

Right-Of-Way Frequently Asked Questions

Question No. 1: APPRAISALS, COPIES OF

Can you give us copies of appraisals of other properties owned by someone other than me and can you give us copies of appraisals on specific tracts to use in valuing utility easements on current projects?

Answer: No. Our appraisals are intended for our use and not given to anyone except the property owner. This is covered in State Law as part of the Open Records Act, TCA 10-7-504(a) (6).

Question No. 2: APPRAISED VALUES/TAX VALUES

Why is the appraised value different from the tax records?

Answer: Property tax valuations are mass appraisals and do not always reflect the specific value of an individual property. Properties valued with appraisals for department use are very specific to that property and generally differ in value from the tax valuation.

Question No. 3: BLUE INTERSTATE ADVERTISING SIGNS

Who do I contact for information about the blue advertising signs on the interstate and interstate ramps?

Answer: Please contact Headquarters Traffic Engineering Office, Mr. Eric Jackson at (615) 741-0802 or by e-mail at Eric.Jackson@tn.gov.

Question No. 4: CAMPAIGN ADVERTISING, SIGNS IN STATE RIGHT-OF-WAY

Can campaign advertising signs be placed on State right-of-way?

Answer: Yes, signs can be located on State right-of-way. This is allowed by State Law (T.C.A. 2-1-116). Signs are to be removed within 3 weeks after the election. See the State Law for a full explanation.

Question No. 5: CONDEMNATION, PROPERTIES IN

Can you talk with me about my property that is in condemnation?

Answer: No. TDOT Policy 340-02 specifically states: By request of the State Attorney General's Office, it is Departmental policy that once a tract has entered condemnation, all further negotiations/communication are to be conducted, coordinated or approved by the Attorney General's Office.

Question No. 6: CONSTRUCTION SCHEDULES

When will the highway project construction begin and be completed?

Answer: We have tentative schedules for letting projects to construction, but the exact dates for the beginning and end of construction cannot be determined until the contractor has been awarded the contract. Projects generally take anywhere from two to four years depending on the scope of the work. Always note that plans and schedules are subject to change.

Question No. 7: DAMAGES DURING CONSTRUCTION

Who is responsible for damages to my property made during construction?

Answer: The contractor is responsible for damages to real or personal property made during construction. This covers items such as cracks in structures or flooding that occurs during construction.

Question No. 8: EASEMENTS: SLOPE, PERMANENT DRAINAGE, AND CONSTRUCTION

What are slope, construction and permanent drainage easements?

Answer: Slope easements are used for re-contouring the topography of the land and lie outside of our existing/proposed right-of-way.

Construction easements are an area outside of the slope easement or fee acquisition area and are used for working room for the contractor and to locate erosion control features. Both slope and construction easements are temporary in nature. The underlying fee ownership remains in the name of the property owner. These easements are considered as an item of damages to the remainder property. The property owner may adjust

the slope of the ground in the slope easement area after the construction of a project as long as it does not affect the integrity of our roadway.

Permanent drainage easements are acquired for the location of drainage facilities and allow for an area for the department to be able to maintain those facilities such as a stone lined ditch at the outlet of a drainage pipe. The property owner maintains fee ownership of permanent drainage easements areas and may not change permanent drainage easements areas in a way that would negatively impact our facility.

Question No. 9: EXCESS LAND

Can I purchase State owned real property and if so, how do I do this?

Answer: Yes, as per State Law (T.C.A. 12-2-112), The department does allow for the sale, license or lease of property that is determined to be excess to our needs after completion of construction and litigation. Please contact the Regional Excess Land Coordinator for information.

- Region 1: 865.594.2465
- Region 2: 423.510.1128
- Region 3: 615.350.4200
- Region 4: 731.935.0132

Question No. 10: MEDIAN OPENINGS

On a divided highway with median openings, can I have a median opening added at my property's location or can the location of the median opening be moved to my property's location?

Answer: There may be situations that allow for median opening locations to be changed; however, median opening locations are controlled by Department policies. The recommended uniform spacing is 1,320 feet (a range of 880 feet – 1,760 feet is acceptable) in rural areas and 660 feet (a range of 440 feet - 880 feet is acceptable) in urban areas. Changing the location and spacing to meet the request of a property owner can affect other owners along the route. Changing the location of an opening without getting permission from a property owner that we have concluded our acquisition process with can cause legal issues. Our warranty deeds include language that states that the compensation paid is for the property rights that we are acquiring and match the plans at that time. If we change the location of the median openings, we have not

maintained that agreement. Individual requests for changes to our plans concerning median openings must be reviewed on a case by case basis. The Design Manager for the project will evaluate requests.

Question No. 11: MOWING

Who do I contact to get the grass cut on state route right-of -ways?

Answer: Contact the District Operations Supervisor in your region. To find your region and district click here:

<http://www.tn.gov/tdot/article/local-information>

- **Region 1, District 17:** Hamblen, Hawkins, Hancock, Greene Counties 423.587.7026 / Washington, Sullivan, Carter, Unicoi, Johnson Counties 423.282.0651
District 18: Knox, Union, Anderson Counties 865.594.2718 / Jefferson, Grainger, Cocke, Sevier Counties 423.623.1227
District 19: Claiborne, Campbell, Scott, Morgan Counties 423.566.9631 / Roane, Loudon, Blount, Monroe Counties 865.882.3618
- **Region 2, District 27:** 931.526.3492
District 28: 423.949.9056
District 29: 423.510.1219
- **Region 3, District 37:** 615.350.4343
District 38: 931.648.5570
District 39: 931.276.2218
- **Region 4, District 47:** 731.352.5375
District 48: 731.935.0281
District 49: 901.578.4399

Question No. 12: OFFERS MADE TO NEIGHBORS, BUT NOT ME

Why are my neighbors getting offers for the purchase of property and nobody has talked with me yet?

Answer: Property owners will be sent a *Notice of Proposed Acquisition* once plans are released to begin the acquisition process. Right-of-way acquisition requires a sequence of activities such as title work, appraisal and appraisal review prior to any offers being made. Generally, tracts

requiring owner/tenant relocation are handled first, then remaining tracts will be dealt with as soon as practicable.

Question No. 13: PAYMENT, WHEN TO EXPECT RECEIPT OF
When will I receive payment for the property you are acquiring?

Answer: It usually takes 45 to 60 days to secure a check after an agreement has been reached. A closing will be scheduled upon receipt of the check. In some cases such as when a lender is involved, it can take longer.

Question No. 14: PAYMENT, TO MORTGAGE LENDERS
Why does my mortgage lender have first rights to the proceeds for the acquisition of my property rights?

Answer: Most mortgages include language that note that they have first right to any and all compensation received from TDOT or any governmental entity that have eminent domain rights. These proceeds are used to pay toward the loan principle.

Question No. 15: PERMIT FOR DRIVEWAYS
How do I apply for a driveway entrance permit on a state route?

Answer: Contact the District Operations Supervisor for residential entrance permits. You can find your region and district here: <http://www.tn.gov/tdot/article/local-information>. Contact the Regional Traffic Office for commercial entrance permits.

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District 19: Claiborne, Campbell, Scott, Morgan Counties 423.566.9631 / Roane, Loudon, Blount, Monroe Counties 865.882.3618
Commercial: 865.594.2456
- **Region 2, District 27:** 931.526.3492
District 28: 423.949.9056
District 29: 423.510.1219

- Commercial:** 423.510.6916
- **Region 3, District 37:** 615.350.4044
District 38: 931.648.5570
District 39: 931.276.2218
Commercial: 615.350.4332
- **Region 4, District 47:** 731.352.5375
District 48: 731.935.0281
District 49: 901.578.4399
Commercial: 731.935.0182

Question No. 16: GRADING PERMITS

How do I apply for a grading permit to do work on State right-of-way?

Answer: Contact the District Supervisor for residential grading permits. You can find your region and district here:

<http://www.tn.gov/tdot/article/local-information>. Contact the Regional Traffic Engineer's Office for commercial grading permits.

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District 49: 901.578.4399
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Question No. 17: PERMITS FOR UTILITIES

How do I apply for a utility permit?

Answer: Permits for utility work on State right-of-way are obtained through the Regional Utilities Office and are subject to accordance with the *Rules and Regulations for Accommodating Utilities within Highway Rights-of-Way (Chapter 1680-6-1)*

- **Region 1:** Royce Fout 685.594.2679
- **Region 2:** Jim Thompson 423.510.1274
- **Region 3:** Tim Ross 615.350-4230
- **Region 4:** Willie Coleman 731.935.0160

Question No. 18: RIGHT-OF-WAY BONDS

Who do I contact to get a right-off-way bond released?

Answer: Contact the person/office from which you received the permit or contact your District Operations Supervisor. Find your region and district here: <http://www.tn.gov/tdot/article/local-information>

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Question No. 19: RIGHT-OF-WAY COSTS

What is the total cost of right-of-way that has been spent on a project?

Answer: This information must be requested from the Community Relations Officer in your region. You can find that information here: <http://www.tn.gov/tdot/topic/community-relations-officers>

Question No. 20: RIGHT-OF-WAY; CUTTING TREES, REMOVING ROCKS, HUNTING

Can I cut trees, remove rocks or hunt on State right-of-way?

Answer: No. State right-of-way is purchased for the construction and maintenance of our State Highway System only. Any vegetation or rock removal needed for the safety of motorists is handled by the District Operations Supervisor.

Question No. 21: RIGHT-OF-WAY WIDTHS

How wide is the right-of-way at a specific location?

Answer: Right-of-way widths vary and experience changes due to subdivisions, transfers, etc. The best source of information is your local Register of Deeds Office. You may request old project plans, but it is always recommended to verify the information shown on the plans with the warranty or easement deed.

Question No. 22: SETBACK REQUIREMENTS FROM RIGHT-OF-WAY

Is there a setback requirement from the right-of-way for signs or improvements such as fences or buildings?

Answer: There are no State setback requirements for any type of improvement on your property from our right-of-way. On premise signs cannot overhang our right-of-way. We do not allow any personal or real property to be on the right-of-way by State Law (TCA 54-5-136). It is also recommended to check with the local municipality for any setback requirements they may have.

Question No. 23: SURVEY STAKES

Why are these stakes on my property and what are they for?

Answer: The Regional Survey Office will stake all tracts on projects to note the area of acquisition, and slope, permanent drainage, and construction easements. These stakes are for the benefit of the appraisers and the property owners alike. Please do not disturb these stakes until after we have contacted you and completed the acquisition process on your tract.

Question No. 24: WORKING FOR TDOT

How do I get on an approved list of vendors for performing work for TDOT?

Answer: Visit the TDOT Website at www.tn.gov/tdot/ and click on the link for “Business how do I do Business with TDOT?”