

Building Tennessee’s Tomorrow:
Anticipating the State’s Infrastructure Needs
July 2008 through June 2013

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Appendix A: Enabling Legislation

The original legislation establishing the public infrastructure needs inventory was passed in 1996 as Public Chapter 817. That act gave the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) responsibility for the inventory and directed the Commission to implement the inventory through contracts with the nine development districts across the state. The act also provided a funding mechanism based on Tennessee Valley Authority revenue sharing funds.

The January 1999 report to the 101st General Assembly acknowledged the relationship between Public Chapter 817 and a new law passed in 1998, Public Chapter 1101, which is known as the Growth Policy Act. Public Chapter 1101 directed all local governments with the exception of those in the two metropolitan counties of Davidson and Moore to work together to establish growth boundaries for incorporated areas, planned growth areas outside those boundaries, and rural areas. In order to do so, those local governments were required by Section 7 of that act to “determine and report the current costs and the projected costs of core infrastructure.”

Since that time, the General Assembly has enacted a new law expressly linking the infrastructure and growth policy initiatives. Chapter 672, Public Acts of 2000, specified in Section 3 that implementation of city and county growth plans’ “infrastructure, urban services and public facility elements” were to be monitored by means of the public infrastructure needs inventory of Public Chapter 817.

The full text of Public Chapters 817 and 672 and Section 7 of Public Chapter 1101 are presented in the following pages.

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CHAPTER NO. 817

SENATE BILL NO. 2097

By Rochelle

Substituted for: House Bill No. 3257

By Rhinehart

AN ACT To amend Tennessee Code Annotated, Title 4, Chapter 10 and Section 67-9-102(b)(3), relative to a statewide public infrastructure needs inventory.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 10, is amended by adding the following as a new section:

Section __. (a) In order for the commission to fulfill its obligations to study and report on the existing, necessary and desirable allocation of state and local fiscal resources, the powers and functions of local governments, and relationship between the state and local governments, and its duties to engage in activities for the accomplishment of these various studies and reports, the commission shall annually compile and maintain an inventory of needed infrastructure within this state. The information and data gathered by such an annual inventory is deemed necessary in order for the state, municipal and county governments of Tennessee to develop goals, strategies and programs which would improve the quality of life of its citizens, support livable communities and enhance and encourage the overall economic development of the state through the provision of adequate and essential public infrastructure. All funds necessary and required for this inventory shall be administered through the commission's annual budget and such funds shall be in addition to the commission's annual operational budget amounts. The inventory shall include, at a minimum, needed public infrastructure facilities which would enhance and encourage economic development, improve the quality of life of the citizens and support livable communities within each municipality, utility district, county and development district region of the state and shall include needs for transportation, water and wastewater, industrial sites, municipal solid waste, recreation, low and moderate income housing, telecommunications, other infrastructure needs such as public buildings (including city halls, courthouses and K-12 educational facilities) and other public facilities needs as deemed necessary by the commission. The data shall be compiled on a county-by-county basis within each development district area. In order to accomplish this inventory, the commission shall annually contract for the services of the state's nine (9) development districts and shall compensate each of the development districts at a rate of five cents (\$.05) per capita or fifty thousand dollars (\$50,000), whichever is greater. The per capita amount shall be based upon the population counts within each development district as determined from the latest county population estimates reported by

the United States Department of Commerce, U.S. Bureau of the Census or its federal functional equivalent. From funds allocated to the commission for the purpose of conducting this annual inventory, the commission shall retain for its necessary administration and coordination costs for this annual inventory one and one-half cents (\$.015) per capita based upon the state total population as determined by the latest county population estimates reported by the United States Department of Commerce, U.S. Bureau of the Census or its federal functional equivalent.

(b) In compiling the public infrastructure needs inventory on a county-by-county basis, at a minimum, the commission shall consult with each county executive, mayor, local planning commission, utility district, county road superintendent and other appropriate local and state officials concerning planned and/or anticipated public infrastructure needs over the next five (5) year period, together with estimated costs and time of need within that time frame.

(c) The public infrastructure needs inventory shall not include projects considered to be normal or routine maintenance. Moreover, infrastructure needs projects included in the inventory should involve a capital cost of not less than fifty thousand dollars (\$50,000). The infrastructure needs inventory shall not duplicate the extensive needs data currently maintained by various state agencies on state facilities which are presently available to the commission. Provided, however, this limitation does not prohibit one (1) or more counties or municipalities from identifying a need for a vocational educational facility or a community college or a new public health building in a particular local area. In addition, the commission may request various state agencies to supply various needs data that may be available in such areas as highway or rail bridges, airports or other areas.

(d) The annual public infrastructure needs inventory by each development district shall be conducted utilizing standard statewide procedures and summary format as determined by the commission to facilitate ease and accuracy in summarizing statewide needs and costs.

(e) The public infrastructure needs inventory shall be completed by the development districts and submitted to the commission no later than June 30 of each year.

(f) The annual inventory of statewide public infrastructure needs and costs for provision of adequate and essential public infrastructure shall be presented by the commission to the Tennessee General Assembly at its next regular annual session following completion of the inventory each year.

SECTION 2. Tennessee Code Annotated, Section 4-10-107, is amended by adding the following as a new subdivision (d):

(d) In addition to any funds appropriated by the General Assembly to the commission, the commission is authorized to receive annual allocations of funds from the Tennessee State Revenue Sharing Act, Tennessee Code Annotated, Section 67-9-102(b)(3), for the purpose of conducting an annual public infrastructure needs inventory to aid in the provision of adequate and essential public infrastructure statewide for the improvement of the quality of life of Tennessee citizens, the support of livable communities and the enhancement and encouragement of the overall economic development of the state.

SECTION 3. Tennessee Code Annotated, Section 67-9-102(b)(3), is amended by adding the following immediately before the last sentence in said subdivision:

If, in any year there are funds remaining after the allocation provided for in subdivisions (b)(1) and (2) of this subsection, or there are no impacted areas and after any allocation to the University of Tennessee as provided for in this subdivision, then any remaining

funds, not to exceed twenty percent (20%) of the total of such impact funds per year, shall be allocated by the Comptroller of the Treasury to the Tennessee Advisory Commission on Intergovernmental Relations. The Tennessee Advisory Commission on Intergovernmental Relations shall utilize such funds for an annual inventory of statewide public infrastructure needs. This annual inventory of statewide public infrastructure needs is to be used to support efforts by state, county and municipal governments of Tennessee in developing goals, strategies and programs to provide adequate and essential public infrastructure which is needed to enhance and encourage economic development, support livable communities and improve the quality of life for the citizens of this state.

SECTION 4. This act shall take effect July 1, 1996, the public welfare requiring it.

PASSED: April 11, 1996



 JOHN S. WILDER
 SPEAKER OF THE SENATE



 JIMMY NAIFEH, SPEAKER
 HOUSE OF REPRESENTATIVES

APPROVED this 25th day of April 1996



 DON SUNDQUIST, GOVERNOR

By Rochelle

Substituted for: House Bill No. 3099

By Rinks

AN ACT To amend Tennessee Code Annotated, Section 4-10-109 and Section 67-9-102, relative to the statewide public infrastructure needs inventory.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-9-102(b)(3), is amended by deleting the fifth sentence and by substituting instead the following:

In order to accomplish this inventory, the commission shall annually contract for the services of the state's nine (9) development districts or an agency or entity of state or local government or higher education and shall compensate each of the development districts or the agency or entity of state or local government or higher education at the rate of five cents (\$0.05) per capita or fifty thousand dollars (\$50,000), whichever is greater.

SECTION 2. Tennessee Code Annotated, Section 4-10-109(a), is amended by adding the following language immediately after the final sentence:

The commission shall annually contract for the services of the state's nine (9) development districts to accomplish this inventory. However, if the executive director finds that a development district has not adequately fulfilled a prior inventory contract, then instead of the development district which has not fulfilled its contract obligations, the executive director may annually contract with another agency or entity of state or local government or higher education to perform the inventory within that district's area.

SECTION 3. Tennessee Code Annotated, Section 4-10-109(b), is amended by adding the following language immediately after the final sentence:

From those cities and counties with adopted growth plans in accordance with Tennessee Code Annotated, Title 6, Chapter 58, Part 1, the commission shall gather and report the infrastructure, urban services and public facilities needs reported in the growth plans. These infrastructure needs were factors in the determination of urban growth boundaries for cities and the planned growth areas for counties. Implementation of the cities and counties growth plans' infrastructure, urban services and public facility elements are to be monitored by means of the five (5) year inventory of public infrastructure needs.

SECTION 4. Tennessee Code Annotated, Section 4-10-109(d), is amended by adding the following after the word "district":

or an agency or entity of state or local government or higher education

SECTION 5. Tennessee Code Annotated, Section 4-10-109(e), is amended by adding the following after the word "district":

or an agency or entity of state or local government or higher education

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 10, 2000


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of April 2000


DON SUNDQUIST, GOVERNOR

DRAFT

CHAPTER NO. 1101

SENATE BILL NO. 3278

By Rochelle

Substituted for: House Bill No. 3295

By Kisber, Walley, Rinks, McDaniel, Curtiss

AN ACT To amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 13; Title 49; Title 67 and Title 68, relative to growth.

SECTION 7.

(a)

(1) The urban growth boundaries of a municipality shall:

(A) Identify territory that is reasonably compact yet sufficiently large to accommodate residential and nonresidential growth projected to occur during the next twenty (20) years;

(B) Identify territory that is contiguous to the existing boundaries of the municipality;

(C) Identify territory that a reasonable and prudent person would project as the likely site of high density commercial, industrial and/or residential growth over the next twenty (20) years based on historical experience, economic trends, population growth patterns and topographical characteristics; (if available, professional planning, engineering and/or economic studies may also be considered);

(D) Identify territory in which the municipality is better able and prepared than other municipalities to efficiently and effectively provide urban services; and

(E) Reflect the municipality's duty to facilitate full development of resources within the current boundaries of the municipality and to manage and control urban expansion outside of such current boundaries, taking into account the impact to agricultural lands, forests, recreational areas and wildlife management areas.

(2) Before formally proposing urban growth boundaries to the coordinating committee, the municipality shall develop and report population growth projections; such projections shall be developed in conjunction with the University of Tennessee. The municipality shall also determine and report the current costs and the projected costs of core infrastructure, urban services and public facilities necessary to facilitate full development of resources within the current boundaries of the municipality and to expand such infrastructure, services and facilities throughout the territory under consideration for inclusion within the urban growth boundaries. The municipality shall also determine and report on the need for additional land suitable for high density, industrial, commercial and residential development, after taking into account all areas within the municipality's current boundaries that can be used, reused or redeveloped to meet such needs. The municipality shall examine and report on agricultural lands, forests, recreational areas and wildlife management areas within the territory under consideration for inclusion within the urban growth boundaries and shall examine and report on the likely long-term effects of urban expansion on such agricultural lands, forests, recreational areas and wildlife management

areas.

(3) Before a municipal legislative body may propose urban growth boundaries to the coordinating committee, the municipality shall conduct at least two (2) public hearings. Notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the municipality not less than fifteen (15) days before the hearing.

(b)

(1) Each planned growth area of a county shall:

(A) Identify territory that is reasonably compact yet sufficiently large to accommodate residential and nonresidential growth projected to occur during the next twenty (20) years;

(B) Identify territory that is not within the existing boundaries of any municipality;

(C) Identify territory that a reasonable and prudent person would project as the likely site of high or moderate density commercial, industrial and/or residential growth over the next twenty (20) years based on historical experience, economic trends, population growth patterns and topographical characteristics; (if available, professional planning, engineering and/or economic studies may also be considered);

(D) Identify territory that is not contained within urban growth boundaries; and

(E) Reflect the county's duty to manage natural resources and to manage and control urban growth, taking into account the impact to agricultural lands, forests, recreational areas and wildlife management areas.

(2) Before formally proposing any planned growth area to the coordinating committee, the county shall develop and report population growth projections; such projections shall be developed in conjunction with the University of Tennessee. The county shall also determine and report the projected costs of providing urban type core infrastructure, urban services and public facilities throughout the territory under consideration for inclusion within the planned growth area as well as the feasibility of recouping such costs by imposition of fees or taxes within the planned growth area. The county shall also determine and report on the need for additional land suitable for high density industrial, commercial and residential development after taking into account all areas within the current boundaries of municipalities that can be used, reused or redeveloped to meet such needs. The county shall also determine and report on the likelihood that the territory under consideration for inclusion within the planned growth area will eventually incorporate as a new municipality or be annexed. The county shall also examine and report on agricultural lands, forests, recreational areas and wildlife management areas within the territory under consideration for inclusion within the planned growth area and shall examine and report on the likely long-term effects of urban expansion on such agricultural lands, forests, recreational areas and wildlife management areas.

(3) Before a county legislative body may propose planned growth areas to the coordinating committee, the county shall conduct at least two (2) public hearings. Notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the county not less than fifteen (15) days before the hearing.

(c)

(1) Each rural area shall:

(A) Identify territory that is not within urban growth boundaries;

(B) Identify territory that is not within a planned growth area;

(C) Identify territory that, over the next twenty (20) years, is to be preserved as agricultural lands, forests, recreational areas, wildlife management areas or for uses other than high density commercial, industrial or residential development; and

(D) Reflect the county's duty to manage growth and natural resources in a manner which reasonably minimizes detrimental impact to agricultural lands, forests, recreational areas and wildlife management areas.

(2) Before a county legislative body may propose rural areas to the coordinating committee, the county shall conduct at least two (2) public hearings. Notice of the time, place and purpose of the public hearing shall be published in a newspaper of general circulation in the county not less than fifteen (15) days before the hearing.

(d) Notwithstanding the extraterritorial planning jurisdiction authorized for municipal planning commissions designated as regional planning commissions in Title 13, Chapter 3, nothing in this act shall be construed to authorize municipal planning commission jurisdiction beyond an urban growth boundary; provided, however, in a county without county zoning, a municipality may provide extraterritorial zoning and subdivision regulation beyond its corporate limits with the approval of the county legislative body.

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Appendix B: Project History

The Public Infrastructure Needs Inventory Act was adopted by the Tennessee General Assembly on April 11, 1996, and signed into law by Governor Don Sundquist as Public Chapter 817 on April 25, 1996. The bill was sponsored by Senator Robert Rochelle (Senate District 17) and Representative Shelby Rhinehart (House District 37) at the request of the Rebuild Tennessee Coalition (RTC) and the Tennessee Development District Association (TDDA). The RTC was established in 1992 as a chapter of the national Rebuild America Coalition. The RTC is an association of public and private organizations along with individuals who are committed to encouraging investment in Tennessee's infrastructure. The TDDA comprises the nine development districts that provide economic planning and development assistance to the local governments in their respective regions.

The Act, which became effective July 1, 1996, directs TACIR to compile and maintain an inventory of needed infrastructure within this state. TACIR staff manages the implementation of the inventory and gathers information from state agencies, while staff from each of Tennessee's nine development districts survey public officials within their jurisdictions to develop the inventory under TACIR staff direction.

The first inventory was completed in 1998, and the first report was published in January 1999. The infrastructure inventory is a dynamic and progressive program that has evolved since its inception. This is the fifth report in the continuing inventory of Tennessee's infrastructure needs. It reflects several improvements over the first inventory.

- Communication and partnerships among stakeholders have been improved.
- A dedicated effort has been made to better capture new school construction needs.
- TACIR staff have developed procedures to incorporate needs reported by state officials, including state transportation needs, into the inventory.
- The format of the report has been updated to include a more analytical perspective by standardizing cost estimates based on population and land area and investigating the relationship between reported need versus funding-based variables and need-based variables.
- Standardized procedures have been clarified to enhance reporting consistency.
- Quality control has been augmented with statistical analysis.
- TACIR staff review information to ensure that all required fields are entered and that valid information is entered for each field.
- For each type of need, TACIR staff compare the amount over time. Unusually large increases or decreases are examined thoroughly. Sometimes the changes are due to one or more large projects being cancelled or needing to be recategorized.

- Every mayor, county executive, and school district superintendent is provided summary information for their municipality, county, or district. This allows a review of the information to make sure needs are being accurately captured.
- For the fourth year in a row, local officials were provided an opportunity to report whether projects were funded, and if so, from what source.
- This report is the second to contain a full section on funding.
- The inventory forms have been redesigned to capture new data to support further analysis in future reports of fiscal and growth policy.
- The database has been redesigned to facilitate more efficient data management.

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Building Tennessee's Tomorrow: Anticipating the State's Infrastructure Needs *July 2008 through June 2013*

Appendix C: Inventory Forms

Two separate inventory forms were used to collect data for the July 2004 through June 2009 Public Infrastructure Needs Inventory on which this report was based. The General Inventory Form is used to record information about the need for new or improved infrastructure, including new schools. The Existing Schools Inventory Form is used to record additional information about the conditions and facility needs at existing public schools from kindergarten through high school.

Survey forms from the United States General Accounting Office (GAO) provided the original model for the forms used in the first inventory of infrastructure needs in Tennessee during 1997. Since that time, the inventory form has been further customized to best meet the requirements of Chapter 1101, Public Acts of 1998, and Chapter 672, Public Acts of 2000 (see Appendix A).

Staff from Tennessee's nine development districts use the inventory forms to gather information for the inventory from local government officials and agencies in each county. They include at a minimum

- ✓ *county executives,*
- ✓ *mayors,*
- ✓ *local planning commissions,*
- ✓ *local public building authorities,*
- ✓ *local education agencies,*
- ✓ *utility districts, and*
- ✓ *county road superintendents.*

TACIR has tried to strike a balance between requiring sufficient information to satisfy the intent of the law and creating an impediment to local officials reporting their needs. By law, the inventory is required of TACIR, but it is not required of local officials. Local officials may decline to participate without penalty; similarly, they may provide only partial information, making comparisons across jurisdictions difficult. But with each annual inventory, participants have become more familiar with the process, and more supportive of the program.

Extensive efforts are made to ensure that the information collected is accurate and meaningful. Development district staff work closely with local officials to make sure they are accurately capturing information. After development district staff enter information into the inventory database, there are extensive quality control programs run to make sure information is entered correctly and is internally consistent.

With each inventory, TACIR staff assesses the potential for over or under-reporting by comparing reported needs to indicators of need, such as county size and population, and to factors related to ability to fund infrastructure, such as taxable property and sales.

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State of Tennessee

Tennessee Advisory Commission on Intergovernmental Relations General Public Infrastructure Needs Inventory Form



Includes K-12 New School Construction & System-wide Needs

Include projects needed to be in some stage of development at any time between July 1, 2008, and June 30, 2028.

Record all information based on the project status as of July 1, 2008.

Each project must involve a cost of fifty thousand dollars (\$50,000) or greater to be included in this inventory of needs.

1. **Project Identification: Number** _____ (A numeric identifier auto generated by the system).

Project Name: _____

2. **Project Description:** (do not repeat name or describe location; indicate size/scope if appropriate) _____

Bridge Number(s) _____

3. **Is this a regional project** [i.e., serving users from more than one county]? Yes or No

4. **County(ies):** _____

County where the project is located or multiple counties if this is a regional project.

5. **City(ies):** _____

City or cities in which this project is located. If outside a municipality, record as "unincorporated".

6. **Entity(ies) responsible for the project:** _____

Entity that will oversee the implementation of the project.

7. **Owner:** _____

Governmental entity that will hold legal title to the capital facility or land asset upon **completion** of the project. If leased, record lessee entity here and note in Question 20 that this project involves a lease.

8. **Owner's level of government:** City County State Federal Special District
 Joint (multiple levels) Other (public-private venture, etc.)

9. **Type of Project:**

List A (select no more than one)

- Business District Development
- Community Development
- Fire Protection
- Housing
- Industrial Sites & Parks
- K-12 New School Construction
(select sub-type)
 new school replacement
- Law Enforcement
- School-system-wide Need
- Libraries & Museums & Historic Sites
- Non K-12 Education
- Other Facilities
- Public Buildings
- Public Health Facilities
- Recreation
- Solid Waste

List B (select no more than one)

- Other Utilities
- Property Acquisition
- Storm Water
- Telecommunications
- Transportation (TDOT# if known _____)
(select sub-type)
 air bridge rail road
- Navigation
 other _____
- Water & Wastewater
(select sub-type)
 water supply wastewater both

10. **Is this project public infrastructure?** Yes or No

11. **Is this project included in a capital improvement program (CIP)?** Yes or No

CIP# (if known) _____

12. **School System** [if applicable] **Number:** _____

Name: _____

13. **What is the primary reason this project needed?** (If a combination, check all that apply.)

- Economic Development
- Community Enhancement
- Population Growth
- Public Health or Safety
- Federal Mandate
(list applicable federal law) _____
- State Mandate
(list applicable state law) _____
- Other _____

14. **When is this project needed? Fiscal Year to Begin** _____ **Fiscal Year to End** _____

15. **Where is this project needed?** (Be as specific as possible; do not repeat city/county.) _____

16. Where is this project in relation to boundaries established pursuant to P.C. 1101?

- Within the existing city limits of an incorporated area
- Outside the existing city limits but inside the Urban Growth Boundary of an incorporated area
- In a Planned Growth Area established by the county
- In a Rural Area designated for the county
- Combination (check here and others that apply)
- Site location has not been determined—*this option is valid only for projects in the conceptual stage.*
- P.C. 1101 does not apply because this project is located entirely within the boundaries of a metropolitan government.

17. Is this project linked to other projects in the inventory? Yes or No

Projects are "linked" if two or more projects are required to achieve a functional result (e.g., a transportation project might be linked to an industrial site project or a utility project might be linked to a public building project, etc.).

If yes, how many other projects are linked to this one? _____

List the other linked projects by project number and by name:

Project Number (Supplied by the Inventory Contractor.)	Project Name

18a. What is the estimated cost of this project? \$ _____ (Do not include cost of linked projects.)

18b. Are sufficient funds available to complete this project? Yes or No

18c. List available dollars and funding sources (include all that apply)

- City \$ _____ Revenue source _____
- County \$ _____ Revenue source _____
- Special District \$ _____ Revenue source _____
- State \$ _____ Revenue source _____
- Federal \$ _____ Revenue source _____
- Other (private funds, etc.) \$ _____ Other source (donor, etc.) _____

18d. If there are not sufficient funds to complete this needed project, how much additional funding will be needed?
\$ _____

19. Does the cost of this project include a lease? Yes or No If yes, what is the annual cost? \$ _____
What is the term of the lease? Begin date: _____ End date: _____

20. Stage of project development as of July 1, 2008:

- Conceptual:** has an estimated cost, but not yet in planning & design
- Planning & Design:** has specific engineering or architectural drawings
- Construction:** design plans are being executed
If the project was reported in a prior survey, you may need to mark the project stage as Completed or Canceled.
- Completed:** construction or acquisition is concluded and the capital facility or land asset is available to provide the intended public benefit.
- Canceled:** terminated at any stage from conceptual through design or construction

21. If this project is now complete, provide the total square footage and the final cost.

Size _____ Units _____ Final cost \$ _____ Fiscal Year Completed _____

22. Respondent/Contact Person: _____

The person who provided the answers to this form.

23. Contact Person's Title: _____

24. Contact Entity: _____

25. Contact Person's Telephone Number: _____

26. Surveyor: _____

Contractor who interviewed respondent or otherwise gathered the data recorded in the inventory.