

## **CHAPTER 10: VANDALISM**

### **CHAPTER OVERVIEW**

Every state has laws against the defacing and destruction of private property. Not every state lists a law or regulations specific to railroad property. In recent years, penalties at the state government level have been increased because of the recognition of the catastrophic results that are possible in some cases of vandalism to trains, tunnels, bridges, viaducts, trestles, tracks, or signals.

For purposes of comparison and reference, included here is the Federal Statute related to the wrecking or destroying of trains:

Whoever willfully derails, disables, or wrecks any train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce by any railroad; or whoever willfully sets fire to, or places any explosive substance on or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, Property, or appurtenance used in the operation of any such railroad in interstate or foreign commerce, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, Terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, with the intent to derail, disable, or wreck a train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce.

Anyone attempting to do any of the aforesaid acts or things shall be fined or imprisoned not more than twenty years, or both.

If anyone is convicted of a violation that has resulted in the death of any person, shall be also subject to the death penalty or to imprisonment. This same subsection of the statute imposes a penalty of a fine and imprisonment for any term or years not less than thirty, or for life, if the violation involved a train that at the time was carrying high-level radioactive waste, or spent nuclear fuel. 18 USCS § 1992 (1999).

This chapter presents a state-by-state survey of the laws and regulations concerning vandalism of railroad property, warning devices and equipment, along with the prescribed punishment if any. Each state entry is accompanied by citations.

### **STATE LAWS, REGULATIONS AND PENALTIES**

#### **ALABAMA**

Alabama lists no applicable statute.

## **ALASKA**

Alaska law declares it a crime of criminal mischief in the third degree if a person knowingly removes, relocates, defaces, alters, obscures, shoots at, destroys or otherwise tampers with an official traffic control device. A railroad sign or signal is included in the definition of official traffic control device. Alaska Stat. §§ 11.46.480-484-490 (1999).

## **ARIZONA**

No person shall, without lawful authority, attempt to alter, deface, injure, knock down or remove any official traffic control device, any railroad sign or signal, or any inscription, shield or insignia thereon, or any part thereof. Ariz. Rev. Stat. Ann. § 28-649 (1999).

## **ARKANSAS**

It is unlawful in Arkansas for any person to willfully perpetrate an act whereby any building, construction, or work of any railroad corporation in the state, or any engine, machine, structure, or any matter or thing appertaining to the corporation shall be stopped, obstructed, injured, impaired, weakened, or destroyed. Anyone found guilty of this misdemeanor shall be required to forfeit and pay to the affected railroad, treble the amount of damages sustained by means of such an offense. Ark. Stat. Ann. § 23-12-805(a) (1999).

It is unlawful for anyone in Arkansas to wantonly, maliciously, or mischievously discharge a firearm, or throw stones, sticks, clubs, or other missiles at, into, or against any locomotive, railroad car, or street car on any railroad. Upon being found guilty of this misdemeanor offense, a person may be punished by a fine of not less than twenty-five dollars or more than two hundred fifty dollars, or by imprisonment in the county jail for not more than three months, or by both. Ark. Stat. Ann. § 23-12-804 (1999).

## **CALIFORNIA**

The California Penal Code makes it a misdemeanor for any person who, absent any authority from the owner, manipulates or in anyway tampers or interferes with any air brake or other device, appliance or apparatus in or upon any car or locomotive upon such railroad, or with any switch, signal or other appliance or apparatus used or provided for use in the operation of a railroad. Cal. Penal Code § 587a (West 1999).

## **COLORADO**

In Colorado, it is a Class B traffic infraction to alter, deface, injure, knock down, remove or interfere with the effective operation of any official traffic control device, any railroad sign or signal, or any inscription, shield or insignia thereon, or any part thereof. Colo. Rev. Stat. § 42-4607(1999).

A person commits the crime of endangering public transportation (a class 3 felony) if such person tampers with a facility of public transportation with intent to cause any damage,

malfunction, or nonfunction which would result in the creation of a substantial risk of death or serious bodily injury to anyone. Endangering public transportation is a class 3 felony. Colo. Rev. Stat. §18-9-115 (1999).

It constitutes a Class 2 misdemeanor in Colorado if a person knowingly and without lawful authority forcibly stops and hinders the operation of any vehicle used in providing transportation services of any kind to the public or to any person, association, or corporation. Colo. Rev. Stat. § 18-9-115 (1999).

It is unlawful for an individual or corporation to obstruct a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway, or hallway to which the public or a substantial group of the public has access or any other place used for the passage of persons, vehicles, or conveyances, whether the obstruction arises from his acts alone or from his acts and the acts of others. An offense under this section shall be a Class 3 misdemeanor. Colo. Rev. Stat. § 189-107 (1999).

## **CONNECTICUT**

In Connecticut, a person is guilty of criminal mischief in the second degree for damaging or tampering with the tangible property of a public utility or mode of public transportation, power or communication. Criminal mischief in the second degree is a Class A misdemeanor. Conn. Gen. Stat. § 53a-116 (1992).

A person is guilty of criminal mischief in the first degree (a Class D felony) when: (1) With intent to cause damage to tangible property of another and having no reasonable ground to believe that he has a right to do so, he damages tangible property of another in an amount exceeding one thousand five hundred dollars, or (2) with intent to cause an interruption or impairment of service rendered to the public and having no reasonable ground to believe that he has a right to do so, he damages or tampers with tangible property of a utility or mode of public transportation, power or communication, and thereby causes an interruption or impairment of service. Conn. Gen. Stat. § 53a-115 (1999).

## **DELAWARE**

In Delaware, if a person willfully impairs, injures, destroys, or obstructs the use of any railroad or any of its works, wharves, bridges, carriages, engines, cars, machines or other property, must pay to the railroad fifty dollars and be liable for all damages sustained. Del. Code Ann. tit. 2, § 1812 (1999).

It is illegal for anyone to attempt to alter or alter, damage, deface, injure, twist, knock down, interfere with the operation of or remove a railroad signal or sign. Violation of this offense will result in a fine or not less than fifty-seven dollars and fifty cents nor more than two hundred thirty dollars, imprisonment for not more than ten days or both. Each subsequent offense committed within two years will bring a fine of not less than one hundred fifteen nor more than four hundred sixty dollars or imprisonment for a maximum of thirty days. A person

found guilty of this offense is also responsible to the state for actual costs incurred in replacing the sign or device. Del. Code Ann. tit. 21, § 4112 (1999).

A person is guilty of an offense if he throws, or causes to be thrown, any waste paper, sweepings, ashes, household waste, glass, metal, tires, refuse or rubbish, or any dangerous or detrimental substance to be deposited into or upon any railroad right-of-way in the State of Delaware. If found guilty of a violation of this section, a person may be fined an amount of not less than fifty dollars or more than three hundred dollars. For each subsequent offense occurring within three years of a former offense, the fine shall be not than three hundred dollars or more than five hundred dollars. The minimum fines for a violation of this section shall not be subject to suspension. Del. Code Ann. tit. 2, § 1821 (1999).

## **DISTRICT OF COLUMBIA**

District of Columbia law prohibits anyone from placing an obstruction on or near the track of any steam or street railway, or displaces or injures anything appertaining to the track, with intent to endanger the passage of any locomotive or car. Upon a conviction, a sentence can be imposed for not more than ten years. D. C. Code Ann. § 22-3119 (West 2001).

## **FLORIDA**

Florida has a number of statutes related to vandalism of railroad signals or traffic control devices. A person is guilty of a felony of the third degree for knowingly or willfully interfering with or removing any railroad system used to control railroad operations, any railroad crossing warning devices, or any lantern, light, lamp, torch, flag, fuse, torpedo or other signal used in connection with railroad operations. Fla. Stat. Ann. § 860.08 (West 1999). See also, Sections 775.082, 775.083 and 775.084, concerning punishment.

No person shall, unless by lawful authority, attempt to alter, deface, injure, knock down or remove any railroad sign or signal, any inscription, shield or insignia on the sign or signal, or any other part thereof. Fla. Stat. Ann. § 316.0775 (West 1999).

It is unlawful in Florida for anyone, other than an employee or authorized agent of a railroad company acting within the line of duty, to knowingly or willfully move, interfere with, remove, or obstruct, any railroad switch, bridge, crossties, or other equipment located on the right-of-way or property of a railroad and used in railroad operations. A violation is a felony of the third degree. Fla. Stat. § 860-09 (Supp.1999).

It is unlawful to shoot at, throw any object capable of causing death or great bodily harm or place any object capable of causing death or great bodily harm in the path of any railroad train, locomotive, car, caboose or other railroad vehicle. The statute lists particular penalties based on specific circumstances. Fla. Stat. Ann. § 860-121 (Supp.1999).

Any person, other than a railroad employee or authorized agent acting within the line of duty, who knowingly or willfully detaches or uncouples any train, puts on, applies, or tampers

with any brake, bell cord or emergency valve, or otherwise interfere with any train, engine, car, or part thereof is guilty of a felony in the third degree. Fla. Stat. Ann. § 860.05 (Supp.1999).

Whoever wantonly or maliciously injures any bridge, trestle, culvert, cattle guard, or other superstructure of any railroad or salts the track for the purpose of attracting cattle thereto, or who shall drive cattle thereon, shall be guilty of a felony of the second degree. Fla. Stat. Ann. § 860.11 (West 1994).

It is unlawful for any person to wrongfully, recklessly, or wantonly and without authority, to signal any train or engine with a red light or with a red flag, or to give a signal calculated to affect the movement or operation of any train, engine, or cars on any railroad in the State of Florida. A violation of this section, a section is a misdemeanor of the second degree and punishable as provided in Section 775.082. Fla. Stat. Ann. § 860.07 (1999). This section does not apply to any person giving signals to stop a train for the purpose of preventing an accident, or at a regular station or flag station when the train is flagged for the purposes of taking passage.

## **GEORGIA**

Georgia law makes it unlawful for any person to mutilate, destroy or deface any crossing sign. Violation is a misdemeanor punishable under Georgia law by a fine not exceeding fifty dollars, imprisonment for not more than twelve months, or both. Ga. Code Ann. § 46-8-196 (1999).

## **HAWAII**

It is unlawful for any person to attempt to alter, deface, injure, knock down, or remove any railroad sign or signal or any inscription, shield or insignia thereon, or any part other thereof Haw. Rev. Stat. § 291C-37 (1999). See also, Section 291C-161 concerning the penalty for violations.

## **IDAHO**

It is a felony in Idaho for any person to maliciously remove, displace, injure or in any way interfere with, change or destroy any part of any railroad property, any track of any railroad, branch or branch way, switch, block, or other signal or signaling device, turnout, bridge, viaduct, culvert, embankment, station house or other structure or fixture connected to the railroad. Punishment may be imprisonment for a time not exceeding ten years, a fine not exceeding fifty thousand dollars or both. Idaho Code § 18-6006 (1999).

A person may not attempt to alter, twist, deface, injure, knock down, remove or interfere with the effective operation of any traffic control device, any railroad sign or signal, any inscription, shield or insignia, or any other part of the device or signal. Idaho Code § 49-1420 (1999).

Idaho makes it unlawful to place an obstruction on the rails or track of any railroad or to obstruct any switch, branch, branch way or turnout connected with any railroad. A violation is

punishable by imprisonment not exceeding five years in the state prison or not less than six months in the county jail. Idaho Code § 18-6009 (1999).

If such acts result in a death, the offense is a felony and punishment may be imprisonment for a term of not less than five years but may extend to the natural life of the person responsible. The wrongdoer may also be tried and punished for murder. Idaho Code §§ 18-6010 - 6011 (1999).

It is unlawful in Idaho for any person to report to any police officer, sheriff, employee of a fire department or fire service, prosecuting attorney, newspaper, radio station, television station, deputy sheriff, deputy prosecuting attorney, member of the state police, employee of an airline, employee of an airport, employee of a railroad or bus line.... that a bomb or other explosive has been placed or secreted in a public or private place knowing that the report is false. Idaho Code § 18-3313 (Lexis 1999).

## **ILLINOIS**

A person in Illinois found to have removed, taken, stolen, changed, added to, taken from or in any manner interfered with any of the parts or attachments of any locomotive or car, or any plant or property used in or connected with the operation of any locomotive or car, or any person who causes or attempts to cause the derailment of an engine, cars, or a track vehicle used on railroad tracts is guilty of a Class 4 felony. If any of the actions described above results in death, the person found guilty shall be liable for first degree murder. 625 ILCS 5/18c-7502 (1999).

Anyone found to have interfered with a railroad sign or signal or who in anyway attempts to alter, deface, injure, knock down or remove any railroad sign or signal, any inscription, shield or insignia thereon, or any other part thereof shall be guilty of a Class A misdemeanor punishable by a fine of not less than two hundred fifty dollars in addition to any other penalties imposed. 625 ILCS 5/11-3110(1999).

## **INDIANA**

Indiana law makes it unlawful for anyone to place, maintain, or display upon or in view of a highway an unauthorized sign, signal, marking, or device that: (1) Purports to be, is an imitation of, or resembles an official traffic control device or a railroad sign or signal; (2) attempts to direct the movement of traffic; or (3) hides from view or interferes with the effectiveness of an official traffic control device or a railroad sign or signal. Ind. Code § 9-21-4-4 (1999).

## **IOWA**

It is unlawful in Iowa to attempt to alter, deface, injure, knock down or remove a railroad sign or signal. A person convicted of such an act is guilty of a serious misdemeanor and can be required to make restitution to the affected jurisdiction. Iowa Code § 321.260 (1999).

## **KANSAS**

Kansas law declares it a Class C misdemeanor to tamper with a traffic signal, railroad switching device or other signal device erected or installed for the purpose of controlling or diverting the movement of railroad trains. Tampering is defined as intentionally manipulating, altering, destroying or removing such signals or devices. Kan. Stat. Ann. §§ 21-3725-8-1513 (1999).

It is unlawful in Kansas for any person to maliciously or wantonly cause in any manner the derailment of a train, railroad car or rail-mounted work equipment. A violation of this section is a Class A non-person misdemeanor, except that any person violating this section which results in a demonstrable monetary loss, damage or destruction of railroad property which such loss is valued at more than fifteen hundred dollars upon conviction is deemed guilty of a severity level 8, non-person felony. Kan. Stat. Ann. § 21-3761 (1999).

## **KENTUCKY**

Kentucky law lists no applicable statute.

## **LOUISIANA**

Louisiana law defines throwing stones, missiles or other objects at any train, railway car, or locomotive as criminal mischief and makes the punishment a fine of not more than five hundred dollars, imprisonment for not more than six months in jail, or both. It prescribes the same penalty for discharging a firearm at a train, locomotive or railway car. La. Rev. Stat. § 14:59 (1998).

It is also against the law in Louisiana to give false signals to a person(s) in charge of a locomotive with intent to cause the stopping of the locomotive, train or cars. Violation brings a fine of not less than ten nor more than two hundred dollars or imprisonment for not more than three months. La. Rev. Stat. § 14:321 (1998).

## **MAINE**

It is unlawful in the State of Maine to destroy or molest any signal of a railroad corporation or any line, wire, post, lamp, or other structure or mechanism used in connection with any signal on a railroad. If convicted, a person may be punished by a fine not to exceed five hundred dollars or by imprisonment for not more than two years.

No one may alter, without authority, change or in any manner interfere with any safety switch or switch lights on any railroad. This type of offense is a Class E crime. Me. Rev. Stat. Ann. tit. 23, §§ 7010 -7011 (West 1999).

## **MARYLAND**

It is a violation of law in Maryland to alter, deface, injure, knock down, change the direction of, twist or remove parts of any traffic control device or railroad sign or signal. The statute contains no mention of a penalty. Md. Ann. Code art. 21, § 206 (Supp.1998).

Maryland also has a law against giving false or unauthorized signals to influence train operations. Violation is a misdemeanor and carries a penalty of imprisonment for a period not to exceed six months. Md. Ann. Code art. 27, § 456 (Supp.1998).

A person who breaks or damages a railroad or places or causes to be placed anything on a railroad in Maryland to obstruct, overthrow, or direct from the track a railroad vehicle, is guilty of a felony and upon conviction is subject to a fine not exceeding five thousand dollars or imprisonment not exceeding ten years or both. Md. Ann. Code art 27, § 453A (Supp.1998).

It is unlawful in Maryland for any person to willfully and maliciously cause an object to strike a railroad vehicle or electric railway by shooting, throwing, or causing an object to fall. This offense constitutes a misdemeanor and upon conviction, a person is subject to a fine not exceeding one thousand dollars or imprisonment not exceeding five years or both. Md. Ann. Code art 27, § 458 (Supp.1998).

## **MASSACHUSETTS**

No person may lawfully remove, throw down, injure or deface any grade crossing sign. Violation of this section may result in a fine of not more than ten dollars to be paid to the county, city or town that maintains the sign, or to the commonwealth if the sign is placed and maintained by the Department of Highways. Mass. Gen. Laws Ann. ch. 160, § 146 (West 1999).

It is unlawful to intentionally injure, molest or destroy any railroad signal or any line, wire, post or other structure or mechanism used in connection with the signal, or in any way interfere with the proper functioning of the signal. The law also prohibits meddling or tampering with a track or car, or the mechanisms or apparatus used in the operation of a railroad car. Violation will result in fine of not more than five hundred dollars, imprisonment for not more than two years or both. Mass. Gen. Laws Ann. ch. 159, § 103 (West 1999).

## **MICHIGAN**

Michigan prohibits the altering, defacing, knocking down or removal of any railroad signal or any inscription, shield or insignia on the sign or signal, or any other part thereof. A penalty for violation is not described. Mich. Stat. Ann. § 9.2316 (1999).

Michigan also prohibits tampering with a light or banner attached to or connected with any switch or derailing device. Violation is a misdemeanor punishable by a fine of at least one hundred but not more than five hundred dollars or by imprisonment of at least ten but not more than sixty days. Mich. Stat. Ann. § 22.1263 (267) (1999).



## **MINNESOTA**

It is unlawful for anyone in Minnesota to maliciously injure, remove, displace, deface or destroy the signs or signals that are regulated and mandated by statute at railroad crossings with roads. Minn. Stat. § 219.30 (1999).

It is a misdemeanor for a person to exhibit a false light or signal or to interfere with a light, signal or sign controlling or guiding traffic on a railroad track. If the person doing same knows that they are risking lives or serious injury or property damage, the violation could be a felony. Minn. Stat. § 609-851 (1999).

Minnesota law makes it a felony for anyone to throw or deposit any type of debris, waste material, or other obstruction on any railroad track or cause damage, or cause another person to damage, tamper, change or destroy any railroad track, switch, bridge, trestle, tunnel, signal or moving equipment used in providing railroad services, with intention to cause injury, an accident or derailment. If any of the prohibited acts create a reasonably foreseeable risk of any injury, accident or derailment, then the person is guilty of a gross misdemeanor.

Any person who intentionally shoots a firearm at any portion of a railroad train, car, caboose, engine or moving equipment so as to endanger the safety of another is guilty of a gross misdemeanor. Likewise, any person who intentionally throws, shoots or propels any stone, brick or other missile at any railroad train, car caboose, engine or moving is guilty of a gross misdemeanor.

It is a misdemeanor for anyone in Minnesota to place an obstruction on a railroad track. Minn. Stat. § 609.85 (1)(2)(3)(4) (Supp.1999).

No person or corporation may place, maintain or display any red light or red sign, signal, or lighting device or maintain it in view of any highway or any line of railroad on or over which trains are operated in such a manner as to interfere with the effectiveness or efficiency of any highway traffic-control device or signals used in the operation of a railroad. Minn. Stat. § 169.073 (1999).

It is unlawful for anyone to possess, without lawful authority, or attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any part thereof. Minn. Stat. § 169.08 (1999).

## **MISSISSIPPI**

Mississippi law forbids any person from willfully destroying, defacing, marring, damaging, pulling down, or removing any milepost, signboard, or index board, or road number, or railroad crossing sign or flasher signal, or other traffic control device. Upon conviction, a person is liable for the actual cost of replacing or repairing such sign and may be fined not less than two hundred dollars or more than five hundred dollars, or imprisoned in the county jail not more than six months, or both. Miss. Code Ann. § 97-15-1 (1999).

No one may willfully obliterate, injure or destroy any railroad gate, warning-strings, cattle-gap or any board or sign erected or maintained by a railroad. If convicted, a person may be fined not less than one hundred dollars or more than five hundred dollars, or be imprisoned in the county jail no exceeding three months, or both. Miss. Code Ann. § 97-2-5 (1999).

It is unlawful for anyone to wantonly or negligently obstruct or injure any railroad. A conviction shall bring a fine of not less than five hundred dollars nor more than two thousand dollars, or imprisonment for not longer than twelve months in the county jail, or both. Miss. Code Ann. § 97-25-21 (1999).

No person in Mississippi shall wantonly or maliciously injure, or place any impediment or obstruction on any railroad, or commit any other act by means of which any car or vehicle might be caused to diverge, or be derailed, or thrown from the track. Upon conviction, a person shall be committed to the custody of the Department of Corrections for a term of not less than one year or more than ten years. Miss. Code Ann. § 97-25-23 (1999).

Unlawfully seizing upon any locomotive and running it away, or aiding, abetting or procuring the doing of the same shall, upon conviction, bring a fine of not less than five hundred dollars nor more than one thousand dollars, or imprisonment in the county jail for a period not to exceed six months, or both. Miss. Code Ann. § 97-25-25 (1999).

No person shall, without authority, and in the absence of apparent danger warranting such act, out of a spirit of mischief, or with any purpose other than to prevent or give information of an accident, make, or cause to be made, any sign or signal to persons in charge of any locomotive, or railroad train or cars, or to any of such persons, or in sight of any of them, with intent to cause the stopping or starting of the train; or no person may unlawfully interfere with the management or running of any locomotive, train, or cars on any railroad. If convicted, a person shall be fined not less than one hundred dollars or more than five hundred dollars, or shall be imprisoned in the county jail for a period not to exceed three months. Miss. Code Ann. § 97-25-27 (1999).

It is unlawful in Mississippi for any person to maliciously remove, take, steal, change or in any manner interfere with any railroad transmission line, signaling device, microwave tower, or any of the parts or attachments belonging to any communication or signaling device owned, leased or used by any railroad or transportation company. A conviction can bring a fine of not more than three thousand dollars or imprisonment for not more than five years, or both. Miss. Code Ann. § 97-25-35 (1999).

It is unlawful for any person not employed by a railroad to willfully and maliciously uncouple or detach the locomotive or tender or any of the cars of any railroad train, or to in any way aid, abet or procure the doing of the same. Such person shall be punished by a fine of not less than two hundred fifty dollars nor more than one thousand dollars, or imprisonment in the county jail not exceeding six months, or both. Miss. Code Ann. § 97-35-39 (1999).

No person shall willfully shoot any firearm or hurl any missile at, or into, any train, bus, truck, motor vehicle, depot, station, or any other transportation facility. A conviction shall bring a fine of not less than one hundred dollars nor more than two hundred fifty dollars, or commitment to the custody of the Department of Corrections for not less than one year or more than five years, or both fine and incarceration. Miss Stat. Ann. § 97-25-47 (1999).

Mississippi has two more code sections of interest. See Sections 97-25-43, concerning conspiracy to impede railroad, carrier or utility, and Section 97-25-45, concerning impeding the movement of trains or any other public service corporation by force.

## **MISSOURI**

Although it is listed here in this chapter concerning vandalism, Missouri law deems it a trespass for anyone who commits the acts of throwing an object at a railroad train or rail-mounted equipment, or maliciously or wantonly causes in any manner the derailment of a railroad train, railroad car or rail-mounted equipment, or who discharges a firearm or a weapon at a railroad train, railroad car or rail-mounted equipment. Mo. Rev. Stat. § 389.653 (1998). See also, Missouri in Chapter 9 of this book.

It shall be a crime of unlawful use of weapons if a person knowingly discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle..., or any building or structure used for the assembling of people. For a first violation a person may be sentenced to the maximum authorized term of imprisonment for a Class B felony. Mo. Rev. Stat. 571.030 (1998)

## **MONTANA**

Montana law lists no applicable statute.

## **NEBRASKA**

Nebraska law prohibits, without lawful authority, anyone from altering, defacing, injuring, knocking down or removing any traffic sign, railroad sign or signal, or any part of any such device. Neb. Rev. Stat. § 60-6,129 (1999).

## **NEVADA**

It is unlawful for any person without authority to:

- (a) Willfully uncouple or detach any locomotive, tender, or any car of any railroad train, either when standing or in motion on any track of any railroad.
- (b) Release the brake of any railroad car, tender, or train.
- (c) Put in motion any locomotive, tender, car or train.

It is against the law for any person to throw any stone, rock, missile, or any substance at any railroad train, car, locomotive, or tender, or any part of any train, or to wrongfully injure, deface or damage the same or any part thereof.

A person who violates any provision of this section is guilty of a public offense, as prescribed in Section 193.155, proportionate to the value of the property damaged, and in no event less than a misdemeanor. Nev. Rev. Stat. Ann. §705-480 (Lexis 1998).

No one may willfully obstruct, hinder or delay the passage of any car lawfully operated by any railway. A violation is a misdemeanor. Nev. Rev Stat. Ann. § 705-450 (Lexis 1998).

Any person in Nevada who willfully and maliciously places any obstruction on the track of any railroad, or tears up or removes any part or portion of a railroad, or destroys, deranges, misplaces or injures any rail, switch, block or other signaling device, culvert, viaduct, bridge, car, tender or engine, or willfully and maliciously does or attempts to do any of those things, or any other act or thing, whereby the life and limb of a person is in endangered, is guilty of a category C felony and punished as provided in Section 193.130. Nev. Rev. Stat. Ann. § 705.460 (1998).

A person may not endanger a vessel, railway engine, motor, train or car, show, mask, extinguish, alter or remove any light or signal, or exhibit any false light or signal. A person doing so will be punished in the following manner:

- (1) Where physical injury or property damage results it is a category B felony, punishable by imprisonment in the state prison for a term of not less than one year or more than ten years, and may be further punished by a fine of not more than ten thousand dollars.
- (2) Otherwise, it shall be a gross misdemeanor. Nev. Rev, Stat. Ann. § 206-300 (1998).

It is unlawful in Nevada for anyone to attempt to or alter, deface, injure, knock down, or remove and official traffic-control device or any railroad sign or signal or any inscription shield, or any part thereon. Nev. Rev. Stat. Ann. § 484-289 (1998).

## **NEW HAMPSHIRE**

New Hampshire law lists no applicable statute.

## **NEW JERSEY**

It is unlawful in New Jersey for anyone to impair, injure, destroy or obstruct either the use of a railroad or the property of a railroad. Anyone violating this section shall forfeit to the affected railroad the sum of fifty dollars to be recovered in an action at law in any court having jurisdiction. N.J. Rev. Stat. § 48:12-167 (1999).

Any person who vandalizes railroad signals or protection devices in New Jersey shall be guilty of a disorderly person's offense. For any subsequent violations, an offender is guilty of a crime of the fourth degree. N.J. Rev. Stat. § 2C:33-14.1 (1999).

## **NEW MEXICO**

New Mexico law lists no applicable statute.

## **NEW YORK**

A person shall be deemed guilty of unlawful propulsion of a missile at railroad train where he willfully with intent to cause person injury or property damage throws, shoots or propels a rock, stone, brick, or piece of iron, steel or other metal or any deadly or dangerous missile or fire bomb at any locomotive or car of a train which is occupied by a person or persons. N.Y. Railroad Law § 53-d (1999).

It is unlawful for any person to willfully with intent to disrupt, delay, or disturb service, places, or cause to be placed, drop, or position an object or objects of any kind, on, under, or upon the tracks which does or could cause physical damage to railroad equipment or property or physical injury to passengers or both. Unlawful interference with a railroad train is a Class D felony. N.Y. Railroad Law § 53-e (1999).

## **NORTH CAROLINA**

North Carolina prohibits the placing of any matter or thing upon, over or near any railroad track, or destroying or tampering with the roadbed, rail or fixtures.

Effective October 1, 1994, the law in North Carolina makes a distinction as to whether the act was done with or without intent to cause injury and punishment is fixed accordingly. If there was intent to cause injury, the violation is a Class I felony. If there was no intent, the violation is a Class 2 misdemeanor. N.C. Gen. Stat. §§ 14-278 -279 (1999).

Any person who, without authorization of the affected railroad company, shall willfully do or cause to be done any act to railroad engines, equipment, or rolling stock so as to impede or prevent movement of railroad trains, or so as to impair the operation of railroad equipment, is guilty of a Class 2 misdemeanor. N.C. Gen. Stat. § 14-279.1 (2002)

It is unlawful for any person to willfully cast, throw, or shoot any stone, rock, bullet, shot, pellet, or other missile at, against, or into any railroad car, locomotive or train, or any person thereon, while such car or locomotive shall be in progress from one station to another, or while such car, locomotive or train shall be stopped for any purpose. A violation of this section is a Class 1 felony. N.C. Gen. Stat. § 14-280 (2002).

## **NORTH DAKOTA**

It is unlawful for anyone in North Dakota to tamper with, alter or damage railroad property, or to exhibit any false lights or signals. Violation is a Class C felony. N.D. Cent. Code § 49-10.1-08(1993).

A person shall be guilty of an offense if he causes a substantial interruption or impairment of a public communication, transportation, supply of water, gas, power, or other public service by: (a) Tampering with or damaging the tangible property of another; (b) Incapacitation an operator or such service; or (c) Negligently damaging the tangible property of another by fire, explosive, or other dangerous means. This offense is considered a class C felony if the person engages in the conduct intentionally, and a Class A misdemeanor if the person engages in the conduct knowingly or recklessly. Otherwise it is a Class B misdemeanor. N.D. Cent. Code § 12.1-21-06 (1999).

## **OHIO**

Ohio law lists no applicable statute.

## **OKLAHOMA**

Oklahoma law prohibits anyone from removing, displacing, injuring or destroying any part of any railroad or railroad equipment, including switches, bridges, viaducts, culverts, station houses and other structures.

Any person convicted of placing an obstruction on the rails or tracks of any railroad, or any branch, branch way, or turnout connected with any railroad may be imprisoned in the penitentiary for a period of time not to exceed four years, or in a county jail for not less than six months. Okla. Stat. tit. 21, § 1751 (1)-(2) (1999).

## **OREGON**

It is a crime of criminal mischief in the first degree for any person in Oregon to damage property of a railroad or to intentionally interfere with the service of a railroad, and to manipulate or rearrange any property of a railroad. Criminal mischief in the first degree is a Class C felony. Or. Rev. Stat. § 164.365 (1999).

## **PENNSYLVANIA**

Pennsylvania law defines it an act of criminal mischief if someone intentionally or recklessly tampers with tangible property of another so as to endanger person or property. Criminal mischief is considered a summary offense and uses a graded severity level depending upon the amount of pecuniary loss. 18 Pa. Con. Stat. Ann § 3304.(1999).

## **RHODE ISLAND**

Any person who unlawfully and intentionally injures, molests, or destroys any electric or other signal of a railroad or any part used in connection with that signal may be punished by a fine of up to five hundred dollars or by imprisonment for a period not to exceed two years.

There is another section of the code that deals with the tampering of railroad switches. Violations of the section bring a fine of up to one thousand dollars, or by imprisonment for as much as three years or both. R.I. Gen. Laws §§ 11-36-4-13 (1999).

## **SOUTH CAROLINA**

South Carolina law forbids the injuring, molesting, or destroying of railroad signals or any part of the signals. If found guilty of this misdemeanor, the punishment is a fine of up to five hundred dollars, imprisonment for a period not to exceed two years, or both. S.C.CodeAnn.§5815-860 (1999).

Whoever willfully and maliciously injures in any way any railroad, electric railway or, anything appertaining thereto or any material or instrument for the construction or use thereof, or aids or abets in such trespass, shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding one year and, except in the case of an electric railway, shall forfeit to the use of corporation for each offense treble the amount of damages. Whoever commits any of the acts mentioned in this section in such a manner as by so doing, to endanger life shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the Penitentiary not exceeding twenty years. S.C. Code Ann. § 58-15-870 (1999).

A person who willfully does or causes an action, or aids or assists an action with intent to obstruct any engine, carriage, or car passing upon a railroad or with intent to endanger the safety of persons within these vehicles is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five hundred dollars. For each offense, the person is required to forfeit to the railroad company treble the amount of damages. S.C. Code Ann. § 58-15820(1999).

It is unlawful in South Carolina for any unauthorized person to place any explosive substance upon the rail of any railroad, whether operated by steam, electricity or otherwise. Any person who violates the provisions of this section or aids or assists shall be guilty of a misdemeanor and, upon conviction, shall be sentenced to pay a fine of not more than one hundred dollars or to imprisonment not exceeding thirty days, in the discretion of the magistrate. S.C. Code Ann. § 5815-830 (1999).

Any person who shall willfully and maliciously or with intent to steal or to injure, take or remove the brasses, bearings, waste or packing from any journal box of any locomotive, engine, tender, carriage, coach, caboose or truck used or operated upon any railroad, whether the same by operated by steam or electricity, shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in the Penitentiary or labor on the chain gang for a period of not

less than six months nor more than two years or fined not less than fifty dollars nor more than two hundred dollars. S.C. Code Ann. § 58-15-840 (1999).

## **SOUTH DAKOTA**

In South Dakota, anyone convicted of removing, displacing, injuring or destroying any railroad property is guilty of a Class 6 felony.

Anyone who masks, alters or removes a light or signal belonging to a railroad, or who exhibits a false light or signal with the intent of stopping the train is guilty of a Class 4 felony. S.D. Codified Laws Ann. §§ 49-16A-107 -90 (1999).

Any person who maliciously places an obstruction on the rails or track of a railroad, or any branch, or turnout connected with a railroad, is guilty of a Class 6 felony. S.D. Codified Laws 4916A-108 (1999).

If death results from any violation of Sections 49-16A-107 or 49-16A-108, the offender is guilty of a Class 5 felony. S.D. Codified Laws 49-16A-109 (1999).

It is unlawful for any person to intentionally take or remove the waste or packing or brass from any journal box of any locomotive, engine, tender, carriage, coach, caboose, or truck used or operated or capable of being used or operated on a railroad. A violation of this section is a Class 5 felony. S.D. Codified Laws § 49-106A-109 (1999).

No person may with intent cause damage, deposit, throw, or propel any substance upon any highway, roadway, runaway, or railroad track, or at any vehicle while it is in motion or stationary. A violation is a Class 1 misdemeanor. S.D. Codified Laws Ann. § 22-34-27 (1999).

## **TENNESSEE**

Tennessee law makes it a Class E felony to destroy or interfere with any railroad property. Tenn. Code Ann. § 39-14-411 (1999). See also, Section 39-13-408, for punishment and Section 39-13-103, for increased penalty if the offense is elevated to reckless endangerment.

It shall be an offense for any person to intentionally throw, hurl, or project a stone or other hard substance, or shoot a missile, at a train, locomotive, railway car, caboose, street railway car, bus, motorcycle, steam vessel or other watercraft used for carry passengers or freight on any of the waters within or bordering the State of Tennessee. Tenn. Code Ann. § 39-14-413 (Michie 1997).

It is unlawful for a person to knowingly destroy or interfere with any property utilized by a railroad to furnish service to the general public. Should the destruction or interference place a person in imminent danger of death or serious bodily injury, then it constitutes reckless endangerment and punished as a Class E felony. Tenn. Code Ann. §39-14-411 (Michie 1997). See also, Section 40-35 -111, as to penalty for Class E felony.



## **TEXAS**

It is unlawful for anyone in Texas to dismantle a warning signal at a grade crossing if that warning signal was originally paid for from public funds. The statute defines "warning signal" as a "traffic control device that is activated by the approach or presence of a train, including a flashing light signal, an automatic gate, or a similar device that displays to motorists a warning of the approach or presence of a train." An offense is a Class C misdemeanor. Tex. Transp. Code Ann. § 471.005 (West 1999).

No person may throw an object or discharge a firearm or weapon at a train or rail-mounted work equipment, or tamper with railroad property, or place an obstruction on a railroad track or right-of-way, or cause in any manner the derailment of a train, railroad car, or other railroad property that moves on tracks. Tex. Penal Code Ann. § 28.07 (1999). The sections list a number of penalties with the severity of the offense based on the amount of pecuniary loss.

## **UTAH**

In Utah, it is unlawful for a person to intentionally obstruct or interfere with train operations or use railroad property for recreational purposes. Utah Code Ann. § 56-1-18.5 (1999).

## **VERMONT**

It is unlawful in Vermont for anyone to willfully and maliciously tamper with, displace, damage or remove a railroad switch, track, bridge, sign, signal, fence, or other structure, or to place an obstruction on a railroad track or bridge or in the railroad right-of-way, or to willfully and maliciously do or cause to be done an act whereby an engine, on-rail motor vehicle, machine, rolling stock, or structure, or any matter or thing appertaining thereto, is stopped, diverted, obstructed, or set in motion with reckless disregard for the life of any person passing over the railroad. If as a consequence thereof a person is killed, the perpetrator shall be guilty of manslaughter. Vt. Stat. Ann. tit. 13, § 3101 (1999).

A person shall not willfully and maliciously display, hide, or remove a signal or light upon or near to a railroad; or by any other willful and malicious act or willful and malicious omission to act, with reckless disregard for the safety of persons or property traveling or being upon such, endanger or cause to be endangered, the safety of those persons or property. A person who violates a provision of this section shall be imprisoned not more than two years. However, if as a consequence of the violation a person suffers serious bodily injury, the time of imprisonment may be lengthened, provided it does not exceed in all ten years, except in the case provided in Section 3101. Vt. Stat. Ann. tit. 13, § 3102 (1999).

Any person who tampers with any safety appurtenance or device of a locomotive, passenger train car, freight train car, caboose or other train car, or any other on-track rail equipment, including but not limited to wheels, axles, journal bearings, air or hand brake equipment, couplers or uncoupling devices used or operated upon a railroad may be imprisoned

for not more than two years, fined not more than five hundred dollars, or both. Vt. Stat. Ann. tit. 13, § 3104 (1999).

A person who willfully does or causes to be done an act whereby a building, fence, construction, work, engine, machine, structure, or any matter or thing appertaining to a railroad is stopped, obstructed, injured, or destroyed, shall forfeit to the person or corporation owning or operating the railroad, double the amount of damages sustained. Vt. Stat. Ann. tit. 5, § 3733(1999)

## **VIRGINIA**

Virginia law makes it a Class 1 misdemeanor to set in motion a locomotive or other rolling stock of a railroad with the intent to commit any crime, malicious mischief or injury. Va. Code Ann. § 18.2-147 (Michie 1999).

## **WASHINGTON**

Every person who, in such manner as might, if not discovered, endanger the safety of any engine, motor, car or train, or any person thereon, shall in any manner interfere or tamper with or obstruct any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure, or appliance pertaining to or connected with any railway, or any train, engine, motor, or car on such railway, and every person who shall discharge any firearm or throw any dangerous missile at -any train, engine, motor, or car on any railway, shall be punished by imprisonment in a state correctional facility for not more than twenty-five years. Wash. Rev. Code Ann. § 81.60.070 (West 1999).

## **WEST VIRGINIA**

West Virginia law forbids anyone from interfering with any railroad sign or signal. The code does not list a penalty. W. VA. Code § 17C-3-9 (1999).

## **WISCONSIN**

It is a Class A misdemeanor for any person to intentionally cause damage to a railroad switch, bridge, trestle or tunnel. Wis. Stat. § 943.07 (1993).

## **WYOMING**

It is unlawful for anyone to cause destruction to, remove or in anyway injure any part of a railroad track or its fixtures, or for anyone to tamper with any signal or part of a signal. This includes any bridge, viaduct, culvert, trestle-work, embankment, parapet or other fixture. Violation of any part of this section could result in imprisonment for at least one but not more than twenty years. If any such mischief results in the death of any person, the offender would be deemed guilty of murder in the first or second degree or manslaughter, depending on the nature of the offense. Wyo. Stat. § 37-12-103 (1999).