

REVISOR'S NOTE: This section presently appears as Article 66C, section 356 of the Code, as amended by Chapter 181, Acts of 1972. The only changes made are in style.

PART II. DUTIES OF RAILROADS.

5-707. RAILROADS TO CLEAR AND MAINTAIN SAFETY STRIPS.

(A) IN GENERAL.—BETWEEN OCTOBER 1 AND APRIL 15, EVERY PERSON WHO OPERATES A RAILROAD IN THE STATE SHALL ESTABLISH A MEANS TO PREVENT A FOREST FIRE ALONG THE PARTS OF ITS TRACKS ADJACENT TO WHICH THE DEPARTMENT FINDS A FIRE HAZARD EXISTS OR PROBABLY MAY BE CAUSED BY FAILURE TO TAKE PRECAUTIONS. IF THE DEPARTMENT BELIEVES OTHER PRECAUTIONARY MEANS ARE INSUFFICIENT, THE PERSON SHALL CLEAR A SAFETY STRIP OF A WIDTH NOT EXCEEDING 100 FEET, AS THE DEPARTMENT DETERMINES, MEASURED HORIZONTALLY FROM THE OUTER RAIL. THE SAFETY STRIP SHALL BE CLEARED BY REMOVING ALL DEAD WOOD, FALLEN LEAVES, WITHERED GRASS, AND OTHER INFLAMMABLE MATERIAL, EXCEPT FENCES, BUILDINGS, AND MANUFACTURED PRODUCTS, FROM THE GROUND EMBRACED WITHIN THE WIDTH PRESCRIBED. THIS SUBSECTION DOES NOT PREVENT THE PERSON FROM PILING AND STORING ALONG ITS RIGHT-OF-WAY ANY MATERIALS NECESSARY FOR CONSTRUCTION, MAINTENANCE, OR OPERATION OF ITS RAILROAD.

(B) NOTIFICATION BY DEPARTMENT.—BY SEPTEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL NOTIFY THE PERSON WHO OPERATES A RAILROAD IN THE STATE OF THE PARTS OF ITS TRACKS WHERE A FIRE HAZARD EXISTS OR PROBABLY MAY BE CAUSED TO EXIST BY FAILURE TO TAKE PRECAUTIONS, OR OF THE NECESSITY FOR A SAFETY STRIP.

REVISOR'S NOTE: This section 5-707 is new language derived from Article 66C, sections 376 and 382 of the Code, as amended by Chapter 801, H.B. 778, Acts of 1973, which are proposed for deletion. The substance of these two sections is set forth in proposed section 5-707(a) and (b). Language is added to provide that this section applies to any railroad operated in the State, not merely to those operated "by other than steam motive power."

(C) NOT TO DAMAGE PROPERTY OF OWNER.—SUBJECT TO THE PROVISIONS OF SUBSECTION [(C)] (D) OF THIS