

PUBLIC WORKS AND UTILITIES COMMITTEE

11-0545R

RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE REHABILITATION OF BRIDGE NO. L6007 AND ITS APPROACHES ON WEST SKYLINE PARKWAY OVER STEWART CREEK.

CITY PROPOSAL:

The city council finds:

(a) It is deemed necessary for the public conveyance and safety that Minnesota Bridge Number L6007 and its approaches on West Skyline Parkway over Stewart Creek (City Project No. 1016) be rehabilitated; and

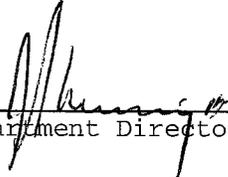
(b) This project will not be eligible for state transportation funds unless it is constructed to state aid standards for new bridge, bridge replacement, or bridge rehabilitation projects and approach roadways on rural or suburban undivided roadways that are not on the state-aid system for an existing Average Daily Traffic count between 150 and 400 vehicles, or unless a variance is granted; and

(c) Practical limitations require tighter horizontal curves, narrower lane, shoulder and recovery area widths, and a steeper recovery area inslope than dictated by standards be used. This results in a 14 mph design speed in lieu of a 30 mph design speed which requires variance from the commissioner of transportation in accordance with Minnesota Rules Chapter 8820.3300.

RESOLVED, that the city of Duluth requests the commissioner of transportation for a variance from Minnesota Rules for State Aid Operations 8820.9922, whereby the minimum design standards for new bridge, bridge replacement, or bridge rehabilitation projects and approach roadways on rural and suburban undivided roadways that are not on the state-aid system be reduced for this project, allowing for an 85' radius (-0.02 superelevation) curve at the south approach and a 195' radius (-0.02 superelevation) curve at the north approach in lieu of a 215' radius (0.06 superelevation) horizontal curve; a 10'

lane and 1' shoulder in lieu of a 12' lane and 4' shoulder; and a 6' recovery area at 1:3 inslope in lieu of a 10' recovery area at 1:4 inslope; and further agrees to indemnify, save and hold harmless the state of Minnesota and agents and employees from any and all claims, demands, actions or causes of action arising out of or by reason of the rehabilitation of Minnesota Bridge Number L6007 on West Skyline Parkway over Stewart Creek in the city of Duluth in any manner other than in accordance with Minnesota Rule 8820.9922, and further agrees to defend at its sole cost and expense any action or proceeding commenced for the purpose of asserting any claim whatsoever arising as a result of the granting of this variance.

Approved:



Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

ENG CP:jh 10/13/2011

STATEMENT OF PURPOSE: In order to proceed with a variance request under Minnesota Rules 8820.3300, a formal request in writing in the form of a city council resolution must be submitted to the commissioner of transportation before it will be considered or reviewed. The city will then forward the resolution along with the other documentation cited in the rules for consideration by an advisory committee on variances appointed by the commissioner of transportation. If the Commissioner grants the variance it is conditioned on the city agreeing to indemnify and hold the state harmless for any claim or action which arises from the relaxation to an 85' radius (-0.02 superelevation) curve at the south approach and a 195' radius (-0.02 superelevation) curve at the north approach in lieu of a 215' radius (0.06 superelevation) horizontal curve; a 10' lane and 1' shoulder in lieu of a 12'

lane and 4' shoulder; and a 6' recovery area at 1:3 inslope in lieu of a 10' recovery area at 1:4 inslope, and the issuance of the variance. This resolution requests the variance and commits the city to indemnification of the state of Minnesota for claims arising in which the design variance is alleged to be the cause of an accident.

