

HOUSE No. 3498

By Ms. Grant of Beverly, petition of Mary E. Grant and others relative to the safe operation of trains. Transportation.

The Commonwealth of Massachusetts

PETITION OF:

Mary E. Grant Daniel Lauzon
Christine E. Canavan George T. Casey
Bruce E. Tarr Anthony J. Verga
George J. Newman

In the Year Two Thousand and Seven.

AN ACT PUNISHING INTERFERENCE WITH THE SAFE OPERATION OF TRAINS AND CERTAIN OTHER COMMON CARRIERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 160 of the General Laws, as appearing in the 2004 Offi-
2 cial Edition, is hereby amended by inserting after section 226 the
3 following section:—

4 Section 226A. (a) For the purposes of this section, the following
5 words shall have the following meanings:—

6 “Bodily injury”, substantial impairment of the physical condition
7 including, but not limited to, any burn, fracture of any bone, sub-
8 dural hematoma, injury to any internal organ, or any injury which
9 occurs as the result of repeated harm to any bodily function or organ,
10 including human skin.

11 “Serious bodily injury”, bodily injury which results in a perma-
12 nent disfigurement, protracted loss or impairment of a bodily func-
13 tion, limb or organ or substantial risk of death.

14 (b) Whoever wantonly propels any article at, against, onto or into
15 any railroad car, locomotive, subway vehicle or trolley car or wan-
16 tonly places or leaves any article upon any railroad track, subway
17 track, trolley track or street railway track which poses a risk of dam-
18 aging such a carrier, or unlawfully climbs into or upon any such

19 carrier, or wantonly disrupts, delays, prevents or otherwise interferes
20 with the operation of such a carrier or the operating crew thereof,
21 shall be punished by a fine of not more than \$500 or by imprison-
22 ment in the house of correction for not more than 1 year, or by both
23 such fine and imprisonment.

24 (c) Whoever violates this section and thereby endangers the lives
25 or safety of the carrier's passengers or operating crew, or the public
26 or thereby causes bodily injury to another shall be punished by not
27 more than 2½ years in the house of correction or not less than 5
28 years nor more than 10 years in state prison or by a fine not to
29 exceed \$1,000, or by both such fine and imprisonment.

30 (d) Whoever violates this section and thereby causes serious
31 bodily injury to another shall be punished by a fine of not more than
32 \$5,000 or by imprisonment in the state prison for not less than 5
33 years nor more than 20 years, or by both such fine and imprison-
34 ment.