, lessee, or operator of land that is
22 served by a private crossing authorized by law or approved by the railroad carrier to use the
23 crossing for recreational purposes, and who enters upon the crossing for such purposes.

1 (B) A person who enters or remains upon railroad property, other than a rail yard, while
2 lawfully engaged in hunting, fishing, or trapping. However, the person shall not qualify as
3 exempt under this subdivision (e)(1)(B) if he or she enters within an area extending four feet
4 outward from either side of the rail and within the rail, unless he or she crosses and leaves this
5 area quickly, safely, and at an angle of approximately 90 degrees to the direction of the rail.

6 (2) Nothing in this subsection is intended to modify the rights, duties, liabilities, or
7 defenses available to any person under any other law.

8 (f) Penalty. A violation of this section is a traffic violation as defined in 23 V.S.A. chapter 24
9 and an action under this section shall be brought in accordance with 4 V.S.A. chapter 29. A
10 person who violates this section shall be subject to a civil penalty of not more than \$200.00.

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12 **[NOTE: MERRIAM-WEBSTER DEFINITION OF “TRACK”**

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14 **(3) a pair of metal bars that a train, trolley, or subway car rides along]**

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