



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2023-137, **Version:** 1

An ordinance amending Title 13 of the Metropolitan Code to add a new chapter thereto for the purpose of allowing participation agreements between the Nashville Department of Transportation and Multimodal Infrastructure and developers to be approved by resolution.

WHEREAS, the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) has or may have future interests in joining privately-funded development projects to benefit public safety and/or to achieve public transportation and multimodal objectives; and,

WHEREAS, NDOT seeks to amend Title 13 of the Metropolitan Code of Laws, as set forth in this ordinance, to add a new chapter thereto for the purpose of allowing NDOT to more easily partner with private developers who plan to do work in public right-of-way locations in which NDOT has an interest, or a need to join the project, to benefit public safety and/or public transportation and multimodal objectives; and,

WHEREAS, in other cases, private developers may have an interest in contributing to the cost of a public capital project in the public right-of-way, due to the benefit it would provide to their development, and NDOT needs to be able to accept such funding more readily.

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

Section 1. That Title 13 of the Metropolitan Code of Laws is hereby amended by adding the following new chapter immediately following Chapter 13.20:

Chapter 13.21 Nashville Department of Transportation Participation Agreements with Developers.

Section 13.21.010 - Participation Agreements with Developers.

The metropolitan council may approve participation agreements for the installation, operation, and maintenance of infrastructure projects and public right-of-way structures, between the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) and developers, by resolution.

This would facilitate both agreements where a developer agrees to be partially reimbursed by NDOT in exchange for taking on a larger project in the public right-of-way than the developer otherwise would for its own purposes, in order to add elements to that project NDOT believes would serve the public interest, and agreements where a developer agrees to partially fund the cost of a public capital project that will also benefit the developer’s development, and would also allow NDOT to accept such funding contributions.

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 would amend the Metropolitan Code of Laws to allow the Metropolitan Council to approve participation agreements between the Nashville Department of Transportation and Multimodal Infrastructure and developers by resolution. This would apply to participation agreements for the installation, operation, and

maintenance of infrastructure projects and public right-of-way structures.