

Toward Reducing Safety Risks and Avoiding Liability Claims Associated with the Use of the 'No-parking Lane' on Lake and Minnesota Avenues on Park Point

By Tom Richards and Gretchen Madson

Sept. 16, 2003

What is the problem?

of serious injury if
Pedestrians, joggers, in-line skaters, and bicyclists ~~engaging in~~ at
~~risky even dangerous behavior by~~ using the 'no-parking lane' on
the lakeside of Lake and Minnesota Avenues on Park Point

Why can this be considered risky or dangerous behavior?

1. the high speed of passing motor vehicles
2. inattentive, distracted or reckless motorists
3. any motorist can easily make a costly mistake
4. no physical barrier to protect users of the no-parking lane
5. the relatively narrow width of the no-parking lane, considering that it is used as a two-way lane and that it is a multiple-use lane
6. the rough surfaces of the no-parking lane, which are especially hazardous for in-line skaters
7. inattentive, distracted or reckless non-motorists
8. any non-motorist can easily make a costly mistake

** What is the 'no-parking lane' for as opposed to what is it not for?*
** Where are non-motorists supposed to go when heading out the Point?*

What are some of the risks associated with use of the no-parking lane?

1. bodily injury and death
2. temporary and permanent disability
3. short- and long-term mental anguish
4. costly litigation for The City
5. community outrage and increased cynicism
6. bad public relations

What are some possible actions which would pro-actively deal with the problem?

1. Warn motorists and non-motorist alike that the no-parking lane is *not* a designated bike lane
2. Warn motorists and non-motorist alike about the risks associated with the use of the no-parking lane
3. Warn non-motorists that should they decide to make use of the no-parking lane, they must do so at their *own* risk, explaining that the identified risks may not meet everyone's level of acceptability
4. Narrow the motor-vehicle-lane widths, widening the no-parking lane and making it a *designated* bike lane (multi-use lane) with a physical barrier that *keeps* non-motorists and motor vehicles in their respective designated lanes
5. Ban the parking of motor vehicles on both sides of said avenues, allowing parking on 'parking pads' built on and in front yards, making possible a one-way bike lane (multi-use lane) on both sides of the avenues (end of document)

Safety and Liability Hazards with the Non-Motorized Vehicle Lane on Lake and Minnesota Avenues on Park Point

Prepared by Tom Richards, with input from others
Submitted to the Quality of Life Committee on July 13, 2005

What is the problem?

Walkers, joggers, in-line skaters, wheel chair users, and bicyclists ^{at} ~~engaging in risky even dangerous behavior~~ simply by using the non-motorized vehicle lane (NMVL)--also known as the 'no-parking lane' and 'bike lane'--on the lakeside of Lake and Minnesota Avenues on Park Point

Why can this be considered risky or dangerous behavior?

1. the high speeds of some passing motor vehicles and some bicyclists
2. inattentive, distracted or reckless motorists and non-motorists
3. any motorist and non-motorist can easily make a costly mistake, and skills and reaction times to avoid an accident vary greatly
4. no barrier, signage or markings to protect or warn users of the NMVL
5. the relatively narrow--and varying--width of the lane, considering that it is used as a two-way lane and that it is a de facto multiple-use lane (See measurements below.)
6. the increasingly rough surfaces of lane, which are especially hazardous for in-line skaters

What are some of the risks associated with use of the no-parking lane?

1. bodily injury and death
2. temporary and permanent disability
3. short- and long-term mental anguish
4. possible costly litigation or settlements for the city
5. bad public relations for city
6. community outrage and increased cynicism

What are some possible actions which would pro-actively deal with the problem?

1. Warn with signage both motorists and non-motorist alike that the NMVL is *not* a designated lane for non-motorists
2. Warn with signage both motorists and non-motorists alike about the risks associated with the use of the lane
3. Warn with signage non-motorists that should they decide to make use of the lane, they must do so at their *own* risk, explaining that the identified risks may not meet everyone's level of acceptability
4. Paint the line marking the lane with bright green, double strips to clearly mark the lane
5. Narrow the motor-vehicle-lane widths with the resultant traffic-slowness effect, and widen the NMVL, making it a *designated* bike lane (multi-use lane), possibly with removable

breakaway stakes (say, two per block), which would help 'keep' non-motorists and motor vehicles in their respective designated lanes

Note: The above reflects years of my NMVL walking, biking, in-line skating, near hits, observations, and reflections. An avid in-line skater with outstanding control and agility, I no longer skate on Lake or Minnesota Avenues because I feel that it is just too risky.

Selected Minnesota Avenue Measurements

Taken by Tom Richards and John Hunn--May 3, 2004

All measurement numbers are approximate and should be accurate to less than an inch.

Location	Curb-to-curb	Lakeside NMVL	Lakeside MVL*	Bayside NMVL	Bayside MVL*
S-curve near 13 th St.	43' 9"	5' 4"***	12' 2"	7' 8"	17' 0"
Near 26 th ****	44' 2"	6' 8"		7' 9"	
30th-31st	44' 2"	6' 8"	14' 8"	7' 9"	13' 0"
42nd-43rd	44' 1"	6' 1"		7' 7"	
43rd-44th****	32' 5"	4' 0"	11' 8"	4' 5"	11' 6'

* inside stripes (not on centers)

** white stripe mostly worn away from motor vehicles cutting corner

*** near where Alyssa Rose Geisler was hit and killed on 7/4/91 (See articles.)

**** inside gateway to park; no side striping, just 'extended' asphalt

Duluth Accidents

Driver is charged in hit-and-run death

By Candace Renalls
News-Tribune staff writer

Witnesses say a girl lighting fireworks on Duluth's Park Point was struck late Thursday by a truck whose driver may have swerved to avoid the fireworks, according to court documents.

Alyssa Rose Geisler, 15, received serious head and neck injuries and was pronounced dead at St. Luke's Hospital.

The driver fled the scene of the accident. A 19-year-old man who police say was the driver was arrested in the area a short while later. The suspect — Adam Brian Neubauer, of 2478 Smith River Road — was charged Friday in State District Court in Duluth with

one count of felony hit and run resulting in death and one count of underage drinking, a misdemeanor offense. He is free on supervised release until his next court appearance. Neubauer declined to comment Friday on the advice of his attorney.

Geisler was struck shortly after 11 p.m. on the east side of Minnesota Avenue near 26th Street, a half-block from her home.

Bystanders told police Geisler was lighting fireworks while standing in the bicycle lane, the criminal complaint said. They said Geisler lit fireworks as a truck approached in the driving lane, heading toward the Aerial Lift Bridge. The right side of the truck struck her as she stood upright, the complaint said.

Because of congestion at the bridge after the city's fireworks display, police suspected the truck was still on Park Point. The bridge connects Park Point with downtown Duluth.

After a search of the area, officers found a truck matching the description at the end of 13th Street, about 14 blocks from the accident.

The complaint said that when officers approached, Neubauer said: "I'm the one you're looking for" and "She just ran out in front of me. I know I shouldn't have left, I just got scared. . . . I know she has to be dead — just look at the damage to my truck."

Neubauer had been drinking but was not intoxicated, police said. They said it didn't appear he was going over the 30 mph speed limit.

DULUTH CLIPPING

DNT 7-6-9

More Park Point police patrols urged

By John Welbes
News-Tribune staff writer

The Fourth of July hit-and-run death of a Duluth teen-ager is evidence of continuing summertime problems on Park Point, Duluth City Councilor Frank Jewell said Tuesday, and he wants the city to increase the number of police patrols in the area.

Prompted by the death of 15-year-old Alyssa Rose Geisler on Minnesota Avenue, Jewell and a handful of Park Point residents brought their cause to the steps of City Hall.

The death was an accident, Jewell said, but it demonstrates that the area needs stricter enforcement of traffic laws. He also called for better education of the public about city park rules and a task force to put Park Point's problems in perspective.

Jewell said a Park Point resident told him "it's like having the smelting season for three months on Park Point. You get people doing lots of discourteous things, urinating on lawns, along with the speeding and the traffic problems."

Eli Miletich, Duluth police chief, said patrols on Park Point are adequate and questioned Jewell's motives for bringing up the issue.

"I'm not going to get involved in Councilor Jewell's campaign for re-election," Miletich said. "He's using that single incident to establish a forum for himself, so I'm not

going to talk about the general."

Jewell represents the 3rd District, which includes Park Point. He is up for re-election this fall.

Diane Gould, a Park Point resident for five years, joined Jewell at City Hall. She said the Park Point Community Club meets with police regularly, but she hasn't been satisfied with the results.

Miletich said police have worked with the community club and added that the Point's problems "have nothing to do with (police) presence or adequate patrol."

Jewell said that, on Monday night, a woman was nearly hit on Minnesota Avenue when two cars — one in the bicycle lane — dragged down the street.

"I don't think it's possible to limit people's access to part of the city," he said. He added that it's unsafe to have cars backed up all the way on Minnesota Avenue.

Witnesses of the July 4 accident said Geisler was lighting fireworks in the bicycle lane when a truck struck her. She was pronounced dead at St. Luke's Hospital.

Duluth resident Adam Brian Neubauer, 19, has been charged in connection with the death. He was charged with one count of felony hit-and-run resulting in death and one count of underage drinking.

Police said Neubauer had been drinking but was not intoxicated.

Gaming head's speech

Safety and Liability Hazards with the Non-Motorized Vehicle Lane on Lake and Minnesota Avenues on Park Point

Prepared by Tom Richards, with input from others
Submitted to the Quality of Life Committee on July 13, 2005

What is the problem?

Walkers, joggers, in-line skaters, wheel chair users, and bicyclists engaging in risky--even dangerous--behavior simply by using the non-motorized vehicle lane (NMVL)--also known as the 'no-parking lane' and 'bike lane'--on the lakeside of Lake and Minnesota Avenues on Park Point

Why can this be considered risky or dangerous behavior?

1. the high speeds of some passing motor vehicles and some bicyclists
2. inattentive, distracted or reckless motorists and non-motorists
3. any motorist and non-motorist can easily make a costly mistake, and skills and reaction times to avoid an accident vary greatly
4. no barrier, signage or markings to protect or warn users of the NMVL
5. the relatively narrow--and varying--width of the lane, considering that it is used as a two-way lane and that it is a de facto multiple-use lane (See measurements below.)
6. the increasingly rough surfaces of lane, which are especially hazardous for in-line skaters

What are some of the risks associated with use of the no-parking lane?

1. bodily injury and death
2. temporary and permanent disability
3. short- and long-term mental anguish
4. possible costly litigation or settlements for the city
5. bad public relations for city
6. community outrage and increased cynicism

What are some possible actions which would pro-actively deal with the problem?

1. Warn with signage both motorists and non-motorist alike that the NMVL is *not* a designated lane for non-motorists
2. Warn with signage both motorists and non-motorists alike about the risks associated with the use of the lane
3. Warn with signage non-motorists that should they decide to make use of the lane, they must do so at their *own* risk, explaining that the identified risks may not meet everyone's level of acceptability
4. Paint the line marking the lane with bright green, double strips to clearly mark the lane
5. Narrow the motor-vehicle-lane widths with the resultant traffic-slowing effect, and widen the NMVL, making it a *designated* bike lane (multi-use lane), possibly with removable

breakaway stakes (say, two per block), which would help 'keep' non-motorists and motor vehicles in their respective designated lanes

Note: The above reflects years of my NMVL walking, biking, in-line skating, near hits, observations, and reflections. An avid in-line skater with outstanding control and agility, I no longer skate on Lake or Minnesota Avenues because I feel that it is just too risky.

Selected Minnesota Avenue Measurements

Taken by Tom Richards and John Hunn--May 3, 2004

All measurement numbers are approximate and should be accurate to less than an inch.

Location	Curb-to-curb	Lakeside NMVL	Lakeside MVL*	Bayside NMVL	Bayside MVL*
S-curve near 13 th St.	43' 9"	5' 4"***	12' 2"	7' 8"	17' 0"
Near 26 th ****	44' 2"	6' 8"		7' 9"	
30th-31st	44' 2"	6' 8"	14' 8"	7' 9"	13' 0"
42nd-43rd	44' 1"	6' 1"		7' 7"	
43rd-44th****	32' 5"	4' 0"	11' 8"	4' 5"	11' 6'

* inside stripes (not on centers)

** white stripe mostly worn away from motor vehicles cutting corner

*** near where Alyssa Rose Geisler was hit and killed on 7/4/91 (See articles.)

**** inside gateway to park; no side striping, just 'extended' asphalt

Green line to set traffic straight

LAKEWALK: A city safety committee has decided to paint a green stripe down the center of Duluth's popular lakeside path.

NEWS TRIBUNE 8/20/2005

Hoping to avert injury or discord, Duluth's Lakewalk Safety Committee announced Friday it would paint a green centerline and directional arrows on the popular 3-mile asphalt-paved pathway.

The committee is hoping the dividing line will help:

- Reduce conflicts between

pedestrians and wheeled traffic.

- Reduce the speed of wheeled traffic.

The committee has also decided to establish a slow-speed zone on the Lakewalk segment, where the wooden boardwalk parallels the asphalt trail.

Signs and pavement mark-

ings will be designed and installed at Lakewalk entrances and at regular intervals along the trail, a letter from the committee to the Duluth City Council stated.

There is no expectation that police will enforce the new guidelines, the committee said in its letter. Dick Larson, Duluth director of public safety, was listed as chairman of the committee.

Installation of the signs and centerline is expected to cost less than \$3,250.

July 29, 2005

Dick Larson, Director
Department of Public Works
200 City Hall
411 W. 1st St.
Duluth, Minn 55802

Subj: QOL Committee 2005 recommendations relative to Lake Ave and Minnesota Av seasonal Non-Motorized Vehicle NMV lane, and traffic and parking lanes.

Mr. Larson,

The Quality of Life Committee has been working on subject item for presentation to your office. Last year during discussions with you the narrowing of traffic lanes was discussed as one way to help promote safety by reducing speeding. We wanted to gather more data and make an official presentation to you as part of our action plans for 2005.

We are presenting this single issue as part of our action plan, as we believe your department is preparing to apply street surface stripes in the near future. Several issues relative to road striping:

- * *Speed calming*
- * *Lake Side NMV width adequacy*
- * *Adequate width for safer parking lanes on each side of the street*
- * *Winter snow narrowing parking lanes to inadequate width*

We did research with two Minnesota State agencies, the Departments of Public Safety Traffic Safety Office, and Department of Transportation (MDOT) Traffic Safety Office. That research revealed: In order for a street to be eligible for state funds as a "municipal state aid road", relative to roadway widths requires:

A continuous hard surface of two traffic lanes, each 12' in width, the total of 24' (including striping). [The State's reasoning is that with a police squad (car) parked at the curb, there is enough room for a fire suppression apparatus (engine) or emergency medical vehicle (ambulance), to pass that police car.]

Enclosed is a report titled Safety and Liability Hazards with the Non-Motorized Vehicle Lane on Lake and Minnesota Avenues on Park Point, researched and prepared by Tom Richards (member of the QOL Committee). This report includes selected Minnesota Av Measurements of traffic and non-traffic lanes.

On Minnesota Av, from 13th St to 43rd St:

- * The continuous asphalt street surface, from curb to curb, varies in width from 43'9" to 44'2".
- * The parking lanes vary in width from 5'4" to 7'9".
- * The NMV lane varies in width 4' to 6'8"

SPEEDING

Speeding was the single greatest concern of residents documented in August of 2003. Because speeding continues as a critical issue (a recent survey of all residences indicated speed controls implemented to date are not satisfactorily working, according to two-thirds of the residents.)

Your statements as a registered civil engineer, and the MDOT's traffic safety expert engineer, both agree narrowing traffic lanes has a positive influence of lowering traffic speeds.

LAKE SIDE NMV WIDTH ADEQUACY

This lane seasonally is heavily used with multiple kinds of activity, bikers, roller bladers, runners, walkers, wheel chair users etc.

We submit that for the entire length of the Point, the width is inadequate for safe use under normal conditions, and it is frequently illegally occupied by motor vehicles parking. Between 12th-13th Sts (the S-curve) two parks straddle the street, one on each side, with pedestrians frequently crossing, a high volume of pedestrians, frequent illegal parking on both sides of the street, and very poor visibility for all users because this is a curve.

ADEQUATE WIDTH FOR SAFER PARKING LANES ON EACH SIDE OF THE STREET

Existing parking lane widths (on either side of the street) vary from 6'1" to 7'9". In almost all cases when a person exits their vehicle they must step directly into the traffic lane. We believe this is a most dangerous condition.

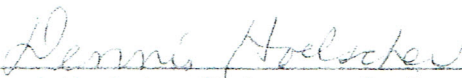
WINTER SNOW NARROWING PARKING LANES TO INADEQUATE WIDTHS

We believe existing parking lane widths currently are inadequate and unsafe, but in winter the additional narrowing by snowplow rows, creates a condition that forces vehicles are forced to park in the traffic lanes.

It is the specific recommendation of this committee that:

- * The center point of the streets, Lake Av and Minnesota Av from the bridge to 43rd St, be midway between the two curbs.
- * One twelve foot traffic lane be established in each direction.
- * Traffic lanes be marked at the center with 8" yellow stripes (each lane).
- * Parking lanes be marked with 8" white stripes.
- * All stripes be inside the 12' traffic lanes (which meets MDOT specifications to retain status as a "municipal state aid road").

Dick, thank you for your assistance in this matter. Please respond to me as soon as possible. I left a phone message on your voice mail July 29, stating the recommendations above. This letter was hand carried to your office Monday August 1, 2005. My home phone is 727-3441


Dennis Hoelscher, Chairperson, Quality of Life Committee, PPCC

enclosure

cc: Herb Bergson, Mayor
Dennis E. Fink, Commissioner, St. Louis County
Dick Gould, President, Park Point Community Club
Dick Larson, Director, Department of Public Works
Mark McShane, Director, Facilities Management Office
Carl Seehus, Director, Department of Parks and Recreation
Russ Stewart, Councilman, District 3
John Strongitharm, Fire Chief
Roger Waller, Police Chief

