

IC 8-3-15

Chapter 15. Public Use of Railroad Land

IC 8-3-15-1

Railroad right retained

Sec. 1. The use by the public (of the) right of way or depot grounds of any railroad in this state by riding, driving or walking thereon, shall not ripen into a right to continue to do so even though it has been so used for a period of twenty (20) years or more; nor shall such use be evidence of a grant to do so except where such use is made across such ground to connect a street or highway on each side thereof, and except where a court of competent jurisdiction has adjudged the existence of a street or highway.

(Formerly: Acts 1899, c.209, s.1.)

IC 8-3-15-2

Repealed

(Repealed by Acts 1972, P.L.8, SEC.3.)

IC 8-3-15-3

Riding, driving, or walking on right-of-way or yard a misdemeanor; definitions; exceptions

Sec. 3. (a) A person who rides, drives, or walks on or along the right-of-way or yard of a railroad company at a place other than a public crossing commits a Class B misdemeanor.

(b) "Right-of-way" means the track or roadbed owned or leased by a railroad which is located on either side of its tracks and which is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing or appropriate signs.

(c) "Yard" means a system of parallel tracks, cross-overs, and switches where cars are switched and made up into trains, and where cars, locomotives, and other rolling stock are kept when not in use or awaiting repairs.

(d) This section does not apply to:

- (1) passengers on trains or employees of a railroad company while engaged in the performance of their duties;
- (2) picketing by railroad employees in the vicinity of entrances to railroad company property;
- (3) an authorized representative of the railroad employees;
- (4) a person going upon the right-of-way or into the yard to save human life or to protect property;
- (5) a person being on the station grounds or in the depot of the railroad company as a passenger or for the purpose of transacting business;
- (6) a person, or the person's family or employees going upon the right-of-way for the purpose of crossing from one (1) part to another part of a farm the person owns or leases, where the farm lies on both sides of the right-of-way;
- (7) a person having written permission from the railroad company to go upon the right-of-way;

- (8) representatives of the Indiana department of transportation;
- (9) representatives of the federal Surface Transportation Board;
- or
- (10) a professional surveyor or a professional surveyor's employees who are on the right-of-way or in the yard for the purpose of making land surveys.

As added by Acts 1977, P.L.26, SEC.2. Amended by Acts 1982, P.L.62, SEC.4; P.L.384-1987(ss), SEC.41; P.L.18-1990, SEC.49; P.L.259-1999, SEC.1; P.L.57-2013, SEC.9.