

**As Reported by the House Transportation and Public Safety  
Committee**

**124th General Assembly  
Regular Session  
2001-2002**

**Sub. S. B. No. 163**

**SENATORS Austria, Coughlin, Randy Gardner, Armbruster, Oelslager,  
Jacobson, Amstutz, Carnes, Harris, Herington, Mumper, Spada, White,  
Robert Gardner, Goodman, Hagan  
REPRESENTATIVES Manning, Reidelbach**

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**A B I L L**

To enact sections 2909.09, 2909.10, and 2909.101 of  
the Revised Code to prohibit knowingly dropping or  
throwing any object at, onto, or in the path of any  
vehicle on a highway or any vessel on a waterway,  
to prohibit knowingly dropping or throwing any  
object in the path of a railroad, to enact other  
new offenses relating to railroad property and  
operations and railroad grade crossing warning  
signals and other protective devices, and to create  
the Highway, Bridge, and Overpass Vandal Fence Task  
Force.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2909.09, 2909.10, and 2909.101 of  
the Revised Code be enacted to read as follows:

**Sec. 2909.09.** (A) As used in this section:

(1) "Highway" means any highway as defined in section 4511.01  
of the Revised Code or any lane, road, street, alley, bridge, or

overpass.

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(2) "Alley," "street," "streetcar," "trackless trolley," and "vehicle" have the same meanings as in section 4511.01 of the Revised Code.

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(3) "Vessel" and "waters in this state" have the same meanings as in section 1547.01 of the Revised Code.

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(B) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of any of the following:

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(1) Any vehicle, streetcar, or trackless trolley on a highway;

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(2) Any boat or vessel on any of the waters in this state.

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(C) Whoever violates this section is guilty of vehicular vandalism. Except as otherwise provided in this division, vehicular vandalism is a misdemeanor of the first degree. Except as otherwise provided in this division, if the violation of this section creates a substantial risk of physical harm to any person or the violation of this section causes serious physical harm to property, vehicular vandalism is a felony of the fourth degree. Except as otherwise provided in this division, if the violation of this section causes physical harm to any person, vehicular vandalism is a felony of the third degree. If the violation of this section causes serious physical harm to any person, vehicular vandalism is a felony of the second degree.

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**Sec. 2909.10.** (A) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of, any railroad rail, railroad track, locomotive, engine, railroad car, or other vehicle of a railroad company while such vehicle is on a railroad track.

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(B) No person, without privilege to do so, shall climb upon or into any locomotive, engine, railroad car, or other vehicle of

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a railroad company when it is on a railroad track.

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(C) No person, without privilege to do so, shall disrupt, delay, or prevent the operation of any train or other vehicle of a railroad company while such vehicle is on a railroad track.

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(D) No person, without privilege to do so, shall knowingly enter or remain on the land or premises of a railroad company.

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(E) Whoever violates division (A) of this section is guilty of railroad vandalism. Whoever violates division (B) of this section is guilty of criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle. Whoever violates division (C) of this section is guilty of interference with the operation of a train.

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Except as otherwise provided in this division, railroad vandalism; criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle; and interference with the operation of a train each is a misdemeanor of the first degree. Except as otherwise provided in this division, if the violation of division (A), (B), or (C) of this section causes serious physical harm to property or creates a substantial risk of physical harm to any person, the violation is a felony of the fourth degree. Except as otherwise provided in this division, if the violation of division (A), (B), or (C) of this section causes physical harm to any person, the violation is a felony of the third degree. If the violation of division (A), (B), or (C) of this section causes serious physical harm to any person, the violation is a felony of the second degree.

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(F) Whoever violates division (D) of this section is guilty of criminal trespass on the land or premises of a railroad company, a misdemeanor of the fourth degree.

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**Sec. 2909.101.** (A) No person shall knowingly deface, damage,

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obstruct, remove, or otherwise impair the operation of any 77  
railroad grade crossing warning signal or other protective device, 78  
including any gate, bell, light, crossbuck, stop sign, yield sign, 79  
advance warning sign, or advance pavement marking. 80

(B) Whoever violates this section is guilty of railroad grade 81  
crossing device vandalism. Except as otherwise provided in this 82  
division, railroad grade crossing device vandalism is a 83  
misdemeanor of the first degree. Except as otherwise provided in 84  
this division, if the violation of this section causes serious 85  
physical harm to property or creates a substantial risk of 86  
physical harm to any person, railroad grade crossing device 87  
vandalism is a felony of the fourth degree. Except as otherwise 88  
provided in this division, if the violation of this section causes 89  
physical harm to any person, railroad grade crossing device 90  
vandalism is a felony of the third degree. If the violation of 91  
this section causes serious physical harm to any person, railroad 92  
grade crossing device vandalism is a felony of the second degree. 93

**Section 2.** There is hereby created the Highway, Bridge, and 94  
Overpass Vandal Fence Task Force, consisting of the Governor or 95  
the Governor's designee, one person appointed by the Director of 96  
Transportation, one person appointed by the Director of Public 97  
Safety, who shall be the Superintendent or a trooper of the State 98  
Highway Patrol, one person appointed by the Buckeye State Sheriffs 99  
Association, one person appointed by the Ohio Association of 100  
Chiefs of Police, one person appointed by the County Engineers 101  
Association of Ohio, and three or more members of the public 102  
appointed by the Governor. The Governor or the Governor's designee 103  
shall be chairperson of the Task Force, and the Task Force members 104  
shall elect a vice-chairperson from among their members and 105  
appoint a secretary, who need not be a member of the Task Force. A 106  
vacancy shall be filled in the same manner as the original 107

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appointment. Members of the Task Force shall not receive a salary, 108  
but the three Task Force members the Governor appoints shall be 109  
reimbursed for the actual expenses they incur in performing their 110  
duties as Task Force members. 111

The Task Force shall do all of the following: 112

(A) Develop an awareness program with local law enforcement 113  
officials and the Ohio Department of Transportation relative to 114  
the problem of objects thrown from highways, bridges, and 115  
overpasses; 116

(B) Review and evaluate the overall situation regarding 117  
objects thrown from highways, bridges, and overpasses, including 118  
the types and number of objects thrown yearly, the perpetrators 119  
involved, the locations within this state where such throwing has 120  
occurred, and any other aspects of this criminal activity the Task 121  
Force determines to be relevant and significant; 122

(C) Facilitate communication between the Ohio Department of 123  
Transportation and law enforcement agencies by developing a 124  
central computer system to track these incidents; 125

(D) Examine the value of the improved safety resulting from 126  
the installation of vandal fences on all bridges and overpasses on 127  
interstate freeways relative to the cost of such installation. 128

The Task Force shall compile its findings and formulate 129  
recommendations and report these to a joint House of 130  
Representatives and Senate Transportation Committee not later than 131  
September 30, 2003. The joint committee shall consist of eight 132  
members, four from the Senate appointed by the President of the 133  
Senate and four from the House of Representatives appointed by the 134  
Speaker. After the Task Force presents its report, the Governor 135  
may declare the end to the existence of the Task Force or may 136  
declare that the Task Force will remain in existence for such 137  
additional time as the Governor determines necessary. If the 138

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Governor declares that the Task Force will remain in existence,  
the Task Force shall examine any issues relating to the throwing  
of objects from highways, bridges, and overpasses that the Task  
Force chooses to examine, until the Governor declares the end to  
the existence of the Task Force.

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