



## CARRIZO GORGE RAILWAY POLICE

### RAILROAD ENFORCEMENT

#### 2008 Enforcement Guide

#### VEHICLE CODE

**22451. (a)** The driver of any vehicle or pedestrian approaching a railroad or rail transit grade crossing shall stop not less than 15 feet from the nearest rail and shall not proceed until he or she can do so safely, whenever the following conditions exist: (1) A clearly visible electric or mechanical signal device or a flagman gives warning of the approach or passage of a train or car. (2) An approaching train or car is plainly visible or is emitting an audible signal and, by reason of its speed or nearness, is an immediate hazard.

**(b) No driver or pedestrian shall proceed through, around, or under any railroad or rail transit crossing gate while the gate is closed.**

#### PENAL CODE

**214. Every person who goes upon or boards any railroad train, car or engine, with the intention of robbing any passenger or other person** on such train, car or engine, of any personal property thereon in the possession or care or under the control of any such passenger or other person, or who interferes in any manner with any switch, rail, sleeper, viaduct, culvert, embankment, structure or appliance pertaining to or connected with any railroad, or places any dynamite or other explosive substance or material upon or near the track of any railroad, or who sets fire to any railroad bridge or trestle, or who shows, masks, extinguishes or alters any light or other signal, or exhibits or compels any other person to exhibit any false light or signal, or who stops any such train, car or engine, or slackens the speed thereof, or who compels or attempts to compel any person in charge or control thereof to stop any such train, car or engine, or slacken the speed thereof, with the intention of robbing any passenger or other person on such train, car or engine, of any personal property thereon in the possession or charge or under the control of any such passenger or other person, is guilty of a felony.

**218. Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car or engine**, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad **with the intention of blowing up or derailing any such train**, car or engine, or who unlawfully sets fire to any railroad bridge or trestle, over which any such train, car or engine must pass with the intention of wrecking such train, car or engine, **is guilty of a felony**, and shall be punished by imprisonment in the state prison for life without possibility of parole.

**218.1. Any person who unlawfully and with gross negligence places or causes to be placed any obstruction** upon or near the track of any railroad that proximately results in either the damaging or derailing of any passenger, freight, or other train, or injures a rail passenger or employee, **shall be punished by imprisonment** in the state prison for two, three, or four years, or by imprisonment in a county jail for not more than one year, or by a fine not to exceed two thousand five hundred dollars (\$2,500), or by both that imprisonment and fine.

**219. Every person who unlawfully throws out a switch**, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car or engine and thus derails the same, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad **with the intention of blowing up or derailing any such train**, car or engine and thus blows up or derails the same, **or who unlawfully sets fire to any railroad bridge or trestle over which any such train**, car or engine must pass with the intention of wrecking such train, car or engine, and thus wrecks the same, is guilty of a felony and punishable with death or imprisonment in the state prison for life without possibility of parole in cases where any person suffers death as a proximate result thereof, or imprisonment in the state prison for life with the possibility of parole, in cases where no person suffers death as a proximate result thereof. The penalty shall be determined pursuant to Sections 190.3 and 190.4.

**219.1. Every person who unlawfully throws, hurls or projects at a vehicle operated by a common carrier**, while such vehicle is either in **motion or stationary**, any rock, stone, brick, bottle, piece of wood or metal or any other missile of any kind or character, or does any unlawful act, **with the intention of wrecking such vehicle and doing bodily harm**, and thus wrecks the same and causes bodily harm, is guilty of a felony and punishable by imprisonment in the state prison for two, four, or six years.

**219.2. Every person who willfully throws, hurls, or projects a stone or other hard substance, or shoots a missile, at a train, locomotive, railway car**, caboose, cable railway car, street railway car, or bus or at a steam vessel or watercraft used for carrying passengers or freight on any of the waters within or bordering on this state, is punishable by imprisonment in the county jail not exceeding one year, or in a state prison, or by fine not exceeding two thousand dollars (\$2,000), or by both such fine and imprisonment.

**369i. (a) Any person who enters or remains upon the property of any railroad without the permission** of the owner of the land, the owner's agent, or the person in lawful possession and whose entry, 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, or train is guilty of a misdemeanor. As used in this subdivision, "property of any railroad" means any land owned, leased, or possessed by a railroad upon which is placed a railroad track and the land immediately adjacent thereto, to the distance of 20 feet on either side of the track, which is owned, leased, or possessed by a railroad.

**587. Every person who maliciously, either:**

1. **Removes, displaces, injures, or destroys any part of any railroad**, whether for steam or horse cars, or any track of any railroad, or any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof, attached to or connected with any railroad; or,
2. **Places any obstruction upon the rails or track of any railroad**, or of any switch, branch, branchway, or turnout connected with any railroad;

**587.1. (a) Every person who maliciously moves** or causes to be moved, without authorization, **any locomotive**, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one year.

**(b) Every person who maliciously moves** or causes to be moved, without authorization, **any locomotive, when the moving creates a substantial likelihood of causing personal injury or death** to another, is guilty of a public offense punishable by imprisonment in the state prison, or in the county jail not exceeding one year.

**587a.** Every person, who, without being thereunto duly authorized by the owner, lessee, or person or corporation engaged in the operation of any railroad, shall manipulate or in anywise tamper or interfere with any air brake or other device, appliance or apparatus in or upon any car or locomotive upon such railroad, and used or provided for use in the operation of such car or locomotive, or of any train upon such railroad, or with any switch, signal or other appliance or apparatus used or provided for use in the operation of such railroad, shall be deemed guilty of a misdemeanor.

**587b. Every person**, who shall, **without being thereunto authorized** by the owner, lessee, person or corporation operating any railroad, **enter into, climb upon, hold to, or in any manner attach himself to any locomotive**, locomotive-engine tender, freight or passenger car upon such railroad, or any portion of any train thereon, shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be punished by a fine not exceeding fifty dollars (\$50), or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

**590. Every person who maliciously removes, destroys, injures, breaks or defaces any mile post, board or stone, or guide post erected on or near any highway, or any inscription thereon, is guilty of a misdemeanor.**

**REFERENCE INFORMATION**

**Trespass Posting:**

**554. Any property, except that portion of such property to which the general public is accorded access, may be posted against trespassing and loitering in the manner provided in Section 554.1, and thereby become posted property subject to the provisions of this article applicable to posted property, if such property consists of, or is used, or is designed to be used, for any one or more of the following:**

**(g) A railroad right-of-way, railroad bridge, railroad tunnel, railroad shop, railroad yard, or other railroad facility.**

**554.1. Any property described in Section 554 may be posted against trespassing and loitering in the following manner:**

**(a) If it is not enclosed within a fence and if it is of an area not exceeding one (1) acre and has no lineal dimension exceeding one (1) mile, by posting signs at each corner of the area and at each entrance.**

**(b) If it is not enclosed within a fence, and if it is of an area exceeding one (1) acre, or contains any lineal dimension exceeding one (1) mile, by posting signs along or near the exterior boundaries of the area at intervals of not more than 600 feet, and also at each corner, and, if such property has a definite entrance or entrances, at each such entrance.**

**555. It is unlawful to enter or remain upon any posted property without the written permission of the owner, tenant, or occupant in legal possession or control thereof. Every person who enters or remains upon posted property without such written permission is guilty of a separate offense for each day during any portion of which he enters or remains upon such posted property.**

**555.1. It is unlawful, without authority, to tear down, deface or destroy any sign posted pursuant to this article.**

**555.2. It is unlawful to loiter in the immediate vicinity of any posted property. This section does not prohibit picketing in such immediate vicinity or any lawful activity by which the public is informed of the existence of an alleged labor dispute.**