

Judge Francis Connolly

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Other Civil

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PETER HUXMANN, individually and on )  
behalf of all those similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MINNEAPOLIS PARK AND RECREATION )  
BOARD, )  
 )  
Defendant. )  
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**AFFIDAVIT OF ALFRED STANBURY**

Case No. 27-CV-07-7807

State of Minnesota )  
 ) ss.  
County of Hennepin )

The undersigned, on oath, deposes and says:

1. I am an attorney duly licensed to practice law in the State of Minnesota and represent the plaintiff in the above-captioned action.
2. I submit this reply affidavit in support of plaintiff’s motion for a temporary injunction.
3. Attached hereto as EXHIBIT 1 is a true and correct copy of plaintiff’s Complaint dated April 23, 2007.
4. Attached hereto as EXHIBIT 2 is a true and correct copy of defendant’s Answer dated April 26, 2007.
5. Attached hereto as EXHIBIT 3 is a true and correct copy of a July 29, 2005 *Wall Street Journal* editorial scoffing at the pork added to a \$286.4-billion highway bill, including \$3.2-million for an extension of a recreational path in Duluth, Minnesota.
6. Attached hereto as EXHIBIT 4 is a true and correct copy of an August 11, 2005 *Northeaster* article titled “Bike trail plan upsets parkway neighbors.”
7. Attached hereto as EXHIBIT 5 is a true and correct copy of an August 11, 2005 *Northeaster* editorial titled “Parkway bicycle trail needs more of a hearing.”
8. Attached hereto as EXHIBIT 6 is a true and correct copy of August 14, 2006 email correspondence between Parkway resident James Dew and the Park Board’s Judd Rietkerk.

9. Attached hereto as EXHIBIT 7 is a true and correct copy of March 12, 2007 email correspondence between Parkway resident James Dew and Steve Clark, Bicycling & Walking Project Manager, Transit for Livable Communities.

10. Attached hereto as EXHIBIT 8 is a true and correct copy of defendant's attorney's April 25, 2007 letter to Judge Connolly.

11. Attached hereto as EXHIBIT 9 is a true and correct copy of a research paper authored in September 2006 by St. Anthony Parkway resident James Dew and titled SAFETY ISSUES - PROPOSED BIKE PATH ON ST. ANTHONY PARKWAY BETWEEN JOHNSON AND STINSON.

12. Attached hereto as EXHIBIT 10 are true and correct copies of pages 239 and 253-255 of HISTORY OF MINNEAPOLIS - *Gateway to the Northwest*, Rev. Marion Daniel Shutter, editor (The S. J. Clarke Pub. Co. 1923).

13. Attached hereto as EXHIBIT 11 is a true and correct copy of a section of John Allen's web page titled "Bicycle sidepaths: crash risks and liability exposure" (<http://www.bikexpert.com/bikepol/facil/sidepath/sidecrash.htm>).

14. Attached hereto as EXHIBIT 12 is a true and correct copy of Wachtel and Lewiston, *Risk Factors for Bicycle-Motor Vehicle Collisions at Intersections*, ITE JOURNAL 30 (Sept. 1994).

15. Attached hereto as EXHIBIT 13 is a true and correct copy of a section of Fred Oswald's web page titled "Bicycle Blunders and Smarter Solutions--Blunders in Planning & Engineering" (<http://www.labreform.org/blunders/b5.html>).

16. Attached hereto as EXHIBIT 14 is a true and correct copy of Chapter 7 of a research paper by Wright University Professor Jeffrey Hiles and titled "Facilities of Fashion: From Bike Paths to Bike Lanes" (<http://www.wright.edu/~jeffrey.hiles/essays/listening/ch7.html>).

17. Attached hereto as EXHIBIT 15 is a true and correct copy of the League of American Bicyclists' position statement titled "A Cyclists' Rights To The Road" (<http://bikeleague.org/about/positions/cyclistsrights.php>).

18. Attached hereto as EXHIBIT 16 is a true and correct copy of Section 5-1.1.4 of Chapter 5 of Minnesota Department of Transportation (MnDOT) BIKEWAY FACILITY DESIGN MANUAL titled "Shared Use Paths--Sidewalks" (<http://www.dot.state.mn.us/bike/bikewaysdesignmanual.html>).

19. Attached hereto as EXHIBIT 17 is a true and correct copy of John Allen's May 2002 critique of city planner Paul Smith's report defending Massachusetts Institute of Technology's proposal to build an expensive sidewalk/two-way bike path which would cross intersections

(<http://www.truewheelers.org/cases/vassarst/record/smithcomments.htm>).

20. Attached hereto as EXHIBIT 18 are true and correct copies of the case of the first page of nine cases in which the defendant herein was a party. In all instances except one, defendant herein was named as “Minneapolis Park and Recreation Board,” the one exception being a 1995 case in which defendant herein was named as “City of Minneapolis, acting through its Park and Recreation Board, formerly identified as its Board of Park Commissioners.”

21. I have measured the width of the sidewalk at numerous, randomly selected locations on the northerly side of St. Anthony Parkway between Ulysses Street and Stinson Boulevard and can report that the width was six feet in each instance.

FURTHER AFFIANT SAYETH NOT.

\_\_\_\_\_  
Alfred Stanbury

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: