

MEMORANDUM OF UNDERSTANDING

Dixie Highway 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), and the cities of Covington, Park Hills, Fort Wright, Fort Mitchell, Lakeside Park, Crestview Hills, Edgewood, Erlanger, Elsmere and the Kenton County Planning Commission, OKI Regional Council of Governments, and the Northern Kentucky Area Planning Commission (NKAPC).

II. Background: Dixie Highway (US Routes 25 and 127) that comprises the area of this MOU extends for eight miles from KY 1017 (Turfway Road) in Florence, Kentucky to Main Street, in Covington Kentucky and passes through the cities of Erlanger, Elsmere, Edgewood, Crestview Hills, Lakeside Park, Fort Mitchell, Fort Wright and Park Hills. Dixie Highway therefore is a major arterial through ten Northern Kentucky cities. In June 2006 the MPO completed the *Dixie Highway Corridor Access Management Redevelopment Plan (known as The Dixie Fix: Envisioning the Future of Dixie Highway)*. This study was undertaken to seek feasible strategies to more effectively manage access along the route and thereby improve the safety and efficiency of the highway. The study was conducted through a collaborative effort between the Ohio, Kentucky, Indiana Regional Council of Governments, the Kentucky Transportation Cabinet, the Northern Kentucky Area Planning Commission, Cities along Dixie Highway in both Boone and Kenton Counties, local government agencies, business owners, and the public. Numerous recommendations have been presented for the corridor and are described in the study document and accompanying maps. Over 30 recommendations from the total have been prioritized.

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

- Establish a common understanding regarding the importance of Dixie Highway for regional mobility;
- Provide for the mutual acceptance of the *Dixie Highway Corridor Access Management Redevelopment Plan (known as The Dixie Fix: Envisioning the Future of Dixie Highway)* as a shared vision of the corridor and its deficiencies and needs;
- Establish a shared commitment to managing and improving the corridor to preserve safety and mobility (the objectives) in a manner that is consistent with the *Dixie Highway Corridor Access Management Redevelopment Plan*; and
- Provide a framework for multi-jurisdictional coordination and cooperation in development review and access permitting decisions that impact the corridor.

IV. Need: The policies, programmatic procedures, and funding actions required to implement the recommendations of the *Dixie Highway Corridor Access*

Management Redevelopment Plan and in carrying out development reviews and related access permitting actions for the Dixie Highway corridor, transcend the resources, authority, and jurisdiction of any single agency or unit of government. In addition, actions taken at any point along the corridor have the potential to impact traffic conditions and travel times for the entire corridor. Therefore, coordination and cooperation are necessary between governmental entities to accomplish corridor 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 Dixie Highway corridor, as described herein, 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.
- Funding allocation and project management for implementation of State-responsible improvement projects.
- Coordination and cooperation with the Northern Kentucky Area Planning Commission and the Kenton County Planning Commission in review of development proposals, including location and design of access.

County and Cities (through the respective Planning and Zoning Commissions)

- Actions related to zoning and development proposals within the respective jurisdiction of each party.
- Coordination and cooperation with KYTC during the review of such proposals.
- Initiation of efforts to improve access spacing and/or design in conjunction with rezoning or redevelopment of existing properties.

MPO

- Development of Project Identification Forms for improvements and modifications recommended by the *Dixie Highway Corridor Access Management Redevelopment Plan* and incorporation of such projects into the MPO's Long Range 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 *Dixie Highway Corridor Access Management Redevelopment Plan* and revision as necessary.

VI. Understandings: The following matters are understood and agreed upon by the parties to this MOU:

- Dixie Highway is a vitally important highway to Boone and Kenton County and the surrounding region. The primary functional purpose of this highway is to carry large volumes of traffic with minimal delays. Dixie Highway must also provide access to significant and extensive development including businesses, industries, medical facilities, churches, schools and other public buildings, and homes. However, to the extent feasible, this access should be provided in a manner that does not detract from the primary function of the highway or create safety problems.
- Continued growth within the region is leading to increasing travel demand in the corridor which, if unmanaged, could negatively affect mobility and safety for users of the highway.
- The *Dixie Highway Corridor Access Management Redevelopment Plan*, attached hereto and incorporated by reference herein, is approved and accepted as a "Plan" for addressing traffic operational and safety issues related to highway access within the corridor.
- Diligent efforts, consistent with available resources and current priorities, will be made by all parties to implement the strategies, programs, and projects recommended in the Plan.
- Consideration of requests for new access points along the corridor will be coordinated between KYTC, NKAPC and the local governmental agency having jurisdiction. KYTC will not issue an access permit until development plans have been approved.
- Development approval and access permitting decisions will be made in a manner that is consistent with and supportive of the Plan - unless it is agreed upon by all parties with jurisdiction that a departure from the Plan is in the best interest of the corridor.
- As opportunities arise - through rezoning, redevelopment, change in use of existing properties, or highway construction - all feasible efforts will be made to improve access spacing and design in a manner that is consistent with the Plan.
- Access management improvements as proposed by the *Dixie Highway Corridor Access Management Redevelopment Plan* will be used as a basis for implementation review and approval for new development or redevelopment. Access management standards such as those prepared by the Kentucky Access Management Implementation Task Force or more current version formally adopted by KYTC or the Cities will be considered and used as necessary to resolve access issues on a case by case basis.

VII. MOU/Plan Amendment: More detailed plans that may be developed during the design of improvement projects will be incorporated into the *Dixie Highway Corridor Access Management Redevelopment Plan*. Revisions to the Plan may also result from periodic review and reassessment by the Cities, NKAPC, or the MPO. Amendments to the Plan or MOU may be requested by any party to the MOU and must be adopted by all parties.

VIII. Signatures:

Recommended for Approval By:

William H Goetz 6/24/08
 William Goetz, Chair Date
 NKy Area Planning Commission

Thomas J Schomaker 7-18-08
 Thomas Schomaker Date
 Chief District Engineer
 Ky Transportation Cabinet, District 6

Alexandra K. Weldon 7-8-08
 Alexandra K. Weldon, Chair Date
 Kenton County Planning Commission

Christine L. Matacic
 Christine L. Matacic, President Date
 OKI

Approved By:

Irvin T. Callery 6-21-08
 Mayor Irvin T. Callery Date
 City of Covington

Paul Meier 6-21-08
 Mayor Paul Meier Date
 City of Crackview Hills

Michael Heilman 6/21/08
 Mayor Michael Heilman Date
 City of Park Hills

John Link 7/17/08
 Mayor John Link Date
 City of Edgewood

Joseph Nienaber Jr. 6/21/08
 Mayor Joseph Nienaber Jr. Date
 City of Fort Wright

Thomas Rouse 6/21/08
 Mayor Thomas Rouse Date
 City of Erlanger

Thomas E. Holocher 6/21/08
 Mayor Thomas Holocher Date
 City of Fort Mitchell

Billy Bradford 6/21/08
 Mayor Billy Bradford Date
 City of Elsmere

Katherine Terwort 6/24/08
 Mayor Katherine Terwort Date
 City of Lakeside Park

Michael W. Hancock 8/27/08
 Michael W. Hancock Date
 State Highway Engineer
 Kentucky Transportation Cabinet

June 10, 2008

Mr. Bill Goetz
Chairman
Dixie Fix Committee
2332 Royal Drive
Fort, Mitchell, KY 41017

Dear Mr. Goetz:

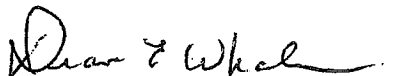
This letter is written in reference to the Dixie Fix Memorandum of Understanding (MOU) each community participating in the Dixie Fix initiative has been asked to sign.

After a review of the MOU document, the City of Florence will be unable to participate as a signing agency for several reasons as previously discussed with Northern Kentucky Area Planning Commission staff. However, the City of Florence is supportive of the Dixie Fix initiatives and every effort will be made to implement the priorities identified for our community when it becomes possible to do so.

Additionally, the Boone County Planning Commission inserted language into the proposed 2007-2008 Boone County Zoning Regulation Update relating to the Dixie Fix provisions in Florence. These provisions will be referenced when future redevelopment opportunities occur along the corridor in the future. The City of Florence will also work to identify methods to improve traffic flow and enhance safety of the traveling public along Dixie Highway in Florence as referenced by our Dixie Fix priorities and appropriate provisions contained in the Boone County Zoning Regulations.

If you have any questions please feel free to contact me or my staff at 647-8177.

Sincerely,



Diane E. Whalen
Mayor