



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

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**Type:** Bill (Ordinance)      **Status:** Passed

**File created:** 11/4/2022      **In control:** Transportation and Infrastructure Committee

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**Title:** An ordinance amending Section 12.12.190 of the Metropolitan Code of Laws relative to traffic calming projects.

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**Indexes:**

**Code sections:**

**Attachments:** 1. Substitute BL2022-1572

Date	Ver.	Action By	Action	Result
1/4/2023	2	Mayor	approved	
1/3/2023	2	Metropolitan Council	passed on third reading	
12/20/2022	2	Metropolitan Council	passed on second reading	
12/20/2022	1	Metropolitan Council	substituted	
12/20/2022	1	Transportation and Infrastructure Committee	approved with a substitute	
12/6/2022	1	Metropolitan Council	deferred	
11/15/2022	1	Metropolitan Council	passed on first reading	
11/8/2022	1	Metropolitan Council	filed	

An ordinance amending Section 12.12.190 of the Metropolitan Code of Laws relative to traffic calming projects.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 12.12.190 of the Metropolitan Code of Laws is hereby amended by deleting the section in its entirety and replacing it with the following:

12.12.190 - Traffic Calming Projects

- A. The Nashville Department of Transportation and Multimodal Infrastructure (NDOT) shall maintain a program for traffic calming that meets the following criteria:
  1. The program shall focus on traffic calming projects that lower vehicle speed and improve street safety for all users. The program must allow for neighborhood organizations to submit applications to identify, prioritize, and help mitigate the undesirable effects of traffic in residential neighborhoods.
  2. NDOT shall coordinate with other departments including the planning department, fire department, the police department, metropolitan Nashville public schools, and the department of parks and recreation. The program shall focus on traffic calming projects to improve street safety

~~for all users.~~

3. The program allows for neighborhood organizations to submit applications to identify, prioritize, and help mitigate the undesirable effects of traffic in residential neighborhoods. NDOT shall work with other departments including the planning department, fire department and the police department.
  4. NDOT shall select areas for traffic calming projects based on applications submitted pursuant to the traffic calming program at least once per year and/or as funding allows.
  5. Applications shall be evaluated by NDOT using criteria established by NDOT and published on the metropolitan government website.
  6. NDOT shall maintain a record of all ~~neighborhood organization~~ applications for traffic calming projects and the neighborhoods selected for traffic calming projects. This record must be made available to the public on the metropolitan government website.
- B. NDOT may authorize private construction or funding of a traffic calming project by a ~~neighborhood private organizations or entities, which may include but are not limited to neighborhood organizations, homeowner associations, merchant associations, and educational or cultural institutions,~~ provided that:
1. ~~The neighborhood private organization or entity secures private funding for the proposed traffic calming project. This private funding must comprise the entire project cost, including engineering studies, design, permitting and construction/installation. NDOT will not contribute to or fund any portion of the project cost. Installation must conform to NDOT standard details and minimum specifications along with the criteria laid out in this section.~~
  2. ~~The neighborhood private organization or entity must notify NDOT in writing of its intent to fund or install a traffic calming project. This letter of intent must include contact information, the street(s) in question, and the limits of installation.~~
  3. Upon receiving the letter of intent, NDOT engineers will conduct initial assessments to ensure: traffic calming program standards, as set by the Department, are met. If the traffic calming proposal is found ineligible, NDOT will provide written notification of this determination and its reasons.
    - a. ~~The street(s) in question fall under the jurisdiction of the Metropolitan Government.~~
    - b. ~~The street(s) is classified as "local" in the Nashville major and collector street plan.~~
    - c. ~~The street(s) is not designated as an arterial street or collector street in the Nashville major and collector street plan.~~
    - d. ~~Installing the traffic calming infrastructure on the street(s) will not negatively affect parallel streets by creating conditions for increased traffic volumes and speeds.~~
    - e. ~~If the street is determined to be ineligible, NDOT will provide written notification of the determination and its reasons.~~
  4. Provided that the traffic calming program standards above conditions are met, the applicant will be required to produce the following documents prior to permitting:
    - a. A location map that clearly shows the neighborhood and street(s) proposed for traffic calming infrastructure.
    - b. A design plan set stamped by a registered engineer conforming to NDOT traffic calming infrastructure requirements.

- c. A preliminary support petition containing at least 10 signatures from property owners within the project scope homeowners that live on the affected street that support installation of the traffic calming infrastructure. The petition must include a final signature block for the Council Member to sign in support of traffic infrastructure. The applicant must use a petition template provided by NDOT.
  - d. A list of all names and addresses of property owners within the project scope affected homeowners and evidence that these individuals and/or entities all affected homeowners have been contacted and provided copies of the traffic calming design plans.
  - e. A list of materials, specifications, manufacturer, manufacturer recommendations for installation, and their respective quantities. All materials used must meet NDOT's minimum specifications and/or correspond to an item number included in a current Metro contract.
5. Upon approval of all required documentation, NDOT ~~will~~ may administer a neighborhood ballot process according to the traffic calming program standards established by the Department a six-week online ballot process. A successful neighborhood street ballot requires 66% of responding homeowners on the affected street voting "yes" on the final traffic calming infrastructure design.
  6. Once documents have been approved by NDOT engineers and the ballot process, if applicable, is successful, the applicant may apply for a right-of-way permit to install the traffic calming infrastructure.
  7. NDOT will assume maintenance and replacement responsibilities once the traffic calming infrastructure has passed inspection.
  8. This Subsection B shall apply only to private construction of traffic calming infrastructure initiated by ~~neighborhood~~ private organizations or entities and shall not apply to private funding of traffic calming through any other means, including as part of on-site or off-site traffic calming improvements required or recommended by NDOT.
- C. NDOT may authorize the private construction or funding of a traffic calming project by other means provided that:
1. One or more of the following has occurred:
    - a. NDOT requires on-site or off-site traffic calming improvement(s) on adjacent streets or on existing or new street connections as part of permitting for a project that is being reviewed under existing entitlements;
    - b. A traffic impact study recommends the on-site or off-site traffic calming improvement(s) as part of a rezoning or lot subdivision for residential developments ~~with more than 75 dwelling units~~ pursuant to Section 17.20.140;
    - c. NDOT recommends to the Planning Commission or Planning Department conditions for traffic calming improvement(s) within projects or on existing or new street connections for lot subdivisions that do not require a traffic impact study pursuant to Section 17.20.140; or
    - d. NDOT recommends that the Planning Commission and/or the Metropolitan Council condition the provision of on-site or off-site traffic calming improvement(s) as part of a zone change or PUD revision approval.
  2. Upon notification of one of the events listed in Subsection C.1, NDOT engineers will conduct initial assessments to ensure: that traffic calming program standards as set by the Department are met. If the traffic calming proposal is found ineligible, NDOT will provide written notification of this determination and its reasons.

- a. ~~The street(s) in question fall under the jurisdiction of the Metropolitan Government.~~
  - b. ~~The street(s) is classified as "local" in the Nashville major and collector street plan.~~
  - c. ~~The street(s) is not designated as an arterial street or collector street in the Nashville major and collector street plan. However, private funding and construction of traffic calming projects on collector streets may be permitted at the discretion of NDOT's chief traffic engineer.~~
  - d. ~~Installing the traffic calming infrastructure on the street(s) will not negatively affect parallel streets by creating conditions for increased traffic volumes and speeds.~~
  - e. ~~If the street is determined to be ineligible, NDOT will provide written notification of the determination and its reasons.~~
3. Provided that the traffic calming program standards ~~above conditions~~ are met, the applicant will be required to produce the following documents prior to permitting:
    - a. A location map that clearly shows the neighborhood and street(s) proposed for traffic calming infrastructure.
    - b. A design plan set stamped by a registered engineer conforming to NDOT traffic calming infrastructure requirements.
    - c. A list of materials, specifications, manufacturer, manufacturer recommendations for installation, and their respective quantities. Materials must meet NDOT's minimum specifications and/or correspond to an item number included in a current Metro contract.
  4. Once the proposed project has been approved by NDOT engineers, the applicant may apply for a right-of-way permit to install the traffic calming infrastructure.
  5. NDOT will assume maintenance and replacement responsibilities once the traffic calming infrastructure has passed inspection.
- D. ~~At least once per year~~ By August 1 of each year, NDOT shall submit a report to the metropolitan council of the applications received for the traffic calming program, the ranking of each application, and the metrics used to determine the ranking of the applications. This report should also include the status of projects currently in process and completed projects, the date of application for these projects, the date of completion, total cost, and any other projects implemented pursuant to subsections B and C above.

Section 2. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

This ordinance, as substituted, codifies the existing traffic calming program maintained by the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") and provides additional regulations for privately funded traffic calming projects.

The ordinance under consideration codifies this existing program. This requires that the program allow for neighborhood organizations to submit applications for traffic calming projects in residential neighborhoods. Selections for traffic calming projects based upon the applications submitted to NDOT must occur at least once per year or as funding allows. Applications will be reviewed by NDOT pursuant to criteria established by NDOT. This criteria must be published on the Metropolitan Government's website.

In addition, the ordinance provides that NDOT may authorize private construction of a traffic calming project by a private organization or entity provided that:

- Private funding for the traffic calming project has been secured by the private organization or entity;
- A letter of intent is sent to NDOT;
- NDOT will ensure that the traffic calming program standards are met;
- The applicant provides to NDOT a traffic study, a local map, a design plan, a preliminary support petition, the applicant contacts affected homeowners, and certain information related to the installment of the infrastructure;
- After this information is provided, NDOT may conduct an online ballot process according to the traffic calming program standards established by the department;
- After the installment of the traffic calming project, NDOT will assume maintenance and replacement responsibilities once the infrastructure passes inspection.

This ordinance further allows for NDOT to authorize the private construction or funding under the following conditions:

- The private construction must be required by NDOT as part of an on-site or off-site traffic calming improvement as part of permitting for a project under existing entitlements; a traffic study recommends the traffic calming improvements as part of a rezoning or lot subdivision; NDOT recommends the traffic calming improvements to the Planning Commission for lot subdivisions; or NDOT recommends the traffic calming improvements to the Planning Commission or the Council as part of a zone change or PUD revision approval;
- NDOT will verify that proposal meets the traffic calming program standards set by NDOT;
- The application must provide to NDOT a local map, a design plan, and certain information related to the installment of the infrastructure;
- Once the proposed project has been approved by NDOT engineers, the applicant may apply for a right-of-way permit to install the traffic calming infrastructure;
- After the installment of the traffic calming project, NDOT will assume maintenance and replacement responsibilities one the infrastructure passes inspection.

By August 1 of each year, NDOT must submit a report to the Council of the applications received for the traffic calming program, the ranking of the applications, and the metrics used to determine the rankings. The report should also include the status of projects currently in process, completed projects and the date of completion for the project, the total cost, and include information about projects implemented pursuant to funding by private organizations or entities and private construction.