

1 *House* BILL NO. 448  
 2 INTRODUCED BY *Snow* *Swinggood* *Grady* *not*  
 3 *Salvin* *Bliten* *VanValkenburg* *McKee* *Rosen* *Speeres*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LEGAL RESPONSIBILITY OF RAILROADS TO  
 5 *Gorrell* *Johnson* *Storall* *MERCER*  
 6 KEEP RIGHT-OF-WAYS FREE OF FIRE HAZARDS; AND AMENDING SECTION 69-14-721, MCA."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8  
9 Section 1. Section 69-14-721, MCA, is amended to read:

10 "69-14-721. Control of fire hazard along right-of-way. ~~It shall be the duty of all~~ A railroad  
 11 ~~corporations corporation or railroad companies company~~ operating ~~any~~ a railroad within this state ~~to~~ shall  
 12 keep ~~their~~ its railroad track and either side ~~thereof~~ of the track for a reasonable distance of ~~100 feet~~ on each  
 13 side of the track or roadbed, ~~so far as it passes through any portion of~~ in this state, free from dead grass,  
 14 weeds, or any ~~dangerous or~~ combustible material. ~~Any~~ A railroad ~~company or corporation or company~~  
 15 failing to keep its railroad track and each side ~~thereof~~ of the track free of combustible material as specified  
 16 ~~above shall be~~ in this section is liable for any damages ~~which may occur from~~ on account of fire emanating  
 17 from operating such railroad trains. ~~A neglect to comply with the provisions of this section in keeping free~~  
 18 ~~any railroad track and either side for a distance equal to the space of ground covered by the grant of the~~  
 19 ~~right of way for the railroad corporation or company shall be prima facie evidence of negligence on the part~~  
 20 ~~of any such railroad corporation or company. No~~ A railroad corporation or company ~~shall~~ may not be  
 21 required to keep free of combustible material, as specified ~~above~~ in this section, ~~any~~ land that is not a part  
 22 of its right-of-way."

23 -END-

## 1 HOUSE BILL NO. 448

2 INTRODUCED BY SOMERVILLE, SWYSGOOD, GRADY, MOHL, GALVIN, BECK, SLITER, ANDERSON,  
3 RANEY, VAN VALKENBURG, MCKEE, SQUIRES, GROSFIELD, STOVALL, MERCER  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LEGAL RESPONSIBILITY OF RAILROADS TO  
6 KEEP RIGHT-OF-WAYS FREE OF FIRE HAZARDS; AND AMENDING SECTION 69-14-721, MCA."  
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
9

10 **Section 1.** Section 69-14-721, MCA, is amended to read:

11 **"69-14-721. Control of fire hazard along right-of-way.** ~~It shall be the duty of all~~ A railroad  
12 ~~corporations corporation~~ or railroad ~~companies company~~ operating ~~any a~~ railroad within this state ~~to shall~~  
13 keep ~~their its~~ railroad track and either side ~~thereof of the track~~ for a reasonable distance ~~of 100 feet~~ WITHIN  
14 ITS RIGHT-OF-WAY ~~on each side of the track or roadbed, so far as it passes through any portion of in this~~  
15 ~~state, free from dead grass, weeds, or any dangerous or~~ DANGEROUS OR combustible material. ~~Any A~~  
16 railroad ~~company or corporation or company~~ failing to keep its railroad track and each side ~~thereof of the~~  
17 track free of combustible material as specified ~~above shall be in this section is~~ liable for any damages which  
18 ~~may occur from on account of fire emanating from operating such railroad~~ trains, TRACK MAINTENANCE,  
19 OR OTHER RAILROAD OPERATIONS. ~~A neglect to comply with the provisions of this section in keeping~~  
20 ~~free any railroad track and either side for a distance equal to the space of ground covered by the grant of~~  
21 ~~the right of way for the railroad corporation or company shall be prima facie evidence of negligence on the~~  
22 ~~part of any such railroad corporation or company. No~~ A railroad corporation or company ~~shall~~ may not be  
23 required to keep free of combustible material, as specified ~~above in this section,~~ ~~any~~ land that is not a part  
24 of its right-of-way."  
25

-END-

HOUSE BILL NO. 448

INTRODUCED BY SOMERVILLE, SWYSGOOD, GRADY, MOHL, GALVIN, BECK, SLITER, ANDERSON, RANEY, VAN VALKENBURG, MCKEE, SQUIRES, GROSFIELD, STOVALL, MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LEGAL RESPONSIBILITY OF RAILROADS TO KEEP RIGHT-OF-WAYS FREE OF FIRE HAZARDS; AND AMENDING SECTION 69-14-721, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-14-721, MCA, is amended to read:

"69-14-721. Control of fire hazard along right-of-way. ~~It shall be the duty of all~~ A railroad ~~corporations corporation~~ or railroad ~~companies company~~ operating ~~any~~ a railroad within this state ~~to shall~~ keep ~~their~~ its railroad track and either side ~~thereof of the track~~ for a reasonable distance of ~~100 feet~~ WITHIN ITS RIGHT-OF-WAY ~~on each side of the track or roadbed, so far as it passes through any portion of in this~~ state, free from dead grass, weeds, or any ~~dangerous or~~ DANGEROUS OR combustible material. ~~Any A~~ railroad ~~company or~~ corporation or company failing to keep its railroad track and each side ~~thereof of the~~ track free of combustible material as specified ~~above shall be in this section is~~ liable for any damages ~~which may occur from~~ on account of fire emanating from ~~operating such railroad trains,~~ TRACK MAINTENANCE, OR OTHER RAILROAD OPERATIONS. ~~A neglect to comply with the provisions of this section in keeping free any railroad track and either side for a distance equal to the space of ground covered by the grant of the right of way for the railroad corporation or company shall be prima facie evidence of negligence on the part of any such railroad corporation or company. No~~ A railroad corporation or company shall may not be required to keep free of combustible material, as specified ~~above in this section,~~ any land that is not a part of its right-of-way."

-END-

## HOUSE BILL NO. 448

INTRODUCED BY SOMERVILLE, SWYSGOOD, GRADY, MOHL, GALVIN, BECK, SLITER, ANDERSON,  
RANEY, VAN VALKENBURG, MCKEE, SQUIRES, GROSFIELD, STOVALL, MERCER

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LEGAL RESPONSIBILITY OF RAILROADS TO  
KEEP RIGHT-OF-WAYS FREE OF FIRE HAZARDS; AND AMENDING SECTION 69-14-721, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-14-721, MCA, is amended to read:

"69-14-721. ~~Control of fire hazard along right-of-way. It shall be the duty of all~~ A railroad  
~~corporations corporation or railroad companies company~~ operating ~~any~~ a railroad within this state ~~to shall~~  
keep ~~their~~ its railroad track and either side ~~thereof of the track~~ for a reasonable distance ~~of 100 feet~~ WITHIN  
ITS RIGHT-OF-WAY ~~on each side of the track or roadbed, so far as it passes through any portion of~~ in this  
state, free from dead grass, weeds, or any ~~dangerous or~~ DANGEROUS OR combustible material. ~~Any~~ A  
railroad ~~company or corporation or company~~ failing to keep its railroad track and each side ~~thereof of the~~  
track free of combustible material as specified ~~above shall be~~ in this section is liable for any damages ~~which~~  
~~may occur from~~ on account of fire emanating from operating such railroad trains, TRACK MAINTENANCE,  
OR OTHER RAILROAD OPERATIONS. ~~A neglect to comply with the provisions of this section in keeping~~  
~~free any railroad track and either side for a distance equal to the space of ground covered by the grant of~~  
~~the right of way for the railroad corporation or company shall be prima facie evidence of negligence on the~~  
~~part of any such railroad corporation or company. No~~ A railroad corporation or company ~~shall~~ may not be  
required to keep free of combustible material, as specified ~~above in this section~~, ~~any land that is~~ not a part  
of its right-of-way."

-END-