

112th Metropolitan Bicycle and Pedestrian Committee Meeting
October 7th, 2020 – 3:00pm
Virtual Meeting / Metro COG Conference Room

Members Present

Dan Farnsworth, Chair, Metro COG
Chris Garty, Citizen Representative
Barret Voigt, City of Horace
Christine Holland, Riverkeepers
Jane Butzer, MnDOT District 4
Jason Benson, Cass County (Proxy for Grace Puppe)
Jonathan Atkins, City of Moorhead Engineering
Kim Citrowske, City of Moorhead Planning
Patrick Hollister, PartnerSHIP 4 Health
Kim Lipetzky, Fargo Cass Public Health
Maegin Elshaug, City of Fargo Planning
Malachi Petersen, City of West Fargo Planning (proxy for Tim Solberg)
Peyton Mastera, City of Dilworth
Tyler Kirchner, Fargo Park District
Matthew Jacobson, Clay County Planning
Bob Walton, NDDOT

Others Present:

Cindy Gray, Metro COG
Rocky De Rosario, Metro COG
Rocky Schneider, Metro COG Policy Board Member
Cory Mock, ND State Representative (District 42)
Savanna Leach, Metro COG
Andrew Wrocke, City of West Fargo Engineering
David Sweeney, SRF
Jason Olson, Horace Park District
Karin Flom, City of Fargo Planning
Maggie Squyer, City of Fargo Planning
Tom Trowbridge, City of Moorhead Engineering

1. Welcome and Introductions

The meeting began at 3:05 pm. Attendees introduced themselves.

2. Approve minutes from July 15th, 2020 meeting

A motion to approve the July 15th minutes was made by P. Mastera and seconded by M. Elshaug. The minutes were passed unanimously with no edits.

3. Need for Lemke Park/River Oaks Park River Bridge

C. Garty gave a presentation he developed for the Committee showing the Committee the benefits of having a pedestrian bridge connecting Lemke Park in south Fargo to River Oaks Park in south Moorhead. Some of the benefits / needs of a bridge at this location are the following:

- There is nowhere for a pedestrian/bicyclist to cross the river between Lindenwood/Gooseberry Park and 52nd Ave S/60th Ave S (a 3.5 mile gap)
- A Lemke/River Oaks crossing would connected more populated areas of Fargo-Moorhead as compared to a crossing at 40th Ave S / Bluestem
- A transit route on the Fargo side and a transit route on the Moorhead side currently line up with a Lemke/River Oaks crossing
- The dam along River Oaks Park could make for a potential cost effective bridge crossing by using a floating bridge. A floating bridge at this location wouldn't impede river traffic due to the nearby dam
- River Oaks Park is a hidden gem many don't have access to enjoy.

After C. Garty's presentation, there was discussion about the potential and feasibility of a crossing at Lemke/River Oaks Park. Some items brought up by various members of the Committee included:

- Some agreed that from a geographical standpoint, a crossing at Lemke/River Oaks Park makes a lot of sense.
- It was noted that this location has been considered over the years by local jurisdictions, however some issues with the locations include:
 - River Oaks Park is lower in elevation. It would be ideal to have a higher non-lift bridge, however the lower elevation would make this very difficult. River Oaks Park is in the floodway. This would make any structure, abutments, or other fill necessary for the bridge subject to permitting, complications and possible denial by the Army Corps of Engineers.
 - Regarding installing a floating bridge, Fargo & Moorhead Parks Districts are hoping to steer away from future floating bridges. The floating bridges require a lot of attention during time of flooding, even minor floods. In addition, the removal of these bridges during times of flooding can put maintenance personnel at risk, particularly when a dam is nearby.
 - It was noted that the river crossing distance at Bluestem/40th Ave S is shorter than the river crossing distance at Lemke/River Oaks Park.
 - The neighborhoods adjacent to Lemke Park and River Oaks Park have historically shown opposition to amenities in the area (i.e. the dog park at River Oaks Park, a proposed canoe portage around the dam).

After discussing the possibility/feasibility of a pedestrian bridge at Lemke/River Oaks Park Metro COG noted that the next bicycle/pedestrian plan will begin in the spring or summer of 2021, at which point river crossing will be evaluated and public input will be sought. In

addition, Metro COG is planning to work with the City of Fargo on a greenway study which would include the river corridor and possible river crossings. This study is anticipated to being in late 2021.

4. Draft Bicycle Legislation

R. Schneider has been working with ND State Representative Cory Mock (District 42) in drafting three separate piece of legislation regarding bicycle-related laws. These three pieces of legislation include the following:

- Overtaking and passing a bicycle
- Yielding and stopping while operating a bicycle on a roadway
- E-Bike regulations

Below is a summary of each proposed bill, the rationale behind each bill, and the discussion that followed by the Committee.

Overtaking and passing a bicycle

- Rationale for bill: There is currently no rules regarding a motorist passing a bicycle. ND is one of the few states without such rules. All neighboring states have safe passing rules for motorists passing bicyclists. Such a law could make a safer environment for those riding bicycles on the road.
- Discussion by the Committee: The Committee seemed to be in favor of such a law. Some questions were raised about the wording of the proposed legislation, such as – should we be using a different term other than ‘overtaking’? Overtaking sounds like an aggressive term for passing a bicyclist. The Committee also recommend that the proposed legislation include language allowing motorists to cross the centerline to safely pass a bicyclists when there are no oncoming vehicles.

Yielding and stopping while operating a bicycle on a roadway

- Rationale for bill: Often referred to as the ‘Idaho Stop’, this proposed piece of legislation would allow bicyclists riding on the roadway to treat stop signs as yield signs and treat red traffic signals as stop signs. Since bicyclists require more time to accelerate, coming to a complete stop at stop controlled intersections, when no cars are at the side streets, is inefficient. Often bicycle riders will not stop at stop signs for this reason, and this legislation would decriminalize such action. Regarding treating red traffic signals as stop signs, the rationale is that bicyclists are often not detected a signalized intersections. So if a bicycle is waiting at a red traffic signal without any vehicles to actuate the detector, the bicyclist will legally need to wait indefinitely until a vehicles arrives. This part of the legislation would allow the bicyclist to legally pass through the intersection if safe to do so.
- Discussion by the Committee: There were mixed opinions by the Committee regarding this proposed piece of legislation. Concerns that were expressed were: (a) Legalizing stop sign running and red light running by bicyclists could become a safety hazard for both bicyclists and motorists. If a motorist were to get into an accident

with a bicyclists, regardless of who is at fault, the blame would likely fall onto the motorist. (b) This could give bicyclists a bad reputation when motorists and others see bicyclists running stop signs and red lights. Some advantages that some Committee members saw to this were: (a) Bicyclists are already not stopping at stop signs because it is not necessary when there are no vehicles present, this law would make this common behavior legal. (b) Unlike motorists who are enclosed in a vehicle, bicyclists have an unobstructed view of intersections and can more safely negotiate whether a vehicle or pedestrian is arriving at an intersection. (c) How else is a bicyclist supposed to legally cross a signalized intersection with a red light if they are not detected by the traffic signal? One Committee member recalls Park City, Utah having a well-written, successful law regarding the 'Idaho Stop'. It was recommended that this be looked into.

E-bike regulations

- Rationale for bill: Not included in the agenda was a newly-drafted piece of legislation pertaining to the emerging use of electric bicycles (E-bikes). E-bikes come in three classifications and are often pedal-assisted bicycles. Currently E-bikes are considered motorized vehicles under ND's current code. However E-bikes are designed as bicycles, which often involve pedaling but are assisted by small electric motors to assist the rider. Since E-bikes are considered motorized vehicles per ND code, this means it is technically illegal to ride them on shared-use paths, mountain bike trails, etc. This proposed legislation would allow E-bikes to legally use such facilities and would spell out certain specification for each class of E-bike.
- Discussion by the Committee: The Committee seemed to concur that such legislation is necessary for E-bikes.

In conclusion, it was decided that Metro COG will send out these three pieces of legislation to the Bicycle & Pedestrian Committee for further review and comments and also send to the BIKE FM group. It was also suggested that the R. Schneider / Representative Mock inquire from other bicycle groups from around the state regarding these proposed bills. R. Schneider stated that they have reached out to Nick Ybarra from western ND. D. Farnsworth also suggested reaching out to Justin Kristan of the ND Active Transportation Alliance.

5. Transportation Alternatives Grant Solicitation

D. Farnsworth notified the Committee that the solicitation for the ND and MN Transportation Alternatives Grant is now open. Farnsworth noted that the ND grant includes two years of funding, 2023 and 2024. He highly encouraged ND jurisdictions to apply since their likelihood for funding is twice as high.

Some key dates include Transportation Alternatives Grant are as follows:

North Dakota

- September 2020 – Announcement of TA solicitation
- November 20, 2020 - Draft applications to be submitted to Metro COG
- Noon December 2, 2020 – Deadline to submit applications to Metro COG
- Spring of 2021 – Announcement to applicants

Minnesota

- October 1, 2020 – Announcement of TA solicitation
- October 30, 2020 – Deadline to submit letters of intent
- January 8, 2021 – Deadline to submit full applications
- After April 15, 2021 – Announcement to applicants

6. Public input opportunity

No public comments were made during this opportunity.

7. Other business

With P. Hollister’s involvement and enthusiasm for bicycle matters, J. Atkins asked P. Hollister his thoughts on the proposed ‘Idaho Stop’ legislation discussed in Item 4. P. Hollister noted that he will actually be part of a meeting at 6:00 pm with the Bicycle Alliance of MN to discuss similar legislation for Minnesota. P. Hollister noted that there may be some traction in MN and elsewhere for enacting ‘Idaho Stop’ legislation. He also mentioned that perhaps there could be some infrastructure improvements that could be done in-place of an ‘Idaho Stop’ law such as bike boxes, bike-specific traffic signals, and push buttons for bicycle users at key signalized intersections.

Meeting adjourned 5:05 pm.