

Metropolitan Government of Nashville and Davidson County

Temporary Art Guidelines

Administered by



METRO ARTS

NASHVILLE OFFICE OF ARTS + CULTURE

the Metropolitan Nashville Arts Commission

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- Caroline Vincent, Executive Director
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I. Purpose

Purpose. The purpose of these guidelines is to codify a process to review Temporary Artworks that professional artists, or organizations working with professional artists, may propose to install on Metropolitan Government property. Such locations may include publicly accessible spaces within and around buildings, in parks and other open spaces, and along streets and roadway features which may include sidewalks, retaining walls, bridges, bike paths, traffic signal cabinets. This policy and guidelines are intended to recognize the power of public art projects to bring a community together, reflect the priorities and principles of the Metropolitan Government, and create a unique sense of place while taking into account the need to ensure public safety, project feasibility, community involvement, the limited amount of appropriate public space available for this type of project, artistic merit, and a maintenance plan for the lifespan of the artwork. For the purposes of this policy, temporary artworks are those in place for between 1 to 18 months. Applicants whose artworks are intended to be permanent should refer to the [Donated Art Policy and Guidelines](#).

II. The Metro Nashville Arts Commission

A. *Responsibilities.* The Commission will:

1. Appoint the existing, standing Public Art Committee (PAC) to review Temporary Artworks.
2. Temporary Artwork reviews will be added to regular PAC meeting agendas or called meetings as necessary.
3. The PAC will make Temporary Artwork approval recommendations to the Metro Department considering the artwork who may require permits or have procedural review board requiring review and approval of the application.

III. Metro Arts staff

A. *Responsibilities.* Metro Arts staff will:

1. Develop an application process for Temporary Artworks.
2. Serve as liaison between applicant, Metro Department with oversight of the Metro property for which the Temporary Artwork is proposed, and the PAC. Metro Departments may include but are not limited to Nashville Department of Transportation (NDOT), Metro Parks, and Metro General Services.
3. Review applications for Temporary Artworks in consultation with Metro Departments.
4. Create staff recommendations for the PAC.
5. Convene the PAC to review potential artworks.

IV. Review Process

A. *Applicant Submission.* Applicants will be required to submit the following information in writing, utilizing a standard online form developed by Metro Arts staff, at least three months prior to the anticipated installation date, to include:

1. Applicant
2. Artist
3. Proposed artwork site

4. Abutting property owners and Metro Council representative
5. Community engagement
6. Size of artwork
7. Materials for artwork
8. Artwork concept
9. Conceptual drawings/images of artwork
10. Scale drawings of artwork and proposed site
11. Timeline for Installation
12. Installation method
13. Lifespan
14. Removal date
15. Individual or organization responsible for removal and maintenance
16. Budget for maintenance and removal
17. Project budget
18. Additional community partners or fiscal sponsors

B. *Review Criteria and Considerations.* The placement of temporary artwork on public property is not an entitlement allowed for every proposal. Metro Arts will review all applications and, depending on the proposed location, other Metro departments may review as well according to additional departmental criteria. Some Metro departments have procedural review boards in place that require review and approval of application. Artwork will be evaluated for suitability and approved by Metro based on the following criteria and considerations:

1. *Metro Arts and Public Art Committee.* Approval of temporary artwork projects will be reviewed by Metro Arts staff in consultation with staff of Metro Department providing oversight of proposed temporary artwork location. Applications recommended by Metro Arts staff to the PAC will be reviewed and considered for approval using the following criteria and considerations:
 - a. *Artist and Applicant Residency* - Artist must live or work primarily in Davidson County. Any organization serving as project applicant must be located in Davidson County.
 - b. *Artist's Relevant Professional Experience* - Experience and professional record of the artist(s) should provide convincing evidence of ability to successfully complete the project as proposed.
 - c. *Placement/Site Considerations* - The artwork should significantly contribute to the setting, from a functional or design standpoint, and significantly enhance the chosen location in a way meaningful and valuable to the public. The following factors will be considered:
 - i. Visibility
 - ii. Traffic patterns (both interior and exterior) and public access
 - iii. Public safety
 - iv. Relationship to existing planned architectural and natural features
 - v. Users of the site
 - vi. Future development plans for the site/area (if known)
 - vii. Landscape design
 - viii. Existing artwork within the proposed site vicinity
 - ix. Environmental concerns

- x. Public accessibility to the artwork, including ADA requirements
 - xi. Social context (intended use of the work if any)
 - xii. Significance of the proposed artwork
 - xiii. The limited amount of appropriate space available for projects of this type and need to preserve significant amounts of right of way that may be dedicated to other priorities of the Metropolitan Government
 - xiv. *Adherence to Government Plans* - Artworks should adhere to any existing master plans, community plans, historic overlays and/or land use policies or other government priorities and principles affecting the proposed site.
 - xv. *Safety in the Right of Way* - Artwork should not pose a driver distraction or create anything that could be confused with traffic control devices or affect any other safety consideration for users of the right of way.
 - xvi. *Public Utilities* – Artwork may not affect access to any public utility or the reception of any solar panels or photocells.
- d. *Context* - Artwork must be compatible in scale, material, form, and content with its surroundings. Consideration should also be given to the architectural, historical, geographical and social/cultural context of the site or community, as well as the way people may interact with the artwork. Artwork should be compatible with the intent of surrounding civic space and/or Metro buildings, facilities, and sites.
- e. *Community Engagement and Support* - Proposed process includes community outreach and engagement in planning and, for some projects, design and fabrication. Project promotes neighborhood identity and/or community pride. Applicant is required to notify in writing any abutting property owners and Metro Council member representing the proposed location of such artwork before Metro approval and permits may be executed. Documentation of such communication is required.
- f. *Social Distancing* - A plan for adherence to social distancing and health and safety recommendations may be required.
- g. *Artistic Merit* - The inherent quality and excellence of proposed artwork by a professional artist.
- h. *Diversity, Equity, Inclusion and Belonging* – Artwork should consider Metro’s commitment to represent and support people of color, people of all ages, differently abled people, LGBTQIA+ people, all genders, and the socio-economically disadvantaged. Project design and components move past simple representation and address the unequal nature of voice, resource allocation, and visibility that exists within our community.
- i. *Feasibility* - Applicant must show that the proposed artwork is feasible in terms of construction, installation, and schedule and that there are qualified project coordinators/artists to lead the project.
- j. *Fabrication and Installation Schedules* - The applicant’s proposal should include a project timeline that incorporates PAC review, fabrication, site work, delivery and installation. *Materials* – All artwork materials should be designed for use in the proposed location and on the surface to which it will be applied. Those applied on a sidewalk or in a traffic lane must be made of an anti-skid material and comply with ADA requirements. Paint and other materials shall comply with all State and Federal regulations and be applied according to manufacturer’s specifications. Anti-graffiti coatings are encouraged. Metro reserves the right to review and approve materials.

- k. *Installation* –Paint and other materials shall be applied according to the manufacturer’s instructions. Surfaces shall be cleaned and primed prior to the application of materials or installation methods. Vinyl wraps must be professionally installed. Paint, cabinet wraps, or other materials applied to cabinets shall not interfere with cabinet access, door handle, door lock, or ventilation. Applicants must practice safety procedures and be particularly cautious of materials and equipment when working with community members. Applicants must maintain a safe and neat work site, remove equipment and materials after installation, and repair any portion of the site or surrounding area damaged by the installation of the artwork. Metro reserves the right to review and approve installation methods.
 - l. *Text* - Artwork featuring text is allowable. The text must be an original, artistic element within the design.
 - m. *Promotional Material* - Artwork that includes promotional, advertising, logos, or copyright-protected material will not be approved. Messages appearing to advertise or promote a non-profit or commercial entity will not be approved.
 - n. *Permanence*. For the purposes of this policy, temporary is defined as an installation period of one month to 18 months. Approval may be extended, at the discretion of Metro Arts for another 18 months, for projects that are in good condition and whose stewards have fulfilled their obligations and commit to continue to do so.
 - o. *Maintenance* - Due consideration will be given to the structural and surface soundness, maintenance costs and inherent resistance to theft, vandalism, weathering, and excessive maintenance. Artworks on Metro property and in the right of way may, by virtue of their location, be easily damaged. Applications must designate a sufficient maintenance fund and an individual or organization who will be responsible for timely maintenance. Such maintenance may include but is not limited to paint touch-ups, graffiti removal, repainting, or other repairs. Metro does not accept ownership of said artwork nor accept any responsibility for maintenance, repair, and replacement of the artwork.
 - p. *Budget* - Whether sufficient funds are available to fund artwork design and fabrication, transportation of artwork, storage, siting, site work, site design costs, insurance, installation and maintenance, plus reasonable unforeseen circumstances.
 - q. *Artist’s Compensation* – Budget reflects that artist is fairly compensated for their work.
 - r. *Funding* - Metro does not provide financial or staff support for temporary art projects on Metro property except for Metro Arts’ competitively-awarded grant funding and Percent for Art program. Applicant must cover all costs associated with the project, including maintenance and removal of artwork at the agreed upon removal date.
 - s. *Permits*. Once Metro Arts has provided approval, it is the applicant’s responsibility to secure required permits, if required, from Nashville Department of Transportation and final approval from the Metro Department with oversight of the proposed artwork site before installation begins.
 - t. *General Liability Insurance* - General liability insurance may be required, depending on the nature of the project
2. *Nashville Department of Transportation*. Temporary artwork projects in the Right-of-Way (ROW) will receive additional review from the Nashville Department of Transportation (NDOT) staff and may require NDOT permits. Right of Way refers to sidewalks, streetscapes, and areas not managed by another department of Metro such as Parks, Libraries, or General Services. Sidewalks, bridges, and streetscapes connected

to state routes may require Tennessee Department of Transportation (TDOT) approval, which is not part of this application process and not under the purview of Metro.

Criteria and considerations specific to projects in the ROW include:

- a. *Crosswalks and Travel Lanes* - If the proposed temporary artwork site is within the travel lanes of a roadway, only secondary streets with low to moderate vehicular and pedestrian traffic may be activated. Approval will not be granted for project sites that involve heavily trafficked intersections, connectors or major roadways, or any other site conditions that causes a safety concern or conflicts with Metro standards for safety in the roadway.
- b. *Permits* - In addition to the Temporary Artwork approval granted by Metro Arts, applicants may be required to obtain a permit from NDOT for any activity occurring in the ROW. This may include temporary sidewalk or traffic lane closures. Physical structures (sculptures or objects) planned to be located in the right of way will require an encroachment approval which can take an additional 90 days to process. Encroachment permits must be approved by ordinance (three readings before the Metropolitan Council). An artwork with an underground foundation also requires an excavation permit. Complete details related to NDOT permits can be found here. Please note that general liability insurance is a requirement of an NDOT ROW permit.

V. **Final Acceptance**

- A. *Approval*. Recommendations of approval of Temporary Artwork will be made by the PAC. Metro Arts staff will communicate approval to applicant in writing. Approval will describe the terms and conditions under which the Temporary Artwork is to be allowed, including, but not limited to, responsibilities for installation, fabrication (if applicable), site design and preparation, insurance, maintenance, permits, and additional required review boards. Included in the approval will be a statement that Metro retains full rights of reproduction, filming/photography, removal, relocation, and removal of the Temporary Artwork.
- B. *Integrity*. In consideration of the Metropolitan Government of Nashville & Davidson County's approval of the Work for temporary placement upon Metropolitan Government property, Artist agrees to waive and does hereby waive voluntarily all rights to attribution and integrity with respect to the Work and any and all claims as may arise under the Visual Artists Rights Act of 1990, 17 U.S.C. §§106A and 113(d) ("VARA"). Artist maintains ownership of the copyright for the Work. Artist agrees that the Metropolitan Government and its related public agencies have a license to use images of the Work on its webpage, in its publications, and other documents for the purpose of education or for sharing information about Nashville and/or its public arts programming. The waiver describing this agreement must be executed prior to acceptance.

VI. **Repair**

- A. *Repair of Temporary Artwork*. If artwork is tagged with graffiti or damaged within the time period approved in the Temporary Artwork agreement, applicant should abate the damage as soon as possible. The applicant has seven (7) business days from notification to abate graffiti and 30 days from notification to repair any other damage. If repairs are not made in a timely manner, Metro reserves the right to remove the portion of the artwork where the damage occurred or remove the artwork entirely.

VII. Removal

- A. *Applicant's Removal of Temporary Artwork.* Applicant is responsible for removal of artwork at the specified removal date unless approved by Metro.
- B. *Metro's Right to Alter, Relocate, or Remove Temporary Artwork.* Metro reserves the absolute right to have the applicant alter, relocate, or remove from public display any artwork if it is determined in the sole discretion of Metro that the artwork poses a safety hazard, interferes with the flow of pedestrian or vehicular traffic, creates a maintenance problem, interferes with public service or other activities in adjacent areas or is otherwise inappropriate for the site. If the Metro-owned property requires repair or replacement—in part or whole—while the artwork is in place, there is no obligation on the part of Metro to replace, repair or reinstall the artwork. However, Metro will make a reasonable, good faith effort to notify the applicant and provide an opportunity for consultation regarding the removal or relocation of artwork, should that be possible.

VIII. Review and Amendment

- A. These guidelines are subject to periodic review and revision by the Public Art Committee (PAC) of the Metro Arts Commission.