

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1299 Public School Transportation

SPONSOR(S): Raburn

TIED BILLS: None **IDEN./SIM. BILLS:** SB 188

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	10 Y, 0 N	McAlarney	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Currently, district school boards are required to provide transportation for students in prekindergarten disability programs and students whose homes are more than a reasonable walking distance from school, which is defined as living more than 2 miles from school. A district is also required to provide transportation to students in grades K-6 who are subject to hazardous walking conditions and may provide transportation to students in grades 7-12 who are subject to hazardous walking conditions.

The bill:

- Requires districts to provide transportation to students whose homes are more than 1.5 miles from the nearest appropriate school, rather than students whose homes are “more than a reasonable distance” or are 2 miles or more from the school and authorizes districts to report these students for transportation funding to the state.
- Allows all students in grades K-12 to be transported and funded if they are subject to hazardous walking conditions.
- Revises criteria for determining hazardous walking conditions with regard to the number of lanes and speed limits.
- Requires the superintendent to request a review of specified roads if he or she receives a written request from a parent of a student in the district school.
- Requires, rather than authorizes, a district school board to initiate a proceeding to determine whether a condition constitutes a hazardous walking condition, if the governmental representatives were unable to reach a consensus on the initial request.

See fiscal comments.

The bill takes effect July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

District school boards (district), after considering recommendations of the district school superintendent (superintendent) provide transportation for each student in prekindergarten disability programs and in K-12 public schools when transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available. Districts must also transport students whose homes are more than a reasonable walking distance from the nearest appropriate school.¹ Generally, districts do not receive state funding to transport students in grades K-12 living 2 miles or less from the schools they attend.² However, state funds are allocated to transport any public elementary school student whose grade level does not exceed grade 6 and is subject to a hazardous walking condition.³ Districts may provide transportation for public school students in grades 7-12 who are subjected to a "hazardous walking condition."⁴

Hazardous Walking Conditions

Hazardous walking conditions are classified according to walkways either parallel, perpendicular, or crossing a road which a student must walk to and from school.⁵ For walkways that are parallel to a road, a hazardous walking condition exists if there is less than a 4-foot wide surface for students to walk adjacent to the road.⁶ Not only must the walking surface be at least 4-feet wide, but if the road is uncurbed with a posted speed limit of 50 miles per hour or greater, the walking surface adjacent to the road also must be at least 3-feet from the edge of the road or it will be a hazardous walking condition.⁷

Even if the above criteria are met for parallel walkways, a walking condition will not be considered hazardous if the:

- volume of traffic⁸ on the road is less than 180 vehicles per hour, per direction, during the time when students walk to and from school;⁹ or
- road is located in a residential area with a posted speed limit of 30 miles per hour or less.¹⁰

For walkways perpendicular to a road, a hazardous walking condition exists if:

- traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction, during the time when students walk to and from school and the crossing site is uncontrolled, meaning it is an intersection or other designated crossing site where no crossing guard, traffic enforcement

¹ Section 1006.21(3)(a), F.S. rule 6A-3.001(3), F.A.C. A reasonable walking distance for any student who is not otherwise eligible for transportation pursuant to Section 1011.68, F.S., is any distance not more than 2 miles between the home and school or 1 1/2 miles between the home and the assigned bus stop.

² Section 1011.68(1), F.S.

³ Section 1006.23(1), F.S.

⁴ Section 1006.23(2), F.S.; Section 1011.68(1)(e), F.S.

⁵ Section 1006.23(2)(a)-(c), F.S.

⁶ Section. 1006.23(2)(a)1., F.S.

⁷ *Id.* The 4 foot wide surface does not include drainage ditches, sluiceways, swales, or channels.

⁸ Section 1006.23(2), F.S. Traffic volume is determined by the most current traffic engineering study conducted by a state or local governmental agency.

⁹ Section 1006.23(2)(a)2.a., F.S.

¹⁰ Section 1006.23(2)(a)2.b., F.S.

officer, stop sign, or other traffic control signal is present when students walk to and from school;¹¹ or

- total traffic volume on the road exceeds 4,000 vehicles per hour through an intersection or other crossing site controlled by a stop sign or other traffic control signal and no crossing guards or other traffic enforcement officers are present during the time when students walk to and from school.¹²

For uncontrolled crosswalks over the road, a hazardous walking condition exists 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 speed limit.¹³

Inspecting, Determining, and Reporting Hazardous Walking Conditions

Identification of hazardous walking conditions begins when the superintendent or the superintendent's designee receives a request to review a condition perceived to be hazardous to students in the district living within the 2-mile radius of a school and who walk to school.¹⁴

After the request for review is received, the perceived hazardous walking condition is jointly inspected by a representative of the:

- school district,
- state or local governmental entity with jurisdiction over the location, and
- municipal police department, the sheriff's office or Department of Transportation.¹⁵

Current law requires the governmental representatives to determine whether the condition constitutes a hazardous walking condition. If the governmental representatives concur that a condition constitutes a hazardous walking condition, the governmental entity with jurisdiction shall report that determination in writing to the superintendent, who initiates a formal request for correction.¹⁶

If the governmental representatives are unable to reach a consensus, the reasons for lack of consensus are reported to the superintendent, who provides a report and recommendation to the district school board (board). The board may initiate a proceeding to determine whether the condition constitutes a hazardous walking condition after providing at least 30 days' notice to the state or local governmental entity having jurisdiction over the road.¹⁷

Correcting Hazardous Walking Conditions

Currently, a board and other governmental entities work cooperatively to identify conditions that are hazardous along student walking routes to school, and a board provides transportation to students who would be subjected to such conditions. Additionally, state or local governmental entities with jurisdiction over a road along which a hazardous walking condition is determined to exist shall correct the condition within a reasonable period of time.¹⁸ Upon a determination that a hazardous walking condition exists, the superintendent requests a position statement with respect to correcting a

¹¹ Section 1006.23(2)(b)1., F.S.

¹² Section 1006.23(2)(b)2., F.S.

¹³ Section 1006.23(2)(c), F.S.

¹⁴ Section 1006.23(2), F.S.

¹⁵ Section 1006.23(3)(a), F.S. If the jurisdiction is a metropolitan planning organization, a representative of that organization must also be included.

¹⁶ *Id.*

¹⁷ Section 1006.23(3)(b), F.S. The proceedings continue unless, within 30 days after such notice is provided, the state or local governmental entity concurs in writing that the condition is a hazardous walking condition and provides a position statement.

¹⁸ Section 1006.23(4)(a), F.S.

hazardous condition from the state or local governmental entity with jurisdiction. Within 90 days after receiving such request, the state or local governmental entity informs the superintendent whether the entity will include correction of the hazardous walking condition in its next annual 5-year transportation work program.¹⁹

State funds are allocated for the transportation of students subjected to a hazardous walking condition. However, such funding ceases upon correction of the hazardous walking condition or upon the projected completion date, whichever occurs first.²⁰

Effect of Proposed Changes

The bill requires that districts provide transportation to students whose homes are more than 1.5 miles from the nearest appropriate school, rather than students whose homes are “more than a reasonable distance” or 2 miles or more from school. Districts shall report these students for transportation funding from the state. Districts must also transport all students in grades K-12 if they are subject to hazardous walking conditions.

The criteria for determining a hazardous walking condition is revised as follows:

- For walkways parallel to the road, a speed limit of 45 rather than 50 miles per hour constitutes a hazardous walking condition.
- For any road at any uncontrolled crossing site which students must walk in order to walk to and from school, a speed limit of 45 rather than 50 miles per hour, or the road has four rather than six lanes (excluding turn lanes) regardless of the speed limit constitutes a hazardous walking condition.

The bill requires a superintendent to request a review of a road to determine if a hazardous walking condition exists if a parent of a student in the district requests a review of a road in writing.

Additionally, the bill requires, rather than authorizes, a district school board to initiate a proceeding to determine whether a condition constitutes a hazardous walking condition, if the governmental representatives were unable to reach a consensus on the initial request.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.21, F.S., relating to the duties of a district school superintendent and district school board regarding transportation.

Section 2. Amends s. 1006.23, F.S., relating to hazardous walking conditions.

Section 3. Amends s. 1002.20, F.S., relating to K-12 student and parent rights.

Section 4. Amends s. 1011.68, F.S., relating to funds for student transportation.

Section 5. Provides an effective date of July 1, 2018.

¹⁹ Section 1006.23(4)(b), F.S. If the hazardous walking condition will be corrected, the state or local governmental entity informs the superintendent when correction of the condition will be completed. If the hazardous walking condition will not be included in the state or local governmental entity’s next annual 5-year transportation work program, the factors justifying such conclusion must be stated in writing to the superintendent and the Department of Education.

²⁰ Section 1006.23(4)(c), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Student transportation funds are allocated within the Florida Education Finance Program annually as provided in the General Appropriations Act. The fiscal impact of the bill is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Because it is unknown how many newly eligible students may choose to use district transportation or how many additional hazardous walking conditions could be determined, the fiscal impact of the bill is indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.