Hazardous Walking Conditions in Florida

OPPAGA

Office of Program Policy Analysis and Government Accountability

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Summary

Background

Florida has one of the highest pedestrian fatality rates in the country. The mental and physical development of children can make them more vulnerable than adults to unsafe walking conditions. OPPAGA's analysis of available data found that school-age children were involved in approximately 15% of all pedestrian/cyclist injury and fatalities that occurred from 2016 through 2021. Crashes involving school-age pedestrians and cyclists peak during the times students are traveling to and from school.

Florida's Process for Identifying and Correcting Hazardous Walking Conditions

Parents and bus drivers are common ways that school districts identify potentially hazardous walking conditions. Section 1006.23, *Florida Statutes*, specifies criteria for determining whether a walking condition is hazardous for students in grades K-6 living within a two-mile radius of their school. The criteria are broken into three broad categories: Walkways Parallel to the Road, Walkways Perpendicular to the Road, and Crossings Over the Road. Thirty-one of the 55 (56%) school districts responding to OPPAGA's survey reported transporting more students in grades K-6 due to unsafe walking conditions that did not meet statutory criteria than they did for conditions that actually met statutory criteria. School districts that transport students for reasons that do not meet statutory hazardous walking conditions criteria most often reported that local standards for busy, multi-lane highways were broader than the hazardous criteria standards in statute. In addition, 28 (51%) of the districts reported transporting an estimated 9,836 students in grades 7-12 due to unsafe walking conditions.

Florida's Hazardous Walking Condition Standards Compared to Those of Other States

OPPAGA examined 10 other states' laws pertaining to hazardous walking conditions for students walking to and from school. The analysis found examples of states that differ from Florida in how hazardous walking conditions are defined based on walking distances and grade levels, walkways, speed limits, traffic volume, and the number of lanes. In general, Florida's standards are not as broad as those in some other states. For example, Florida's speed limit standard and its standard for the number of lanes students cross to be considered a hazardous walking condition are both higher than those of some other states that OPPAGA examined. In addition, some of the other states' laws include factors such as lighting, railroad tracks, and other issues not included in Florida's hazardous walking conditions criteria.

Stakeholder-Suggested Changes to Florida's Statutory Hazardous Walking Conditions Criteria and Process to Correct Hazardous Walking Conditions

School districts, Metropolitan Planning Organizations (MPOs), and other stakeholders suggested several statutory changes to Florida's definition of hazardous walking conditions for public school students. The most frequent suggestions related to amending Florida law to allow school districts to receive state-allocated transportation funding for transporting students who live one mile or more away from school and for transporting students in grades K-12 due to hazardous walking conditions. Other stakeholder suggestions included changes to Florida's hazardous walking conditions criteria related to walkways, speed limits, traffic volume, and the number of lanes and to consider additional criteria such as lighting and crash history. Based on information from Department of Education (DOE) and Department of Transportation (FDOT) officials, implementing one or more of the suggested changes would increase district transportation costs and costs for the entities with jurisdiction over roads by an unknown amount and likely would be difficult to implement without additional school buses and bus drivers.

MPOs that OPPAGA surveyed were more likely than school districts to suggest modifications to the statutes defining hazardous walking conditions. A majority of MPOs were in favor of changes to most of the statutory criteria, whereas a majority of school district transportation directors reported that changes were not needed. However, both groups surveyed were the most supportive of modifications to statutory criteria related to walking distances and grade levels. There was little support from either group to change the statutory process for correcting hazardous walking conditions.

Countermeasures and Related Funding Sources

Traffic calming measures and other pedestrian accommodations used to correct hazardous walking conditions can very be costly. A number of federal, state, and local funding sources are available for transportation projects. Although most funding sources are not specifically dedicated to pedestrian/bicyclist improvements, major transportation projects such as resurfacing can include improvements to enhance pedestrian/bicyclist safety. FDOT uses federal funding for the Safe Routes to School (SRTS) Program specifically to address safe walking and bicycling to school. SRTS is intended to help communities address school transportation needs and encourage more students to walk or cycle to school.

Scope and Methods

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Scope

- The Legislature directed OPPAGA to examine the process used to identify and assess walking conditions for Florida public school students and to identify potential improvements based on input from stakeholders.

Methods

- Literature Review. OPPAGA reviewed guidance from the Institute of Transportation Engineers, U.S. Department of Transportation, Florida Department of Transportation's Greenbook, Smart Growth America, and the Safe Routes to School program as well as research on pedestrian safety.

- State Law and Code Review. OPPAGA reviewed Florida statutes related to hazardous walking conditions, including the history of these requirements. (See Appendix A for the history.) OPPAGA also identified other states with hazardous walking condition requirements in law and reviewed state statutes and codes for comparison to Florida's requirements.

- Interviews. OPPAGA interviewed transportation and school safety experts, school district transportation directors, Florida Department of Transportation and Florida Department of Education administrators, officials from metropolitan planning organizations (MPOs), and representatives from parent groups to obtain perspectives on hazardous walking conditions.

- Surveys. OPPAGA surveyed Florida school district transportation directors and officials from MPOs. The survey included questions on the process used to identify and correct hazardous walking conditions and suggestions for improving the process. OPPAGA received responses from 55 of the 67 school districts (an 82% response rate) and 21 of the 27 MPOs in Florida (a 78% response rate).

- Data Analysis. OPPAGA analyzed accident report data on pedestrian and bicyclist injuries and fatalities in Florida.

The percentages presented in some charts may not sum to 100% due to rounding.

Background

Florida Pedestrian Fatalities

Florida has a relatively high pedestrian fatality rate compared to other states. The U.S. and Florida departments of transportation have identified factors, such as tourism and the age of drivers, that may contribute to the state's high pedestrian fatality rate. The Florida Department of Transportation's Target Zero initiative is implementing strategies to reduce the number of transportation-related serious injuries and deaths across Florida to zero.

Florida 2019 Fatalities

- According to the U.S. Department of Transportation, Florida has the second highest pedestrian fatality rate per 100,000 of any state. Smart Growth America—a national community advocacy group—ranks Florida as the most dangerous state for pedestrians.
- According to the U.S. Department of Transportation, tourism could affect Florida's fatality rates by increasing its population beyond just state residents.
- Another potential reason for Florida's high fatality rate is that, according to the Florida Department of Transportation, Florida's roadways were built to move goods and commodities not people; making roads safer for pedestrians requires a cultural shift.
- Some of the research OPPAGA reviewed indicates that senior pedestrians are more likely to experience fatalities and severe injuries after being involved in a crash with a motor vehicle. According to the U.S. Census, approximately 21% of Florida's population is age 65 or older, ranking second among states for the percentage of population in this age group.
- School districts and MPOs that responded to OPPAGA's survey reported that the greatest contributor to unsafe walking conditions was the lack of adequate walkways. High speed limits were also frequently cited as contributors to unsafe conditions.

TARGET ZERO
FATALITIES & SERIOUS INJURIES

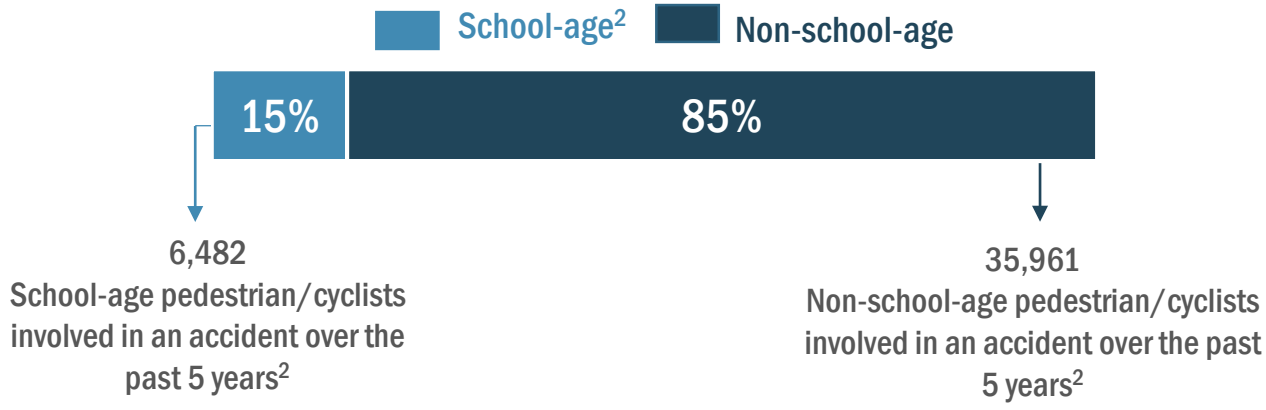
- Target Zero is a Florida Department of Transportation initiative with the goal of reducing the number of transportation-related serious injuries and deaths across Florida to zero.
- Target Zero is a data-driven, multi-faceted behavior change initiative that was created, in part, from direct conversations with those drivers that are most involved in crashes that resulted in serious injuries and fatalities.
- Target Zero focuses on influencing change in these specific behaviors before they occur.

Source: OPPAGA analysis of information from the Florida Department of Transportation; U.S. Department of Transportation, *Traffic Safety Facts 2019*; U. S. Census Geographic Comparison Tables; *Dangerous by Design, 2021*, Smart Growth America and the National Complete Streets Coalition; Suryanarayana M., et al. "Does the Pattern of Injury in Elderly Pedestrian Trauma Mirror That of the Younger Pedestrian?" *Journal of Surgical Research* 167 (2011): 14-18. https://www.academia.edu/941080/Does_the_Pattern_of_Injury_in_Elderly_Pedestrian_Trauma_Mirror_That_of_The_Younger_Pedestrian_1; Harmon, et al. "Examining the Effect of Pedestrian Crashes on Vulnerable Populations in North Carolina." *North Carolina Medical Journal* 82, no. 4 (July 2021): 237-243. https://www.ncmedicaljournal.com/content/82/4/237; U.S. Department of Transportation, Federal Highway Administration, "Chapter 5: Risk Factors Other Than Exposure," *Synthesis of Methods for Estimating Pedestrian and Bicyclist Exposure to Risk at Areawide Levels and on Specific Transportation Facilities*, Publication No. FHWA-SA-17-041, January 2017. https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa17041/index.cfm#toc

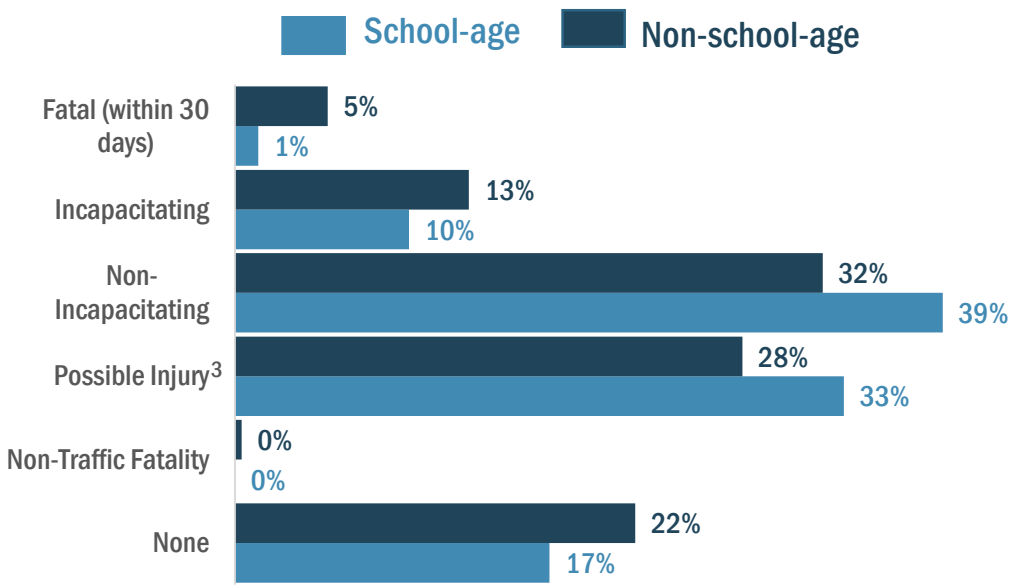
Pedestrian and Cyclist Injury and Fatality Rates in Florida

School-age children were involved in approximately 15% of all pedestrian/cyclist injury and fatalities that occurred from 2016 through 2021.[1] However, school-age pedestrians/cyclists were less likely than older pedestrians/cyclists to be involved in fatal crashes.

Florida Pedestrian/Cyclist Injury and Fatalities: 2016-2021



Florida Pedestrian/Cyclist Injury Severity: 2016-2021



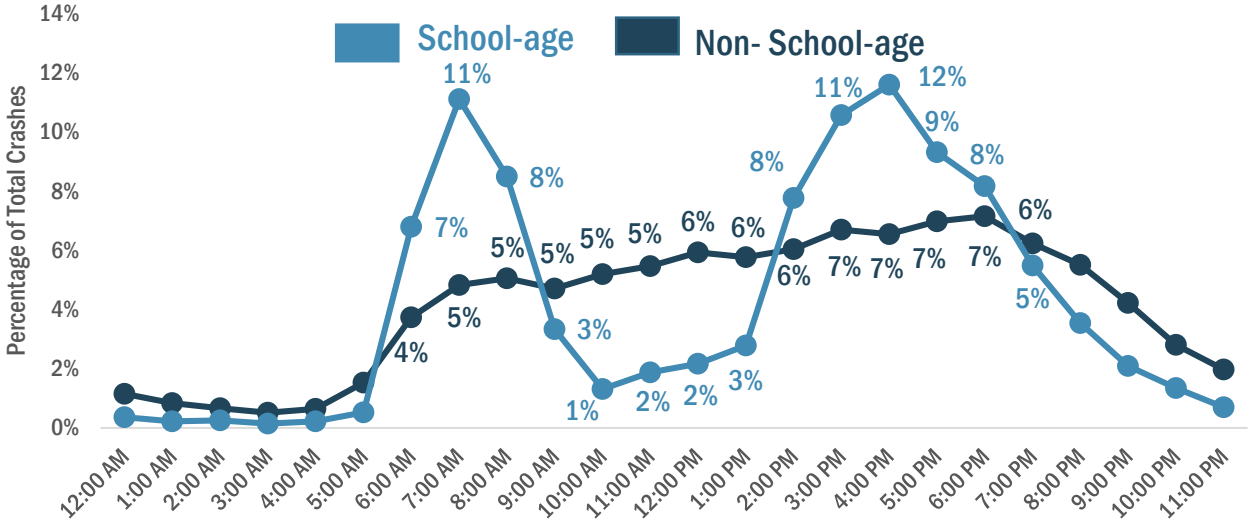
Note: This chart uses a scale of 1%-50% to better show differences between groups.

[1] This percentage is based on 79% of crash records because 11,197, or 21%, of crash records were missing pedestrian/bicyclist age. Because 21% of crash records were missing age, the percentage of school-aged children involved in accidents may be higher than 15%.
[2] School-age refers to children ages 5 through 18.
[3] According to the FDOT Crash Manual, possible injury is any injury reported or claimed that is not a fatal injury, suspected serious injury, or suspected minor injury. Examples include: momentary loss of consciousness, claim of injury, limping, or complaint of pain or nausea. Possible injuries are those that are reported by the person or are indicated by their behavior, but no wounds or injuries are readily evident.
Source: OPPAGA analysis of Signal 4 crash data. https://signal4analytics.com/

Pedestrian and Cyclist Crashes in Florida

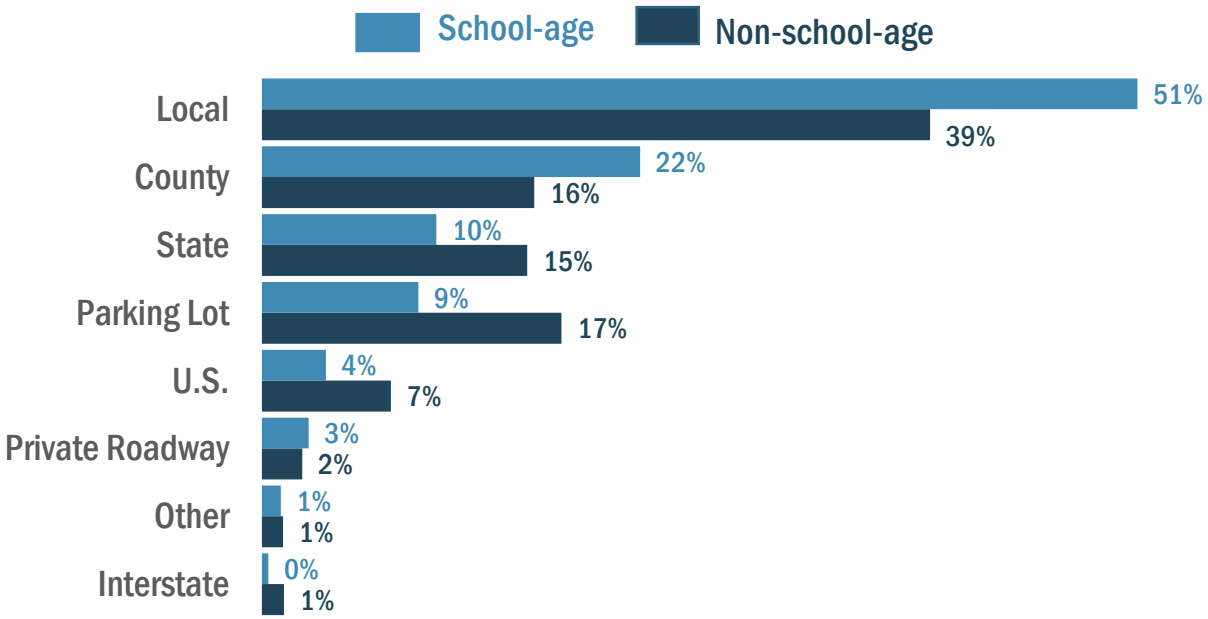
Crashes involving school-age pedestrians and cyclists peak during the times students are traveling to and from school. The majority of crashes involving school-age pedestrians and bicyclists occur on local roads.[1,2]

Florida Pedestrian/Cyclist Crashes by Time of Day: 2016-2021



Note: This chart uses a scale of 1%-15% on the y-axis to better show differences between groups.

Florida Pedestrian/Cyclist Crashes by Road Type: 2016-2021[2]



[1] School-age refers to children ages 5 through 18.
[2] The types of roads are based on the Federal Highway Administration's functional classification system, which categorizes roads according to the character of service the road provides in relation to the total road network. Local roads are the largest percentage of all roadways in terms of mileage.
Source: OPPAGA analysis of Signal 4 crash data. https://signal4analytics.com/

Child Pedestrian Safety Considerations

Children require different levels of supervision depending on their mental and physical development, which vary by age. Collisions among younger pedestrians often result from situations such as children darting into the street outside of a crossing intersection and motorists not seeing children who emerge into oncoming traffic from buses.

Child Development

Children require different levels of supervision depending on their mental and physical development, which vary by age. Young children may struggle to see oncoming traffic due to vision obstruction like other cars and may have difficulty judging the speed of cars. Children can also take longer to cross the street. In addition, due to children being shorter, they are more likely to experience more serious head injuries if they do come into contact with a moving vehicle.

Ages 4 - 6

- Supervision necessary
- Limited judgement
- Cannot gauge speed of oncoming traffic
- Can be impulsive and lose concentration
- Difficulty staying focused when crossing the street

Ages 7-9

- Supervision still needed
- Can begin to identify safe crossing sites
- Can begin to identify traffic
- Can stay focused when crossing the street

Ages 10+

- Ready for more independence
- Can identify safe crossing sites with assistance and practice
- Need modeling for safe pedestrian behaviors
- Can identify traffic with assistance and practice

Common Crash Types Among Children

The National Highway Traffic Safety Administration identified common collisions among younger pedestrians and motorists. These include collisions caused by the following.

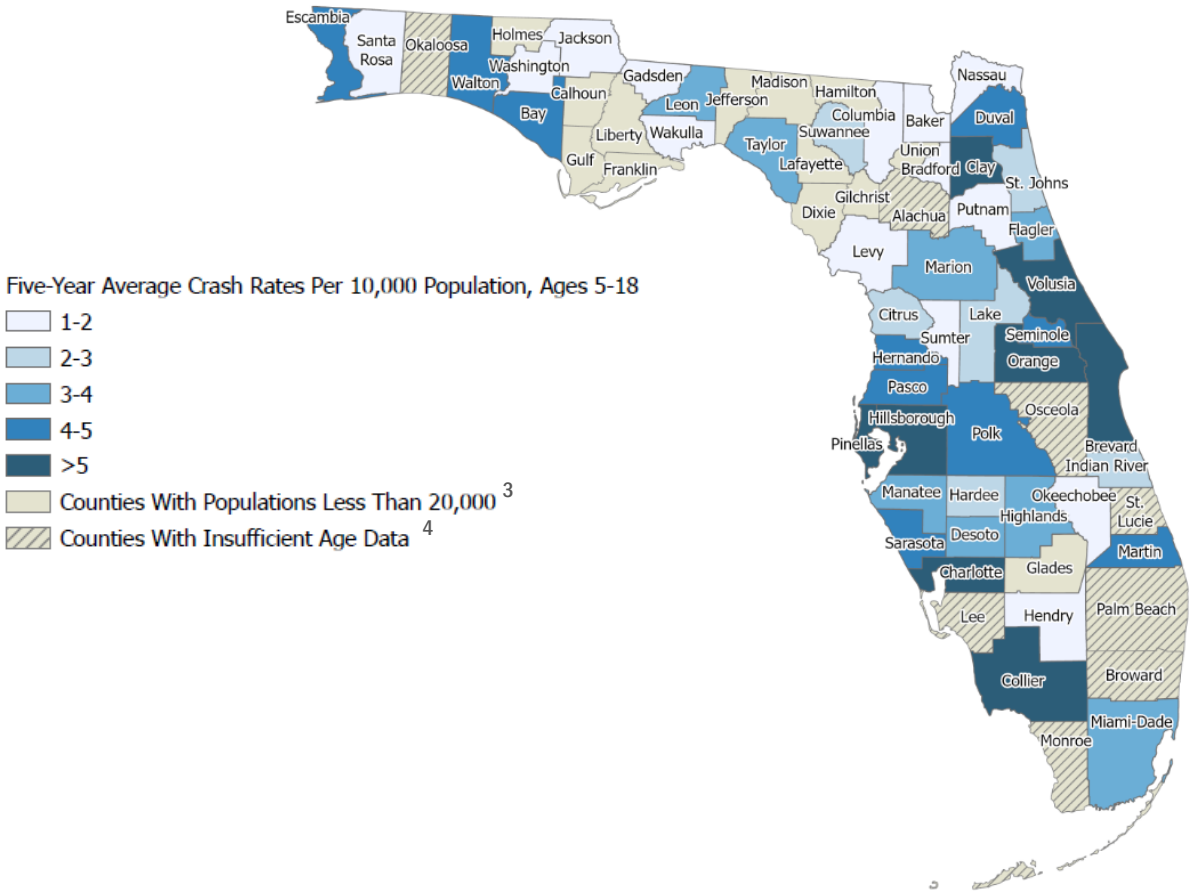
- A child darting out into the street outside of a crossing intersection
- A vehicle turning into the path of a child
- A child hidden from view by a bus or ice cream truck
- Vehicles backing into children

Source: Federal Highway Administration, U.S. Department of Transportation. "Pedestrian Safety Guide for Transit Agencies." Accessed February 25, 2022. https://safety.fhwa.dot.gov/ped_bike/ped_transit/ped_transguide/ch4.cfm.; National Highway Transportation and Safety Agency, "Prevent Pedestrian Crashes: Parents and Caregivers of Elementary School Children." Accessed November 16, 2021. https://www.nhtsa.gov/sites/nhtsa.gov/files/811027.pdf; National Center for Safe Routes to School. "Safe Routes to School Guide: Teaching Children to Walk Safely as They Grow and Develop: A Guide for Parents and Caregivers." Accessed March 21, 2022. http://guide.saferoutesinfo.org/pdf/TeachingChildrenToWalkSafely.pdf; Pedestrian and Bicycle Information Center. "Towards a Shared Understanding of Pedestrian Safety." Accessed June 30, 2021. https://www.pedbikeinfo.org/cms/downloads/PBIC_Pedestrian%20Safety%20Background%20Piece_7-2.pdf; Safe Routes to School. "Overview for Parents and Caregivers." Accessed June 14, 2021. http://guide.saferoutesinfo.org/graduated_walking/overview_for_parents_and_caregivers.cfm.

School-Age Pedestrian/Cyclist Crash Rates by County

Crash rates involving school-age children vary across the state. Among the analyzed counties, Volusia, Orange, and Pinellas had the state's highest rates of crashes per 10,000 school-age pedestrians and bicyclists on school days from 2016-17 through 2020-21, and Gadsden, Nassau, and Bradford counties had the state's lowest rates. OPPAGA's analysis was limited due to incomplete crash report data from 8 counties, and 13 counties were excluded because their population was less than 20,000.

Crashes per 10,000 School-Age Pedestrians and Bicyclists on School Days From 2016-17 Through 2020-21[1,2]



[1]This analysis spans five school years (2016-17 – 2020-21) based on beginning and ending dates for the school year, excluding Thanksgiving, and Winter and Spring Break as noted in school district calendars for each year. Single day holidays, e.g., Martin Luther King Jr. Day, teacher planning days, etc., were included in the analysis as school days.

[2] School-age refers to children ages 5 through 18.

[3] Counties with populations less than 20,000 are excluded from the analysis because crashes are rare events and small changes in the number of crashes in these counties result in big changes in the county's crash rate, which may be misleading when compared to counties with larger populations.

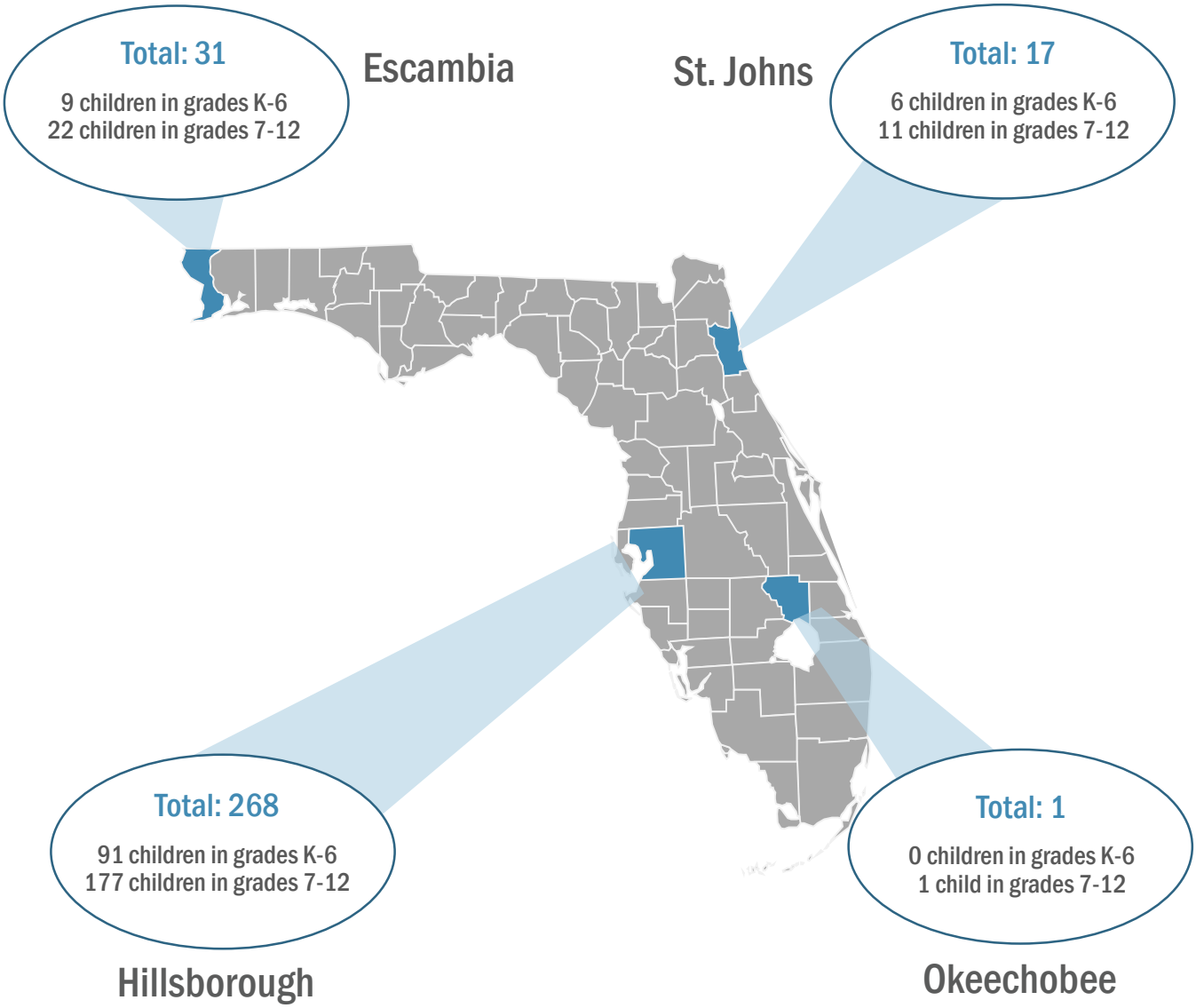
[4] Some counties had Signal 4 crash records with missing ages. Eight counties that had more than 20% of Signal 4 crash records that were missing ages could not have an accurate crash rate calculated for school-age pedestrians and bicyclists, and were excluded from the crash rate map.

Source: OPPAGA analysis of Signal 4 crash data. https://signal4analytics.com/

Select School Districts: School-Age Pedestrian/Cyclist Crashes Within Two Miles of a Public School

Several stakeholders who OPPAGA interviewed raised concerns over the safety of students who walk to school. OPPAGA's analysis of crash data in four counties—Escambia, Hillsborough, Okeechobee, and St. John's—identified 317 crashes involving school-age pedestrians and bicyclists on school days from 2018-19 through 2020-21 that occurred within a two-mile radius of a school. In all four counties, the number of crashes involving students in grades 7-12 exceeded the number involving students in lower grade levels.

Crashes Involving School-Age Children Within a Two-Mile Radius of a School on School Days From 2018-19 Through 2020-21[1]



[1] The numbers of crashes within two miles of a school in these four counties are underestimates due to 1% of crash reports missing the age of the pedestrian/cyclist. In addition, there was insufficient location information in crash reports that prevented 12 crashes from being geocoded (mapped using GIS software)—11 in Hillsborough County and 1 in St. Johns County. The total number of crashes during school days involving school-aged children in these four counties is 347; of these, 335 (97%) were successfully geocoded, and of these, 317 (95%) were within two miles of a school.
Source: OPPAGA analysis of Signal 4 crash data. https://signal4analytics.com/

Florida's Process for Identifying and Correcting Hazardous Walking Conditions

Statutory Definition of Hazardous Walking Conditions

Section 1006.23, *Florida Statutes*, identifies criteria for determining whether a walking condition is hazardous. The criteria are broken into three categories: Walkways Parallel to the Road, Walkways Perpendicular to the Road, and Crossings Over the Road. Only conditions affecting students in grades K-6 living within a two-mile radius of their school are assessed to determine if they meet the criteria. Appendix A provides additional information on the history of Florida's requirements.

Walkways Parallel to the Road

Hazardous if:

- ✓ There is not an area at least four 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
- ✓ The road students walk along has a speed limit of 50 miles per hour (MPH) or greater and the walkway is not set off by at least three feet from the edge of the road

The above criteria do not apply when traffic is less than 180 vehicles per hour in each direction or in residential areas with speed limit 30 MPH or under

Walkways Perpendicular to the Road

Hazardous if:

- ✓ An uncontrolled site where 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
- ✓ A controlled site where the total traffic volume exceeds 4,000 vehicles per hour through an intersection or other crossing site, unless crossing guards or other traffic enforcement officers are also present during the times students walk to and from school

Crossings Over the Road

Hazardous if:

- ✓ An uncontrolled crossing site where the speed limit is 50 MPH or greater
- ✓ An uncontrolled crossing site where the road has six lanes or more not including turn lanes, regardless of the speed limit

Uncontrolled Crossings

An uncontrolled crossing site is an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, stop sign, or other traffic control signal is present during the times students walk to and from school.

Controlled Crossings

A controlled crossing site is an intersection or other designated crossing site with a stop sign, yield sign, or traffic signal that requires vehicles to stop for pedestrians.

Source: Section 1006.23, *F.S.;* Broward Complete Streets Guidelines, 2012; and the Federal Highway Administration's Office of Safety.

Statutory Process for Identifying Hazardous Walking Conditions

Sections 1006.23(3) and (4), *Florida Statutes*, specify the steps in the process for identifying and correcting a hazardous walking condition. According to statute, only unsafe walking conditions affecting students in grades K-6 who live within two-miles of their school are inspected to determine if they meet the hazardous walking criteria.

1 Initiation

A perceived hazardous walking condition can be identified by anyone, e.g., parents, officials conducting periodic reviews, authorities investigating a pedestrian crash, etc. Based on the responses to OPPAGA's survey of school districts, parents and bus drivers are the most common ways that school districts become aware of potentially hazardous walking conditions.

2 Inspection

If the school district superintendent requests a review of the perceived hazardous walking condition, a formal inspection is conducted jointly by representatives from the following.

School district

Entity with jurisdiction over the perceived hazardous location[1]

Municipal police, sheriffs, or Department of Transportation office[2]

Metropolitan planning organization, if applicable[3]

3 Outcome

If consensus is reached among the inspectors that the condition meets the statutory definition of a hazardous walking condition, the repair of the hazardous walking condition is placed in the five-year transportation plan of the local or state entity with jurisdiction over the location.

If the repair is not included in the five-year transportation plan, justification must be provided to the district school superintendent and the Department of Education.

According to DOT officials, entities with jurisdiction over roads consider several factors, including funding, when deciding how to prioritize the correction of a hazardous walking condition.

State-allocated funding is provided for the transportation of students exposed to the hazardous walking condition until corrected.

If consensus is not reached among the inspectors, the superintendent provides a report and recommendation to the district school board, which may initiate an appeal process.

[1] The entity may be local for a local road or a state entity for a state road.
[2] Municipal police departments inspects municipal roads, representatives of the sheriff's office inspects a county roads, and a representatives of the Department of Transportation inspects state roads.
[3] Not all areas in Florida have an MPO.

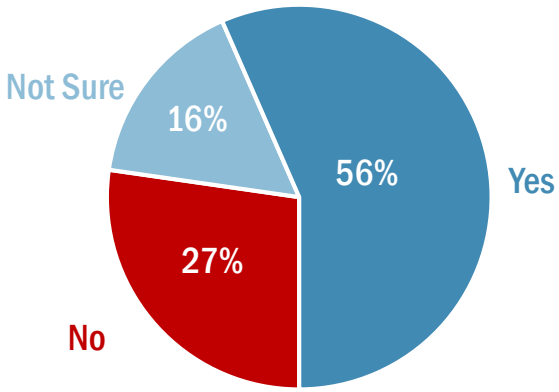
Source: OPPAGA analysis of s. 1006.23, *F.S.,* information from the Florida Department of Transportation, and interviews with school district transportation officials.

Students Transported for Unsafe Walking Conditions Not Meeting the State's Statutory Criteria

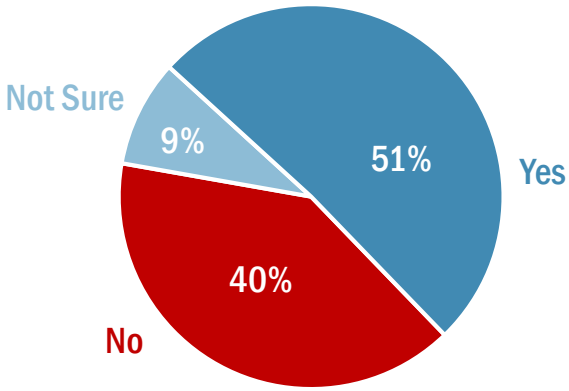
Thirty-one of the 55 (56%) school districts responding to OPPAGA's survey reported transporting 26,440 students in grades K-6 due to locally defined unsafe walking conditions that did not meet statutory criteria, which exceeds the number of students transported due to unsafe walking conditions that met statutory criteria (18,152).[1] In addition, 28 (51%) of the districts reported transporting a total of 9,836 students in grades 7-12 due to unsafe walking conditions.[2] School districts most often reported that local standards for busy, multi-lane highways were broader than the hazardous criteria standards in statute.

Students Transported in 2020-21[3]

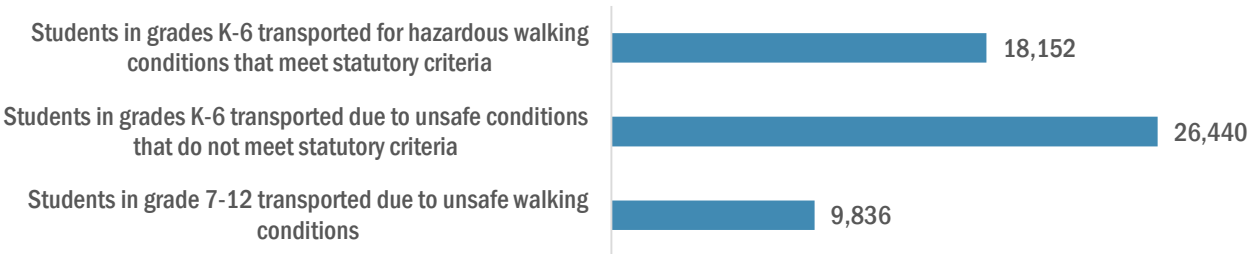
Districts that transported students in grades K-6 because of unsafe walking conditions that do not meet statutory criteria



Districts that transported students in grades 7-12 because of unsafe walking conditions[2]



Number of Students Transported



Locally Defined Conditions[3]

- Busy, multi-lane highways (19 districts reported)
- Railroad crossings (8 districts reported)
- High traffic volume that does not meet statutory standards (7 districts reported)
- Inadequate crossings (6 districts reported)
- Lack of sidewalks (4 districts reported)

[1] All student counts presented herein were collected in the school district survey; school districts were allowed to report actual student counts or estimates. Therefore, student counts reflect both actual and estimated counts.
[2] According to s. 1006.23, *F.S.*, only unsafe walking conditions affecting students in grades K-6 who live within two-miles of their school are inspected to determine if they meet the hazardous walking criteria.
[3] The conditions shown were the most frequently reported in the school district survey.
Source: OPPAGA analysis of school district survey responses.

Florida's Hazardous Walking Condition Standards Compared to Those of Other States

Other States' Hazardous Walking Conditions Laws

OPPAGA examined 10 other states' laws pertaining to hazardous walking conditions for students walking to and from school. Five of the states prescribed specific state-level requirements or guidelines and the other five delegated this responsibility to local school district officials. In general, Florida's standards, such as those related to speed limits and the number of lanes students cross, are not as broad as those in some other states. In addition, some of the other states' laws include factors not currently included in Florida's hazardous walking conditions criteria.

Examples of States With State-Level Requirements

Illinois: Requires the Department of Transportation to create guidelines of what would be considered hazardous conditions. Hazards outlined in administrative code include traffic volume, speed, and length of hazard. Hazards outlined in statute include patterns of criminal activity.

New Mexico: Requires general standards to be established by the state transportation division of the Department of Education. These guidelines fall under one of three categories: parallel, perpendicular, and railroad crossings. Guidelines include traffic volume and sidewalk width. However, statute also notes that districts must be flexible and not rigidly apply the guidelines created by the local school board and state transportation director.

New York: Authorizes the creation of child safety zones based on criteria provided by the State Board of Education. The Board of Education provides a recommended point system for identifying hazardous walking conditions. However, even if a hazardous condition is identified using the statewide point system, the school district is not required to transport students.

Pennsylvania: Requires the Department of Transportation to certify a hazardous condition. Pennsylvania Code outlines hazardous conditions to be identified under various situations such as two or more pedestrian accidents over three years, traffic volume thresholds, roadway width, and the presence of a railroad-highway crossing.

Tennessee: Requires certain criteria to be outlined as hazardous, but also leaves some discretion to the local education agency. State-provided criteria include absence of sidewalks, four or more lane road, and the presence of a sexual offender.

Examples of States That Delegate to Local School Officials

New Jersey: Statute provides areas for consideration regarding hazardous walking conditions; however, the school district can determine specific criteria for identifying hazardous walking conditions. Areas for consideration include population density, traffic volume, and sidewalk space.

South Carolina: If funds are appropriated, statute requires the school district governing body to establish criteria relating to the location of the school relative to student residence, traffic patterns, speeds, traffic volume, existence of sidewalks, student age, available crossing personnel, and other pertinent factors.

Utah: Statute provides that if a district implements double sessions, the district may determine whether transportation would improve the safety of students residing within 1.5 miles from school affected by darkness or other hazardous conditions.

Washington: Statute requires districts or charter schools to determine the walk area for each school using a process in which hazardous conditions are determined by parents, school administrators, law enforcement representatives, traffic engineers, public health or walking advocates, and other interested parties.

Wisconsin: In school districts with unusual hazards for walking, statutes require school boards to develop a plan that shows and explains the hazardous conditions along students' walking areas and proposes a plan of transportation.

Source: OPPAGA analysis of other state statutes and codes.

Walking Distance and Grade Level

Unlike Florida, some of the other states that OPPAGA examined varied walking distance requirements based on grade level or had requirements that were less than two miles. Safety advocates and research that OPPAGA examined suggest maximum walking distances that are less than Florida's current standard.

State Requirements

Florida

Section 1011.68(1)(a), *F.S.,* provides that school districts may only receive state-allocated transportation funding for transporting students through grade 12 who live two miles or more away from school, unless the students meet certain specified criteria, including being in grades K-6 and exposed to hazardous walking conditions specified in s. 1006.23, *F.S.* Florida statute related to hazardous walking conditions specifically does not include the transportation of students in grades 7-12 who are exposed to hazardous walking conditions.

New York

K-8: 2 miles
9-12: 3 miles

South Carolina

K-12: 1.5 miles

New Mexico

K-6: 1 mile
7-9: 1.5 miles
10-12: 2 miles

Utah

K-6: 1.5 miles
7-12: 2 miles

Other Relevant Information

According to the advocacy group Safe Routes to Schools, the maximum distance between a student's home and their school bus stop is typically between one and one and one-half miles.[1] The organization reports the following as comfortable walking distances based on school level.

- ✓.5 mile for kindergartners
- ✓1 mile for upper elementary students
- ✓1.5 miles for high school students[2]

One academic study that OPPAGA reviewed found that 10-year-old students are comfortable walking .9 miles, 11-year-olds are comfortable walking 1 mile, and 14-year-olds are comfortable walking 1.9 miles.[3]

[1] Safe Routes to School. "Determining School Bus Stop Locations." SRTS Guide. Accessed January 12, 2022. http://guide.saferoutesinfo.org/school_bus_locations/determining_school_bus_stop_locations.cfm;
[2] Lam, T. "Too far to walk?" Safe Routes Partnership. Accessed January 24, 2022. https://www.saferoutespartnership.org/blog/too-far-walk#:~:text=Most%20Safe%20Routes%20to%20School,acceptable%20distance%20for%20high%20schoolers
[3] Chillon, P., Panter, J., Corder, K., Jones, A.P., and Van Slujis, E.M.F. "A longitudinal study of the distance that young people walk to school." Health & Place. Accessed March 24, 2022. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4315806/.
Source: OPPAGA analysis of *Florida Statutes* and other state statutes and codes.

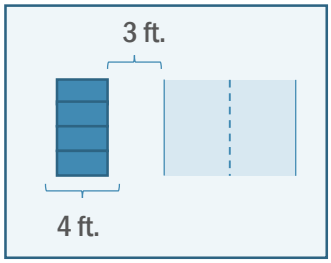
Walkways

New Mexico's criteria regarding walkway width and/or offset from the road differ from Florida's in that they vary depending on whether the road is curbed or uncurbed. In addition, U.S. DOT guidance recommends wider walkways set off farther from the road than Florida's current standards. Furthermore, unlike Florida, Pennsylvania and New York consider the lack of sidewalks as a safety factor.

State Requirements

Florida

Requires walkways to be four-feet wide and be offset from the road by three feet. Regarding the surface, Department of Education guidance states, "The surface does not have to be a sidewalk but may be simply a surface upon which the students may walk. Weeds, tall grass or flooding may be temporary maintenance problems that do not constitute a hazardous walking area. A walking surface does not include drainage ditches, sluiceways, swales or channels. A paved area contiguous with the paved roadway or extended shoulder (also known as a "breakdown lane"), with no separation from the driving area or raised curb, is not a walkway."[1]



New Mexico

Defines a hazardous walking condition on roads with little walking space when the total volume exceeds 120 vehicles per hour and 60 vehicles per hour when children are walking to and from school, and a walkway is either less than four feet wide for curbed roads or five feet wide for uncurbed roads for at least 75 feet of walking stretch.

New York

Designates highways without sidewalks or shoulders as a factor school districts may consider when calculating points to establish a child safety zone for student transportation.[1]

Pennsylvania

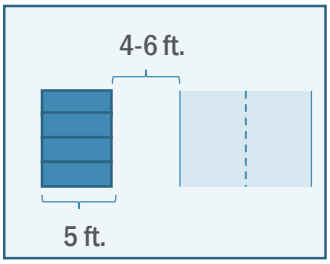
Defines a sidewalk as a gravel, brick, stone, or paved surface that is at least two feet wide; the absence of sidewalks shall be a factor in the evaluation of hazardous walking conditions but not the controlling condition.

Other Relevant Information

According to U.S. Department of Transportation guidelines

- ✓ Minimum of five feet width for walkway
- ✓ Preferred buffer zone from street is four to six feet
- ✓ For areas around schools, it is recommended that sidewalks be wider than five feet[2]

Some research has found that sidewalks are associated with significant reductions in pedestrian collisions with motor vehicles.[3]



[1] New York allows districts to transport students for distances less than the statutory requirements by establishing child safety zones. The New York State Department of Transportation has established a point system for determining if conditions warrant establishment of a child safety zone.

[2] University of North Carolina Highway Safety Research Center, Vanasse Hangen Brustlin, Inc. and Toole Design Group. "Pedestrian Safety Guide and Countermeasure Selection System: Sidewalks, Walkways and Paved Shoulders." Accessed November 30, 2021. http://www.pedbikesafe.org/pedsafe/countermeasures_detail.cfm?CM_NUM=1

[3] U.S. Department of Transportation, Federal Highway Administration, "Chapter 5: Risk Factors Other Than Exposure," *Synthesis of Methods for Estimating Pedestrian and Bicyclist Exposure to Risk at Areawide Levels and on Specific Transportation Facilities*, Publication No. FHWA-SA-17-041, January 2017. Accessed February 9, 2022. https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa17041/ch5.cfm

Source: OPPAGA analysis of *Florida Statutes* and other state statutes and codes.

Speed Limits

Florida's speed limit standard for determining hazardous walking conditions is higher than other states OPPAGA examined. New Mexico's speed limit standard is set at 40 MPH and Pennsylvania's at 35 MPH for some roads, while speed is a consideration in New York's criteria starting at 40 MPH. Transportation officials and safety advocates who OPPAGA interviewed reported that Florida's speed limit requirement of 50 MPH for determining hazardous walking conditions is too high.

State Requirements

Florida

Specifies 50 MPH or higher as hazardous for

- ✓ walkways parallel to the road; and
- ✓ crossings over the road at uncontrolled sites.

New Mexico

Defines speed limit of 40 MPH or higher as high speed, which is considered hazardous on roads with five lanes or more and high accident frequency.

Pennsylvania

Considers speeds above and below 35 MPH hazardous at different amounts of traffic volume and shoulder width for elementary and secondary students on roads with no sidewalks, or any speed on roads with no sidewalks when drivers are unable to see walking students from certain distances.

New York

Designates speed may be considered when calculating points to establish a child safety zone for student transportation; speeds 40 MPH and higher receive an increasing number of points.

Other Relevant Information

Hit by a Vehicle Traveling at:
20 MPH

9 out of 10 pedestrians survive

Hit by a Vehicle Traveling at:
30 MPH

5 out of 10 pedestrians survive

Hit by a Vehicle Traveling at:
40 MPH

1 out of 10 pedestrians survive

The distance to stop a vehicle increases with the speed of the vehicle[1]

20 MPH → 63 feet
30 MPH → 119 feet
40 MPH → 164 feet

In addition, research that OPPAGA examined found that children may have less developed peripheral vision and visual acuity, making it difficult for them to perceive the speed of objects.[2] During OPPAGA interviews, officials representing the National Center for Safe Routes to School and the Institute for Transportation Engineers said that Florida's statutory criteria of 50 MPH for determining hazardous walking conditions is too high. The Florida Department of Transportation considers any area with a speed limit over 45 MPH to be a high speed area.

[1] Vision Zero Plan, Miami Dade County, 2018; National Association of City Transportation Officials. "How Speed Kills." Accessed January 18, 2022. https://nacto.org/publication/city-limits/the-need/how-speed-kills/; National Highway Traffic Safety Administration. "Literature Review on Vehicle Travel Speeds and Pedestrian Injuries." Accessed January 18, 2022. https://one.nhtsa.gov/About-NHTSA/Traffic-Techs/current/ci.Literature-Reviewed-On-Vehicle-Travel-Speeds-And-Pedestrian-Injuries.print.

[2] Pedestrian and Bicycle Information Center. "Towards a Shared Understanding of Pedestrian Safety." Accessed June 30, 2021. https://www.pedbikeinfo.org/cms/downloads/PBIC_Pedestrian%20Safety%20Background%20Piece_7-2.pdf; National Center for Safe Routes to School. "Safe Routes to School Guide: Teaching Children to Walk Safely as They Grow and Develop: A Guide for Parents and Caregivers." Accessed March 21, 2022. http://guide.saferoutesinfo.org/pdf/TeachingChildrenToWalkSafely.pdf; National Safe Routes to School. "Safe Routes to School Briefing Sheets." Accessed March 21, 2021; https://www.pedbikeinfo.org/pdf/SRTSlocal_ITEbriefingsheetsALL.pdf

Source: OPPAGA analysis of *Florida Statutes*; other state laws and codes; and interviews with Florida Department of Transportation, Institute of Transportation Engineers, and Safe Routes to Schools representatives.

Traffic Volume

Two states that OPPAGA examined with a traffic volume standard for determining hazardous walking conditions—New Mexico and Pennsylvania—set limits lower than Florida's, for some roads. In addition, the Institute of Transportation Engineers recommends crossing guards when traffic volume exceeds certain limits that are, in some cases, lower than Florida's standard.

State Requirements

Florida

For walkways perpendicular to the road during the time students walk to and from school, any road across which students must walk is hazardous if the traffic volume is

- 360 vehicles or more per direction per hour for uncontrolled sites; and
- over 4,000 vehicles per hour if no crossing guard is present for controlled sites.[1]

New Mexico

Considers a condition hazardous when the volume exceeds

- 120 vehicles per hour and 60 vehicles per hour when students are walking to and from school for parallel walkways where little to no walking space is available;
- 180 vehicles per hour and the crossing width exceeds 40 feet for unregulated crossing sites; and
- 70 vehicles per minute for secondary students or 55 vehicles per minute for elementary students if there is no crossing guard present for regulated perpendicular walkways.

Pennsylvania

Considers different combinations of traffic volume, shoulder widths, and vehicle speeds hazardous for elementary and for secondary students; for example, for a vehicular running speed of over 35 MPH and a shoulder width of four to six feet, a volume of 40 vehicles in 15 minutes is considered hazardous for elementary students.

Other Relevant Information

The Institute of Transportation Engineers recommends a crossing guard be present in the following situations.

Uncontrolled Crossings

No alternate crossing within 600 feet and

- ✓ In urban areas, when traffic volume exceeds 6 vehicles per minute (350 per hour) when 40 or more school children are walking to or from school
- ✓ If speed limit exceeds 40 MPH or it is a rural area and traffic volume exceeds 5 vehicles per minute (300 per hour)

Controlled Crossings

Stop sign crossing

- ✓ Traffic volume on undivided highways of four or more lanes is greater than 8 vehicles per minute (500 per hour) when children are going to or from school
- ✓ Speed limit exceeds 40 MPH

Traffic signal crossing

- ✓ Traffic volume exceeds 5 vehicles per minute (300 per hour) when children are going to or from school
- ✓ If the crosswalk is more than 80 feet long with no intermediate refuge or an abnormally high proportion of heavy commercial vehicles[2]

[1] Other criteria must also be met for the location to be considered hazardous.
[2] The Institute for Transportation Engineers, "Design and Safety of Pedestrian Facilities"(1998). Accessed June 15, 2021. https://safety.fhwa.dot.gov/ped_bike/docs/designsafety.pdf

Source: OPPAGA analysis of *Florida Statutes* and other state statutes and codes.

Number of Lanes

The number of lanes affects the distance a pedestrian must walk across traffic. Florida's hazardous walking condition standard for the number of lanes at a crossing exceeds that of New Mexico, New York, and Tennessee, for some roads. Some research studies that OPPAGA examined found that the number of lanes was a significant factor in the severity of crashes, and that crashes on multi-lane roads have a higher probability of resulting in a fatality.

State Requirements

Florida

Addresses lanes in s. 1006.23(2)(c), *F.S.*, the portion of statute that covers crossings over the road, which states that a crossing is hazardous if there are six or more lanes of traffic, not including turning lanes.

New Mexico

Defines as hazardous a major traffic artery for high volume movement having five lanes or more, speeds of 40 MPH or greater, and high accident rates.

Tennessee

Defines highways with more than four lanes as a special hazard.

New York

Designates the number of lanes as a factor school districts may consider when calculating points to establish a child safety zone for student transportation; a four lane highway without traffic control generates sufficient points to qualify a K-8 student for transportation.

Other Relevant Information

According to the U.S. Department of Transportation, marked crosswalks should use traffic signal, pedestrian signal, or other crossing improvements when

- ✓ the roadway has four or more lanes, no raised median or crossing island, and an average daily traffic count of 12,000 or greater;
- ✓ the roadway has four or more lanes, has a raised median or crossing island, and an average daily traffic count of 15,000 or greater; and
- ✓ the speed limit exceeds 40 MPH.

Some research studies that OPPAGA examined found that the number of lanes was a significant factor in the severity of crashes, and that crashes on multi-lane roads have a higher probability of resulting in a fatality.[2]

FDOT administrators who OPPAGA interviewed reported that six-lane roads are overrepresented in crashes.

[1] U.S. Department of Transportation. "Pedestrian Safety Guide and Countermeasure Selection System: Lane Reduction (Road Diet)." Accessed April 18, 2022. http://www.pedbikesafe.org/pedsafe/countermeasures_detail.cfm?CM_NUM=19; U.S. Department of Transportation. "Pedestrian Safety Guide and Countermeasure Selection System: Recommended Guidelines/Priorities for Sidewalks and Walkways." Accessed April 18, 2022. http://www.pedbikesafe.org/pedsafe/resources_guidelines_crosswalks.cfm

[2] U.S. Department of Transportation, "Chapter 5: Risk Factors Other Than Exposure," *Synthesis of Methods for Estimating Pedestrian and Bicyclist Exposure to Risk at Areawide Levels and on Specific Transportation Facilities*. (March, 2017). Accessed February 9, 2022. https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa17041/index.cfm#toc.

Source: OPPAGA analysis of *Florida Statutes*, other states statute and codes, and interview with FDOT administrators.

Issues Addressed by Other States but Not Currently Addressed in Florida Statutes

Florida's hazardous walking condition standards do not address several other potentially hazardous issues that are considered in some other states and identified by transportation officials and school safety advocates. These include the presence of criminal activity or sex offenders, railroad crossings, and darkness.

State Requirements

Florida

Does not address lighting, railroad tracks, crash history, or other issues such as conditions in rural areas, driver behavior, or the presence of sex offenders or high crime areas in its hazardous walking conditions standards.

New Mexico

Considers an area dangerous if a student must walk across a main lane, at grade, railroad crossing.[1]

Tennessee

Considers the presence of sex offenders in the area a special hazard.

Illinois

Considers a pattern of criminal activity and railroad crossings in the area when evaluating hazardous walking conditions.

Utah

Considers darkness a safety hazard.

Other Relevant Information

- ✓ The U.S. Department of Transportation, Florida Department of Transportation, Institute of Transportation Engineers, and Safe Routes Partnership all indicate lighting is important for pedestrian safety.
- ✓ The Florida Department of Transportation noted that driver behavior (e.g., speeding) is an important consideration for pedestrian safety.
- ✓ The Safe Routes Partnership suggested crash history should be a consideration when evaluating the safety of walking conditions.
- ✓ The Safe Routes Partnership also noted the presence of high crime rates is an important consideration for pedestrian safety .

[1] "At grade" means the crossing of a highway and railway at approximately the same elevation.

Source: OPPAGA review of *Florida Statutes*, other state statutes and codes, and interviews with expert organizations.

Stakeholder-Suggested Changes to Florida's Statutory Hazardous Walking Conditions Criteria

Overview of Stakeholder-Suggested Changes

School districts, MPOs, and other stakeholders suggested several statutory changes to Florida's current definition of hazardous walking conditions for public school students. Stakeholders believed these changes would enhance student safety and likely reduce the number of students districts transport for locally-defined unsafe conditions. However, implementing one or more of these changes would increase district transportation costs by an unknown amount and likely would be difficult to implement without additional buses and bus drivers. In addition, changes that result in increasing the number of areas identified as hazardous would likely increase costs for the entities with jurisdiction over roads to implement countermeasures to address the additional hazards. The advantages, considerations, and available information on the fiscal impact of these changes are summarized in the table below.

Stakeholder-Suggested Change	Considerations	Fiscal Impact
Walking Distance Amend, s. 1011.68(1)(a), *F.S.*, to allow school districts to receive state-allocated transportation funding for transporting students who live one mile or more away from school.	▪ Florida falls along the higher end of walking distance requirements for students compared to other states, which range from one to three miles. ▪ Safety advocates and some research suggests maximum walking distances that are less than Florida's current standard. ▪ DOE estimates that 193,110 more students would qualify for transportation funding due to hazardous conditions.	▪ DOE reported that districts may not have enough buses, increasing capital costs by an estimated $321.4 million. ▪ DOE cited the need for additional bus drivers; some districts have driver shortages. ▪ DOE estimates increased annual district transportation costs of $184.5 million and states that districts might receive $96 million to offset the increased cost if funded by the state at current levels.[1] ▪ FDOT reported that this change would have no cost impact, but the department would need to update the Safe Routes to School manual.
Grade Level Amend s. 1006.23(1), *F.S.*, to expand the definition of student from the current limitation of students up to grade 6 to include students in grades 7 through 12 to allow the hazardous walking conditions criteria to apply to public school students in all grade levels.	▪ This change would allow districts to receive state-allocated transportation funding, as specified in s. 1011.68(1)(a), *F.S.*, for transporting students in grades 7-12 who live within a two-mile radius of their school due to hazardous walking conditions. ▪ Florida's hazardous walking standards would align with those in other states that specifically include the transportation of secondary school students who are subjected to hazardous walking conditions. ▪ Safe Routes to School allows funding for improvements affecting secondary students.	▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.

[1] The Florida Department of Education estimates increased annual district transportation costs of $955 per student, and that the base student allocation for transportation in 2019-20 was $497 per student.

Overview of Stakeholder-Suggested Changes to Statute *(cont.)*

Stakeholder-Suggested Change	Considerations	Fiscal Impact
Walkway Surface (Walkways Parallel to the Road) Amend s. 1006.23(2)(a)1., *F.S.*, to specify that the walkway used by students to walk to and from school must be a sidewalk, paved area, or other hard surface.	▪ Some research has found that sidewalks are associated with significant reductions in pedestrian collisions with motor vehicles. ▪ FDOT cited the need to consider shared-use pathways/paved trails that can be used by both pedestrians and cyclists and thus provide a multi-user benefit.[2] A shared-use path is also designed to accommodate less experienced bicycle traffic; a sidewalk is not designed for bicycle traffic. ▪ FDOT reported that requiring pavement may limit the use of pervious pavement or asphalt or other innovative materials that may create greater comfort for the user and/or an environmental benefit.	▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.[1] ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.
Speed Limits (Uncurbed Roads—Walkways Parallel to the Road) Amend s. 1006.23, (2)(a)1., *F.S.*, to reduce the speed limit for uncurbed roads from 50 MPH. Suggestions included setting the speed limit to 30 MPH, 35 MPH, or 40 MPH.	▪ Research has found that the distance to stop a vehicle increases with speed; the risk of severe or fatal injury is significantly associated with impact speed. ▪ National transportation officials and school safety advocates who OPPAGA interviewed reported believing that Florida's speed limit requirement of 50 MPH for determining hazardous walking conditions is too high. ▪ Florida's speed limit standard was higher than those for other states OPPAGA identified that include a speed limit standard in state criteria.	▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers. ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.

[1] DOE estimates increased annual district transportation costs of $955 per student, and that the base student allocation for transportation in 2019-20 was $497 per student.
[2] According to FDOT, typical cost for one mile of six-foot-wide concrete sidewalk is $250,000. The cost for one mile of 12-foot-wide asphalt shared-use path is $415,000.

Overview of Stakeholder-Suggested Changes to Statute *(cont.)*

Stakeholder-Suggested Change	Considerations	Fiscal Impact
Traffic Volume (Uncontrolled Crossings—Walkways Perpendicular to the Road) Amend s. 1006.23(2)(b)1., *F.S.*, to change the maximum of 360 vehicles per hour per direction (including all lanes), during the time students walk to and from school in order for an uncontrolled crossing to be considered a hazardous walking condition. Suggestions included setting a maximum of 250 vehicles per hour, setting a maximum of 120 vehicles per 15 minutes, or eliminating the traffic count.	▪ The Institute of Transportation Engineers recommends crossing guards when traffic volume in uncontrolled settings exceeds certain limits that are, in some cases, lower than Florida's current standard. ▪ FDOT reported that the existing 360 vehicles per hour is less than its guidance. Lowering the volume would require changes to the department Traffic Engineering Manual. ▪ FDOT recommends against eliminating traffic counts as these provide useful metrics for determining safety.	▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.[1] ▪ FDOT reported that crossing guard costs might increase. The current average hourly rate for crossing guards is approximately $14 per hour, typically paid two to four hours per school day. ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.[2]
Traffic Volume (Controlled Crossings—Walkways Perpendicular to the Road) Amend s. 1006.23(2)(b)2., *F.S.*, to change the maximum of 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. Suggestions included setting a maximum of 400 vehicles/hour, 2,000 vehicles/hour, or at an annual average daily traffic of 4,000 vehicles, or eliminating the traffic count.	▪ The Institute of Transportation Engineers recommends crossing guards when traffic volume in controlled settings exceeds certain limits that are, in some cases, lower than Florida's current standard. ▪ FDOT reported that making these changes would increase safety as long as sufficient resources are made available to implement appropriate countermeasures. ▪ FDOT reported an additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.[2]	▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.[1] ▪ FDOT reported that crossing guard costs might increase. The current average hourly rate for crossing guards is approximately $14 per hour, typically paid two to four hours per school day. ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.

[1] DOE estimates increased annual district transportation costs of $955 per student, and that the base student allocation for transportation in 2019-20 was $497 per student.

[2] According to FDOT, typical costs for high emphasis crosswalks are $2,295 for a two-lane road, $3,634 for four lanes, and $4,973 for six lanes. Typical costs for a midblock pedestrian signal are $162,000 for a two-lane road, $215,000 for four lanes, and $225,000 for six lanes. Typical costs for a pedestrian hybrid beacon are $162,000 for a two-lane road, $215,000 for four lanes, and $225,000 for six lanes. Typical costs for a rectangular rapid flashing beacon are $130,000 for a two-lane road and $193,000 for four lanes.

Overview of Stakeholder-Suggested Changes to Statute *(cont.)*

Stakeholder-Suggested Change	Considerations	Fiscal Impact
Speed Limits (Uncontrolled Crossings—Crossings Over the Road) Amend s. 1006.23, (2)(c)1., *F.S.*, to reduce the maximum speed limit for uncontrolled crossing sites to less than 50 MPH. Suggestions included setting the standard at 35 MPH, 40 MPH, or 45 MPH.	▪ Research has found that the distance to stop a vehicle increases with speed; the risk of severe or fatal injury is significantly associated with impact speed. ▪ National transportation officials and school safety advocates who OPPAGA interviewed believed that Florida's speed limit requirement of 50 MPH for determining hazardous walking conditions is too high.	▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.[1] ▪ FDOT reported that the change might increase costs for crossing guards. ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.[2]
Number of Lanes (Uncontrolled Crossings— Crossings Over the Road) Amend s. 1006.23(2)(c)2., *F.S.*, to reduce the six-lane road requirement regardless of speed limit. Suggestions included setting the standard at more than two lanes or four lanes, and including turning lanes in the count of six lanes.	▪ Some research studies have found that the number of lanes was a significant factor in the severity of crashes, and that crashes on multi-lane roads have a higher probability of resulting in a fatality. ▪ FDOT administrators who OPPAGA interviewed reported that six-lane roads are overrepresented in crashes.	▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.[1] ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.
Additional Criteria Amend ss. 1006.23(2),(a), (b), and (c), *F.S.*, to add criteria for lighting, railroad track crossings, driver behavior (e.g., speeding), and registered sex offenders residing along the path that students walk.	▪ Transportation officials and school safety advocates reported that lighting is important for pedestrian safety. ▪ School safety advocates suggested crash history should be a consideration when evaluating the safety of walking conditions, and that the presence of high crime rates also is an important consideration. ▪ FDOT noted that driver behavior (e.g., speeding) is an important consideration for pedestrian safety. ▪ Some stakeholders responding to OPPAGA's survey emphasized particular concerns about student safety due to high-speed rail. ▪ FDOT recommends a quantifiable measure for lighting and that the standard should apply to schools with students walking in the early morning, which might not be every location, and recommends coordinating railroad crossings with existing vehicular crossings.	▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.[1] ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.

[1] DOE estimates increased annual district transportation costs of $955 per student, and that the base student allocation for transportation in 2019-20 was $497 per student.

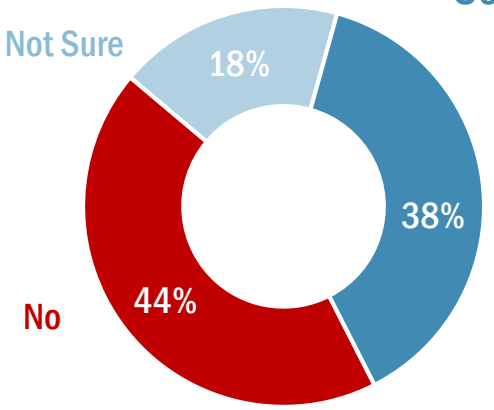
[2] FDOT reports the typical costs for high emphasis crosswalks are $2,295 for a two-lane road, $3,634 for four lanes, and $4,973 for six lanes. Typical costs for a midblock pedestrian signal are $162,000 for a two-lane road, $215,000 for four lanes, and $225,000 for six lanes. Typical costs for a pedestrian hybrid beacon are $162,000 for a two-lane road, $215,000 for four lanes, and $225,000 for six lanes. Typical costs for a rectangular rapid flashing beacon are $130,000 for a two-lane road, and $193,000 for four lanes.

Stakeholder-Suggested Changes: Walking Distance

Over one-third of school districts and approximately one-half of MPOs responding to OPPAGA's survey reported that s. 1011.68(1)(a), *Florida Statutes*, should be modified to allow school districts to receive state-allocated transportation funding for transporting students who live closer than the current requirement of two miles from school. The most common suggestion from both groups surveyed was to provide state-allocated funding for the transportation of students who live one mile or more from school.

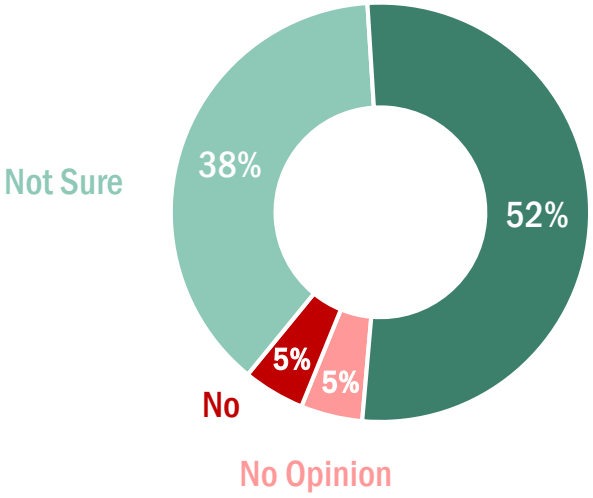
Should the two-mile walking distance requirement in s. 1011.68(1)(a), *Florida Statutes*, be modified?

School Districts



- 1 mile (10)
- 1.5 miles (2)
- .5 miles (1)
- Not specified (6)
- Other (3)

MPOs



- 1 mile (4)
- .5 miles (1)
- .5 miles for kindergarten, 1 mile for older elementary, 1.5 miles for high school (1)
- Over 2 miles (1)

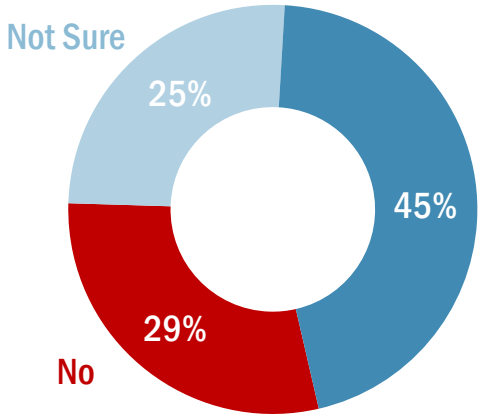
Source: OPPAGA analysis of school district and MPO survey responses.

Stakeholder-Suggested Changes: Grade Levels

Almost one-half of school districts and two-thirds of MPOs responding to OPPAGA's survey reported that the K-6 grade levels in s. 1006.23(1), *Florida Statutes*, should be modified. The most frequent suggestion from both groups was to modify the law so that the hazardous walking conditions criteria apply to public school students in all grade levels.

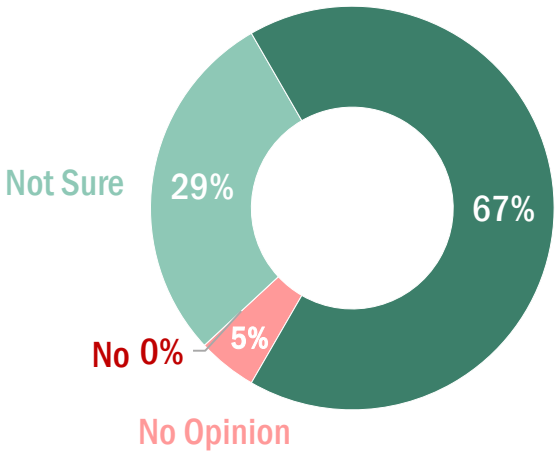
Should the K-6 student grade levels specified in s. 1006.23(1), *Florida Statutes*, be modified?

School Districts



- All students (17)
- K-5th (3)
- K-8th (3)
- Not specified (2)

MPOs



- All students (12)
- K-8th grade (1)
- Up to age 16 (1)

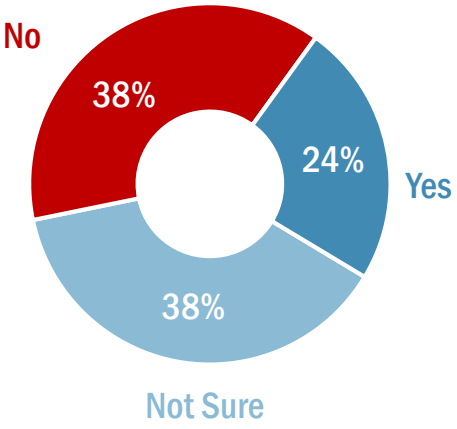
Source: OPPAGA analysis of school district and MPO survey responses.

Stakeholder-Suggested Changes: Walkways Parallel to the Road

Approximately one-quarter of school districts and almost one-half of MPOs responding to OPPAGA's survey suggested changes to the definition for walkways parallel to the road in s. 1006.23(2)(a), *Florida Statutes*. The most frequently suggested modifications were to change the definition of walkway surface and to reduce the speed limit standard.

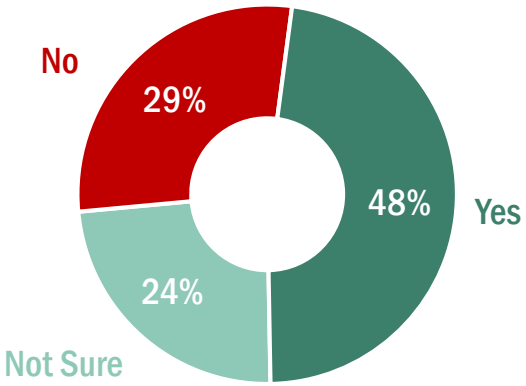
Should s. 1006.23(2)(a), *Florida Statutes*, pertaining to walkways parallel to the road, be modified?[1]

School Districts



- Modify the definition for walkway surface (7)—suggestions included requiring sidewalks or improved surfaces
- Reduce the speed limit of 50 MPH (5)—Suggestions included reducing to 30, 35, or 40 MPH
- Increase distance from the road (2)

MPOs



- Reduce the speed limit of 50 MPH (8)—suggestions included reducing the speed limit standard to 30 or 35 MPH
- Modify the definition for walkway surface (3)—suggestions included requiring sidewalks or improved surfaces
- Increase distance from the road (2)

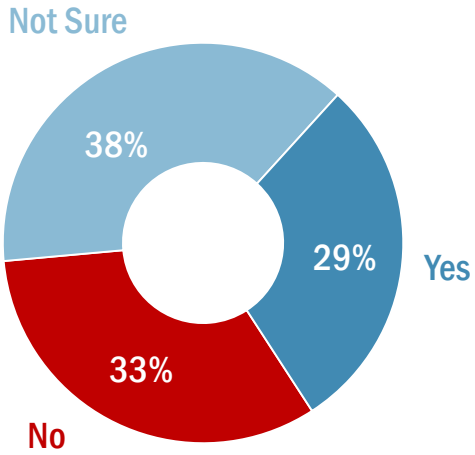
[1] School districts and MPOs were permitted to suggest more than one modification for walkways parallel to the road. The suggested changes shown were the most frequently reported in each survey.
Source: OPPAGA analysis of school district and MPO survey responses.

Stakeholder-Suggested Changes: Walkways Perpendicular to the Road

Almost one-third of school districts and one-third of MPOs responding to OPPAGA's survey suggested the definition of hazardous walking conditions perpendicular to the road in s. 1006.23(2)(b), *Florida Statutes,* be modified. The most frequently suggested modification was to lower or eliminate the traffic volume standard.

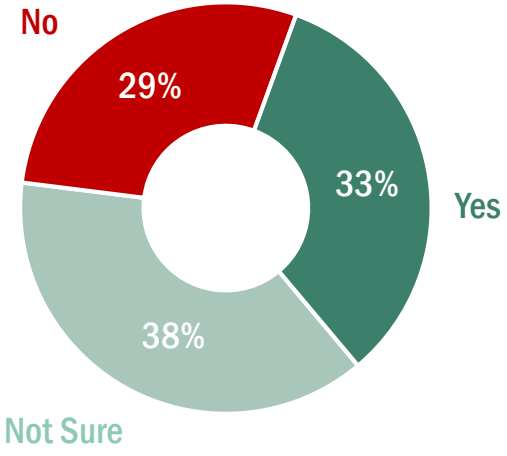
Should s. 1006.23(2)(b), *Florida Statutes*, pertaining to walkways perpendicular to the road, be modified?[1]

School Districts



- Lower or eliminate the traffic volume standard (10)—suggestions included volumes of 250 vehicles per hour or a maximum of 120 vehicles per 15 minutes for uncontrolled crossings; 400, 2,000, or 2,500 vehicles per hour for controlled crossings; or eliminating traffic counts
- Require safe crossings (controlled intersections, supervised crossing, etc.) (3)
- Specify role of traffic enforcement officers on busy, multi-lane roads (1)
- Include road crash or DUI rates (1)

MPOs



- Lower or eliminate the traffic volume (4)—suggestions included volumes of 2,000 vehicles per hour or an annual daily average of 4,000 vehicles for controlled crossings, or eliminating the traffic volume for controlled and uncontrolled crossings
- Provide volume per lane (1)
- Allow for additional means to show traffic volume outside of a traffic study (1)
- Require traffic study to have been completed in the past five years (1)

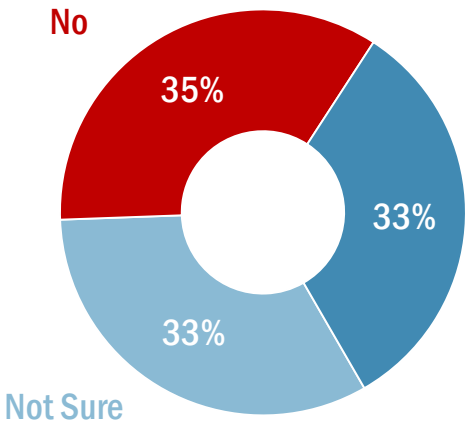
[1] School districts and MPOs were permitted to suggest more than one modification for walkways perpendicular to the road. The suggested changes shown were the most frequently reported in each survey.
Source: OPPAGA analysis of school district and MPO survey responses.

Stakeholder-Suggested Changes: Crossings Over the Road

About one-third of school districts and over half of MPOs that responded to OPPAGA's survey said that the statutory criteria for crossing over the road in s. 1006.23(2)(c), *Florida Statutes*, should be modified. The most common suggested modifications from both groups surveyed were to reduce the speed limit and to reduce the number of lanes.

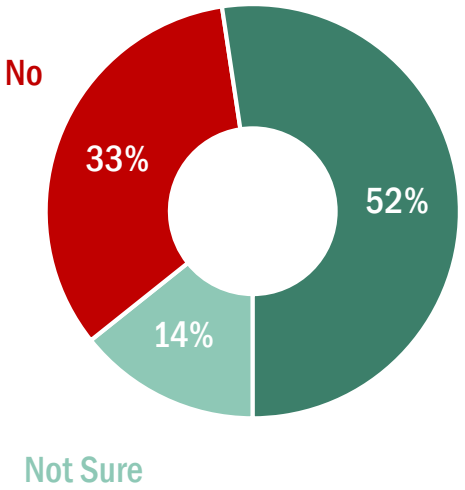
Should s. 1006.23(2)(c), *Florida Statutes,* pertaining to crossings over the road, be modified?[1]

School Districts



- Reduce the posted speed limit of 50 MPH (11)—suggestions included reducing to 45 or 35 MPH
- Reduce the number of lanes to less than six (8)—suggestions included reducing to four lanes or two or more lanes
- Include turning lanes in the count of lanes (3)

MPOs



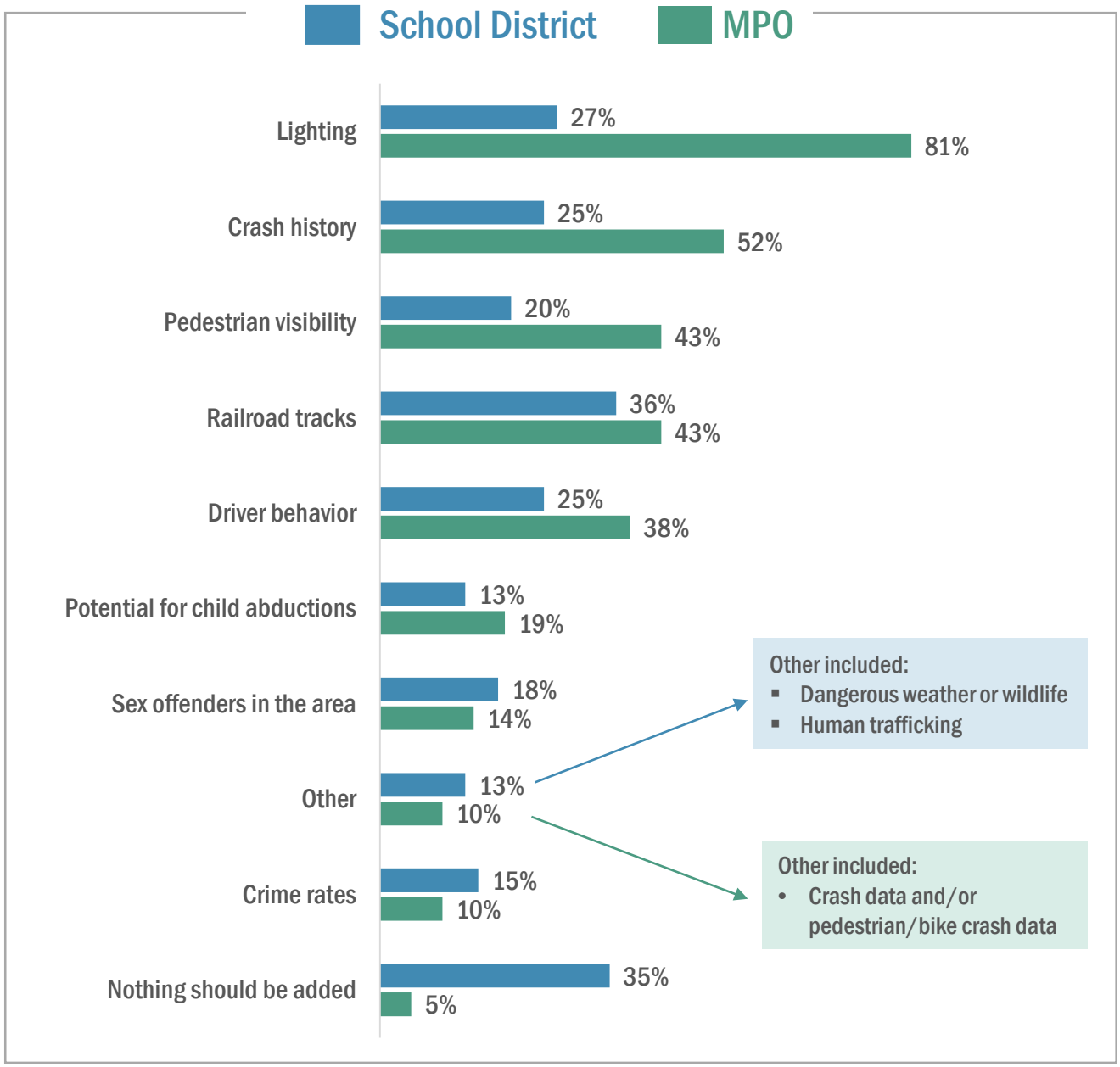
- Reduce speed limit (8)—suggestions included reducing to 40 or 35 MPH
- Reduce the number of lanes (7)—suggestions included reducing to 4 lanes or fewer and including turn lanes in the count

[1] School districts and MPOs were permitted to suggest more than one modification for walkways crossing over the road. The suggested changes shown were the most frequently reported in each survey.
Source: OPPAGA analysis of school district and MPO survey responses.

Additional Stakeholder-Suggested Changes

School districts and MPOs that responded to OPPAGA's survey suggested adding several criteria to Florida's current statutory definition of hazardous walking conditions. Lighting was the one of the most common suggestions to be added to the current statutory criteria. Other suggestions included crash history, railroad tracks, driver behavior, and the presence of sex offenders.

Which, if any, of the following criteria should be added to s. 1006.23(2), *Florida Statutes*, for defining hazardous walking conditions?[1]



[1] School districts and MPOs were permitted to select more than one criterion that should be added to s.1006.23(2), *F.S.*, for defining hazardous walking conditions.
Source: OPPAGA analysis of school district and MPO survey responses.

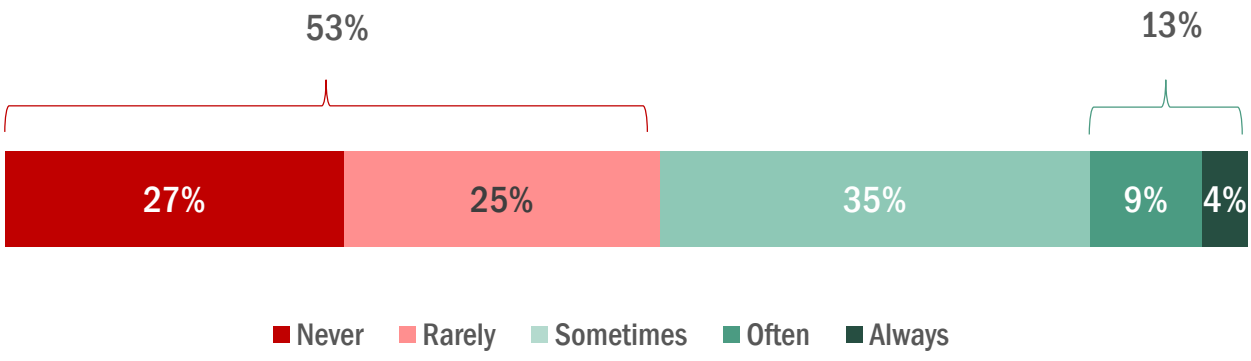
Stakeholder Feedback on Florida's Process to Correct Hazardous Walking Conditions

Frequency of Correcting Hazardous Walking Conditions

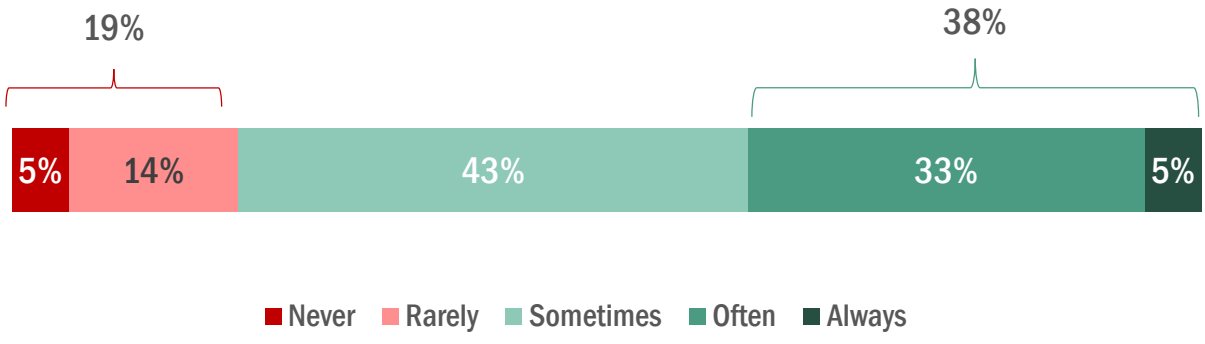
Perceptions varied between school district and MPO survey respondents regarding how often identified hazardous walking conditions are subsequently corrected. While over one-half of school districts reported that hazardous walking conditions never or rarely were corrected, less than 20% of MPOs reported that hazardous walking conditions were never or rarely corrected. This disconnect in perceptions between the two groups might be due to a lack of information on the number of hazardous walking conditions reported and the status of efforts to correct them.[1]

How frequently are hazardous walking conditions that meet the requirements of s. 1006.23(2), *Florida Statutes*, corrected in your area?

School Districts



MPOs



[1] Prior to June 2017, school districts were required to report each hazardous walking location to the Department of Education, along with the projected completion date, and the actual completion date of the hazardous walking conditions in the district. However, this reporting requirement was eliminated by June 2017.

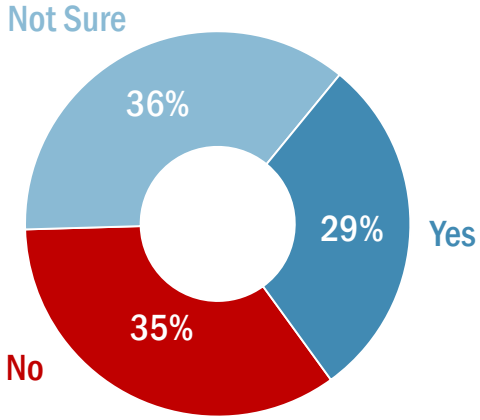
Source: OPPAGA analysis of school district and MPO survey responses.

School Districts: Barriers to Correcting Hazardous Walking Conditions

Almost one-third of school district respondents reported experiencing barriers to correcting hazardous walking conditions as prescribed in s. 1006.23(4) *Florida Statutes.* The most frequently cited barrier was the lack of funding and incentives for governmental agencies to make the needed corrections. Most school districts (60%) reported not experiencing barriers to transporting students while hazardous walking conditions are being corrected.

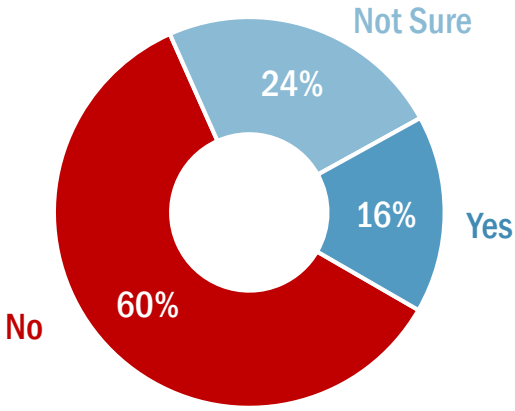
School Districts[1]

Has your district experienced any barriers to correcting hazardous walking conditions as prescribed in s. 1006.23(4), *Florida Statutes*?



- Inability of the government entity with jurisdiction of the road to obtain funding for correcting the hazardous walking conditions (15)
- Lack of incentive for responsible government entity to make repairs to correct hazardous walking conditions (12)
- Not completing infrastructure repairs to correct hazardous walking conditions by the projected completion date (4)
- Lack of communication among entities about hazardous walking conditions (2)

Has your district experienced any barriers to transporting students while hazardous walking conditions are being corrected, as provided in s. 1006.23(4)(c), *Florida Statutes*?



- Having enough bus drivers (9)
- Having enough buses (3)
- Obtaining state funding (2)
- Maintaining required documentation (1)

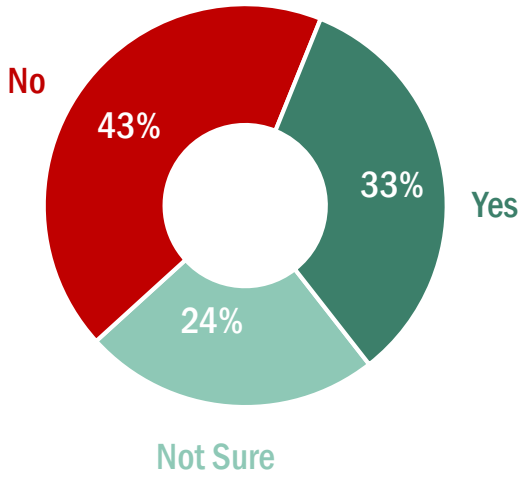
[1] School districts were permitted to select more than one barrier to correcting hazardous walking conditions.
Source: OPPAGA analysis of school district and MPO survey responses.

MPOs: Barriers to Correcting Hazardous Walking Conditions

Approximately one-third of MPO survey respondents reported experiencing barriers to correcting hazardous walking conditions as prescribed in s. 1006.23(4) *Florida Statutes*. The most frequently cited barriers were the lack of funding needed to make the corrections and poor communication among entities involved. In addition, some MPOs cited funding and coordination as barriers to adding hazardous walking condition projects to five-year plans.

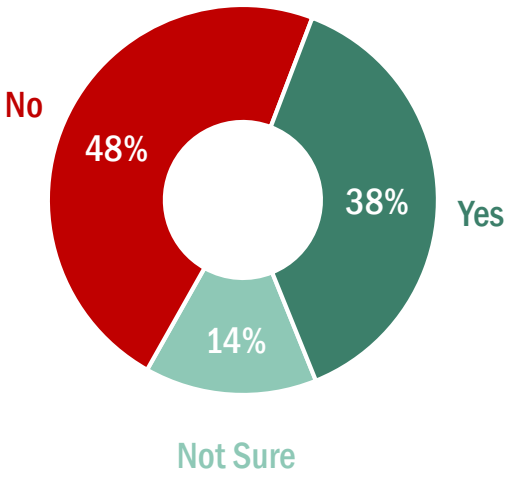
MPOs

Has your MPO experienced any barriers to correcting hazardous walking conditions as prescribed in s. 1006.23(4), *Florida Statutes*?[1]



- Inability of the government entity with jurisdiction of the road to obtain funding for correcting the hazardous walking conditions (5)
- Lack of communication among entities about hazardous walking conditions (4)
- Lack of incentive for responsible government entity to make repairs to correct hazardous walking conditions (2)
- Completing infrastructure repairs to correct hazardous walking conditions by the projected completion date (2)

Has your MPO experienced any barriers adding a hazardous walking condition into the five-year plan?



- Lack of funding (4)
- Issues coordinating with schools (2)

[1] MPOs were permitted to select more than one barrier to correcting hazardous walking conditions. The barriers shown were the most frequently reported in the MPO survey.

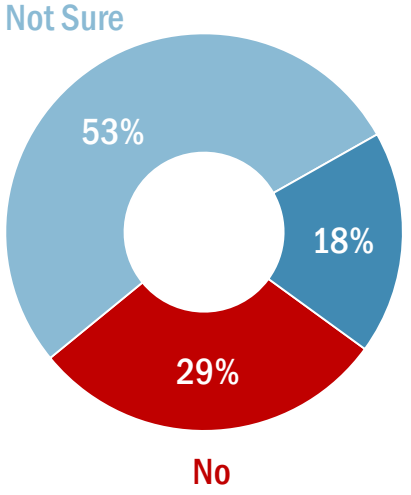
Source: OPPAGA analysis of MPO survey responses.

Stakeholder-Suggested Changes: Process for Correcting Hazardous Walking Conditions

Only 18% of school districts and 38% of MPOs surveyed suggested changes to the statutory process for correcting hazardous walking conditions prescribed in s. 1006.23(4)(a)-(b), *Florida Statutes.* School districts that recommended changes most frequently suggested requiring incentives for correcting or consequences for not correcting hazardous conditions, while MPOs that recommended changes most frequently suggested providing a dedicated funding source for corrections.

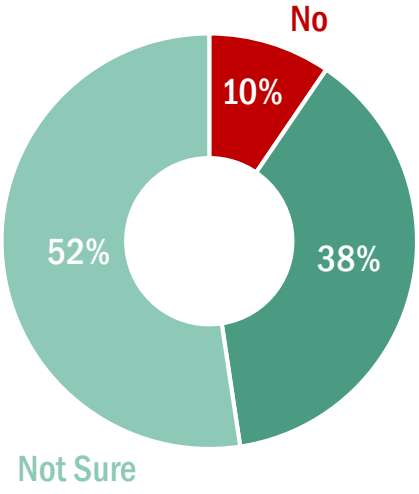
Should s.1006.23(4)(a)-(b), *Florida Statutes*, pertaining to correcting hazardous walking conditions, be modified?[1]

School Districts



- Require incentive to make correction or consequence for not correcting hazardous condition (5)
- Funding (1)
- Districts alone should have authority for correction (1)

MPOs



- Provide a funding source (3)
- Keep problem areas on the plan until corrected, not just until the child ages out (1)
- Change the school building process (1)
- Provide condition evaluation to more people (1)

[1] School districts and MPOs were permitted to suggest more than one modification to the process of correcting hazardous walking conditions. The suggested changes shown were the most frequently reported in each survey.
Source: OPPAGA analysis of school district and MPO survey responses.

Countermeasures and Related Funding Sources

Traffic Calming Measures

The speed at which a pedestrian is hit by a vehicle is strongly associated with pedestrian survival. Traffic calming measures work to slow down traffic, reducing speed in the event of a crash and improving safety for pedestrians. There are several options for reducing speed and traffic, including installing islands, roundabouts, medians, and raised crossings. Other options include installing chicanes (concrete islands that offset traffic), curb extensions (extending sidewalks into parking lanes and reducing street width), and diverters (islands that prevent certain movements).[1]

Island

- ✓ Helps to protect pedestrians from motor vehicles when crossing
- ✓ A spot island can cost between $12,000 and $17,000
- ✓ According to the U.S. Department of Transportation Federal Highway Administration, islands can reduce pedestrian crashes by 56%

Roundabout

- ✓ Reduces vehicle speed, helps traffic flow, eliminates angle collisions
- ✓ Cost can vary from $1,500,000 to $2,100,000 depending on lane number
- ✓ According to the U.S. Department of Transportation Federal Highway Administration, roundabouts can reduce pedestrian crashes by 27%

Median

- ✓ Slows motor vehicle speeds
- ✓ Cost is $12,000 for a median island and $5,000 for a median extension
- ✓ According to the U.S. Department of Transportation Federal Highway Administration, medians can reduce pedestrian crashes by 25%

Raised Crossing

- ✓ Increases pedestrian visibility and forces slowness from motorists
- ✓ Two-lane raised crosswalk can cost $414,000
- ✓ According to the U.S. Department of Transportation Federal Highway Administration, raised crossings can reduce pedestrian crashes by 30%

[1] See the earlier table with the Overview of Stakeholder Suggested Changes to Statute for additional information from FDOT on countermeasures and costs.

Source: University of North Carolina Highway Safety Research Center, "Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public." (October, 2013); Bushell, M. A., Poole, B. W., Zegeer, C. V., Rodriguez, D. A. "Costs for Pedestrian and Bicyclist Infrastructure Improvements." Accessed June 30, 2021. https://www.pedbikeinfo.org/cms/downloads/Countermeasure%20Costs_Report_Nov2013.pdf; U.S. Department of Transportation Federal Highway Administration. "Toolbox of Pedestrian Countermeasures and Their Potential Effectiveness." Accessed February 21, 2022. https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa18041/fhwasa18041.pdf; Florida Department of Transportation. "Where Would we Expect these Typical Treatments?"; Federal Highway Administration. "Synthesis of Methods for Estimating Pedestrian and Bicyclist Exposure to Risk at Areawide Levels and on Specific Transportation Facilities." Accessed April 4, 2022. https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa17041/index.cfm#toc; National Transportation Safety Board. "Special Investigation Report: Pedestrian Safety" Accessed February 14, 2022. https://www.ntsb.gov/safety/safety-studies/Documents/SIR1803.pdf ; U.S. Department of Transportation Federal Highway Administration. "Toolbox of Pedestrian Countermeasures and Their Potential Effectiveness for Pedestrian Crashes." Accessed June 30, 2021. https://safety.fhwa.dot.gov/ped_bike/tools_solve/ped_tctpepc/ped_tctpepc.pdf; and the Florida Department of Transportation.

Pedestrian Accommodations and Crossings

Pedestrian accommodations and crossings refer to the infrastructure provided to enhance the pedestrian environment that may include improving pedestrian safety, mobility, and/or access. Examples include lighting, overpasses/underpasses, street furniture, and sidewalks. Other examples include bollards (posts embedded in the ground to separate pedestrians from motor vehicle traffic), fences/gates (barriers that separate pedestrians and cyclists from roadways), and crosswalks (indicate legal and preferred crossings for pedestrians at intersections or midblock locations).[1]

Lighting

- ✓ Protects both drivers and pedestrians
- ✓ Median cost for intersection lighting is $43,000
- ✓ According to the U.S. Department of Transportation Federal Highway Administration, overhead lighting can reduce pedestrian injury crashes by 23%

Overpass/Underpass

- ✓ Provides safe accommodation over impassable barriers, including highways and railways
- ✓ According to the U.S. Department of Transportation Federal Highway Administration, overpasses/underpasses provide an 86% decrease in all pedestrian crashes

Street Furniture

- ✓ Provides safety to pedestrians through a buffer between sidewalks and roadways.
- ✓ Includes trees, benches, bus shelters, newspaper racks, and kiosks
- ✓ Creates a more pleasant and attractive environment for pedestrians
- ✓ According to the U.S. Department of Transportation Federal Highway Administration, costs can vary. A bench can cost $1,155 and a bus shelter can cost $99,000

Sidewalk

- ✓ Most basic pedestrian facility
- ✓ May vary in material and cost
- ✓ Cost can range from $3,000 per 100 feet to fill gaps to $6,000 per 100 feet to widen the sidewalk
- ✓ According to the U.S. Department of Transportation Federal Highway Administration, sidewalks can reduce all pedestrian crashes by 88%

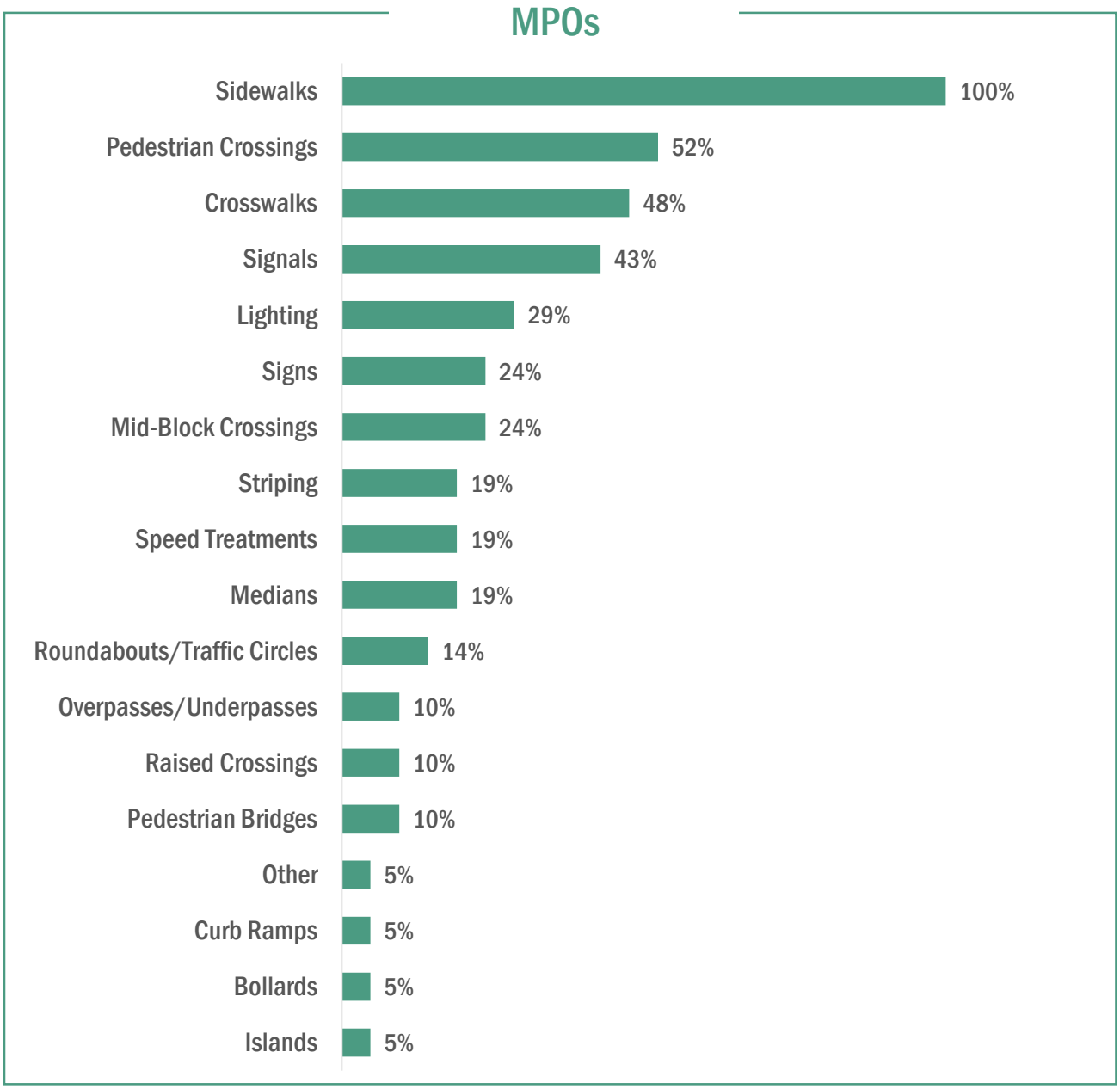
[1] See the earlier table with the Overview of Stakeholder Suggested Changes to Statute for additional information from FDOT on countermeasures and costs.

Source: University of North Carolina Highway Safety Research Center, "Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public." (October, 2013); Bushell, M. A., Poole, B. W., Zegeer, C. V., Rodriguez, D. A. "Costs for Pedestrian and Bicyclist Infrastructure Improvements." Accessed June 30, 2021. https://www.pedbikeinfo.org/cms/downloads/Countermeasure%20Costs_Report_Nov2013.pdf;
U.S. Department of Transportation Federal Highway Administration. "Toolbox of Pedestrian Countermeasures and Their Potential Effectiveness." Accessed February 21, 2022. https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa18041/fhwasa18041.pdf
Florida Department of Transportation. "Where Would we Expect these Typical Treatments?"; and the Florida Department of Transportation.

Countermeasures Used

Although there is no requirement in s. 1006.23, *Florida Statutes*, that student walkways must be sidewalks, MPOs responding to OPPAGA's survey reported that the most common countermeasure used to address unsafe walking conditions is installing sidewalks. MPOs also reported that pedestrian crossings and crosswalks were common countermeasures used to address unsafe walking conditions.

What are the most common countermeasures used to address unsafe walking conditions in your area?[1]



[1] MPOs were permitted to select up to five of the most commonly used countermeasures.
Source: OPPAGA analysis of MPO survey responses.

Approaches to Funding Countermeasures

A number of federal, state, and local funding sources are available for transportation projects. Although most funding sources are not specifically dedicated to pedestrian/bicyclist improvements, major transportation projects such as resurfacing can include improvements to enhance pedestrian/bicyclist safety. The Florida Department of Transportation was unable to provide details on how much of its expenditures for roadway improvements are used to improve pedestrian/bicyclist safety, but officials stated that the purpose of the department's Complete Streets policy is to address the needs of all users, including pedestrians and bicyclists, in roadway projects.[1]

Federal Sources of Funding

Federal funding is distributed through the Florida Department of Transportation. The U.S. Department of Transportation Federal Highway Administration lists 16 surface transportation funding programs that potentially can fund pedestrian and bicycle projects.[2]

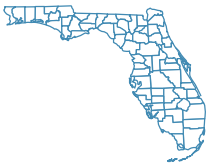
However, these loan and grant programs restrict the purposes for which these funds can be spent. For example, the Congestion Mitigation and Air Quality Improvement Program can fund new and retrofit existing crosswalks as long as the project demonstrates emission reductions and benefits air quality, while bicycle lanes on a road can be funded from the Infrastructure for Rebuilding America Discretionary Grant Program but would not be competitively selected unless the project is part of a larger project.

The Transportation Alternatives Program provides funding for pedestrian and bicycle projects through a competitive process, including projects formerly funded through the Safe Routes to School program. (See the next page for more information on the Safe Routes to School program.)

State Sources of Funding

State funding sources for transportation projects include state fuel taxes, documentary stamp taxes, tolls, State Comprehensive Enhanced Transportation System collections, and fees. The fees include rental car surcharges, initial motor vehicle registration fees, and motor vehicle license and title fees. Although these funds can be used for transportation projects that might include pedestrian/bicyclist safety, no state funding source is solely dedicated to pedestrian/bicyclist safety.

Local Sources of Funding



Local funding sources for transportation projects can include local fuel taxes, tourism impact taxes, and special assessments. Other funding sources can include a variety of other revenues such as property taxes and discretionary surtaxes for regional transportation systems and local government infrastructure.

[1] FDOT describes a Complete Street as one that is designed for users of all ages and abilities, including bicyclists, pedestrians, transit vehicles, freight handlers, and motorists. These transportation facilities are context sensitive and, in Florida, they vary widely based on each community's location, desires, and needs. See Florida Department of Transportation, Complete Streets website.

[2] Federal Highway Administration, Pedestrian and Bicycle Funding Opportunities, U.S. Department of Transportation, Transit, Highway, and Safety Funds, January 21, 2021.

Source: OPPAGA review of documents from the U.S. Department of Transportation, Office of Economic and Demographic Research, and Florida Department of Transportation; and interview with Florida Department of Transportation officials.

Safe Routes to School

FDOT uses federal funding for the Safe Routes to School (SRTS) Program specifically to address safe walking and bicycling to school. SRTS is intended to help communities address school transportation needs and encourage more students to walk or cycle to school.

Federal SRTS program

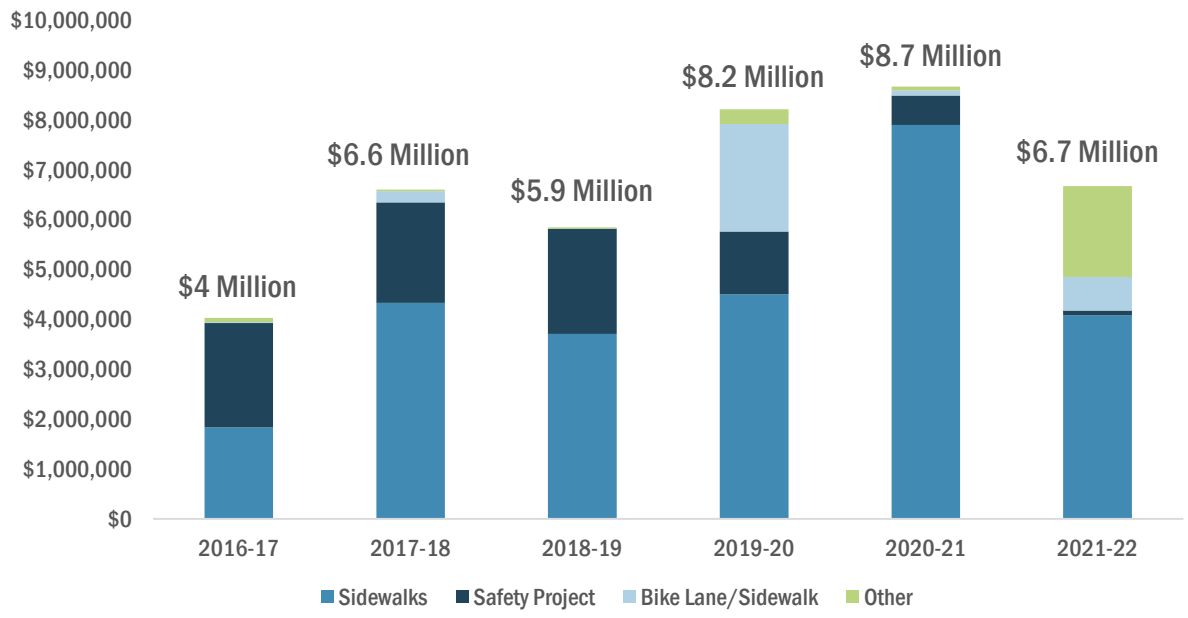
In 2005, Congress established the SRTS program to improve safety on walking and bicycling routes and encourage children and families to travel between home and school using these modes. The 2005 legislation provided funding to the program, but 2012 legislation eliminated the program's dedicated funding and made SRTS activities eligible to compete for funding alongside other programs as part of the Transportation Alternatives Program (TAP).[1]

Projects in Florida

In 2007, FDOT funded the first SRTS project grants for Florida school districts. FDOT reports that after SRTS projects had to compete for funding under TAP, Florida communities had difficulty receiving funding. As a result, FDOT created a stand-alone SRTS program in 2015 by transferring federal Highway Safety Improvement Program funds to the state's Surface Transportation Program, which allocates $7 million annually to SRTS projects. For Fiscal Years 2016-17 through 2021-22, FDOT allocated approximately $40 million to 30 school districts for 109 SRTS projects.

FDOT Allocations to SRTS

Most SRTS projects in Florida (71 of 109) are for constructing sidewalks[2]



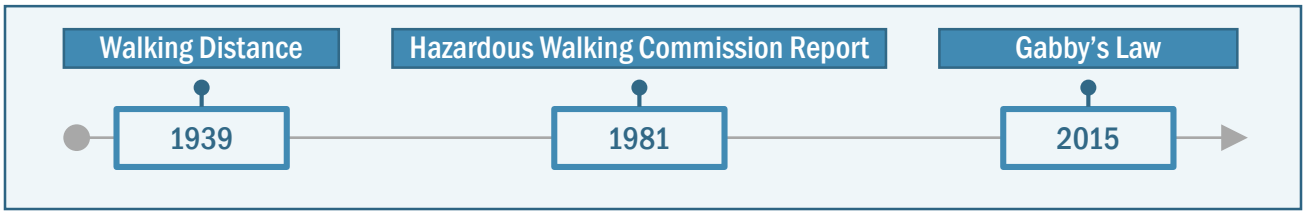
[1] The Safe Routes Partnership reports that SRTS activities are eligible for a variety of federal funding sources, including Transportation Alternatives, Highway Safety Improvement Program, Congestion Mitigation and Air Quality, and Surface Transportation Block Grant funds.

[2] "Other" includes pedestrian safety improvement, signage/pavement markings, adding/reconstructing lanes, bike paths/trails, lighting, inspecting construction projects, and preliminary engineering.

Source: OPPAGA review of federal laws and documents from the U.S. Department of Transportation, Florida Department of Transportation, and Safe Routes to School Partnership; and interview with Florida Department of Transportation officials.

Appendix A: History of Florida's Hazardous Walking Conditions Statute

History of Hazardous Walking Conditions Statute



Distance

The two-mile limit was first established in law in 1939 and remains the distance used to determine busing for students today.

Initial Statutory Criteria

In 1980, the Legislature required the Commissioner of Education to create a definition for hazardous walking conditions. Most of the criteria used in s. 1006.23, *Florida Statutes,* to identify hazardous walking conditions was developed in 1981. This criteria was developed by a committee comprised of school district transportation officials, a district superintendent, assistant superintendents, district directors of finance, and other district administrators. The committee's intent was not to identify large numbers of children within the two-mile limit as eligible for transportation funds~~,~~ but to create a mechanism whereby hazardous conditions may be corrected, if correctable, and students transported in the interim to maintain safe access to school.

The committee explained its rationale for limiting hazardous walking transportation funding to grades K-6, which included that elementary age children need a greater degree of protection than secondary age children, while older children have fewer constraints placed upon them by both the parents and the school. In addition, that often, areas thought to be hazardous to young children are traversed, with parental approval, by older children for purposes of play after school hours and on weekends.

The committee report did not include similar statements to explain the rationale behind some of the other criteria the committee recommended, such as the width and surface of the area considered suitable for walking, the distance from the road, the speed limit, or the traffic volume.

Statutory Updates

In 2015, Gabby's Law made changes to hazardous walking condition criteria and the process of identifying hazardous walking conditions. The changes lowered the speed limit for walkways parallel to the road from 55 MPH to 50 MPH; excluded drainage ditches, sluiceways, swales, or channels from the definition of walkway; removed a section that excluded residential areas with little or no transient traffic from applicability of the section on walkways perpendicular to the road; and added a section for crossings over a road to the definition of hazardous walking condition with respect to any road or uncontrolled crossing if the road has a posted speed limit of 50 MPH or greater or the road has six lanes or more. The process was altered to require a joint inspection from multiple parties and notification to superintendents, and to allow interlocal agreements.

Source: OPPAGA analysis of *Florida Statutes*, *Laws of Florida*, Summaries of General Legislation for 1981 and 1973, bill analysis for Ch. 81-254, *Laws of Florida* (Senate Bill 798), and the *Committee Report for Determining Hazardous Walking Conditions*, February 20, 1981. Historical documents obtained from the State Library of Florida and the Florida State University College of Law Digitized Legal collections website.

Contact Information

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OPPAGA
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