

**RULES  
OF  
TENNESSEE DEPARTMENT OF TRANSPORTATION  
MAINTENANCE DIVISION**

**CHAPTER 1680-2-2  
CUTTING AND BALING OF HAY ALONG  
INTERSTATE RIGHT-OF-WAYS**

**TABLE OF CONTENTS**

1680-2-2-.01	Area Restrictions	1680-2-2-.04	General Requirements
1680-2-2-.02	Performance Requirements	1680-2-2-.05	Sample Application Form
1680-2-2-.03	Permit Application Procedures	1680-2-2-.06	Sample Letter of Authorization

**1680-2-2-.01 AREA RESTRICTIONS.**

- (1) Cutting and baling of hay may be performed in the median of the interstate highway right-of-way or in other areas which have been approved by the Regional Landscape Supervisor. Cutting and baling of hay is prohibited in areas designated as regeneration areas, seedling areas, crown vetch areas, wild flower areas, rest areas and welcome station areas.
- (2) Areas must be of sufficient width such that equipment maneuvers may be executed without encroachment on paved areas of the highway and shoulder.
- (3) Due to traffic congestion in urban areas, mowing and baling activities shall be confined to rural areas.
- (4) Each permit issued shall be valid for a maximum area of fifty (50) acres or for three (3) miles in length as measured parallel to the interstate highway.

**Authority:** T.C.A. §54-585. **Administrative History:** Original rule filed June 30, 1980; effective August 14, 1980. Rule has been assigned a new control number from 1680-2-5-.01 filed and effective February 1, 2003.

**1680-2-2-.02 PERFORMANCE REQUIREMENTS.**

- (1) Permittee shall perform the operations of cutting, baling, hauling of hay, and equipment mobilization and demobilization between the hours of 8:00 a.m. and 4:00 p.m. Mobilization and demobilization of over-dimensional equipment shall be restricted to the hours between 9:30 a.m. and 3:30 p.m.
- (2) Permittee shall not perform the operations of mowing and baling and equipment mobilization or demobilization on Saturdays, Sundays or Official State Holidays. Furthermore, Permittee shall not perform these operations at any time in which weather conditions (including fog) contribute to reduced visibility for motorists on the area highway.
- (3) The Regional Maintenance Engineer or his representative shall be given 24 hour advance notice as to those days on which Permittee plans to mobilize equipment at the operation site, and as to those days on which Permittee plans to perform authorized cutting and baling activities.
- (4) If machinery operations are performed within twenty (20) feet of the edge of the interstate shoulder, Permittee shall be responsible for placement of signs that conform with standards set forth in the Tennessee Manual on Uniform Traffic Control Devices For Streets and Bridges. These required signs, which must be removed each evening are as follows:

(Rule 1680-2-2-.02, continued)

- (a) A sign bearing the message, "Farm Machinery-One Mile" will be placed one mile in advance of operation.
- (b) A sign bearing the message, "End Work" will be placed 500 feet beyond the mowing limit.
- (5) Parking, loading and/or off-loading of equipment on paved shoulders is prohibited.
- (6) All cutting and baling equipment shall be removed from the interstate right-of-way each night, unless the equipment may be parked in a place such that guard rails or existing natural barriers provide protection for the interstate motorists. Any such overnight site must be approved by the Regional Maintenance Engineer or his representative.
- (7) Permittee shall not cut the hay to a height less than three (3) inches.
- (8) The removal of controlled-access fences to facilitate ingress and egress to the right-of-way is strictly prohibited.
- (9) Any damages to the right-of-way (roadway, appurtenances, vegetation, etc.) incurred during the performance of cutting and baling activity shall be repaired and/or replaced at the expense of the Permittee.
- (10) At the completion of the hay harvest, the entire area involved shall be left in a neat and orderly condition. Any litter attributable to the harvesting operation shall be removed.
- (11) Hay and grass on areas normally mowed by maintenance forces will not be allowed to grow to excessive heights.
- (12) An authorized permit to cut and bale hay will be valid for fourteen (14) weekdays (holidays excluded), on any one location. Baled hay which has not been removed from the right-of-way upon expiration of the permit will become the property of and be removed by the Department of Transportation.

**Authority:** T.C.A. §54-585. **Administrative History:** Original rule filed June 30, 1980; effective August 14, 1980. Rule has been assigned a new control number from 1680-2-5-.02 filed and effective February 1, 2003.

#### **1680-2-2-.03 PERMIT APPLICATION PROCEDURE.**

- (1) All applications for permits to cut and bale hay along interstate right-of-way in Tennessee, shall be submitted to the State Department of Transportation, Office of the Regional Engineer at one of the following locations nearest to the proposed cutting and baling site:
  - (a) Region 1  
711 Concord St.  
Knoxville, TN 37901  
Phone: (615) 546-3660
  - (b) Region 2  
P.O. Box 910  
Cromwell Rd.  
Chattanooga, TN 37401  
Phone: (615)892-3430
  - (c) Region 3

(Rule 1680-2-2-.03, continued)

2200 Charlotte Ave.  
Nashville, TN 37203  
Phone: (615)741-4725

- (d) Region 4  
State Street  
P.O. Box 429  
Jackson, TN 38301  
Phone: (901)424-4110

- (2) The application shall include the following. (See Application Form, 1680-2-2-.05)
  - (a) A statement establishing that the applicant is a resident of Tennessee and that the harvested hay will be used for personal farming purposes only and will not be sold.
  - (b) A description of the proposed location at which the applicant desires to cut and bale hay.
  - (c) In the event the Regional Engineer approves the location, he shall advise the applicant. At this time the applicant must provide the Regional Engineer with the following:
    - 1. A certificate of insurance which provides the following coverage:
      - (i) Minimum liability insurance in the amount of \$50,000 for bodily injury or death to any one person in a single accident, plus,
      - (ii) \$100,000 for bodily injury or death to two or more persons in a single accident, plus,
      - (iii) \$10,000 for injury to or destruction of property in a single accident.
    - 2. A \$2,500 surety performance bond for each permit requested by the applicant.
  - (d) Upon receiving the certificate of insurance and surety performance bond, the Regional Engineer shall issue a letter of authorization to the applicant. (See Sample Letter of Authorization, 1680-2-2-.06)
  - (e) Under no circumstances shall the applicant proceed with cutting and baling operations until he has received the Letter of Authorization.

**Authority:** T.C.A. §54-585. **Administrative History:** Original rule filed June 30, 1980; effective August 14, 1980. Rule has been assigned a new control number from 1680-2-5-.03 filed and effective February 1, 2003.

#### **1680-2-2-.04 GENERAL REQUIREMENTS.**

- (1) Permittee will defend and hold the Department of Transportation, its officers and employees harmless from any claims or actions by any person against the Department of Transportation, its officers and employees as a result of Permittee's hay harvesting operation.
- (2) At all times, the safety of the interstate motorists and the Permittee shall be of utmost importance. The rules and regulations contained in this Chapter are not intended to relieve Permittee from compliance with other safety regulations required by local, state or federal law.

**Authority:** T.C.A. §54-585. **Administrative History:** *Original rule filed June 30, 1980; effective August 14, 1980. Rule has been assigned a new control number from 1680-2-5-.04 filed and effective February 1, 2003.*

**1680-2-2-.05 SAMPLE APPLICATION FORM.**

SAMPLE  
APPLICATION  
FORM  
PERMIT TO CUT AND BALE HAY ALONG  
INTERSTATE RIGHTS-OF-WAY IN TENNESSEE

I, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
NAME ADDRESS ZIP  
 \_\_\_\_\_, being a resident of the State of Tennessee and deriving a significant  
PHONE NO.

portion of my annual income from farming, petition the Tennessee Department of Transportation for permission to cut and bale hay on a certain portion of the Interstate Rights-of-Way as described below.

I certify by this petition that all hay derived from the Interstate Rights-of-Way will be used for personal farming purposes and will not be sold.

**DESCRIPTION**

INTERSTATE I- \_\_\_\_\_ COUNTY \_\_\_\_\_

MILE MARKER \_\_\_\_\_ TO MILE MARKER \_\_\_\_\_

MEDIAN \_\_\_\_\_ R-O-W RIGHT SIDE \_\_\_\_\_ R-O-W LEFT SIDE \_\_\_\_\_

AVERAGE WIDTH \_\_\_\_\_ LENGTH \_\_\_\_\_

I certify that I will adhere to the required rules and regulations at all times during this operation.

I certify that if this application is approved, I will defend and hold the Department of Transportation, its officers, or employees harmless from any claims or actions brought by any person against the Department of Transportation, its officers or employees as a result of my hay harvesting operation.

APPLICANT \_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
(STREET, RFD)

\_\_\_\_\_  
CITY STATE ZIP

**Authority:** T.C.A. §54-585. **Administrative History:** Original rule filed June 30, 1980; effective August 14, 1980. Rule has been assigned a new control number from 1680-2-5-.05 filed and effective February 1, 2003.

**1680-2-2-.06 SAMPLE LETTER OF AUTHORIZATION.**

Re: Application for Permit to Cut and  
Bale Hay on Interstate Right-of-Way

Dear \_\_\_\_\_,

Your Application for Permit to Cut and Bale Hay Along Interstate Right-of-Way in Tennessee has been reviewed.

Permission is hereby \_\_\_\_\_ granted \_\_\_\_\_ denied to proceed with operations in the area as listed on the attached copy of your application.

**APPROVED DATES OF OPERATION:**

Begin \_\_\_\_\_ End \_\_\_\_\_

This letter, copy of application, and copy of rules and regulations must be in possession of cutting and baling personnel and be available for inspection on *demand*.

This permission may be revoked upon violation of rules and regulations.

You have provided the Department of Transportation with a performance bond in the amount of \$2,500 and a certificate of insurance in the required amount. It is understood that should your insurance be cancelled, this permit is void.

Furthermore, this permission is granted with the understanding that, after seven (7) days notice, authorization may be revoked or suspended in case the permit law or policy of this Department is changed, or, for any reason deemed necessary by the Commissioner of the Department of Transportation.

Reason(s) for denial:

**DOT CONTACT REPRESENTATIVE**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
REGIONAL ENGINEER

PHONE NO. \_\_\_\_\_

**Authority:** T.C.A. §54-585. **Administrative History:** Original rule filed June 30, 1980; effective August 14, 1980. Rule has been assigned a new control number from 1680-2-5-.06 filed and effective February 1, 2003.