



Traffic Operations Division – Rail Safety Section  
118 East Riverside Drive  
Austin Texas 78704  
(512) 416 - 2376

## **CLEARANCE DEVIATION APPLICATION**

### **PLEASE READ THESE INSTRUCTIONS BEFORE COMPLETING THE APPLICATION**

A return cover letter is required and is an integral part of the application and must be prepared as instructed. The cover letter should include the following information:

1. What your facility is called
2. Where your facility is located
3. What your facility produces, stores, or distributes
4. Which railroad serves your facility
5. What time of day is the operation (daylight/dark or both)
6. If the railroad switches inside your facility or if you have your own in-plant switching service
7. The type of rail car used to transport your products
8. All horizontal and/or vertical encroachments into the protected area (existing or proposed) for which you are seeking a waiver
9. The designation of the track(s) where the encroachments are or will be located
10. Specific locations of all warning signs and lighting requirements

The cover letter must be systematic, thorough, comprehensive, and complete, and it must explain why TxDOT should grant your application.

In addition to the above, the following instructions for application completion must be met:

1. All spaces should be filled. If “no” or “not applicable” so state.
2. Exhibits of a graphical character shall be prepared to present information pertinent to the issues involved in a particular proceeding. The exhibits shall be of a size to not unduly encumber the files and records of TxDOT. Wherever practicable, the displays on each exhibit shall be no more than eight inches by nine and one-half inches in size. A margin of one-fourth inch shall be left at the top of each separate page. In the event larger sheets are required they shall be of a size that is multiple of the eight and one-half inches by ten inches. A margin of one-fourth inch shall be left on both sides and the top and the bottom of the sheet. In addition to the top margin a tab eight and one-half inches by one inch shall be on the top left hand corner of each sheet for fastening into the file. The sheets shall be folded to make the overall size eight and one-half by eleven inches. A caption block containing the name of the applicant, a space for the deviation number, the location of the facility and the page number of the series of pages shall appear in the lower right hand corner. On folded sheets the caption block shall be visible when folded.
3. Photographic prints if used shall be mounted on sheets measuring eight and one-half by eleven inches. A one inch tab shall be provided at the top or right edge for fastening into the file.
4. Amendments or addendums can be filed showing additional information in support of your application.

**APPLICATION FOR AUTHORITY TO DEVIATE  
FROM TERMS OF THE TEXAS CLEARANCE LAW**

1. Applicant's Name \_\_\_\_\_ (Area Code) (Phone No.)

Address \_\_\_\_\_

\_\_\_\_\_ City State Zip Code

2. Joint Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ City State Zip Code

3. Applicant will be represented by \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ City State Zip Code

4. Deviation Location \_\_\_\_\_

Street Address

A. Will tracks pass through a gate entering premises? \_\_\_\_\_

B. Least perpendicular or normal distance to gate from centerline of track? \_\_\_\_\_

C. Will entrance gates be equipped with automatic fasteners of counter balance type? \_\_\_\_\_

D. Will tracks enter a building? \_\_\_\_\_ Size of door? \_\_\_\_\_

Vertical? \_\_\_\_\_ Horizontal? \_\_\_\_\_

E. Are doors electrically controlled to prevent partial opening? \_\_\_\_\_

5. Other permanent obstructions to vertical clearance? \_\_\_\_\_

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

6. Other permanent obstructions to horizontal clearance? \_\_\_\_\_

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

7. Will appurtenances such as hoses, loading chutes, lighting standards, or safety apparatus be temporarily placed within the required clear space for loading, unloading or other operations? \_\_\_\_\_

8. Will all areas covered by the deviation be adequately lighted at all times when occupied? \_\_\_\_\_

9. Will signs recommended by the standards of the servicing railroad be erected and maintained? \_\_\_\_\_

10. Attach a concise statement of cause to be shown as required by: (TEXAS TRANSPORTATION CODE SECTION 191.005).
11. Attach a plot plans, building plans, cross sections, and detailed drawings sufficient to locate and describe authority under this application(s).
12. Applicant understands that by signing and swearing to this Application he is giving up his right to both a hearing and a proposal for decision unless the law requires or the Director determines otherwise.

**This page must be signed by a corporate officer or authorized employee before a notary public or other official authorized to administer oaths.**

**I swear that all of the information provided above and in the attached cover letter and exhibits is true and correct.**

**Name of Person signing**

\_\_\_\_\_

*Signature of Person signing*

**X** \_\_\_\_\_  
**Affiant**

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me by the affiant on this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Person Administering Oath

\_\_\_\_\_  
Printed Name

(seal)

\_\_\_\_\_  
Title