

**ASSEMBLY BILL**

**No. 2448**

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**Introduced by Assembly Member Torlakson**

February 24, 2000

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An act to amend Section 369i of the Penal Code, relating to trespass.

LEGISLATIVE COUNSEL'S DIGEST

AB 2448, as introduced, Torlakson. Trespassing: railroads.

Existing law makes a person who enters or remains upon the property of any railroad, as defined, or any rail transit related property, as defined, without the permission of the owner of the land, the owner's agent, or the person in lawful possession and whose entry or presence or conduct upon the property interferes with, interrupts, or hinders, or which, if allowed to continue, would interfere with, interrupt, or hinder the safe and efficient operation of any locomotive, railway car, train, railline, or rail-related facility guilty of a misdemeanor.

This bill would make any person who knowingly stands, walks, or rides a bicycle or other vehicle on specified railroad property without permission, except for the purpose of crossing at a highway or other authorized crossing, guilty of a misdemeanor or an infraction.

Because this bill would expand the scope of an existing crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 369i of the Penal Code is  
2 amended to read:

3 369i. (a) Any person who ~~enters or remains upon the~~  
4 ~~property of knowingly stands, walks, or rides a bicycle or~~  
5 ~~other vehicle on the private right of way of any railroad~~  
6 ~~without the permission of the owner of the land, the~~  
7 ~~owner’s agent, or the person in lawful possession—and~~  
8 ~~whose entry, presence, or conduct upon the property~~  
9 ~~interferes with, interrupts, or hinders, or which, if~~  
10 ~~allowed to continue, would interfere with, interrupt, or~~  
11 ~~hinder the safe and efficient operation of any locomotive,~~  
12 ~~railway car, or train, except for the purpose of crossing at~~  
13 ~~a highway or other authorized crossing is guilty of a~~  
14 ~~misdemeanor or an infraction.~~

15 As used in this subdivision, “property of any railroad”  
16 means any land owned, leased, or possessed by a railroad  
17 upon which is placed a railroad track and the land  
18 immediately adjacent thereto, to the distance of 20 feet  
19 on either side of the track, which is owned, leased, or  
20 possessed by a railroad.

21 (b) Any person who ~~enters or remains upon~~  
22 ~~knowingly stands, walks, or rides a bicycle or other~~  
23 ~~vehicle on the private right of way of any rail transit~~  
24 ~~related property owned or operated by a county~~  
25 ~~transportation commission or transportation authority~~  
26 ~~without permission or whose entry, presence, or conduct~~  
27 ~~upon the property interferes with, interrupts, or hinders~~  
28 ~~the safe and efficient operation of the railline or~~  
29 ~~rail-related facility, except for the purpose of crossing at~~  
30 ~~a highway or other authorized crossing is guilty of a~~  
31 ~~misdemeanor or an infraction.~~

32 As used in this subdivision, “rail transit related  
33 property” means any land or facilities owned, leased, or



1 possessed by a county transportation commission or  
2 transportation authority.

3 (c) This section does not prohibit picketing in the  
4 immediately adjacent area of the property of any railroad  
5 or rail transit related property or any lawful activity by  
6 which the public is informed of the existence of an alleged  
7 labor dispute.

8 SEC. 2. No reimbursement is required by this act  
9 pursuant to Section 6 of Article XIII B of the California  
10 Constitution because the only costs that may be incurred  
11 by a local agency or school district will be incurred  
12 because this act creates a new crime or infraction,  
13 eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section  
15 17556 of the Government Code, or changes the definition  
16 of a crime within the meaning of Section 6 of Article  
17 XIII B of the California Constitution.

