

## 2023 Kansas Statutes

- 21-5809. Trespassing on railroad property.** (a) Trespassing on railroad property is:
- (1) Entering or remaining on railroad property, without consent of the owner or the owner's agent, knowing that it is railroad property; or
  - (2) recklessly causing in any manner the derailment of a train, railroad car or rail-mounted work equipment.
- (b) Trespassing on railroad property is a:
- (1) Class A nonperson misdemeanor, except as provided in subsection (b)(2);
  - (2) severity level 8, nonperson felony if such trespassing results in a demonstrable monetary loss, damage or destruction of railroad property valued at more than \$1,500.
- (c) Subsection (a) shall not be construed to interfere with the lawful use of a public or private crossing.
- (d) Nothing in this section shall be construed as limiting a representative or member of a labor organization which represents or is seeking to represent the employees of the railroad, from conducting such business as provided under the railway labor act (45 U.S.C. § 151 et seq.) and other federal labor laws.
- (e) As used in this section "railroad property" includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or other property that is owned, leased, operated or possessed by a railroad company.
- History:** L. 2010, ch. 136, § 95; July 1, 2011.