



MOVING THE
**AMERICAN
ECONOMY**

Federal Railroad Administration
*Trespassing and ATV Usage
On Railroad Property
Fact Sheet*

Background on Railroad Trespassing

Trespassing along railroad rights-of-way is the leading cause of rail-related fatalities in America. Nationally, approximately 500 trespassing deaths occur each year, the vast majority of which are preventable. By definition, trespassers are illegally on private railroad property without permission. They are most often pedestrians who walk across or along railroad tracks as a shortcut to another destination. Some trespassers are loitering; engaged in recreational activities such as jogging, hunting, bicycling, snowmobiling; or operating off-road, all-terrain vehicles (ATV).

Overall, the railroad-operating environment is inherently a hazardous one for which railroad employees have the benefit of extensive safety training. Trespassers do not have the benefit of this knowledge, nor are they aware of current and impending train movements. In addition to risking their lives, trespassers may sustain life-threatening injuries by failing to properly use designated crossing locations at highway-rail grade crossings, and dedicated pedestrian access paths. In most States, trespassing is codified as a property crime and is a general offense. A number of States specifically forbid trespassing on railroad property. A list of State-by-State trespassing laws is available at: www.fra.dot.gov/us/content/2305.

Role of the Federal Railroad Administration

The focus of the Federal Railroad Administration's (FRA) efforts to combat rail trespassing is to prevent it from occurring in the first place, not to make the behavior safe. FRA's Highway-Rail Grade Crossing Safety and Trespass Prevention Program team is committed to reducing the prevalence, popular indifference, and social acceptability of trespassing. To that end, FRA sponsors and carries out wide-ranging efforts, primarily focusing on public education. FRA works in partnership with the rail industry, State and local governments, and other transportation organizations to raise public awareness through outreach efforts at schools, workplaces, and community organizations across the country about the inherent dangers and consequences of trespassing. Law enforcement agencies and judicial officials, in particular, are critical in the success of these activities, since stopping individuals and issuing citations or tickets can significantly deter would-be violators.

Role of Railroads

The prevention of trespassing along railroad rights-of-way and facilities is a significant concern for railroads. When a trespass event occurs, locomotive engineers suffer the trauma of hopelessly witnessing a tragic event that he or she is effectively powerless to prevent, and the railroad incurs the cost of delays, equipment damage, and possible litigation. Railroads take several precautions to mitigate trespassing. These precautions include: posting "No Trespass" signs; dispatching railroad security forces to patrol railroad rights-of-way, sometimes in coordination with local law enforcement agencies; and encouraging their employees to report trespassers. In some instances, railroads install fencing near grade crossings and passenger train stations to prevent people from taking shortcuts, and conduct local education programs, often in conjunction with Operation

Lifesaver, Inc. Also, where appropriate, railroads support the construction of grade-separated pedestrian walkways.

Operation Lifesaver, Inc.

Operation Lifesaver, Inc. (OLI) is an international, nonprofit, continuing public education program that was first established in 1972 to end collisions, deaths, and injuries at places where roadways cross train tracks, and along railroad rights-of-way. Its programs are sponsored cooperatively by Federal, State, and local government agencies; highway safety organizations; and the Nation's railroads. OLI's trained and certified volunteer speakers offer free safety presentations for various professions and for all age groups in order to increase public safety around railroad tracks. FRA awards annual grant funding to OLI to provide grants to 50 State organizations that manage railroad safety awareness programs. The funds also support training programs such as regional workshops developed for Operation Lifesaver's volunteer trainers and presenters, communications programs, publications, and the development and distribution of public service announcements. Additional information is available at: www.oli.org.

The Average Trespasser

In order to better understand who is trespassing, and where and why they are trespassing, FRA issued a report in March 2008 based upon 3 years of reported trespasser fatalities. Medical examiners and coroners across the country were surveyed, and based on the best information available from those who elected to participate in the study, we found that the average trespasser is a 38-year-old Caucasian male under the influence of alcohol and/or drugs, with a median household income of \$36,000. More than 25 percent of these individuals did not graduate from high school. The report, *Rail-Trespasser Fatalities: Developing Demographic Profiles*, available at www.fra.dot.gov/downloads/safety/tdreport_final.pdf, recommends conducting additional demographic analysis to develop targeted educational and outreach programs and law enforcement initiatives to reduce the number of rail trespass incidents.

Key Safety Tips to Avoid Becoming a Trespass Statistic

- Always expect a train! This is especially critical where there are multiple tracks and the sound of one train can mask the sound of a second train on the other set of tracks.
- Cross the tracks only at approved crossings. Crossing tracks at any other location is illegal and puts you at risk of tripping on rails or slipping on icy ballast. There is no margin for error if a train is approaching.
- Don't try to beat a train at a crossing. It's almost impossible to accurately judge the distance and speed of an oncoming train.
- Don't stand close to the tracks. A train is at least 3 feet wider than the tracks on each side. In addition, a fast moving train may kick up or drop debris.
- Don't ever walk along tracks on bridges or in tunnels. You may not hear an approaching train and since clearances in bridges and tunnels can be tight, you may not be able to escape an approaching train.
- Don't attempt to jump or climb on, over, under, or in between rail equipment. Even an idle freight car can be dangerous.

ATVs Damage Railroad Track

- ATV operators are illegally trespassing by riding on or near railroad tracks and rights-of-way. Railroads and governmental authorities are very concerned about damage to track caused by ATVs and other off-road vehicles.
- Riding along railroad tracks leads to erosion of an important part of the track foundation known as “ballast.” Ballast is the rock and soil material used to support the ties and rail, and it is responsible for carrying 40 percent of the weight of a passing train.
- The ballast is crucial for maintaining safe train operations. Damage to the ballast degrades the entire track structure and can lead to a train derailment.
- A derailment can result in injuries and or the death of train crews, railroad passengers, and innocent bystanders including those who live and work along rail lines; as well as a hazardous material spill or release, and damage to property nearby. Only authorized railroad employees or contractors are permitted to operate vehicles on or occupy railroad tracks and rights-of-way.