

STORAGE NAME: h0817.edk
DATE: March 30, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION K-12
ANALYSIS**

BILL #: HB 817
RELATING TO: Hazardous Walking Conditions
SPONSOR(S): Representative C. Green
TIED BILL(S): None.

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION K-12
 - (2) COMMUNITY AFFAIRS
 - (3) EDUCATIONS APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

HB 817 expands the definition of students who are to be provided transportation to school from all students who live 2 miles or more from school to students in grades K-3 who live 1 mile from school and those in grades 4-12 who live at least 2 miles from school.

The bill requires state or local governmental entities with jurisdiction over inspections of hazardous walking conditions to make appropriate budgetary allocations to correct the hazardous conditions within a reasonable time after local school districts notify the responsible governmental entities of the hazardous conditions.

The bill also expands the hazardous walking conditions area to students in that district who are in grades K-3 who live within the 1-mile limit, or students who are in grades 4-12 and live within the 2-mile limit.

The bill expands the definition of hazardous "walkways parallel to the road" from being an area adjacent to the road that is not at least 4 feet wide to an area adjacent to the road that is not at least a 4 foot wide, prepared, level surface that is dry under normal conditions.

The bill authorizes the Commissioner of Education to approve the district's designation of hazardous walking conditions in an area that does not meet the statutory criteria for hazardous walking conditions.

For expanding the transportation eligibility zone from two miles to one mile as stated above, the Department of Education estimates the first year fiscal impact on state government to be \$92,081,882 for additional operating costs, and estimates the first year fiscal impact on school districts to be \$39,463,663 for operating costs. Department of Education also estimates a nonrecurring fiscal impact to school districts of \$157,044,765 for the purchase of new buses. The estimated fiscal impact of the bill's other provisions cannot be determined at this time.

This bill provides for an effective date of July 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government - The bill requires additional government responsibility for transporting students.

Personal Responsibility- The bill requires additional government responsibility for transporting students.

B. PRESENT SITUATION:

Transportation of All Children

Section 236.083(1)(a), F.S., provides for the allocation of funds to each district for transportation to public school programs of students in membership in kindergarten through grade 12, by reason of living 2 miles or more from school.

Governmental Entities Working Cooperatively

Section 234.021(2)(b), F.S., provides legislative intent for school districts and local governmental entities to work cooperatively to identify conditions which are hazardous to students who must walk to school and to correct the hazardous condition within a reasonable period of time.

Identification of Hazardous Walking Conditions

Section 234.021(2), F.S., provides for the identification of hazardous walking conditions for students grades kindergarten through grade 6 who walk to school and who live within the 2-mile limit of the school. The procedure applies after a request for review is made to the superintendent or his or her designee. The procedure includes the following requirements:

- An inspection by the school district representative and a representative of the local governmental entity where the perceived hazardous condition exists.
- A determination by these representatives as to whether or not the perceived condition is hazardous to students and a report to the Department of Education.
- A request, if a condition is hazardous to students, by the district school board for a determination from the state or local governmental entity having jurisdiction as to whether the hazard will be corrected, and, if so, a projected completion date.
- An allocation of state funds for the transportation of students subjected to these hazards, provided that the funding stops upon correction of the hazard or projected completion date, whichever occurs first.

Section 234.021(3), F.S., provides the criteria for determining whether walking conditions are hazardous. Certain walkways are considered hazardous if they do not meet specific requirements:

- **For walkways parallel to the road**
Any road where students must walk to and from school must have an area of at least 4 feet wide adjacent to the road with a surface for walking that does not require walking on the road.
- **Uncurbed walkways parallel to a road with posted speed of 55 miles per hour**
A road must have the 4-foot wide area for students to walk on that is set off the road by no less than 3-feet from the road's edge.
- The law provides certain exceptions to these hazardous walking condition criteria, including the following:
 - The road is located in a residential area which has little or no transient traffic;
 - The road has a volume of traffic that is less than 180 vehicles per hour, per direction, during the time the students walk to and from school; or
 - The road is located in a residential area and has a posted speed limit of 30 miles per hour or less.

Walkways perpendicular to the road are also considered hazardous under the following conditions:

- if the traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students are walking to and from school and if the crossing site is uncontrolled.
- if the traffic volume on the road exceeds 4,000 vehicles per hour through an intersection or other crossing 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 are walking to and from school.

Section 234.01, F.S., enumerates the students and others who must be provided with transportation, as well as students and others who may be provided with transportation by the district school board. School boards, after considering recommendations of the superintendent, must provide transportation for public elementary school students whose grade level does not exceed grade 6, if these students are subjected to hazardous walking conditions as provided in s. 234.021, F.S., while en route to or from school. In each case in which transportation of students is impracticable, as deemed by the school board, the school board may take steps to make available educational facilities that are practical and authorized by law or rule of the commissioner.

C. EFFECT OF PROPOSED CHANGES:

Transportation of All Children

HB 817 amends s. 236.083(1)(a), F.S., to provide transportation to students in grades K-3 who live 1 mile from school and those in grades 4-12 who live at least 2 miles from school rather than to all students who live 2 miles or more from school.

Appropriation of Budgetary Allocations

The bill also requires state or local governmental entities having jurisdiction over the hazardous walking conditions to make appropriate budgetary allocations to correct the hazardous conditions within a reasonable time after the local school district notifies the responsible governmental entities of the hazardous conditions.

Identification of Children for Hazardous Walking Conditions

The bill expands the hazardous walking conditions area to students in that district who are in grades K-3 who live within the 1-mile limit, or students who are in grades 4-12 and live within the 2-mile limit.

Appropriation of Budgetary Allocations

The bill amends s. 234.021(2)(b), F.S., to request state or local governmental entities to make appropriate budgetary allocations to correct such hazardous conditions within a reasonable time after the local school district notifies the responsible governmental entities of the hazardous conditions.

Walkways Parallel to the Road

The bill expands the definition of hazardous “walkways parallel to the road” from being an area adjacent to the road that is not at least 4 feet wide to an area adjacent to the road that is not at least a 4-foot wide, prepared, level surface that is dry under normal conditions.

Authority of the Commissioner of Education

The bill creates a section that authorizes the Commissioner of Education to approve the district’s designation of a hazardous walking condition in an area that does not meet the criteria for hazardous walking conditions if conditions in the area are significant safety hazards to children walking to and from school as a result of exposure to:

- Commercial activities or traffic;
- Canals, lakes, or other bodies of water;
- Construction sites, other than single-family-home construction sites;
- High levels of crime; or
- Other conditions that, considered cumulatively, pose an unacceptable risk to children.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 236.083(1), F.S., relating to funds for transportation, to expand the criteria for determining students who are transported and to request state or local governmental entities that have control over the hazardous walking conditions to make appropriate budgetary allocations to correct such hazardous conditions within a reasonable time after the local school district notifies the responsible governmental entities of the hazardous condition.

Section 2: Amends s. 234.021, F.S., relating to hazardous walking conditions, to expand the hazardous walking conditions area to students in that district to include students who are in grades K-3 and live within the 1-mile limit, or students who are in grades 4-12 and live within the 2-mile limit, to require state or local governmental entities having jurisdiction to make appropriate budgetary allocations to correct such hazardous conditions within a reasonable time after the local school district notifies the responsible governmental entities of the hazardous conditions, to consider walkways adjacent to the road that do not have at least a 4-foot wide, prepared, level surface that is dry under normal conditions to be a hazardous walking condition, and to authorize the Commissioner of Education to respond, at a district’s request, and to approve the district’s designation of a hazardous walking condition in an area that does not meet the criteria for hazardous walking conditions, if conditions in the area pose significant safety hazards to children walking to and from school as a result of specified conditions.

Section 3: Provides an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department of Education estimates the first year fiscal impact to the state for expanding the transportation eligibility zone from two miles to one mile for certain students is \$92,081,882 for additional operating costs. The estimated fiscal impact of the bill's other provisions cannot be determined at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The Department of Education estimates the first year fiscal impact to school districts for expanding the transportation eligibility zone from two miles to one mile for certain students is \$39,463,663 for operating costs and \$157,044,765 in nonrecurring costs for the purchase of new buses. The estimated fiscal impact of the bill's other provisions cannot be determined at this time.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

See above.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

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C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

A technical amendment is needed in section 2 of the bill to strike the current statutory definition of student because in s. 234.021(1), F.S., the term, student, is defined as "any public elementary student whose grade level does not exceed grade 6," yet the new language in s. 234.021(2)(a), F.S., identifies students as those in grades "K-3 or in grades 4-12."

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

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