

Dakota County
Safe Routes to School

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Safe Routes to School Comprehensive Plan

Echo Park Elementary School

City of Burnsville
Dakota County, MN

December 2010

Prepared by:



SHIP
Statewide Health Improvement Program

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Project Background

The Statewide Health Improvement Program (SHIP) aims to help Minnesotans live longer, healthier lives by reducing the burden of chronic disease. The Dakota County Public Health Department received SHIP funding to work with community partners to develop and implement programs to improve nutrition, increase physical activity, and reduce tobacco use in schools, workplaces, community settings, and healthcare sites. As part of this effort, comprehensive Safe Routes to School (SRTS) plans have been developed for 17 schools in Dakota County that seek to increase walking and biking to school through the following means:

- **Education** – Teaching children to walk and bike safely.
- **Encouragement** – Developing programs that get children excited about walking or biking to school, such as walk/bike incentive programs or Walk to School Day. May also include methods that help parents and guardians feel comfortable letting their child walk or bike, such as walking school buses or adult crossing guards.
- **Enforcement** – Having law enforcement support, such as speed zone enforcement or increased patrols, along the designated routes to school.
- **Engineering** – Identifying infrastructure barriers to walking and biking, such as sidewalk/trail gaps, hazardous crossings, or the need for secure bicycle parking.
- **Evaluation** – Measuring the effectiveness of the various components of the SRTS project.

The following sections describe the development of a Safe Routes to School Plan for Echo Park Elementary in the City of Eagan, Dakota County, Minnesota.

Existing Conditions

Echo Park Elementary School is part of Independent School District 196 serving the Rosemount, Apple Valley, and Eagan communities in the Twin Cities suburbs. Echo Park Elementary School was built in 1979 and expanded in 2007. The site is located on Evergreen Drive, just south of I-35E, between Portland Avenue and County Road 11. The area surrounding the school is primarily residential.

Student Data

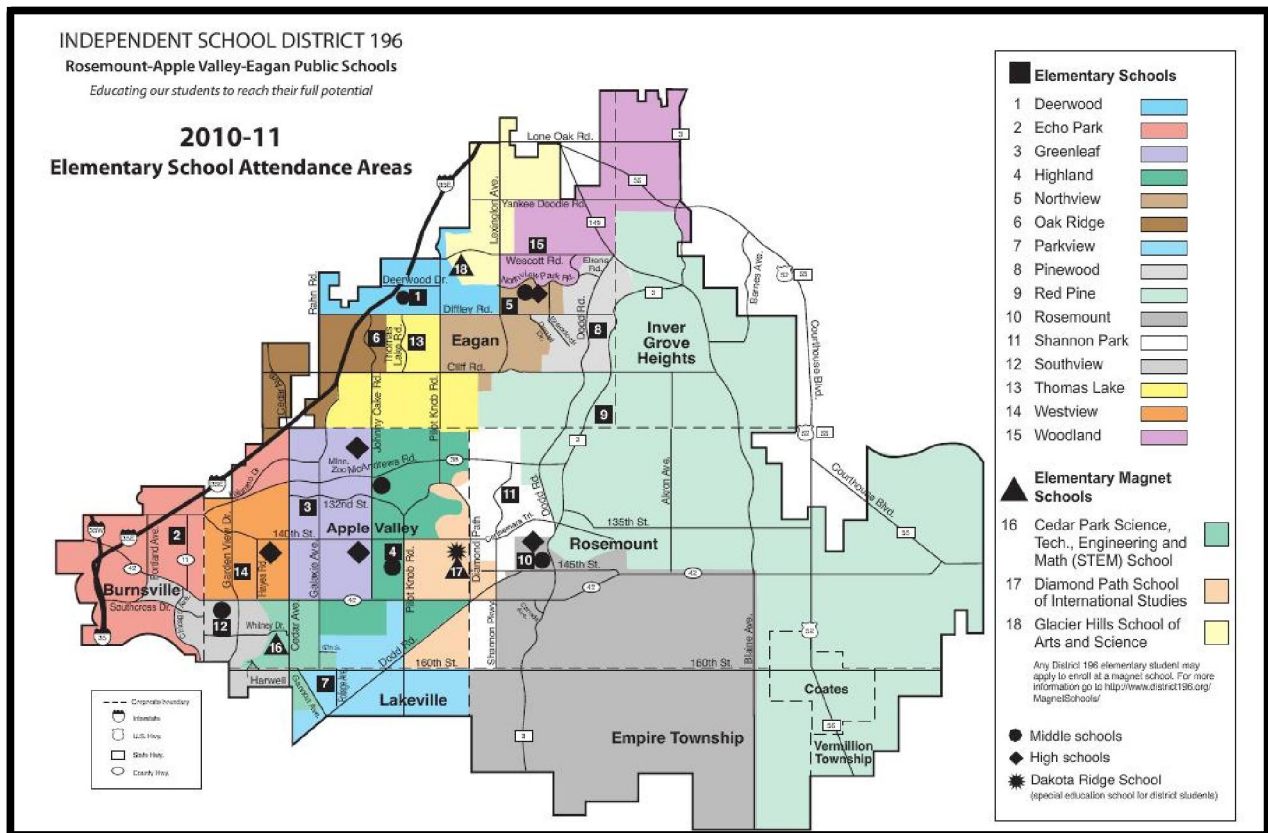
Currently, there are approximately 700 students in kindergarten through 5th grade at Echo Park Elementary (2010-2011 school year) and the school day is from 9:25 am to 3:45 pm. The elementary school boundary map for District 196 shows that the attendance area for Echo Park Elementary is

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relatively large and includes areas north of I-35E, west of I-35W and extending to the southern edge of the school district.



Source: www.district196.org

The designated walk area for the school is approximately ½ mile, but County Road 11, Portland Avenue, and County Road 38 (McAndrews Road) are all designated by the school district as hazardous roadways. Students that would have to cross a hazardous roadway to get to school are provided bus transportation even if they are within the ½-mile walk area. With the school located on County Road 11, this means that Echo Park students that live across the street are provided bus transportation across County Road 11. The entire walk area for Echo Park Elementary is shown on the Existing Conditions/Issues map at the end of this report.

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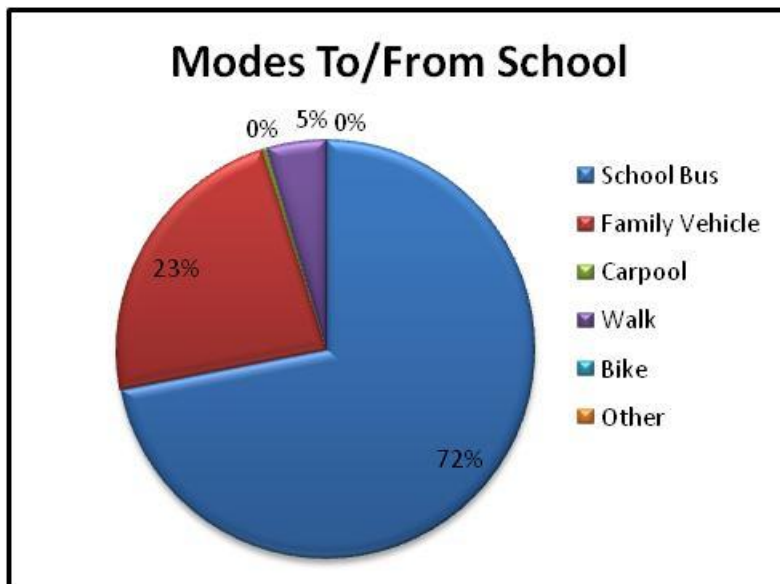
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Safe Routes to School Activities

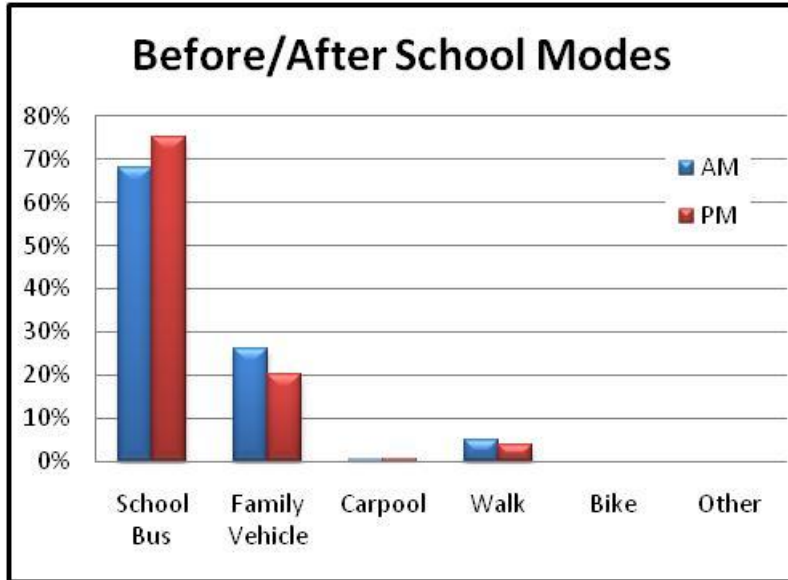
Echo Park Elementary has held two organized Walk to School Days in the fall of 2009 and 2010, with more than 500 students walking. All buses dropped off students Alimagnet Park and the students walked to school on the trail along County Road 11. In addition to school staff and parent, Dakota County Parks and Recreation participated and the Burnsville Police Department assisted with crossings of County Road 11. All students that participated in the event were required to have signed permission forms to walk to school.

In-classroom tallies of students' arrival and departure modes were conducted at Echo Park Elementary during October 2010. As shown in the chart below, an average of 5 percent of students regularly walk to school and no students regularly bike to school. The most predominant mode is school bus, but more than 20 percent of students are driven to school by a parent, resulting in a large volume of parent vehicles during pick-up and drop-off. The tallies also showed that significantly more students rode the bus home from school in the afternoon.



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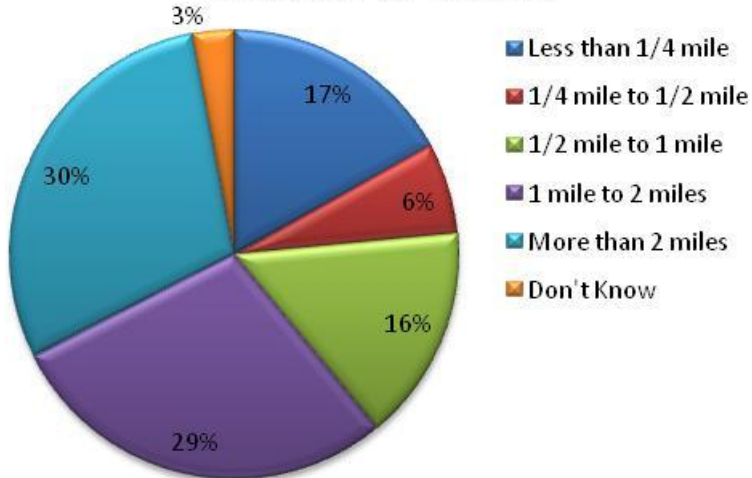
A parent survey of concerns and attitudes related to walking and biking was also conducted in October 2010, with about 200 responses. Only about 20 percent of the respondents live within the walk area of Echo Park, about 12 percent live within ½ mile of the school, east of County Road 11, and about 5 percent live between Portland Avenue and I-35E. About 27 percent said their child had asked permission to walk or bike to school in the last year, compared with only 5 percent that said their child normally walks or bikes to school. Traffic volumes/speeds, intersection safety, and weather were the key factors that influenced the decision to walk or bike, followed by distance to the school. The charts on the following pages show some of the other key results from the survey. A sample of the parent comments from the survey is also included in the Appendix.

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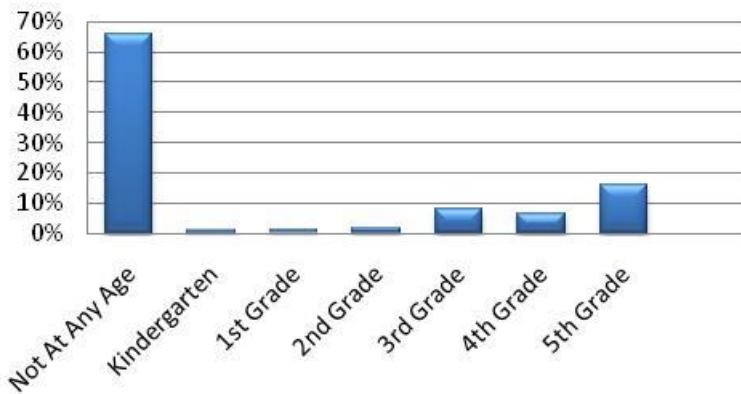
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Distance to School



Age Students Can Walk/Bike to School Without An Adult

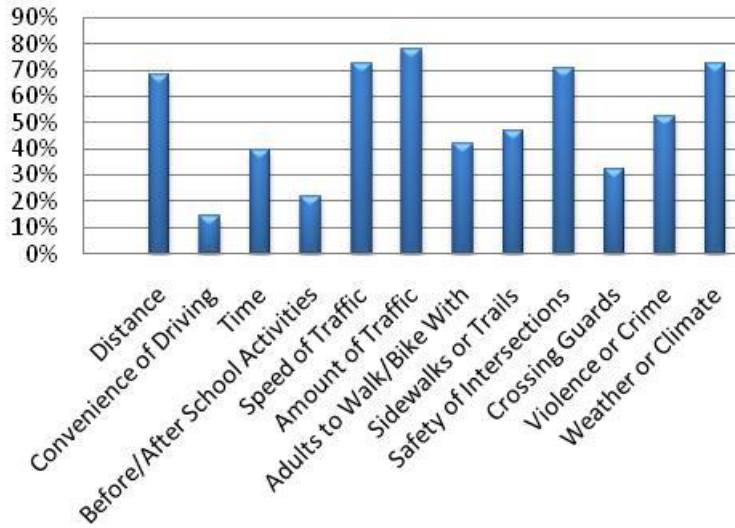


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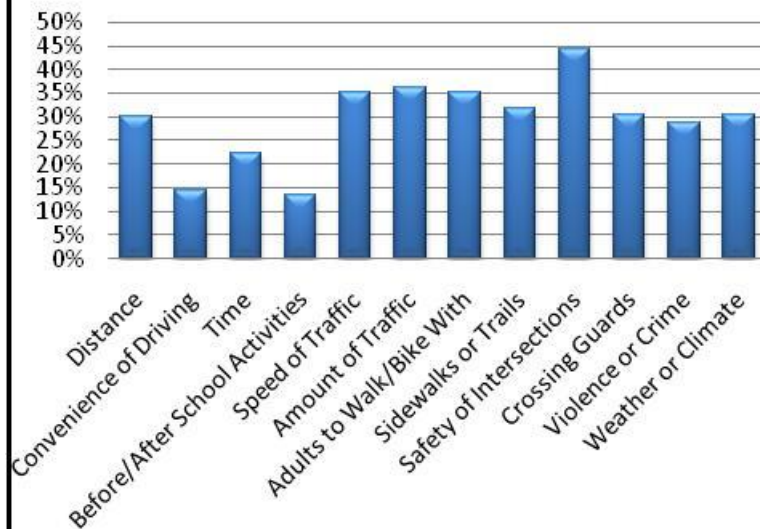
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Factors Affecting Decision to Walk/Bike



Improvements That Would Increase Walking/Biking



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Infrastructure

The roadways surrounding the school generally have a system of trails and sidewalks on the collector and arterial roadways, including Evergreen Drive, County Road 11, and Portland Avenue. However, residential streets generally do not have any sidewalk or trail. There are currently three signed school crossings near the school:

- Evergreen Drive at Aston Circle, which is also the Echo Park driveway
- Evergreen Drive at Park Avenue
- County Road 11 at Evergreen Drive

In addition to the permanent signing, a portable in-street sign is also used at the Evergreen Drive/Aston Circle intersection is used while the school patrol is at the intersection.

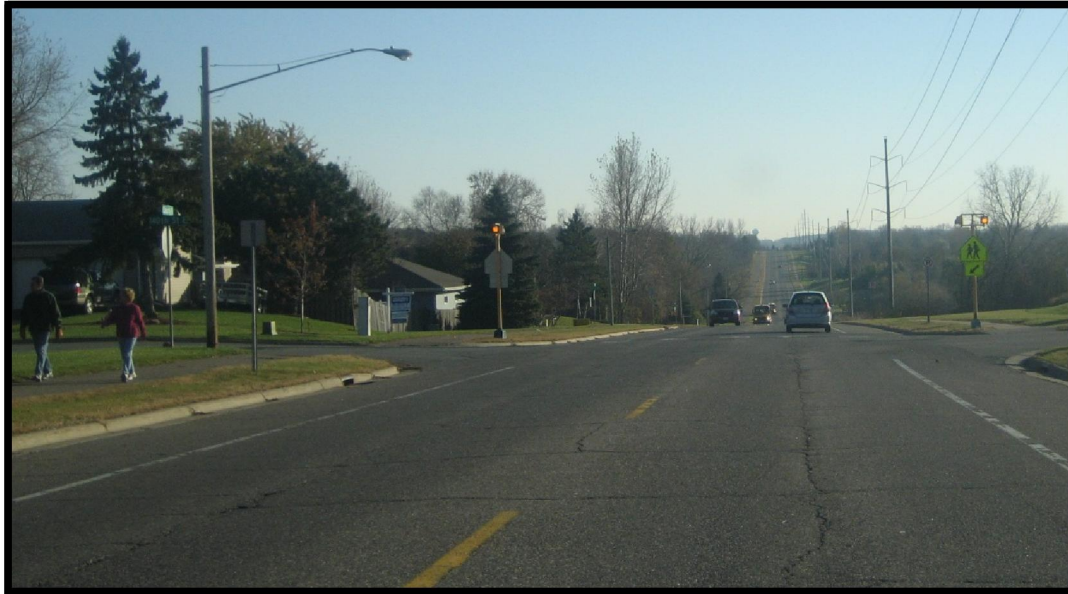


School crossing signing at the school patrolled intersection of Evergreen Drive/Aston Circle/Echo Park Driveway.

The County Road 11 crossing is not school patrolled, but does have flashers that operate on a time-of-day basis. The flashers currently operate continuously from 6:30 am to 6:00 pm on weekdays. The flasher was originally installed back in the late 1970s or early 1980s, when the crossing had a school patrol. This location is the cause of frequent resident complaints due to drivers not stopping for pedestrians and bicyclists trying to cross County Road 11 in the crosswalk. However, the intersection does not meet the Minnesota Manual of Uniform Traffic Control Devices (MnMUTCD) warrants for either all-way stop control or a traffic signal.

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Crosswalk and flasher on County Road 11 at Evergreen Drive.

The City of Burnsville conducted a study on Evergreen Drive in 2009 that resulted in a 20 mile per hour (mph) school speed zone being installed on Evergreen Drive in front of the school, as well as modifications to the school crossing signing.



School speed zone on Evergreen Drive in front of Echo Park Elementary.

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In addition to the off-site pedestrian and bike facilities, Echo Park Elementary has a bike rack located at the back of the school.



Bike racks located along the trail at the back of the school.

A review of the crash history for the past ten years (1999-2008) showed there have been no pedestrian crashes in the walk area of Echo Park Elementary, but there has been one bicycle crash that occurred at the 143rd Lane/11th Avenue S intersection. The crash involved a 15 year old bicyclist being struck by a vehicle at 5:30 PM on a weekday. Based on the age of the bicyclist and the time of the crash, it did not involve a student riding home from Echo Park. There have also been two crashes at Evergreen Drive/Park Avenue, both of which occurred at night or during the summer, and one crash on Evergreen Drive at Aston Circle in which a school bus struck a parked vehicle at 3:25 PM on a school day. Overall, these crash rates are about average compared to similar intersections in Minnesota.¹

Looking at a wider radius of $\frac{1}{4}$ -1 mile around the school, there have not been any pedestrian or bicycle crashes on Portland Avenue between I-35E and County Road 42, but there have been three pedestrian or bicycle crashes at the Portland Avenue/County Road 38 intersection, three pedestrian or bicycle crashes on County Road 11/Evergreen Drive/140th Street and one bicycle crash at County Road 11 at

¹ Mn/DOT Crash Data Kit, 2005-2007.

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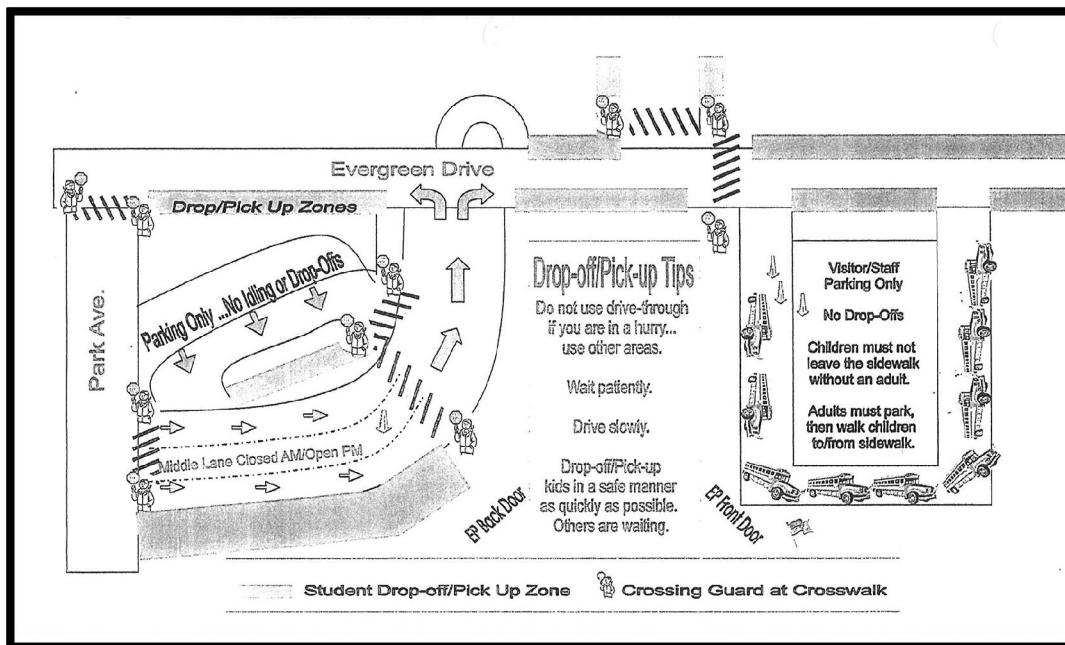
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Frontier Lane. Three of the four crashes on County Road 11 involved bicyclists between 13 and 16 years old.

Site Evaluation

A site evaluation was completed at Echo Park Elementary in September 2010 and involved walking around the site and observing the arrival process on a typical day. Parent pick-up and drop-off occurs in the west parking lot according to the operations plan created and distributed by Echo Park. In the morning, the middle lane of the drive is closed and all drop-off occurs in the outside lanes, with students crossing the drive lanes at the designated locations, with the assistance of the school patrol. In the afternoon, vehicles use all three lanes for pick-up. Drop-off and pick-up are also allowed on Evergreen Drive next to the school. A total of about 120 vehicles were observed during the morning drop-off.



Echo Park drop-off and pick-up operations plan.

All buses use the main (east) parking lot for loading and unloading, and the queue of buses extends all along the available curb space. Parent drop-off and pick-up are not allowed in the main parking lot, except to park and go into the school. However, some parent vehicles were observed dropping off in this parking lot, causing conflicts with the bus traffic. A student school patrol is also used in the main parking lot to direct vehicles out of the bus lane and into the parking area. However, parents and students frequently cross between buses to and from the parking lot, particularly in the afternoon when all buses are parked at the curb.

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Bus and vehicle operations in the main parking lot during morning arrival.

In addition to the school patrols in the parking lots, there are also patrols at the Evergreen Drive/Aston Circle/Echo Park driveway intersection, which is the main crossing location, and on Park Avenue at Evergreen Drive. Student that walk with parents are allowed to cross Evergreen Drive at Park Avenue, but all unaccompanied students are directed to cross at Aston Circle. A total of 15 students were counted crossing at the Evergreen Drive/Aston Circle and 4 students crossed at Park Avenue. The other major walk/bike route to Echo Park is via the sidewalk on Park Avenue, south of the school. However, the sidewalk ends at 143rd Street, less than ½ mile south of the school. Since all students east of County Road 11 are provided bus transportation, only one or two students per week cross at the crosswalk on County Road 11 with the flasher.

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Student drop-off and school patrol in the parking lot at Echo Park Elementary.



View of the 143rd Street/Park Avenue intersection south of the school. The white line on the left side of the photo delineates a parking lane on the south side of the street.

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Existing Issues and Challenges

In addition to the data collection and site evaluation completed as part of this project, a Safe Routes Working Group was established for Echo Park Elementary that included the teachers, parent representative, the City of Burnsville, and Dakota County. The role of this group was to identify and discuss barriers to walking and biking to school as well as potential ways to overcome the barriers.

The existing challenges to walking and biking to Echo Park Elementary are summarized in the following bullets, as well as the Existing Conditions/Issues map:

- Limited walk area due to County Road 11, Portland Avenue, and County Road 38 being designated as hazardous roadways.
- A relatively small percentage of students live within the designated walk area.
- School patrol equipment is a yearly expense.
- High traffic volumes and speeds on County Road 11.
- The school crossing flasher on County Road 11 is a source of frequent complaints due to driver non-compliance.
- Lack of sidewalk on neighborhood streets south of the school result in students walking in the street. On past street reconstruction projects, residents have not wanted sidewalk constructed along 143rd Street due to assessments and maintenance.
- Vehicle speeds on Evergreen Drive have not decreased since the implementation of the school speed zone.
- Vehicle drive-throughs of the school patrol on Evergreen Drive are a serious safety concern.
- Liability associated with walking school buses, particularly related to students that are late and end up walking alone or volunteers that don't show up when scheduled.
- District budgets may increase the designated walk radius in the future. This provides opportunities for more walking and biking, but could also result in even more parents driving. The walk radius does not impact students provided bus transportation due to a designated hazardous crossing.

Recommendations

Despite some of the current challenges to walking and biking to Echo Park Elementary, there are still significant opportunities to increase the numbers of students regularly walking and biking to school. The following recommendations have been developed specifically for Echo Park Elementary to address the identified challenges to walking and biking. The short-term recommendations are actions that could be

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implemented during the 2010-2011 school year, while the long-term recommendations may require policy changes, additional discussion and coordination, or significant funding sources. In addition to the recommendations, the group that should take the lead in implementing the recommendation has also been identified.

Short-Term Recommendations

The short-term recommendations included in this section primarily consist of low-cost improvements that can be implemented in the next six months, although some are dependent on funding availability. The recommendations are generally prioritized in terms of actions that are easiest or most necessary to complete first. The infrastructure recommendations are also summarized on the Recommendations map.

1. Echo Park is doing an excellent job with the existing pick-up/drop-off operations and school patrols, which should be continued. Implementation lead – Echo Park.



Patrol in the parent drop-off area during the morning arrival.

2. Continue to provide targeted enforcement of the school speed zone on Evergreen Drive through the Burnsville Police Department “Blue in the School”. Implementation lead – City of Burnsville.

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3. Evaluate the potential removal of the flasher on County Road 11 at Evergreen Drive/140th Street based on its ineffectiveness and the few, if any, students that cross at that location. IN the meantime, the flasher could be turned off or the operating hours could be updated to more closely reflect the hours when students might be crossing. Implementation lead – Dakota County.
4. Establish a permanent Safe Routes committee at Echo Park Elementary to provide on-going support and organization for Safe Routes activities, including regular Walk to School days, adult walk/bike volunteers, and special events. Implementation lead – Echo Park.
5. Expand the running club or Fitness Fever program to include the distance students walk or bike to/from school. Students can earn incentives for reaching individual mileage goals, or a traveling “Golden Sneaker Trophy” can be awarded to the class with the highest mileage total each week. Implementation lead – Echo Park.
6. Start a monthly or quarterly “Walk to School Day” with students walking from Alimagnet Park and adult crossing guards on County Road 11. A secondary drop-off site could be near Portland Avenue/Evergreen Drive for students that live west of Portland Avenue. Implementation lead – Echo Park, with assistance from City of Burnsville Police and District 196.

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Echo Park Walk to School Day in October 2010. Source: City of Burnsville.

7. Organize a regular (weekly, bi-weekly, or monthly) walking school bus² or bike train for student to walk and bike together as a group to and from school. The best potential benefit of this recommendation would be for students that live east of the school and can cross County Road 11 as a group, with adult supervision and volunteer adult crossing guards. For adequate adult supervision, the United States Centers for Disease Control and Prevention recommend one adult for every three children ages 4-6 and one adult for every six children ages 7-9. Implementation lead – Echo Park.
8. Replace existing directional signing at the main parking lot with larger and/or reflective signing that will be more visible to drivers. Implementation lead – District 196/Echo Park.

² A walking school bus is a group of children walking to school with one or more adults. It can be as informal as two families taking turns walking their children to school to as structured as a route with meeting points, a timetable and a regularly rotated schedule of trained volunteers.

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Existing parking lot signing on the Echo Park site at Evergreen Drive.

Long-Term Recommendations

The long-term recommendations included in this section primarily consist of higher cost improvements or actions that would require a significant policy change, either of which would be expected to take longer than six months to occur. These recommendations are generally prioritized in order of importance, however funding availability may mean that the highest priority recommendations are not the first to be implemented. The infrastructure recommendations are also summarized on the Recommendations map.

1. Develop a Safe Routes page on the Echo Park Elementary website that provides walking/biking information as well as the schedule for walk/bike events. Implementation lead – Echo Park.
2. Designate a Safe Routes coordinator at the district level and each of the individual elementary and middle schools in the district, similar to the way bus transportation is currently coordinated. The district-level coordinator would share information and coordinate Safe Routes activities and best practices among all the District 196 schools. The school SRTS coordinator would be responsible for scheduling meetings of the SRTS committee, training adult volunteers, and working with parents and students to address issues or concerns related to walking and biking. Implementation lead – District 196.

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3. Investigate the feasibility of providing sidewalk on Park Avenue south of 143rd Street and on 143rd Street between Portland Avenue and County Road 11 to serve as primary walk/bike routes to Echo Park Elementary. The construction of the sidewalk would likely be in conjunction with a roadway project and would be dependent on resident approval of the assessments. Implementation lead – City of Burnsville.



View of Park Avenue south of 143rd Street, where there is no existing sidewalk.

4. Conduct further study to determine under what criteria County Road 11 would no longer be designated as a hazardous crossing (for example, number of lanes, vehicle speeds, etc). If the roadway was no longer designated as hazardous and students would be crossing County Road 11 regularly, Dakota County would consider installation of a Rapid Flashing Beacon (RFB) on County Road 11 at Evergreen Drive/140th Street. In conjunction with the engineering study, the school district may also need to consider providing adult crossing guards and could consider reallocating funding from bussing across County Road 11 to paying the crossing guards. Implementation lead – Dakota County and District 196.

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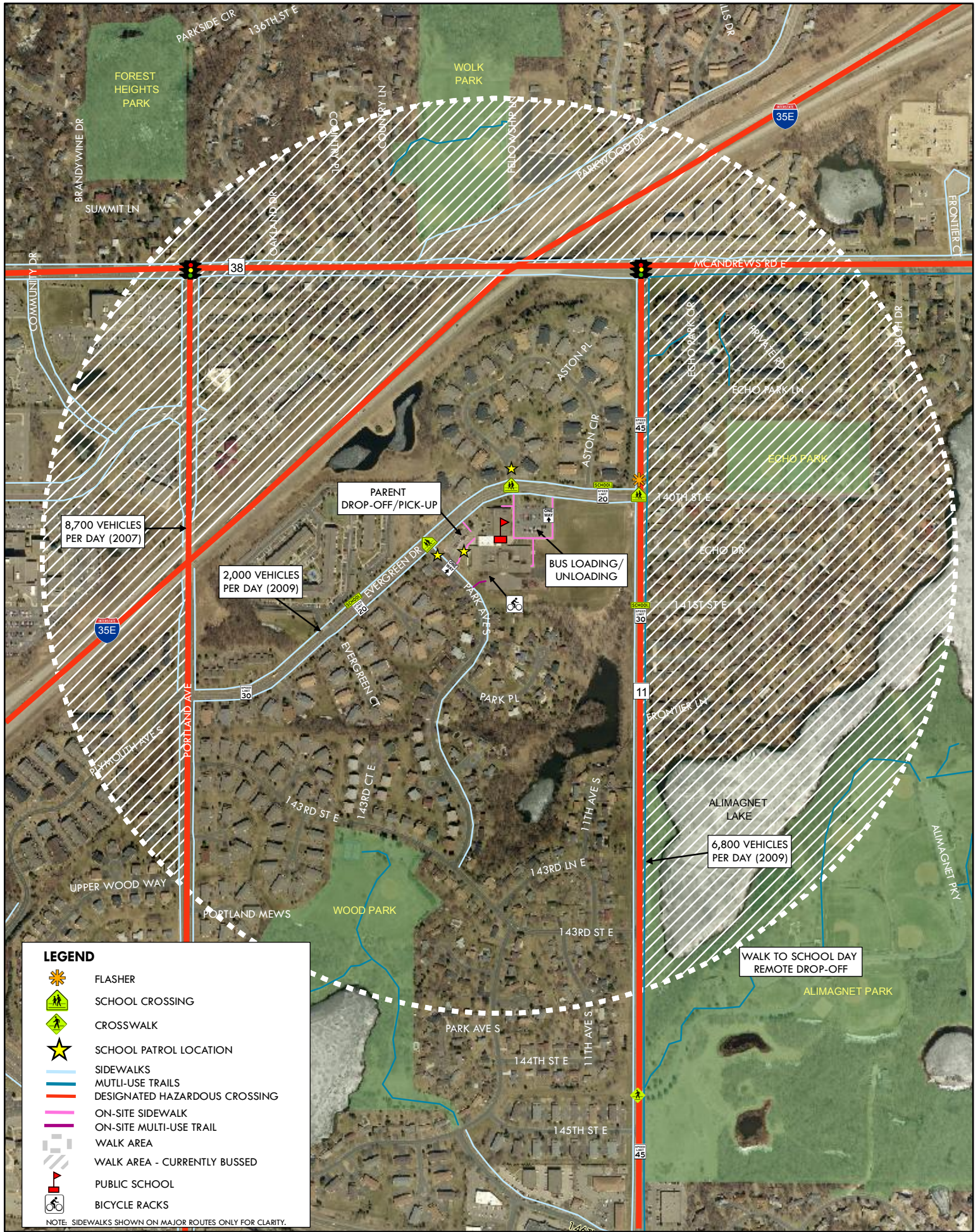
Funding and Implementation

Funding for the various recommended projects may come from a variety of sources depending on the type of project and who is implementing it. Some potential funding opportunities that currently exist and may be used to fund these recommendations include, but are not limited to:

- Statewide Health Improvement Program funds, which are available through several programs administered by Dakota County Public Health:
 - Safe Routes to School grants
 - Active Living grants, which are available to cities in Dakota County, but may be used to fund improvements off school sites
 - Assistance with preparation of infrastructure grant applications. Cities in Dakota County can submit infrastructure projects and the County's consultant will assist in identifying potential funding sources and preparing applications.
- Blue Cross Blue Shield of Minnesota
- Mini-grants through the National Center for Safe Routes to School
- Federal Transportation Enhancement (TE) funds through the Metropolitan Council
- Federal Safe Routes to School funds through the Minnesota Department of Transportation. The federal Safe Routes to School program was originally funded through fiscal year 2009, but Mn/DOT is expected to have another grant solicitation in spring 2011. Future funding will be dependent on passage of the Federal Surface Transportation Reauthorization Bill, which is still being discussed in the United States Congress.

Increased liability of the school, school district, or adult volunteers as a result of encouraging walking and biking to school is a frequent concern when implementing Safe Routes to School programs. In general, encouraging walking and biking to school does not increase the liability of the school or the district. Some tips and guidelines from the National Center for Safe Routes and the Public Health Law Center are included in the Appendix of this report as a reference. Links to additional resources such as an overall Safe Routes to School guide, walking school bus guide, and safety education materials are also provided in the Appendix.

No one of the E's of Safe Routes to School will by itself increase walking and biking, which emphasizes the need for cooperation among school, city, county and other agencies. The process used to develop this plan is only the start of on-going efforts that will be needed to result in cultural changes and significant increases in walking and biking.

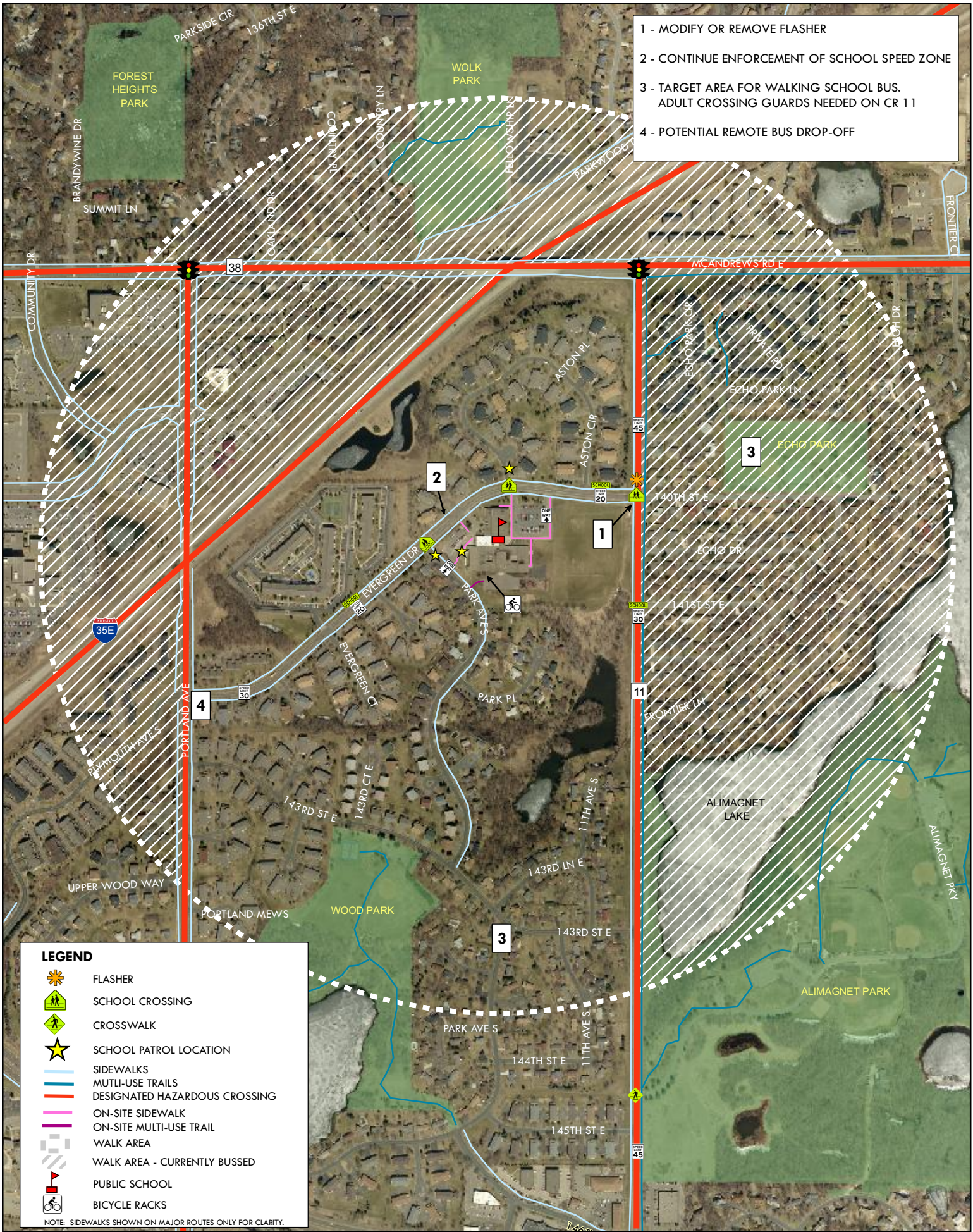


LEGEND

- FLASHER
- SCHOOL CROSSING
- CROSSWALK
- SCHOOL PATROL LOCATION
- SIDEWALKS
- MUTLI-USE TRAILS
- DESIGNATED HAZARDOUS CROSSING
- ON-SITE SIDEWALK
- ON-SITE MULTI-USE TRAIL
- WALK AREA
- WALK AREA - CURRENTLY BUSSED
- PUBLIC SCHOOL
- BICYCLE RACKS

NOTE: SIDEWALKS SHOWN ON MAJOR ROUTES ONLY FOR CLARITY.

- 1 - MODIFY OR REMOVE FLASHER
- 2 - CONTINUE ENFORCEMENT OF SCHOOL SPEED ZONE
- 3 - TARGET AREA FOR WALKING SCHOOL BUS. ADULT CROSSING GUARDS NEEDED ON CR 11
- 4 - POTENTIAL REMOTE BUS DROP-OFF



LEGEND

- FLASHER
- SCHOOL CROSSING
- CROSSWALK
- SCHOOL PATROL LOCATION
- SIDEWALKS
- MUTLI-USE TRAILS
- DESIGNATED HAZARDOUS CROSSING
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NOTE: SIDEWALKS SHOWN ON MAJOR ROUTES ONLY FOR CLARITY.

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Appendix

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Parent Survey Comments

If my child were older and not very physically active I might consider him walking/biking to school in 5th grade.

In this world, I don't feel it's safe for children to walk anywhere alone. Too scary.

Crossing guards would be great at both ends.

For safety reasons I am not comfortable letting my child walk to school w/o an adult.

It's fine for my child to cross Cty Rd 11 at the Ped crossing. He does outside of school!

My child lives too far from school to walk. Normally we would take the bus, but I have 2 children in different schools (1 is in daycare) so driving is a must.

We live pretty far & have to cross too busy intersections. It's not an option for my kids to walk or bike ever.

Wouldn't allow to walk - too far & too many busy intersections to cross.

Since we live on the other side of Cty Rd 42, I would never let my children walk/bike to school, at least not in elementary/middle school.

I wish less parents would drive their kids to school and more parents/school would coordinate walks to school.

No I would not want my child walking or riding bike to school. Too many crazy people out there.

Kids should have a ride to and from school to make sure they get there and back every day.

I let my child bike to school every day during summer school.

I need him to be safe from traffic & any person that may want to kidnap him.

Cty Rd 11 is very busy, cars drive too fast & do not pay attention to crosswalk. I have witnessed two pedestrian accidents at the Cty Rd 11 crosswalk that leads to the school. I think the only fix would be a stop light - it would not be safe even for crossing guards to try to control that intersection.

I think it would be nice to have crossing guards to allow students to cross Evergreen Dr at Park Ave instead of them walking all the way to front of building.

Given the distance to school and the amount of traffic along the route I would not feel comfortable having them walk or bike to school.

Our neighborhood has no sidewalks and is very hilly. I would not feel safe unless there was a group of children biking w/ an adult. Walking during the winter is out of the question.

My daughter would walk to school during decent weather, but she does not like to be home alone in the morning (I work.) She's fine walking home after school (except during extreme weather, then my neighbor will pick her up.)

From our area walking/biking is really not a thought. It's just too far for elementary school.

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I would not change our decision to use the bus instead of walking or biking to school. It is a long way and it has way too much traffic to feel safe.

Crossing 42 is my main concern and not knowing if they made it to school safely (crime or violence).

I think 2 miles is too far & do not want them crossing Hwy 42 by themselves. I probably won't be comfortable with them biking or walking until high school.

She would love to be able to bike to school one day but we live too far away.

It's pretty hard to change the world we live in now. My 20 year old attended Echo Park for elementary school. He walked to school most days because other kids on the block walked as well as a group. In 5th grade, I let him bike. I now have the youngest kids on the block, and there isn't a group of kids to walk with anymore, so I take them to make sure they are safe. Also, I think it's too cold to walk during the winter even though I grew up walking that far in all sorts of weather.

I would love to let my kids bike, but the intersection at Portland & 42 is pretty intense. But I guess I could go with them.

Our family are avid bicyclists and we go all over the area and I don't see a good route from our home to Echo Park where the bike lanes do not disappear or have to cross 42 where there are any safe places to change the signal, etc. We would love to see more biking & walking. Our community must add to the infrastructure to accommodate this.

10 TIPS FOR Safe Routes to School Programs and Liability

SafeRoutes
National Center for Safe Routes to School



TIP SHEET

Background and Overview

Forty years ago, nearly 90 percent of children who lived close to their school walked or bicycled to get there. Today, this number has decreased by about 25 percent.¹ As Safe Routes to School (SRTS) programs have developed to reverse this trend, some have wondered if encouraging walking and bicycling to school may increase a school's liability exposure.

In general, the answer is no. In fact, SRTS programs are designed to help schools and communities identify and address potential safety concerns. Taking concrete steps to make walking and bicycling safer will reduce the likelihood of injury, and thereby minimize exposure to liability.

A SRTS program that simply encourages or promotes bicycling and walking to school should not, in most cases, expose schools to increased liability risk. Even school-sponsored walking and bicycling programs, such as a Walking School Bus or Bicycle Train should not expose schools to any greater liability than other school-sponsored activities. Of course, schools with SRTS programs must ensure they are meeting their responsibilities for children's safety just as they must routinely do with all other forms of school transportation and with other school activities.



SRTS programs can vary greatly, ranging from programs to encourage walking and bicycling to active sponsorship of walking and bicycling programs and providing new infrastructure to support these activities. The school's responsibility for safety will vary according to the individual elements of the SRTS program and the local legal context. The information below provides a brief overview of the relevant legal definitions and identifies several issues you may want to look into as you develop your program to ensure you are addressing any potential liability issues. **This information is not intended as legal advice and should not be used as such. For specific legal guidance, you should consult with an attorney with relevant knowledge and experience.**

Legal Context

Schools and school districts must regularly address issues of liability for a variety of school programs and school sponsored activities. Regardless of whether students walk, bike, take the bus, or are driven to school, there is a possibility that an injury may occur on or off school property. However, not all injuries result in liability. The extent to which a school will be held legally responsible or "liable" for its negligent actions or omissions depends on the facts of a given case, on laws and legal principles that vary from state to state, and even from school district to school district.

In general, to establish liability for negligence, the injured person or someone acting on his or her behalf must show that the school owed a legal duty of care to that person, that the school breached that duty, and that the breach was the "proximate cause" of damages or injury.² (Visit Law.com and search liability and negligence for more detailed definitions and descriptions.)

10 TIPS FOR

Safe Routes to School Programs and Liability (continued)

A school's duty of care to students and resulting legal liability when students are injured is very situational and can only be assessed in the context of the specific program or activity and with knowledge of the specific facts giving rise to an injury. Relevant factors are likely to include:

- the degree to which the school controls or directs the activity that results in injury,
- the extent to which the school's actions conformed to applicable rules, regulations, policies, or procedures, and
- the extent to which the school knew or should have known of a particular hazard and failed to correct or warn against it.

A school will not ordinarily be held liable for injuries sustained by children while they are walking or bicycling to school simply because the school encourages children to walk or bike, where injuries occur off school property, and parents have been reminded that the school is not responsible for supervising children who walk or bike to school.

To avoid liability for negligence, the school must exercise "reasonable care" under the circumstances. If the school directly sponsors walking or bicycling activities such as a Walking School Bus or Bike Train, the school generally has greater responsibilities just as they would for other school-sponsored forms of transportation. At a minimum, the school should follow the recommended procedures outlined in the National Center for SRTS publication, *The Walking School Bus: Combining Safety, Fun and the Walk to School* (http://www.saferoutesinfo.org/guide/walking_school_bus/index.cfm) as well as any rules, policies, or protocols established by the school district for school-sponsored activities occurring off school property. (For example, volunteer training, screening, or adult to child ratios.)



Minimizing Risk

Even though SRTS programs are designed to make walking and bicycling safer for students, there are certain steps the school should take to minimize the risk that the school will be held liable for negligence in the event that a student is hurt while walking or bicycling to school. Some key measures are detailed below.

References

1. "In 1969, 87 percent of children 5 to 18 years of age who lived within one mile of school walked or bicycled to school. In 2001, 63 percent of children 5 to 18 years of age who lived within one mile of school walked or bicycled to school." U.S. Centers for Disease Control and Prevention. *Kids Walk-to-School: Then and Now — Barrier and Solutions*. Available: http://www.cdc.gov/nccdphp/dnpa/kidswalk/then_and_now.htm Accessed: January 17, 2006.
2. Schools Legal Service, Orange County Department of Education. 2001 "School Districts and School District Employees Liability for Negligence." Costa Mesa, CA.

10 TIPS FOR

Safe Routes to School Programs and Liability (continued)

1 Work with your school district's administrative and legal staff to understand the relevant liability issues and to develop appropriate policies.

Most likely, your school district already has a number of policies in place to help manage its liability for various school programs and activities. A SRTS program is no different. You should work closely with your school district's administrative and legal staff to identify any particular risk management and insurance needs based on your individual SRTS program and the relevant laws of your jurisdiction.

2 Be aware of local laws, regulations, and school policies.

Work with your school's legal counsel to identify the laws and regulations in your jurisdiction that are relevant to walking and bicycling. These may include laws regarding school safety patrols, the designation of school walking routes (some states require them), student bus transportation, and any bicycle safety requirements such as helmets, bells or lights. You should also review the state and local pedestrian laws and portions of the local development code regarding pedestrian safety and provision of pedestrian accommodations. Make sure you are following any applicable school policies, such as parental permission slips, waivers, or required supervision for school-sponsored activities. If appropriate, your school may consider making modifications or exceptions to any school policies that appear to be in conflict with your SRTS activities.

3 Take steps to fix problems.

If you are aware of unsafe walking and bicycling conditions, such as unsafe vehicle drop off and pick up conditions, take steps to fix them. Even if the problem is not subject to the school's control, such as a heavily trafficked local street, the school should warn parents of any known hazards, and take any prudent steps to address conditions under the school's control that might exacerbate the risk of injury.

4 Be proactive. Develop a plan.

Developing a SRTS Plan for an individual school is a great way to identify potential safety problems and prioritize needed improvements. If you identify problems, take steps to address the problems and inform the school community of possible hazards that cannot be or have not yet been corrected.

5 Document your efforts.

If you are aware of potential problems, document your efforts to fix them. For example, if you are made aware of problems with speeding vehicles in the school area, keep records of your communication with law enforcement officials to address the problem and your communications to parents warning them of any uncorrected problems.



10 TIPS FOR

Safe Routes to School Programs and Liability (continued)

6 Be uniform, systematic and consistent in undertaking safety improvements.

In making improvements such as new sidewalks or improved crossings, follow accepted engineering and design practices. Any design exceptions should be carefully reviewed so as not to compromise safety.

8 Consider waivers.

Where a SRTS program sponsors specific transportation activities, such as a walking school bus or bicycle train, a school may decide to require parent volunteers and parents of student participants to sign waivers or permission slips acknowledging that the participants are assuming the risk of injury by engaging in walking and bicycling activities, and waiving any claims against the school for its negligent acts or omissions. Keep in mind that waivers need to be carefully drafted in order to be effective.

9 Obtain adequate insurance coverage for your program.

Your school district is likely to have a large umbrella policy that covers a range of school programs and school sponsored activities. Review this policy to ensure the SRTS activities you are organizing are covered. If they are not, have the policy adjusted to include these activities.

7 Inform and involve parents.

Parents and designated caretakers are ultimately responsible for deciding how their children get to school. Material promoting SRTS programs should make clear that parents should determine their child's readiness and the best route for walking and bicycling. Encourage parents to accompany younger children. Let parents know the location of signalized or marked crossings and locations with crossing guards and recommend that they use them. Provide pedestrian and bicycle safety tips to parents as well as students. (See safety tip sheets at the National Center's Web site at http://www.saferoutesinfo.org/resources/education_tip-sheets.cfm)

10 Provide training.

Make sure crossing guards and school employees working on traffic and safety issues are well trained regarding pedestrian and bicycle safety and their responsibilities for ensuring that children are safe on their journey to and from school. Provide training to volunteers, and if appropriate, screening, where volunteers will be supervising children as part of a SRTS activity, such as a formal Walking School Bus or Bike Train.



LIABILITY FOR VOLUNTEERS IN THE WALKING SCHOOL BUS PROGRAM

A Walking School Bus Program aims to get children walking to and from school in groups accompanied by adults. It encourages students and adults to be more physically active and social. The program is ideal for neighborhoods that have a school within walking distance.

Adult volunteers are essential to the Walking School Bus Program. They are responsible for organizing the program and for walking the children to and from school. Adult volunteers are expected to act responsibly—just as they would with their own children. Provided that adult volunteers act reasonably and with good intention, a Minnesota statute will protect them from liability claims for accidents that occur during the course of volunteering.

Q: What is liability?

A: Put simply, liability is a legal responsibility. Typically, for you to be held liable, someone must prove that:

- ✓ You owed them a duty of care;
- ✓ You failed to perform that duty or did so negligently; *and*
- ✓ Your negligence caused someone harm that could have reasonably been expected to occur.

Q: What is a person's "duty of care?"

A: The duty you owe someone depends on the circumstances. Generally, everyone has the duty to act with reasonable care toward others. What is considered reasonable also depends on the circumstances.

Q: What is "negligence?"

A: Negligence is the failure to act as carefully as an ordinary, reasonable person would in the same situation.

Q: What is "cause of harm?"

A: "Cause of harm" means that your action was an important factor in causing the harm and that you could have reasonably expected the injury to occur.

Q: Are there any Minnesota laws that provide added protection to volunteers?

A: Yes. Under a Minnesota law, volunteers will generally not be liable for a child's injuries if their actions (1) were in good faith, (2) within the scope of their duties, and (3) not willful or reckless.



Q: What does acting in “good faith” mean?

A: This means acting with a good, honest intention or belief.

Good Faith: A volunteer takes the children down a different route one day, believing the traffic will be lighter. The traffic is actually heavier, and a car hits a child while he is crossing the road in a crosswalk.

Not Good Faith: A child misbehaves during the walk. The volunteer makes the child walk home by himself, knowing that the child does not know the way home. The child gets lost and is injured.

Q: What does acting “within the scope of their duties” mean?

A: This means acting according to one’s role or responsibilities as a volunteer.

Within the Scope of Duties: A student slips and is injured while the volunteer is walking the student to school.

Not Within Scope of Duties: After school, a student stays over at a volunteer’s house to play with the volunteer’s children. The student slips and is injured.

Q: What is “willful or reckless” conduct?

A: This means acting with disregard for the safety of others, or failing to act with ordinary care to prevent or discover a danger. Some examples of willful or reckless conduct might include: telling a child to run across the street when the light is red; telling children to cross the road without looking both ways; or making children walk long distances in extreme heat without water.

Q: If I am sued, will insurance cover the costs of the litigation?

A: Check the terms of your homeowner’s or renter’s insurance policy to learn what is covered. Typically, insurance consists of two parts—property coverage and personal liability coverage. The personal liability portion of the policy may protect against a lawsuit brought by someone who is injured by something you do. It will pay for damages or medical expenses if you are responsible for the injury. Also, it will pay for legal expenses to defend you if the lawsuit is unjustified.



Q: How can Walking School Bus Program volunteers reduce the risk of liability?

A: Common sense precautions go a long way toward avoiding liability risk. Most importantly, a parent volunteer should *act like an ordinary, reasonable person*. Additional steps could be:

- Creating safety rules and handing them out to all students and parents. These safety rules should comply with any local school rules.
- Planning a training day for students and volunteers.
- Wearing fluorescent vests while walking with the children.
- Asking the parents or guardians to sign a waiver saying they will not hold you liable for any injuries. (Please refer to the Public Health Law Center’s Waivers and Releases Fact Sheet.)
- Eliminating dangers, where possible.
- Having one adult volunteer for every six children over the age of 10 and one adult volunteer per three children for four to six year-olds.
- Documenting all precautions taken to avoid harm or risk.

For related publications, visit www.publichealthlawcenter.org. Click on “Publications and Resources” link and then on “Fact Sheets.” The Public Health Law Center provides information and technical assistance on issues related to tobacco and public health. The Public Health Law Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney. Contact the Public Health Law Center for citations used in this factsheet. Updated July 2010.



Safe Routes to School guide

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Adult School Crossing Guard Guidelines



Pedestrian and Bicycle
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Safe Routes to School Guide

Teaching Children to Walk Safely as They Grow and Develop:

A guide for parents and caregivers



Created July 2008



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