



Chapter 8: Implementation

OVERVIEW

Access and other improvements identified in this plan will only be as effective as the implementation process. It is important to note that implementation will be dependent on a variety of factors. The length of the corridor, scope of improvements, and intergovernmental cooperation will all play a role in the success of this planning effort. Some improvements may be immediate as cities or the state initiate the smaller, less costly or less complicated recommendations. Other improvements will be slower to materialize, as they will likely occur as land along the corridor develops or redevelops. Still others, more likely those improvements requiring greater amounts of funding, will involve the coordination and cooperation of various funding agencies. This chapter will identify a few of the most apparent and logical methods for implementation.

STEP 1: ADOPTION OF THE PLAN

The first step of the implementation process should be the adoption of this plan (*The Dixie Fix Plan: Envisioning the Future of Dixie Highway* or, more formally named, *Dixie Highway Corridor Access Management Redevelopment Plan*) by the respective planning commissions in Kenton and Boone counties. Through this adoption process the Plan should become part of the comprehensive plan and/or as an addendum to each county's transportation plan. Since land development/redevelopment is a key to implementation, it is best if adoption is part of the comprehensive plan. Land development decisions are more directly based on comprehensive plans than on transportation plans.

Upon adoption by the respective Planning Commission, *The Dixie Fix Plan* should be submitted to each city along the corridor for adoption

by city council. Adoption can be by resolution or ordinance, but it is recommended that an ordinance be used. Appendix 8-1 contains a sample ordinance that may be used for this purpose.

To further aid implementation, it is recommended that the adoption process by each city include a request to the planning commission that zoning ordinances be developed to incorporate the plan. In Kenton County, the NKAPC and the Kenton County Planning Commission are currently conducting a major review of the model zoning ordinance. This process would readily allow for research and potential inclusion of a new overlay zone or other methodology for implementing *The Dixie Fix Plan*.

STEP 2: THE DIXIE FIX OVERSIGHT TEAM

Continuing *The Dixie Fix* Oversight Team meetings is seen as another effective way of to encourage and coordinate implementation. As noted previously, one likely issue tied to effective implementation is the need for cooperation between the many cities along the corridor. Quarterly or semi-annual meetings are likely sufficient to allow all the cities and other agencies involved the opportunity to share experiences, track progress, and discuss new ideas or action steps. It is recommended that these meetings be coordinated by NKAPC with the assistance, as appropriate, from OKI.

STEP 3: SAMPLE ORDINANCE AND MEMORANDUM OF UNDERSTANDING

As previously mentioned, the adoption of an ordinance is one option. The advantage of adopting an ordinance and/or a revised zoning district as described previously is the strength that an ordinance would give to implementing *The Dixie Fix Plan*. In adopting an ordinance, care should be taken to ensure that the flexibility necessary to work through potential adjustments to the adopted *Plan* is available. For example, some access management recommendations in the *Plan* will only work if other changes are made to the adjoining property or

properties. It is likely that changes to such neighboring properties will not occur simultaneously. In this event, cities must have the capability to work with the owners and/or developers to phase implementation of the recommended improvements.

Another method that can be used either in conjunction with an ordinance or as a “stand alone” agreement is a Memorandum of Understanding (MOU) between all agencies with a role in land use and access management decisions. These agencies include the ten local communities, NKAPC, Boone County Planning Commission, and KYTC. Such an agreement helps assure that all decisions by the various permitting agencies are coordinated with *The Dixie Fix Plan*. It is recommended that KYTC be a party to each MOU. The sample MOU (Appendix 8-2) is designed to be a single document between all the cities and the agencies. It would be possible for an MOU to be made individually, however, the document would be more administratively efficient and, thus more likely accepted as a single document.

The attached sample documents have not been approved or reviewed for legal content or conformity with state or local rules and regulations for such documents. Before these can be used, they must be reviewed and approved by legal counsel.

STEP 4: RECOMMENDATIONS FOR FURTHER STUDY

It was beyond the scope of *The Dixie Fix* study to examine a number of other factors that have the opportunity to impact safety, mobility, economic development, multi-modal options, and aesthetics. It is recommended that the following studies or actions occur to assist the communities in achieving their true, desired vision for Dixie Highway.

- **Identification of Unwarranted Signalized Intersections**
Traffic counts for intersecting, signalized streets with Dixie Highway should be compiled from any data that exists or new counts collected. These counts should then be examined to verify the warrant status of each signalized intersection along the Dixie corridor. The potential

elimination of signalized intersections, although controversial particularly to those who have come to depend and expect these facilities, could improve traffic flow, levels of service, and travel times. Other recommendations for creating new service roads or other means of shared access to link side streets to warranted signalized intersections would be appropriate for inclusion in such a study.

- **Establishment of an Economic Conditions Baseline**
Current property values, retail sales, or other economic data should be compiled to create a baseline on which establish Dixie Highway’s existing economic status. In the future, as a significant number of improvements are made to the corridor, a second collection of economic data should be compiled and compared with initial numbers. This data will identify the degree of impact *The Dixie Fix* improvements have had on spurring economic growth and development. It is anticipated that improved safety, travel times, traffic flow and access will encourage an increase in economic activity along the corridor. This review will determine the validity of this expectation. A positive change in economic conditions would also serve to educate and potentially stimulate more property owners and developers to embrace access management related improvements. It may also prove to further substantiate the quality and worth of *The Dixie Fix*’s recommendations and assist in securing new or additional funding.
- **Creation of a Corridor-wide Streetscaping Plan**
To achieve many of the general recommendations detailed in Chapter 7’s Streetscape & Design Elements discussion, a corridor-wide streetscaping plan is called for implementation. The text that follows is a draft list of what steps should be followed to pursue this objective:
 - o Create a Dixie corridor streetscape steering committee to develop the overall streetscape plan.

- o Determine where the streetscape overlay zone will be and create a boundary map.
- o Decide what streetscape elements will be controlled.
- o Consider whether to use design standards or guidelines. Standards are more specific, and generally not negotiable but easier to enforce. Guidelines offer more design choices and require a committee to approve streetscape applications.
- o Determine what level of development/permit activity will require streetscape improvements.
- o Decide who is responsible for funding and constructing the streetscape elements.
- o Create timeline and work plan for the overlay zoning process.

Before embarking on the process of developing and implementing a corridor-wide streetscape design overlay, some questions need to be raised. As a streetscape plan is created and implemented, the following questions should be considered by each community both individually and collectively as a group.

- o Should design guidelines be applied to other areas of Dixie Highway? If yes, where should they be applied?
 - o Should there be separate guidelines for commercial and residential areas?
 - o How far should design guidelines go in regulating what can be built?
 - o Who will pay for and maintain the improvements?
 - o Will the guidelines be enforced? If yes, then by whom?
- **Creation of a Public Transit Facility Improvement Plan**
With TANK as a driving force, there is interest in improving transit facilities for bus riders along the Dixie corridor. In Chapter 5's Public Transit discussion, several examples of bus shelters were presented for consideration. In order to

achieve implementation, this effort requires coordination and collaboration. Such improvements could dovetail into corridor-wide streetscaping efforts or be a stand-alone project given appropriate interest and support.

- **Creation of a Wayfinding Plan**

In Chapter 7's Streetscaping & Design Element discussion, a multi-modal wayfinding study involving all stakeholders was recommended as a means of orientating the traveler and assisting in improving safety and travel time, as well as the overall attractiveness of Dixie Highway as a travel destination.

When conducted, the study should inventory and analyze existing conditions including, but not limited to:

- o Interstate signage
- o City street signage
- o Street infrastructure
- o Bike/Pedestrian routes
- o Community/neighborhood identity
- o TANK transit

The completed plan should make formal recommendations in regards to the design, materials, and location of wayfinding elements. Estimated costs and a phasing strategy for implementation should also be included in the final plan.

STEP 5: POTENTIAL FUNDING SOURCES

As stated in a Federal Transit Administration memorandum dated February 6, 2006, flexible funding was one of the hallmarks of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) that was continued under the 1998 Transportation Equity Act for the 21st Century (TEA-21) and under the 2005 SAFETEA-LU (Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users). These flexible funding provisions enable State and local governments, transit operators, and metropolitan planning

organizations to more effectively meet their unique needs, and facilitate a multimodal approach to meeting transportation needs at both the statewide and metropolitan levels. The flexibility provisions of these transportation acts include:

1. Broad highway/transit eligibility within selected categories of major highway and transit programs;
2. Transfer of funds within the Federal-aid highway program to other programs with broader highway/transit eligibility; and,
3. Transfer of funds from Federal Highway Administration (FHWA) and Federal Transit Authority (FTA) and vice versa.

Appendix 8-3 includes a summary of these flexibility provisions and table of eligible highway and transit projects under the various FHWA and FTA programs as a reference tool. A summary of a few of the more promising potential funding sources for implementation of *The Dixie Fix Plan* follows.

Congestion Mitigation and Air Quality Program (CMAQ)

The primary purpose of CMAQ funds is to fund projects in non-attainment and maintenance areas that will work to reduce transportation related emissions. Projects must demonstrate an air quality benefit.

OKI serves as a clearinghouse for the CMAQ program which is administered by the Kentucky Transportation Cabinet (KYTC). There is a keen competition for CMAQ funds due to the limited amount of funding that is available on a statewide basis. OKI will process submitted applications, estimate emission benefits, prioritize the projects and forward to KYTC. Projects are prioritized based on estimated reductions in ozone precursor and fine particulate emissions. Estimated reductions are based on projected reductions in vehicle miles traveled, vehicle hours traveled or vehicle emissions. Appendix 8-4 is provided as a sample CMAQ application used by OKI for previous fiscal year funding cycles.

Examples of projects that have received past approval include additional turn lanes at congested intersections, park-and-ride lots, projects that increase use of bicycles and walking as alternative modes of travel, and new express bus service. For a complete explanation of eligible CMAQ projects please visit the KYTC website: http://transportation.ky.gov/Multimodal/Air_Quality.asp

Surface Transportation Program for Northern Kentucky (SNK)

SNK are Federal Surface Transportation Program (STP) funds dedicated to Northern Kentucky. KYTC believes SNK and CMAQ to be the best funds for use in implementing *The Dixie Fix's* recommendations. The primary purpose of SNK funds is to construct, reconstruct, rehabilitate, resurface, restore, and provide operational improvements for highways and bridges including improvements to accommodate other transportation modes. Eligible projects include highway and transit projects as well as planning studies. A 20% non-federal match is required for funding.

OKI is sub-allocated approximately \$4 million in Surface Transportation Program funds for Northern Kentucky (SNK funds) every fiscal year for transportation projects in Boone, Campbell and Kenton counties. OKI is responsible for determining which projects to fund through a competitive prioritization process. A funding application and instructions have been included as Appendix 8-5.

Transportation Enhancement Grants (TE)

The federal Intermodal Surface Transportation Efficiency Act of 1991 introduced the Transportation Enhancement Program. The establishment of this program offered broad opportunities and federal dollars to undertake unique and creative actions to integrate transportation into our communities and environment. In 1998, the tradition of this program was continued by the enactment of the Transportation Equity Act (TEA-21.)

The primary purpose of TE funds are included in 12 eligible categories included in the definition of Transportation Enhancement Activities in

23 U.S.C. 101(a)(35). Transportation enhancement activities must fall into one or more of the following 12 categories as defined by federal legislation:

1. Provision of facilities for bicycles and/or pedestrians
2. Provision of safety and educational activities for pedestrians and bicyclists
3. Acquisition of scenic easements and scenic or historic sites
4. Scenic or historic highway programs
5. Landscaping and other scenic beautification
6. Historic preservation
7. Rehabilitation and operation of historic transportation buildings, structures or facilities including historic railroad facilities and canals
8. Preservation of abandoned railway corridors including the conversion and use thereof for pedestrian and bicycle trails
9. Control and removal of outdoor advertising
10. Archaeological planning and research
11. Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity
12. Establishment of transportation museums

Although transit is not specifically mentioned in the list of twelve eligible TE activities, some of the eligible TE activities benefit transit. For example, streetscape improvements can include transit shelters. The Kentucky Transportation Cabinet awards TE funds to governmental jurisdictions.

Transportation enhancement activities can be a stand-alone project or implemented as part of an on-going larger transportation project. In either case, the project must relate to the intermodal surface transportation system in function, proximity or impact. For example, an independent bike path is a functional component of the intermodal transportation system. Removal of outdoor advertising in the view shed of a highway is justified in light of its proximity. Retrofitting

an existing roadway by creating a wetland to filter runoff from the roadway would qualify based on the impact of the roadway in terms of water pollution.

In summary, TE activities are improvements which increase the value or worth of a project or make it more aesthetically pleasing. They should provide a “quality-of-life” benefit. Thus, a project is “enhanced” by doing something that is not a common practice. **Tax**

Increment Financing (TIF)

TIF Districts are a potential source of funding that can generate local funds for important Dixie Highway projects. These funds could be used to match funds from other sources or cities can choose to construct projects wholly with TIF funds. Projects funded by TIF must be those of a public improvement nature such as: relocating utilities, plantings, sidewalk and streetscape improvements, and landscaping. Local governments generate funds from Tax Increment Financing by designating specific areas that need economic development funds and then diverting the increased taxes that come from redevelopment towards the desired improvements. Kentucky State Law allows this technique and many communities are using it to create an improved business climate (refer to [Appendix 8-6](#)). Up to 100% of the incremental property and payroll tax revenues which are generated by the area can be used to fund certain projects. The funded projects must be for a public purpose, in or related to the development area, and have a useful life of at least one year. The TIF area can keep its designation for up to 30 years.

In developing criteria, some questions need to be answered to help guide each community in making their decision:

1. What needs and projects could use TIF funding?
2. What is the estimated cost of those needs and projects?
3. What properties will benefit from the TIF funding?
4. What properties should be included in the TIF district?
5. Is the community able to accept a potential loss in tax revenues to the general fund for a period of time?

6. Should residential property be part of a proposed TIF District?

For the purposes of this study, the following assumptions are made for Dixie Highway:

1. The greatest benefit and need appears to be in commercial areas.
2. The funds would need to be dedicated to specific projects and/or areas.
3. Public property or any other tax-exempt land would not be eligible to generate TIF income, but could benefit from expenditures on public improvements. It is recommended that tax-exempt properties be included within TIF district, so that funds can be spent in the area of these properties.

The following criteria are suggested as ways to help guide communities in forming potential TIF districts. Each community should consider their special circumstances and need for funding. Of particular note is the circumstance of city boundaries that occur at Dixie Highway's centerline, such as in Erlanger and Elsmere for example. In those cases, intergovernmental agreements would need to be executed so that improvements could be made as coordinated, contiguous projects.

General Criteria for TIF Districts:

1. The property is located directly adjacent to Dixie Highway's right-of-way.
2. The property is adjacent to Dixie Highway properties and is commercially zoned. A few residential properties have been included that appear to have potential for redevelopment. There are likely other properties currently used for residential purposes that need to be added or deleted based on more careful review at the city level.
3. The property is accessed via an access easement, access road or parking lot, from a property, which has frontage along Dixie Highway.

4. The property has access management recommendation(s) identified in *The Dixie Fix Plan*.

Using these criteria, potential TIF districts maps have been drafted and included as Appendix 8-7. Note that some cities do not have TIF district maps proposed due to an existing lack of commercial property or, in the case of Crestview Hills, the frontage along Dixie Highway has been improved recently by the redevelopment of the Crestview Hills Town Center and new taxes to be generated would likely be minimal.

Also included as Appendix 8-8, is Fort Wright, Kentucky's Ordinance to create a TIF district for the Madison Pike Corridor. Note that Exhibits A and B mentioned in the Ordinance are not included. These resources and further information can be obtained from the City of Fort Wright.

State Road Funds

State Road Funds are another potential funding source for most of *The Dixie Fix's* recommendations. However, the availability of funds is extremely limited given the large demands. Road Funds are receipts from motor vehicle usage tax, vehicle and boat registration, motor vehicle operator's licenses, motor fuels tax, tolls and interest. Road Funds are used for road construction, maintenance, operations, engineering, planning, research, and the majority administer functions within the Cabinet. This type of funding would be especially conducive to projects where there was some type of cooperative arrangement with a city and/or property owner also contributing funding.

Dixie Corridor Municipalities

Local communities are another source of funding. Cities can set-up a special assessment district along Dixie Highway with funds earmarked for public improvements. They can offer incentives as a catalyst to get property owners to participate pro-actively in implementation of *The*

Dixie Fix's recommendations. Dixie communities could also explore the potential to place a special tax levy on the ballot for voter approval with all funds dedicated to physical improvements along Dixie Highway.

Local Property Owners

Local business and property owners can provide financial assistance towards assembling local matches and thereby leveraging their smaller investments to achieve big ticket Dixie improvements. They may also establish a low interest loan program through local banks and earmark funds specifically for *The Dixie Fix* property enhancements.

Kentucky offers a number of progressive incentives for businesses that would enable individual property owners to implement many of The Dixie Fix's small scale access management improvements. Appendix 8-9 includes a general summary list of such incentives and is intended as a starting reference point for consideration by local communities, property owners and business associations.

