

## Appendix D

### RAILROAD SECTION GUIDE ORDER TO ABATE FIRE HAZARDS WITHIN THE RAILROAD RIGHT-OF-WAY

#### **PREAMBLE:**

This Pamphlet is Designed to assist those in the State of California who are charged with the responsibility of enforcing laws and regulations applicable to railroads that traverse SRA land in the State.

The INTENDED USERS of the guide are:

- All Field Battalion Chiefs
- All Fire Prevention Bureau Personnel
- USFS Fire Prevention Personnel who enforce State Law on Private Lands within the National Forest Boundaries.
- Railroad Personnel

#### **LAWS & CODES THAT APPLY:**

Public Resources Code (PRC) 4296.5 empowers the CDF Director to adopt regulations establishing FIRE PREVENTION HAZARD REDUCTION STANDARDS that any Railroad Corporation or person owning a Railroad in this state must abide by.

The resulting regulations that PRC 4296.5 empowers the CDF Director to formulate these regulations are found in the California Code of Regulations (CCR's), Title 14; Article 2; Sections 1290 through 1295. They basically require Railroads to:

- Clear an area from each outside rail outward to 10 feet free from flammable vegetation on both sides of the towpath (tracks). [See Figure 1] (All distances are horizontal, not slope F.S. 3-12-99)

**SPECIAL NOTE:** The above stipulation applies to all Railroads that traverse SRA—UNLESS/UNTIL— A preventable fire has resulted from the operation of the Railroad. Railroad operations includes but is not limited to trains, Railcars, Locomotives, Rail Speeders, Railroad repair crew activity, Mechanical repair equipment operations and any other activity associated with the operation of Railroads.

- Clear an area from each outside rail outward to 25 feet free from flammable vegetation on both sides of the towpath (tracks) and for a distance of one quarter (1/4) mile uptrack and one quarter (1/4) mile downtrack at the site of each identified Railroad operation caused/ preventable fire start that has occurred within the previous five (5) years. [See Figure 2] (All distances are horizontal, not slope F.S. 3-12-99)
- Clear all culvert openings within 25 feet of the outside rails on both sides of the towpath in order to make them free of flammable vegetation for a distance of 5 feet radius around each culvert opening.
- Clear all tunnel portals free of flammable materials that are not part of the tunnel supports for minimum distance of 30 feet.
- LETTER OF ADVICE:

This sample letter can be used prior to the time of year when herbicidal treatment is normally applied and/or other means of treatment can normally be expected to be done. All treatments must be done prior to the seasonal vegetative dieback period when vegetation can be ignited and fire can be expected to spread into the wildland.

The letter of advice is discretionary, and can be used only if needed/necessary.

- **COMPLIANCE ORDERS:**

This order must be used when an inspection has been made that reveals NON-COMPLIANCE of these regulations. (CCR Sections 1294 & 1295)

The format found in 1295CCR must be used when issuing an order to abate fire hazard within railroad right-of-way.

**Public Resources Code Section 4296.5**

- (a) Any person or corporation operating a railroad on forest, brush, or grass covered land shall, if ordered by the director or the agency having primary responsibility for fire protection of the area, destroy, remove, or modify so as not to be flammable any vegetation or other flammable material defined by regulation of the director to be a fire hazard on the railroad right-of-way. The director shall adopt regulations establishing fire prevention hazard reduction standards for broad geographic areas by fuel type, slope, and potential for ignition from hot or flaming exhaust, carbon particles, hot metal, burning signal devices, burning tobacco, and other similar potential sources of ignition.
- (b) The order to destroy, remove, or modify vegetation or other flammable material shall specify the location of the hazard to be destroyed, removed, or modified within the right-of-way, the width of the hazard which shall not exceed the width of the right-of-way, and the time within which compliance with the order is required.
- (c) The director or the agency having primary responsibility for fire protection of the area shall allow a reasonable period of time for compliance with an order to destroy, remove, or modify vegetation or other flammable material.

It is a Misdemeanor to violate the provisions of the Regulations. for Citations use Section 4021 in the PRC with supporting Sections of PRC 4296.5 and California Code of Regulations (CCR) 1293.

**Title 14. Natural Resources**

**Division 1.5. Department of Forestry and Fire Protection**

**Chapter 7. Fire Protection**

**Subchapter 3. Fire Hazard**

**Article 2. Fire Hazard Reduction Standard for Railroad Right-of-Way**

**Section 1295. Order Format**

An order to destroy, remove or modify vegetation or other flammable material, pursuant to P.R.C. 4296.5 shall be made substantially in the following format: Name, Address and Telephone Number of Director's Agent or Agency having Primary responsibility for Fire Protection.

**ORDER TO ABATE FIRE HAZARDS WITHIN RAILROAD RIGHT-OF-WAY**

(Name and Address of Railroad Operator)

You are hereby ordered, pursuant to the provision of Section 4296.5 of the California Public Resources Code and in accordance with the provisions of Title 14 of the California Code of Regulations Section 1290 through 1294, to abate (clearly describe the vegetation and/or other flammable material to be abated).

Describe so that the area is clearly defined by width, which side of track or both and location by mile post and/or other identifiable landmark or physical feature.

Said hazard abatement is to be completed on or before \_\_\_\_\_.

Failure to comply with the provision of this order is a misdemeanor as provided by Section 4021 of the California Public Resources Code.

Signature of Authorized Agent or Representative: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

At: \_\_\_\_\_

## SAMPLE LETTER OF ADVICE

Siskiyou Ranger Unit  
1809 Fairlane Rd.  
Yreka, CA 96097

Date:

Railroad X  
Attn:  
409 Locomotive Dr.  
Train Station, CA 12345

In addition to the established ten (10) feet requirement of vegetative and flammable material requirements on both sides of all railroad tracks that traverse State Responsibility Lands within this State, you are hereby advised to the provisions of 4296.5 of the California Public Resources Code and in accordance with the California Code of Regulations, that within the previous five (5) years, your railroad was responsible for causing \_\_\_\_\_ number of preventable fires along its right-of-way.

Each of these fire locations will require twenty-five (25) feet free from flammable accumulation on both sides of the tracks as measured from the nearest rail and on the horizontal (not slope distance) and for a distance of one-quarter mile in each direction from each fire location. This clearance must be attained prior to \_\_\_\_\_ 19\_\_\_\_\_. [Reference 1293(b) CCR]

Attached you will find a map(s) locating each of these fires that have occurred within the previous five (5) years.

You have numerous choices at your disposal by which to attain these clearances:

1. Removal by hand held tools and equipment.
2. Removal by mechanized equipment.
3. Removal by burning with applicable permits.
4. Curtailment of growth and prevention of emergence via the use of herbicides.

If you decide to use herbicides, you must obtain the necessary permits from the county that they are applied in (usually via the county Ag. Dept. & with various applicable control agencies), we are submitting this information now so that you can attain the required clearance by \_\_\_\_\_ 19\_\_\_\_\_.

### **DISCLAIMER:**

The CDF nor its undersigned agent has meant to imply, suggest, demand or otherwise recommend the use of herbicides over other means of removal of flammable, or potentially flammable, vegetation or debris along said right-of-way. Neither does the undersigned agent nor CDF itself act as anything but a lay person with regards to herbicides. If the Railroad Operator elects to use herbicides to obtain said clearances, he/she must first seek out the jurisdictional agencies empowered with approval authority to grant the use of said herbicides prior to their use. (Co. Ag. and Health Dept., Fish & Game, other allied Agencies.) CDF nor the undersigned agent will be responsible for the use herbicides, whether or not they are properly applied and with or without the necessary permits and approval processes.

If you have any questions relative to this letter of advice or wish to schedule a meeting to have it more fully explained in person, please advise the undersigned.

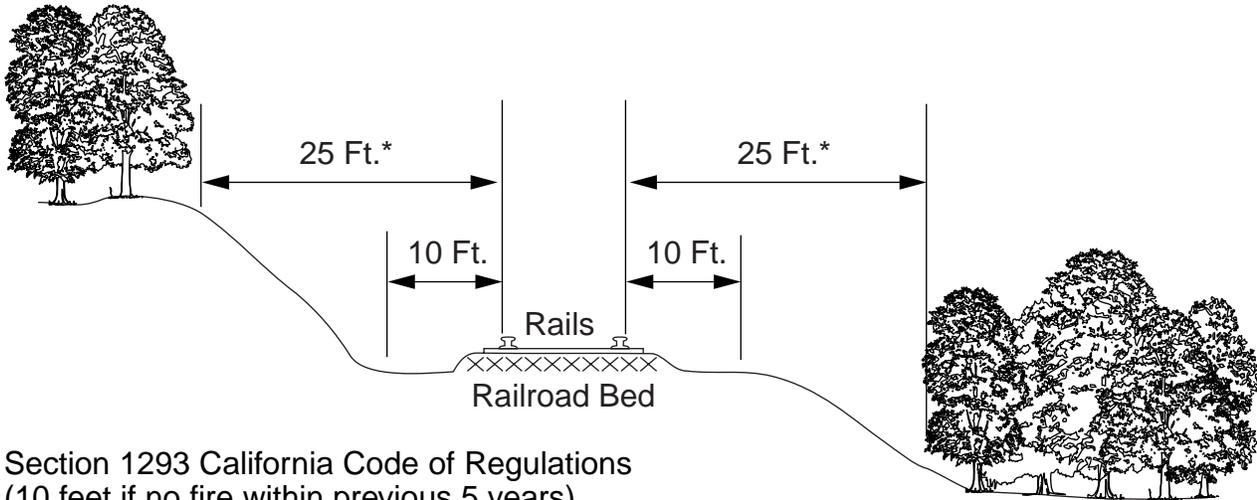
The attached map and regulations may require additional on-site explanations, the undersigned is agreeable to scheduling an on-site inspection of areas shown to avoid confusion.

Signature of Authorized Agent of the Director: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

At \_\_\_\_\_, California

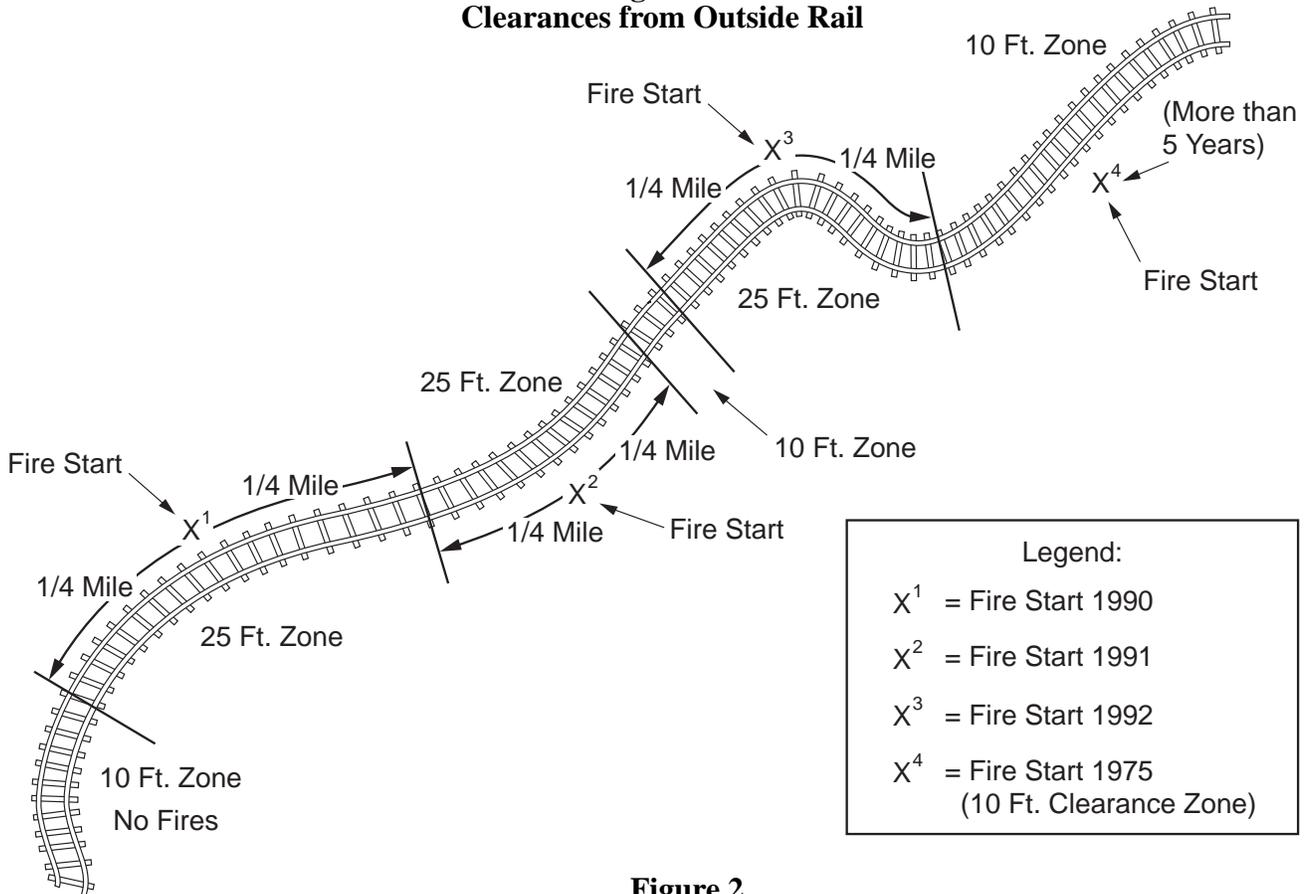


Section 1293 California Code of Regulations  
(10 feet if no fire within previous 5 years)

\*Section 1293(b) California Code of Regulations  
(extended to 25 feet if a fire occurred in previous 5 years)

\*(All distances are measured horizontal from outside rail F.S. 3-12-99)

**Figure 1.**  
**Clearances from Outside Rail**



**Figure 2.**  
**Railroad Line Sample of Clearance of Fire Start Locations Required 25 Feet Both Sides of Outside Rail (for a distance of 1/4 mile F.S. 3-12-99)**