



# Legislative Report on Complete Streets

January 2012



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## Report Development Cost

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As required in Minn. Stat. 3.197, this document must contain the cost of preparing the report at the beginning of the report, including any costs incurred by another agency or another level of government.

MnDOT staff costs totaled approximately \$4,500.

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## Legislative request

This report is in response to the legislative directive to the commissioner of transportation to report on the department's complete streets activities. Minnesota Laws 2010, Chapter 351, Section 72, requires that the report:

- Summarizes the results of the collaboration under Minn. Stat. 174.75, subd. 3
- Identifies modifications made to or recommended for protocols, guidance, standards or other requirements to facilitate complete streets implementation
- Reports status of development of complete streets performance indicators
- Outlines other work planned related to the complete streets policy
- Identifies statutory recommendations to facilitate complete streets policy implementation

## Collaboration results

Recent collaborative efforts for complete streets advocacy and implementation in Minnesota are considerable and encouraging, with 24 Minnesota local government entities having adopted complete streets resolutions, policies or implementation approaches as of November 2011. Barbara McCann, National Complete Streets Coalition executive director, attested to this in her keynote address at a national Peer Exchange on Adapting Organizations to Deliver Complete Streets (sponsored by the Federal Highway Administration and the American Association of State Highway and Transportation Officials in Washington, D.C., on Nov. 16, 2011). In her remarks to an audience that included representatives from FHWA, AASHTO and more than 20 other state, regional and local transportation authorities, McCann noted:

*"MnDOT's collaborative approach, and efforts with other partners, has been a great model, and they laid a good early foundation by doing a feasibility study for adoption of complete streets in Minnesota."*

MnDOT also was invited to make a presentation at the national peer exchange to share its approach towards developing and implementing a complete streets program and to help to kick-off discussions in that topic area. Peer exchange sponsors were impressed by MnDOT's collaborative efforts, aggressiveness and evolving success in identifying and pursuing complete streets implementation research projects and funding, as well as innovations in exploring and demonstrating new best practices for multi-jurisdictional collaboration in planning and project development and application of performance-based flexibility in design. Maryland State Highway Administration participants said that, with minor modifications, MSHA could adopt MnDOT's online Complete Streets Implementation Work Plan for its own use. They added that MSHA would share its experiences, perspectives and lessons learned during complete streets implementation with MnDOT.

A recent National Complete Streets Coalition research effort and publication – "Complete Streets Policy Analysis 2010: A Story of Growing Strength" – evaluated and scored complete streets policy approaches across jurisdictions (states, state DOTs, metropolitan planning organizations, counties and cities). The evaluation and scoring analyzed complete streets approaches based upon how well they addressed the following 10 elements of an ideal policy model:

- Vision

- All users and modes
- Network
- Jurisdiction
- Phases
- Exceptions
- Design
- Context sensitivity
- Performance measures
- Implementation plans

A number of Minnesota jurisdictions were evaluated and scored very highly in this nationwide analysis: the Minnesota Complete Streets state law was rated as the #1 state law; the Hennepin County Complete Streets policy was rated as the #1 county policy; the Fargo-Moorhead Metropolitan Council Complete Streets policy was rated the #3 metropolitan planning organization policy; and the Big Lake and Rochester complete streets resolutions and policies were rated the #1 and #3 city policies, respectively.

To date, the complete streets collaboration, and MnDOT's leadership in that effort, has focused on:

- Completing a legislatively mandated Complete Streets Feasibility Study and Report in 2009
- Leading a partnership effort toward development of a Complete Streets Vision and Policy applicable to the state trunk highway system
- Supporting local governments that are interested in implementing complete streets approaches on their local roadway systems
- Supporting and cooperating with the Minnesota Complete Streets Coalition, other stakeholders and the Legislature leading up to enactment of complete streets provisions and law as stated in the 2010 Omnibus Transportation Policy Bill
- Developing and working with a diverse and broad-ranging external Complete Streets Advisory Group to help inform and guide MnDOT's complete streets approach and implementation efforts.

**The 2010 Omnibus Transportation Policy Bill (Chapter 351 - SF 2540) states:**

**Sec.52. [174.75] COMPLETE STREETS**

**Subdivision 1. Definition.** *“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. Complete streets considers the needs of motorists, pedestrians, transit users, and vehicles, bicyclists and commercial and emergency vehicles moving along and across roads, intersections, and crossings in a manner that is sensitive to the local context and recognizes that the needs vary in urban, suburban, and rural settings.*

**Subdivision 2. Implementation.** *The commissioner shall implement a complete streets policy after consultation with stakeholders, state and regional agencies, local governments, and road authorities. The commissioner, after such consultation, shall address relevant protocols, guidance, standards, requirements, and training, and shall integrate related principles of context-sensitive solutions.*

MnDOT invited more than 30 individuals, representing more than 20 organizations, to serve as a Complete Streets External Advisory Group. Their participation has been insightful and valuable. The targeted organizations included: ADA of MN, Association of Minnesota Counties, Counties Association of Townships, Builder's Association of Minnesota, Minnesota Complete Streets Coalition, Department of Employment and Economic Development, Federal Highway Administration,

Minnesota Department of Health, Minnesota House of Representatives, Minnesota Housing Finance Agency, League of Minnesota Cities, Metro Council MPO, Metro Transit, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Department of Public Safety, Minnesota Public Transit Association, West Central Initiative RDC, Minnesota Transportation Alliance, Hennepin County and the city of Rochester. Engagement and interaction is ongoing with good participation by representatives from the majority (but not all) of the external organizations that MnDOT targeted.

MnDOT has facilitated five Complete Streets External Advisory Group meetings thus far (July 2010, February 2011, May 2011, September 2011 and November 2011). The next external advisory group meeting is scheduled for February 2012.

Presentations and discussions with the external advisors have focused on a number of topics, including:

- Benefits, challenges and case studies in planning, implementing and maintaining complete streets
- 2009 Minnesota Complete Streets Feasibility Study findings and report
- 2010 Minnesota Complete Streets-related legislation
- Context Sensitive Solutions philosophy, principles, benefits and case studies as an overarching approach to planning and implementing complete streets
- Collaborative and multi-jurisdictional network planning and coordination
- Flexibility in design and reallocation of space
- Roadway classifications and settings (context zones) to better integrate transportation and land use planning and development activities
- Opportunities to participate in MnDOT's CSS and Advanced Flexibility in Design workshops (with their integrated complete streets training modules)
- Current and emerging ADA implications and requirements
- Minnesota state trunk highway design standards and flexibility in design and "exception" procedures
- Minnesota State Aid CSAH / MSAS design standards and flexibility in design and "variance" procedures (as codified in the Minnesota State Aid Rules)
- MnDOT's statewide long-range multimodal vision development (Minnesota GO) and its alignment with complete streets concerns
- MnDOT's statewide transportation funding, planning, scoping, investment and programming processes
- MnDOT's project development, construction, operations, maintenance and cost participation policies
- National Academies / TRB-funded multi-jurisdictional complete streets network pilot planning project in Grand Rapids, Minn., as well as other emerging pilot efforts
- Complete streets-related research projects that have been recently funded by MnDOT and the Local Road Research Board
- MnDOT functional groups and activities that support complete streets
- External advisory group activities of their organizations
- A comprehensive identification, summarization and interpretation of complete streets-related federal and state laws and guidance (from a "legal context")

- Updates and solicitation of feedback by the City Engineers Association of Minnesota Complete Streets Committee regarding their work on drafting proposed modifications to State Aid Rules and design standards
- External advisors' perceptions, expectations and suggestions for a complete streets vision, policy dimensions and performance metrics for MnDOT's consideration and sanction

**The more significant results from the collaboration to date include:**

- The list of Minnesota jurisdictions with formally adopted complete streets resolutions, policies and approaches has grown from a handful (five) at the end of 2009 to 25 to date (in order of adoption): Bloomington, Rochester, Hennepin County, St. Paul, Albert Lea, Duluth, Independence, Byron, Stewartville, Big Lake, Fargo-Moorhead Metropolitan Council of Governments, St. Louis Park, New Hope, Red Wing, North St. Paul, Pipestone, Breckenridge, St. Cloud Area Planning Organization, Rochester-Olmsted Council of Governments, Battle Lake, Dilworth, Wilkin County, Eagan, St. Cloud and Clay County.
- A more broadly informed and cross-cutting approach is in place and evolving to further assist organizations in addressing complete streets challenges and opportunities as well as visioning, policy development, implementation strategies and performance measurement. Updated information is posted on MnDOT's Complete Streets website at <http://www.dot.state.mn.us/planning/completestreets>. The site includes summaries, reports, legislation, presentations, external advisory group membership, ongoing issues, work plan tasks / timelines and related quick links. Updated information, resources and links are also provided on the Minnesota Complete Streets Coalition website at <http://www.mncompletestreets.org>.
- Increased networking, relationship-building and collaborative opportunities and potential benefits are evident in many directions as some of MnDOT's complete streets representatives and some external advisors also serve as advisors to related and supporting initiatives within other external advisory group organizations. For example, the Minnesota GreenStep Cities Program grew out of a report to the 2009 Legislature as a voluntary challenge, assistance and recognition program to help cities achieve sustainability goals through implementation of best practices. The GreenStep Cities program is a public-private partnership led by the Minnesota Pollution Control Agency in collaboration with the League of Minnesota Cities, the Clean Energy Resource Teams, the Great Plains Institute, the Izaak Walton League, the Urban Land Institute, the Minnesota Department of Commerce and others. "Complete Green Streets" is one of the GreenStep Cities' best practices areas; MnDOT's CSS Director and Complete Streets co-champion serves as the GreenStep Cities Program Best Practices Advisor for Complete Green Streets.
- MnDOT's CSS Director has been engaged in national leadership and networking related to CSS and Complete Streets as a member and recent chair of the Transportation Research Board joint committee Task Force on Context Sensitive Design & Solutions; as a member and current chair of the TRB Committee on Landscape and Environmental Design; as a member of the TRB Design Section Executive Board; and as a member of joint Federal Highway Administration and American Association of State Highway and Transportation Officials CSS and Complete Streets peer exchange and action planning efforts.
- MnDOT increased resourcing and provision of leadership and technical support for complete streets implementation in April 2011 by adding MnDOT's Director of CSS as co-champion for the initiative along with the initial champion - MnDOT's State Aid Division Director. MnDOT also aligned the CSS Director with staff and resources within the multidisciplinary Office of Environmental Stewardship to further support CSS and complete streets initiatives. A Multimodal Planning Coordinator and a Program and Project Solutions Unit, with landscape architects and

environmental design specialists, are among the staff and functional groups that now report to the CSS Director with expectations and responsibilities for emphasizing more provision of direct CSS and complete streets support statewide.

- CSS and complete streets-related challenges, gaps, opportunities and strategic next steps have been identified and prioritized by internal and external stakeholders through numerous workshops, forums, advisory groups, assessments and surveys. The CSS Director and support staff have been working with more than 30 internal advisory, steering and initiative groups and process/program stewards across the organization to foster CSS and complete streets integrations and alignments to address challenges, gaps and opportunities. These same individuals also have been working with more than a dozen external stakeholder advisory, steering and initiative groups to foster CSS and complete streets integrations.
- With oversight by MnDOT's Complete Streets co-champions, the OES Multimodal Planning Coordinator has assumed responsibility for collaborative and concerted management of internal and external stakeholder outreach and oversight coordination to expand, refine, execute and update MnDOT's Complete Streets Implementation Work Plan, which is posted on the MnDOT complete streets initiative website.
- The State Aid "variance" process link has been moved to the front page of the State Aid for Local Transportation website under Quick Links to make the process more accessible and transparent: <http://www.dot.state.mn.us/stateaid/index.html>. The website contains current year Variance Committee meeting dates, location maps, a State Aid Rules link, a state aid standards development slide show and a contact person for further assistance. It also includes a design element variance checklist so requesting agencies know what information variance committees need in considering recommendations. Consistent with the 2010 Complete Streets legislation and requirements for variance committees, the revised checklist references AASHTO's *Policy on Geometric Design of Highways and Streets* publication and the ITE's *Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities* publication so requesting agencies can use these guides to support their variance submittals.
- A detailed internal checklist for State Aid variance committee meetings was modified to ensure State Aid staff members are fully informed of all steps required to process variance requests and to ensure that there should be no loss of productivity and consistency in expediting this process as staff changes occur.
- State Aid staff and the City Engineer's Association of Minnesota Complete Streets Committee reviewed proposed draft changes in minimum design standards and Rules with the MnDOT Complete Streets External Advisory Committee in November 2011, soliciting feedback.
- Consistent with external advisory group expectations, pertaining to both state aid and trunk highway design standards and the desire for increased application of flexibility in design, MnDOT is comprehensively evaluating the Minnesota design standards and guidance values for 13 controlling design criteria, comparing it to the AASHTO *Policy on Geometric Design of Highways and Streets* publication values and recent and emerging research and best practices guidance from around the country for comparable situations and northern climates. The ultimate outcome will be modified guidance and increased flexibility in design with emphasis on performance-based flexibility in design which seeks right-sized solutions that balance competing objectives and optimize returns on investments (benefit to cost ratios) to better serve all surface transportation modes and users within constrained resources and environments. At the recommendation of the external advisors, MnDOT also concurred with adding external representation on the technical advisory committees for this effort.

- Following the September 2011 external advisory group meeting, homework was assigned to the advisors in preparation for the November 2011 meeting and a concerted and interactive effort was facilitated to explore and articulate desires, expectations and consensus in recommending proposed complete streets vision statements, policy dimensions and performance metrics for MnDOT's consideration in regards to the State Trunk Highway System. The advisors were provided with the National Complete Streets Coalition's *Complete Streets Policy Analysis 2010: A Story of Growing Strength*. As mentioned previously, this publication describes, analyzes and provides links to noteworthy examples of complete streets visions, policies, legislation, approaches and performance metrics from state departments of transportation, counties, metropolitan planning organizations and cities.
- In November 2011, MnDOT's CSS Director / Complete Streets co-champion was invited to present at and participate in a national Peer Exchange on Adapting Organizations to Deliver Complete Streets. The Peer Exchange was sponsored by FHWA and AASHTO in Washington, D.C., and enabled great networking and information exchange involving approximately 30 representatives from state, county and city DOTs, metropolitan planning organizations, transit authorities, FHWA and AASHTO.

## Modifications to facilitate CS implementation

MnDOT's emphasis, advocacy and training focused on the aligned initiatives of CSS, multimodal integration, flexibility in design, sustainability and complete streets have served to increase internal and external awareness, knowledge and collaborative complete streets implementation opportunities. The heightened activity also has served to identify challenges and barriers to complete streets implementation that must be addressed.

### **The following modifications made to or recommended for protocols, guidance, standards or other requirements facilitate increased and more successful complete streets implementation:**

- Concurrent with the 2009 Complete Streets Feasibility Study, MnDOT engaged in executive-level CSS action planning; hosted a Flexibility in Design Forum; revamped and deployed an updated two-day CSS Workshop with complete streets integrations; and developed and deployed a new 2.5-day Advanced Flexibility in Design Workshop with Complete Streets modules. MnDOT has continued to enhance and deploy these interactive and hands-on training workshops for mixed internal and external audiences, including a wide range of complete streets stakeholders and practitioners. In 2010 and 2011, MnDOT hosted a one-day CSS National Dialog Workshop; developed an online CSS E-Learning module with complete streets connections and hosted 14 other CSS and flexibility in design-related workshops and webinars or forums with complete streets integrations that reached an internal and external audience of more than 1,200 people.
- Concurrent with and since the 2009 Complete Streets Feasibility Study, MnDOT's CSS and complete streets champions and supporting staff have delivered more than 100 CSS and complete streets-related presentations to diverse audiences across the state.
- Consistent with external advisory group expectations, MnDOT established a Flexibility in Design Technical Advisory Group and Policy Advisory Group that now meet frequently to accelerate development and implementation of new guidance and evaluation criteria for applying greater flexibility in design along the State Trunk Highway System.
- MnDOT and the Local Road Research Board have provided funding for a number of complete streets-related research and implementation projects now under contract. The research and

implementation projects are expected to further inform new guidance and implementation practices and include: 1) Implications of modifying state aid standards to accommodate various roadway users, 2) Planning and implementation of complete streets at multiple scales, 3) complete streets template for local Minnesota agencies, 4) Best practices synthesis and guidance in at-grade trail crossing treatments, and 5) Investigation of pedestrian / bicycle risk in Minnesota roundabout crossings.

- MnDOT's current ADA Transition Plan, training, compliance and best practices efforts support and facilitate complete streets implementation.
- MnDOT has a contract executed to develop a Statewide Bicycle Policy Plan with a two-fold goal of: 1) Providing improved guidance and policies for the ongoing development and implementation of a Minnesota bicycle network (by MnDOT and its partners), and 2) Expanding MnDOT's obligation to maintain a registry of bicycle facilities within an electronic business and performance measurement tool that can ensure that bicycle accommodations are identified and considered at all stages of project development.
- MnDOT intends to fund an effort to expedite completion of a comprehensive identification, analysis, summarization and interpretation (legal context, gaps, contradictions, etc.) of federal and Minnesota state surface transportation-related statutes, rules and guidance that may pertain to and affect modes, users and implementation practices related to complete streets. MnDOT hopes to enlist legal expertise to expedite the completion of this work initiated by the Public Health Law Center at the William Mitchell College of Law.
- MnDOT leadership has concurred with the assessment that the department's existing cost participation policies must be revisited and updated to address current concerns and opportunities inclusive of complete streets. A consultant contract will be executed to help expedite this process and the duration of the work is anticipated to range from 15 to 24 months.
- Complete streets considerations and implementation approaches appear to becoming increasingly mainstreamed within MnDOT as evidenced by the following observations:
  - MnDOT's "Minnesota GO" 50-year vision aligns well with complete streets concerns and opportunities
  - All MnDOT districts have increasingly sought complete streets guidance and technical assistance in planning and project development activities
  - Complete streets objectives, policy, investment guidance and performance measurement have been frequent topics of discussion in MnDOT's current efforts to update Minnesota's Long-Range Statewide Multimodal Transportation Plan
  - MnDOT districts discussed and reported complete streets investment approaches in the December 2011 presentations, reviews and discussions pertaining to the 2012- 2021 MnDOT Highway Investment Plan.

## Development of CS performance measures

The November 2011 meeting with the complete streets external advisory group was the first concerted effort to facilitate discussion about potential and recommended MnDOT performance measures for complete streets. It was just the beginning of discussions that will resume at the February 2012 external advisory group meeting, which will include discussions about a recommended complete streets vision statement and policy dimensions. The advisors were given a homework assignment and reference material (*Complete Streets Policy Analysis 2010* by the

National Complete Streets Coalition) in preparation for the November 2011 advisory group meeting and two-and-a-half hours of facilitated discussion focused on visioning, policy dimensions and performance measures. The *Complete Streets Policy Analysis 2010* publication provided examples of complete streets performance measures, used by some organizations, but they seemed to be much more general than strategic. An excerpt from a University of California Transportation Center final research report - *Performance Measures for Complete Green Streets: A Proposal for Urban Arterials in California* – also was provided at the meeting. Their recommended approach was clearly more tailored to the strategic goals of the California Department of Transportation. Similar to CALTRANS, MnDOT has five strategic directions (Safety, Mobility, Innovation, Leadership and Transparency). A more strategic approach to complete streets performance measures, tied to the strategic directions, would seem to answer a logical question: What might MnDOT choose to measure, specific to complete streets, and why?

## Work planned in relationship to CS policy

The ongoing complete streets vision statement, policy dimensions and performance measures discussion and consensus-building will be a focus for the February 2012 external advisory group meeting.

MnDOT's updated 14-page Complete Streets Implementation Work Plan identifies other work planned related to complete streets policy, including what needs to be done, who needs to do it, and when it should be done. The Work Plan can be found at <http://www.dot.state.mn.us/planning/completestreets>.

There are eight broad task categories in the evolving Complete Streets Implementation Work Plan:

- Design & Project Development
- Funding & Planning
- Training & Support
- External Advisory Group
- Vision & Policy Statements
- Performance Measurement
- Statutes
- Rules & Legislation
- Communications & Outreach

The eight broad task categories include more than 40 primary tasks and more than 110 sub-tasks that are too numerous and fluid to summarize for this report. Current updating to the work plan includes:

- Expanding some of the broad categories and their primary tasks and sub-tasks along with the addition of a Performance Measurement category with primary tasks and sub-tasks in that category.
- Adding development of a list of practices and approaches used by other state DOTs and development of background and frameworks for complete streets planning and implementation that are informed by available research and the MnDOT and Local Road Research Board funded research in progress. Adding coordination with development of the MnDOT Bicycle Policy Plan under the direction of MnDOT's Bicycle and Pedestrian Section in the Office of Transit. (Funding & Planning)

- Adding development of complete streets scoping and project review checklists. (Design & Project Development)
- Adding increased integration and provision of training, mentoring, planning, design and technical support by the MnDOT Office of Environmental Stewardship's Program & Project Solutions Unit and Multimodal Planning Coordinator. Adding planning and development of a stand-alone complete streets training workshop. Evaluating Safety Audit and Health Impact Assessment applications for use in complete streets planning and implementation. Adding documentation of emerging and evolving approaches and lessons being learned in MnDOT's pilot efforts for new and better and more flexible practices for addressing complete streets challenges and opportunities (St. Peter, Grand Rapids, Alexandria, Zumbrota, Cosmos, Battle Lake, etc.). (Training & Support)
- Adding comprehensive identification, review and interpretation (legal context) of existing complete streets-related federal and Minnesota state statutes, rules and guidance. (Statutes, Rules & Legislation)
- Adding enhanced development of information exchange processes and resources. (Communications & Outreach)

## Statutory recommendations for CS implementation

The external advisory group identified three potential statutory barriers in 2010 that may warrant future consideration with legislative proposals, but there was no consensus in pursuing them at that time. The three potential considerations for future legislative action identified in the January 2011 Legislative Report on Complete Streets were:

- Allow cities and counties with complete streets policies to be exempt from the Minnesota Statute 161 requirement that necessitates a commissioner's speed study before establishing a speed limit other than the statutory defined limit.
- Allow cities and counties with complete streets policies to be exempt from all State Aid design standards.
- Waive the State Aid variance process requirement that requesting agencies assume all liability if the agency has adopted complete streets policies.

Continuing work with the external advisory group is likely to identify additional barriers, such as the request for MnDOT to help expedite completion of a comprehensive identification, analysis and summarization of federal and Minnesota state surface transportation statutes, rules and guidance that may pertain to modes, users and implementation practices related to complete streets. MnDOT has indicated willingness to fund such an effort and has begun drafting a request for proposals in consultation with MnDOT's Chief Counsel.

The MnDOT Complete Streets External Advisory Group was provided opportunity to review, comment and recommend modifications to this document and modifications were made, as appropriate, to address their comments and recommendations as submitted by Dec. 21, 2011.