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June 21, 2016

The Honorable Lioneld Jordan  
Mayor of Fayetteville  
113 W. Mountain Street  
Fayetteville, Arkansas 72701

RECEIVED  
JUN 23 2016  
CITY OF FAYETTEVILLE  
MAYOR'S OFFICE

Dear Mayor Jordan:

This is to acknowledge receipt of your recent correspondence regarding **Highway 16/112 Spur Interchange Improvements (Job BB0411)** on Interstate 49 in Fayetteville.

As you are aware, the Department's policy is to provide bike lanes when a proposed highway project is on a route that has been designated as a bicycle route by a locally adopted bicycle plan or master street plan and the Department concurs with the designation. As defined by the American Association of State Highway and Transportation Officials (AASHTO), a bike lane is "a portion of a roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists". Bike lanes are located adjacent to motor vehicle travel lanes for the purpose of providing an alternative mode of transportation to move people to and from their destinations. A shared-use path is not considered a mode of transportation but rather a recreational enhancement that increases the quality of life for local residents, as well as attracting tourism that benefits the local economy. If requested, we will gladly partner with local agencies when possible to enhance a facility's recreational features, provided adequate funding is provided to offset the additional cost. The Department must focus its limited resources to keep the State Highway System in a state of good repair, enhance safety, and increase mobility for road users.

The original design of **Porter Road - Highway 112/71B (Widening & Interchange Improvements) (Job BB0414)** included bike lanes since the route was included in the Fayetteville Alternative Transportation and Trails Plan (FATT Plan). This design also included sidewalks, which are added to all bridges for safety. The City requested that the Department substitute the planned bike lanes and sidewalks along the Highway 112 Bridge with a shared-use path. This request was based on the City's desire to revise your FATT Plan to eliminate some or all on-street bike lanes as a mode of transportation and to identify the location of future shared-use paths that would enhance the recreational trail system in the region. Because the net increase to the width of the bridge was minimal, the Department made a "one-time exception" to our policy. We agreed to partner with the City to change the design of **Job BB0414** without requiring total reimbursement for this recreational enhancement.

Page 2

Concerning **Job BB0411**, please refer to the enclosed Attachments A and B. Consistent with our policy as described above, the Highway 16 Bridge is currently being designed as an approximately 110-foot wide structure that will include a 6.5-foot sidewalk. The Highway 16 Bridge is not identified for bike lanes in the FATT Plan. It is identified for a shared-use path, which is considered a recreational enhancement. If the bridge is modified to include a shared-use path, the width of the structure will increase to approximately 122 feet. It is estimated that the additional width of 12 feet will add \$415,000 to the cost of the structure, which will be the responsibility of the City. Please understand that if the City was substituting bike lanes for a shared-use path, as was the case with **Job BB0414**, the City would still be responsible for the additional cost since it would be considered a recreational enhancement, which the Department does not fund. Again, a one-time exception was made in the case of **Job BB0414**.

You have stated that it is our responsibility to build the Highway 16 structure to a higher design standard to include a shared-use path in order to meet the city street design criteria established in 2015 by the City of Fayetteville's City Council. The following points are offered to address your statement concerning the Department's design standard responsibility and practice:

- The Department's policy is to accommodate a City's Master Bike/Pedestrian Plan when designing improvements to the State Highway System and to provide bike lanes and/or sidewalks as a mode of transportation (not recreation) as appropriate. However, the Department is not required to accommodate higher design standards adopted by cities for the overall city street system, including recreational enhancements, which may include some State Highways. The Department has the authority by State law to set appropriate design standards for the State Highway System. The Department is not legally required to comply with local ordinances except where compliance is required by specific State statute.
- In general, state highway projects are designed using State, Federal Highway Administration (FHWA) and American Association of State Highway and Transportation Officials (AASHTO) design standards. The nation's State highway departments, working through AASHTO, develop design standards through a series of committees and task forces. FHWA contributes to the development of the design standards through membership on these working units, sponsoring and participating in research efforts, and many other initiatives.

The Department is not bound to any local jurisdiction's adopted design standards that are contrary to these aforementioned standards. With limited tax dollars available to meet all the needs of Arkansas' State Highway System, it is important that the Department adopt reasonable and appropriate standards that are applied fairly. If a local jurisdiction desires a higher more elaborate design standard than is proposed, the additional cost is their responsibility.

The Honorable Lioneld Jordan  
July 21, 2016

Page 3


The Department's practice as the agency responsible for the construction and maintenance of the State Highway System is to set consistent and appropriate design standards to enhance the safety and mobility of the road user, while at the same time maximizing the return on taxpayer dollars. The Department is willing to deviate from those standards for local purposes provided (1) any new design meets or exceeds the necessary safety and engineering requirements; and (2) any additional cost is borne by the party seeking the deviation. Because the City of Fayetteville's design standards are in excess of the Department's standards for Highway 16, all requested improvements exceeding those standards will need to be funded by the City. I also understand that my staff encouraged the City staff to apply for a "Transportation Alternatives Program (TAP) Grant" to secure funding for this improvement; however, this funding source was not pursued.

In closing, it is hoped that we have adequately answered your comments and you now understand our practice concerning design standards. Cities have jurisdiction over city streets. The Department has jurisdiction over state highways. As you can imagine, cities across the State could adopt a variety of very expensive design standards. This may be acceptable for city street projects, but when applied to state highways, it should be viewed as an additional cost investment to a city's infrastructure that should be borne by the city.

As previously stated in our letter of March 22, 2016 and again mentioned above, the additional width needed to accommodate the shared-use path is depicted on the enclosures. In order for this shared-use path to be included in the project, the City would need to fund the additional cost of \$415,000. We ask that a response be provided in a timely manner so that the design for the project can continue.

If you have any questions, or need further clarification, please contact Mike Fugett, Assistant Chief Engineer for Design, at 501-569-2301. Thank you for your interest in Arkansas' transportation system.

Sincerely,

  
for Scott E. Bennett, P.E.  
Director of Highways  
and Transportation

Enclosures

c: Deputy Director and Chief Operating Officer  
Deputy Director and Chief Engineer  
Assistant Chief Engineers  
Roadway Design  
Transportation Planning and Policy  
District 4  
Job BB0411 "B" File  
Job BB0414 "B" File