

TECHNICAL ASSISTANCE NOTE

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School Business Services

School Transportation Management



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

Pam Stewart, Commissioner

Contact: Jamie Warrington
Phone: 850-245-9795

Hazardous Walking Conditions Determination and Student Data Reporting Revisions for 2015-16

TO: District Transportation and MIS Directors

FROM: Mark Eggers, Assistant Deputy Commissioner
Division of Finance and Operations

A handwritten signature in blue ink that reads "Mark Eggers".

DATE: November 5, 2015

**SUBJECT: Hazardous Walking Conditions Determination and Student Data Reporting
Revisions for 2015-16**

Chapter 2015-101, Laws of Florida, made revisions to the criteria used to determine a hazardous walking condition and to the procedures for identification and inspection of the perceived hazardous location. Attached is a checklist that districts and governmental road jurisdictions may use when inspecting locations to determine whether or not a location meets the statutory criteria.

Background Information

Section 1011.68(1)(e), Florida Statutes (F.S.), authorizes funding for elementary school students who live less than two miles from their assigned school when subjected to hazardous walking conditions described in section 1006.23(2), F.S. The two basic determinants of eligibility are described below:

1. The grade level and type of school. Only students who attend elementary school and do not exceed grade six are eligible for transportation. Students in sixth grade or higher who attend middle school are not eligible for transportation due to hazardous walking conditions.
2. The condition of the walking route between home and the assigned school. A walking route is only considered "hazardous" for the purpose of determining eligibility for transportation and state funding if one or more locations along the walking route meet the specified statutory criteria. These criteria include traffic counts, speed limits, the presence of traffic control devices, the number of traffic lanes a student must cross and the nature of the walking surface and its distance from the road.

Revised Criteria to Identify Hazardous Walking Condition

Following are revised criteria for determining hazardous walking conditions for public school students who walk parallel to the roadway, as provided in section 1006.23(2)(a), F.S.:

- An area must be at least four feet wide adjacent to the road for students to walk to and from school. The revised language excludes drainage ditches, sluiceways, swales and channels;
- The posted speed limit was revised from 55 miles per hour to 50 miles per hour or greater. The requirement that uncurbed roads have at least a three-foot buffer from the edge of the road to the required four-foot area on which students walk to and from school was not revised; and
- Residential roads with little or no transient traffic may still present hazardous walking conditions.

The traffic volume criteria for roads with controlled and uncontrolled intersections were not revised. However, the criteria used to identify hazardous walking conditions for students who may be “crossing over the road” (currently known as “walkways perpendicular to the road”), were expanded in section 1006.23(2)(c), F.S., to include any road with an uncontrolled crossing site if the road has:

- A posted speed limit of 50 miles per hour or greater; or
- Six lanes or more, not including turn lanes, regardless of the speed limit.

Agency Staff Who Determine a Hazardous Walking Condition

When a request for review is made to the district school superintendent or the district school superintendent's designee concerning a condition perceived to be hazardous to students in that district who live within the two-mile limit and who walk to school, the revised language in section 1006.23(3)(a), F.S., states that such condition shall be inspected jointly by representatives of:

- The school district;
- The state or local government with jurisdiction over the road;
- The municipal police department for a municipal road, the sheriff's office for a county road or the Department of Transportation for a state road; and
- The metropolitan planning organization, if the jurisdiction is within an area for which one exists.

Prior to the revision, only a representative from the school district and a representative from the governmental entity with jurisdiction over the road performed the inspection.

Procedure to Determine Hazardous Walking Condition

The following requirements in section 1006.23(3), F.S., regarding procedures for identifying, inspecting and determining hazardous walking condition locations were added to the law.

The district school superintendent or his or her designee and the applicable state or local government and law enforcement representatives shall make a final determination that is mutually agreed upon regarding whether the hazardous condition meets the state criteria pursuant to section 1006.23(2), F.S. If the representatives agree that the condition constitutes a hazardous walking condition, they must report the determination, in writing, to the district school superintendent. The district school superintendent must then request a position statement regarding the correction of the condition from the state or local government with jurisdiction over the roadway. Within 90 days after receiving a request to correct a hazardous walking condition, the state or local government must inform the district school superintendent whether it will include the correction in its next annual five-year transportation work program and, if so, when the correction is scheduled to be completed. If the hazardous walking condition is not included in the five-year transportation work program, justification must be provided in writing to the district school superintendent and the Florida Department of Education (FDOE) regarding such omission.

If the government representatives are unable to reach a consensus on whether a location meets the hazardous walking criteria, they must report their findings to the district school superintendent. The district school superintendent must then submit a report and recommendation to the district school board regarding the location. A school board may initiate a proceeding seeking a declaratory judgment as to whether the condition constitutes a hazardous walking condition after providing at least 30 days' notice in writing to the state or local government with jurisdiction over the road. The district school board is responsible for providing evidence of the hazardous walking condition. If the district school board obtains a declaratory judgment, the superintendent must report the finding to FDOE and formally request correction of the hazardous condition. The state or local governmental entity with jurisdiction over the road is required to correct the hazardous condition within a reasonable period of time, pursuant to section 1006.23(4)(a), F.S.

Required Documentation

School districts are required to have in writing and on file documentation identifying the hazardous locations, the date each location was inspected, the agency representatives who participated in the inspection, and the specific conditions verifying that the location meets the qualifying statutory criteria (for example, traffic counts during the time students would walk and the speed limit). Documentation must also be maintained to verify that agency representatives formally and mutually agreed that the location meets the qualifying criteria specified in section 1006.23(2), F.S. The attached form, *Hazardous Walking Site Review Checklist*, provides such documentation.

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Hazardous Walking Database Reporting

School districts must review and update the hazardous walking locations in the FDOE web-based system on a per-survey basis no later than the end of each survey week. The projected completion date must be reported. Any locations in the database with an “NA” listed for the completion date **must** now reflect an actual date. For hazards that will not be corrected by the roadway jurisdiction, please enter “01/01/9999.”

To review and update your school district’s hazardous walking locations database, please go to <http://info.doe.state.fl.us/walking/default.cfm>.

Student Reporting

School districts are required to report the six-digit Hazardous Walking Location code for each student claimed in Membership Category G (Hazardous Walking, Elementary, Unweighted). Note that a code of 000000 is not recognized for funding purposes.

Only students who are eligible for hazardous walking conditions may be reported. A student for which the hazardous walking condition has been corrected may not be reported, and a student may not be reported after the projected completion date, pursuant to section 1006.23(4)(c), F.S.

If you have questions or concerns, please contact Jamie Warrington at Jamie.Warrington@fldoe.org or 850-245-9795.

ME/jw

Attachment: Hazardous Walking Site Review Checklist

cc: District Charter Schools