

TEA

TRESPASS ENFORCEMENT through AVIATION ON RAILROAD RIGHTS-OF-WAY (SAFETY & HOMELAND SECURITY)

PROBLEM IDENTIFICATION

Ohio Operation Lifesaver, a public safety education organization noted during the past decade, pedestrian fatalities, injuries and incidents with trains exceed motor vehicle driver fatalities and injuries with trains. Being on railroad property other than approved public crossings or expressed permission is criminal trespassing. Offenders include: school students using the tracks as a shortcut, recreational users, hunters, fishermen, and homeless persons, persons using or selling drugs, suicide and of significant concern persons engaged in a homeland security threat.

Fatalities and life threatening injuries have occurred by attempting to cross through or under rail cars, trapped on trestles or in tunnels on the approach of a train, high voltage and propane gas locations, stone ballast and other hazards associated with railroad equipment. Persons who pose a homeland security threat are also aware of the many resources associated with the rail transportation system.

Trespass enforcement is difficult because, location may not be accessible, offenders left scene prior to arrival, railroad police geographically too far to respond, and other calls for law enforcement service preclude responding.

CREATIVE ENFORCEMENT CONCEPT

The Ohio State Highway Patrol when weather is flyable dispatches aircraft to a variety of Ohio locations piloted by a Trooper. Some of the larger metropolitan law enforcement agencies also routinely utilize aircraft. In the course of flying, these law enforcement pilots fly over many railroad tracks. From the air, pilots have a unique opportunity to observe trespassers using the railroad rights-of-way. The concept is Observe, Report & Respond. The pilot observes the trespasser, and then communicates via radio with the appropriate law enforcement jurisdiction. The key element to the concept is the availability of the law enforcement jurisdiction to respond. Upon response to the offender's locations, law enforcement officers based on their policies and procedures may elect to arrest, cite or eject the offenders.

IDENTIFYING TRESPASSERS

For aerial surveillance, as a general practice, railroad employees and authorized persons to be on the railroad rights-of-way wear hard hats and/or reflective safety vests. If these items are missing, then it's likely the persons are trespassing. Pilots can easily determine if persons are wearing reflective vests and or hard hats.

SOUND PUBLIC POLICY/COST EFFECTIVENESS

First and foremost, no added expenditures to aviation pilots to initiate communications to law enforcement jurisdictions. The affected law enforcement jurisdiction responds if available to an actual incident is in progress. That response falls in the purview of responsible use of tax dollars and police resources. The responding officers not only may be preventing a fatality, serious injury or suicide, but equally important in today's climate a potential homeland security threat. Implementing this Observe, Report and Response policy is sound public policy for the Citizens we serve.