

Railroad Tracks Are Private Property!

By Mike Barhorst

I was recently horrified to observe a professional photographer escort two young children onto the Big Four Railroad tracks adjacent to the now shuttered Big Four Passenger Station on Chestnut Avenue. The photographer positioned the girls, seemingly no more than six years of age and dressed in ballerina costumes, in the middle of the tracks, set up her camera, and began taking photographs.

Because of their age, the girls could not possibly have known the potential danger that existed. On the other hand, the photographer as well as the adults accompanying the girls, were certainly old enough to know better.

When advised that she was trespassing, the out-of-town photographer stated that she had no idea she was on private property. She stated that she had simply "Googled" the location of the nearest train station, and ended up at that location.

I'm not certain which of the facts of the case horrified me more. Perhaps it was the fact that she didn't realize that railroad property was private property. Then again, perhaps it was the fact that she thought it was just fine to set up her photography studio in the middle of active railroad tracks.

On average, there are more than 100 trains that pass through Sidney each day. The average freight train consists of 90 to 120 cars. From the time brakes are applied on the average freight train traveling at 55 miles per hour, it takes more than a mile for the train to come to a complete stop once the brakes are applied.

Having now spent more time at the station than most residents, I can attest to the fact that there are a considerable number of "average" trains that pass through Sidney each and every day. I can also state that there are a number of trains that pass through that are anything but average.

I have witnessed trains come to a complete stop and sit idle for more than forty-five minutes. I have seen others that have come through at less than ten miles per hour. I have also observed trains that have passed through at speeds far greater than 55 miles per hour.

I recently observed an entire train that was composed of engines – if I counted correctly, eight of them coupled together. With respect to trains traveling faster than 55 miles per hour, earlier this summer a military train composed of less than a half dozen cars was most assuredly traveling at a speed far greater than 55 miles per hour.

The point I'm trying to make is a simple one. Even if you are familiar with that location, there is no way to accurately judge the speed of trains that are passing through. The same can be said of any active rail location anywhere in the country.

There are a number of tragic deaths that have occurred in Sidney that have involved individuals walking along the tracks and trains. I recall reading of one involving multiple members of the same family who observed an oncoming train while standing on the Big Four Bridge, and were unable to outrun the train.

Least you doubt the danger, there are a number of stories on the internet detailing photographers who have been killed. In several cases, the individuals posing for photos with the photographer have been killed as well.

According to the Federal Railroad Administration, deaths from walking on railroad tracks are up nearly 10 percent nationally, with 483 last year alone. Many of those involved people pausing to take selfies on the tracks or pose for traditional camera shots.

Roughly every three hours in the United States, a person or a vehicle is hit by a train. In 2014, about 16 people were killed by trains every week, a 17 percent increase over the previous year and adding up to the highest number of rail casualties since 2007.

There are six reasons the Federal Railroad Administration lists as to why you should never take photos on train tracks:

1. trains can't stop quickly enough to avoid people or vehicles on the tracks;
2. optical illusions make it difficult to determine how far away a train is as well as its speed;
3. the average train overhangs the tracks by at least three feet;
4. railroad tracks, rail yards, and bridges are private property;
5. no tracks should be presumed to be abandoned or inactive; and,
6. people will mimic your behavior. If they see you taking pictures on the track, they will presume that it is permissible to do so themselves.

If your personal safety is not a consideration, there is one last reason not to trespass on railroad property. If caught, you can be arrested and fined up to \$10,000!

For high school seniors desiring special candid shots, couples posing for engagement photos, and even parents with aspiring ballerinas, it's well past time to come up with safer locations to take those special keepsake photos. Do something original. Think outside the box. Come up with a location that is not only safe, but located on property on which you have permission to conduct the shoot.