



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Governor Approves Fuschillo Bill to Increase Penalties for Trespassing on Railroad Property

CHARLES J. FUSCHILLO JR. July 21, 2011

| ISSUE: **TRANSPORTATION**

Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that Governor Andrew Cuomo has approved legislation he sponsors to strengthen penalties for individuals who trespass on railroad property.

“Railroad property is supposed to be used for one thing; railroad operations. It is not a place of recreation for people to ride vehicles, animals, or play around. Strengthening the state’s railroad trespassing laws will help save lives and prevent injuries by keeping individuals who don’t belong on railroad property off of it,” said Senator Fuschillo, Chairman of the Senate’s Transportation Committee.

The law prohibits individuals from trespassing on foot on all railroad property throughout the state. Violators of the law will face class B misdemeanor charges, punishable by up to three months in jail and a \$500 fine.

In addition, the law prohibits individuals from trespassing on railroad property while riding on any motor vehicles, recreational and all-terrain vehicles, or animals. Violators face a fine of up to \$250 for a first offense and up to \$500 for subsequent offenses.

Prior to the new law, railroad trespassing laws were extremely limited. Only snowmobilers and horseback riders faced fines for trespassing on railroad property (\$100 fine and \$10 fine, respectively). Trespassing on railroad property on foot was only prohibited on Long Island, New York City, and Monroe County.

Railroads of New York (RONY), a not-for-profit statewide association which represents the freight railroad industry in New York State, noted in a letter that the new law is needed because “when it comes to enforcing railroad trespass offenses in New York, law enforcement officials are forced to do so with an outdated law that has only seen a few updates since the mid nineteenth century.” RONY also noted that “trespassing is the most significant cause of death attributable to railroad operations in New York State.”

“This legislation will greatly assist police officers in protecting the public while they are using mass transportation. Trespassing in these particular areas can be extremely dangerous to both the individual and the public and this law will be a useful tool in dealing with this issue,” said Peter Paterson, Legislative Chairman of the New York State Association of PBAs.

According to the Federal Railroad Administration, railroad trespassing accounted for 576 fatalities and 633 injuries in the U.S. last year.

The new law takes effect on January 16, 2012.

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