

court costs incurred if the appeal is dismissed and costs are imposed on the appellent.

5-707.

(a) 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] FLAMMABLE 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.

(c) Subject to the provisions of subsection (d) of this section, the person may clear the safety strips of [inflammable] FLAMMABLE material without liability for trespass. However, they may not remove or damage any fence, building, merchantable timber, or living trees as the owner designates without compensating him.

5-710.

Any person owning property within 100 feet of the tracks of any railroad operating within the State when the distance is measured horizontally from the outer rail, who cuts or permits cutting trees or other crops on its property shall dispose of every tree top, brush, and other [inflammable] FLAMMABLE material caused by the cutting so that the [inflammable] FLAMMABLE material does not remain within 100 feet of the tracks for more than 30 days after cutting.

5-714.

Any person who violates any provision of §§ 5-707, 5-709, or 5-710 upon conviction is subject to a fine at the rate of \$100 per mile, or any fraction, measured along the tracks for each day the [inflammable] FLAMMABLE material remains on the ground.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1983.

Approved May 24, 1983.
