

1 **RESOLUTION NO. _____**

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3 **A RESOLUTION TO STATE THE VIEWS OF THE LITTLE ROCK CITY**
4 **BOARD OF DIRECTORS THAT THERE SHOULD BE NO EMBARGO OR**
5 **WITHHOLDING OF FUNDS FOR APPROVED GOVERNMENT**
6 **PROJECTS WITHIN THE CITY PENDING THE OUTCOME OF PUBLIC**
7 **COMMENTS AND HEARINGS ON THE 30-CROSSING**
8 **RECOMMENDATION OF THE ARKANSAS DEPARTMENT OF**
9 **TRANSPORTATION; AND FOR OTHER PURPOSES.**

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11 **WHEREAS,** the Director of the Arkansas Department of Transportation (ADOT) – Scott E. Bennett –
12 objected to the phrase “operational improvements” as opposed to the term “capacity improvements” in the
13 Metroplan Long-Range Transportation Plan for the Central Arkansas Region which sets the transportation
14 priorities for this area for the next twenty (20) years; and,

15 **WHEREAS,** Mr. Bennett requested that Metroplan change the wording; however, when Metroplan did
16 not do so, Mr. Bennett stated that ADOT would halt the expenditure of Two Hundred Thirty-Two Million
17 Dollars (\$232,000,000.00) in Central Arkansas road work improvements; and,

18 **WHEREAS,** Mr. Bennett takes the position that identical language must be used by Metroplan as by
19 ADOT for major projects including the proposed 30-Crossing Project and until Metroplan makes this
20 amendment, no contracts for the currently-approved projects will be let and funding will not occur; and,

21 **WHEREAS,** this creates a tremendous hardship for the citizen and visitors to Central Arkansas and
22 blocks the installation of traffic signals, bridge rehabilitation, widening of Interstate 630 and other projects;

23 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY**
24 **OF LITTLE ROCK, ARKANSAS:**

25 **Section 1.** The Board of Directors recognizes that the current language of the Metroplan Regional
26 Transportation Improvement Plan (TIP) is not the cause of delay for the 30-Crossing Project of ADOT.

27 **Section 2.** The Board notes that an Environmental Assessment (EA) – a minimum prerequisite for the
28 use of Federal highway monies pursuant to the National Environmental Protection Act (NEPA) -- has not
29 been completed and will not possibly be published until the end of 2017; further,

30 (a) Federal law permits a forty-five (45)-day period for public comment on an EA before
31 it can be put into operation; and,

32 (b) As has been demonstrated in other projects, even if an EA is initially approved there is
33 a possibility that further review will result in a requirement for a more formal

1 Environmental Impact Statement (EIS) which, among other things, is required to make
2 specific findings;

3 **Section 3.** Even if Metroplan were to make the requested amendment, there is still a fifteen (15)-day
4 public comment period for such an amendment which means, among other things, that should Metroplan
5 action be taken at its November 29, 2017, meeting, the ADOT could not proceed further until 2018, and
6 such further delay for previously authorized projects is unconscionable.

7 **Section 4.** In any event, the TIP amendment would have to occur before the EA could even be issued
8 for release and full assessment and this creates even further delay in the overall program.

9 **Section 5.** The issue is one of significant since the difference between “operational improvements,”
10 and “capacity improvements,” is that “capacity improvements,” permits adding additional lanes of traffic
11 to any plan, and Metroplan has not received assurances from ADOT that 30 Crossing will be built in a
12 manner that is acceptable to the local governments of central Arkansas.

13 **Section 6.** As a result, the Board of Directors requests that Mr. Bennett rescind his October 30, 2017,
14 directive to withhold all funding for Metroplan area projects until immediate improvement is given to the
15 proposed expansion of Interstate 30 in the 30 Crossing Project.

16 **Section 3. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
17 word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adju-
18 dication shall not affect the remaining portions of the resolution which shall remain in full force and effect
19 as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the reso-
20 lution.

21 **Section 4. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with
22 the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

23 **ADOPTED: December 5, 2017**

24 **ATTEST:**

APPROVED:

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27 **Susan Langley, City Clerk**

_____ **Mark Stodola, Mayor**

28 **APPROVED AS TO LEGAL FORM:**

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31 **Thomas M. Carpenter, City Attorney**

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