

SECTION

# 4

## Planning Process and Agency Input

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At the onset of the planning process, the design team conducted a series of interviews with relevant government agencies and stakeholders to gain a thorough understanding of issues related to greenway development in La Vergne and Smyrna. Relevant discussions are summarized below:

## Tennessee Department of Transportation

On April 27, 1999, the cities of Smyrna and La Vergne entered into an agreement with the Tennessee Department of Transportation (TDOT) to provide management and funding for the development of a Greenway Master Plan. A direct federal appropriation in the amount of \$5.1 million for construction has been secured and will be shared evenly between the two communities. Although the contract between TDOT and the local governments was authorized in 1999, the federal appropriation extends from 1998 through 2003. Therefore, funds will be available, to coincide with the federal fiscal year (October 1 through September 30), as follows:

<b>Federal Funds</b>				
<b>Percentage</b>	<b>Available</b>	<b>Local</b>	<b>Match</b>	<b>Total</b>
October 1, 1998	11%	\$561,000	\$112,200	\$673,200
October 1, 1999	15%	\$765,000	\$153,000	\$918,000
October 1, 2000	18%	\$918,000	\$183,600	\$1,101,600
October 1, 2001	18%	\$918,000	\$183,600	\$1,101,600
October 1, 2002	19%	\$969,000	\$193,800	\$1,162,800
October 1, 2003	19%	\$969,000	\$193,800	\$1,162,800

On October 1, 1999, construction funds for the first two years were available for a total of \$1,326,000-the remaining budget will then be allocated as indicated in the chart above. However, it should be noted that some percentage of the yearly allotment will not be obligated by the federal government-the percentage withheld will be determined on a yearly basis. Therefore, the funds will be slightly lower than indicated on the chart.

Although the available funds are a direct appropriation, administration and management criteria will be the same as for ISTEAs or TEA-21 grants. Prior to bidding or constructing any segment of the greenway, Federal Highway Administration authorization must be provided through Marilyn Holland of the Tennessee Department of Transportation. Failure to secure the proper authorization prior to construction will result in a loss of the appropriated funds. In order to receive federal authorization, the project must be cleared environmentally, and all right-of-way acquisition must conform to the Uniform Relocation Assistance Act.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 provides for uniform and equitable treatment of persons displaced from

their homes, businesses, or farms by federal and federally assisted programs and establishes uniform and equitable land acquisition policies for federal and federally listed programs. In short, whenever acquiring real property for a program or project by a federal agency results in displacing anyone, the agency shall reimburse and provide relocation planning, assistance, coordination, and advisory services. It is highly improbable that proposed greenways for La Vergne and Smyrna will result in displacement of any individuals, however, in the extremely unlikely event that displacement should occur, the Tennessee Department of Transportation should be consulted regarding relevant and requisite procedures.

Environmental clearance will require submitting documentation to TDOT related to:

- Section 4 (f) of the Department of Transportation Act of 1966
- Section 106 of the National Historic Preservation Act of 1966
- Endangered Species Act of 1973
- Fish and Wildlife Coordination Act of 1958
- Executive Order 11988 - Floodplain Management
- Executive Order 11990 - Protection of Wetlands
- Air and Noise Evaluation
- Hazardous Waste Evaluation

Additionally, certification must be provided to TDOT that the land is either owned by a public agency in fee simple or is irrevocably available for trail use for at least ten years and that provisions have been made for the adjustment of all utilities. Once these steps are completed, TDOT will provide a letter that authorizes construction. Again, it must be stressed that **if construction begins prior to authorization from TDOT, construction costs will not be reimbursed.**

Once construction has been authorized, reimbursement for funds expended may be requested on a monthly basis. Itemized, paid invoices showing costs, along with accompanying bills, labor certificates and proof of payment must accompany the reimbursement submissions. The invoices should reflect both 100% of the total cost incurred on the project as well as the 80% share. TDOT will then reimburse 80% of the eligible items up to the amount stated in the contract.

Although Smyrna and La Vergne have already received a sizable appropriation for greenways, this does not preclude additional funding through TEA-21. Both communities should prepare applications for priority elements and submit them to the Tennessee Department of Transportation by July 1, 2000. TEA-21 sets aside ten percent of each state's Surface Transportation Program (STP) funds for enhancement activities. To date, Congress has made \$6.4 billion available to states for transportation enhancements through ISTEA and TEA-21; funds amounted to \$13 million in Tennessee in the 1999 fiscal year. The Transportation Enhancement Program is a reimbursable program and does not provide funding for planning, preliminary engineering or right-of-way acquisition. However, the US Department of Transportation has identified 12 qualifying enhancement activities. Of the 12 activities, Tennessee considers transportation enhancements in the following ten categories to be acceptable:

- Pedestrian and bicycle facilities.
- Pedestrian and bicycle safety and education activities.
- Scenic or historic highway programs including tourist and welcome centers.
- Landscaping and scenic beautification.
- Historic preservation.
- Rehabilitation and operation of historic transportation buildings, structures or facilities.
- Conversion of abandoned railway corridors to trails.
- Control and removal of outdoor advertising.
- Archaeological planning and research.
- Environmental mitigation of runoff pollution and provision of wildlife connectivity.

As mentioned previously, the available funds for greenway construction are the result of a direct congressional appropriation and are not, strictly speaking, TEA-21 funds. However, TDOT will administer this project via the same criteria and standards identified for TEA-21 funded projects. For that reason, the general guidelines and enhancements listed above should be considered applicable for the appropriated funds.

Following the introductory meeting with TDOT, a copy of a preliminary greenway routing map identified by the Cities of La Vergne and Smyrna was provided to the agency with a request to identify any known or unscheduled roadway construction that might be coordinated with greenway construction. TDOT identified the following:

- Waldron Road, bridge over I-24.
- SR-1, bridge and approaches over Stewarts Creek.
- SR-102, intersection at Old Almaville Road.
- SR-1, intersection at Florence Road.

### **United States Army Corps of Engineers, Nashville District**

J. Percy Priest dam was constructed in the late 1960s for the primary purposes of flood control, hydropower, and recreation. Over forty percent of the reservoir is located in Rutherford County, and is a significant recreational and natural resource for the communities of La Vergne and Smyrna. The reservoir's operating plan permits seasonal use of part of the lake's flood-control space for power generation and provides for a more extensive pool, at elevation 490, for recreation use.<sup>21</sup>

A number of greenway segments initially identified by Greenway proponents in La Vergne and Smyrna fall on Corps lands adjacent to J. Percy Priest Lake. Therefore, Corps representatives were consulted to determine the agency's ability to participate in greenway development on those properties.

<sup>21</sup>U.S. Army Corps of Engineers, Nashville District. "J. Percy Priest Reservoir Design Memorandum No. 7B-1 Master Plan". Nashville: December, 1965.

Issues identified by the Corps of Engineers include cost and maintenance. It is unlikely, though possible, that the Corps of Engineers could share in the cost of trail construction on Corps lands. However, the Corps will not be able to accept long-term maintenance responsibility, nor will they be able to participate in future management or security. Potential trails at J. Percy Priest Lake fall in the unincorporated areas of Rutherford County, and that entity has no maintenance capabilities for recreational facilities.

According to the Resource Manager at J. Percy Priest, opening new access points would be a problem, however, trail access to existing facilities would be beneficial. He also suggested that Old Florence Road would be a good trail segment.

### **Tennessee Wildlife Resources Agency**

Wildlife Management Areas (WMA) on US Army Corps of Engineers lands at J. Percy Priest Lake are the responsibility of the Tennessee Wildlife Resources Agency (TWRA) under license agreements with the Corps. These areas are available to the public for hunting, fishing and trapping. Hunting seasons correspond to statewide seasons, with a few exceptions. Small game (dove, squirrel, quail, and rabbit) is hunted on WMA Unit I near La Vergne north of the Smyrna Airport. Dog training and trials are permitted year-round in designated areas and account for the primary activity on Unit I. Archery practice is open year-round on a designated range site at Poole Knobs, and target shooting is allowed at the Stone's River Hunter Education Facility. Horseback riding is permitted in all areas except freshly planted and standing crops and other areas as posted. On all WMA sites on J. Percy Priest, it is unlawful to hunt within 100 yards of a visible dwelling without the owner's permission.

Wildlife Management Area Unit II borders most of the southern half of the reservoir south of Long Hunter State Park, as well as the West and East Forks of the Stones River to Sulphur Springs Road. Quail, rabbit, squirrel, woodcock, snipe, raccoon, opossum, dove, fox and turkey seasons on Unit II correspond with the statewide calendar. Deer may be hunted on Unit II with bows and muzzleloaders only.

Equestrian use at J. Percy Priest takes place primarily on an existing loop trail on the West and East Forks of the Stones River on Unit II. TWRA estimates that two to three hundred horseback riders per year use the trail on an occasional basis. It has been suggested that this trail be improved and upgraded to a paved, multi-use greenway and that an alternate equestrian trail be developed. TWRA's Region II Manager reports that few conflicts between trail users and hunters occur, however, there are occasional complaints from adjacent landowners related to hunting. Conflicts that occur are generally between equestrians and All Terrain Vehicle (ATV) riders. He also noted that consideration should be given to potential environmental impacts of a greenway. The Stones River Bladderpod (*Lesquerella stonensis*), a federally listed endangered plant species, is known to exist on the East Fork of the Stones River, and a candidate species occurs on the West Fork. Impacts of trail construction on aquatic

resources will also have to be identified and mitigated. However, in general terms the existing wildlife habitat is very fragmented, and it appears that trail development will be acceptable if best management practices for construction and maintenance are adhered to.

The Region II Manager suggested that the WMA lands have the potential to support trails as well as hunting opportunities. Although hunting schedules currently conform to the statewide calendar, an independent schedule could be developed at Percy Priest. The manager pointed out that similar situations exist at the Big South Fork National River and Recreation Area and at the Ijams Nature Center in Knoxville.

### **Smyrna/Rutherford County Airport Authority**

The Smyrna/Rutherford County Airport Authority's long-term goal is to develop the southwest portion of its 1700-acre site. The Authority is currently negotiating with Plane Stations, an air carrier that has developed airports in the United Kingdom and Europe, to expand services at the airport. The Smyrna operation will be the company's first development in the United States of what will become a point-to-point carrier network and eventual charter passenger service.

To facilitate Plane Stations' activity in Rutherford County, the Airport Authority plans to extend the existing large runway to the southeast in order to accommodate heavily loaded planes. Approximately 300 acres west of the existing airport will house two new terminals and a new main entry extending from Murfreesboro Road; secondary access will be provided from Smyrna's Town Center area. The Airport Authority Director suggests that a greenway could be included in the expansion plans and that the trail would be an amenity for airport employees. He also suggested that the trail be aligned in the new road right-of-way and that the Airport would be willing to provide enough room to allow a meandering alignment versus a less aesthetic strict parallel layout. The greenway could, in fact, be a prominent feature of an impressive boulevard-like entry.

The Airport Authority is currently negotiating a lease with Plane Stations. Following resolution of the lease, an environmental assessment (EA) for the runway extension will be prepared and submitted to the FAA. Upon approval of the EA, the runway will be expanded, and construction will begin on the new facilities.

It was also suggested that an alternative connection might go behind or north of the airport along a Texas Eastern pipeline easement along the northern boundary of the property. Conversations with the company revealed that Texas Eastern has a pipeline easement near the Smyrna Airport adjacent to the Smyrna City limits. It has been suggested that consideration should be given to constructing the La Vergne/Smyrna connector trail across the easement.

The existing Smyrna greenway extends from Recreation Park under E. Sam Ridley Pike to the Smyrna Golf Course south of the Smyrna/Rutherford County

Airport. The golf course property is leased by the City from the Airport Authority and is managed by the Smyrna Parks and Recreation Department. The City hopes to lease an additional 20 acres in order to build a nine-hole, Par 3 adjacent to the existing course. This expansion could accommodate additional trails and create a greenway connection from the Recreation Park, through the Airport property, and eventually to the trails system.

In addition to commercial uses, the Tennessee Army National Guard (TNARNG) leases five helicopter hangars at the Smyrna/Rutherford County Airport. The TNARNG trains in 60 helicopters and one fixed-wing aircraft at the facility. The Air National Guard headquartered in Nashville also conducts training exercises at the Airport.

### **State of Tennessee Military Department**

The Tennessee Army National Guard facility is adjacent to the east side of the Smyrna/Rutherford County Airport. The TNARNG leases property from the United States Army Corps of Engineers for training exercises east of Stewart Creek and educational facilities on an approximate 70-acre campus west of the creek next to the Airport. Tennessee's Military Department is currently preparing a Master Plan update for the Smyrna facility. Future activities will consist primarily of the demolition of World War II barracks and replacement with modern lodging and the construction of a new administration building on Weakley Road.

The TNARNG recently relocated portions of a security fence along Weakley Road in order to provide an additional 50 feet to the existing right-of-way for a new trail to extend to Stewart Creek Recreation Area on J. Percy Priest Lake. The TNARNG representative agreed that consideration could also be given to public trails within the Guard's training areas on Stewart Creek, and that a connection might be provided from Weakley Road along Eighth Avenue. The Guard has a complete PT course with stations and would welcome additional exercise opportunities. Running and jogging on the built-up areas of the base is dangerous because of traffic, and loop trails near Stewart Creek could be provided for both the military and the public. It was also suggested that a mutually beneficial trail component could be the restoration of a low water crossing or pedestrian bridge across the creek.

### **Metropolitan Planning Organization**

The Metropolitan Planning Organization (MPO) serves five counties in Middle Tennessee: Davidson, Sumner, Wilson, Rutherford and Williamson. The MPO's Executive Board is made up of mayors of cities over 5,000 in population (smaller cities are represented by their County), the County Executives, the Tennessee Department of Transportation Commissioner and an ex-officio, non-voting representative of the Greater Nashville Regional Council. The MPO is also assisted by a 31-member Technical Advisory Committee consisting of City and County staff members such as planners, city engineers and others with relevant background and experience.

The MPO has three primary responsibilities. The most significant responsibility of the MPO is the Long-Range Transportation Plan that is a 20-year vision for

regional transportation, including bicycle and pedestrian components. The MPO also administers the Transportation Improvement Plan (TIP) and any federal funds expended on transportation within its five-county region—only projects identified in the Long-Range Plan can be included in the TIP. Finally, the MPO administers the Development Work Program, through which it receives \$500,000 to \$600,000 per year for bicycle plans, corridor studies and transportation development.

Relevant to La Vergne and Smyrna, the MPO is about to develop a Major Thoroughfare Transportation Plan for the two communities to identify major roadway improvements for the future. La Vergne's existing plan was completed in 1995, and Smyrna's consists only of a map. The MPO's assistance in developing the plans is important to the communities, as it will allow them access to planning funds, Congestion Mitigation and Air Quality (CMAQ) Improvement Program funds and Surface Transportation Program (STP) funds.

### **Rutherford County Regional Planning Commission**

Although Rutherford 2020, the County's visioning plan for the 21st century, recommended that local developers be required to dedicate land for parks and recreation, the recommendation has not been implemented. According to the Planning Director, the County's subdivisions tend to be small, and would contribute little to the preservation of open space. However, the County has passed a development tax that could be used for recreation. Funds generated from this tax are currently held in escrow and are committed to the purchase of a county-wide Geographic Information System (GIS), fire trucks and three new ambulance stations. Rutherford County will contract GIS management services with the City of Murfreesboro—the City will maintain the database, and the County will provide base information. Municipalities within the County will share data at no cost.

Subdivision regulations require a 25' easement from the top of any river or stream bank. However, this easement is not an access easement. The Planning Director suggested that the regulation could be renegotiated to allow public access. Additionally, the Director indicated that greenways and trails are a low priority for the County Commission. Rutherford 2020 suggested that the Rutherford County Planning Department apply to the Nashville Area Metropolitan Planning Organization (MPO) for Unified Planning Work Program (UPWP) funds in the 1998-1999 fiscal year to contract with a private consulting firm to prepare a trails and bicycle plan to conform with this recommendation. However, the County has not applied to the MPO for funds, because they would have to match a small percentage of the UPWP dollars, and this is considered a low priority. Additionally, Rutherford County does not have a Parks and Recreation Department, nor does it have a Public Works Department. Therefore, no agency is in place to plan, construct, operate or maintain trails that fall in the unincorporated areas of Rutherford County. The Director suggested that consideration be given to annexation of the greenway corridors by one or more cities, which could provide management and maintenance through their Parks and Recreation Departments.

Following the meeting with the Planning Director, the design team met with the County Executive. She confirmed that Rutherford County does not have a resource such as a Public Work or Parks and Recreation Department to assume maintenance and management of greenways that fall within the unincorporated areas of the County. However, the County already contributes a percentage of the County hotel/motel tax toward maintenance of Murfreesboro's Stones River Greenway. She also agreed with the Director of the County Planning Commission that other ownership methods, including annexation, corridor could be considered.

Although there is great support for the greenway concept in Rutherford County, the County Executive feels that the County Commissioners have other pressing needs, including schools, which will take higher priority due to budget restraints.

## Duke Energy

Duke Energy is the parent company of the Texas Eastern Transmission Corporation. Texas Eastern has easement agreements over an approximate six-mile corridor extending from Percy Priest Lake south and west to I-24. Within the easement, 36" pipes transporting natural gas are located 25' apart, on center; the pipes are typically covered with 30" of soil. The easement corridor is cleared of woody vegetation and is relatively flat. An opportunity exists to align a greenway segment within the easement in La Vergne. Additionally, a local distribution line owned by the City of Smyrna extends from the Texas Eastern line east above the Smyrna Airport, providing a potential pedestrian connection between the two communities.

Discussions with representatives of Duke Energy revealed that there are some safety concerns related to the greenway and natural gas transmission lines. According to Duke's criteria, the corridor may be classified as a Class 3 location, or "... an area where the pipeline lies within 100 yards of either a building or a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12-month period." Class 3 locations require upgrades or improvements to standard pipe specifications for reasons of safety. Duke Energy currently spends 10 to 15 million dollars per year on safety upgrades in the area of La Vergne and Smyrna. Therefore, due to increased population density, some segments of the Texas Eastern corridor have already been updated to meet safety requirements, and other segments may be improved as residential areas expand. Another area of concern to Duke Energy is maintenance-the company currently attempts to keep the easement mown to chest height. Assuming that Duke allows a greenway alignment within their right-of-way, more regular maintenance would become the responsibility of the public sponsoring entity.

Permission to implement the greenway within the Duke easement must be granted through the company's Houston office, and Duke would require a hold harmless agreement with the sponsor. However, it must be stressed that even if the company agrees to permit the greenway, permission must also be granted

by each of the property owners who have right-of-way agreements with the company. Texas Eastern's right-of-way agreement with individual property owners allows them to "construct, lay, maintain, operate, alter, repair, remove, change the size of, and replace pipelines and appurtenances . . . for the transportation of oil, gas [and] petroleum products." The company does not have the right to permit or promote any other activity such as trails or greenways within the energy corridor.

Texas Eastern also provided general guidelines for construction near their pipelines. The most relevant criteria are listed below:

- No building or obstruction may be erected within the pipeline easement.
- Planting of trees is not permitted on the pipeline easement.
- Planting of shrubs or bushes on the pipeline easement is discouraged.
- No drainage swales and no reductions in grade are permitted on the pipeline easement.
- No roads, foreign lines, or utilities may be installed parallel to the pipeline within the pipeline easement.
- All roads must cross the pipeline easement at an angle as near to 90 degrees as practical.

### **Smyrna Municipal Planning Commission**

At the time of preparation of this document, an ordinance amending Smyrna zoning was pending. The proposal would have significant positive impacts on the development of local pedestrian and bicycle facilities. Section 3.170 of the Smyrna zoning ordinance would be amended to read:

1. Sidewalks shall be in the dedicated non-pavement right-of-way and be at least five (5) feet wide. Concrete curbs are required for all public ways where sidewalks are to be constructed, and a grass strip at least two (2) feet wide shall be installed between the curb and the sidewalk.
2. Sidewalks shall be required if a new residential subdivision is within 2,000 feet of a public school, park or playground on both sides of the street on which the public school, park, or playground is located.
3. New residential subdivisions which involve the construction of or are along collector or arterial streets as designated on the Smyrna major Thoroughfare Plan shall have sidewalks installed on both sides of any street thus classified.
4. There shall be a requirement to dedicate right-of-way for the development of greenways, bike paths, or urban trails when a development occurs along or on an area which has been indicated in the approved Greenways Plan for a future greenway, bike path, or urban trail.

### **Agency-Wide Input Meeting**

On December 16, 1999 an agency-wide meeting was held to bring together the individuals who had contributed to the planning process. The purpose of this session was to present a Preliminary Greenway Master Plan and to reach a joint understanding of issues and concerns, as well as opportunities related to greenways and other pedestrian corridors in La Vergne and Smyrna. In addition to Greenway Committee members, elected officials and the project designers, representatives of the United States Army Corps of Engineers, the Tennessee

Wildlife Resources Agency, the Tennessee Department of Transportation, the Rutherford County Planning Commission, the Tennessee Army National Guard, Texas Eastern, and the Smyrna Airport Authority attended the meeting. The discussion focused on the following:

- Per TDOT funding requirements, an irrevocable ten-year easement must be agreed upon to use federal funding.
- Although the \$5.2 million in hand will be administered via ISTEA requirements, the money is not restricted to ISTEA or TEA-21 listed enhancement projects. This money is a direct appropriation vs. a grant.
- TDOT agreed that environmental assessments should be completed for each phase of the greenway as it comes online for construction rather than for the entire trail network-the agency's environmental clearance does have an effective time limit.
- LaVergne's 1790 Homeplace project may qualify for enhancement funds (TEA-21) if a greenway trailhead is provided at the site.
- TDOT is able to fund and to assist with programs related to safety and education (separate money source).
- Trail lighting qualifies for enhancement funds.
- TDOT will bind grant recipients to trail maintenance and operation.
- TDOT may be able to permit sidewalks on state routes.
- RE: new construction-TDOT realizes that some state roads are actually barriers to greenways. Therefore, if a master plan is in place, the agency will include pedestrian underpasses on new routes that intersect planned trails.
- The Greenway Master Plan MUST be endorsed by the MPO and included in the TIP.
- Smyrna's Cheney Tucker House is a historic building that should also be considered as a greenway destination-may also qualify for enhancement funds.
- The Smyrna train depot has already received funding to serve as a stop on the future commuter rail-the site will be developed as a Park and Ride.
- 20% match by municipality can include engineering design fees and application fees-cost of land acquisition cannot be used as match.
- A small portion of the local gas distribution line on the north side of the airport falls within the airport's security fence.
- Some trails appear to fall within the flood pool of Percy Priest. The Stones River bladderpod and cedar glades also may be impacted-USACOE will provide mapping.
- Meet with the TNARNG again to review their recently completed Master Plan related to potential trails.
- RE: pursuing permission from the USACOE to align trail on Corps lands-contact real estate division to begin the process. Eventually, all out grant holders must be contacted.
- There are five or six "hot spots" near the gas lines at the airport-these are currently being studied for remediation (USACOE).
- TWRA suggested that the eastern trail along Percy Priest in Smyrna should be pulled away from the shore due to endangered/protected plants.
- The Rails-to-Trails Conservancy can help with community education and may be able to send a representative to public meetings.