

## Trespass on Railroads

One of the major safety issues that arises because of community proximity to railroads is that of trespass. Railroads across the U.S. actively discourage trespass on their right of way and within their rail yards.

A trespasser is defined by 49 CFR 239.103 as: A person who is on that part of the railroad property used in railroad operations and whose presence is prohibited, forbidden, or unlawful.

**FIGURE 1: TRESPASS AND CROSSING FATALITIES BY YEAR**



Source: <http://www.fra.dot.gov/downloads/safety/trespass/ROWF&TR-2008-0401-02-00.pdf>

Statistics and evidence shows that people will frequently use the railroad right-of-way as a shortcut, often at great danger to themselves. In many communities schools are often found *on the other side of the tracks* and children will often cross the railroad property as a shortcut. Figure 2 shows children crossing Union Pacific's (UP) tracks in Anaheim, California to reach Ball Junior High School.

**FIGURE 2: CHILDREN CROSSING UP'S LINE IN ANAHEIM CA**



*Source: Jon Waide FRA Region 7 Law Enforcement Liaison Officer*

In some instances, people will cross the tracks to reach recreational activities. Figure 2 shows people crossing the BNSF tracks to San Onofre State Beach near San Clemente, California.

The State Park trail leads from a public parking area directly to the railroad right of way. This right of way is used by Amtrak, Metrolink commuter trains and BNSF freight trains.

**FIGURE 2: CROSSING THE TRACKS TO GET TO SAN ONOFRE STATE BEACH, CA**



*Source: Jon Waide FRA Region 7 Law Enforcement Liaison Officer*

According to Jon Waide, Federal Railroad Administration (FRA) Region 7 Law Enforcement Liaison Officer:

*Beach-goers have to cross the tracks to get to a popular beach location. The closest pedestrian underpass is 1/4 miles down the track. This type of trespassing happens all along the ROW between San Clemente and Oceanside.*

**FIGURE 3: CROSSING THE TRACKS TO GET TO SAN ONOFRE STATE BEACH, CA**



*Source: Jon Waide FRA Region 7 Law Enforcement Liaison Officer*

Ongoing studies and research are being conducted by the FRA on the trespass issue. FRA grade crossing safety workshops also devote session time to trespass initiatives. In 2010, the FRA initiated a [study](#) in West Palm Beach, Florida after ten fatalities occurred in the first eight months of 2008 due to trespassing. The study will review trespass laws and mitigation strategies. According to the FRA, the number of railroad trespass fatalities first surpassed the number of fatalities at highway-rail grade crossings in 1997, and continues to be the leading cause of fatalities industry-wide.

## **OTHER RESOURCES:**

The [FRA](#) has developed [model](#) state legislation covering trespassing and vandalism on railroad property. The FRA also has a compilation of [state laws](#) and regulations affecting highway rail grade crossings. The FRA compiled [Research Results](#) in 2007 on trespass on railroad rights of way.

Railroad-Highway Grade Crossing [Handbook](#) was updated in 2007.

[Operation Lifesaver](#) provides excellent rail safety education.

ROW Fatality and Trespass Reduction Workshop 2008 – [Final Report](#) February 2009. .