TENNESSEE DEPARTMENT OF TRANSPORTATION

STATE INDUSTRIAL ACCESS PROGRAM

APPLICATION AND INFORMATION PACKET

REVISED JULY 14, 2020

TENNESSEE DEPARTMENT OF TRANSPORTATION

APPLICATION

FOR THE STATE INDUSTRIAL ACCESS PROGRAM

General Information

Local Government(s) Making Application: _____

Mailing Address: _____

Industry Name: Project Night Sky

Type of Industry: _____

Primary Contact Person

For the Local Government:

Name: _____

Title: _____

Agency: _____

Phone: _____

E-mail: _____

For the Industry:

Name: Branden Brickles

Title: Project Manager

Agency: Project Night Sky

Phone: _____

E-mail: _____

Employment and Investment Information

NOTE: If this project is an expansion or relocation of an existing facility in Tennessee: include only the additional employment added by your project, and include only the increase in value of real and personal property for this site.

Employment

Anticipated Date Facility is Operational: Q4/2024

Initial Employment (# of new jobs only): 1299

*Anticipated Date of Full Employment: 2025

*Full Employment (total # new jobs): 1299

Average Hourly or Annual Wage: $ 21.94

** Anticipated full employment within the next five years.*

Capital Investment

Estimated Capital Investment: $ 2.3B

Average daily number of heavy trucks expected to use the proposed road: TBD

Will there be any property tax breaks? (•) Y ( ) N

If yes, describe the nature and/or schedule of the tax abatement.

_____

_____

_____

_____

_____

Responsibilities

The following phases and available options for responsibility of a typical SIA project are listed below. Following this list on the next page is more information on what each party would be responsible for in each case.

Please read carefully the descriptions of responsibility and then indicate which option the local government wishes to choose for each phase.

○ **The local government wishes to perform all work and manage this project locally using the Local Program Development Office guidelines. The local government will be reimbursed under the guidelines and terms set by the Local Program Development Office and the SIA Program.**
(If this option is chosen, skip to Page 5.)

◉ **The local government wishes for TDOT to manage the project with the responsibility for each phase indicated below.**
(If this option is chosen, continue to Page 3 to indicate responsibilities.)

LOCAL	TDOT	PHASE
☑	☐	Survey and Design
☐	☑	Right-of-Way Acquisition, Utilities Relocation, Railroad Crossings (if applicable)
☐	☑	Construction – grading, drainage, and base
☐	☑	Construction – pavement

Description of Responsibilities Association with Each Phase Option

Survey and Design

LOCAL – The local government will provide the survey and design (through its own forces or consultant), which meets TDOT guidelines at no cost to TDOT. The work must be coordinated with the appropriate TDOT Regional Survey & Design Office.

TDOT – TDOT will provide the necessary survey and design for the project with no cost to the local government.

Right-of-Way Acquisition

LOCAL – The local government will secure donations or purchase the necessary right-of-way for the project, at no cost to TDOT, in accordance with State policies and procedures. This must be coordinated through the appropriate Regional Right-of-Way Office.

TDOT – TDOT will purchase the necessary right-of-way for the project. TDOT and the local government will each be responsible for 50% of the cost. The local government will also be responsible for submitting a deposit of the estimated amount of its 50% match. The deposit is applied toward the local government's share of the actual cost, and any amount over the actual cost is refunded to the local government.

Utility Relocation

State Let Project

If TDOT lets the project to construction, the Department will coordinate the relocation of utilities regardless of who pays for the relocations.

LOCAL – The local government will be responsible for contracting for the adjustment of all conflicting utilities and the cost of relocating reimbursable utilities with no cost to TDOT.

TDOT – The relocation of the utilities will be contracted by TDOT's Utility Office. The local government will pay fifty percent (50%) of the estimated reimbursable cost for relocating the utilities. To qualify as a reimbursable utility cost, the utility that is being relocated due to the SIA project must have been located outside the existing public right-of-way.

Locally Let Project

LOCAL – If the locals are letting the project to a construction contract, they are responsible for all utility coordination, reimbursable cost, and must provide certification/documentation to the TDOT utility office to be approved and certified prior to scheduling the contract letting.

TDOT – TDOT will approve and certify the utilities prior to the letting. To qualify as a reimbursable utility cost, the utility that is being relocated due to the SIA project must have been located outside the existing public right-of-way.

Railroad Crossings

LOCAL – TDOT will coordinate any construction, alteration, or upgrade of railroad crossings associated with the SIA project, and the local government will be responsible for 100% of the cost.

TDOT – TDOT will coordinate any construction, alteration, or upgrade of railroad crossings associated with the SIA project, and the local government will be responsible for 50% of the cost.

Construction – grading, drainage, and base

LOCAL – The local government will be responsible for the construction of and costs associated with the earthwork, drainage features, and base material needed for the SIA. The local government will ensure the construction and materials meet TDOT's specifications. The local government will also be responsible for complying with any state or federal rules, regulations, and laws pertaining to permits and will secure any permits needed to perform this work. This option is at no cost to TDOT and is subject to a determination of the local government's ability to manage the project by TDOT's Local Programs Development Office.

TDOT – TDOT will be responsible for the construction of and costs associated with the earthwork, drainage features, and base material needed for the SIA. TDOT will also be responsible for securing any permits needed to perform this work. This is all at no cost to the local government.

Construction – pavement

LOCAL – The local government will be responsible for the construction of and costs associated with paving the SIA. The local government will ensure the construction and materials meet TDOT's specifications. The local government will also be responsible for complying with any state or federal rules, regulations, and laws pertaining to permits and will secure any permits needed to perform this work. This option is at no cost to TDOT and is subject to a determination of the local government's ability to manage the construction project by TDOT's Local Programs Development Office.

TDOT – TDOT will be responsible for the construction of and costs associated with paving the SIA. TDOT will also be responsible for securing any permits needed to perform this work. This option is at no cost to the local government.

SIA Roadway Features

The SIA program provides only for a standard road with the following specifications:

Travel lanes -	2 lanes (1 in each direction) at 12 feet wide, for a total of 24 feet of travel lanes
Shoulders -	2 gravel shoulders (1 on each side) at 4 feet wide
Pavement -	10 inches of base stone
	3 inches of "A" mix (asphalt base)
	2 inches of "BM-2" mix (asphalt base)
	1.25 inches of "D" mix (asphalt surface)

Exhibits

Attach the following exhibits:

- Location Map – map showing the location of the industrial site in relation to the city or county making application.
- Site Map – map showing industrial site, proposed plant location and footprint, road names, and plant entrance locations. Map should be to scale and should include approximate measurements.
- Resolution – Resolution adopted by local governing body in support of the project and SIA application.
- Agreements – Written agreements among local government agencies for shared responsibility of funding (if applicable).
- Additional Roadway Features- Descriptions of items being requested that exceed SIA standard. E.g. curb and gutter; turn lanes; sidewalks; traffic signal

Authorization

It is the desire of insert city and/or county name to make application to the Tennessee Department of Transportation (TDOT) for assistance in the construction of an Industrial Highway under the provisions of the Industrial Highway Act of 1959.

The information provided in this application is for review and economic analysis of the proposed SIA project. All information is accurate to the best of our knowledge.

Authorized by:

Name: _____
Title: _____
Agency: _____

_____
Signature of City/County Mayor only

TENNESSEE DEPARTMENT OF TRANSPORTATION

INFORMATION AND PROCEDURES

FOR THE STATE INDUSTRIAL ACCESS PROGRAM

Background

The Industrial Highway Act of 1959 (T.C.A. 54-5-403) authorizes the Tennessee Department of Transportation (TDOT) to contract with cities and counties for the development of "Industrial Highways" to provide access to industrial areas and to facilitate the development and expansion of industry within the State of Tennessee.

TDOT implements the Industrial Highway Act through the department's State Industrial Access (SIA) Program. The department will consider and approve Industrial Highways based on project eligibility, economic criteria, physical constraints, and available funding.

Eligibility and Application Process

Presented in this section are the requirements and procedures for preparing and submitting an SIA application to TDOT and developing projects under the State Industrial Access Program. For information about project eligibility contact TDOT's Project Management Division at (615) 532-3207.

1. Project Eligibility for Consideration

   The proposed project is required to be eligible as an industrial highway. An "Industrial Highway" is defined as any road or street designated and located to provide access to an industry site or industrial park. The designated roadways may be eligible for the funding under the TDOT SIA Program. An Industrial Highway cannot be constructed on private property and must be a public road open to traffic.

2. Field Review

   Representatives from TDOT and the local city and/or county will review the proposed project in the field. The purpose of the review is to confirm the "Eligibility for Consideration" of the project, discuss the parameters of the project, and gather information to develop a cost estimate for the project.

3. Application

   The Application consists of four items:

   a. An Application Form detailing information about the proposed industry or industry expansion and the local government participation,
   b. Location Map depicting the location of the proposed industry in relation to the city or county submitting the application,
   c. Site Map depicting the current and proposed roadways, industry site, and plant or building entrance locations,

d. A certified Resolution or Ordinance indicating the Application for SIA funding is an official action by the local government. (A sample Resolution is presented on page 13.)

If local governments are sharing any portion of the funding responsibility, a written agreement between local governments should also be submitted at the time of the application. This helps streamline the process of drafting a contract between TDOT and the local government(s) for the project and clarifies the responsibilities of each agency.

4. Consideration

TDOT will consider and approve Industrial Highways based on project eligibility, economic criteria, physical constraints, and available funding.

5. Approval

Upon approval of the Application, TDOT and the local government will execute a contract defining the responsibilities of each party. Appropriate monetary deposits will be submitted by the applicant.

Project Activities

1. ROW and Utilities Deposits

If the applicant chose the option of TDOT acquiring ROW and/or relocating utilities, the local government is required to deposit the full estimated amount of its share of the cost. During the initial analysis of the application, TDOT's ROW Office will estimate the cost of acquiring ROW (which may include damages to the remainder) and relocating utilities. This is a preliminary estimate because many details of the ROW and utilities plans are not known at that time, and it is usually based on the "worst-case" scenario. Any unused portion of the deposit will be returned to the local government at the close-out of the project.

2. Project Design

The typical section for Industrial Highway projects is two 12-foot wide lanes with 4 foot-wide gravel shoulders. Additional design features may be requested and paid for by the Applicant. The additional work may be included in the construction contract as non-participating items and will be at no cost to TDOT. A construction deposit for non-participating items will be required before TDOT advertises the project for construction bids.

3. Permits

a. Environmental Permits

The following two conditions will determine the responsibility for obtaining environmental permits. Environmental Guidelines for Industrial Highways is described on pages 11-12.

1. When TDOT is performing the construction phase of the project, whether by TDOT maintenance forces or project contract, TDOT will conduct the technical studies and obtain all environmental permits

2. When the local government is performing the construction phase, it will be responsible for the technical studies and for obtaining all environmental permits for the work performed.

b. Permits Required for Plant or Building Site

The local government is responsible for obtaining all federal, state, and local permits for all other development of the plant or building site.

4. Construction

The project may be constructed by one of the following three general options:

a. The project may be let to contract or constructed by the local government according to the policies set forth by the TDOT Local Programs Development Office.
b. The project may be let to contract or constructed by TDOT
c. The project may be let to contract or constructed by a partnership between the local government and TDOT

The local government should clearly mark the preferred options in the RESPONSIBILITIES section of the Application Form.

5. After Construction

The Industrial Highway becomes a public city street/county road, and the local government assumes full responsibility for the maintenance of the Industrial Highway after construction is completed.

Typical Process Timeline

Month	Milestone
1	Contact TDOT
1	Field Review w/ TDOT
1	Submit Application
2	Receive Approval
3	Receive Proposed Contract from Local Programs
3	Obtain Fully Executed Contract
3	Survey & Design Begins
3	ROW/Utilities Deposit Due
9	ROW Acquisition Begins
15	Permits Obtained
18	Project Let for Construction
30	Project Completed

*Please note that each project is unique and will most likely deviate from this **typical** timeline. This is intended as a guide to the process and general durations for an average project.

Environmental Guidelines for Industrial Highways

Transportation projects that do not involve federal aid funding and do not otherwise constitute a major federal action (such as these SIA projects) are exempt from the provisions of National Environmental Policy Act of 1969 (NEPA).

Federal court law, however, has established that under some circumstances, NEPA may apply to a non-federal project.

In a 2001 Tennessee case (Southwest Williamson County Community Association v. Slater, et al.), the Sixth Circuit Court of Appeals defined two alternative tests for determining whether a non-federal project might actually constitute a major federal action to the extent that the requirements of NEPA would apply. The two tests identified in this case are:

1. When the non-federal project restricts or limits the statutorily prescribed federal decision-makers' choice of reasonable alternatives; or

2. When the federal-decision makers have authority to exercise sufficient control or responsibility over the non-federal project so as to influence the outcome of the project.

State-funded transportation projects that require the acquisition of right-of-way and/or the construction of new roadways and other transportation facilities must undergo a rigorous environmental review. The environmental review is documented in a Tennessee Environmental Evaluation Report (referred to as a TEER) that will be made available for public review.

A TEER is prepared for a state-funded transportation project that meets both of the following criteria:

1. Is a transportation route (including a bridge project); and

2. Requires acquisition or disturbance of at least one acre of new or additional right-of-way, unless there are special circumstances that would necessitate the preparation of a TEER for a project with less than one acre of property acquisition.

Special circumstances that would result in the need to prepare a TEER under the second criterion listed above include, but are not limited to, the following:

1. Displacement of any commercial or residential occupants;
2. The use of land from a property or district that is listed on or eligible for listing on the National Register of Historic Places or a National Historic Landmark, which would cause an adverse effect to that resource;

3. The use of land from a public park or recreation area, designated forest, or wildlife management area;

4. Work that requires a US Coast Guard construction permit, or an individual US Army Corps of Engineers Section 404 Permit;

5. Construction in, across, or adjacent to a river designated as a component of the National System of Wild and Scenic Rivers or high quality streams, including streams designated as Exceptional Tennessee Waters (ETW), as designated by Tennessee's water quality standard;

6. Work encroaching on a regulatory floodway or work affecting the base floodplain (100-year flood) elevation of a water course or lake;

7. Work in wetlands;

8. Change in access control;

9. A known hazardous materials site within the proposed right-of-way;

10. An adverse effect to federal or state designated threatened or endangered species or their critical habitat; or

11. A formal request for the preparation of a TEER is received from a local citizen, group or organization, and the request is based on identified environmental concerns.

For the Tennessee Department of Transportation (TDOT) Environmental Procedures Manual relating to State-Funded projects in its entirety visit the following site:
https://www.tn.gov/assets/entities/tdot/attachments/EnviroProcMan.pdf

Early identification of sensitive areas will enable TDOT to implement changes to avoid environmental impacts, coordinate with state and federal agencies, and obtain required permits prior to construction of an SIA roadway. If these sensitive areas cannot be completely avoided, the impacts must be minimized, and the effects of the proposed project must be mitigated.

These activities have the potential to lengthen the project schedule and increase project cost.

If the local government chooses to prepare the project plans, the local government must provide the TDOT Environmental Division with accurate maps or aerial photography on which to base technical environmental studies.

When TDOT is performing the construction phase of the project, whether by TDOT maintenance forces or project contract, TDOT will conduct the technical studies and obtain all environmental permits.

When the local government is performing the construction phase, it will be responsible for the technical studies and for obtaining all environmental permits for the work performed.