

## HB-171

This is a bad bill, a very bad bill. Ever since the beginning of time railroads came into existence people have been allowed to trespass on railroad right-of-ways and property due to the nature of the rails going through the land, mile after mile.

In fact, the area I live in outside of Helena, the road was their centuries before the train tracks were laid.

Ranchers, Hunters, Fisherman, Sportsmen and Residents of Montana trespass on railroad property from time to time not even knowing the land their on is Railroad Property at times.

As a rancher, I receive calls on a regular basis that cows are out on the tracks and/or when people see them anywhere near the tracks, depending on the circumstances, I use a car, pickup, ATV, motorcycle, snowmobile or horse to go out looking for the animals.

I understand theirs risk involved, but I accept that risk. As a Firefighter, I know trains are very dangerous and several friends have been injured fighting fires started by trains coming off MAC Pass into town over the years.

In the past, I asked the train master in Helena, why they didn't maintain their fences anymore, his response "It's cheaper just to pay ranchers for the stock they lose, than maintain the fences".

The Railroad made a decision years ago to stop maintaining the fencing along railroad right-of-ways allowing animals, children and others access to the rails with no respect for what happens.

God's Love in Helena has solved the problem of "Hobos, tramps and railroad bums" camps coming into town along the tracts.

Years ago my truck broke down in downtown Helena (before cell phones). I ended up walking home using the tracks as a short cut shaving off several miles (I live some 12 miles from town).

The cost savings realized by Railroads in failing to maintain fencing on their part has resulted in lose of numerous animals over the years and have created a burden for Montana's citizens.

Evidence of this problem is easily documented by looking at newspaper reports across the state of train derailments experienced on a monthly basis due to improperly maintained rails.

To criminalize "trespass" in light of the railroads action's and the historical usage of the rails is unwarranted and I ask the committee to **table HB-171**.

Thank you.

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