



## Ohio Administrative Code Rule 5537-5-01 Damage to property.

Effective: March 3, 2001

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(A) No person shall cut, mutilate, or remove any trees, shrubs, or plants, or deface, damage, mutilate, remove, destroy, or otherwise damage any sign, delineator, building, structure, tower, communications facility or equipment, fence, vehicle, or any other property or equipment owned by or under the jurisdiction or control of the commission or its concessionaires.

(B) No person shall install or attempt to install, construct or place upon or under any portion of the turnpike, any item, sign, device, structure or equipment of any kind for any purpose whatsoever, without prior written approval of the commission.

(C) No material shall be discharged on turnpike property, whether intentionally or unintentionally, that may cause damage to the turnpike, the general public, the commission, its agents and employees, or any real or personal property owned, leased or under the supervision of the commission. For purposes of this subsection only, "damage" includes any effect which may be injurious to health, safety or welfare, or which may cause financial loss or delay the movement of traffic or otherwise effect the safe and efficient operation of the turnpike.

(D) The operator, owner or lessee of any vehicle from which a discharge in violation of any provision of this rule occurs, regardless of the cause of the discharge, shall cooperate fully with the commission, its employees, agents, and third parties authorized by the commission, the police and the Ohio environmental protection agency to respond to an emergency, discharge or blockage of traffic, and shall take any action deemed necessary by them to restore normal traffic conditions and to remove spilled or otherwise discharged material from the turnpike immediately. The vehicle operated, owned or leased by any person failing to cooperate or take such action as deemed necessary by the official in charge of the scene where the discharge occurred is subject to impoundment by the commission or the police until such time as all penalties, towing and storage fees and costs have been satisfied.

(E) In addition to any penalties prescribed by these rules or by applicable state and federal laws and



regulations, any person violating any provision of this rule shall be liable to the commission for any and all costs arising out of said violation, including the costs of:

- (1) Collecting, testing and disposing of the material and restoring the turnpike to its condition immediately prior to the violation;
  - (2) Replacing or repairing, in the commission's sole discretion, any property damaged by reason of said violation;
  - (3) Toll and concession revenue lost because of the closing of the turnpike, any part thereof, or any interchange by reason of said violation;
  - (4) Medical care, supervision or other costs relating to personal injury suffered by the general public, the commission, its agents or employees; and
  - (5) Any other costs arising out of said violation and incurred by the commission or third parties.
- (F) The commission may recover the costs under paragraph (E) of this rule by way of civil complaint filed in a court of competent jurisdiction, by a consent order executed by an authorized representative of the Ohio environmental protection agency or by any other lawful means.