



Chattanooga Department of Transportation Abandonment Review Process

1. PURPOSE & INTENT

The purpose of this document is to inform citizens and City of Chattanooga (City) staff of the process for the closure and abandonment of rights-of-way. It is intended to describe the process and approximate time frame for right-of-way closure and abandonment requests. The City staff decisions described in this process are based upon the [Chattanooga City Council Right-of-Way Closure and Abandonment Policy](#) (Resolution Number 28838, adopted 11/08/2016). This policy states:

Public rights-of-way are a public resource and an integral element in shaping the community. Rights-of-way contain roads and other public services, allow access to, and servicing of, individual properties along its frontage, and provide shape and form to our neighborhoods and to commercial and industrial areas. For these reasons, it is in the public's and the City of Chattanooga's (City's) interest to retain rights-of-way and to give due consideration to right-of-way closure and abandonment.

It is the policy of the Chattanooga City Council to retain rights-of-way for public use and only to recommend the permanent closure and abandonment of rights-of-way when it is demonstrated that the public has no further need or interest to retain the right-of-way and that its abandonment is necessary to achieve a significant private or public interest.

All requests for closure and abandonment must proceed through the Mandatory Referral process, overseen by the Chattanooga-Hamilton County Regional Planning Agency (RPA). The Chattanooga Department of Transportation (CDOT) is one of the agencies responsible for reviewing and making recommendations about closure and abandonment requests. The following process is designed to give applicants guidance on whether the requested closure and abandonment aligns with City policy and allow for exploration of alternatives to closure and abandonment. Applicants can proceed with the Mandatory Referral process without prior CDOT approval or if CDOT recommends denial of the abandonment. Applications are, however, more likely to be approved with prior CDOT approval, and alternatives to closure and abandonment may be less costly and time consuming.

2. IDENTIFICATION OF RIGHT-OF-WAY IN GIS

The Technical Information Center (TIC) in the Chattanooga Department of Public Works City Engineer's Office maintains a GIS layer on City rights-of-way. This information can be accessed by viewing the Online Services at chattanooga.gov. The rights-of-way are identified as follows:

- Opened: Rights-of-way which are declared open and are being maintained by the City.
- Unopened: Dedicated for public use, but not maintained by the City.
- Closed: Previously closed rights-of-way that have been abandoned by a City Ordinance.



Chattanooga Department of Transportation Abandonment Review Process

The Classification Tiers described in the Chattanooga City Council Right-of-Way Closure and Abandonment Policy generally align with the classifications maintained by TIC. Tier classification will be determined by RPA and CDOT staff.

- Opened - Tier 1
- Unopened - Tiers 2 and 3

3. REVIEW PROCESS FOR CLOSURE / ABANDONMENT

Requests for right-of-way abandonment shall be received by CDOT staff and reviewed through the following process:

1. An individual contacts a CDOT designee with a proposed abandonment request, or is referred to CDOT by the RPA. The individual completes a pre-application form, which is available on the [CDOT website](#) and at the CDOT office. At this stage, it is the responsibility of the applicant to clearly demonstrate the location of the proposed abandonment, the reason for the abandonment, and that the public has no further need or interest to retain the right-of-way and that its abandonment is necessary to achieve a significant private or public interest. Although stamped drawings are not required at this step, the individual is expected to provide materials that will allow CDOT to make a recommendation. Those materials may include but are not limited to:

- Site plan
- Elevations
- Site photos

The pre-application deadline will be the **second Monday of the month** to allow CDOT staff sufficient time to review requests and notify applicants of CDOT's recommendation one week before RPA's Mandatory Referral Process application deadline, which is the fourth Monday of the month. All pre-applications received after the second Monday of the month will be reviewed the following month.

Note: This step precedes the formal submittal of an application through RPA's Mandatory Referral Process and does not initiate the official process. It is intended to provide an initial indication of CDOT's recommendation on an abandonment request. It is the responsibility of the individual to initiate the Mandatory Referral Process. See step 3 below.

2. Designated CDOT staff meet monthly to provide an initial review based upon the tenets of the abandonment policies adopted by the Chattanooga/Hamilton County Regional Planning Commission and the Chattanooga City Council. At a minimum, the review will be based on the Review Factors described in the Chattanooga City Council Right-of-Way Closure and Abandonment Policy:



Chattanooga Department of Transportation Abandonment Review Process

1. Right-of-Way Classification: Whether the right-of-way is classified Tier 1, 2, or 3.
2. Width of right-of-way.
3. Presence of or potential for the location of utilities.
4. Currently open to vehicular, bicycle, or pedestrian traffic.
5. Potential for future use or which provides future connections to the existing street pattern or could provide needed services, and which are integral to the community's future development (i.e. access to abutting property, bypass for other streets, parking, pedestrian connectivity, etc.).
6. Type/conditions of surface.
7. Does the topography/grade impede the potential use of a right-of-way for vehicles, bicycles, or pedestrians?
8. Will the closure and abandonment landlock any property. If so, has a subdivision plat been submitted which eliminates this situation?
9. Identification of a suitable replacement.

3. CDOT will notify individual of recommendation one week before RPA deadline to allow individual sufficient time to submit an application. Once CDOT's recommendation has been communicated, the individual determines whether to continue with his/her abandonment application. If he/she chooses to move forward, he/she must submit an application to RPA to initiate the Mandatory Referral process. RPA application deadlines can be found at chcrpa.org.

CDOT may recommend that the proposed use of the right-of-way be accomplished through a process other than closure and abandonment (e.g. easement, franchise agreement, or temporary use permit). Details on these alternatives can be found in the Additional Uses of the Right-of-Way section below and the Chattanooga City Code.

***Note:** In certain rare circumstances, CDOT may determine through its analysis that a more comprehensive abandonment could be needed in the proximity. If deemed beneficial as a City request, CDOT can initiate the Mandatory Referral process directly with RPA and no fee will be collected.*

4. The Mandatory Referral process is administered by RPA, and CDOT makes its recommendation to RPA staff through the use of Utility Cards, letters, and/or notes to be included in the agency's monthly case report.

5. RPA presents the abandonment request within its case report at the monthly Planning Commission meeting.

6. After the Planning Commission makes a recommendation, CDOT will make its recommendation to City Council including all required access/utility easements that are necessary for a right-of-way to be closed. If the department adds specific conditions or



Chattanooga Department of Transportation Abandonment Review Process

recommends denial of the abandonment, CDOT will communicate its recommendations to the applicant prior to submitting to City Council.

7. If the abandonment is approved by City Council and becomes ordinance after two readings, a copy of the approved ordinance will be forwarded to the Hamilton County Tax Assessor's Office GIS Department as a courtesy for information purposes only.

8. After City Council final reading, a CDOT staff person will contact applicant to communicate if the application was approved or denied in addition to any of its conditions.

The length of time required for the review process for closure and abandonment will vary based on the location and complexity of the request. It is anticipated that this process will take approximately 15 weeks in most cases.

4. MISCELLANEOUS

Department of Public Works City Wide Services (CWS) does not maintain unopened rights-of-way, and is not responsible for cleaning any abandoned/closed rights-of-way or one for which an abandonment request has been made.

New lot lines resulting from a right-of-way closure are determined through the title search and plat recording process. This process will be the responsibility of respective property owners to perform.

5. ADDITIONAL USES OF THE RIGHT-OF-WAY

It is the policy of the Chattanooga City Council to retain rights-of-way for public use and only to recommend the permanent closure and abandonment of rights-of-way when it is demonstrated that the public has no further need or interest to retain the right-of-way and that its abandonment is necessary to achieve a significant private or public interest. Below are some ways to engage the right-of-way without needing an abandonment.

Easement: Can be used by a property owner to utilize the City's right-of-way to access a property; this use of the ROW does not require an abandonment. The easement is recorded in the plat and updated in the deed; the easement transfers with the land. Maintenance of the easement is the responsibility of the property holder, not the City. Chattanooga Code of Ordinance Chapter 31, Section 31-2, Section 31-32, Section 31-313, 31-369; Chapter 38, Section 38-25, 38-598.

Franchise: Typically used by a utility or telecommunications company to lease for a defined amount of time the City's right-of-way; this use of the right-of-way does not require an



Chattanooga Department of Transportation Abandonment Review Process

abandonment. Chattanooga Code of Ordinance Title 7; Chapter 32, Section 32-3; Chapter 32, Article XI.

Labeling / Naming of right-of-way: Chattanooga Code of Ordinance Chapter 32, Article IX describes the process for the establishment of and procedure to change street names.

Opening a right-of-way: An applicant or property owner can improve an “unopened” right-of-way. The City can accept the improvement and record the right-of-way as “open” in the plat and deed if built to the proper City standard. If the City “opens” the right-of-way, maintenance of the right-of-way becomes the responsibility of the City. If the City does not “open” the right-of-way and the right-of-way remains “unopened”, then maintenance of the right-of-way is not the responsibility of the City.

Temporary use permit: Typically used by an applicant (property or business owner) to utilize the City’s right-of-way for a temporary need (sidewalk cafe, sign, art work, etc.); this use of the right-of-way does not require an abandonment. The permit is recorded in the Hamilton County GIS layer as a record of the City Council action, however the permit belongs to the applicant, so if the property exchanges ownership, then the permit is void. Any maintenance needs are the responsibility of the permit holder, not the City. Chattanooga Code of Ordinance: Chapter 32, Section 32-44.