

Dakota County
Safe Routes to School

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Safe Routes to School Comprehensive Plan

Moreland Arts and Health Sciences Magnet School

City of West St. Paul
Dakota County, MN

June 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 19 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 Moreland Arts and Health Sciences School in the City of West St. Paul, Dakota County, Minnesota.

Existing Conditions

Moreland is one of five elementary schools in District 197 serving the West St. Paul, Mendota Heights, and Eagan communities in the Twin Cities suburbs. The school is located on Moreland Avenue at Allen Avenue, in the City of West St. Paul. The school is located just south of Heritage Middle School, a District 197 school with grades 6-8, and just east of St. Joseph's School, a private school with pre-kindergarten through 8th grade. The remaining areas around the school are primarily residential.

Student Data

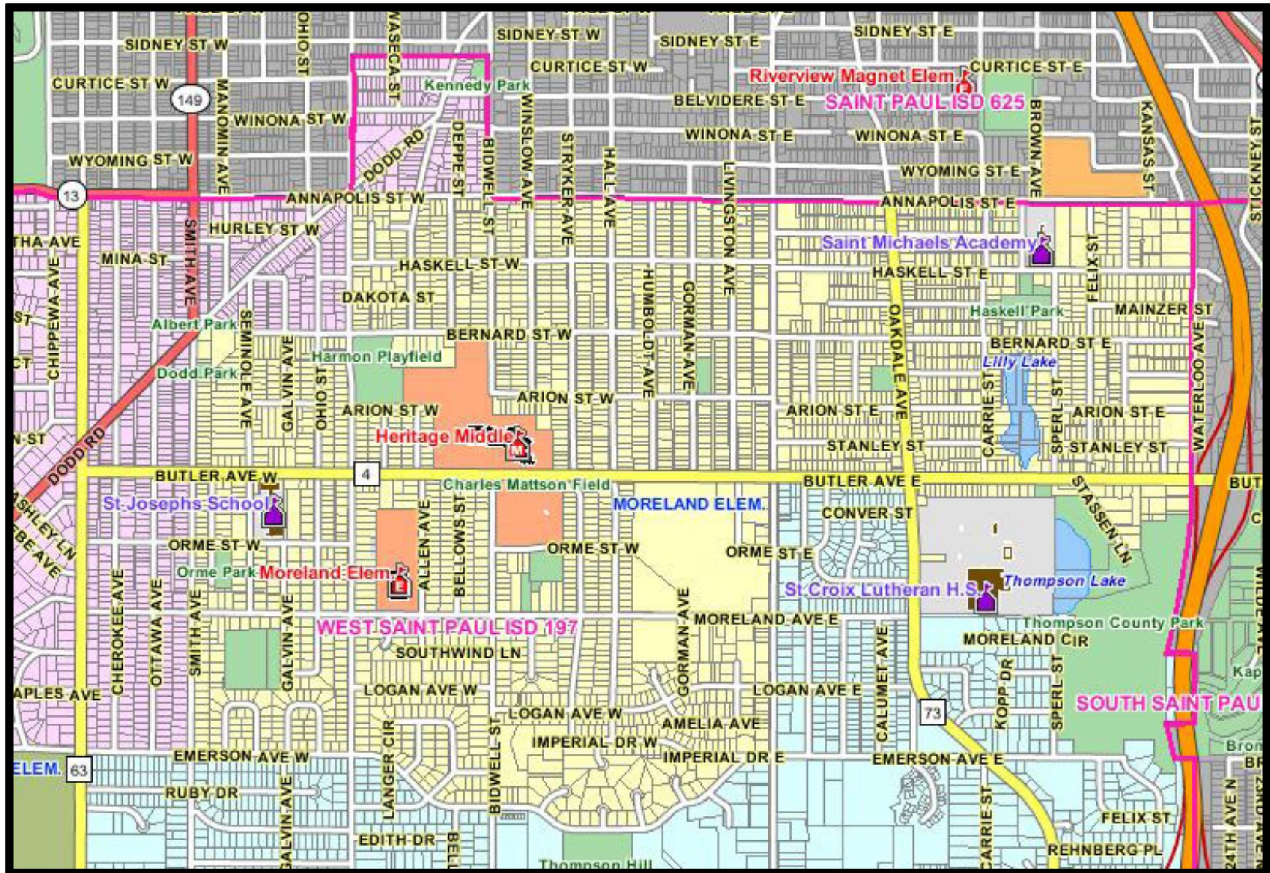
Currently, there are approximately 330 students in kindergarten through 4th grade at Moreland (2010-2011 school year) and the school day runs from 7:45 am to 2:15 pm. The attendance area for Moreland,

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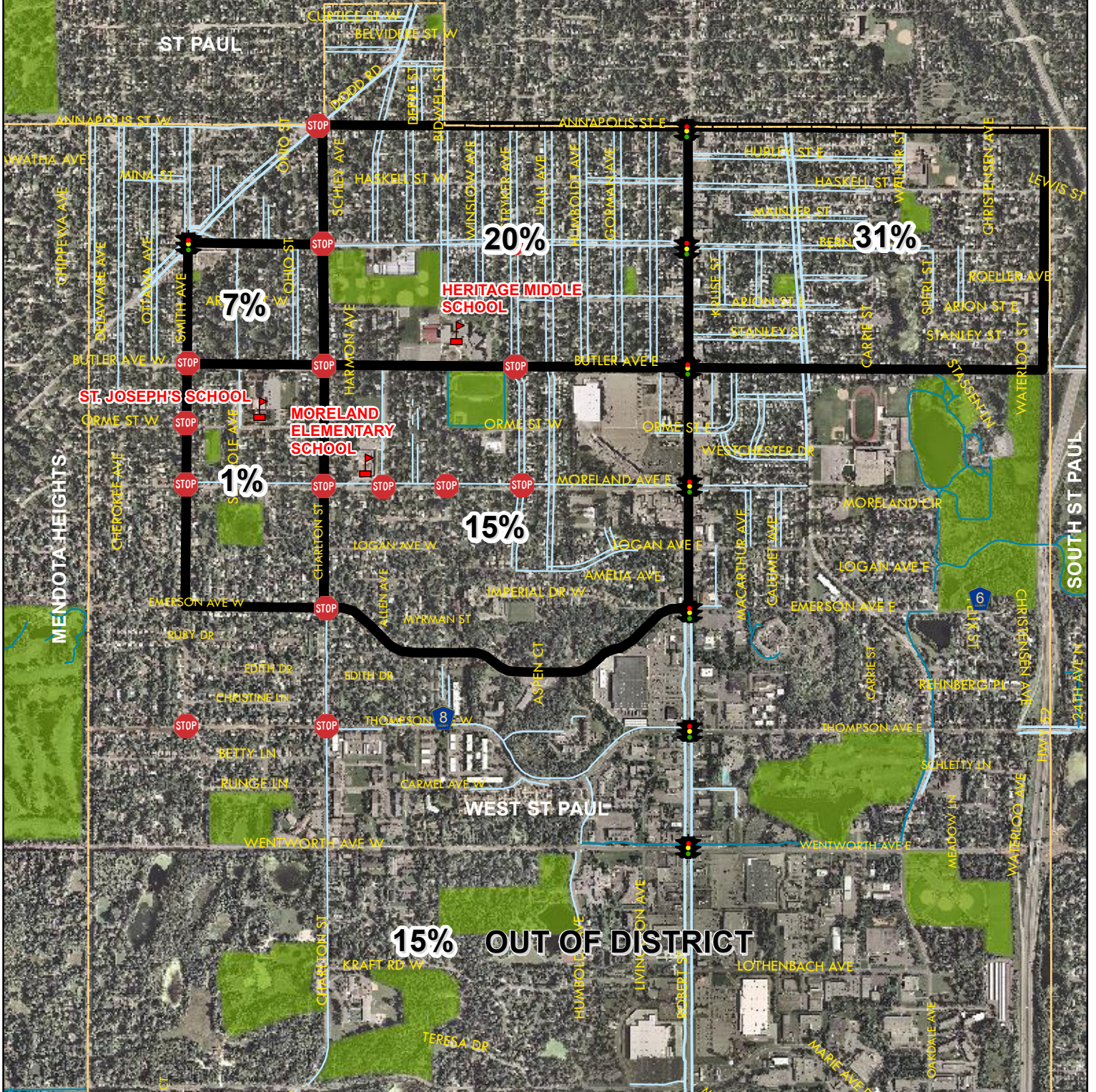
as shown on the map below, lies completely within the City of West St. Paul. However, approximately 11 percent of the students live outside the attendance area and 15 percent of the students live outside District 197.



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

District 197 has a $\frac{3}{4}$ -mile walk area for elementary schools as a general policy, but most students at Moreland are provided bus transportation based on the roadway crossings. However, nearly 50 percent of the students currently live within the neighborhoods immediately around the school (the area bounded by Butler Avenue, Smith Avenue, Emerson Avenue, and Annapolis Street). A full breakdown of the Moreland student distribution (2010-2011 school year) is shown on the map on the following page.

11% OUT OF ATTENDANCE AREA



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Safe Routes to School Activities

There is not an existing Safe Routes to School program at Moreland, but there is a Healthy Kids Club for grades 2-4. In addition, several bike/walk activities were held in spring 2011:

- Bike Drive – School and community members were asked to donate kids bikes, which were repaired by a teacher. A total of 64 bikes were donated and given to Moreland students.
- Walk/Bike Month – Students were encouraged to walk and bike to school during the month of May, with a goal of 350 trips for the month. For every trip a student made to or from school, they were rewarded by being able to put their name on the window of the school office. The number of bikes parked in the bike racks at the school entrance in May increased from an average of two or three to as many as 10 bikes.
- Walk/Bike Days – During the first week of June, designated Walk/Bike Days are planned be held for students and staff.



Display at the main entry of Moreland School tracking the number of trips to and from school during Walk/Bike to School Month.

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With kindergarten to 4th grade students (no 5th or 6th graders) and bus transportation provided for most students in the attendance area, Moreland does not currently have a school patrol. St. Joseph's School does have a 6th grade patrol, but the patrols were not observed at any intersections during the site visits in April and May 2011. In addition, the start and end times at St. Joseph's are 8:30 AM and 3:35 PM, so even when they are operating, the patrols would not be present during the arrival and dismissal times for Moreland.

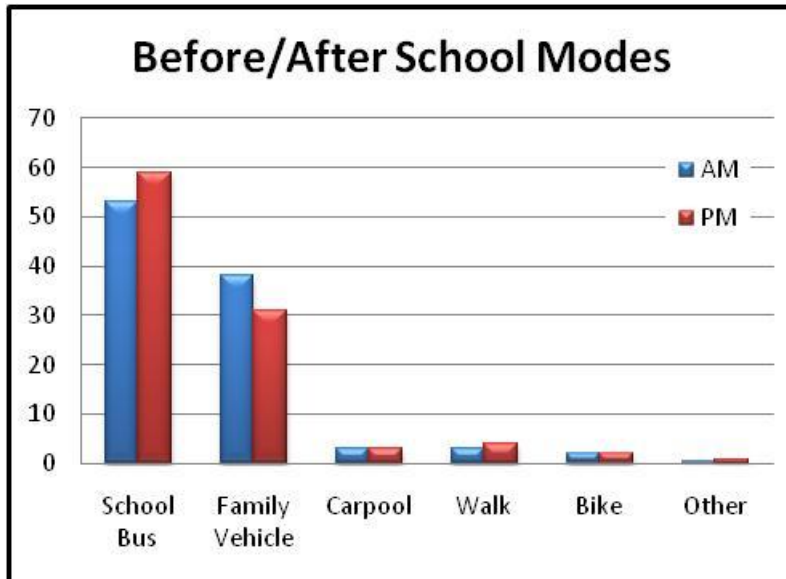
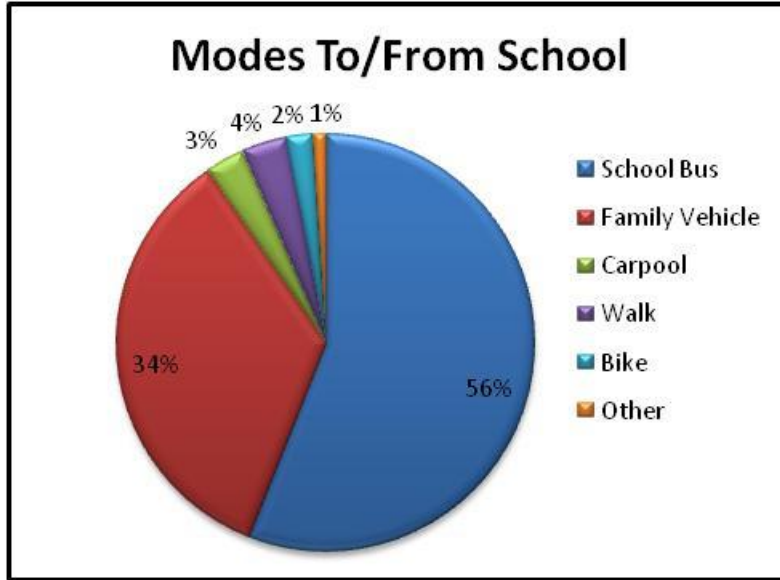


Students walking home from school along Moreland Avenue.

In-classroom tallies of students' arrival and departure modes were conducted at Moreland during May 2011, with 13 classrooms participating. As shown in the charts on the following page, approximately five to six percent of students currently walk or bike to school. The most predominant mode is school bus, however nearly a third of students are driven to/from school. The tallies also showed slightly more students rode the bus in the afternoon and fewer students were driven in a family vehicle compared to the morning.

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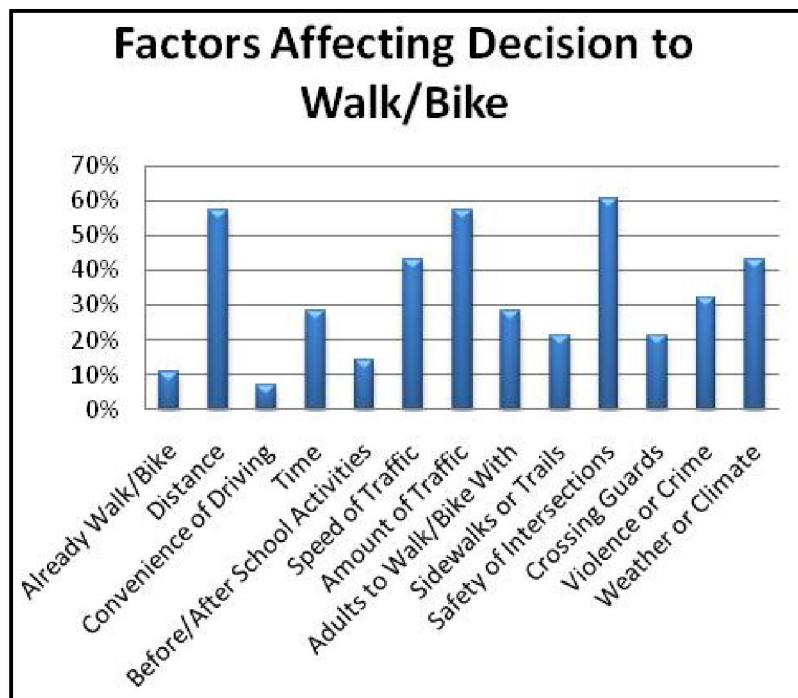
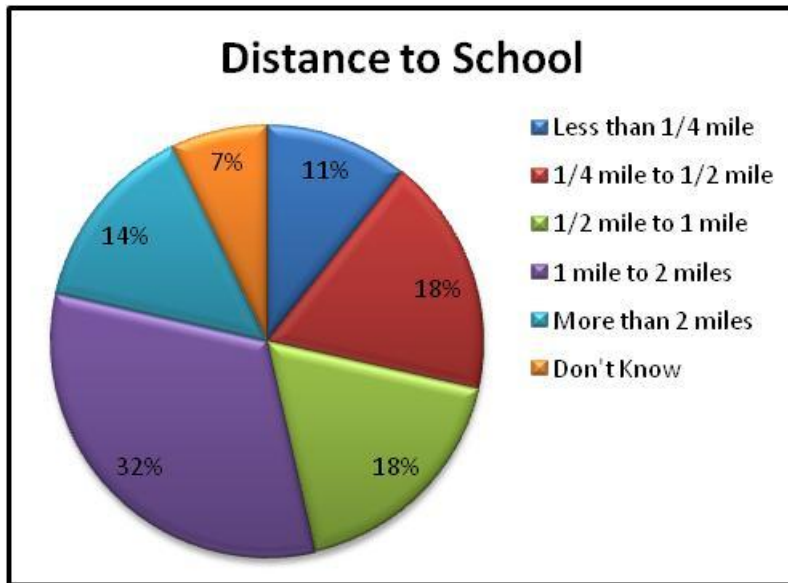
A parent survey of concerns and attitudes related to walking and biking was also conducted in April and May 2011, with approximately 28 responses. Approximately 50 percent of the respondents reported that they live less than 1 mile from school. Roughly 30 percent of parents said their child had asked for permission to walk or bike to school in the last year, but only 10 percent said their child normally walks or bikes to school. Intersection safety and volume of traffic were the key factors that parents cited as influencing their decision to allow students to walk or bike, followed by distance. One key result was the relatively high percentage of parents that drive their student to/from school that reported living $\frac{1}{4}$ to $\frac{1}{2}$

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mile from school. These students live close enough to that they are not provided bus transportation, but could walk/bike to school in less than 10 minutes and therefore would be a key targeted audience for future walk/bike activities. The charts below show some of the key results from the survey. A sample of the parent comments from the survey is also included in the Appendix.



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Infrastructure

The roadways surrounding Moreland generally have a well-connected system of sidewalks on the collector roadways, including Charlton Street, Moreland Avenue, Butler Avenue, and Stryker Avenue. Most of the local residential streets do not have sidewalks, but a few of the north/south routes such as Allen Avenue and Bellows Street, have sidewalk on one or both sides of the street. There are currently four designated school crossings on the roadways near Moreland:

- Butler Avenue/Bidwell Avenue (adjacent to Heritage Middle School)
- Butler Avenue/Allen Avenue (adjacent to Heritage Middle School)
- Butler Avenue/Seminole Avenue (adjacent to St. Joseph's School)
- Butler Avenue/Ohio Avenue (adjacent to St. Joseph's School)

There are four bike racks at Moreland, located near the front door of the school. During site visits in April and early May 2011, there were three to six bikes observed in the racks during the school day.



Bike parking in front of Moreland Arts and Health Sciences Magnet School.

A review of the crash history for the past ten years (2000-2009) showed there have been no pedestrian or bicycle crashes at the Moreland Avenue/Charlton Street or Moreland Avenue/Allen Avenue intersections next to Moreland School. An additional review of the intersections designated as school crossings showed that there was only one crash – a bicycle crash at the Butler Avenue/Allen Avenue

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intersection at 7:50 AM on a weekday. The crash involved an eastbound bicyclist being struck by a northbound vehicle that failed to yield at the stop sign, but the age of the bicyclist was not listed on the report, so it is not known if a student at Heritage or Moreland was involved.

In the area around Moreland bounded by Emerson Avenue, Charlton Street, Butler Avenue, and Robert Street there have been a total of one pedestrian crash and four bicycle crashes over the past 10 years. The age of the pedestrian and bicyclists involved were not provided for most of the crashes, but three of the five crashes occurred between 7 AM and 8 AM, which is the morning commuter peak and the school arrival period at Moreland.

In terms of vehicle crashes, there were three crashes at the Charlton Street/Moreland Avenue and one crash at the Moreland Avenue/Allen Avenue intersection over the same 10-year period. None of these crashes occurred on a weekday during the school year. The crash rates at the adjacent intersections and at the designated school crossings are all relatively low, but highlight the importance of pedestrian and bicycle safety during times with heavy vehicle traffic. Overall, the area around Moreland would be considered safe for walking and biking from a traffic safety perspective.



Designated school crossing on Butler Avenue at Bidwell Avenue, near Heritage Middle School.

Site Evaluation

A site evaluation was completed at Moreland Arts and Health Sciences Magnet School in April 2011. The site visit included walking around the site and observing the dismissal process on a typical day.

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Currently, parents and visitors use the driveway and south parking lot accessed from Moreland Avenue and buses use the curb space west of the school accessed from Allen Avenue. The curbside queue occasionally spills back to Moreland Avenue, with vehicles stopped on the sidewalk and on Moreland Avenue. Even when there are available spaces in the parking lot, parent vehicles also park on the north side of Moreland Avenue and walk through the parking lot to the school building.



Vehicles parked on Moreland Avenue and queued in the Moreland School driveway, across the sidewalk, during afternoon dismissal.

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Marked crosswalk in the south parking lot from the school building to Moreland Avenue.

School staff are stationed outside in front of the school during arrival and dismissal to monitor and regulate the vehicle traffic, which has resulted in reductions in issues such as double parking, pedestrians walking or running between vehicles, and vehicle collisions in the parking lot.



Signing used in the south parking lot during afternoon dismissal.

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The City of West St. Paul does not have any projects planned within the school attendance area, but in the past applied for Mn/DOT Safe Routes to School funding to construct a sidewalk on Emerson Avenue. Other nearby project include the development of a Pedestrian and Bicycle Master Plan for the entire city and a reconstruction project on Robert Street, which will include improved pedestrian and bicycle connections.

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 Moreland 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 Moreland Arts and Health Sciences Magnet School are summarized in the following bullets, as well as the Existing Conditions/Issues map at the end of this report:

- Most of the students within the attendance area are currently provided bus transportation to and from school, which is a disincentive for students to walk or bike to school.
- 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.
- School arrival coincides with the morning commuter peak, which results in higher vehicle volumes during that time.
- The Charlton Street/Butler Avenue intersection is seen as a significant barrier to walking or biking to school.
- Currently there is no school patrol at Moreland. Any future school patrols would be made up of 4th grade students, and therefore would need adult assistance or supervision.
- Winter maintenance of both sidewalks and trails are a concern.

Recommendations

Despite the current challenges to walking and biking to Moreland Arts and Health Sciences 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 Moreland School to address the identified challenges to walking and biking. The short-term recommendations are actions

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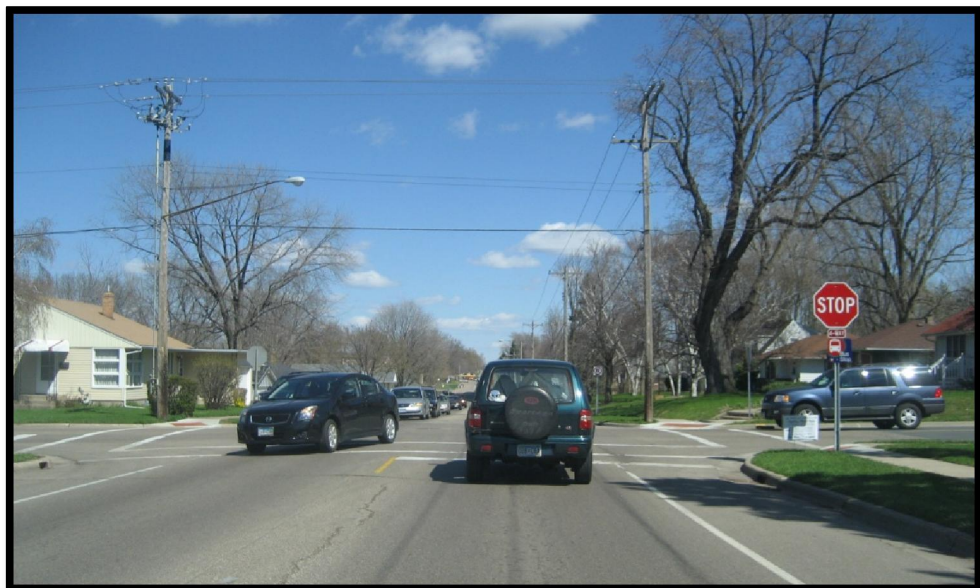


that could be implemented during the 2011-2012 school year, while the long-term recommendations may require policy changes, additional discussion and coordination, or significant funding sources. In addition to the recommendations, the group that should take the lead in implementing the recommendation 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 to twelve 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. Organize a regular (bi-weekly or monthly) Walk To/From School day for students to walk and bike to or from school. On these designated days, a student school patrol could be provided at the Moreland Avenue/Allen Avenue intersection and either adult crossing guards or adult supervision of student school patrols (potentially Heritage Middle School Students) should be provided at the Charlton Street/Butler Avenue and Charlton Street/Moreland Avenue intersections. Implementation lead – Moreland, with assistance from District 197 and Heritage Middle School.



View of existing Charlton Street/Butler Avenue intersection, looking east.

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2. In coordination with the regular Walk To/From School days, sign the Charlton Street/Moreland Avenue and Charlton Street/Butler Avenue intersections as designated school crossings. Implementation lead – City of West St. Paul.



Student and parent crossing at the Moreland Avenue/Allen Avenue intersection.

3. Establish and train a student school patrol at Moreland. A school staff member would need to start up the school patrol and oversee their training. Currently, this role would need to be on a volunteer basis, as there is no funding at the school or district level for a school patrol coordinator. School patrol equipment and training materials can be obtained for nominal cost from organizations such as AAA. Implementation lead – Moreland.

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4. Investigate the feasibility of a secondary parent pick-up/drop-off on Allen Avenue next to the playground and field area. There is currently unused curb space and little vehicle traffic on Allen Avenue during arrival and dismissal, and relocation of some parent pick-up/drop-off traffic to this area would reduce the congestion and queuing at the front of the school. This may require additional staff supervision on this side of the school during arrival and dismissal. Implementation lead – Moreland.



Curb space along Allen Avenue, north of the bus loading and playground areas.

5. Hold a bike rodeo or bike training course as part of the school's Health Fair or as a separate event. The City of West St. Paul Police Department could provide training and demonstrations of bike safety and bike riding skills as part of the event. Implementation lead – Moreland, with assistance from City of West St. Paul.

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6. Organize a Walk/Jog club where students track their mileage including walking/running laps at recess and walking and biking to/from school. A traveling “Golden Sneaker Trophy” can be awarded to the classroom with the most mileage logged each week or month, or incentives could be given to individual students (e.g., a bike lock for reaching 5 miles). Funding for the club is available from Dakota County Health through the SHIP Program. Implementation lead – Moreland, with assistance from Dakota County.



Example of a map used to track students' total walk/run/bike mileage.

7. Organize a regular walking school bus for students to walk together as a group to and from school with adult supervision. The walking school bus could be done on one of the Walk To/From Home days. The best potential benefit of this recommendation would be students that live north of Butler Avenue or west of Charlton Street and could cross Charlton Street and Butler Avenue as a group, since those are the major roadway crossings. The Charlton Street/Butler Avenue and Charlton Street/Moreland Avenue crossings should both have adult crossing guards with patrol flags or stop paddles or student patrols with adult supervision, 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 – Moreland.

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8. 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 – Moreland, with assistance from District 197 and Dakota County.
9. Establish a permanent Safe Routes committee at Moreland 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 – Moreland.
10. Conduct a bike/walk mapping project with District 197 and/or Heritage Middle School. The mapping could be done by the Safe Routes committee, as a middle school 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, parks, police stations, other schools, or community centers. Implementation lead – Moreland, with assistance from District 197.



Example of a school walk/bike route map.

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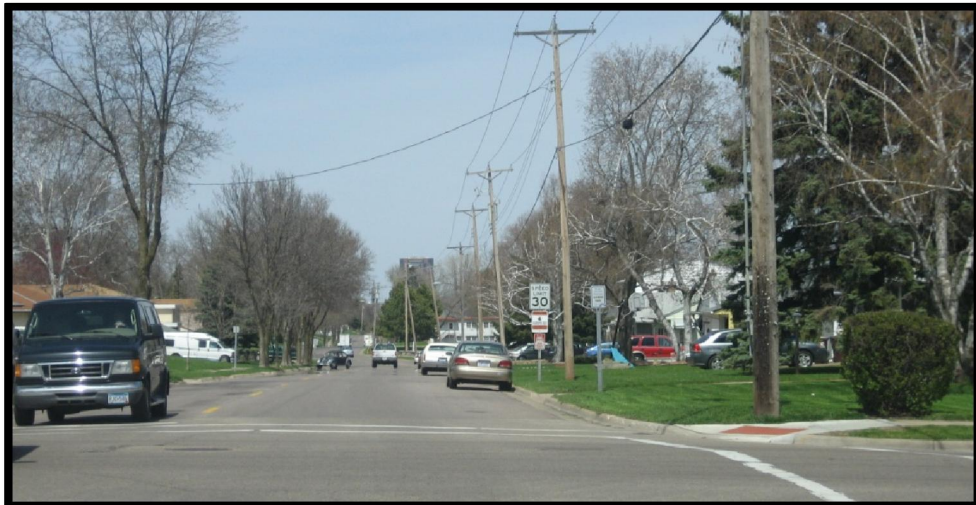
Long-Term Recommendations

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. Eliminate the bussing of students that live within the area bounded by Smith Avenue, Annapolis Street, Robert Street, and Emerson Avenue and reallocate the funding for the buses and drivers to paid adult crossing guards at the Charlton Street/Moreland Avenue and Charlton Street/Butler Avenue intersections. Implementation lead – District 197.
2. Designate a Safe Routes coordinator and funding at the district level and each of the individual elementary and middle 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. Construct sidewalk connection along Charlton Street north of Butler Avenue. Implementation lead – City of West St. Paul.
4. Continue to pursue funding opportunities to construct sidewalk along Emerson Avenue west of Robert Street. Implementation lead – City of West St. Paul.

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View of Emerson Avenue looking west (top photo), and Charlton Street at Butler Avenue looking north (bottom photo), where there are existing sidewalk gaps.

5. Explore opportunities for construction of sidewalk on city streets and county roads as part of street reconstruction or repaving projects. The greatest benefits to Moreland School would be sidewalk along the north/south streets south of Butler Avenue, to provide routes from the neighborhoods to the sidewalks on the collector roadways like Moreland Avenue. Implementation lead – City of West St. Paul, with support from Moreland.

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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:

- 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 currently has another infrastructure grant solicitation open, with applications due in June 2011. Future funding beyond 2011 will be dependent on passage of the Federal Surface Transportation Reauthorization Bill, which is still being discussed in the United States Congress.

The status of future funding for the Statewide Health Improvement Program (SHIP) is unknown at this time because the Minnesota Legislature has not yet established the biennial state budget and the existing funding will end on June 30, 2011. Over the past two years, SHIP funds have been administered by Dakota County Public Health in the form of Safe Routes to School grants, Active Living grants, and assistance with preparing grant applications for other programs. These funds may be available in some form in the future, and continued communications between school districts, cities, and counties will help identify opportunities and needs for funding in the future.

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 AND/OR SCHOOL PATROL
- 2 - TARGET AREA FOR WALKING SCHOOL BUS
- 3 - POTENTIAL ALTERNATE PICK-UP/DROP-OFF LOCATION
- 4 - CONSTRUCT SIDEWALK/TRAIL SEGMENT

Legend

- MUNICIPAL BOUNDARY
- PARK
- TRAFFIC SIGNAL
- ALL-WAY STOP
- SCHOOL
- 0.75 MILE RADIUS AROUND SCHOOL
- PATH
- SIDEWALK
- ON-SITE SIDEWALK
- SCHOOL CROSSING
- CROSSWALK
- BICYCLE RACKS

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Appendix

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Parent Survey Comments

My children already walk/bike to school. (weather permitted.) The intersection of Allen/Moreland is dangerous. My children have almost been hit. Traffic is crazy there, since it's the entrance to the parking lot. Crossing guards would be helpful.

Once I have two kids at the same school and the older child is in 2nd or 3rd grade it would be easier for me to allow them both to walk/bike to school (buddy system is always better/safer). There are many bad people in the world and I feel they target before and after school because the kids are often left alone.

I would be less concerned about walking or biking if he had 2-3 other responsible boys/girls traveling in a group.

The distance from our home to school simply does not allow for my children to walk to school.

Even if we lived closer, traffic, weather, and safety would prevent walking to school.

I completely support this effort by Moreland and completely agree with it. However, walking or biking to school would mean our daughter crossing Oakdale Avenue and South Robert Street twice a day, the former of which is very busy in the afternoon and the prior has folks driving too fast in the morning as they are in a hurry to get to work. If we lived closer to school and busy streets were not involved, we would be far more likely to participate.

I would not let my children walk or bike because of safety issues (strangers) and traffic. I do not feel it is safe for children to walk or bike to and from school.

I would be VERY hesitant to encourage any grade school aged children to bike or walk to school unaccompanied by an adult. With traffic, crime, lack of sidewalks, and intense weather conditions I truly wouldn't want to see any grade school kids going this without an adult. For middle school kids it might be okay alone with 2 or more kids together. Our home is really too far for a grade schooler to bike or walk anyway in any weather.

10 TIPS FOR Safe Routes to School Programs and Liability

SafeRoutes
National Center for Safe Routes to School



TIP SHEET

Background and Overview

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

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

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



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

Legal Context

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

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

10 TIPS FOR

Safe Routes to School Programs and Liability (continued)

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

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

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

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



Minimizing Risk

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

References

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

10 TIPS FOR

Safe Routes to School Programs and Liability (continued)

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

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

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

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

3 Take steps to fix problems.

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

4 Be proactive. Develop a plan.

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

5 Document your efforts.

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



10 TIPS FOR

Safe Routes to School Programs and Liability (continued)

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

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

8 Consider waivers.

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

9 Obtain adequate insurance coverage for your program.

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

7 Inform and involve parents.

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

10 Provide training.

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



LIABILITY FOR VOLUNTEERS IN THE WALKING SCHOOL BUS PROGRAM

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

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

Q: What is liability?

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

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

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

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

Q: What is "negligence?"

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

Q: What is "cause of harm?"

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

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

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



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

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

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

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

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

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

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

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

Q: What is “willful or reckless” conduct?

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

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

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



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

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

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

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



Safe Routes to School



guide

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Adult School Crossing Guard Guidelines



Pedestrian and Bicycle
Information Center

SafeRoutes

National Center for Safe Routes to School



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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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SafeRoutes

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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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