

HOUSE BILL 1544  
By Caldwell

AN ACT to amend Tennessee Code Annotated, Section 4-3-2303;  
Title 65, Chapter 3, Part 1 and Title 65, Chapter 6, Part 1,  
relative to railroads.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-6-122, is amended by designating the current language as subsection "(a)" and by adding the following new language, to be designated as subsection "(b)":

(b) If, after conducting one or more public hearings, a county legislative body finds that construction of a new line, track or siding, proposed for location within the county, will violate the provisions of subsection (a) or will otherwise unreasonably jeopardize the health, safety or well-being of county residents, then the body may adopt a resolution petitioning the commissioner of transportation to determine whether construction of such line, track or siding should be allowed to proceed as proposed. Upon receiving such petition, the commissioner shall treat the matter as a contested case which shall be conducted in accordance with the provisions of the uniform administrative procedures act, Tennessee Code Annotated, Title 4, Chapter 5. The railroad company shall have the burden of proving that construction of such line, track or siding, as proposed, will neither violate the provisions of subsection (a) nor unreasonably jeopardize the health, safety or well-being of county residents. The county shall be a party to the proceeding and shall be represented by the county attorney and

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such other officials and agents as shall be designated for such purpose by the county legislative body. At the conclusion of the proceeding if the commissioner finds that the railroad company has not sustained its burden of proof, then a final order shall be issued and enforced barring construction of such line, track or siding as proposed. At the conclusion of the proceeding if the commissioner finds that the railroad company has sustained its burden of proof, then a final order shall be issued authorizing the company to proceed with construction of such line, track or siding as proposed. Judicial review of the commissioner's order shall be available to the parties in accordance with the provisions of Tennessee Code Annotated, Section 4-5-322.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.