



951478

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2014	.	
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	.	

The Committee on Community Affairs (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete lines 43 - 133

and insert:

shall correct the condition ~~such hazardous conditions~~ within a reasonable period of time.

(b) Upon a determination pursuant to subsection (3) ~~this section~~ that a hazardous walking condition exists ~~is hazardous to students~~, the district school superintendent ~~board~~ shall request a position statement with respect to correction of such



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11 condition determination from the state or local governmental
12 entity with having jurisdiction over the road. Within 90 days
13 after receiving such request, the state or local governmental
14 entity shall inform the district school superintendent regarding
15 whether the entity will include correction of the hazardous
16 walking condition in its next annual 5-year capital improvements
17 program hazard will be corrected and, if so, when correction of
18 the condition will be completed. If the hazardous walking
19 condition will not be included in the state or local
20 governmental entity's next annual 5-year capital improvements
21 program, the factors justifying such conclusion must be stated
22 in writing to the district school superintendent and the
23 Department of Education regarding a projected completion date.

24 (c) State funds shall be allocated for the transportation
25 of students subjected to a hazardous walking condition. However,
26 ~~such hazards, provided that~~ such funding shall cease upon
27 correction of the hazardous walking condition hazard or upon the
28 projected completion date, whichever occurs first.

29 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.-

30 (a) When a request for review is made by ~~to~~ the district
31 school superintendent with respect to a road over which a state
32 or local governmental entity has jurisdiction ~~or the district~~
33 ~~school superintendent's designee~~ concerning a condition
34 perceived to be hazardous to students in that district who live
35 within the 2-mile limit and who walk to school, such condition
36 shall be inspected jointly by a representative of the school
37 district, and a representative of the state or local
38 governmental entity with ~~that has~~ jurisdiction over the
39 perceived hazardous location, and a representative of the



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40 municipal police department for a municipal road, a
41 representative of the sheriff's office for a county road, or a
42 representative of the Department of Transportation for a state
43 road. If the jurisdiction is within an area for which there is a
44 metropolitan planning organization, a representative of that
45 organization shall also be included. The governmental
46 representatives shall determine whether the condition
47 constitutes a hazardous walking condition as provided in
48 subsection (2). If the governmental representatives concur that
49 a condition constitutes a hazardous walking condition as
50 provided in subsection (2), they shall report that determination
51 in writing to the district school superintendent who shall
52 initiate a formal request for correction as provided in
53 subsection (4).

54 (b) If the governmental representatives are unable to reach
55 a consensus, the reasons for lack of consensus shall be reported
56 to the district school superintendent, who shall provide a
57 report and recommendation to the district school board. The
58 district school board may initiate an administrative proceeding
59 under chapter 120 seeking a determination as to whether the
60 condition constitutes a hazardous walking condition as provided
61 in subsection (2) after providing at least 30 days' notice in
62 writing to the local governmental entities having jurisdiction
63 over the road of its intent to do so, unless within 30 days
64 after such notice is provided, the local governmental entities
65 concur in writing that the condition is a hazardous walking
66 condition as provided in subsection (2) and provide the position
67 statement pursuant to subsection (4). If an administrative
68 proceeding is initiated under this paragraph, the district



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69 school board has the burden of proving such condition by the
70 greater weight of evidence. If the district school board
71 prevails, the district school superintendent shall report the
72 outcome to the Department of Education and initiate a formal
73 request for correction of the hazardous walking condition as
74 provided in subsection (4). ~~The district school superintendent~~
75 ~~or his or her designee and the state or local governmental~~
76 ~~entity or its representative shall then make a final~~
77 ~~determination that is mutually agreed upon regarding whether the~~
78 ~~hazardous condition meets the state criteria pursuant to this~~
79 ~~section. The district school superintendent or his or her~~
80 ~~designee shall report this final determination to the~~
81 ~~Department.~~

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete lines 16 - 21

86 and insert:

87 condition to correct the condition within a reasonable
88 period of time; providing requirements for a
89 governmental entity relating to its capital
90 improvements program; providing