

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 188

INTRODUCER: Senator Steube

SUBJECT: Public School Transportation

DATE: February 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick	Graf	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 188 modifies the duties of the district school superintendents and district school boards regarding transportation of students, and the walking conditions that are considered as hazardous to students. Specifically, the bill:

- Modifies the process for identifying hazardous walking conditions by requiring district school superintendents to request the review of a perceived hazardous walking condition if he or she receives a written request from a parent of a student in the school district.
- Revises the district school boards' responsibilities with regards to providing student transportation services to require such services for public school students in kindergarten through grade 12 whose homes are more than 1.5 miles from the nearest appropriate school.
- Requires district school boards to provide transportation for all public school students if they are subjected to hazardous walking conditions while en route to or from school.
- Reduces the speed limit along uncurbed roads and at uncontrolled crossing sites from 50 miles per hour to 45 miles per hour in order to be considered a hazardous walking condition.
- Modifies the hazardous walking condition criteria with respect to uncontrolled crossing sites to include a road that has 4 lanes or more, excluding turn lanes, regardless of the speed limit; instead of 6 lanes or more as specified in law.

The bill takes effect July 1, 2018.

II. Present Situation:

Florida law specifies the responsibilities of the district school superintendents and district school boards regarding to the transportation of students to and from school.

District School Superintendent Duties Regarding Transportation

The district school superintendent must:¹

- Ascertain which students should be transported to school or to school activities;
- Determine the most effective arrangement of transportation routes to accommodate these students and recommend such routing to the district school board;
- Recommend plans and procedures for providing facilities for the economical and safe transportation of students; and
- Recommend such rules as may be necessary and see that all rules relating to the transportation of students approved by the district school board, as well as rules of the State Board of Education (SBE), are properly carried into effect, as prescribed in law.

District School Board Duties Regarding Transportation

Each district school board must, after considering recommendations from the district school superintendent, provide transportation for each student in prekindergarten disability programs and in kindergarten through grade 12 membership in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available and to transport students whose homes are more than a reasonable walking distance, as defined by SBE rule, from the nearest appropriate school.²

The SBE rule defines “a reasonable walking distance” as any distance not more than 2 miles between the home and school or one and one-half miles between the home and the assigned bus stop.³

Additionally, each district school board must provide transportation for students in kindergarten through grade 6 if those students are subjected to hazardous walking conditions while en route to or from school.⁴ District school boards are not required to provide transportation for students in grades 7 through 12 who are subjected to hazardous walking conditions while en route to or from school.⁵

Hazardous Walking Conditions

Definition

The following hazardous walking conditions are specified in law:⁶

- **Walkways Parallel to the Road** – A walkway parallel to a road is considered hazardous if there is not an area at least 4 feet wide adjacent to the road, not including drainage ditches, sluiceways, swales, or channels, having a surface upon which students may walk without being required to walk on the road surface.⁷ In addition, whenever the road along which

¹ Section 1006.21(1), F.S.

² Section 1006.21(3)(a), F.S.

³ Rule 6A-3.001(3), F.A.C.

⁴ Section 1006.21(3)(b), F.S.

⁵ *Id.*

⁶ Section 1006.23(2), F.S.

⁷ Section 1006.23(2)(a)1., F.S.

students must walk is uncurbed and has a posted speed limit of 50 miles per hour or greater, the area as described above for students to walk upon must be set off the road by no less than 3 feet from the edge of the road.⁸

- **Walkways Perpendicular to the Road** – A road a student must walk across in order to walk to and from school is considered hazardous if:⁹
 - The traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students walk to and from school and if the crossing site is uncontrolled.¹⁰
 - The 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, unless crossing guards or other traffic enforcement officers are also present during the times students walk to and from school.¹¹
- **Walkways Crossing Over the Road** – Any uncontrolled crossing site which students must walk in order to walk to and from school is considered hazardous if:¹²
 - The road has a posted speed limit of 50 miles per hour or greater; or
 - The road has six lanes or more, not including turn lanes, regardless of the speed limit.

Identification of Hazardous Walking Conditions

A district school board and other governmental entities must work cooperatively to identify conditions that are hazardous along student walking routes in accordance with Florida law.¹³ Florida law specifies the process that must be followed to identify and correct hazardous walking conditions.¹⁴

A request for review must be made by the district school superintendent with respect to a road over which a state or local entity has jurisdiction concerning the condition perceived to be hazardous to students living within the 2-mile limit and who walk to school.¹⁵

Such perceived hazardous condition must be inspected by a representative of the school district, a representative of the state or local entity having jurisdiction over the perceived hazardous condition, and a representative of the municipal police department for a municipal road, a representative from the sheriff's office for a county road, or a representative from the

⁸ Section 1006.23(2)(a)1., F.S. The provisions specified for Walkways Parallel to the Road do not apply when the road along which a student must walk is a road on which the volume of traffic is less than 180 vehicles per hour, per direction, during the time students walk to and from school; or if the road is located in a residential area and has a posted speed limit of 30 miles per hour or less. *Id.* at (2)(a)2., F.S.

⁹ Section 1006.23(2)(b), F.S.

¹⁰ *Id.* at (2)(b)1. For purposes of this subsection, an “uncontrolled crossing site” is an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign or other traffic control signal is present during the times students walk to and from school.

¹¹ Section 1006.23(2)(b)2., F.S. Traffic volume must be determined by the most current traffic engineering study conducted by a state or local governmental agency. Section 1006.23(2)(b), F.S.

¹² Section 1006.23(2)(c), F.S.

¹³ *Id.* at (4)(a).

¹⁴ Section 1006.23, F.S.

¹⁵ *Id.* at (3)(a).

Department of Transportation for a state road.¹⁶ The government representatives must determine whether the condition constitutes a hazardous walking condition pursuant to Florida law and must report their determination to the district school superintendent.¹⁷ The district school superintendent must initiate a formal request for correction of the hazardous condition.¹⁸

If the government representatives are unable to reach a consensus as to whether a hazardous walking condition exists, the reasons for the lack of consensus must be reported to the district superintendent, who must provide a report and recommendation to the district school board.¹⁹

The school board may seek a declaratory judgment from the trial court having jurisdiction after providing at least 30 days written notice to the state or local entity having jurisdiction over the road creating the perceived hazardous walking condition of its intent to do so 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.²⁰

If walking condition is agreed to be hazardous, the district school superintendent must report such outcome to the Department of Education and initiate a formal request for correction of the hazardous walking condition.²¹

Funding

State funds must be allocated for the transportation of students subjected to a hazardous walking condition.²² However, such funding must cease upon correction of the hazardous walking condition or upon the projected completion date, whichever occurs first.²³

III. Effect of Proposed Changes:

SB 188 modifies the duties of the district school superintendents and district school boards regarding transportation of students, and the walking conditions that are considered as hazardous to students.

Specifically, the bill modifies the process for identifying hazardous walking conditions by requiring district school superintendents to request the review of a perceived hazardous walking condition if he or she receives a written request from a parent of a student in the school district. This may result in the identification of additional hazardous walking conditions and the reporting of such conditions to the local school districts.

¹⁶ Section 1006.23(3)(a), F.S. If the jurisdiction is within an area where there is a metropolitan planning organization, a representative of that organization must also be included.

¹⁷ *Id.*

¹⁸ *Id.* at (3)(a) and (4).

¹⁹ *Id.* at (3)(b).

²⁰ Section 1006.23(3)(b), F.S.

²¹ *Id.*

²² *Id.* at 4(c). The Legislature allocated \$438,875,286 for student transportation for the 2017-2018 fiscal year. Section 6(15), ch. 2017-234, L.O.F. Of the 2,817,076 public school full-time equivalent students (FTE) who attended public school in 2016-2017, 1,064,575 FTE (or 37.79 percent) students, were transported by school districts. Florida Department of Education, *2018 Agency Bill Analysis for SB 188* (Oct. 2, 2017), at 5.

²³ Section 1006.23(4)(c), F.S.

The bill also revises the district school boards' responsibilities with regards to providing student transportation services to require such services for public school students in kindergarten through grade 12 whose homes are more than 1.5 miles from the nearest appropriate school.

Additionally, the bill requires district school boards to provide transportation for all public school students if they are subjected to hazardous walking conditions en route to or from school. Presently, district school boards are required to provide student transportation services for public school students in grade levels not to exceed grade 6, and may provide such services for public school students in grades 7 through 12, if such students are subjected to hazardous walking conditions. As a result, the bill may provide more public school students with access to public school transportation.

The bill also modifies the conditions that are considered hazardous to students with respect to an uncurbed road along which a student must walk or at an uncontrolled crossing site by reducing the posted speed limit from 50 miles per hour to 45 miles per hour. Additionally, the bill modifies the hazardous walking condition criteria with respect to uncontrolled crossing sites to include a road that has 4 lanes or more, excluding turn lanes, regardless of the speed limit; instead of 6 lanes or more as specified in law. This may result in the identification of additional hazardous walking conditions.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of Education, the requirement for school districts to provide

transportation for all students living 1.5 miles or more from school, instead of 2 or more miles, will result in an estimated additional 38,282 students transported.²⁴ Expanding transportation due to hazardous walking conditions from elementary students to all students in kindergarten through grade 12 is estimated to increase the number of transported students by 23,483.²⁵ Transporting an additional 61,765 students will result in additional school district operating expenditures each year in the amount of \$58,464,687.²⁶

In 2015-16, school districts reported 14,413 buses in daily service to transport 983,977 students, representing an average of 68 students per bus.²⁷ Some districts stagger school start times and run separate routes for elementary, middle, and high schools, using the same buses on the different routes.²⁸ The number of additional buses that would be needed is estimated to be 908.²⁹ The additional buses would cost approximately \$97,159,632.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1006.21, 1006.23, and 1011.68.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁴ Florida Department of Education, *2018 Agency Bill Analysis for SB 188* (Oct. 2, 2017), at 5.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*