

**RULES  
OF  
TENNESSEE DEPARTMENT OF TRANSPORTATION  
PUBLIC TRANSPORTATION, WATERWAYS AND RAIL DIVISION**

**CHAPTER 1680-9-2  
RULES AND REGULATIONS GOVERNING RAILROADS**

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**1680-9-2-.01 APPLICATION FOR EXCEPTIONS TO MINIMUM CLEARANCE STATUTE.** All applications for exceptions to or variance from the minimum clearance provisions of *Title 65, §§65-6-201 through 65-6-208* of the Tennessee Code Annotated, shall be filed either solely by the railroad, or railroads, involved or jointly by the railroad, or railroads, and such other persons, firms or corporations as may be interested in obtaining the exception or variance. No such application will be entertained, heard or granted unless the railroad, or railroads, operating over the track in question expressly join in such application.

**Authority:** T.C.A. §65-2-102. **Administrative History:** Original rule certified May 9, 1974. Rule has been assigned a new control number, removed, and renumbered from rule 1220-3-1-.01 filed and effective January 16, 2002. Rule has been assigned a new control number from 1680-12-2-.01 filed and effective February 1, 2003.

**1680-9-2-.02 RAILROADS' MINIMUM INJURY AND PROPERTY DAMAGE REPORT.**

(1) Monthly Reporting

All rail carriers which operate in and through Tennessee shall submit to the Commission a copy of all monthly reports of railroad accidents and incidents occurring in Tennessee which must be reported to the Federal Railroad Administration under Part 225 of Title 49 of the Code of Federal Regulations. Such reports must be on forms prescribed by the Federal Railroad Administration and must be submitted within thirty (30) days after expiration of the month during which reportable accidents or incidents occur.

(2) Immediate Reporting Requirements

- (a) All rail carriers operating in and through Tennessee shall report immediately by telephone the occurrence of accidents or incidents arising from the operation of the railroad which results in the death of a rail passenger, rail employee, or member of the public, or which occurs at a rail-highway grade crossing.

All telephone reporting required by this sub-section shall be made to the Tennessee Public Service Commission at 800-342-8359 within Tennessee and at 615-741-2754 outside Tennessee or to any other telephone number designated for this purpose by the Commission.

- (b) All rail carriers which operate in and through Tennessee shall report immediately by telephone the occurrence of accidents or incidents arising from the operation of the railroad which involves hazardous materials where

(Rule 1680-9-2-.02, continued)

1. any person is injured due to fire, explosion, or exposure to hazardous materials.
2. a continuing danger to life, health or property at the place of the accident or incident exists or
3. the estimated property damage exceeds ten thousand dollars (\$10,000).

All telephone reporting under this subsection shall be made to the Tennessee Emergency Management Agency at 800-362-3300 within Tennessee or to any other telephone number designated for this purpose by this agency. The Tennessee Emergency Management Agency shall immediately contact the Tennessee Public Service Commission upon the receipt of such report as to the details of such accidents or incidents.

(c) Each telephone report required by this rule shall state the following:

1. Name of the railroad;
2. Name, title, and telephone number of the individual making the report;
3. Time, date, and location of accident or incident;
4. Circumstances of the accident or incidents;
5. Number of persons killed or injured;
6. Classification, name, and quantity of hazardous materials involved in accident or incident, if known.

**Authority:** T.C.A. §§65-3-104 and 65-3-107. **Administrative History:** New rule filed August 26, 1988; effective November 29, 1988. Rule has been assigned a new control number, removed, and renumbered from rule 1220-3-1-.03 filed and effective January 16, 2002. Rule has been assigned a new control number from 1680-12-2-.02 filed and effective February 1, 2003.

**1680-9-2-.03 MAINTENANCE AND CONDITION OF RIGHTS-OF-WAY, YARDS, TERMINALS, AND CONTROL OF VEGETATION.** Every commercial railroad, interurban railroad and street railroad subject to the jurisdiction of the Tennessee Public Service Commission shall hereafter from the date of this rule eliminate all dangerous or unhealthy conditions along its rights of way, yards and terminals and keep said rights of way, yards and terminals clear of debris and other foreign matter inasmuch as said debris and other foreign matter shall constitute a dangerous or unhealthy condition to the employees or the public and shall provide that all rights of way, yards and terminals shall be maintained and kept free from vegetation as may be appropriate to prevailing conditions and shall provide for abatement of weeds, grass and bushes adjacent to rights of way, yards and terminals as necessary to prevent the growth of objectionable vegetation encroaching on said rights of way, yards and terminals; provided that rights of way referred to in this rule shall mean such rights of way inside incorporated towns and/or switching limits.

**Authority:** T.C.A. §65-2-102. **Administrative History:** Original rule certified May 9, 1974. Rule has been assigned a new control number, removed, and renumbered from rule 1220-3-1-.10 filed and effective January 16, 2002. Rule has been assigned a new control number from 1680-12-2-.03 filed and effective February 1, 2003.

**1680-9-2-.04 SPECIFICATION OF SAFETY STANDARDS IN TERMINALS, YARDS, AND ALONG RIGHTS-OF-WAY OF RAILWAYS-WALKWAYS.**

(Rule 1680-9-2-.04, continued)

- (1) In order to meet the requirements of *T.C.A. § 65-3-123*, every commercial railroad shall maintain working areas in a safe condition in yards, terminals, within Switching Limits, and at other points where switching may be expected to be performed in the ordinary course of business.
- (2) Any walkway in the area specified in sub-section (a) above shall be deemed to be safe if it:
  - (a) Is approximately level with the top of the cross-ties for a distance of approximately 6 inches and thereafter slopes at no greater than 8 to 1 or approximately 7°;
  - (b) Extends for a distance of approximately ten feet from the center line of track on both sides except where a lesser distance is otherwise provided for clearance under *T.C.A. §§65-6-201 through 65-6-208*.
  - (c) Has a reasonably smooth surface. Stone or gravel surfacing next to main lines shall be such that one hundred percent will pass a 2 1/2 inch screen, ninety-five to one-hundred percent will pass a 2 inch screen, thirty-five to seventy percent will pass a 1 1/2 inch screen, fifteen percent or less will pass 1 inch screen and zero to five percent will pass a 1/2 inch screen. Stone or gravel surfaces next to walkways adjacent to yard tracks, industrial tracks, team or piggy-back tracks shall be on the mixture commonly called 3/4 inch, or may be such that one hundred percent is expected to pass a 1 inch screen, ninety-five to one hundred percent will pass the 3/4 inch screen, fifteen to twenty-five percent will pass the 1/2 inch screen and less than ten percent will be smaller than 3/8 inch.
  - (d) Is kept reasonably free of debris or other objects which pose a hazard to normal walking in the area.
- (3) The safety or unsafety of any walkways in such areas which does not meet the standards specified in sub-section (2) above shall be determined by the Commission on a case by case basis under the procedures prescribed by law and the rules of the Commission.
- (4) "The purpose of this rule is to establish standards of safety, which are to be construed not as a blanket order requiring all railroads in all circumstances to reconstruct all walkways exactly in accordance with those standards, but rather as a statement of recommended practice. It is not intended to imply that other practices may not be considered safe under the circumstances of particular situations." (Effective February 1, 1970.)

**Authority:** *T.C.A. §63-202. Administrative History: Original rule certified May 9, 1974. Rule has been assigned a new control number, removed, and renumbered from rule 1220-3-1-.11 filed and effective January 16, 2002. Rule has been assigned a new control number from 1680-12-2-.04 filed and effective February 1, 2003.*

**1680-9-2-.05 SPECIFICATIONS OF SAFETY STANDARDS IN TERMINALS, YARDS AND ALONG RIGHTS-OF-WAY OF RAILWAYS NOTICE OF NEW TRACKAGE.**

- (1) In order to meet the requirements of §65-331, *T.C.A.*, every railroad subject to that Section shall maintain working areas in yards, terminals, within Switching Limits, and at other points where switching is performed in a safe condition.
- (2) Any railroad, subject to the provisions of §65-331, *T.C.A.*, constructing new trackage sidings or spur tracks shall notify the Commission prior to the commencement of any such construction, in order that the Commission may ascertain whether the same complies with the provisions of §65-331, *T.C.A.*, and to enable the Commission to inspect and approve said construction prior to the institution of service thereon.

(Rule 1680-9-2-.05, continued)

- (3) Any railroad, subject to the provisions of §65-331, T.C.A., after having knowledge of an industry locating, relocating or expanding its present facilities and requiring new trackage or rail service by that railroad, shall notify the Commission within ten (10) days after such knowledge becomes a matter of public knowledge.
- (4) Any railroad subject to the provisions of §65-331, T.C.A., having knowledge of a private contractor installing new trackage or making repairs to present trackage to be served by that railroad shall notify the Commission within ten (10) days of such knowledge. (Effective February 1, 1970.)

**Authority:** T.C.A. §63-202. **Administrative History:** Original rule certified May 9, 1974. Rule has been assigned a new control number, removed, and renumbered from rule 1220-3-1-.12 filed and effective January 16, 2002. Rule has been assigned a new control number from 1680-12-2-.05 filed and effective February 1, 2003.