

**MUNICIPAL ORDER 11-28-11.01
SMITHS GROVE, KENTUCKY CITY COMMISSION**

**MUNICIPAL ORDER APPROVING AND AUTHORIZING AN ACCESS
MANAGEMENT MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF SMITHS GROVE, KENTUCKY TRANSPORTATION
CABINET AND WARREN COUNTY FISCAL COURT**

WHEREAS, the Kentucky Transportation Cabinet (KYTC) Chief District Engineer, Warren County Public Works Director has recommended approval of an Access Management Memorandum of Understanding; and,

WHEREAS, the Memorandum of Understanding would establish a working partnership between the Kentucky Transportation Cabinet (KYTC) and City-County agencies, including the Planning Commission, for consideration of new access points and would also define a set of spacing standards that are to be applied, including flexibility when the standards cannot be met; and,

WHEREAS, the Memorandum of Understanding will enhance safety on public right-of-ways, preserve capacity and support prudent and reasonable access management practices; and,

WHEREAS, current access management standards contained in the Traffic Management Manual will remain unchanged and in effect for access onto City rights-of-way; and,

WHEREAS, it is in the best interest of the City to approve this Memorandum of Understanding.

NOW, THEREFORE, BE IT ORDERED by the City of Smiths Grove, Kentucky as follows:

1. The Memorandum of Understanding between the City of Smiths Grove, Kentucky Transportation Cabinet (KYTC), Bowling Green Metropolitan Planning Organization and Warren County Fiscal Court, a copy of which is attached to and made a part of this Municipal Order as if copied in full herein, is hereby approved.
2. The Mayor and other appropriate City officials, officers and employees are authorized and directed to execute this Memorandum of Understanding and all other necessary documents on behalf of the City.
3. This Municipal Order shall be in full force and effect upon signature.

Adopted on November 28, 2011

SEAL

Certified by: Bert E. Higginbotham
Bert E. Higginbotham, Mayor

Attested by: Deborah K. Brewer
Deborah K. Brewer, City Clerk/Treasurer

MEMORANDUM OF UNDERSTANDING
Bowling Green/Warren County Access Management Partnership

I. Parties: This Memorandum of Understanding (hereinafter referred to. as "MOU") is made and entered into by and between the Kentucky Transportation Cabinet (KYTC), Warren County (County), the City of Bowling Green (City), City of Oakland (City), City of Plum Springs (City), City of Smiths Grave (City), City of Woodburn (City), and the Bowling Green-Warren County Metropolitan Planning Organization (MPO). In addition, the City-County Planning Commission of Warren County is recognized as an accessory party to. this MOU in acknowledgement of the rules of that agency in carrying out the responsibilities outlined herein.

II. Background: Bowling Green and Warren County have experienced a- rapid growth in both the residential and commercial sectors which has led to increased pressure upon the existing highway network. In the past several decades, the community has been privileged with improvements to that network which have provided increased capacity and safety. This MOU represents a balanced effort to protect that investment and to accommodate the increase in residential and commercial development. The application of access management is the foundation of this *effort*.

The Federal Highway Administration (FHWA) defines "Access Management" as the process of balancing the competing needs of traffic movement and land access.

Access management encompasses a set of techniques which can be used to balance these competing needs of mobility and accessibility. These techniques can be applied according to the form and function of facilities which comprise the hierarchy of the highway network and can include:

- **Intersection Spacing:** Increased distance between intersections can improve the flow of traffic on major arterials, reduce congestion, and improve air quality along heavily travelled corridors. The spacing of signalized intersections also has an enormous impact on the traffic flow along roadways, and these types of intersections should be spaced at even greater distances than non-signalized intersections.
- **Entrance Spacing:** Fewer driveways spaced further apart allow for more orderly merging of traffic and present fewer conflict points for motorists.
- **Safe Turning lanes:** Dedicated left and right turn lanes and indirect left-turns and u-turns, can maintain traffic flow through the removal of turning traffic from the through traffic along corridors.
- **Median Treatments:** A non-traversable, raised median is an example of one of the most effective means to regulate access and reduce the number and severity of crashes.

III. Purpose: The purposes of this MOU are to:

- Define the hierarchy, according to form and function, of the highway network in Bowling Green and Warren County.
- Establish a common understanding among the partners regarding the importance of the hierarchy of the highway network for regional and local mobility;
- Provide a standard framework for multi-jurisdictional coordination and cooperation in the development review and access permitting decisions that impact the highway network in Bowling Green and Warren County.
- Acknowledge the sets of access management standards which will be applied accordingly to the different facilities within the hierarchy of the highway network within Warren County and its incorporated cities.
- Define a process for the consideration of variances from access management standards in situations that may warrant flexibility in application of the standards.
- Establish a shared commitment in the management and improvement of the highway network to preserve its safety and mobility in a manner that is consistent with the access management standards of each entity in this partnership.

IV. Need: The policies, programmatic procedures, and funding actions required in carrying out development reviews and related access permitting actions for the highway network in Bowling Green and Warren County transcend the resources, authority, and jurisdiction of any single agency or unit of government. In addition, actions taken at any point along the network have the potential to impact traffic conditions and travel times for the entire network. Therefore, coordination and cooperation are necessary between governmental entities to accomplish the access management objectives. Since such coordination has occurred previously on only an informal and ad hoc basis, a mechanism is needed to formalize cooperation.

V. Roles/Responsibilities: The general roles and responsibilities of the parties with respect to this MOU are outlined below. Other than the partnerships created for managing access within the highway network of Bowling Green and Warren County, it is not intended that this MOU create any responsibility or duty of care that did not previously exist or alter any existing responsibility or duty of care.

KYTC

- Issuance of access permits or denial of access permit requests on State-maintained roadways.
- Funding allocation and project management for implementation of State-responsible improvement projects.

- Initiation of efforts to improve access spacing and/or design in conjunction with State-responsible improvement projects.
- Coordination and cooperation with City-County planning agencies in review of development proposals, including location and design of access.

County and City Agencies

- **City-County Planning Commission**
 - Coordination and cooperation with KYTC, the Cities of Bowling Green, Oakland, Plum Springs, Smiths Grove, Woodburn, and Warren County during actions related to zoning and development proposals. Initiation of efforts to improve access spacing and/or design in conjunction with rezoning or redevelopment of existing properties.
- **Warren County**
 - Until such time as the County develops Standards for Access Management, it will review the access permits using the criteria of the City-County Planning Commission. These include adherence to distance from intersections, adequate entrance pipe lengths, and diversion of storm water.
 - Initiation of efforts to improve access spacing and/or design in conjunction with rezoning or redevelopment of existing properties and County-responsible improvement projects.
 - Funding allocation and project management for implementation of County-responsible improvement projects.
- **City of Bowling Green**
 - Access permits will be issued in accordance with the City's Standards for Access Management.
 - Initiation of efforts to improve access spacing and/or design in conjunction with rezoning or redevelopment of existing properties and City-responsible improvement projects.
 - Funding allocation and project management for implementation of City-responsible improvement projects.

MPO

- Development of Project Identification Forms for recommended improvements and modifications and incorporation of major access management projects into the MPO's Transportation Plan.
- Prioritization of such projects in relation to other identified projects within the metropolitan area.

- Incorporation of such projects utilizing federal highway funds into the MPO's Transportation Improvement Program.
- Periodic review and reassessment of the findings and recommendations of the Access Management Partnership and revision as necessary through the MPO Transportation Planning Process.

VI. Understandings: Based upon thresholds of size and traffic generation, certain access requests will require a traffic impact study. The initial agency receiving an access request which requires a traffic impact study shall notify the other affected agencies by the next business day of receiving the request to coordinate the approval process for the request in accordance with the applicable access management standards of the affected agency. The parties who will participate in this coordination include the following:

District Permits Engineer, Kentucky Transportation Cabinet
City Engineer/Traffic Engineer, City of Bowling Green
Public Works Director, Warren County
Staff Engineer, City-County Planning Commission

In circumstances which precipitate a variance in a jurisdiction's access management standards, the above named persons will participate in the review of the requested variance and ultimate decision.

VII. MOU/Plan Amendment: Revisions to the Plan may also result from periodic review and reassessment by the MPO. Amendments to this MOU may be requested by any of the signatory parties and must be adopted by all parties.

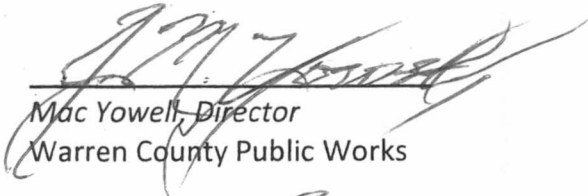
VIII. Signatures:

Recommended for Approval By:



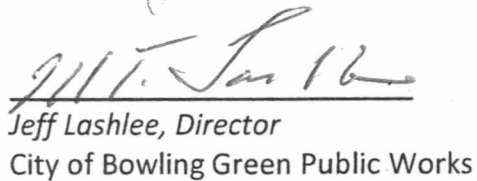
Greg Meredith, Chief District Engineer
Kentucky Transportation Cabinet, District 3

Date 9-06-11



Mac Yowell, Director
Warren County Public Works

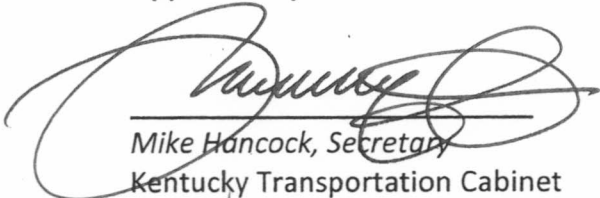
Date 8/31/11



Jeff Lashlee, Director
City of Bowling Green Public Works

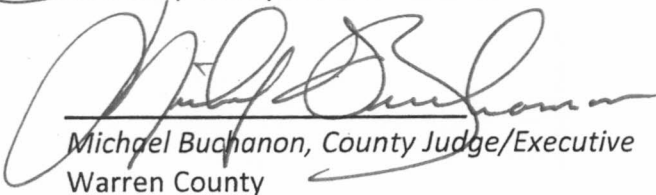
Date 9/1/11

Approved By:



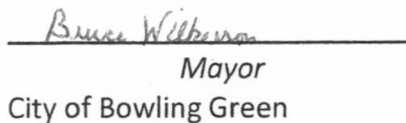
Mike Hancock, Secretary
Kentucky Transportation Cabinet

Date 10/4/11



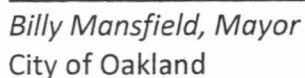
Michael Buchanan, County Judge/Executive
Warren County

Date 10/21/11



Bruce Wilkerson
Mayor
City of Bowling Green

Date Nov 15 2011




Billy Mansfield, Mayor
City of Oakland

Date _____

William Steve Roberts, Mayor
City of Plum Springs

Date _____


Bert Higginbotham, Mayor
City of Smiths Grove

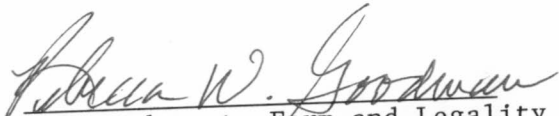
Date 11-28-11

Joe Wheat, Mayor
City of Woodburn

Date _____

Rodney Kirtley, Director
Bowling Green Metropolitan
Planning Organization

Date _____


Approved as to Form and Legality
KYTC Office of Legal Services

Date 10/03/11

Date: 10/27/11
Approved as to Form
N. Eugene / J. Lange Attorney
Bowling Green City Attorney

MUNICIPAL ORDER NO. 2011 - 211

MUNICIPAL ORDER APPROVING AND
AUTHORIZING AN ACCESS MANAGEMENT
MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF BOWLING GREEN,
KENTUCKY TRANSPORTATION CABINET,
BOWLING GREEN METROPOLITAN PLANNING
ORGANIZATION AND WARREN COUNTY
FISCAL COURT

WHEREAS, the Kentucky Transportation Cabinet (KYTC) Chief District Engineer, Warren County Public Works Director and City of Bowling Green Public Works Director have recommended approval of an Access Management Memorandum of Understanding; and,

WHEREAS, the Memorandum of Understanding would establish a working partnership between the Kentucky Transportation Cabinet (KYTC) and City-County agencies, including the Planning Commission, for consideration of new access points and would also define a set of spacing standards that are to be applied, including flexibility when the standards cannot be met; and,

WHEREAS, the Memorandum of Understanding will enhance safety on public right-of-ways, preserve capacity and support prudent and reasonable access management practices; and,

WHEREAS, current access management standards contained in the Traffic Management Manual will remain unchanged and in effect for access onto City rights-of-way; and,

WHEREAS, it is in the best interest of the City to approve this Memorandum of Understanding.

NOW, THEREFORE, BE IT ORDERED by the City of Bowling Green, Kentucky as follows:

1. The Memorandum of Understanding between the City of Bowling Green, Kentucky Transportation Cabinet (KYTC), Bowling Green Metropolitan Planning Organization and Warren County Fiscal Court, a copy of which is attached to and made a part of this Municipal Order as if copied in full herein, is hereby approved.

(Municipal Order No. 2011 - 211)

2. The Mayor and other appropriate City officials, officers and employees are authorized and directed to execute this Memorandum of Understanding and all other necessary documents on behalf of the City, and the City Manager is to act for and in the name of the City throughout the administration and performance thereof.

3. This Municipal Order shall be in full force and effect upon signature and recordation.

ADOPTED: November 15, 2011

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Schallert
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 10/27/2011, 9:10 a.m.