

Dakota County
Safe Routes to School

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Safe Routes to School Comprehensive Plan

Garlough Environmental Magnet School

**City of West St. Paul
Dakota County, MN**

December 2010

Prepared by:



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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 Garlough Environmental Magnet School (GEMS) in the City of West St. Paul, Dakota County, Minnesota.

Existing Conditions

Garlough is one of five elementary schools in District 197 serving the West St. Paul, Mendota Heights, and Eagan communities in the Twin Cities suburbs. Garlough Environmental Magnet is located on Charlton Street at Marie Avenue, in the City of West St. Paul. The school is located across Charlton Street from the Dodge Nature Center, a 320-acre environmental education and restoration habitat. The remaining areas around the school are primarily residential.

Student Data

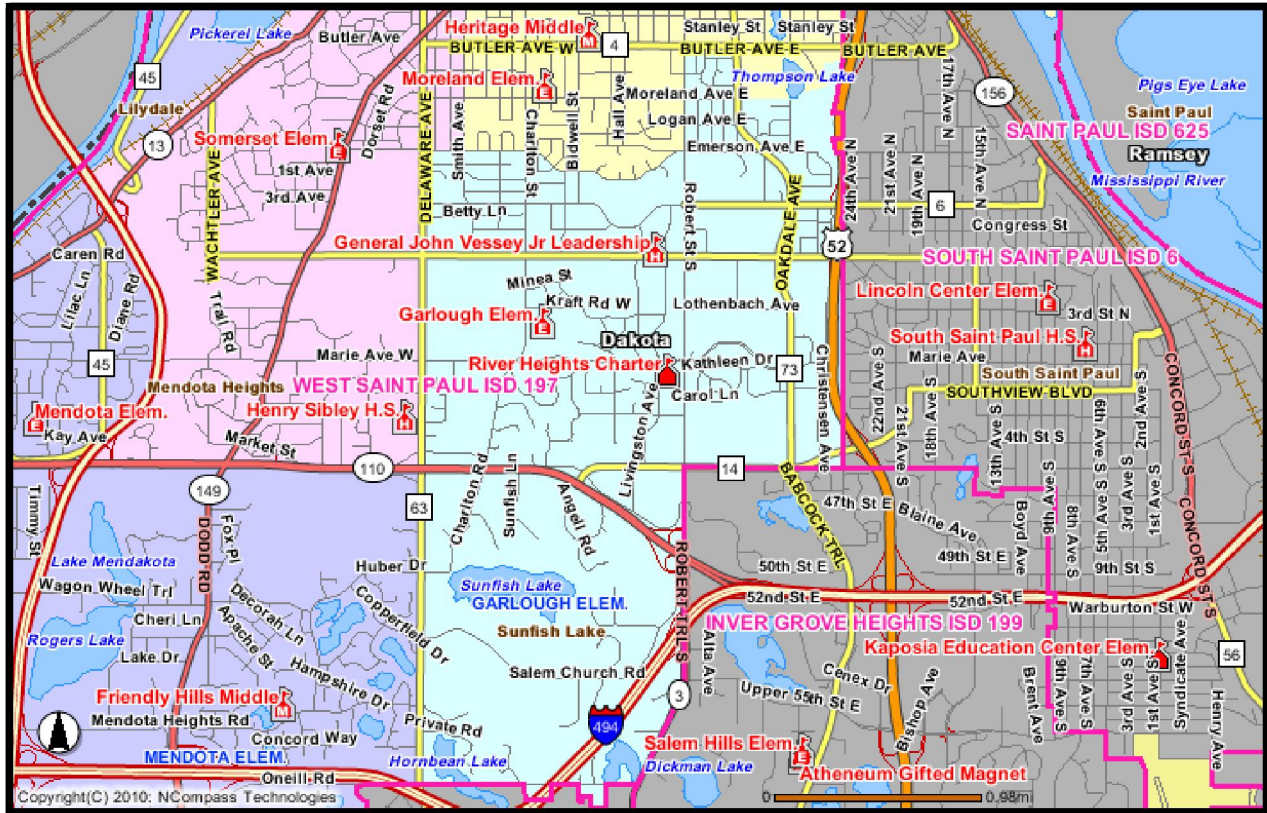
Currently, there are approximately 400 students in kindergarten through 4th grade at Garlough Environmental Magnet School (2009-2010 school year) and the school day runs from 7:45 am to 2:15

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pm. The attendance area for Garlough, as shown on the map below, is primarily within the City of West St. Paul, but covers a large area including that also includes the City of Sunfish Lake and a very small area of Inver Grove Heights. In addition, 10 to 20 percent of the students live outside the attendance area.



Source: www.isd197.org/se3bin/clientgenie.cgi

District 197 has a ¾-mile walk area for elementary schools as a general policy, but all students at Garlough are provided bus transportation based on the roadway crossings and lack of sidewalks. Less than 10 students currently live within the neighborhoods immediately around the school (the area bounded by Charlton Street, Wentworth Avenue, Robert Street, and Marie Avenue). A full breakdown of the Garlough student distribution (2010-2011 school year) is shown on the map on the following page.



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Safe Routes to School Activities

Garlough holds Walk From School days every other Friday, where the buses park on Marie Avenue west of Charlton Street and all students walk to the buses. In addition, there is a biking club for 3rd and 4th graders and a hiking club one day a week.

With kindergarten to 4th grade students (no 5th or 6th graders) and bus transportation provided for all students in the attendance area, the school does not currently have a school patrol. However, the school does use patrol flags when crossing students to Dodge Nature Center.

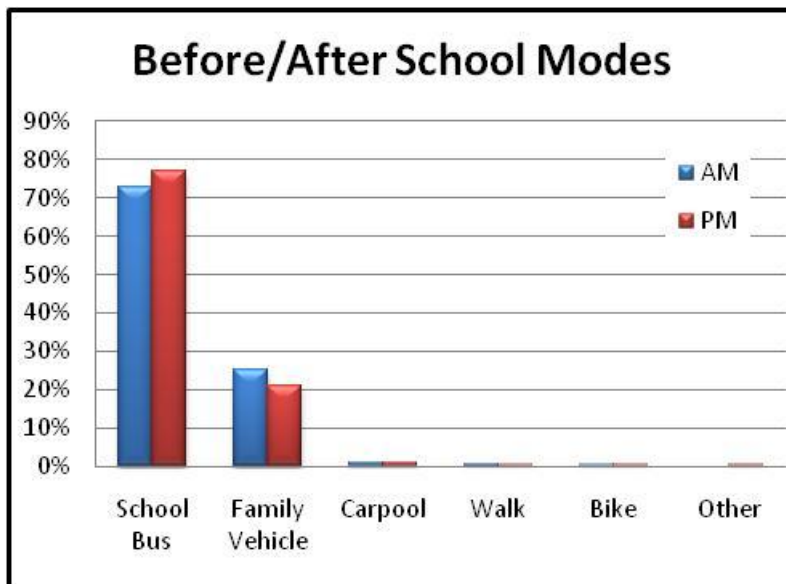
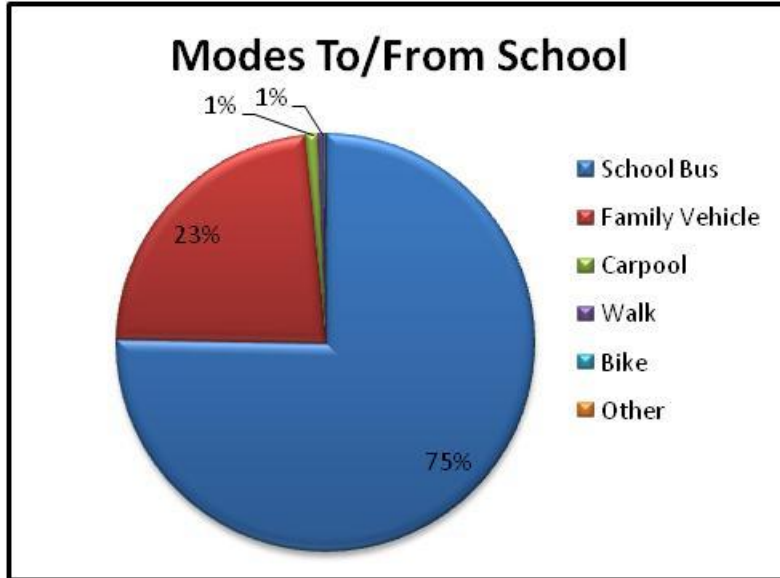


Students walking with a parent home from school along Charlton Street.

In-classroom tallies of students' arrival and departure modes were conducted at Garlough during October 2010. As shown in the charts below, less than one percent of students currently walk to school and only one student reported biking to school. The most predominant mode is school bus, however nearly a quarter of students are driven to/from school. The tallies also showed slightly more students rode the bus in the afternoon compared to the morning.

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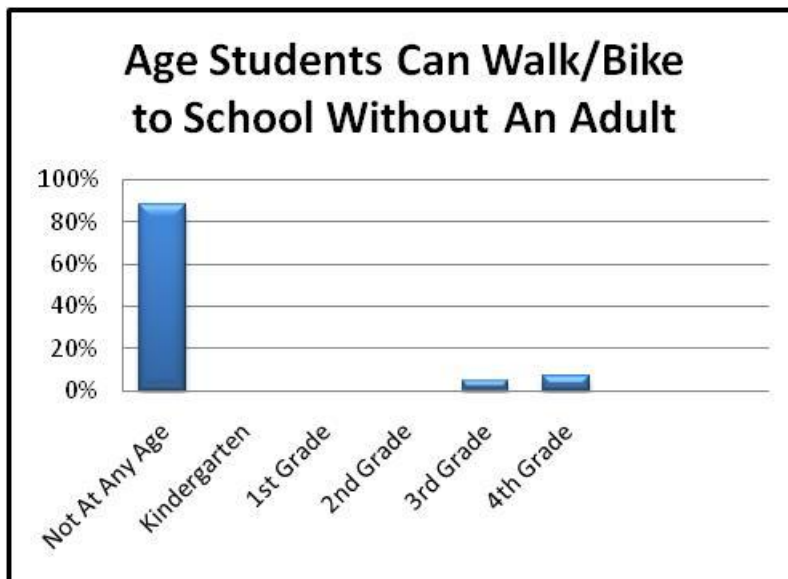
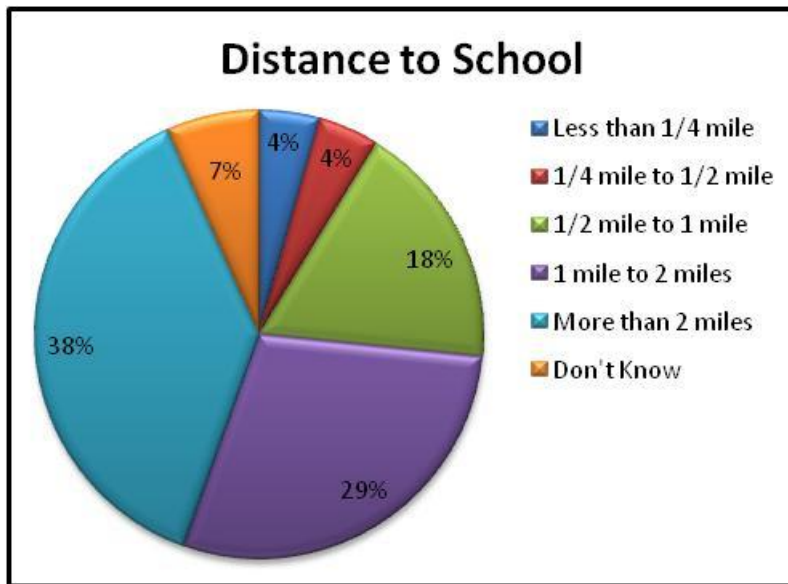
A parent survey of concerns and attitudes related to walking and biking was also conducted in October 2010, with approximately 50 responses. More than 50 percent of the respondents reported that they live more than 1 mile from school, which is consistent with the data provided by District 197. In addition to distance, traffic volumes/speeds and weather were the key factors that parents cited as influencing their decision to walk or bike. Improvements that they listed that would increase walking and biking

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were sidewalks/pathways and intersection safety. The charts below 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.

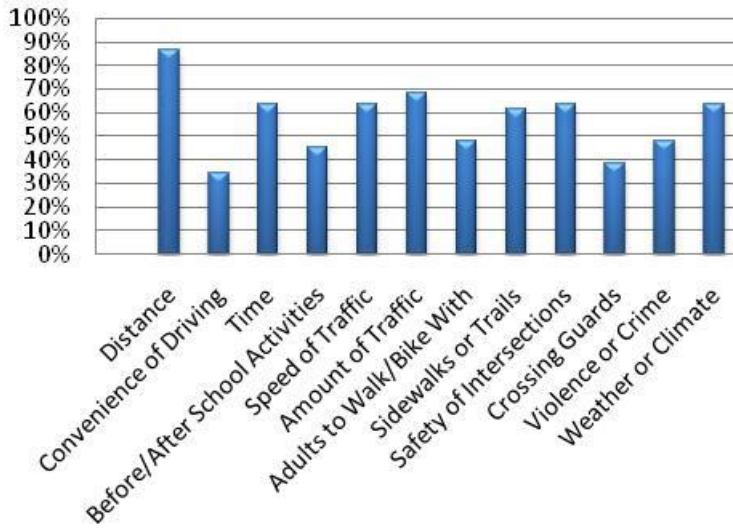


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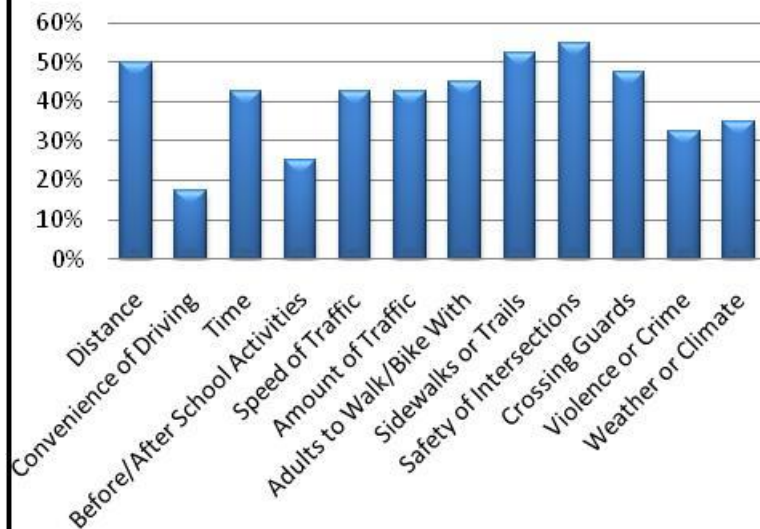
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Factors Affecting Decision to Walk/Bike



Improvements That Would Increase Walking/Biking



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Infrastructure

The sidewalk and trail network around Garlough consists of the sidewalk on the east side of Charlton Street as well as the trails in Garlough Park and Marthaler Park. However, the other roadways adjacent to the school generally do not have sidewalks. The city has attempted to add sidewalk on past street repaving projects, but was not successful due to lack of property owner support.



Trail connection from the Garlough Environmental Magnet parking lot to Garlough Park.

There are not currently any designated school crossings on the roadways surrounding the school, but there is a marked trail crossing of Kraft Road from Garlough Park to Marthaler Park and marked crosswalks at the all-way stop intersection of Charlton Street and Marie Avenue. The bike racks at Garlough are located in the back of the school.

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Bike parking behind Garlough Environmental Magnet School.

A review of the crash history for the past ten years (1999-2008) showed that there has been two pedestrian crashes and one bicycle crash within the area bounded by TH 110, Delaware Avenue, Thompson Avenue, and Robert Street. All the crashes occurred during the summer between 3 PM and 5 PM. Overall, this shows that the neighborhoods around Garlough are relatively safe for walking and biking.

Site Evaluation

A site evaluation was completed at Garlough Environmental Magnet School in September 2010. The site visits included walking around the site and observing the dismissal process on a typical day. Currently, parents and visitors use the south part of the parking lot and buses use the angled parking spaces immediately in front of the school. Both parking areas are accessed from the same driveway on Charlton Street, which is very wide. Even when there are available spaces in the parking lot, vehicles often park along both sides of the driveway during afternoon pick-up, which causes congestion and conflicts between vehicles, pedestrians, and buses. Also, there is no sidewalk from the roadway to the school building, so pedestrians walk in the driveway.

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Vehicles parked on both sides of the Garlough driveway during afternoon dismissal.



Bus and vehicle conflicts in the parking lot during afternoon dismissal.

There is no sidewalk on the west side of Charlton Street and therefore no crosswalks except at the all-way stop intersections of Marie Avenue and Wentworth Avenue. On the designated Walk Days, students

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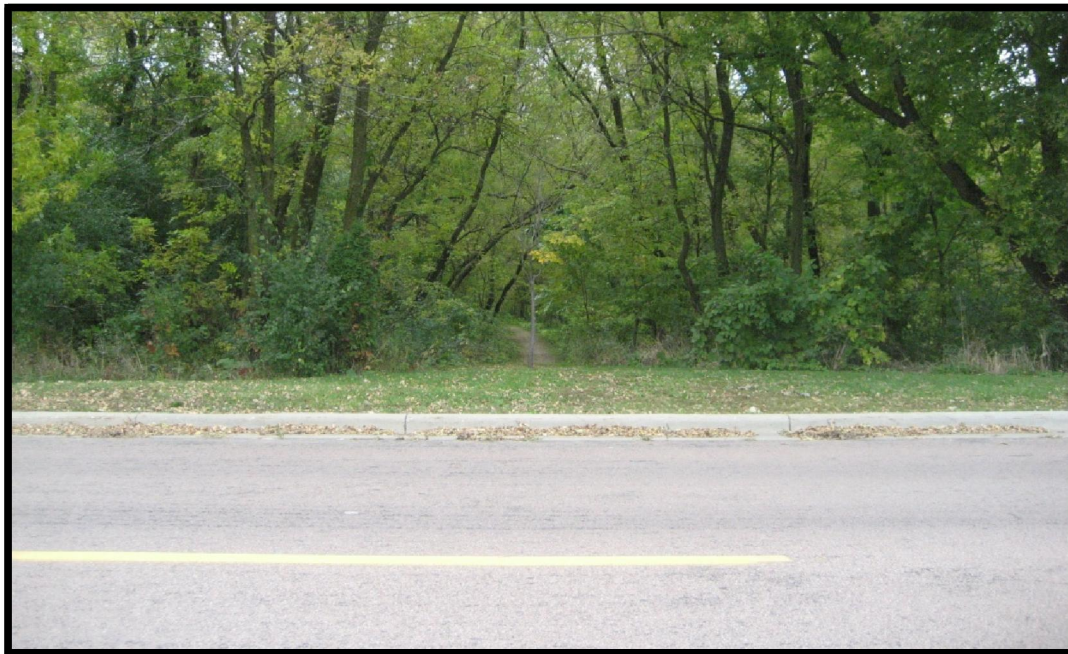
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cross Charlton Street mid-block between Kraft Road and Marie Avenue to an unpaved trail in Dodge Nature Center.



Marked crosswalks at the intersection of Marie Avenue and Charlton Street.



Charlton Street crossing currently used by Garlough for Walk From School days.

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A project is currently being planned by Dakota County to build a segment of the North Urban Regional Trail (NURT) that will include an underpass of Charlton Street between Garlough Park and Dodge Nature Center and an underpass of Marie Avenue, west of Charlton Street. The new segment of the NURT will connect to the existing trail system in Garlough Park.

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 Garlough that included teachers, the school principal, the City of West St. Paul, 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 Garlough Environmental Magnet School are summarized in the following bullets, as well as the Existing Conditions/Issues map at the end of this report:

- Nearly half the students live that attend Garlough live east of Robert Street, which carries approximately 25,000 vehicles per day.
- All students within the attendance area are currently provided bus transportation to and from school.
- Most of the local roadways around the school do not have sidewalks.
- Winter maintenance of both sidewalks and trails are a concern.
- Parking lot congestion due to the volume of parent pick-up and drop-off traffic contributes to the perception that it is not safe to walk or bike to school.
- There is no sidewalk from Charlton Street to the school building, resulting in pedestrians walking in the driveway.
- Lack of designated school crossings on Charlton Street, leading to mid-block crossings between Garlough School and Dodge Nature Center.

Recommendations

Despite the current challenges to walking and biking to Garlough Environmental Magnet School, there are still opportunities to increase the numbers of students walking and biking to school as well as increasing the physical activity of students that don't have the opportunity to walk or bike as transportation. The following recommendations have been developed specifically for Garlough Environmental Magnet School to address the identified challenges to walking and biking. The short-term recommendations are actions that could be implemented during the 2010-2011 school year, while the

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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. Continue the bi-monthly Walk From School days where all students walk through Dodge Nature Center to Marie Avenue to board the buses. Implementation lead – Garlough.
2. Organize a regular (bi-weekly or monthly) walking school bus¹ or bike train for students to walk and bike together as a group to and from school with adult supervision. The walking school bus could be done on one of the Walk From Home days or could be done on the opposing week (i.e., the Walk From Home and Walking School Bus days would be on alternating Fridays). The best potential benefit of this recommendation would be for the 27 percent of students that live just north of Wentworth Avenue and the 6 percent of students that live just south of Marie Avenue. The benefit of a walking school bus would be that the students could cross Wentworth Avenue, Charlton Street, or Marie Avenue as a group, since those are the major roadway crossings. The Charlton Street/Wentworth Avenue and Charlton Street/Marie Avenue crossings should both have adult crossing guards with patrol flags or stop paddles, consistent with the guidelines in the guidelines in the Minnesota Manual on Uniform Traffic Control Devices (MnMUTCD). 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 – Garlough.

¹ 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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3. Install pedestrian or trail crossing signing at the current marked trail crossing on Kraft Road between Garlough Park and Marthaler Park. The crossing already had advance warning signs, but does not have any signing at the crosswalk. Implementation lead – City of West St. Paul.



Existing advance signing for the trail crossing on Kraft Road (top photo). Marked crosswalk at the trail crossing, but with no signing (bottom photo).

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*Example of recommended pedestrian crossing sign (W11-2)
and down arrow (W16-7P) for a mid-block crosswalk*

4. Create information for parents that communicates the benefits of walking or biking to school, as well as the safety and operations procedures for pick-up/drop-off.
Implementation lead – Garlough.
5. Establish a permanent Safe Routes committee at Garlough to provide on-going support and organization for Safe Routes activities, including the regular Walk From School days, walking school bus/adult crossing guard volunteers, and special events such as activities for International Walk to School Month in October and National Bike Month in May. The committee should also continue to communicate and coordinate with City of West St. Paul staff on potential Safe Routes projects and funding opportunities. Implementation lead – Garlough.

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6. Expand the existing running/walking club to recess, using a cone- or flag-marked ¼-mile course. The distance students walk or bike to/from school could also be counted towards their total mileage. Students could 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 – Garlough.
7. Install a second bike rack at the front of the school, which will be more visible and facilitate biking to school for students that ride to school along Charlton Street. Implementation lead – District 197.

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. Construct sidewalk/trail connection from Charlton Street to the front of the school. Implementation lead – District 197.

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Areas for sidewalk connections from Charlton Street to Garlough School along the north side of the driveway (top photo) and the south side of the driveways (bottom photo).

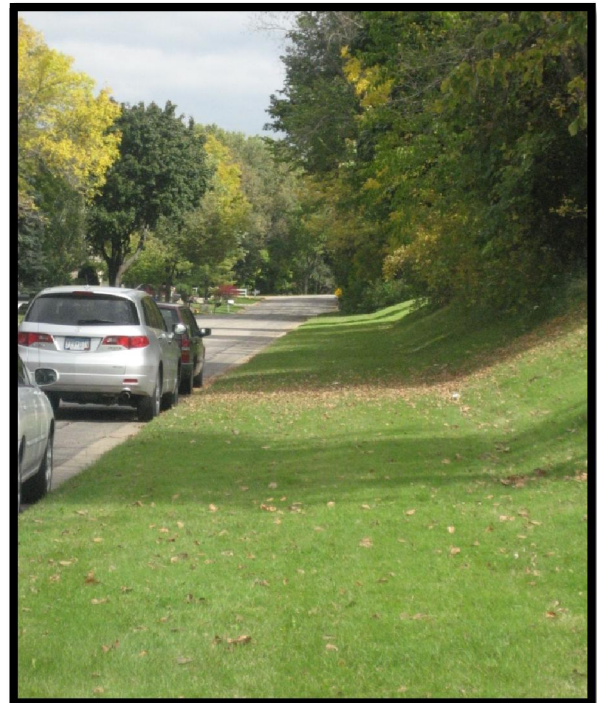
2. Continue to plan, design, and pursue funding opportunities for construction of the NURT trail near Charlton Street and Marie Avenue. The proposed underpass of Charlton Street will facilitate the daily student trips between Garlough and the Dodge Nature Center. If the trail is not built, the most appropriate location for a school crossing on Charlton Road between Garlough and Dodge Nature Center should be studied. Implementation lead – Dakota County, with support from the City of West St. Paul and Garlough.

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3. Explore opportunities for construction of sidewalk on city streets and county roads as part of street reconstruction or repaving projects. The greatest benefits to Garlough School would be sidewalk along Marie Avenue, Kraft Road, and Wentworth Avenue (County Road 8). In addition, classes currently cross Charlton Street at Kraft Road where there are not pedestrian ramps or sidewalk on the west side of Charlton Street. A pedestrian crossing at the intersection would be a preferred location for students to cross when taking trips to Dodge Nature Center during the school day. Implementation lead – City of West St. Paul and Dakota County, with support from Garlough.



View of existing Charlton Street crossing at Kraft Road, looking west, with Dodge Nature Center in the background (left photo). View along Kraft Road, looking east, where there is an existing sidewalk gap (right photo).

4. Designate a Safe Routes coordinator at the district level and each of the individual elementary 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 197 schools. Implementation lead – District 197.

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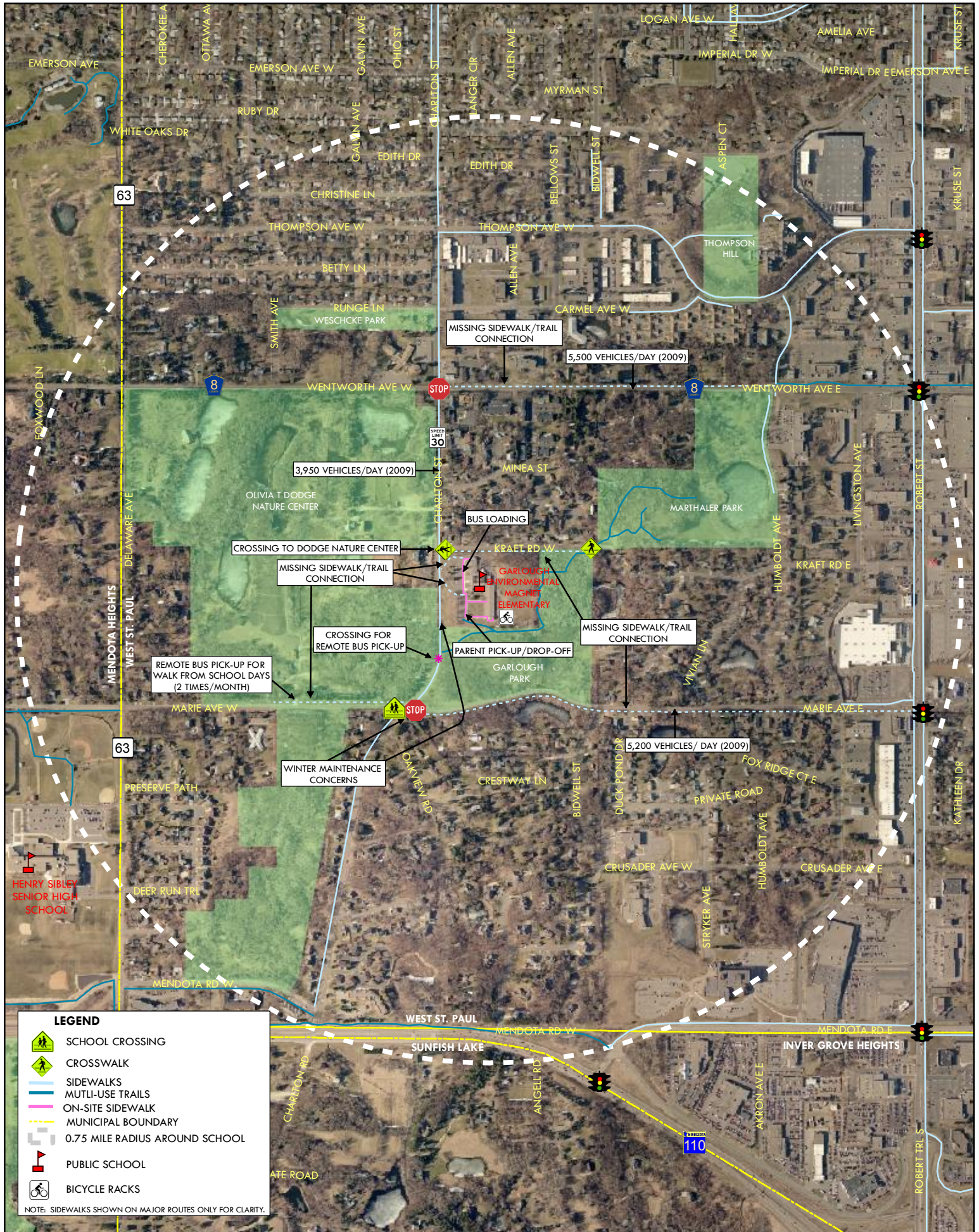
Funding and Implementation

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:

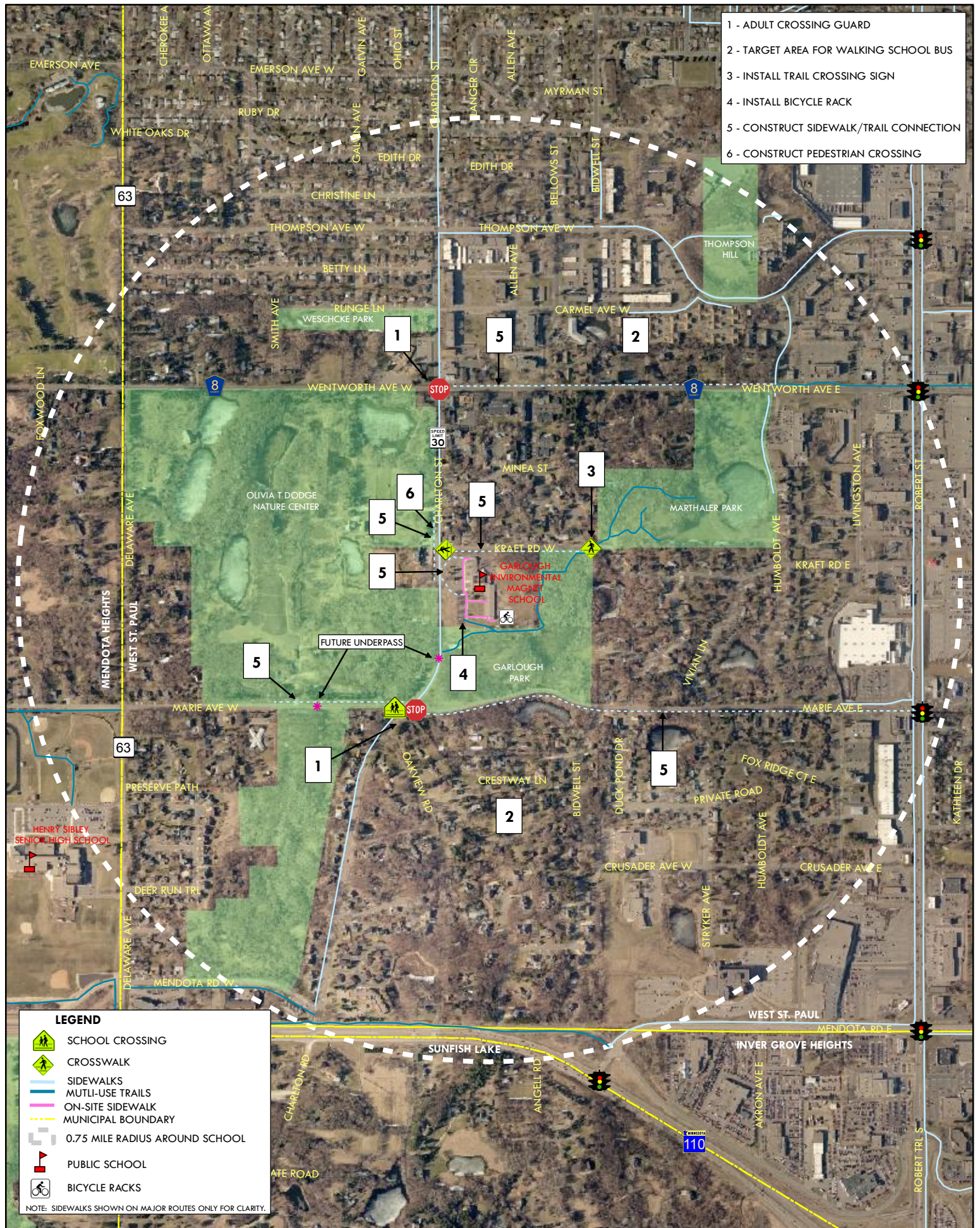
- Statewide Health Improvement Program funds, which are available through several programs administered by Dakota County Public Health:
 - Safe Routes to School grants
 - Active Living grants, which are available to cities in Dakota County, but may be used to fund improvements off school sites
 - Assistance 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.



- 1 - ADULT CROSSING GUARD
- 2 - TARGET AREA FOR WALKING SCHOOL BUS
- 3 - INSTALL TRAIL CROSSING SIGN
- 4 - INSTALL BICYCLE RACK
- 5 - CONSTRUCT SIDEWALK/TRAIL CONNECTION
- 6 - CONSTRUCT PEDESTRIAN CROSSING



LEGEND

- SCHOOL CROSSING
- CROSSWALK
- SIDEWALKS
- MULTI-USE TRAILS
- ON-SITE SIDEWALK
- MUNICIPAL BOUNDARY
- 0.75 MILE RADIUS AROUND SCHOOL
- PUBLIC SCHOOL
- BICYCLE RACKS

NOTE: SIDEWALKS SHOWN ON MAJOR ROUTES ONLY FOR CLARITY.

GARLOUGH ENVIRONMENTAL MAGNET SCHOOL RECOMMENDATIONS

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Appendix

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Parent Survey Comments

Too young and too far.

If they were older & lived closer it would be fine & good exercise.

We live too far away. This is really not an option.

I like to know where my child is at all times (over protective)

I would LOVE this - to be able to walk to school but we are out of district.

Child lives out of the school district.

She'd need to show me she understood the rules to be safe. If we lived less than a mile from school.

Intersection at Annapolis/Charlton/Dodd is a huge problem. It is completely unsafe for children. Plus there are no sidewalks on Charlton.

We start at 7:45 & I would NEVER let my child walk/bike to school in the dark.

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



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Prepared by the National Center for Safe Routes to School and the Pedestrian and Bicycle Information Center, both part of the University of North Carolina Highway Safety Research Center, with funding from the National Highway Traffic Safety Administration

The Walking School Bus: Combining Safety, Fun and the Walk to School



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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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