

ORDINANCE NO. BL2024-427

An ordinance adopting a transit improvement program for the Metropolitan Government of Nashville and Davidson County, approving a surcharge for the program, and requesting the Davidson County Election Commission to call a county-wide referendum election to be held on November 5, 2024, regarding the levying of the surcharge on certain taxes to fund the program.

WHEREAS, Nashville workers currently have the worst commute in the nation according to one analysis, and a recent survey by Vanderbilt University found nearly half of all commuters spend between 30 and 90 minutes in traffic each day; and,

WHEREAS, 90 percent of people surveyed during Imagine Nashville agree that investing in city-wide public transportation is an important priority, and 84 percent of people surveyed by Vanderbilt University support a citywide public transportation referendum in November; and,

WHEREAS, Tenn. Code Ann. § 67-4-3202 provides that a local government is authorized to levy a surcharge for the costs associated with the planning, engineering, development, construction, implementation, administration, management, operation, and maintenance of public transportation system projects that are part of a transit improvement program (“Program”); and,

WHEREAS, Tenn. Code Ann. § 67-4-3206 provides that before such surcharge may be imposed, a Program must be approved by a majority vote of the local legislative body through a resolution or ordinance; and,

WHEREAS, Metropolitan Code § 2.04.060 provides that a Program adopted pursuant to Tenn. Code Ann. § 67-4-3201, et seq. must be passed by an ordinance approved by the metropolitan council on third and final reading by a majority vote of all the members to which the council is entitled; and

WHEREAS, consistent with the requirements of Tenn. Code Ann. § 67-4-3206, the Metropolitan Government of Nashville and Davidson County (“Metropolitan Government”) has developed a Program, known as “Choose How You Move: An All-Access Pass to Sidewalks, Signals, Service, and Safety”, including the development of a financing plan; and,

WHEREAS, the Choose How You Move Transportation Improvement Program builds on more than 66,000 ideas submitted by Nashvillians over more than a decade that informed 70 plans and studies; and

WHEREAS, the Choose How You Move Transportation Improvement Program includes improvements in each Council district across Davidson County for all roadway users, whether they drive, ride transit, walk, roll, or bike; and

WHEREAS, the Choose How You Move Transportation Improvement Program has the potential to unlock as much as \$1,400,000,000 in state and federal funding throughout the life of the program; and

WHEREAS, Kraft CPAs, an independent certified public accounting firm, has examined the Plan of Finance and determined that the financing plan for the Program is feasible; and,

WHEREAS, the Metropolitan Government intends to maximize minority-owned, woman--owned, and small business participation regarding the transportation improvements to be funded by the surcharge to the fullest extent permitted by law; and,

WHEREAS, Tenn. Code Ann. § 67-4-3202(b) provides that no surcharge for a transit improvement program shall become effective unless approved by a majority of the number of registered voters of the local government voting on the question of whether the surcharge shall be levied; and,

WHEREAS, it is in the best interest of the residents of the Metropolitan Government that the Program be adopted, and that a referendum election be held on November 5, 2024.

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

Section 1. The Metropolitan County Council hereby approves the Choose How You Move public transit improvement program (“Program”) attached hereto as Exhibit 1 and the surcharge described in Section 2 of this Ordinance.

Section 2. The Metropolitan County Council hereby approves the following summary of the Program, which shall be printed on the ballot in accordance with Tenn. Code Ann. § 67-4-3202(b)(1):

“Passage of this measure adopted by Ordinance BL2024-427, allows the Metropolitan Government to complete the entire priority sidewalk network when combined with annual capital spending, provide significantly expanded 24-hour public transportation service 365 days a year including frequent service on major routes, add more neighborhood transit centers, improve safety for all roadway users, and upgrade and modernize nearly two-thirds of the city’s signalized intersections.

This program's capital cost is estimated to have a current cost of \$3,096,000,000. Once construction is complete, the estimated value of recurring annual operating and maintenance costs is approximately \$111,000,000. The Metropolitan Transit Authority (WeGo), Nashville Department of Transportation and Multimodal Infrastructure, Metro Planning Department, and Mayor’s Office, in partnership with other Metro departments, will undertake implementation of the program.

This program will be funded by federal grants, revenues from transportation system fares, debt, and a sales tax surcharge of 0.5%. The tax surcharge will end once all debt issued for the transit improvement program has been paid and the Metropolitan Council determines by resolution that the revenues from the tax surcharges are no longer needed for operation of the program.

FOR or AGAINST”

Section 3. The Metropolitan County Council hereby requests the Davidson County Election Commission to hold a referendum election on the Program surcharge on November 5, 2024, to allow the voters to vote FOR or AGAINST Ordinance No. BL2024-427.

Section 4. The Metropolitan Clerk is directed to send a certified copy of this Ordinance to the Davidson County Election Commission.

Section 5. This Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.