



**To:** MAYOR AND COUNCIL

**Agenda Item #:** IV. D.

**From:** Chad A. Millner, PE, Director of Engineering

**Action**

**Discussion**

**Date:** February 18, 2014

**Information**

**Subject:** Resolution No. 2014-13 Requesting Variance From Standards for State Aid Operation for W. 54<sup>th</sup> Street from Minnehaha Boulevard to France Avenue

### **Action Requested:**

Review and approve the attached resolution authorizing staff and consultant to pursue a variance from the Municipal State Aid (MSA) Variance Committee for a variance on minimum lane widths in order to continue the use of advisory bike lane pavement markings on W. 54<sup>th</sup> Street from Minnehaha Boulevard to France Avenue.

### **Information / Background:**

Currently, W. 54<sup>th</sup> Street from Minnehaha Boulevard to France Avenue is marked with advisory bike lanes as part of the Edina Bike Boulevard Project which was completed in 2012; however, because W. 54<sup>th</sup> Street is being reconstructed in 2014 the City is required to gather two approvals for their continued use.

A variance is required from MSA for on-road bicycle facilities to allow a 12-ft wide outside lane in lieu of a 14-ft wide outside lane. The existing section has two 5-ft advisory bike lanes and a 14-ft shared center area for a total of 24-ft or 12-ft for each wide outside lane.

Since advisory bike lanes are not officially included in the MN Manual of Uniform Traffic Control Devices (MUTCD) they are still considered experimental. Following approval of this variance request, staff will send a letter to the Federal Highway Administration (FHWA) seeking permission to continue the use of the advisory bike lane pavement markings for as long as the City sees fit. Our discussion with various officials lends us to believe this should only be a formality to get approval to continue their use.

Based on discussions with FHWA in Washington D.C., twelve cities are using advisory bike lanes across the country as part of an experiment. Many have submitted progress reports similar to the ones we are required to submit as part of the agreement. We asked for copies but thus far have not received those. Generally speaking according to them, all data submitted to date has shown results consistent with what was expected and have shown no significant safety concerns with the exception of Wooddale Avenue.

A committee meets to review data collected from experimental devices or applications. This committee has not reviewed or considered any permanent action related to advisory bike lanes at this time and it is not anticipated to occur until after 2014.

We clarified the following language from our agreement "to restore the site of the experiment to a condition that complies with the provisions of the MUTCD within 3 months following the end of the time period of this experiment. If, as a result of the experimentation, a request is made that this Manual be changed to include the device or application being experimented with, the device or application will be permitted to remain in place until an official rulemaking action has occurred."

According to FHWA, we are not required to make a specific request for this application to be added to the Manual. We do need to seek permission to continue the use at the discretion of the City for as long as we see fit. For all other experimental treatments installed as part of the Bike Boulevard Project, such as the green share the road markings on Valley View Road, if at the end of the experiment FHWA decides not to include the application in the MUTCD, we could either remove it at that time or leave it in place for its effective life (i.e. when the pavement markings typically would be replaced). Although the agreement states the treatment needs to be removed with 3 months, according to the FHWA we will not be held to this timeframe.

**Attachment:**

Resolution No. 2014-13



**RESOLUTION NO. 2014-13  
REQUESTING VARIANCE FROM  
STANDARDS FOR STATE AID OPERATIONS  
54<sup>th</sup> STREET WEST – MINNEHAHA BOULEVARD TO FRANCE AVENUE**

**WHEREAS**, the City of Edina Engineer is hereby authorized to request a variance from the Minnesota Department of Transportation State Aid Operations, pursuant to Minnesota Rules for State Aid Operations 8820.3300 and 8820.9941, as they apply to the proposed advisory bike lane pavement markings associated with the reconstruction of 54<sup>th</sup> Street West from Minnehaha Boulevard to France Avenue, State Aid Project 120-142-003, located in Edina, Minnesota and Hennepin County; and

**WHEREAS**, Minnesota Rules for State Aid Operation 8820.9941 require a minimum 14-foot Wide Outside Lane; and

**WHEREAS**, the City Council of Edina believes that the minimum design standards set forth by Minnesota Rules for State Aid Operation 8820.9941 as applicable to the proposed advisory bike lane pavement markings associated with the reconstruction of 54<sup>th</sup> Street West from Minnehaha Boulevard to France Avenue, create an undue hardship; and

**WHEREAS**, said hardship has been in successful operation since the fall 2012 as part the Edina Bike Boulevard – Phase 1 Project, SP 120-091-002, Federal Project No. NMTP 2712 (240); and

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Edina, located in Hennepin County, Minnesota, hereby requests a variance from the Minnesota Department of Transportation State Aid Operations Rules Chapter 8820.9941, Minimum Design Standards: On-Road Bicycle Facility for Urban; New or Reconstruction Projects to allow a 12-foot Wide Outside Lane in lieu of a 14-foot Wide Outside Lane in order for the City to continue use of advisory bike lane pavement markings as they currently exist along 54<sup>th</sup> Street West from Minnehaha Boulevard to France Avenue.

**NOW THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Edina, Minnesota**, hereby indemnifies, saves and holds harmless the State of Minnesota and its agents and employees of and from claims, demands, actions, or causes of action arising out of, or by reason the continued use of advisory bike lane pavement markings along 54<sup>th</sup> Street West from Minnehaha Boulevard to France Avenue in accordance with Minnesota Rules 8820.9941. The Council further agrees to defend at its sole cost and expense, any action of proceeding commenced for the purpose of asserting any claim arising as a result of the granting of this variance.

Dated: February 18, 2014

Attest: \_\_\_\_\_  
Debra A. Mangen, City Clerk

\_\_\_\_\_   
James B. Hovland, Mayor

STATE OF MINNESOTA        )  
COUNTY OF HENNEPIN     )SS  
CITY OF EDINA                )

**CERTIFICATE OF CITY CLERK**

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of February 18, 2014, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_   
City Clerk