

Dakota County
Safe Routes to School

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Safe Routes to School Comprehensive Plan

Pilot Knob Science, Technology, Engineering Math (STEM) School

**City of Eagan
Dakota County, MN**

January 2011

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 Pilot Knob Science, Technology, Engineering Match (STEM) School in the City of Eagan, Dakota County, Minnesota.

Existing Conditions

Pilot Knob is one of five elementary schools in District 197 serving the West St. Paul, Mendota Heights, and Eagan communities in the Twin Cities suburbs. Pilot Knob STEM School is located on Lone Oak Road (County Road 26) just west of Pilot Knob Road (County Road 31) in the City of Eagan. The area south of the school consists of corporate campuses for Unisys Corporation and Northwest Airlines, as well as the Eagan Community Center. The other areas around the school are primarily residential.

Student Data

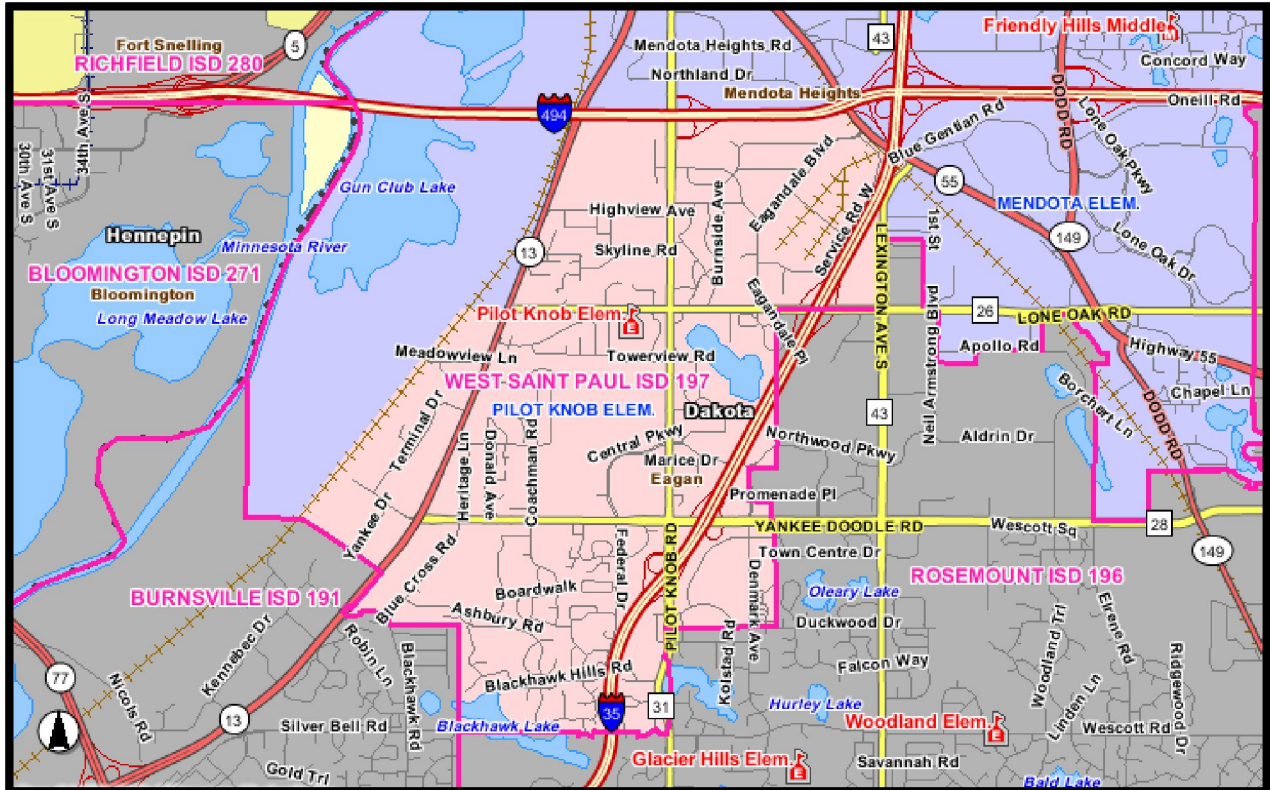
Currently, there are approximately 290 students in kindergarten through 4th grade at Pilot Knob STEM School (2010-2011 school year) and the school day runs from 7:45 am to 2:20 pm. The maximum

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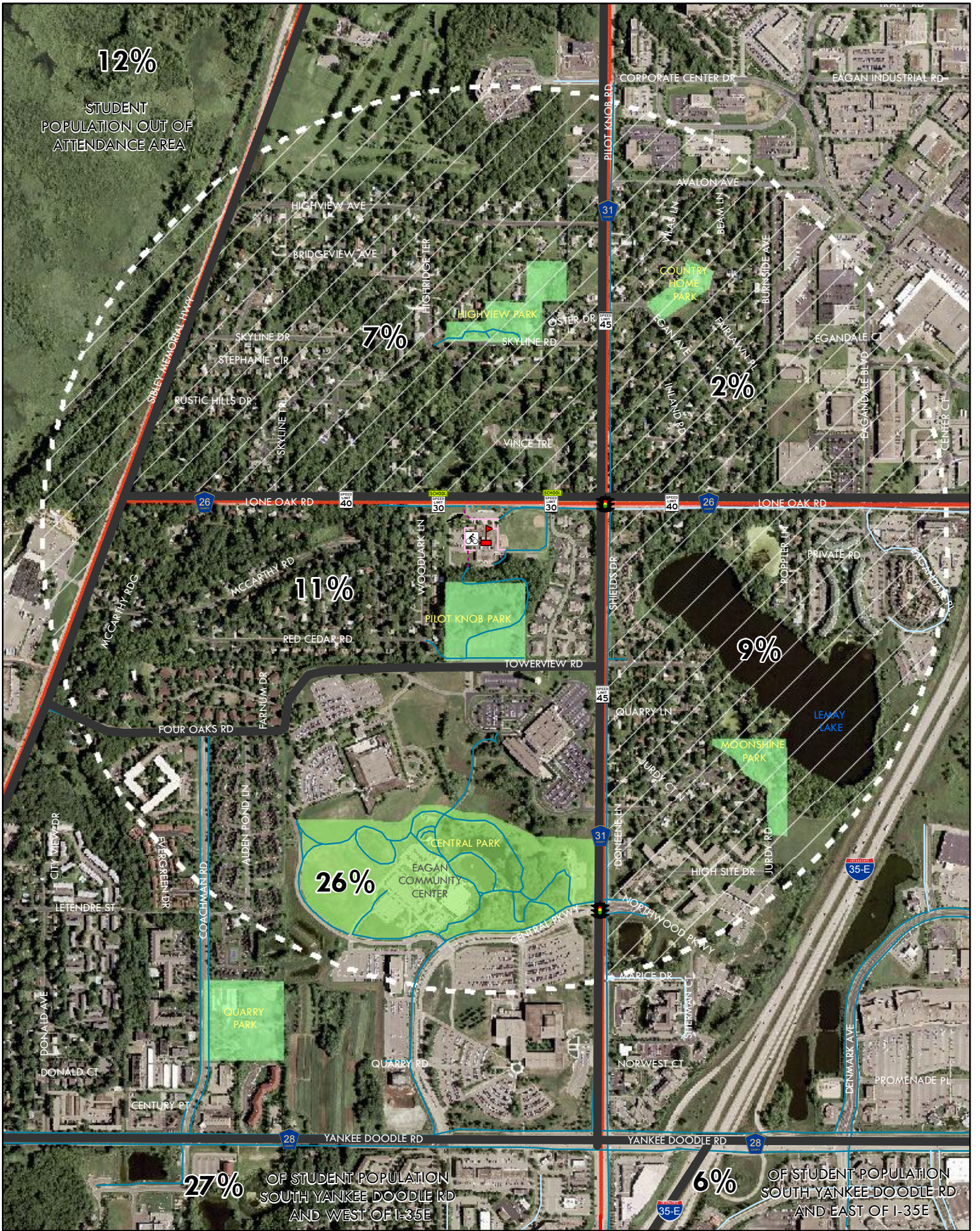


capacity of the school building is approximately 400 students. The attendance area for Pilot Knob, as shown on the map below, is within the City of Eagan but covers a relatively large area stretching north to I-494, east to I-35E, and west past TH 13.



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

District 197 has established a $\frac{3}{4}$ -mile walk area for elementary schools as a general policy, but Lone Oak Road, Pilot Knob Road, and TH 13 are all established as hazardous crossings so any students that would have to cross those roadways to get to/from school are provided bus transportation. A little more than 10 percent of students currently live in the neighborhoods immediately west and south of the school within the walk area. A full breakdown of the Pilot Knob student distribution (2010-2011 school year) is shown on the map on the following page.



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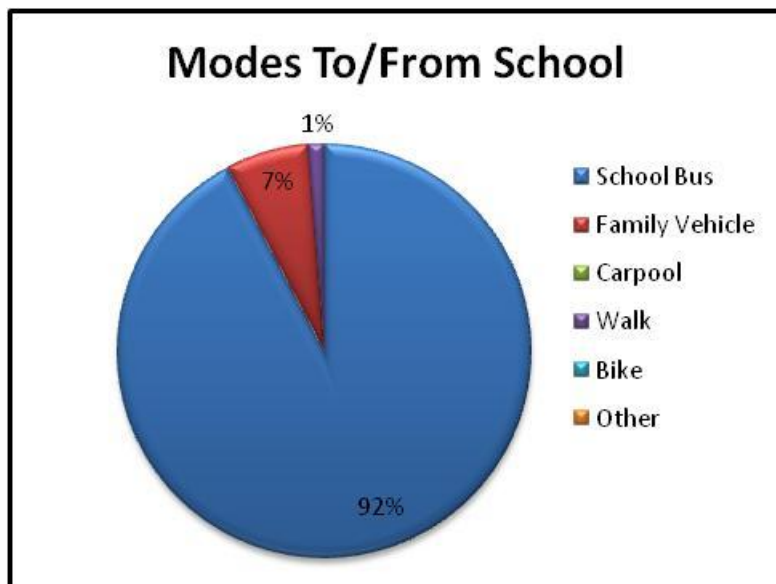
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Safe Routes to School Activities

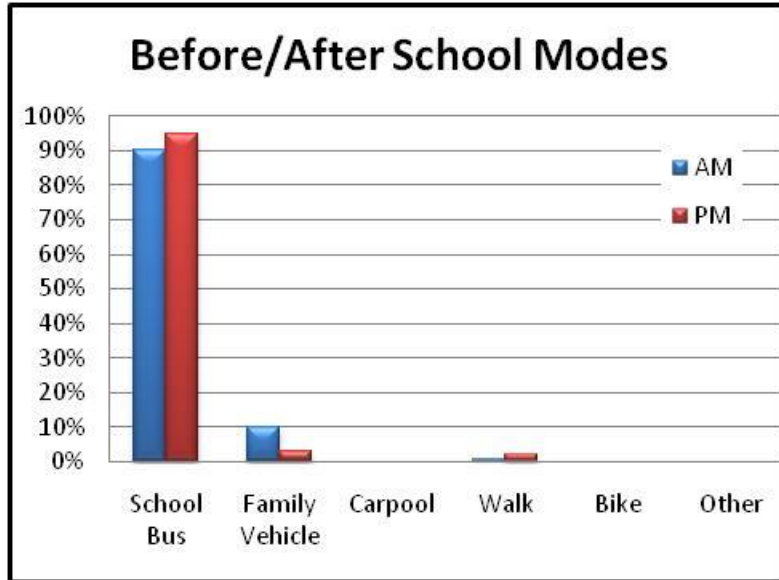
Pilot Knob has held Walk to School days in 2009 and 2010 when all buses drop off students at the Eagan Community Center and the students walk on the trails to the school. Students also run laps on the path east of the school during recess and log their lap totals throughout the year. With kindergarten 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.

In-classroom tallies of students' arrival and departure modes were conducted at Pilot Knob during October 2010. As shown in the charts below, an average of one percent of students currently walk to/from school and no students reported biking to school. The most predominant mode is school bus, and only a small number 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, but only five families responded to the survey. The key issues identified in the survey were lack of sidewalks/trails, speed and volume of traffic, and concerns about pedestrian/vehicle conflicts at the driveway into the staff parking and pick-up/drop-off area. A sample of the parent comments from the survey is included in the Appendix.

Infrastructure

The sidewalk and trail network around Pilot Knob consists of the trails on the south side of Lone Oak Road (up to Pine Ridge Drive), the trail behind the school to the Eagan Community Center, and the trail on both sides of Pilot Knob Road. The trail on Lone Oak Road comes onto the school site, immediately in front of the school building, before moving back along the road. Bikers were observed riding through the school parking lot rather than following the sidewalk next to the school. The local roadways adjacent to the school generally do not have sidewalks.

The trail on Lone Oak Road is plowed by the City of Eagan, as are the trails along Pilot Knob Road and at the Eagan Community Center. The trail behind Pilot Knob School is not currently plowed by either the school district or the city. The City of Eagan is planning for future repaving of this trail, consistent with its programmatic repaving of the other trails in the area.

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View of Lone Oak Road in front of Pilot Knob School. The trail leaves the roadside (left side of photo) and goes onto school property, with a ditch section along the road.

There are not currently any designated school crossings on the roadways surrounding the school, but there is a striped crosswalk in the driveway from the trail on Lone Oak Road to the school building. There is also a school speed zone on Lone Oak Road that lowers the speed limit from 40 miles per hour (mph) to 30 mph when children are present. The bike rack at Pilot Knob is located on the west side of the school.

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Crosswalk from the trail on Lone Oak Road to the school building. There is no sidewalk or trail to the sidewalk in front of the school.

A review of the crash history for the past ten years (1999-2008) showed that there have been four bicycle crashes within the area bounded by TH 13, Central Parkway, Eagandale Boulevard/I-35E, and Highview Avenue. Three of the four crashes occurred during the summer between 4 PM and 6 PM. Overall, there is no evidence of safety issues for walking and biking in the neighborhoods around Pilot Knob School.

Site Evaluation

A site evaluation was completed at Pilot Knob STEM School in November 2010. The site visit included walking around the site and observing the dismissal process on a typical day. Currently, staff parking in the west parking lot, which is also used for parent pick-up and drop-off, and the buses use the angled parking spaces immediately in front of the school. The entrance for both parking areas is the west school driveway on Lone Oak Road. The buses exit out the east driveway onto Lone Oak Road and most parents

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exit back out the west driveway. The parent pick-up traffic was limited to about 10 to 15 students, so there were very few conflicts and no congestion observed.



Bus loading in front of the school during afternoon dismissal.

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 Pilot Knob that included input from the school principal, the City of Egan, 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. Input was also gathered from District 197 Transportation.

The existing challenges to walking and biking to Pilot Knob STEM School are summarized in the following bullets, as well as the Existing Conditions/Issues map at the end of this report:

- The school is located near several major roadways that are designated as hazardous by the school district; therefore most students at Pilot Knob are provided bus transportation.
- There currently is not a culture of walking and biking at the school.
- The age of the student population (kindergarten to 4th grade) is too young for a student school patrol.

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- Parents and students need more information about how and where to safely walk and bike to school.
- There are not identified walking routes from the school to the neighborhoods where students live.
- Most of the local streets around the school do not have sidewalks.
- Winter maintenance of the trail segments behind Pilot Knob are a concern.
- There is no sidewalk or trail from the Lone Oak Road trail to the school building on the west side of the driveway, so pedestrians walk in the driveway.

Recommendations

Despite the current challenges to walking and biking to Pilot Knob STEM 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 Pilot Knob 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 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 included at the end of this report.

1. Start increasing the frequency of the Walk to School days (all students walk from Eagan Community Center) from once or twice a year to once per quarter or once a month. Implementation lead – Pilot Knob.
2. Build on the running/walking club during recess and allow students to include the distance they walk or bike to/from school towards their total mileage/lap totals. Students could earn incentives for reaching individual mileage goals, or a traveling

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“Golden Sneaker Trophy” can be awarded to the class with the highest mileage total each week. Implementation lead – Pilot Knob.

3. Mark pedestrian path/crossing in the west driveway with more visible “zebra” style crosswalk markings and consider an adult crossing guard at this location if there are consistent pedestrian volumes during arrival and dismissal. Implementation lead – District 197 and Pilot Knob.

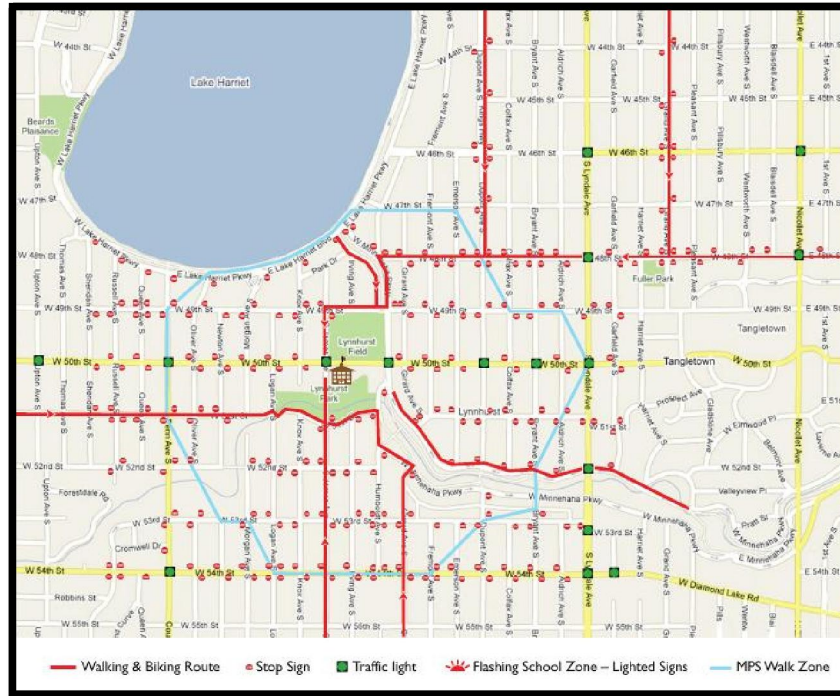


Example of a zebra style crosswalk with school patrol.

4. Create information for parents and students that communicates the benefits of walking or biking to school, as well as safety tips like how to be visible to vehicles and walking in a group. Implementation lead – Pilot Knob, with support from Dakota County Health.
5. Conduct a bike/walk mapping project with District 197. The mapping could be done by the Pilot Knob Safe Routes committee, as a student project with staff assistance, or by a third party using school, district, or grant funding. The maps are developed by collecting information about available routes and develop maps of routes to and from school, as well as other key “safe” locations like libraries, police station, other schools, or community center. Implementation lead – Pilot Knob.

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Example of a school walk/bike route map.

6. Establish a permanent Safe Routes committee at Pilot Knob to provide on-going support, communication, and organization for Safe Routes activities, including regular Walk/Bike days, walking school buses, and other special events. Implementation lead – Pilot Knob.
7. Consider adult crossing guards at Pilot Knob Road/Lone Oak Road and Coachman Road/Four Oaks Road. The crossings have moderately high traffic volumes, but have shorter crossings and much fewer vehicle conflicts than Pilot Knob Road and therefore more potential to be used as routes to school. The need for crossing guards or other pedestrian enhancements at specific locations should be determined based on the route mapping and further discussion by the Pilot Knob Safe Routes committee, including parents. Implementation lead – Pilot Knob, with support from City of Eagan as needed.
8. Organize a regular (weekly, bi-weekly, or monthly) walking school bus¹ or bike train for students to walk and bike together as a group to and from school. The best potential

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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benefit of this recommendation would be for the groups of students that live north, west, or southwest of the school and can form walking/biking groups with adult supervision and volunteer adult crossing guards as necessary. 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 – Pilot Knob.

9. Develop an agreement between District 197 and the City of Eagan for the winter maintenance of the trails south of the school that are currently not plowed. Implementation lead – District 197 and City of Eagan.



Unplowed trail connection from Towerview Road and Pilot Knob Park, south of Pilot Knob School, to Woodlark Lane. From the tracks in the snow, it is apparent that pedestrians continue to use the trail in winter.

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 included at the end of this report.

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1. Construct sidewalk/trail connections from the trail on Lone Oak Road to the school building, on the west side of the school driveway, and from the trail behind the school to the school building. Implementation lead – District 197.



Trail from the back of Pilot Knob STEM School to the Eagan Community Center (top). The trail ends at the driveway and there isn't a sidewalk or trail that connects to the school building (bottom).

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2. Designate a Safe Routes coordinator at the district level and each of the individual elementary schools in the district. 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.
3. Develop a Safe Routes page on the Pilot Knob website that provides walking/biking route information as well as other information, such as a list of students with the highest number of laps completed or most days walked/biked to school. Implementation lead – Pilot Knob, with assistance from District 197.
4. Repave trail segments when the pavement condition deteriorates. Implementation lead – District 197 (on-site trails) and City of Eagan (off-site trails).



Existing trail condition between the northeast corner of Pilot Knob School and Lone Oak Road

5. When improvements or roadway reconstruction are planned for Lone Oak Road between Pilot Knob Road and TH 13, investigate the feasibility of constructing the missing trail segment along Lone Oak Road between the school driveways. Implementation lead – City of Eagan, with support from Dakota County.

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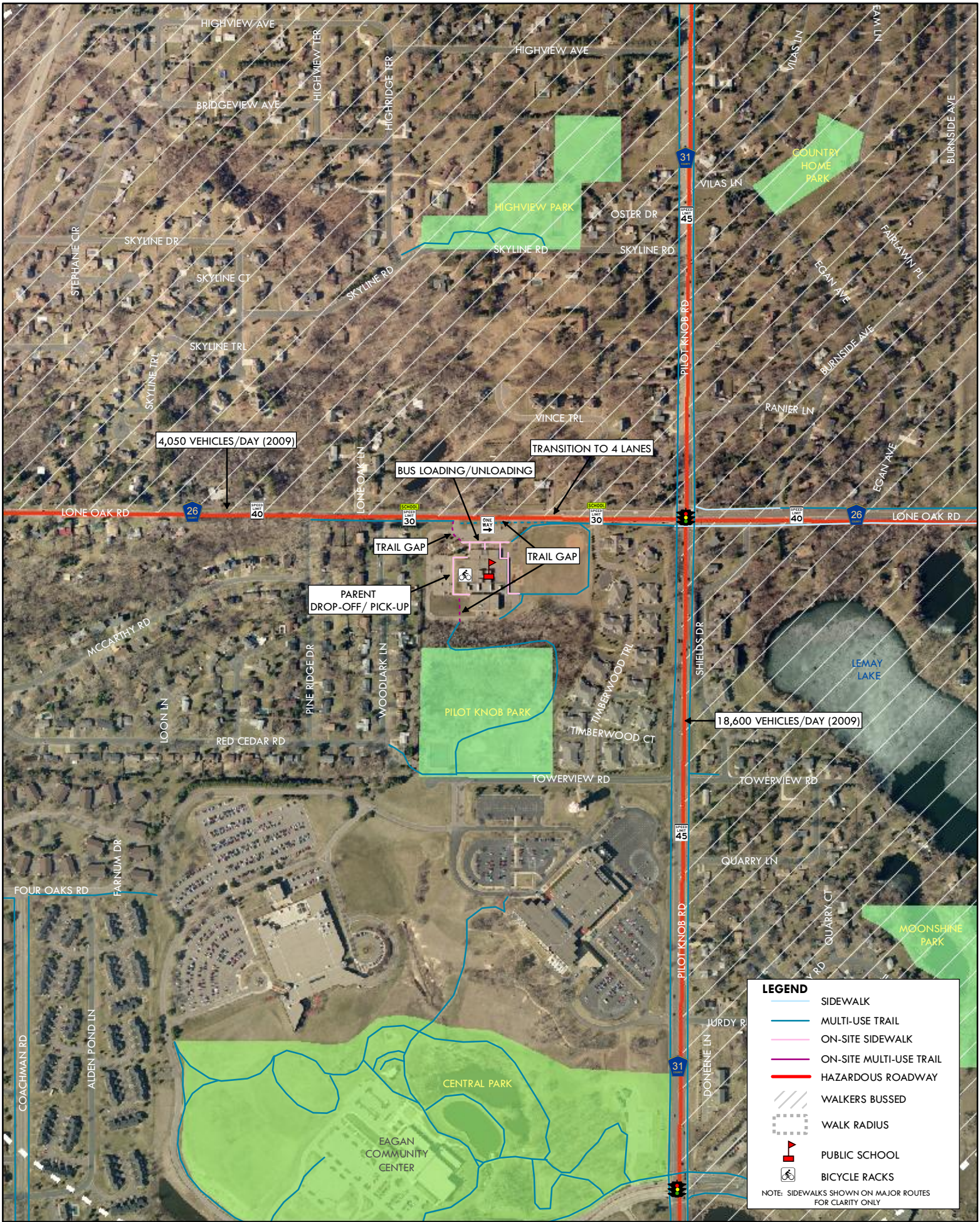
Funding and Implementation

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:

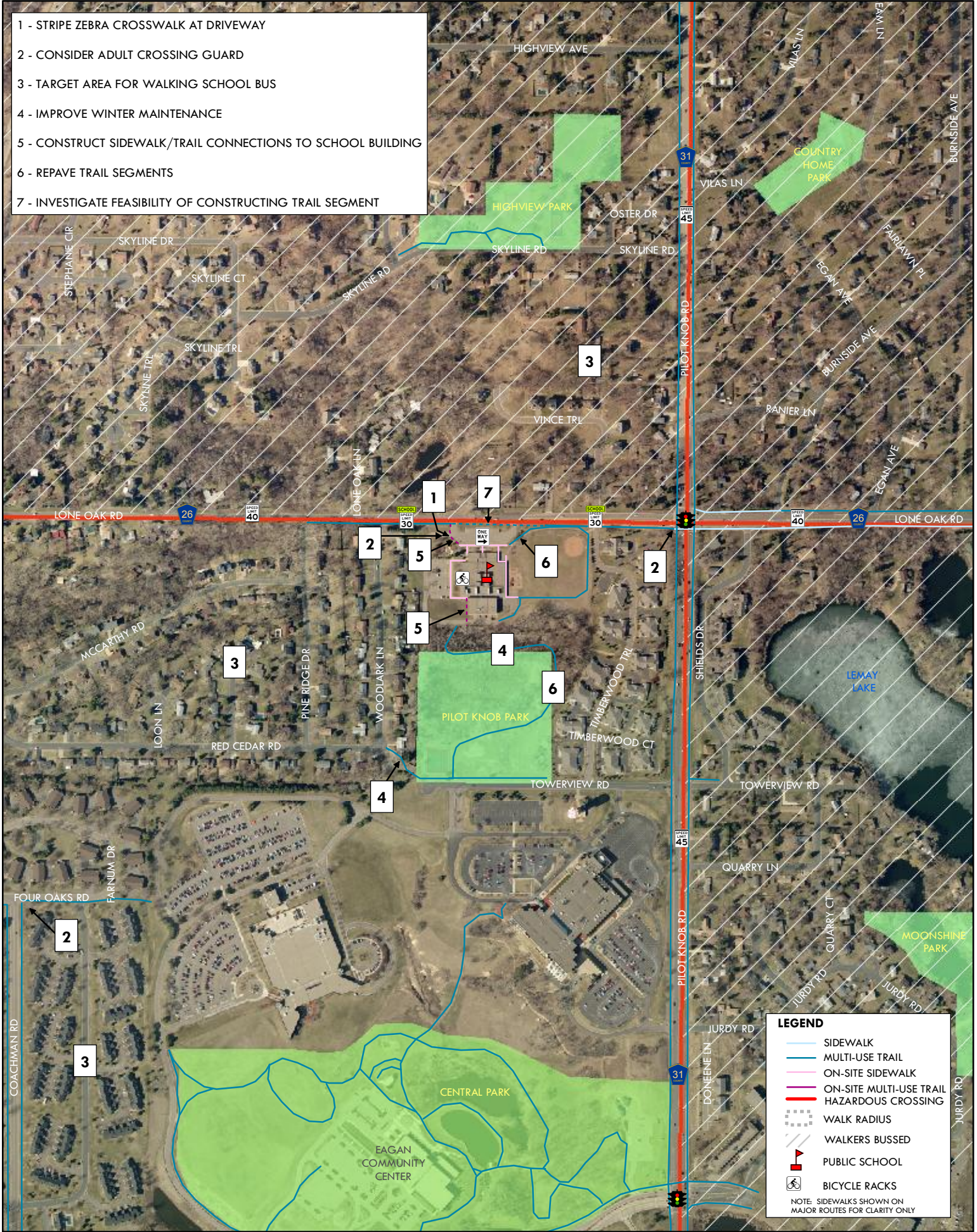
- Statewide Health Improvement Program funds, which are available through several programs administered by Dakota County Public Health:
 - Safe Routes to School grants
 - Active Living grants, which are available to cities in Dakota County, but may be used to fund improvements off school sites
 - Assistance 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 - STRIPE ZEBRA CROSSWALK AT DRIVEWAY
- 2 - CONSIDER ADULT CROSSING GUARD
- 3 - TARGET AREA FOR WALKING SCHOOL BUS
- 4 - IMPROVE WINTER MAINTENANCE
- 5 - CONSTRUCT SIDEWALK/TRAIL CONNECTIONS TO SCHOOL BUILDING
- 6 - REPAVE TRAIL SEGMENTS
- 7 - INVESTIGATE FEASIBILITY OF CONSTRUCTING TRAIL SEGMENT



LEGEND

- SIDEWALK
- MULTI-USE TRAIL
- ON-SITE SIDEWALK
- ON-SITE MULTI-USE TRAIL
- HAZARDOUS CROSSING
- WALK RADIUS
- WALKERS BUSSED
- ▲ PUBLIC SCHOOL
- 🚲 BICYCLE RACKS

NOTE: SIDEWALKS SHOWN ON MAJOR ROUTES FOR CLARITY ONLY

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Appendix

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Parent Survey Comments

There should be some way to avoid the congestion at the crosswalk in the school driveway to the back parking lot. This is a problem for young children to cross on their own and depends on parent drivers paying attention to walkers when taking their own kid to school.

I would love for my kids to have the option of biking/walking or taking the bus. However, I would not allow them to do it alone. We have done it as a family a few times last year. Love to have kids out and moving.

I would like to see a crossing guard (maybe a 4th grader with a flag) near the entrance into the parking lot by Pilot Knob School. Many cars go into parking lot right by where the sidewalk ends near the school and I worry about cars not seeing the kids when they walk across to get to the front entrance.

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.

SCHOOL BICYCLING AND WALKING POLICIES: Addressing Policies that Hinder and Implementing Policies that Help

As key partners in Safe Routes to School (SRTS) programs, schools and school districts can play a big role in establishing a culture of bicycling and walking to school. School policies that encourage and support bicycling and walking can substantially boost a SRTS program, both within individual schools and throughout the community. In contrast, a policy that discourages or prohibits bicycling or walking can stop a SRTS program in its tracks. While SRTS programs are developing and flourishing in many communities around the country, some communities are discovering barriers to active transportation due to school policies.

Because school or school district policies can play such a significant role in starting and continuing a SRTS program, it's important to be able to identify both:

- 1) Barrier policies, which discourage, prohibit, or otherwise present barriers to bicycling and walking to school; and
- 2) Supportive policies, which encourage, support or enable bicycling and walking to school programs.

For both supportive and barrier policies, the impact may be direct or indirect. A school policy that requires any student riding a bicycle to school to also wear a helmet is an example of a policy that directly demonstrates support of safe bicycling. In contrast, a school district policy that provides busing to all students regardless of where they live—including for those within easy walking or bicycling distance—is an example of a policy that indirectly discourages bicycling or walking to school. More often, “barrier” policies will directly target bicycling to school. Whether out of fear of liability, concerns for the security of bicycles on school property, or because of a previous safety incident, schools and school districts may have a policy that prohibits students from bicycling to school—either entirely, or until a certain age—regardless of whether or not they are supervised by a parent.

Obviously, if conditions are sufficiently safe for walking and bicycling, it would benefit your SRTS program to work to have a barrier policy removed or, even better, converted to a supportive policy. However, sometimes significant safety issues exist that may have played a role in the policy being adopted in the first place. In these instances, the safety issues should be addressed before considering removal of the barrier policy.

It may seem like a daunting undertaking to get barrier policies removed or converted to supportive policies, but parents and advocates have had success in doing so. It is important to approach these situations strategically. Below are some simple steps explaining how to approach and overturn barrier policies that prohibit walking and/or bicycling to school. Remember, this is only guidance. It is important to assess any school's situation independently and without bias, paying special attention to unique circumstances, politics and personalities that may exist.



Developed jointly by the National Center for Safe Routes to School and the Safe Routes to School National Partnership

School Bicycling and Walking Policies (continued)

1 Research the barrier policy's history

Questions to ask:

- What was the reason behind the policy?
- When was it adopted?
- Was there a specific incident? If yes, when and what are the specifics of the incident?
- Who enforces the policy, and how strictly is it enforced?
- Who made the policy and what would it take to change the policy?
- Who are the key players? For instance, who is a big supporter, and what is his/her perspective on the policy? Who else might have an interest in this policy (i.e. risk managers), and what are their perspectives?

Who to approach:

- **Parents** First learn as much as you can by talking with parents, so that you have as much information as possible before speaking with school personnel.
- **School Administrators** Talk to school administrators to gather background information on the policy. This could include school principals, the school superintendent and/or school board members.

2 Build awareness and allies among others in your school's community

Depending on what is found when researching the policy's history, it may help to talk with others at the school and in the community. Potential allies include:

- The **Parent Teacher Association** (and other parents) can be vital allies as you are seeking more like-minded parent advocates.
- If the school has a **Wellness Committee**, reach out to them to join your efforts. It is likely they are already advocating for physical activity opportunities, so the message of walking/bicycling to and from school should resonate with them.
- **Teachers, specifically PE teachers**, may help by equipping students with skills for their commutes to school, such as looking both ways before crossing any street.
- **Local non-profit organizations**, such as bicycling or walking organizations, will sometimes champion local issues, particularly if it is related to their organization's mission. These organizations can also help to spread the word throughout the community.
- **School nurses** have student health at the forefront of their minds. What better champion to bring on board than someone who can speak from professional experience about the risks of physical inactivity?
- A local **Neighborhood Association** may want to get involved. Who doesn't want less traffic during morning and afternoon rush hour in their neighborhoods?

Find people with common concerns and build support for converting the barrier policy into a supportive policy. Don't overlook the value of making residents in the school's surrounding community aware of the issues at hand, as they may be important allies in facilitating a safe environment for children to walk and bike to school. Finally, learn from others who have undertaken similar projects to change individual school or school district policies, such as student health and wellness policies. People who have worked on comparable efforts in the past often have valuable insight and they may be able alert you to approaches that work well within your school or community.

School Bicycling and Walking Policies (continued)

3 Identify the pertinent administrators, both at the school and district levels.

It is important to figure out which administrators are responsible for establishing policy on students walking and bicycling to school. Below are descriptions of the typical administrative roles that may be integral links to addressing policies either allowing or prohibiting students to walk or bike to school. Finding out who can change this rule will be critical in developing your strategy.

- The **school principal** may have established the barrier policy at the school, and may be the first point of contact in your effort to address this policy.
- **District superintendents** or other administrators at the school district level may be able to play a role in guiding policy decisions at schools across the entire district.
- **School district transportation officials** may be in charge of developing or administering policies related to student transportation. While their primary responsibility may focus on bussing, they may also be involved in walking and biking issues.
- One or more **school board members** may support a change in the District's active transportation policy. Finding a school board member or person on the inside of the governing body who will be the champion for moving a new policy forward can be key to making this change.

4 Develop your strategy and present your case to school administrators

Were the original reasons for the barrier policy unfounded, or are they no longer applicable because of changes in infrastructure or practice? Could SRTS non-infrastructure strategies (education, encouragement, enforcement) or infrastructure improvements address any existing concerns? Or do infrastructure improvements need to be made as a first step to improve safety before getting others to agree to a change in policy?

If you can make a compelling case to change the policy, work to develop relationships with the school administrators identified in the previous step, and make sure that they understand the issues and have the information needed to make informed decisions.

To ensure your efforts are effective, work with the allies you've developed to:

- Create a plan for how to approach the school administration – this is a critical step, as you'll want a strategy before you start to act. If there is someone on the “inside” of the school who can help you with this strategy, that information will be very important for navigating school politics.
- Compile documentation and research supporting the goal of walking and/or bicycling to school. Some universal reasons follow, but you should tailor this list to your community:



School Bicycling and Walking Policies (continued)

- **Health:** The Surgeon General recommends 60 minutes of physical activity each day for children and walking/bicycling to school is a great way to help meet this goal. Nearly one in three children in the US is overweight or obese.
- **Safety:** Some Safe Routes to School Programs have been shown to improve traffic safety issues .
- **Environment:** Getting more children walking and bicycling to school may help to reduce air pollution around the school and support efforts to reduce climate change.
- **Community:** Neighborhood parents are often interested in having groups of children walk and bicycle with parent chaperones as a way to build community connections.
- **Education:** Teachers report improved behavior and productivity when students are physically active before school.

In addition, collecting hard data relevant to the specific reasons behind the school's or school district's barrier policy can be a very useful element of this step.

- Decide if your first contact will be a meeting with the decision-makers, a letter or petition signed by several different advocates or a phone call. Even if you send a letter or email, follow up with the contact either in person or via phone in order to put a friendly human face to your request. One approach is to first send a letter that requests a meeting with the decision-makers, and then follow up with a phone call and future letters if needed. It will be important to identify one person who will be the primary contact with the school and will make follow up phone call(s), but if a meeting is scheduled, it may be helpful to bring a few others to demonstrate community support.
- In all communications with decision-makers, be concise, rationale, reasonable and respectful. Offer to share the documentation you have collected related to walking and/or bicycling to school.
- In written and verbal communications, be clear in stating your concerns and how you think it could be handled (such as suggesting a new school policy that supports walking and/or bicycling).
- Consider scheduling a brief walking tour with decision-makers to illustrate your points.
- Listen carefully to the administrator's concerns and issues, and try to find common ground.
- Follow up and be persistent, yet always patient and polite.
- Bring a group of parents, local residents, bicycle and pedestrian advocates, students, and teachers to a School Board meeting to show broad support from a wide spectrum of the community, if necessary.

Additional tips:

- Build support with all stakeholders and don't burn any bridges. As often as possible when making your case, talk about opportunities and past successes rather than problems and challenges. Be diplomatic, not abrasive, and try to recognize your listener's side of the situation. Be a good listener yourself, and you will find that it will encourage fellow stakeholders to work with and support you. Always send thank you notes after meetings and include a brief summary of what was discussed.
- Keep in mind that supportive walking and bicycling to school policies often dovetail with wellness policies. In the Child Nutrition and WIC Reauthorization Act of 2004, Congress established a new requirement that all school districts with a federally-funded school meals program develop and implement wellness policies that address nutrition and physical activity by the start of the 2006–2007 school year. Walking and bicycling to school have lots of advantages, including physical activity benefits and opportunities for social interaction. Work to include or strengthen support for active transportation in the school wellness policy.

School Bicycling and Walking Policies (continued)

- Even if the school does not currently have a policy that prohibits walking or bicycling to school, work to have a supportive policy adopted. A supportive policy demonstrates a community's commitment to healthy lifestyles for their children. It also provides assurance that children will be allowed to walk and/or bicycle to school.
- After doing some research, you may find that liability is one of the factors behind the school's barrier policy. Find out if the School Board and/or municipal insurance carriers or risk managers have a position on the subject. You can find more information addressing liability concerns specifically from the National Center for Safe Routes to School at www.saferoutesinfo.org.
- If you are having trouble getting the school's attention, get media involved. If you are struggling to get the attention of the school's administration, work with other allies in the community to alert the media to the problem. If the school still isn't listening, you can also talk to local politicians like the mayor or city council members. Be sure to have the facts and a positive message in place versus using the airtime to attack the school. You can also point out that more than 5,000 schools throughout the nation are already participating in official SRTS programs.

Remember, the work doesn't stop once a barrier policy is changed. Even if a supportive policy is adopted, continuing with education and encouragement at the school can help influence the attitudes of those who might still be opposed to students bicycling or walking. Bicycle rodeos and walk/bike to school days are just two ideas that can be implemented to continue the message. The key is to celebrate by doing exactly what you have been advocating so tirelessly for—walk and bicycle to and from school! By example, your behavior will demonstrate the ever-increasing demand for Safe Routes to School.

Alexandria, VA Parents Work with School to Change Policy That Discouraged Bicycling and Walking

When it opened in 2000, Samuel Tucker Elementary School in Alexandria, VA became the city's first new public school in 30 years. Surrounded by newly built townhouses, condominiums, and retailers, it was also an on-going and active construction site, which led the Alexandria City Public Schools to provide "hazard" busing to all students who lived within a one-mile radius of the school. This busing policy also led to an unwritten no walking/no bicycling policy. In 2008, parents told the school administration about the Safe Routes to School program and asked to have the busing policy rescinded so that they could apply for federal SRTS funding. Both the school and school district were extremely supportive, and in 2009 they rescinded the busing policy. The parents' request was aided by outside factors: nearby construction had ended and safety conditions had improved and school budget constraints were helped by reductions in busing.

St. Johnsbury, VT SRTS Program Inspires Change in Attitudes and Policies

St. Johnsbury School, a Vermont elementary school, had a no-bicycling policy. By the end of their first year of a SRTS program, students indicated that they wanted to bicycle to and from school, so the school instituted a new policy for students in grades four and above. The policy stated that if these students participated in bicycle safety education taught at the school and pledged to wear a helmet, they would receive a "license" allowing them to bicycle to school.

School Bicycling and Walking Policies (continued)

Waucaonda, IL School Board Plays A Vital Role in Overturning Barrier Policies

In 2003, a crash between a motorist and a student bicyclist occurred. Due to liability concerns, this Chicago suburb school district instituted a policy that students could no longer bicycle to or from Waucaonda Grade School. Parents of bicycling students responded immediately: they organized themselves, started a media campaign to build awareness, and contacted a local bicycling advocacy organization for help. Chicagoland Bicycle Federation, now the Active Transportation Alliance, made a presentation to the school district's board, offering SRTS as a process that would address bicycling safety without prohibiting bicycling to school. After this presentation, the school board convened a committee that began collecting data to help make the case for allowing bicycling to and from school. The committee's findings, including data demonstrating that the crash was an anomaly for the area and that students wanted to bicycle to/from school, changed how district staff and school administrators viewed the problem and they decided to overturn the barrier policy allowing students to resume bicycling to and from school.

Netcong, NJ Superintendent Uses SRTS to Change Perspectives and Remove Barrier Policy

Sometimes barrier policies that prohibit walking or bicycling to and from school exist for no apparent reason. This was the situation at Netcong Elementary School in New Jersey, where walking to school was allowed but bicycling was not. The policy was brought to light when the superintendent wanted to apply for SRTS funding. As part of the application for SRTS funding, the school proposed to overturn the policy prohibiting bicycling to and from school should the application be successful. The school was awarded the funding, and as of April 2009, has a new transportation policy in place. They met some resistance with a new superintendent, but the school board, Mayor, and administrator remained strongly supportive of the policy. To kick off the new policy and to provide safety education, the school and municipality sponsored a bicycle rodeo for students at the school to learn safe bicycling skills and are working on additional safety programs.

This resource was developed by the National Center for Safe Routes to School and the Safe Routes to School National Partnership.

For more resources and information on Safe Routes to School, please visit the National Center for Safe Routes to School Web site at www.saferoutesinfo.org and the Safe Routes to School National Partnership Web site at www.saferoutespartnership.org.



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Adult School Crossing Guard Guidelines



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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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