

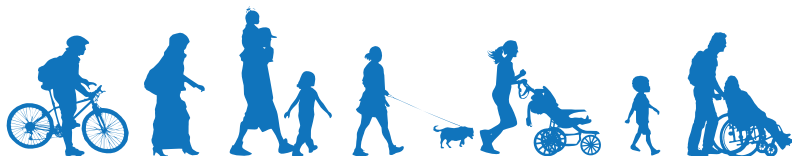
RAMSEY COUNTY-WIDE

Pedestrian & Bicycle Plan

PRIMER: LEGAL FRAMEWORK



PRIMER: LEGAL FRAMEWORK
Walking and Biking for All




Active Living
Ramsey Communities

A Program of
 RAMSEY COUNTY

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Legal Framework



For the last few decades, the transportation system has primarily focused on improving travel for users of personal motor vehicles, despite the fact that 40% of Minnesotans do not drive.¹ Non-motorized transportation is supported by laws and plans at the regional, state, and federal levels. Additionally, the right to travel is guaranteed by the US Constitution under the 14th Amendment. It is illegal to discriminate against people with disabilities, racial and ethnic minorities and others in the public transportation system.²

According to state law, the goal of Minnesota's transportation system is to provide safe access and mobility for all.

MnDOT's goal is a "a safe, accessible, efficient and reliable multimodal transportation system that connects people to destinations and markets throughout the state, regionally and around the world."³ Building a better transportation system for non-motorized users also serves broader state and national goals supported by funding and regulations:

- » Public health
- » Economic development
- » Education
- » Tourism
- » Recreation
- » Environmental protection
- » Protection of civil and human rights

1 The Center for Prevention at Blue Cross and Blue Shield of Minnesota; <http://www.centerforpreventionmn.com/our-approach/how-we-work/influencing-policy/complete-streets>

2 "A Review of Federal and Minnesota Laws on Pedestrian, Bicycle, and Non-motorized Transportation" MnDOT, p. 9: http://www.dot.state.mn.us/planning/completestreets/docs/BikePedLawReview_Final.pdf

3 MnDOT's Vision: <http://www.dot.state.mn.us/vision/>



CIVIL RIGHTS

RESPECTING CIVIL RIGHTS

Governmental agencies providing publicly funded transportation facilities and services are required to ensure that no one is discriminated against based on disability, age, race, religion, socioeconomic status, marital status, sex or sexual orientation. There are various Federal and state civil rights laws in place to protect individuals from discrimination in the transportation system.

Government agencies need to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12250 and related statutes and regulations in all programs and activities. Additionally, Federal guidelines require agencies receiving federal assistance to consider the transportation needs of all.

- **Title VI** requires that “no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity which receives Federal financial assistance.”
- **Civil Rights Restoration Act of 1987** specifies that recipients of federal funding are required to comply with Title VI and the additional nondiscrimination requirements that are applicable to federal programs, in addition to programs receiving federal financial assistance. Under this legislation, the entire Minnesota Department of Transportation is required to comply.
- Numerous nondiscrimination statutes exist that afford legal protection to persons of protected classes. These include **Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324)** (sex), **Age Discrimination Act of 1975** (age) and **Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990** (disability).
- **Executive Order #12250 (Leadership and Coordination of Nondiscrimination Law)**, issued by the United States Department of Justice, specifies that agencies are “directed to ensure the consistent and effective implementation of Title VI and other nondiscrimination requirements (including Environmental Justice and Limited English Proficiency) by prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance.”
- **The Minnesota Olmstead Plan** is a broad series of key activities our state must accomplish to ensure people with disabilities are living, learning, working and enjoying life in the most integrated setting.

For additional information on laws related to non-motorized transportation, refer to “A Review of Federal and Minnesota Laws on Pedestrian, Bicycle and Non-motorized Transportation,” published by Minnesota Department of Transportation in October 2013 and available for download here: http://www.dot.state.mn.us/planning/completestreets/docs/BikePedLawReview_Final.pdf

Legal Framework for Non-Motorized Transportation



FEDERAL LAWS AND GUIDANCE

US Department of Transportation

The federal government supports non-motorized transportation by providing financial and technical assistance to other levels of government. In 2010, the U.S. Department of Transportation (USDOT) released a policy statement supporting people walking and bicycling:

“The DOT policy is to incorporate safe and convenient walking and bicycling facilities into transportation projects. Every transportation agency, including DOT, has the responsibility to improve conditions and opportunities for walking and bicycling and to integrate walking and bicycling into their transportation systems. Because of the numerous individual and community benefits that walking and bicycling provide — including health, safety, environmental, transportation and quality of life — transportation agencies are encouraged to go beyond minimum standards to provide safe and convenient facilities for these modes.”¹

AASHTO Guidance

The American Association of State Highway and Transportation Officials (AASHTO) is a standards-setting body that publishes specifications and policies guiding highway design and construction practices throughout the United States. Its policies strongly support the provision of adequate bicycle facilities.

In 2012, AASHTO released a new bicycle planning guide². The new AASHTO guide covers paths and on-road bikeways and features bikeway level of service (LOS) considerations for roadway design. The guide:

- » Authorizes the narrowing of motor vehicle lanes - down to and including 10 feet and 11 feet widths - in order to better accommodate pedestrian and bicycle needs.
- » Provides nuanced guidance on bike lane design.
- » Is consistent with all applicable Federal / FHWA guidance, so that all projects designed in accordance with the 2012 AASHTO Bicycle Guide will be acceptable for and eligible for receiving federal funding.

“All highways, except those where bicyclists are legally prohibited, should be designed and constructed under the assumption they will be used by cyclists. Therefore, bicycles should be considered in all phases of transportation planning, new roadway design, roadway construction and capacity improvement projects, and transit projects.”

-AASHTO Guide for the Development of Bicycle Facilities

¹ United States Department of Transportation Policy Statement on Bicycle and Pedestrian Accommodation Regulations and Recommendations: http://www.fhwa.dot.gov/environment/bicycle_pedestrian/overview/policy_accom.cfm

² AASHTO Guide for the Development of Bicycle Facilities, 4th Edition: https://bookstore.transportation.org/collection_detail.aspx?ID=116

- » Provides greater flexibility in the design process in order to better accommodate bicycling in urban contexts.

AASHTO's 2004 pedestrian planning guide¹ (Guide for the Planning, Design, and Operation of Pedestrian Facilities, 1st Edition) is being revised and should be published in 2015-2016. Other potentially helpful reference manuals from AASHTO include: the 2014 Guide for Geometric Design of Transit Facilities on Highways and Streets, 1st Edition² and the 2004 Guide for Park-and-Ride Facilities, 2nd Edition.³

FHWA Guidance

In 2015, the Federal Highway Administration (FHWA) published the Separated Bike Lane Planning and Design Guide.⁴ This document provides context-specific recommendations for building separated bike lanes, which are dedicated on-street bicycle facilities with physical protection from motorized traffic. In the right context, separated bike lanes can attract riders who might feel uncomfortable riding without protection from motorized traffic. The guide extends beyond engineering and outlines best practices for funding, maintaining and conducting public participation on separated bike lanes.

NACTO⁵ and ITE⁶ Guides

The National Association of City Transportation Officials (NACTO) and the Institute of Transportation Engineers (ITE) developed guides with effective and context-sensitive designs for bicycling and walking facilities. The FHWA and the US DOT endorse the use of these manuals to plan and design non-motorized transportation networks.⁷

1 AASHTO Guide for the Planning Design, and Operation of Pedestrian Facilities, 1st Edition: https://bookstore.transportation.org/collection_detail.aspx?ID=116

2 AASHTO Guide for Geometric Design of Transit Facilities on Highways and Streets, 1st Edition. https://bookstore.transportation.org/Item_details.aspx?id=2215

3 AASHTO Guide for Park and Ride Facilities, 2nd Edition. https://bookstore.transportation.org/item_details.aspx?id=121

4 "Separated Bike Lane Planning and Design Guide" by FHWA (2015) http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/separated_bikelane_pdg/page00.cfm

5 "Urban Bikeway Design Guide" by NACTO (2012) <http://nacto.org/publication/urban-bikeway-design-guide/>

6 "Designing Walkable Urban Thoroughfares" by ITE (2010) <http://library.ite.org/pub/e1cff43c-2354-d714-51d9-d82b39d4d4bad>

7 FHWA Memorandum on Bicycle and Pedestrian Facility Design Flexibility: http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_guidance/design_flexibility.cfm

MINNESOTA LAWS AND GUIDANCE

Minnesota Complete Streets Law

Complete Streets became part of Minnesota law in 2010. As defined under Minnesota Statute 175.74, Complete Streets is the “planning, scoping, design, implementation, operation, and maintenance of roads in order to reasonably address the safety and accessibility needs of users of all ages and abilities.”

Minnesota’s Complete Streets laws and policies direct state transportation agencies to design and operate Minnesota roads to enable safe access for all users, including pedestrians, bicyclists and motorists.

Minnesota Statute 174.01 Subd. 2, Transportation Goals

- » Promote and increase bicycling as an energy-efficient, non-polluting and healthful transportation alternative.
- » Provide safe transportation to users throughout the state.
- » Provide multi-modal and inter-modal transportation that enhances mobility, economic development and provides access to all persons.

Minnesota Department of Transportation (MnDOT) policies

State law encourages cities to implement context-sensitive solutions. When a city requests a variance from engineering standards for a state-aid project, state law requires the transportation commissioner to consider context-sensitive

MnDOT is expected to invest \$500 million in pedestrian and bicycle improvements along and across highways between 2014 and 2033.¹

¹ Minnesota State Highway Investment Plan: 2014-2033: <http://www.dot.state.mn.us/planning/mnship/>



solutions when evaluating the request. The MnDOT ombudsman handles complaints.

Americans with Disabilities Act Transition Plan

The MnDOT Americans with Disabilities Act Transition Plan, updated in July 2011, states: “The success of making our transportation system fully accessible depends on the coordinated efforts of all levels of government, the public and the policies and strategies outlined in this plan. MnDOT will continue to look for opportunities to involve citizens, stakeholders and partners in the implementation of this plan, future updates to the plan and in policy decisions affecting accessibility. Together, we can realize a shared vision of an accessible, safe, efficient and sustainable transportation system.”¹

State Aid Rules

MnDOT provides financial and technical assistance to local governments in constructing and maintaining streets and highways. State administrative rule 8820 lists design standards and maintenance requirements for state-aid routes.²

State funding for sidewalks and bicycle paths

According to state administrative rule 8820.3100 subp. 7a, urban municipalities can request general state-aid funding for a bicycle path or sidewalk if:

- » the bicycle path or sidewalk is located within the permanent right-of-way of a state-aid-eligible route or within an easement generally parallel with a state-aid route.³

County state-aid funds are available for an off-street bicycle path or sidewalk if:

- » there are matching federal-aid funds

or

- » the bicycle path or sidewalk is located within the permanent right-of-way of a state-aid route or within an easement generally parallel with a state-aid route, and
- » the facility is part of an adopted plan.

1 MnDOT ADA Transition Plan <http://www.dot.state.mn.us/ada/transitionplan.html>
Federal

2 MnDOT State Aid for Local Transportation Division, State-Aid Operations <http://www.dot.state.mn.us/stateaid/programlibrary/stateaidrules.pdf>

3 Minnesota Administrative Rules: <https://www.revisor.mn.gov/rules/?id=8820.3100>

Communities that plan pedestrian and bicycle transportation networks will have an easier time qualifying for state-aid funding for sidewalks and bicycle paths.

County municipal state-aid funds are available for an off-street bicycle path or sidewalk if:

- » the bicycle path or sidewalk is located within the permanent right-of-way of a state-aid route or within an easement generally parallel with a state-aid route.

Narrowing travel lanes on state-aid routes

MnDOT provides design flexibility for roadways with bicycle facilities.¹ The MnDOT Bikeway Facility Design Manual recommends narrowing travel lanes to 10 or 11 feet to accommodate bicycle lanes when the right of way is constrained and speed limits are 30 mph or less.²

Lowering speed limits on state-aid routes

Minnesota statutes currently allow cities and other jurisdictions to lower speed limits to 25 miles per hour without need of any additional engineering or traffic study if a bicycle lane is provided.

According to Minnesota Statute 160.263, bicycle lanes and ways, Subdivision 4, Speed on street with bicycle lane:

“Notwithstanding section 169.14, Subdivision 5, the governing body of any political subdivision, by resolution or ordinance and without an engineering or traffic investigation, may designate a safe speed for any street or highway under its authority upon which it has established a bicycle lane; provided that such safe speed shall not be lower than 25 miles per hour. The ordinance or resolution designating a safe speed is effective when appropriate signs designating the speed are erected along the street or highway, as provided by the governing body.”³

School zone speed limits

“Local authorities may establish a school speed limit within a school zone of a public or nonpublic school upon the basis of an engineering and traffic investigation as prescribed by the commissioner of transportation. ... Such school speed limits shall be in effect when children are present, going to or leaving school during opening or closing hours or during school recess

Funding through State Aid is available for:

- *Sidewalks*
- *Bike Paths*
- *Road Reconfiguration*
- *Lowering Speed Limits*

¹ Minnesota State Administrative Rules 8820.9920, 8820.9926

² “Bikeway Facility Design Manual” by MnDOT (2007) <http://www.dot.state.mn.us/bike/pdfs/manual/manual.pdf>

³ Minnesota Statutes: <https://www.revisor.leg.state.mn.us/statutes/?id=160.263>

periods. The school speed limit shall not be lower than 15 miles per hour and shall not be more than 30 miles per hour below the established speed limit on an affected street or highway.”¹

Applying for a variance from state-aid rules

Minnesota Administrative Rule 8820.3300 outlines the process for applying for a variance from state-aid rules. The local government must make a written request to the MnDOT commissioner with information about the variance and its expected impacts. The request is reviewed by advisory committee, who consider the:

- » economic, social, safety and environmental impacts which may result from the requested variance;
- » effectiveness of the project in eliminating an existing and projected deficiency in the transportation system;
- » effect on adjacent lands;
- » number of persons affected;
- » effect on future maintenance;
- » safety considerations as they apply to pedestrians, bicyclists, motoring public, and fire, police and emergency units; and
- » effect that the rule and standards may have in imposing an undue burden on a political subdivision.

¹ Minnesota Statutes 169.14 Subd. 5a <https://www.revisor.leg.state.mn.us/statutes/?id=169.14>



Minimum design standards for on-street bikeways

Administrative Rule 8820.9941 describes the minimum bicycle facilities for newly-constructed (or reconstructed) state-aid routes. Shared lanes are accepted on narrower, low-volume, slower streets. Bicycle lanes (or higher-quality facilities) are generally required for fast, busy streets.

Minnesota GO Long-Term Transportation Plan

The Minnesota GO 50-Year Vision for Transportation conceives of a “multi-modal transportation system that maximizes the health of people” and is “accessible and safe for users of all abilities and incomes.” At the time of this writing, MnDOT is developing the Statewide Bicycle System Plan and a Statewide Pedestrian System Plan.

State Reference Documents

MnDOT has prepared materials on bicycle and pedestrian travel:

- » 2007 Bikeways Facility Design Manual¹
- » 2013 Minnesota’s Best Practices for Pedestrian/ Bicycle Safety²
- » 2013 Best Practices Synthesis and Guidance in At-Grade Trail-Crossing Treatments³

1 “Bikeway Facility Design Manual” by MnDOT (2007) <http://www.dot.state.mn.us/bike/pdfs/manual/manual.pdf>

2 “Minnesota’s Best Practices for Pedestrian/Bicycle Safety” by MnDOT (2013) <http://www.dot.state.mn.us/stateaid/trafficsafety/reference/ped-bike-handbook-09.18.2013-v1.pdf>

3 “Best Practices Synthesis and Guidance in At-Grade Trail-Crossing Treatments” by MnDOT (2013) <http://www.dot.state.mn.us/research/TS/2013/201323.pdf>

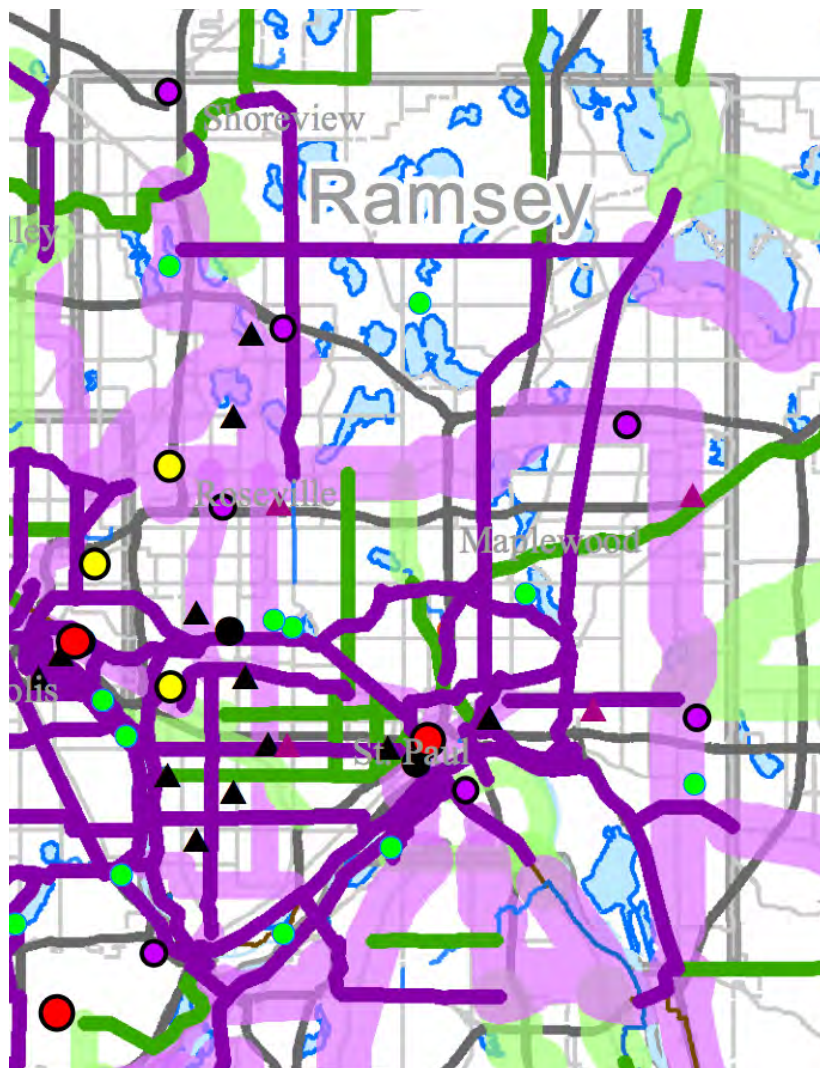
REGIONAL LAWS AND GUIDANCE

Metropolitan Council's 2040 Transportation Policy Plan¹

The Metropolitan Council, the regional planning organization for the Twin Cities, adopted the 2040 Transportation Policy Plan in January 2015. The Metropolitan Council updates their transportation plan every four years, in accordance with federal requirements. The Plan strongly supports a transportation system that serves people walking and bicycling.

¹ "2040 Transportation Policy Plan" by the Metropolitan Council (2015) [http://www.metrocouncil.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-\(1\)/The-Adopted-2040-TPP-\(1\).aspx](http://www.metrocouncil.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-(1)/The-Adopted-2040-TPP-(1).aspx)

Regional Bicycle Transportation Network Vision



Priority Regional Bicycle Transportation Corridors (shown in purple) are identified in the Metropolitan Council Twin Cities Regional Bicycle Transportation Network Vision and are included in the Ramsey County Bicycle Map.

Walking: The Plan addresses walking in several different chapters. Chapter 3 “Land Use and Local Planning”, explains how local governments can design safe, pleasant and convenient places to walk.

MnDOT is expected to invest \$500 million in pedestrian and bicycle improvements along and across highways between 2014 and 2033.¹ In Chapter 5 “Highway Investment Direction and Plan,” the Plan lists the types of bicycle and pedestrian improvements that can accompany highway projects.

Public transit supports walking and bicycling as convenient, affordable and healthy transportation options. In Chapter 6 “Transit Investment Direction and Plan”, the Plan lists “encouraging active car-free lifestyles” as an objective guiding investment in public transit.

Biking: The Plan identifies Priority Regional Bicycle Corridors serving as “backbone” transportation facilities. The regional network is intended to be supplemented by local bikeways. The Plan recommends context-sensitive bikeway designs for the network.

¹ Minnesota GO 20-Year State Highway Investment Plan: <http://www.dot.state.mn.us/planning/mnship/>

APPENDIX

Links

Local and State

- » “2040 Transportation Policy Plan” by the Metropolitan Council (2015) [http://www.metrocouncil.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-\(1\)/The-Adopted-2040-TPP-\(1\).aspx](http://www.metrocouncil.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-(1)/The-Adopted-2040-TPP-(1).aspx)
- » “A Review of Federal and Minnesota Laws on Pedestrian, Bicycle, and Non-motorized Transportation” by MnDOT (2013) http://www.dot.state.mn.us/planning/completestreets/docs/BikePedLawReview_Final.pdf
- » “Best Practices Synthesis and Guidance in At-Grade Trail-Crossing Treatments” by MnDOT (2013) <http://www.dot.state.mn.us/research/TS/2013/201323.pdf>
- » “Bikeway Facility Design Manual” by MnDOT (2007) <http://www.dot.state.mn.us/bike/pdfs/manual/manual.pdf>
- » Complete Streets in Minnesota <http://www.dot.state.mn.us/planning/completestreets/index.html>
- » Minnesota Statute 174.01: Transportation goals <https://www.revisor.mn.gov/statutes/?id=174.01>
- » “Minnesota’s Best Practices for Pedestrian/Bicycle Safety” by MnDOT (2013) <http://www.dot.state.mn.us/stateaid/trafficsafety/reference/ped-bike-handbook-09.18.2013-v1.pdf>
- » MnDOT ADA Transition Plan <http://www.dot.state.mn.us/ada/transitionplan.html>

Federal

- » “Designing Walkable Urban Thoroughfares” by ITE (2010) <http://library.ite.org/pub/e1cff43c-2354-d714-51d9-d82b39d4dbad>
- » Guide for the Development of Bicycle Facilities, 4th Edition” by AASHTO (2012) https://bookstore.transportation.org/collection_detail.aspx?ID=116
- » “Guide for the Planning, Design, and Operation of Pedestrian Facilities” by AASHTO (2004) https://bookstore.transportation.org/item_details.aspx?ID=119
- » “Separated Bike Lane Planning and Design Guide” by FHWA (2015) http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/separated_bikelane_pdg/page00.cfm
- » “Urban Bikeway Design Guide” by NACTO (2012) <http://nacto.org/publication/urban-bikeway-design-guide/>

