

Bicycle Pedestrian Coordinating Committee
Lee County Metropolitan Planning Organization
Tuesday, February 21, 2023
Fort Myers Collaboratory
2031 Jackson Street,
Fort Myers, FL 33901



10:00 a.m.

AGENDA

1. Call to Order
2. Roll Call/Introductions
3. Public Comments on Items on the Agenda
4. *Approval of January 24, 2023 Meeting Minutes
5. Acceptance of the Estero Bonita Rail Trail Feasibility Study (Ned Baier)
6. Call for Multimodal Fund Proposals and Discussion on the Bicycle Pedestrian Facility Gaps on Off System Roadways (Ron Gogoi)
7. Report on Transportation Bills in the 2023 Florida Legislative Session (Ron Gogoi)
8. Local Agency/FDOT/MPO Updates
9. Public and Member Comments on Items not on the agenda
10. Announcements
11. Topics for next meeting
12. Information and Distribution Items

Adjournment

*Action Items *May Require Action

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10:00 a.m.

Meeting Minutes

Agenda Item #1 – Call to Order

The in-person meeting was called to order at approximately 10:00 a.m. by BPC Chair Teresa Lewis.

Agenda Item #2 - Roll Call/Introductions

MPO staff recorded the roll as those in attendance introduced themselves. There was a quorum. Those in attendance included:

From the BPC

Clarissa Marino Diaz	LeeTran
David Fender	Injury Prevention Coalition
David Rivera	Lee County Schools Transportation
David Wagley	Lee County Department of Community Development
David Wheaton	Member-at-Large
Dominic Konieczki	Lee County Sheriff's Office
Henry Burden	Member-at-Large/Vice-Chair
James Lear	Cape Coral Police Department
Jodi Walborn	Blue Zones
Laura Dodd	City of Cape Coral
Lee Waller	Lee County Parks and Recreation
Rachel Pierce	City of Sanibel
Randy Krise	Citizen Advisory Committee
Teresa Lewis	Member-at-Large/Chair
Tom Marquardt	Lee County Department of Transportation

Others in attendance included Ron Gogoi and Don Scott with the Lee County MPO; Zachary Tapp with Atkins; and Tanya Merkle with FDOT.

Agenda Item #3 - Public Comments on Items on the Agenda

There were no public comments on items on the agenda.

Agenda Item #4 - *Approval of November 22, 2022 Meeting Minutes

Mr. Randy Krise made the motion to approve the November 22, 2022 Meeting Minutes. Mr. Lee Waller seconded the motion. There were no objections, and the motion passed unanimously.

Agenda Item #5 - *Election of New Officers

Mr. Ron Gogoi presented this agenda item for the Election of New Officers for 2023.

Mr. Randy Krise made the motion to elect Mr. Henry Burden as Chair. Mr. Lee Waller seconded the motion. There were no objections, and the motion carried unanimously.

Mr. Henry Burden made the motion to elect Ms. Teresa Lewis as Vice-Chair. Mr. Randy Krise seconded the motion. There were no objections, and the motion carried unanimously.

After brief comments on his background and Robert's Rules of Order, newly elected Chair, Mr. Henry Burden, presided over the remainder of the meeting.

Agenda Item #6 - Draft Tentative Work Program

Mr. Gogoi provided highlights in the Lee County portion of the FY 2024 – FY 2028 Draft Tentative Work Program (DTWP). He showed slides identifying the projects from the Federal and State Funded Priority list, TA and SU Multimodal Priority list and Carbon Reduction Priority list that were funded in the DTWP. He also showed a comprehensive table of the projects in the DTWP that received Carbon Reduction funds and the balance of these funds left in each FY. He also shared the memo on a call for proposals for the new funding cycle that he had transmitted to all the local governments and explained the types of applications to be used for each type of funding request, and the applications that have to be uploaded in FDOT's Grant Application Program, and to MPO staff. The presentation can be viewed here: [Draft Tentative Work Program](#) The committee discussed the Pine Island project, Cape Coral Safe Routes to School project, John Yarbrough Linear Park extension project, different types of projects for funding, FDOT grant application portal, separation of intersection project, process for applications, application deadline, funding allocations, and project cost increases.

Agenda Item #7 - Call for Multimodal Fund Proposals and Discussion of Bicycle Pedestrian Facility Gaps on State Roadways

Mr. Gogoi presented this agenda item on the call for Multimodal Fund Proposals and Discussion on Bicycle Pedestrian Facility Gaps on State Roadways. He provided a Power Point presentation that included slides with information on the project proposals on state highways list, San Carlos Boulevard projects, SR 82 projects, North Tamiami Trail project, and SR 80 project. His presentation can be accessed here: [Multimodal Proposals](#) The committee discussed existing facilities, proposed facilities, FDOT safety study, areas of need in Lee County, possible gap east of Lee/Hendry line on SR 80, SR 78 project, and possible low income programs for SR 80 community.

Agenda Item #8 - Crash Statistics Update

Mr. Don Scott presented this agenda item as an update on crash statistics. He provided a Power Point presentation that included slides with information on crash dashboard data, safety performance measures, and review of fatal crash reports for 2022. He asked if there were any questions. His presentation can be viewed here: [Crash Statistics](#) The committee discussed year of data being reported, rates used, vehicles miles travelled, population growth, speeding, witness reports, safety presentation at MPO Board meeting, differing data, pedestrian and bicyclist behaviors, driver behavior, examples in other countries, lack of facilities in certain areas of Lee County, increases related to population growth, analysis of data, context classifications, distractions, high incidence area in North Fort Myers, pedestrian right-of-way, example of local accident, best practices for cyclists, Collier Technical Advisory discussion, next steps, upcoming FDOT action plan on state system, possible MPO project for action plan for Lee County, examining trends, and mapping locations.

Agenda Item #9 - Business 41/SR 739 Corridor Improvements

Mr. Zachary Tapp, with Atkin's for FDOT, presented this agenda item on the Business 41/SR 739 Corridor Improvements. Mr. Tapp provided a Power Point presentation that included slides with information on project manager contact, project location, existing conditions, typical section, proposed improvements, access management concept, access management existing conditions, access management proposed improvements, pedestrian hybrid beacon, and pedestrian safety moment.

The presentation can be found at the following link: [Business 41/SR 739 Improvements](#) The committee discussed providing signage, example in other area, U-turn movement, modeling, providing contact information for committee member, existing sidewalk in project area, pedestrian hybrid beacon, pedestrian crossing movements, traffic in project area, updated traffic and pedestrian counts, visually impaired center in area, use of auditory crossing function with pedestrian hybrid beacon, light functions/cycles, US 41 pedestrian hybrid beacon project, outreach for pedestrian hybrid beacons, education through the Community Traffic Safety Team, presentation given at the Traffic Management and Operations committee, use of bicycle lane in project, providing separation between bicyclists and cars, current/existing conditions of roadway, determining priorities, design of project, increased cost and maintenance to change project, reducing width of drivable lanes, examining treatments and abiding by Federal regulations, and possible landscaping in median.

Agenda Item #10 - FDOT/MPO/Local Agency Updates

Mr. Gogoi introduced Mr. David Wagley with Lee County who then provided a brief presentation with information on the Safe Routes to School (SRTS) proposal for Three Oaks. His presentation can be viewed here: [Three Oaks](#) The committee discussed the grant writers, former School District employee resource, history of SRTS projects and MPO process, unanimous support of BPCC members, school district involvement in creating project list, staffing issues at School District, student walkers at Three Oaks, public meeting, FDOT providing safety signals near schools in Lee County, and providing project number and application information to FDOT staff.

Ms. Tanya Merkle with FDOT provided information on the SUN Trail grant cycle, SR 78 project delays due to Hurricane Ian, and DEP Office of Greenway and Trails map updates and corresponding workshops.

The committee briefly discussed the SR 80 projects, possible bicycle lane for Sanibel causeway, and bicycling on and opening Sanibel to visitors.

Agenda Item #11 - Public and Member Comments on Items not on the Agenda

There were no public comments on items not on the agenda.

Agenda Item #12 - Topics for next meeting

Topics for next meeting included local government project list for next round of funding and the Rail Trail Feasibility Study presentation.

Agenda Item #13 – Announcements

There were no announcements.

Agenda Item #14 - Information and Distribution Items

The information and distribution items included the [notice](#) for the meeting/workshop hearing for 2024-2028 Florida Greenways and Trails System Plan and Maps update.

The BPCC unanimously agreed to adjourn the meeting at approximately 12:00 p.m.

An audio recording of the meeting can be accessed at the following link: [BPCC January 24, 2023](#)

*Action Items *May Require Action

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ACCEPTANCE OF THE ESTERO BONITA RAIL TRAIL FEASIBILITY REPORT

ACTION ITEM: *Recommend that the Lee MPO Board accept the Rail Trail Feasibility Study Report.*

The Lee MPO recently completed the Bonita Estero Rail Trail Feasibility Study which resulted in the development of a first draft of a Feasibility Report. The Draft Report and findings were presented to the Estero Village Council on December 7th and to the Bonita Springs City Council on January 18th to gather Council input and public comments. An update on the rail corridor appraisal south of Alico and ongoing negotiations to buy the corridor was subsequently provided to the Estero Village Council at a February 1st Workshop.

The final draft with two additional chapters is being developed. Staff and the MPO's consultant will present the final draft and findings at the February 21st BPCC meeting. While the first draft can be viewed [here](#) for review at this time, the two additional chapters and other changes to the first draft will be emailed to the committee members by Sunday, February 19th.

At the February 21st BPCC meeting, the committee will be asked to recommend that the MPO Board accept the final report.

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DISCUSS THE MULTIMODAL PROJECT PROPOSALS ON OFF-SYSTEM ROADWAYS

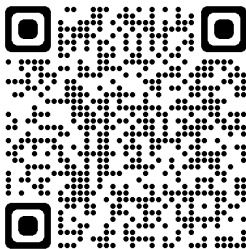
DISCUSSION ITEM:

At the February 21st BPCC meeting, the MPO staff will report on and discuss the list of proposals that local governments will be submitting for MPO allocated TA, SU, and Carbon Reduction Program (CRP) funds. The multimodal project proposals include bicycle/pedestrian, transit, and intersection improvement projects on local government owned and maintained roadways that will become part of the Lee MPO's priorities reviewed and approved by the MPO Board in June and for which local governments will be developing and submitting applications for FDOT review.

REPORT ON TRANSPORTATION BILLS IN THE 2023 FLORIDA LEGISLATIVE SESSION

DISCUSSION ITEM:

Among the bills that have been filed in the 2023 Florida Legislative Session is Senate Bill (SB) 106. The Bill proposes changes to existing state statutes that will result in expansion of Florida's SUN Trail Network to facilitate public access to Florida Wildlife Corridor, conservation areas, and conservation easements, increase the annual allocation of SUN Trail funds to \$50 million annually, a onetime appropriation of \$200 million in FY 2024 to plan, design and construct SUN Trail projects, etc. The changes will become effective 7/1/2023 if the bill passes both chambers and is signed by the Governor. The QR code to view the bill in its entirety is below and a legislative analysis of the bill is **attached**. Staff will present the highlights of the bill and bill status for committee discussion at the February 21st BPCC meeting.



Staff will also report on other transportation bills of interest to the committee including **HB 0597** on Operation of Electric Bicycles and Motorized Scooters, **HB 0657** on Enforcement of School Zone Speed limits, **HB 0741** on Photographic Enforcement of School Bus Safety, and **SB 0544** on Aggressive Careless Driving. Staff will also report on Appropriations Project Request by local governments in Lee County.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 106

INTRODUCER: Senator Brodeur

SUBJECT: Florida Shared-Use Nonmotorized Trail Network

DATE: January 7, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Favorable
2.			AP	

I. Summary:

SB 106 expands the existing Shared-Use Nonmotorized (SUN) Trail Network and enhances coordination of the state’s trail system with the Florida Wildlife Corridor. Specifically, the bill:

- Prioritizes the development of “regionally significant trails” which are defined as trails crossing multiple counties; serving economic and ecotourism development; showcasing the state’s wildlife areas, ecology, and natural resources; and serving as main corridors for trail connectedness across the state.
- Enhances the planning, coordination, and marketing of the state’s bicycle and pedestrian trail system and the Wildlife Corridor.
- Stipulates that trails developed within the Wildlife Corridor maximize the use of previously disturbed lands, such as abandoned roads and railroads, canal corridors, and drainage berms, and be compatible with applicable land use provisions.
- Requires the Florida Department of Transportation (FDOT) to erect uniform signage identifying trails that are part of the SUN Trail Network and to submit a periodic report on the status of the SUN Trail Network.
- Authorizes the FDOT and local governments to enter into sponsorship agreements for trails and to use associated revenues for maintenance, signage, and related amenities.
- Recognizes “trail town” communities and directs specified entities to promote the use of trails as economic assets, including the promotion of trail-based tourism.
- Increases recurring funding for the SUN Trail Network from \$25 million to \$50 million and provides a non-recurring appropriation of \$200 million to plan, design, and construct the SUN Trail Network.

The additional fiscal impact of the bill is unknown. See the “Fiscal Impact Statement” heading for more information.

II. Present Situation:

For ease of organization and readability, following an overview, the present situation is discussed in conjunction with the effect of the proposed changes.

Florida Greenways and Trails System

In 1995, the Legislature created the Florida Greenways Coordinating Council (FGCC), tasking the FGCC with promoting the creation of a statewide greenways and trails system and designating the FDEP as the lead agency of the system.¹ The FGCC published a five-year implementation plan for the Florida Greenways and Trails System (FGTS) in 1998.² The plan contained a multiuse recreational Opportunity Trail Map for connecting Florida's greenways and trails, providing a review of existing greenways and trails and making recommendations to complete the system.

In 1999, the Legislature created the Florida Greenways and Trails Council (the Council) as recommended by the 1998 Plan. Among other duties, the Council, then and now, facilitates establishment and expansion of a statewide system of greenways and trails for recreational and conservation purposes, including:

- Recommending priorities for critical links in the FGTS;
- Reviewing recommendations for acquisition funding;
- Reviewing proposals for lands to be designated as part of the FGTS; and
- Recommending updates to the implementation plan for the FGTS.³

In 2013, the FDEP published the *2013-2017 Florida Greenways and Trails System Plan*, the first update to the FGTS since the 1998 Plan was published.⁴ The Office of Greenways and Trails (OGT)⁵ within the FDEP, using the 1998 Land Trails Opportunity Map, established criteria to help identify priority land trail corridors within the FGTS, as opposed to priority segments, allowing for identification of potential long-distance trail corridors. The multi-county approach assisted in identification of gaps in connectivity across jurisdictional boundaries and in encouraging regional planning to close those gaps.⁶ The FGTS Plan and Maps are currently undergoing a third update for the 2024-2028 Fiscal Years.⁷

¹ Chapter 95-260, L.O.F.

² Executive Summary available at FDEP, *Connecting Florida Communities with Greenways and Trails Plan: A Summary of the Five Year Implementation Plan for the Florida Greenways and Trails System* (1998), available at [1998FGTSPlanExecutiveSummary_0.pdf \(floridadep.gov\)](#) (last visited August 19, 2022).

³ Section 260.0142(4), F.S.

⁴ FDEP, *Florida Greenways & Trails System Plan 2019-2023*, at p. 6, available at [FL-Greenway+Trails-System-Plan-\(floridadep.gov\)](#) (last visited August 19, 2022).

⁵ The OGT is tasked with fulfilling Chapter 260, F.S., the Florida Greenways and Trails Act. The Office leads, plans, and facilitates the development of an interconnected FGTS, through coordinated efforts with state and local partners, to compile local trails data from cities, counties, and other land managing entities into one inclusive system. *Id.* at p. 4.

⁶ *Supra*, note 7. The FDEP's resulting Land Trails Opportunity Maps are "the state companion to community greenways and trails and bicycle and pedestrian master plans, and [encompass] a combination of paved and unpaved, multiple and single-use trails."

⁷ See the 2024-2028 FGTS Plan and Maps Update Schedule at FDEP, *Florida Greenways and Trails System Plan and Maps*, available at [Florida Greenways and Trails System Plan and Maps | Florida Department of Environmental Protection](#) (last visited January 10, 2023).

The FDEP is authorized to acquire lands, both public and private, to establish and expand a statewide system of greenways and trails for recreational and conservation purposes, using funds from the Florida Forever Trust Fund distributed to the FDEP for acquisition of lands under the Florida Greenways and Trails Program, and to designate lands as part of the FGTS.⁸ According to the *2019-2023 Florida Greenways and Trails System Plan*, “Since January 2013, 59 projects totaling over 225,000 acres and 756 trail miles have been designated in the statewide Greenways and Trails System including state trails and parks, national forest lands and trails, locally managed greenways and trails, blueways and many other areas.”⁹

Florida Shared-Use Nonmotorized (SUN) Trail Network

The Legislature continued working on trail connectivity in 2014 by authorizing the FDOT to use appropriated funds to support establishment of a statewide system of interconnected multiuse trails and to pay the costs of planning, land acquisition, design, and construction of trail projects and related facilities.¹⁰

The FDOT must include projects to be funded under that law in the FDOT’s work program. However, a funded project must be operated and maintained by an entity other than the FDOT upon completion of construction. The FDOT is not obligated to provide funds for the operation and maintenance of a trails project.¹¹

In 2015, the Legislature formally created the Florida Shared-Use Nonmotorized Trail Network (SUN Trail Network)¹² *as a component of the FGTS*. The SUN Trail Network “consists of multiuse trails or shared-use paths physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provides nonmotorized transportation opportunities for bicyclists and pedestrians statewide between and within a wide range of points of origin and destinations, including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions for a variety of trip purposes, including work, school, shopping, and other personal business, as well as social, recreational, and personal fitness purposes.”¹³

⁸ Chapter 260 and s. 259.105(3)(h), F.S. “Designation” of lands means the identification and inclusion of specific lands and waterways as part of the statewide system of greenways and trails pursuant to a formal public process, including the specific written consent of the landowner when private property is to be used for trail purposes. When the FDEP determines that public access is appropriate for greenways and trails, written authorization must be granted by the landowner to the FDEP permitting public access to all or a specified part of the landowner’s property. Section 260.013(3), F.S. The processes for solicitation, application, evaluation, and selection of lands to be acquired or developed, and for designation of public conservation or recreational lands and waterways and for private lands and waterways, are set out in Fla. Admin. Code R. 62S-1.

⁹ *Supra*, note 7.

¹⁰ Chapters 2014-50 and 2014-53, L.O.F.

¹¹ Section 335.065(4)(b), F.S.

¹² Chapter 2015-228, L.O.F.

¹³ Section 339.81(2), F.S. The FDOT describes the network as follows: “The SUN Trail Network is the statewide system of high-priority (strategic) paved trail corridors for bicyclists and pedestrians. Today, the SUN Trail network includes a combination of existing, planned, and conceptual multiple-use trails; it is a refined version of the Florida Greenways and Trails System (FGTS) Plan’s Land Trails Priority Network. The FGTS is developed and overseen by the Florida Department of Environmental Protection. Not all trails are within the SUN Trail Network. Implementing projects in the SUN Trail Network increases the reliability of Florida’s transportation system. FDOT Systems Implementation Office, *Shared-Use*

The FDOT is currently required to allocate a minimum of \$25 million annually for purposes of funding and maintaining projects within the network and must include network projects in its work program.¹⁴ The FDOT is also authorized to enter into an agreement with a local government or other agency of the state to transfer maintenance responsibilities, or with a not-for-profit entity or private sector business or entity to provide maintenance services, on an individual network component.¹⁵

The FDOT advises that the full network will encompass approximately 4,000 miles of trails, with one-third currently open for use. Since 2015, 25 projects have been completed, 38 are funded in the current work program, and 45 are planned for future development. From 2017 to 2027, over \$303 million in project phases have been funded by the SUN Trail program.¹⁶

Florida Wildlife Corridor

The 2021 Legislature created the Florida Wildlife Corridor Act to “create incentives for conservation and sustainable development while sustaining and conserving green infrastructure that acts as the foundation of the state’s economy and quality of life[.]”¹⁷ The Legislature also appropriated \$300 million,¹⁸ directing the FDEP to encourage and promote investments in areas that protect and enhance the Wildlife Corridor by establishing a “network of connected wildlife habitats required for the long-term survival of and genetic exchange amongst regional wildlife populations which serves to prevent fragmentation by providing ecological connectivity of the lands needed to furnish adequate habitats and allow safe movement and dispersal.”¹⁹

The Florida Wildlife Corridor (Wildlife Corridor) is statutorily defined as “the conserved lands”²⁰ and “opportunity areas”²¹ defined by the FDEP as priority one, two, and three categories of the Florida Ecological Greenways Network (FEGN).²² The FEGN “is the primary data layer used to inform the Florida Forever [] and other state, federal, and regional land acquisition programs regarding the most important ecological corridors and intact landscapes across the state

Nonmotorized (SUN) Trail Program, available at [Shared-Use Nonmotorized \(SUN\) Trail Program \(fdot.gov\)](https://www.fdot.gov/sun-trail-program) (last visited October 26, 2022).

¹⁴ Section 339.81(5), F.S.

¹⁵ Section 339.81(6), F.S.

¹⁶ See the Senate Transportation Committee Meeting Packet, January 17, 2023, p.16, FDOT SUN Trail Program Presentation, available at [10027 MeetingPacket 5583 3.pdf \(flsenate.gov\)](#) (last visited January 21, 2023).

¹⁷ Section 259.1055(3), F.S.

¹⁸ Chapter 2021-37, L.O.F., s. 152.

¹⁹ Section 259.1055(4)(g), F.S.

²⁰ Defined in s. 259.1055(4)(a), F.S., to mean “federal, state, or local lands owned or managed for conservation purposes, including, but not limited to, federal, state, and local parks; federal and state forests; wildlife management areas; wildlife refuges; military bases and airports with conservation lands; properties owned by land trust and managed for conservation; and privately owned land with a conservation easement, including, but not limited to, ranches, forestry operations, and groves.”

²¹ “[T]hose lands and waters within the Florida wildlife corridor which are not conserved lands and the green spaces within the Florida wildlife corridor which lack conservation status, are contiguous to or between conserved lands, and provide an opportunity to develop the Florida wildlife corridor into a statewide conservation network.” Section 259.1055(4)(e), F.S.

²² Section 259.1055(4)(d), F.S. For a 2021 layered map reflecting the Wildlife Corridor, Florida Forever Projects and Acquisitions, and FEGN Priority Levels 1-3, see the FDEP’s map available at [Florida Forever and Florida Ecological Greenways Network \(FEGN\) \(floridadep.gov\)](#) (last visited November 15, 2022).

for protection of Florida’s native wildlife, ecosystem services, and ecological resiliency.”²³ The priority-category lands “are the most important for protecting [an] ecologically functional connected statewide network of public and private conservation lands.”^{24, 25}

The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (the Board) are currently authorized to spend appropriated funds to acquire the fee or less-than-fee interest in lands for a variety of conservation and recreational purposes.²⁶ Among the authorized uses of the funds is the provision of recreational trails for natural resource-based recreation and other outdoor recreation on any part of any site compatible with conservation purposes.²⁷

The Acquisition and Restoration Council²⁸ provides assistance to the Board in reviewing the recommendations and plans for state-owned lands acquired under s. 253.034 (State-owned lands; uses) and Chapter 259 (Land Acquisitions for Conservation and Recreation).²⁹ A proposal for a project may be implemented only if adopted by the council and approved by the Board.³⁰

The FDEP notes that the existing Wildlife Corridor “encompasses nearly 17.7 million acres – 9.6 million acres (54%) that are already protected and 8.1 million acres (46%) of remaining opportunity areas that do not have conservation status.”³¹ Further, “There are 1.46 million acres within the Florida Wildlife Corridor opportunity area that are a high priority for conservation through the State’s Florida Forever program.”³²

Currently, the FDEP is tasked with a number of statutory duties relative to the Wildlife Corridor. Among them, the FDEP is directed to encourage state and local agencies with economic and ecotourism development responsibilities to recognize the importance of the Wildlife Corridor in encouraging public access to wildlife areas and bringing nature-based tourism to local

²³ FDEP, *Florida Wildlife Corridor*, available at https://floridadep.gov/sites/default/files/Florida_Wildlife_Corridor.pdf (last visited November 14, 2022).

²⁴ Florida Natural Areas Inventory (FNAI), *Florida Natural Areas Inventory Geospatial Open Data, Summary*, available at [FEG2021 | Florida Natural Areas Inventory \(fnai.org\)](https://feg2021.org/Florida-Natural-Areas-Inventory-fnai.org) (last visited November 15, 2022). The FNAI provides scientific support to the FDEP.

²⁵ Section 259.1055(4)(c), F.S., defines the FEGN as “a periodically updated model developed to delineate large connected areas of statewide ecological significance.”

²⁶ Section 259.032(2), F.S.

²⁷ Section 259.032(2)(g), F.S.

²⁸ Created in s. 259.035, F.S. For additional information about the Acquisition and Restoration Council, see FDEP, *Acquisition and Restoration Council (ARC)*, available at [Acquisition and Restoration Council \(ARC\) | Florida Department of Environmental Protection](https://floridadep.gov/arc) (last visited November 15, 2022).

²⁹ Section 259.035(3), F.S.

³⁰ Section 259.035(6), F.S. The procedures, standards, and criteria for evaluation and selection of lands proposed for acquisition, restoration, and other capital improvements with funds from the Florida Forever Trust Fund or funds deposited into the Land Acquisition Trust Fund are set out in Fla. Admin. Code R. 18-24. The procedures for voluntary, negotiated acquisitions under agreements for purchase, option, or exchange are found in Fla. Admin. Code R. 18-1.

³¹ Florida Wildlife Corridor Foundation, *About the Corridor*, available at [About The Corridor - The Florida Wildlife Corridor](https://www.floridawildlifecorridor.org/about-the-corridor) (last visited November 14, 2022).

³² Section 259.105, F.S., sets out the Florida Forever Act. “Florida Forever is Florida’s premier conservation and recreation lands acquisition program; a blueprint for conserving Florida’s natural and cultural heritage.” See FDEP, *Florida Forever*, for additional information, available at [Florida Forever | Florida Department of Environmental Protection](https://floridadep.gov/florida-forever) (last visited November 14, 2022).

communities.³³ Aside from such encouragement, however, current law appears to contain no specific direction relative to coordination or integration of the FGTS, its component SUN Trail Network, and the Wildlife Corridor. Opportunities may exist to close gaps in the FGTS and the SUN Trail Network; enhance expansion, preservation, and connectivity of the Wildlife Corridor; and promote economic development by providing enhanced public access to publicly-funded recreation and conservation lands.

III. Effect of Proposed Changes:

SUN Trail Legislative Findings, Declarations, and Intent (Section 9)

Present Situation

Among others, current law recites the Legislature's finding that significant challenges to providing additional capacity to the conventional transportation system exist and will require enhanced accommodation of alternative travel modes to meet the needs of residents and visitors.³⁴

Current law also recites the Legislature's declaration that the development of a nonmotorized trail network will increase mobility and recreational alternatives for Florida's residents and visitors, enhance economic prosperity, enrich quality of life, enhance safety, and reflect responsible environmental stewardship. Additionally, current law expresses the Legislature's intent that the FDOT make use of its expertise in efficiently providing transportation projects to develop the SUN Trail Network.³⁵

Effect of Proposed Changes

The bill amends s. 339.81(1), F.S., to revise legislative findings, declarations, and intent to provide a more specific focus on the importance of accommodating alternative travel modes and providing trails for bicyclist and pedestrian travel that allow for appreciation of conservation and stewardship of environmentally important lands.

Further, this section of the bill expresses the Legislature's finding that the investment of the state in the Wildlife Corridor is of significant interest to the public and that provisions of paved multiuse trails within or between the Wildlife Corridor would enable the public to enjoy Florida's natural resources, bring ecotourism and economic opportunities to local trail town communities,³⁶ and facilitate support for the protection, preservation, and enhancement of the natural and recreational value of the Wildlife Corridor by providing minimally invasive public access to it when feasible and compatible with the lands.

Additionally, the bill revises Legislative intent that the FDOT make use of its expertise to develop *and construct* the SUN Trail Network, consistent with current practice.

³³ Section 259.1055(5)(h), F.S.

³⁴ Section 339.81(1), F.S.

³⁵ *Id.*

³⁶ Trail towns are discussed below on pp. 13-14.

SUN Trail Description, Requirements, and Components (Section 9)

Present Situation

The SUN Trail Network is statutorily described as consisting of a statewide network of nonmotorized trails which allows nonmotorized vehicles and pedestrians to access a variety of origins and destinations with limited exposure to motorized vehicles.³⁷

The network must be physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provides nonmotorized transportation opportunities for bicyclists and pedestrians statewide between and within a wide range of points of origin and destinations, including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions for a variety of trip purposes, including work, school, shopping, and other personal business, as well as social, recreational, and personal fitness purposes.³⁸

Network components currently do not include sidewalks, nature trails, loop trails wholly within a single park or natural area, or on-road facilities, such as bicycle lanes or routes other than:

- On-road facilities that are no longer than one-half mile connecting two or more nonmotorized trails, if the provision of non-road facilities is infeasible and if such on-road facilities are signed and marked for nonmotorized use; or
- On-road components of the Florida Keys Overseas Heritage Trail.³⁹

Effect of Proposed Changes

The bill amends s. 339.81(2), F.S., to relocate the SUN Trail Network description and otherwise make editorial revisions to improve readability. The bill also includes lands of the Wildlife Corridor as a point of origin or destination, thereby extending the SUN Trail Network to lands of the Wildlife Corridor.

This section of the bill also amends s. 339.81(3), F.S., to provide that network components that connect to nature trails, loop trails, or other points of public access wholly within a single park or natural area may be included in the network. This revision would allow “in-and-out” pedestrian or bicycle trips within a single park or natural area.

SUN Trail Project Requirements (Section 9)

Present Situation

The current SUN Trail statute contains no provisions specifically relating to trail projects to be constructed within the Wildlife Corridor or on conservation lands or other lands subject to conservation easements, land management plans,⁴⁰ or agreements. Additionally, while current

³⁷ Section 339.81(2), F.S.

³⁸ *Id.*

³⁹ Section 339.81(3), F.S.

⁴⁰ A land management plan is required for any instrument authorizing the use of state lands owned by the Board of Trustees of the Internal Improvement Trust Fund. Section 253.04, F.S.

law requires the FDOT to include SUN Trail projects in its work program,⁴¹ no provision speaks to how specific projects are to be programmed.

Effect of Proposed Changes

The bill amends s. 339.81(5), F.S., adding new requirements for trail projects as follows:

- The FDOT is required, to the greatest extent possible, to ensure that trail projects constructed within the Wildlife Corridor, or on conservations lands or other lands subject to conservation easements, land management plans, or agreements, are constructed using previously disturbed lands, such as abandoned roads and railroads, utility rights-of-way, canal corridors and drainage berms, permanent fire lines, and other lands having appropriate potential to serve the purposes of the SUN Trail Network and the Wildlife Corridor. In developing the planning and design of trails, the FDOT is required to coordinate with other state agencies to ensure that appropriate recreation or public access is available for such projects.⁴²
- The FDOT is required, to the greatest extent practical, to program trail projects in its work program to plan for development of the entire trail and to minimize the creation of gaps between trail segments. At a minimum, the FDOT is required to ensure that local support exists for projects and trail segments, including the availability or dedication of local funding sources and of contributions by private landowners who agree to make their land, or property interests in such land, available for public use as a trail.⁴³

SUN Trail Signage and Sponsorship Agreements (Section 9)

Present Situation

The FDOT's *SUN Trail Program Style Guide* "standardizes the use of the [] program's "style" including the logo; color palette; and other identifying marks for visual, digital, and written communications to maintain consistency between audiences."⁴⁴ The SUN Trail logo (two versions) "is available for use on plans, signage, and related materials for any segment of the SUN Trail Network that will be – or is already open for public use."⁴⁵

The FDOT is currently authorized to enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship displays on multiuse trails and related facilities along state roads and transportation facilities and to use any concession agreement revenues for the maintenance of the trails and facilities. Such displays are subject to the requirements of the Highway Beautification Act of 1965⁴⁶ and all federal laws and

⁴¹ *Supra* note 18.

⁴² The FDOT and the FDEP are currently required to coordinate their evaluations of potential acquisitions and acquisition priorities with respect to abandoned railroad rights-of-way as provided in s. 260.0161, F.S.

⁴³ Section 260.0125, F.S., limits the liability of a private landowner who makes their land available for public use as a trail under certain conditions. For example, such a landowner is not presumed to assure that such land is safe for any purpose, has no duty of care to a person who goes on the land, and does not become liable for any personal or property injury or damage caused by a person who goes on the land.

⁴⁴ Available at [SUN Trail Style and Logo Guide \(windows.net\)](#) (last visited December 15, 2022).

⁴⁵ *Id.* at p. 1.

⁴⁶ The Act allows the location of certain outdoor signs in commercial or industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings. The Act mandates state compliance and the development of standards for certain signs as well as the removal of others. While the states are not directly forced to control signs, failure to impose the required controls can

agreements, when applicable.⁴⁷ The FDOT must administer a concession agreement, and the agreement must include the requirements of s. 335.065, F.S.⁴⁸

Commercial sponsorship signage or displays on bicycle and pedestrian ways along state roads and transportation facilities must comply with s. 337.407, F.S.,⁴⁹ and Chapter 479, F.S.⁵⁰ In addition, the following limitations apply to signs or displays:

- One large sign or display, not exceeding 16 square feet in area, may be located at each trailhead or parking area.
- One small sign or display, not exceeding four square feet in area, may be located at each designated trail public access point.⁵¹

The FDOT must approve each name or sponsorship display before installation⁵² and must ensure that the size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the FDOT's standards, do not intrude on natural and historic settings, and contain only a sponsor-selected logo and specified wording.⁵³ The concessionaire is required to pay all costs of a display, including development, construction, installation, operation, maintenance, and removal costs.⁵⁴

The term of a concession agreement must be for one year, but may be for a longer period under a multiyear agreement. Upon 60 days' advance notice, the FDOT may terminate an agreement for just cause, including, but not limited to, violation of the terms of the agreement or of s. 335.065, F.S.⁵⁵

Effect of Proposed Changes

The bill amends s. 339.81(7), F.S., requiring the FDOT to create uniform signage to identify trails that are part of the statewide network and shall, when feasible and permissible, erect signage on all such trails open to public use, regardless of when the trail was first opened. Consistent with current law,⁵⁶ the bill re-states that the FDOT is not otherwise obligated to provide funds for the operation and maintenance of any trail on the statewide network.

result in a substantial penalty. The penalty for noncompliance with the Act is a 10 percent reduction of the state's annual federal-aid highway apportionment. For a copy of the agreement between the State of Florida and the United States Department of Transportation, see scenic.org at [Florida Agreement \(scenic.org\)](http://Florida Agreement (scenic.org)) (last visited December 15, 2022).

⁴⁷ Section 335.065(3), F.S.

⁴⁸ Section 335.065(3)(a), F.S.

⁴⁹ That section generally prohibits erection of any sign or light within the right-of-way limits of any road on the interstate highway system, the State Highway System, or the State Park Road System.

⁵⁰ That chapter regulates and controls signs in areas adjacent to the highways of this state, consistent with the Highway Beautification Act. A "sign" is any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. Section 479.01(19), F.S.

⁵¹ Section 335.065(3)(b)1., F.S.

⁵² Section 335.065(3)(b)2., F.S.

⁵³ Section 335.065(3)(b)3., F.S.

⁵⁴ Section 335.065(3)(b)4., F.S.

⁵⁵ Section 335.065(3)(c), F.S. Similar provisions, almost identical in some cases, are contained in s. 260.0144, F.S., with respect to concession agreements and commercial sponsorship displays on state greenways and trails.

⁵⁶ *Supra* note 14.

In addition, this section of the bill lifts the provisions of s. 335.065(3)(b) and (c), F.S., currently applicable to signage and concession agreements for commercial sponsorship displays on bicycle and pedestrian ways along state roads and transportation facilities, as discussed above, and places them in a new subsection (8) of s. 339.81, F.S., making the provisions expressly applicable to signage and sponsorship agreements with respect to trails and related facilities on the SUN Trail Network.

The bill authorizes the FDOT and local governments to enter into sponsorship (instead of “concession”) agreements⁵⁷ and to use the revenues for maintenance, signage, and provision of amenities on the multiuse trails and related facilities. The FDOT or local government, as appropriate, must administer a sponsorship agreement and ensure that such an agreement complies with the provisions of s. 335.065(3)(b) and (c), F.S.

Should the FDOT or a local government enter into an agreement relating to commercial sponsorship displays on the SUN Trail Network, the agreement will, for example, be subject to the Highway Beautification Act, when applicable, and to the sign or display-size limitations, as well as to the provisions regarding costs of a display and terms of such an agreement.

SUN Trail Reporting Requirement (Section 9)

Present Situation

Current law contains no reporting requirement relative to the SUN Trail Network. The FDOT conducted and has posted a SUN Trail Transportation Use Study of five selected trails in Florida in 2019, as well as two other “SUN Trail Reports” on the relevant web page.⁵⁸ The FDOT also maintains a Statewide Non-Motorized Traffic Monitoring Program⁵⁹ aimed at providing bicycle and pedestrian volume counts, supporting statistics, and information that can be used for analyses such as safety studies, planning and programming of FDOT facilities, and road and trail maintenance and enhancements.

Effect of Proposed Changes

The bill adds a new SUN Trail Network reporting requirement, creating subsection (9) of s. 339.81, F.S. By June 30, 2026, and every third year on June 30 thereafter, the bill requires the FDOT, in coordination with the FDEP, to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives summarizing the status of the SUN Trail Network. The report may include recommendations for any legislative revisions deemed appropriate to facilitate connectivity of the statewide network.

⁵⁷ No apparent distinction exists between the terms “concession agreement” and “sponsorship agreement.” The FDOT currently offers participation in its “Statewide Sponsorship Program” under which an organization, business, or individual provides maintenance, operation, or enhancement of an FDOT program, service, or facility in exchange for a sign or plaque acknowledging the sponsor installed at an appropriate location. The program is operated in accordance with Federal Highway Administration Policy. FDOT, *Statewide Sponsorship Program*, available at [Statewide Sponsorship Program \(fdot.gov\)](https://www.flhwy.com/statewide-sponsorship-program) (last visited January 11, 2023).

⁵⁸ See FDOT, *Systems Implementation Office, Other Resources, SUN Trail Reports*, available at [SUN Trail - Other Resources \(fdot.gov\)](https://www.flhwy.com/sun-trail-reports) (last visited December 15, 2022).

⁵⁹ See FDOT, *Statewide Non-Motorized Traffic Monitoring Program*, available at [Florida Non-Motorized Traffic Monitoring \(fdot.gov\)](https://www.flhwy.com/non-motorized-traffic-monitoring-program) (last visited December 15, 2022).

The report must include, at a minimum, all of the following:

- The total number of completed miles of nonmotorized trails on the network.
- The total number of completed miles of nonmotorized trails on the network not adjacent to a roadway facility.
- The total number of completed miles of nonmotorized trails on the network adjacent to a roadway facility.
- The total number of completed miles of nonmotorized trails on the network which are within or between areas of the Florida wildlife corridor.
- The total remaining miles of nonmotorized trails on the network which are planned for acquisition and construction.
- The total expenditures, by funding source, associated with implementing the network.
- The total expenditures, by project phase, including preliminary and environmental planning, design, acquisition of right-of-way, and new construction of trail surfaces and bridges on the network.

The FDOT is required to coordinate with the Florida Tourism Industry Marketing Corporation, local governments, or other entities with related information, to include in the report, for each existing trail on the network which is open to public use, identified by the FDOT's trailway identification number, segment name, segment length, and county of location, specified operational and performance measures.

Funding and Project Priorities (Sections 6, 7, and 9 - 11)

Present Situation

Current law imposes a fee of \$225 upon the initial application for registration of certain motor vehicles.⁶⁰ After authorized refunds,⁶¹ 85.7 percent of such funds must be deposited into the State Transportation Trust Fund (STTF), and the FDOT must use \$25 million of those funds for the SUN Trail Network.⁶² Correspondingly, the FDOT is currently required to allocate a minimum of \$25 million annually for purposes of funding and maintaining projects within the SUN Trail Network and must include network projects in its work program.⁶³

The FDOT must give funding priority to projects that:

- Are identified by the FGTC as a priority within the FGTS.
- Support the transportation needs of bicyclists and pedestrians.
- Have national, statewide, or regional importance.
- Facilitate an interconnected system of trails by completing gaps in existing trails.⁶⁴

⁶⁰ Section 320.072, F.S.

⁶¹ See s. 320.072(3), F.S.

⁶² Section 320.072(4)(a), F.S.

⁶³ Section 339.81(5), F.S.

⁶⁴ Section 335.065(4), F.S.

As noted by the FDOT, multi-use trails happen in Florida through the collaboration of multiple partners.⁶⁵ Other funding sources; e.g., the FDEP, local governments, and private foundations, may be used for a given SUN Trail project in conjunction with SUN Trail funding. “There is no single model for how trails are funded, developed and managed in Florida.”⁶⁶

Effect of Proposed Changes

The bill amends ss. 320.072(4)(a) and ss. 339.81(5), F.S., to increase from \$25 million to \$50 million the statutorily required amount of funding for the SUN Trail Network.

The bill amends ss. 335.065(4) and ss. 339.81(5), F.S., to revise the funding priorities for SUN Trail Network projects, requiring the FDOT to give funding priority to projects that:

- Are recommended priorities by the FGTC as regionally significant trails.
- Have national, statewide, or regional importance.
- Are otherwise identified by the FGTC as a priority for critical linkage and trail connectedness within the FGTS.
- Facilitate an interconnected system of trails by completing gaps between existing trails.
- Support the transportations needs of bicyclists and pedestrians.

The bill appropriates to the FDOT for the 2023-2024 fiscal year \$200 million in nonrecurring funds from the General Revenue Fund to plan, design, and construct projects on the SUN Trail Network.

The bill also recites that the amendments to the SUN Trail statute⁶⁷ are not intended to delete, defer, delay, or otherwise revise SUN Trail projects programmed in the FDOT’s tentative⁶⁸ five-year work program for Fiscal Year 2023-2024 through 2027-2028. The FDOT is authorized to maintain such projects in development of the adopted work program. For the additional funding provided in the bill, the FDOT is directed to work with the MPOs, boards of county commissioners, and districts, where appropriate, to revise any year of the five-year adopted work program to identify new SUN Trail projects to be added, or projects or phases thereof that may be moved up from the portion of the tentative work program for the following four fiscal years.

⁶⁵ See FDOT, *Shared-Use Nonmotorized (SUN) Trail Program Funding Requests, Developing the next new fifth year of the Work Program (Fiscal Years 2028/2029) for adoption, July 1, 2024*, at p. 2, available at [Shared-Use Nonmotorized \(SUN\) Trail Program Funding Requests \(windows.net\)](#) (last visited December 16, 2022). This document sets out project eligibility criteria, the FDOT’s process for its most recent solicitation of requests for program funding, the grant application process, and additional detailed program information.

⁶⁶ *Id.*

⁶⁷ Section 339.81, F.S.

⁶⁸ Essentially, as the first year of the annually-adopted five-year work program is completed, the second year becomes the first year of the next adopted five-year work program, and a new fifth year is added based on projects in the tentative work program, which is the 5-year listing of all transportation projects planned for each fiscal year, developed by the FDOT central office based on the district work programs.

Metropolitan Planning Organization Long-Range Transportation Plans and Project Priority Lists (Sections 8 and 9)

Present Situation

Metropolitan Planning Organizations (MPOs), or the boards of county commissioners serving as the MPO in those counties which are not located in an MPO, are required, in cooperation with the state and public transit operators, to develop transportation plans and programs for metropolitan areas.⁶⁹ As part of the transportation planning process and among other duties, each MPO is required to develop a long-range transportation plan addressing at least a 20-year horizon.⁷⁰

Among other minimum requirements, the long-range plan must indicate, as appropriate, proposed transportation enhancement activities which include, but are not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway safety runoff, and control or outdoor advertising.

MPOs⁷¹ are also required to develop an annual list of transportation project priorities and submit the list to the appropriate FDOT district.⁷² District work programs are developed based on these lists and submitted to the FDOT Central Office, resulting in the annual adoption of the FDOT's five-year work program.⁷³

Effect of Proposed Changes

The bill amends s. 339.175(7)(d), F.S., to include trails or facilities that are regionally significant or critical linkages for the SUN Trail Network in the list of transportation enhancement activities described above. This revision encourages MPOs to begin long-range planning for regionally significant or critical-linkage trails or facilities by requiring their indication, as appropriate, in long-range plans as a proposed transportation enhancement activity.

The bill also amends s. 339.81(5), F.S., to require that each MPO or the board of county commissioners, as appropriate, include in its list of project priorities one or more SUN Trail projects that are a priority under the revisions to the statutory funding priorities,⁷⁴ particularly, and to the SUN Trail statute, generally. When developing the FDOT district work programs, each district must include such projects.

Trail Towns (Section 1)

Present Situation

According to the FDEP, in Florida, a trail town "is a community located along or in proximity to one or more long-distance non-motorized recreational trails. Whether on a paved or unpaved

⁶⁹ See generally, s. 339.175, F.S.

⁷⁰ Section 339.175(7), F.S.

⁷¹ Or the board of county commissioners serving as the MPO in those counties which are not located in a metropolitan planning organization, per s. 339.135(4)(c)1., F.S.

⁷² Section 339.175(8), F.S.

⁷³ *Id.*

⁷⁴ Described on pp. 11-12 above.

multi-use trail, paddling, equestrian or hiking trail, recreational users can venture off the main path to enjoy the services and unique heritage of the nearby community. The town is a safe place where both town residents and trail users can walk, bike, jog etc., find the goods and services they need, and easily access both the trail and the town. In such a town, the trail is an integral and important part of the community.”⁷⁵

According to the FDEO:⁷⁶

The combined benefit of all Florida state trails is \$95 million to their host communities. The three trails located in Orange County contribute \$42.6 million to the local economy and create 516 jobs. In North Florida, the St. Marks Trail in Tallahassee provides a \$1.9 million economic benefit to Tallahassee businesses. The Pinellas Trail in Dunedin, Florida is another success story. Downtown Dunedin was transformed with the arrival of the trail, with a pre-trail store-front vacancy rate of 35% which rocketed to a 100% post-trail occupancy rate, with a waiting list.⁵ Dunedin's economic development director describes the trail as an "economic engine.”⁷⁷

Florida’s FDEP-recognized trail towns currently include: Dunedin, Titusville, Malabar, Vilano Beach, Clermont, Palatka, Inverness, Deltona, Everglades City, Winter Garden, Gainesville, and Debary. Signs, stickers, and publicity are provided free of charge to recognized trail towns.⁷⁸ While the FDEP is generally authorized to establish, develop, and publicize greenways and trails in the FGTS, no statutory authority is identified that expressly authorizes the FDEP to designate or recognize trail towns in Florida.

Effect of Proposed Changes

The bill amends s. 260.014, F.S., expressly authorizing the FDEP to establish a program to recognize local communities located along or in proximity to one or more long-distance nonmotorized recreational trails as trail towns.

Florida Greenways and Trails Council Membership (Section 2)

Present Situation

The FGTC is currently composed of 20 members, five of which are appointed by the Governor.⁷⁹ Of the five, two members each must represent the trail user community and the greenway user

⁷⁵ FDEP, *Trail Towns Guidelines and Self-Assessment*, p. 3, available at [Trail Town Assessment and Guidelines \(floridadep.gov\)](https://www.floridadep.gov/trail-town-assessment-and-guidelines) (last visited December 15, 2022). The FDEP notes that “Studies show that the longer a trail is, the farther people will travel to visit it, the longer they will stay, and the more money they will spend” and that “a day-user on a trail will spend four times the amount of a local user, and is likely to make a return trip to the Trail Town. An overnight visitor may spend twice the amount of a day-user.” *Id.*

⁷⁶ For example, the Paradise Coast Trail Corridor in Naples, connecting Collier County with Florida’s Paradise Coast, is estimated to create 425 jobs directly. See [rails.to/trails conservancy, SUN Trail – Paradise Cost Trail Corridor](https://www.rails.to/trails-conservancy), available at [SUN Trail – Paradise Coast Trail Corridor, Naples, FL | Rails-to-Trails Conservancy \(railstotrails.org\)](https://www.rails.to/trails-conservancy) (last visited December 15, 2022).

⁷⁷ FDEO, *The Economic Benefits of Ecotourism*, (citations omitted) available at [The Economic Benefits of Ecotourism - FloridaJobs.org](https://www.floridajobs.org/the-economic-benefits-of-ecotourism) (last visited December 15, 2022).

⁷⁸ See FDEP, *Trail Town Program*, available at [Trail Town Program | Florida Department of Environmental Protection](https://www.floridadep.gov/trail-town-program) (last visited December 15, 2022).

⁷⁹ See s. 260.0142(1), F.S.

community, and one member must represent private landowners. The Florida Wildlife Corridor Foundation (Foundation) is a Florida-based nonprofit corporation⁸⁰ with the mission “to champion a collaborative campaign to permanently connect, protect and restore the Florida Wildlife Corridor,” By combining science, imagery, and storytelling to increase the Corridor’s visibility and encourage its protection, and through citizen education and involvement, the Foundation “advocates for the protection of the missing links needed to connect conservation lands in the Corridor.”⁸¹ The FGTC membership currently does not include a member from the Foundation.

Effect of Proposed Changes

The bill amends s. 260.0142(1)(a)1., F.S., to add a member from the board of the Florida Wildlife Corridor Foundation, appointed by the Governor, to the membership of the FGTC, increasing the Governor’s appointees to six and the total number of FGTC members to 21.

Florida Greenways and Trails Council Duties and Powers (Sections 2 and 3)

Present Situation

The FGTC is currently directed to advise the FDEP in the execution of the FDEP’s powers and duties under Chapter 260, F.S.,⁸² and is charged with a number of attendant duties. The FDEP is also statutorily granted a number of general powers. Among them, the FDEP is required to develop and disseminate criteria for designation of specific lands and waterways as part of the FGTS.

Effect of Proposed Changes

The bill also amends s. 260.0142(4), F.S., to define a new term and revise the duties of the FGTC to include:

- Facilitating a statewide system of interconnected lands and waters of the Wildlife Corridor.
- Recommending priorities for “regionally significant trails” within the FGTS for inclusion by the FDOT in the Sun Trail Network, defined to mean “trails that cross multiple counties, attract national and international visitors, serve as an opportunity for economic and ecotourism development; showcase the natural value of the state’s wildlife areas, ecology, and natural resources; and serve as main corridors for critical links and trail connectedness across the state.”
- Adding the FGTC’s recommendations for prioritization of regionally significant trails within the Sun Trail Network to its recommendations for updating and revising the FGTS implementation plan.
- Coordinating and facilitating land acquisition efforts for lands to be used, in whole or in part, for regionally significant trails on the SUN Trail Network with the FDOT, the Florida Forest Service of the Department of Agriculture and Consumer Services, and other appropriate entities.

⁸⁰ See floridawildlifecorridor.org (scroll to bottom), available at [Home - The Florida Wildlife Corridor](#) (last visited December 21, 2022).

⁸¹ *Id.*, under *What We Do*.

⁸² Section 260.0142(1), F.S.

The bill amends s. 260.016(2)(d), F.S., revising the general powers of the FDEP to include development and dissemination of criteria for prioritization of regionally significant trails within or connected to the Florida Wildlife Corridor in its development and dissemination of criteria for designation.

Florida Tourism Industry Marketing Corporation Board of Directors (Section 4)

Present Situation

The Florida Tourism Industry Marketing Corporation is a not-for-profit, direct-support organization of Enterprise Florida, Inc., which is “organized and operated exclusively to request, receive, hold, invest, and administer property and to manage and make expenditures for the operation of the activities, services, functions, and programs of this state which relate to the statewide, national, and international promotion and marketing of tourism.”⁸³ Branded as VISIT FLORIDA, it is “the state’s official source for travel planning, is the premier sales and marketing organization that promotes tourism to Florida through sales, advertising, promotions, public relations and visitor services programs both domestically and internationally.”⁸⁴

VISIT FLORIDA’s Board of Directors “is the organization's private sector governing body made up of Florida tourism industry experts who, along with the members of its committees, provide guidance, input and insight into the evolution of VISIT FLORIDA programs, processes and messaging. The board, which meets three times a year, acts as a steering council for multiple committees and works directly with the VISIT FLORIDA executive staff to guide strategy.”⁸⁵

The board is composed of 31 tourism-industry-related members, appointed by Enterprise Florida, Inc., in conjunction with the FDEO. Of the 31, 15 members must be from specified industries, associations, and organizations. Of the 15, seven members must be from tourist-related statewide associations, including those that represent hotels, campgrounds, county destination marketing organizations, museums, restaurants, retail, and attractions.⁸⁶

Effect of Proposed Changes

The bill amends s. 288.1226(4), F.S, reducing from seven to six the number of representatives from tourist-related statewide associations on VISIT FLORIDA’s board and adding a representative from the nature-based tourism industry. This revision leaves the total board composition at 31 members.

Division of Tourism Marketing (Enterprise Florida) (Section 5)

Present Situation

Current law creates the Division of Tourism Marketing (the Division) within Enterprise Florida, Inc.⁸⁷ Among the Division’s responsibilities and duties is development of a four-year marketing plan that must, at a minimum, discuss the following:

⁸³ Section 288.1226(2), F.S.

⁸⁴ Visitflorida.org, *Who We Are*, available at [Who We Are \(visitflorida.org\)](http://www.visitflorida.org) (last visited December 16, 2022).

⁸⁵ *Id.*

⁸⁶ Section 288.1226(4), F.S.

⁸⁷ Section 288.923, F.S.

- Expansion to new or under-represented tourist markets.
- Maintenance of traditional and loyal tourist markets.
- Coordination of efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private sector partners to create a seamless, four-season advertising campaign for the state and its regions.
- Development of innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population.
- Consideration of innovative sources of state funding for tourism marketing.
- Promotion of nature-based tourism and heritage tourism.
- Development of a component to address emergency response to natural and manmade disasters from a marketing standpoint.⁸⁸

Enterprise Florida, Inc., is statutorily directed to contract with VISIT FLORIDA to execute tourism promotion and marketing services, functions, and programs for the state, including, but not limited to, the activities prescribed by the four-year marketing plan.⁸⁹ Among others, VISIT FLORIDA currently hosts a web page, *Florida Trails: Biking, Hiking, and Paddling*, containing an infographic with brief “fast-facts” information on specified trails, geocodes that can be used to locate trailheads, links to additional information and individual trail websites, as well as maps and videos.⁹⁰

Effect of Proposed Changes

The bill amends s. 288.923(4)(c), F.S., specifying additional requirements for the Division’s required marketing plan. The Division’s obligation to promote nature-based tourism is modified to include, without limitation, promotion of the FGTS and the SUN Trail Network. Additionally, the bill requires the Division to coordinate with the OGT and the FDEO to promote and assist local communities, including, but not limited to, communities designated as trail towns, to maximize use of nearby trails as economic assets, including specific promotion of trail-based tourism.

Effective Date (Section 12)

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁸⁸ Section 288.923(4)(c), F.S.

⁸⁹ Section 288.93(3), F.S.

⁹⁰ Visitflorida.com, available at [Trails in Florida: Hiking, Biking, and Paddling \(visitflorida.com\)](https://www.visitflorida.com/trails) (last visited December 16, 2022).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Users of the pedestrian and bicycle trails addressed in the bill are expected to enjoy the health benefits of exercise on the trails, which may translate to an unknown positive fiscal impact, while accessing publicly-funded recreation and conservation lands.

Private sector business, particularly within designated Trail Towns, may experience a positive but unknown fiscal impact associated with potentially increased visitors resulting from promotion of the FGTS and the SUN Trail Network.

C. Government Sector Impact:

The bill increases the recurring statutory funding for the SUN Trail Network from \$25 million to \$50 million and provides a non-recurring appropriation of \$200 million from the General Revenue Fund to plan, design, and construct projects on the network. The FDOT and other state agencies with whom it coordinates are expected to incur expenses, in unknown amounts, associated with the FDOT's required coordination in developing the planning and design of trails.

The FDOT is expected to incur unknown expenses associated with erecting uniform signage on all network trails that are open to public use.

The FDOT and local governments may experience a positive fiscal impact, in an unknown amount, associated with sponsorship agreements for commercial displays on SUN Trail Network trails and related facilities.

The FDOT and the FDEP are expected to incur unknown administrative expenses, every three years beginning June 30, 2026, relating to preparation of the report required by the bill. To the extent that the bill's provisions require the FDOT or the FDEP to revise any agency rule, the agency is expected to incur administrative expenses.

VISIT FLORIDA is expected to incur unknown costs relating to promotion of the FGTS and the SUN Trail Network. VISIT FLORIDA, the FDEP, and the FDEO may incur unknown expenses relating to coordinating efforts to promote and assist local communities to maximize use of nearby trails as economic assets.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 260.014, 260.0142, 260.016, 288.1226, 288.923, 320.072, 335.065, 339.175, and 339.81.

This bill creates two undesignated sections of Florida Law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

ANNOUNCEMENTS

1. Public Meeting on the SR 78 Median Improvements from Evalena Lane to New Post Road on Thursday, March 9, 2023. See **Attachment**.

SR 78 from Evalena Lane to New Post Road

Financial Project ID No.: 447875-1



February 2023

PUBLIC MEETING

The Florida Department of Transportation (FDOT), District One, invites you to the State Road (SR) 78 from Evalena Lane to New Post Road Public Meeting **on Thursday, March 9, 2023**. The in-person open house will begin at 5:00 p.m. The virtual meeting will begin at 6:00 p.m. For your convenience, FDOT is providing three ways to participate:

- 1. Virtual Option:** Attend virtually from 6:00 p.m. to 7:00 p.m. from a computer, tablet, or mobile device. You can register in advance at fdot.cc/SR78-Evalena-to-New-Post. Once registered, attendees will receive a confirmation email containing information about joining the meeting online. Please note, Internet Explorer cannot be used to register or attend this webinar.
- 2. In-Person Option:** Attend in-person from 5:00 p.m. to 7:00 p.m. at the **North Fort Myers Park and Recreation Center, 2000 North Recreation Park Way, North Fort Myers, Florida**. Attendees who are not feeling well should not attend the in-person meeting.
- 3. Website:** View the materials online at swfroads.com/project/447875-1.

All meeting materials will be available online by March 2, 2023. You do not have to attend a live event in order to submit a comment. Comments can be submitted at the live meeting, through the website, or through the contact information provided on the other side of this notification. While comments about the project are accepted at any time, please send your comments by March 20, 2023, to be included in the formal public meeting record.

PROJECT OVERVIEW

FDOT, District One, is proposing improvements on SR 78 in North Fort Myers, Lee County. The project limits are from Evalena Lane to New Post Road. The purpose of this project is to provide access management improvements along SR 78 with the intent of enhancing traffic flow and reducing crashes.

The project includes converting the existing two-way left-turn lanes along SR 78 to full median and directional turn lanes. Additional improvements include installation of new signage and pavement markings.



This public meeting is being held to present information about the proposed design and gather public input. FDOT will accept written comments during and after the meeting.

Register to Attend Virtually

Scan the QR Code shown here to register, and you will receive a confirmation email containing information about how to join the public meeting online.



www.swfroads.com



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@myFDOT_SWFL



@myFDOT_SWFL



Florida Department of Transportation
Southwest Area Office
Attention: Chris Speese
10041 Daniels Parkway
Fort Myers, FL 33913

CONTACT US

We encourage you to participate in the SR 78 from Evalena Lane to New Post Road Public Meeting. If you have questions or comments regarding the project, please contact FDOT Project Manager, Chris Speese.



Chris Speese
Florida Department of Transportation
Southwest Area Office
10041 Daniels Parkway, Fort Myers, FL, 33913



Direct: (239) 225-1973



Email: Christopher.Speese@dot.state.fl.us



FDOT solicits public participation without regard to race, color, national origin, age, sex, religion, disability or family status. People who require special accommodations under the Americans with Disabilities Act or who require translation services (free of charge) should contact Cynthia Sykes, District One Title VI Coordinator, at (863) 519-2287, or email at Cynthia.Sykes@dot.state.fl.us at least seven days prior to the public meeting.



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INFORMATION AND DISTRIBUTION ITEMS

A. OPPAGA'S Hazardous Walking Conditions in Florida

Hazardous Walking Conditions in Florida



OPPAGA

Office of Program Policy Analysis and Government Accountability

JUNE 21, 2022

Summary

Background

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

Florida's Process for Identifying and Correcting Hazardous Walking Conditions

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

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

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

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

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

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

Countermeasures and Related Funding Sources

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

Scope and Methods

Scope and Methods

Scope

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

Methods

- **Literature Review.** OPPAGA reviewed guidance from the Institute of Transportation Engineers, U.S. Department of Transportation, Florida Department of Transportation's Greenbook, Smart Growth America, and the Safe Routes to School program as well as research on pedestrian safety.
- **State Law and Code Review.** OPPAGA reviewed Florida statutes related to hazardous walking conditions, including the history of these requirements. (See Appendix A for the history.) OPPAGA also identified other states with hazardous walking condition requirements in law and reviewed state statutes and codes for comparison to Florida's requirements.
- **Interviews.** OPPAGA interviewed transportation and school safety experts, school district transportation directors, Florida Department of Transportation and Florida Department of Education administrators, officials from metropolitan planning organizations (MPOs), and representatives from parent groups to obtain perspectives on hazardous walking conditions.
- **Surveys.** OPPAGA surveyed Florida school district transportation directors and officials from MPOs. The survey included questions on the process used to identify and correct hazardous walking conditions and suggestions for improving the process. OPPAGA received responses from 55 of the 67 school districts (an 82% response rate) and 21 of the 27 MPOs in Florida (a 78% response rate).
- **Data Analysis.** OPPAGA analyzed accident report data on pedestrian and bicyclist injuries and fatalities in Florida.

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

Background

Florida Pedestrian Fatalities

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

Florida 2019 Fatalities



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



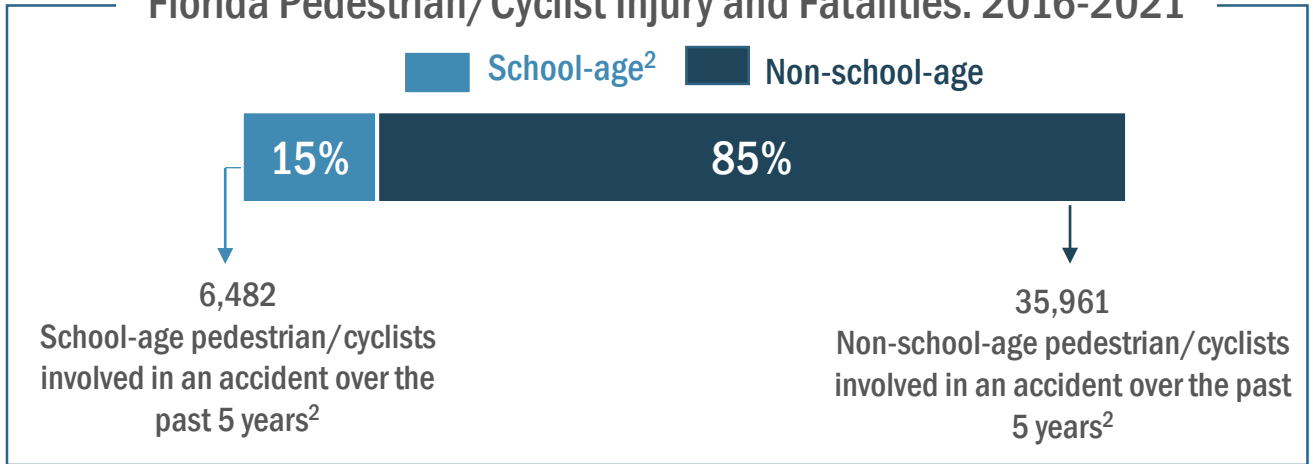
- Target Zero is a Florida Department of Transportation initiative with the goal of reducing the number of transportation-related serious injuries and deaths across Florida to zero.
- Target Zero is a data-driven, multi-faceted behavior change initiative that was created, in part, from direct conversations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

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

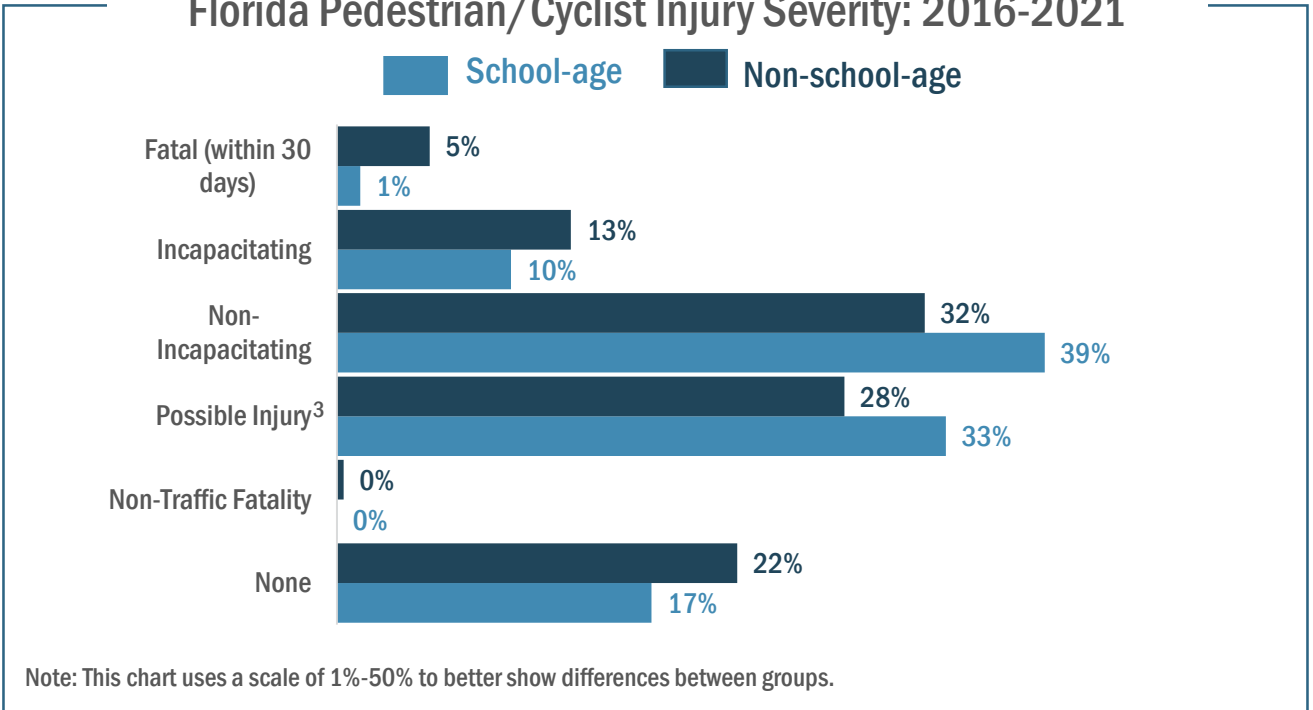
Pedestrian and Cyclist Injury and Fatality Rates in Florida

School-age children were involved in approximately 15% of all pedestrian/cyclist injury and fatalities that occurred from 2016 through 2021.¹ However, school-age pedestrians/cyclists were less likely than older pedestrians/cyclists to be involved in fatal crashes.

Florida Pedestrian/Cyclist Injury and Fatalities: 2016-2021



Florida Pedestrian/Cyclist Injury Severity: 2016-2021



¹ This percentage is based on 79% of crash records because 11,197, or 21%, of crash records were missing pedestrian/bicyclist age. Because 21% of crash records were missing age, the percentage of school-aged children involved in accidents may be higher than 15%.

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

³ According to the FDOT Crash Manual, possible injury is any injury reported or claimed that is not a fatal injury, suspected serious injury, or suspected minor injury. Examples include: momentary loss of consciousness, claim of injury, limping, or complaint of pain or nausea.

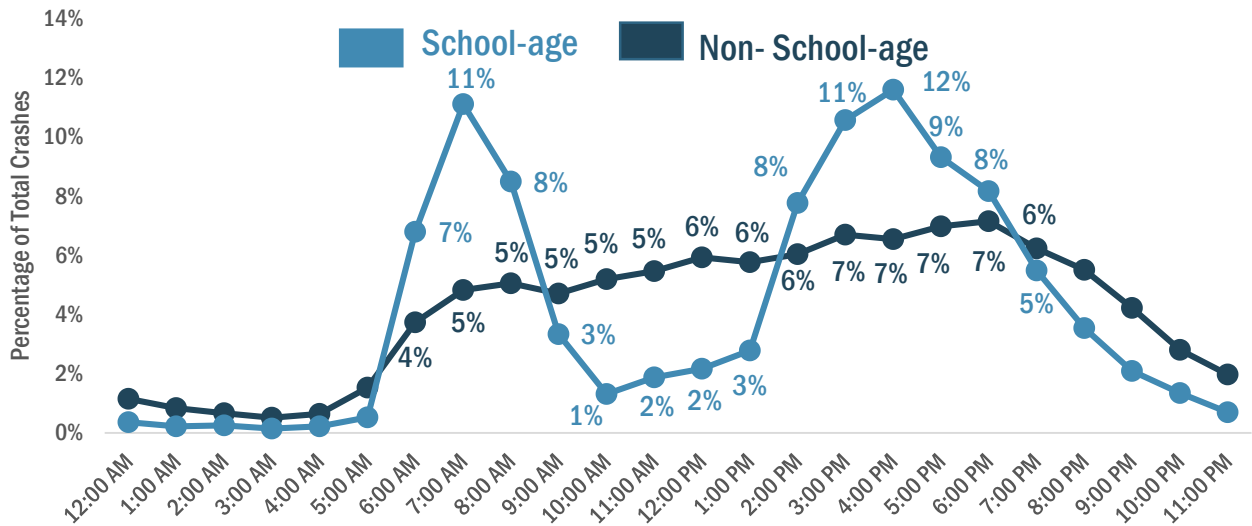
Possible injuries are those that are reported by the person or are indicated by their behavior, but no wounds or injuries are readily evident.

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

Pedestrian and Cyclist Crashes in Florida

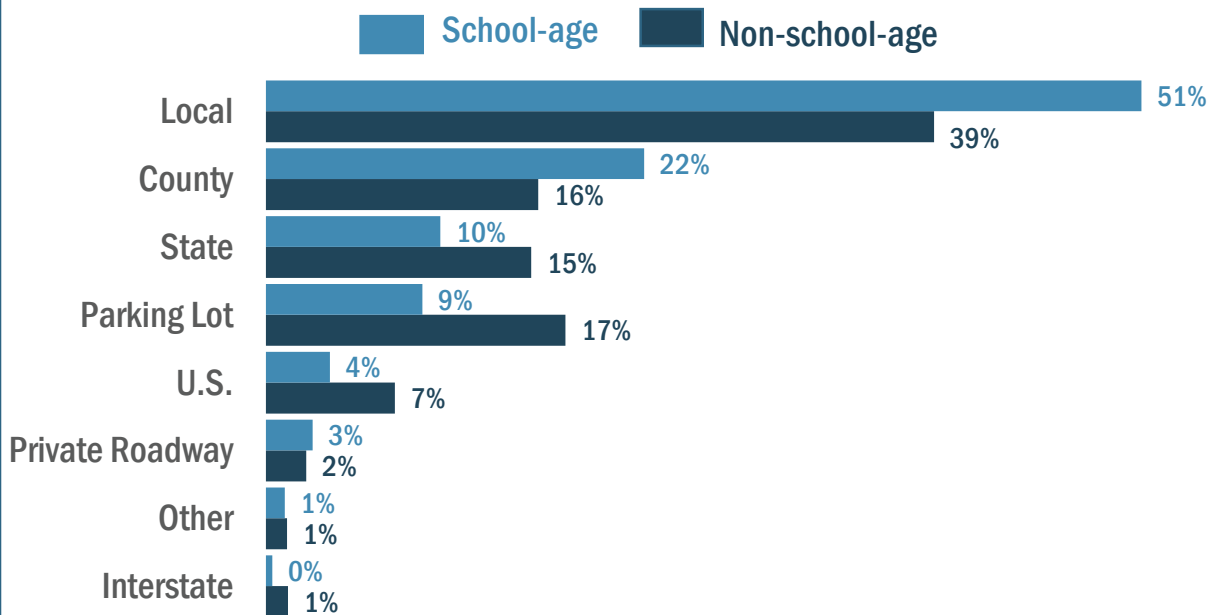
Crashes involving school-age pedestrians and cyclists peak during the times students are traveling to and from school. The majority of crashes involving school-age pedestrians and bicyclists occur on local roads.^{1,2}

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



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

Florida Pedestrian/Cyclist Crashes by Road Type: 2016-2021²



¹ School-age refers to children ages 5 through 18.

² The types of roads are based on the Federal Highway Administration's functional classification system, which categorizes roads according to the character of service the road provides in relation to the total road network. Local roads are the largest percentage of all roadways in terms of mileage.

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

Child Pedestrian Safety Considerations

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

Child Development

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

Ages 4 - 6

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

Ages 7-9

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

Ages 10+

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

Common Crash Types Among Children

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

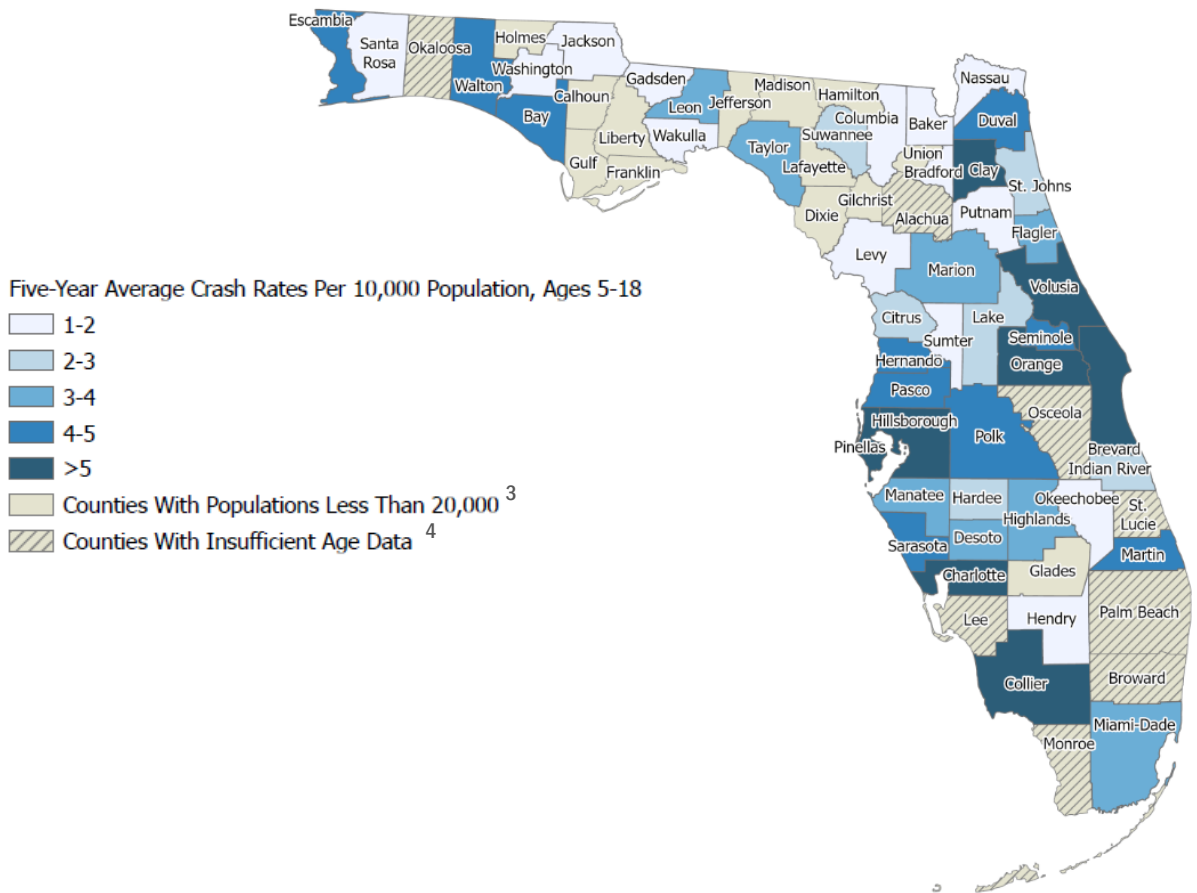
- A child darting out into the street outside of a crossing intersection
- A vehicle turning into the path of a child
- A child hidden from view by a bus or ice cream truck
- Vehicles backing into children

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

School-Age Pedestrian/Cyclist Crash Rates by County

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

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



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

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

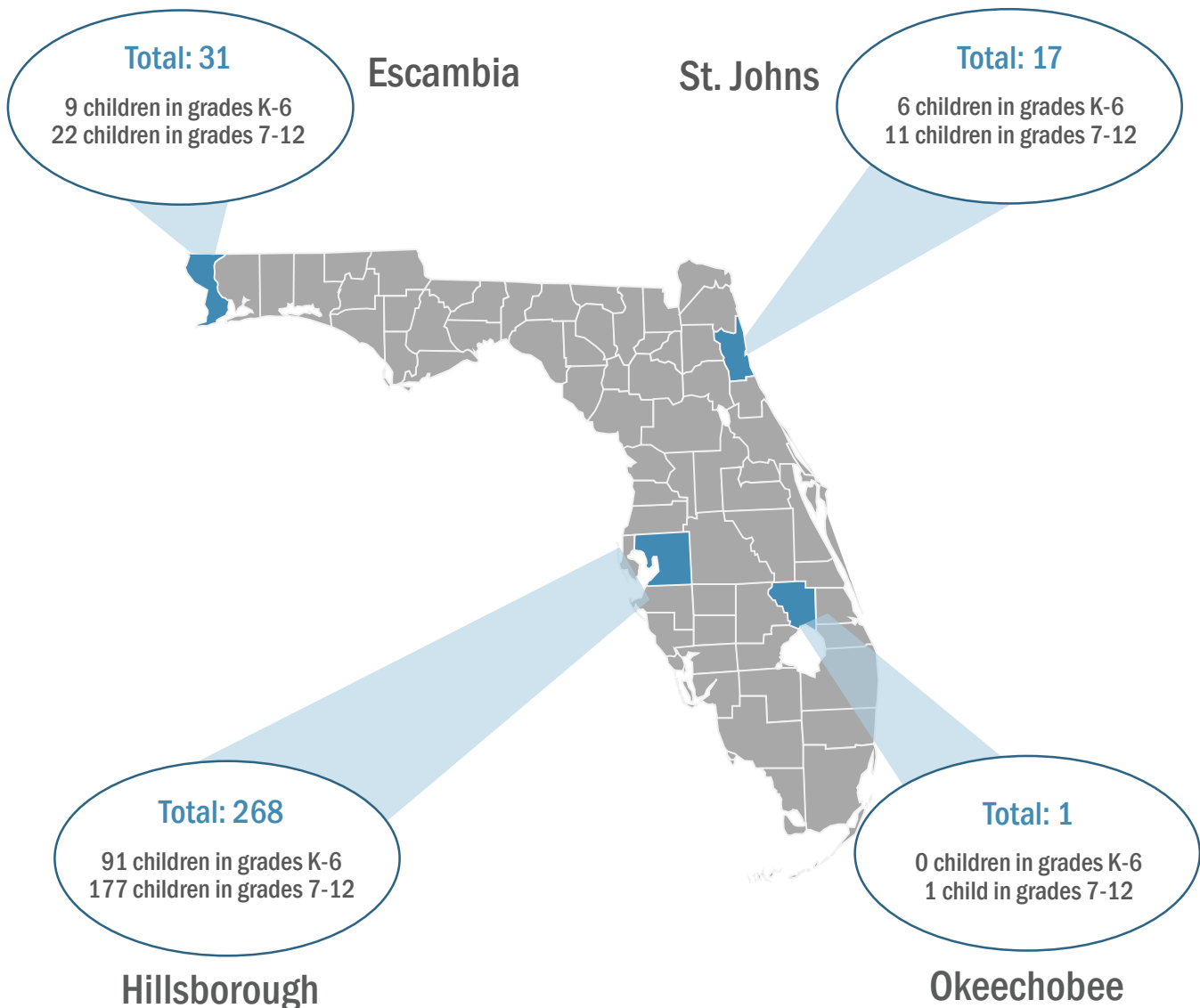
³Counties with populations less than 20,000 are excluded from the analysis because crashes are rare events and small changes in the number of crashes in these counties result in big changes in the county's crash rate, which may be misleading when compared to counties with larger populations.

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

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

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

Crashes Involving School-Age Children Within a Two-Mile Radius of a School on School Days From 2018-19 Through 2020-21¹



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

Florida's Process for Identifying and Correcting Hazardous Walking Conditions

Statutory Definition of Hazardous Walking Conditions

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

Walkways Parallel to the Road

Hazardous if:

- ✓ There is not an area at least four feet wide adjacent to the road, not including drainage ditches, sluiceways, swales, or channels, having a surface upon which students may walk without being required to walk on the road surface
- ✓ The road students walk along has a speed limit of 50 miles per hour (MPH) or greater and the walkway is not set off by at least three feet from the edge of the road

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

Walkways Perpendicular to the Road

Hazardous if:

- ✓ An uncontrolled site where the traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students walk to and from school
- ✓ A controlled site where the total traffic volume exceeds 4,000 vehicles per hour through an intersection or other crossing site, unless crossing guards or other traffic enforcement officers are also present during the times students walk to and from school

Crossings Over the Road

Hazardous if:

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

Uncontrolled Crossings

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



Controlled Crossings

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



Statutory Process for Identifying Hazardous Walking Conditions

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

1 Initiation

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

2 Inspection

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



School district



Entity with jurisdiction over the perceived hazardous location¹



Municipal police, sheriffs, or Department of Transportation office²



Metropolitan planning organization, if applicable³

3 Outcome



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

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

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

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



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

¹ The entity may be local for a local road or a state entity for a state road.

² Municipal police departments inspect municipal roads, representatives of the sheriff's office inspect a-county roads, and a-representatives of the Department of Transportation inspect state roads.

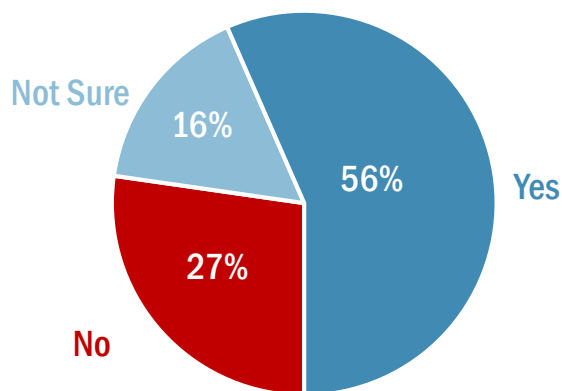
³ Not all areas in Florida have an MPO.

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

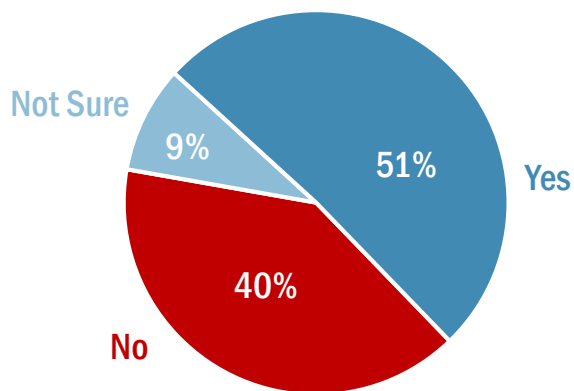
Thirty-one of the 55 (56%) school districts responding to OPPAGA’s survey reported transporting 26,440 students in grades K-6 due to locally defined unsafe walking conditions that did not meet statutory criteria, which exceeds the number of students transported due to unsafe walking conditions that met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

Students Transported in 2020-21³

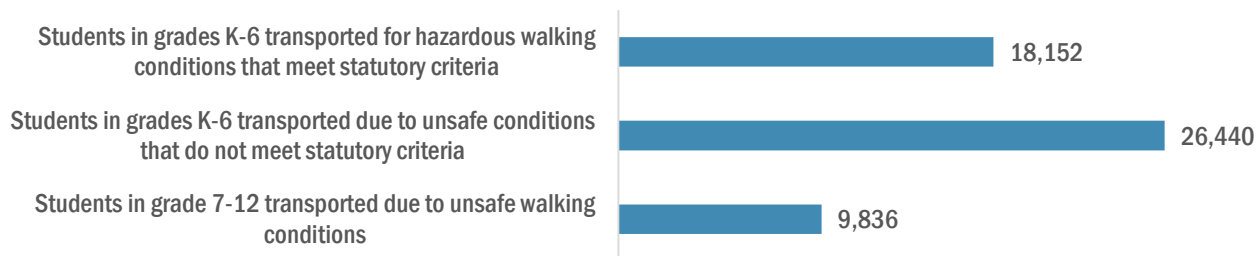
Districts that transported students in grades K-6 because of unsafe walking conditions that do not meet statutory criteria



Districts that transported students in grades 7-12 because of unsafe walking conditions²



Number of Students Transported



Locally Defined Conditions³

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

¹ All student counts presented herein were collected in the school district survey; school districts were allowed to report actual student counts or estimates. Therefore, student counts reflect both actual and estimated counts.

² According to s. 1006.23, F.S., only unsafe walking conditions affecting students in grades K-6 who live within two-miles of their school are inspected to determine if they meet the hazardous walking criteria.

³ The conditions shown were the most frequently reported in the school district survey.

Source: OPPAGA analysis of school district survey responses.

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

Other States' Hazardous Walking Conditions Laws

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

Examples of States With State-Level Requirements

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

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

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

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

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

Examples of States That Delegate to Local School Officials

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

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

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

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

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

Walking Distance and Grade Level

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

State Requirements



Florida

Section 1011.68(1)(a), *F.S.*, provides that school districts may only receive state-allocated transportation funding for

transporting students through grade 12 who live two miles or more away from school, unless the students meet certain specified criteria, including being in grades K-6 and exposed to hazardous walking conditions specified in s. 1006.23, *F.S.* Florida statute related to hazardous walking conditions specifically does not include the transportation of students in grades 7-12 who are exposed to hazardous walking conditions.



New York

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



South Carolina

K-12: 1.5 miles



New Mexico

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



Utah

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

Other Relevant Information

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

- ✓ .5 mile for kindergartners
- ✓ 1 mile for upper elementary students
- ✓ 1.5 miles for high school students²

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

¹ Safe Routes to School. "Determining School Bus Stop Locations." SRTS Guide. Accessed January 12, 2022.

http://guide.saferoutesinfo.org/school_bus_locations/determining_school_bus_stop_locations.cfm;

² Lam, T. "Too far to walk?" Safe Routes Partnership. Accessed January 24, 2022. <https://www.saferoutespartnership.org/blog/too-far-walk#:~:text=Most%20Safe%20Routes%20to%20School,acceptable%20distance%20for%20high%20schoolers>

³ Chillan, P., Panter, J., Corder, K., Jones, A.P., and Van Sluijs, E.M.F. "A longitudinal study of the distance that young people walk to school." Health & Place. Accessed March 24, 2022. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4315806/>.

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

Walkways

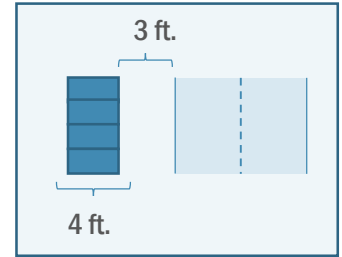
New Mexico's criteria regarding walkway width and/or offset from the road differ from Florida's in that they vary depending on whether the road is curbed or uncurbed. In addition, U.S. DOT guidance recommends wider walkways set off farther from the road than Florida's current standards. Furthermore,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

State Requirements

Florida



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



New Mexico

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



New York

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



Pennsylvania

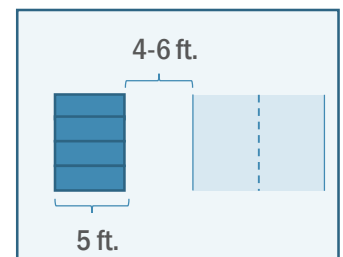
Defines a sidewalk as a gravel, brick, stone, or paved surface that is at least two feet wide; the absence of sidewalks shall be a factor in the evaluation of hazardous walking conditions but not the controlling condition.

Other Relevant Information

According to U.S. Department of Transportation guidelines

- ✓ Minimum of five feet width for walkway
- ✓ Preferred buffer zone from street is four to six feet
- ✓ For areas around schools, it is recommended that sidewalks be wider than five feet²

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



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

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

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

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

Speed Limits

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

State Requirements

Florida



Specifies 50 MPH or higher as hazardous for

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

New Mexico



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

Pennsylvania



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

New York



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

Other Relevant Information

Hit by a Vehicle Traveling at:

20 MPH



9 out of 10 pedestrians survive

Hit by a Vehicle Traveling at:

30 MPH



5 out of 10 pedestrians survive

Hit by a Vehicle Traveling at:

40 MPH



1 out of 10 pedestrians survive

The distance to stop a vehicle increases with the speed of the vehicle¹



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

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

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

² Pedestrian and Bicycle Information Center. "Towards a Shared Understanding of Pedestrian Safety." Accessed June 30, 2021. https://www.pedbikeinfo.org/cms/downloads/PBIC_Pedestrian%20Safety%20Background%20Piece_7-2.pdf; National Center for Safe Routes to School. "Safe Routes to School Guide: Teaching Children to Walk Safely as They Grow and Develop: A Guide for Parents and Caregivers." Accessed March 21, 2022. <http://guide.saferoutesinfo.org/pdf/TeachingChildrenToWalkSafely.pdf>; National Safe Routes to School. "Safe Routes to School Briefing Sheets." Accessed March 21, 2021; https://www.pedbikeinfo.org/pdf/SRTSlocal_ITEBriefingsheetsALL.pdf
Source: OPPAGA analysis of Florida Statutes; other state laws and codes; and interviews with Florida Department of Transportation, Institute of Transportation Engineers, and Safe Routes to Schools representatives.

Traffic Volume

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

State Requirements



Florida

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

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



New Mexico

Considers a condition hazardous when the volume exceeds

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



Pennsylvania

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

Other Relevant Information

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

Uncontrolled Crossings

No alternate crossing within 600 feet and

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

Controlled Crossings

Stop sign crossing

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

Traffic signal crossing

- ✓ Traffic volume exceeds 5 vehicles per minute (300 per hour) when children are going to or from school
- ✓ If the crosswalk is more than 80 feet long with no intermediate refuge or an abnormally high proportion of heavy commercial vehicles²

¹ Other criteria must also be met for the location to be considered hazardous.

² The Institute for Transportation Engineers, “Design and Safety of Pedestrian Facilities”(1998). Accessed June 15, 2021.

https://safety.fhwa.dot.gov/ped_bike/docs/designsafety.pdf

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

Number of Lanes

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

State Requirements



Florida

Addresses lanes in s. 1006.23(2)(c), *F.S.*, the portion of statute that covers crossings over

the road, which states that a crossing is hazardous if there are six or more lanes of traffic, not including turning lanes.



Tennessee

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



New York

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



New Mexico

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

Other Relevant Information

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

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

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

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

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

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

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

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

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

State Requirements



Florida

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



New Mexico

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



Tennessee

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



Illinois

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



Utah

Considers darkness a safety hazard.

Other Relevant Information

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

¹“At grade” means the crossing of a highway and railway at approximately the same elevation.

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

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

Overview of Stakeholder-Suggested Changes

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

Stakeholder-Suggested Change	Considerations	Fiscal Impact
<p>Walking Distance</p> <p>Amend, s. 1011.68(1)(a), <i>F.S.</i>, to allow school districts to receive state-allocated transportation funding for transporting students who live one mile or more away from school.</p>	<ul style="list-style-type: none"> ▪ Florida falls along the higher end of walking distance requirements for students compared to other states, which range from one to three miles. ▪ Safety advocates and some research suggests maximum walking distances that are less than Florida’s current standard. ▪ DOE estimates that 193,110 more students would qualify for transportation funding due to hazardous conditions. 	<ul style="list-style-type: none"> ▪ DOE reported that districts may not have enough buses, increasing capital costs by an estimated \$321.4 million. ▪ DOE cited the need for additional bus drivers; some districts have driver shortages. ▪ DOE estimates increased annual district transportation costs of \$184.5 million and states that districts might receive \$96 million to offset the increased cost if funded by the state at current levels.¹ ▪ FDOT reported that this change would have no cost impact, but the department would need to update the Safe Routes to School manual.
<p>Grade Level</p> <p>Amend s. 1006.23(1), <i>F.S.</i>, to expand the definition of student from the current limitation of students up to grade 6 to include students in grades 7 through 12 to allow the hazardous walking conditions criteria to apply to public school students in all grade levels.</p>	<ul style="list-style-type: none"> ▪ This change would allow districts to receive state-allocated transportation funding, as specified in s. 1011.68(1)(a), <i>F.S.</i>, for transporting students in grades 7-12 who live within a two-mile radius of their school due to hazardous walking conditions. ▪ Florida’s hazardous walking standards would align with those in other states that specifically include the transportation of secondary school students who are subjected to hazardous walking conditions. ▪ Safe Routes to School allows funding for improvements affecting secondary students. 	<ul style="list-style-type: none"> ▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.

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

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

Stakeholder-Suggested Change	Considerations	Fiscal Impact
<p>Walkway Surface (Walkways Parallel to the Road)</p> <p>Amend s. 1006.23(2)(a)1., <i>F.S.</i>, to specify that the walkway used by students to walk to and from school must be a sidewalk, paved area, or other hard surface.</p>	<ul style="list-style-type: none"> ▪ Some research has found that sidewalks are associated with significant reductions in pedestrian collisions with motor vehicles. ▪ FDOT cited the need to consider shared-use pathways/paved trails that can be used by both pedestrians and cyclists and thus provide a multi-user benefit.² A shared-use path is also designed to accommodate less experienced bicycle traffic; a sidewalk is not designed for bicycle traffic. ▪ FDOT reported that requiring pavement may limit the use of pervious pavement or asphalt or other innovative materials that may create greater comfort for the user and/or an environmental benefit. 	<ul style="list-style-type: none"> ▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.¹ ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.
<p>Speed Limits (Uncurbed Roads—Walkways Parallel to the Road)</p> <p>Amend s. 1006.23, (2)(a)1., <i>F.S.</i>, to reduce the speed limit for uncurbed roads from 50 MPH. Suggestions included setting the speed limit to 30 MPH, 35 MPH, or 40 MPH.</p>	<ul style="list-style-type: none"> ▪ Research has found that the distance to stop a vehicle increases with speed; the risk of severe or fatal injury is significantly associated with impact speed. ▪ National transportation officials and school safety advocates who OPPAGA interviewed reported believing that Florida’s speed limit requirement of 50 MPH for determining hazardous walking conditions is too high. ▪ Florida’s speed limit standard was higher than those for other states OPPAGA identified that include a speed limit standard in state criteria. 	<ul style="list-style-type: none"> ▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers. ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.

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

² According to FDOT, typical cost for one mile of six-foot-wide concrete sidewalk is \$250,000. The cost for one mile of 12-foot-wide asphalt shared-use path is \$415,000.

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

Stakeholder-Suggested Change	Considerations	Fiscal Impact
<p>Traffic Volume (Uncontrolled Crossings—Walkways Perpendicular to the Road)</p> <p>Amend s. 1006.23(2)(b)1., <i>F.S.</i>, to change the maximum of 360 vehicles per hour per direction (including all lanes), during the time students walk to and from school in order for an uncontrolled crossing to be considered a hazardous walking condition. Suggestions included setting a maximum of 250 vehicles per hour, setting a maximum of 120 vehicles per 15 minutes, or eliminating the traffic count.</p>	<ul style="list-style-type: none"> ▪ The Institute of Transportation Engineers recommends crossing guards when traffic volume in uncontrolled settings exceeds certain limits that are, in some cases, lower than Florida’s current standard. ▪ FDOT reported that the existing 360 vehicles per hour is less than its guidance. Lowering the volume would require changes to the department Traffic Engineering Manual. ▪ FDOT recommends against eliminating traffic counts as these provide useful metrics for determining safety. 	<ul style="list-style-type: none"> ▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.¹ ▪ FDOT reported that crossing guard costs might increase. The current average hourly rate for crossing guards is approximately \$14 per hour, typically paid two to four hours per school day. ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.²
<p>Traffic Volume (Controlled Crossings—Walkways Perpendicular to the Road)</p> <p>Amend s. 1006.23(2)(b)2., <i>F.S.</i>, to change the maximum of 4,000 vehicles per hour through an intersection or other crossing site controlled by a stop sign or other traffic control signal, unless crossing guards or other traffic enforcement officers are also present during the times students walk to and from school. Suggestions included setting a maximum of 400 vehicles/hour, 2,000 vehicles/hour, or at an annual average daily traffic of 4,000 vehicles, or eliminating the traffic count.</p>	<ul style="list-style-type: none"> ▪ The Institute of Transportation Engineers recommends crossing guards when traffic volume in controlled settings exceeds certain limits that are, in some cases, lower than Florida’s current standard. ▪ FDOT reported that making these changes would increase safety as long as sufficient resources are made available to implement appropriate countermeasures. ▪ FDOT reported an additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.² 	<ul style="list-style-type: none"> ▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.¹ ▪ FDOT reported that crossing guard costs might increase. The current average hourly rate for crossing guards is approximately \$14 per hour, typically paid two to four hours per school day. ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.

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

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

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

Stakeholder-Suggested Change	Considerations	Fiscal Impact
<p>Speed Limits (Uncontrolled Crossings—Crossings Over the Road)</p> <p>Amend s. 1006.23, (2)(c)1., <i>F.S.</i>, to reduce the maximum speed limit for uncontrolled crossing sites to less than 50 MPH. Suggestions included setting the standard at 35 MPH, 40 MPH, or 45 MPH.</p>	<ul style="list-style-type: none"> ▪ Research has found that the distance to stop a vehicle increases with speed; the risk of severe or fatal injury is significantly associated with impact speed. ▪ National transportation officials and school safety advocates who OPPAGA interviewed believed that Florida’s speed limit requirement of 50 MPH for determining hazardous walking conditions is too high. 	<ul style="list-style-type: none"> ▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.¹ ▪ FDOT reported that the change might increase costs for crossing guards. ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.²
<p>Number of Lanes (Uncontrolled Crossings— Crossings Over the Road)</p> <p>Amend s. 1006.23(2)(c)2., <i>F.S.</i>, to reduce the six-lane road requirement regardless of speed limit. Suggestions included setting the standard at more than two lanes or four lanes, and including turning lanes in the count of six lanes.</p>	<ul style="list-style-type: none"> ▪ Some research studies have found that the number of lanes was a significant factor in the severity of crashes, and that crashes on multi-lane roads have a higher probability of resulting in a fatality. ▪ FDOT administrators who OPPAGA interviewed reported that six-lane roads are overrepresented in crashes. 	<ul style="list-style-type: none"> ▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.¹ ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.
<p>Additional Criteria</p> <p>Amend ss. 1006.23(2), (a), (b), and (c), <i>F.S.</i>, to add criteria for lighting, railroad track crossings, driver behavior (e.g., speeding), and registered sex offenders residing along the path that students walk.</p>	<ul style="list-style-type: none"> ▪ Transportation officials and school safety advocates reported that lighting is important for pedestrian safety. ▪ School safety advocates suggested crash history should be a consideration when evaluating the safety of walking conditions, and that the presence of high crime rates also is an important consideration. ▪ FDOT noted that driver behavior (e.g., speeding) is an important consideration for pedestrian safety. ▪ Some stakeholders responding to OPPAGA’s survey emphasized particular concerns about student safety due to high-speed rail. ▪ FDOT recommends a quantifiable measure for lighting and that the standard should apply to schools with students walking in the early morning, which might not be every location, and recommends coordinating railroad crossings with existing vehicular crossings. 	<ul style="list-style-type: none"> ▪ DOE reported the fiscal impact is unknown but would likely require additional buses and bus drivers.¹ ▪ Additional unknown fiscal impact to entities with jurisdiction over roads, including FDOT, due to an increase in the areas that meet the criteria.

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

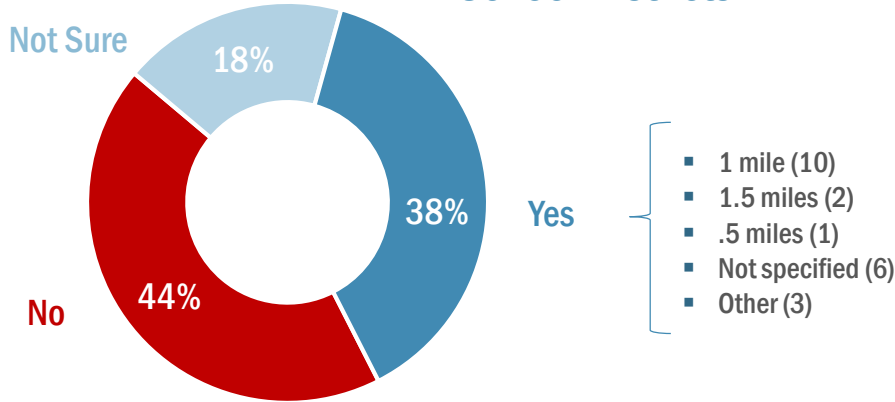
² FDOT reports the typical costs for high emphasis crosswalks are \$2,295 for a two-lane road, \$3,634 for four lanes, and \$4,973 for six lanes. Typical costs for a midblock pedestrian signal are \$162,000 for a two-lane road, \$215,000 for four lanes, and \$225,000 for six lanes. Typical costs for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

Stakeholder-Suggested Changes: Walking Distance

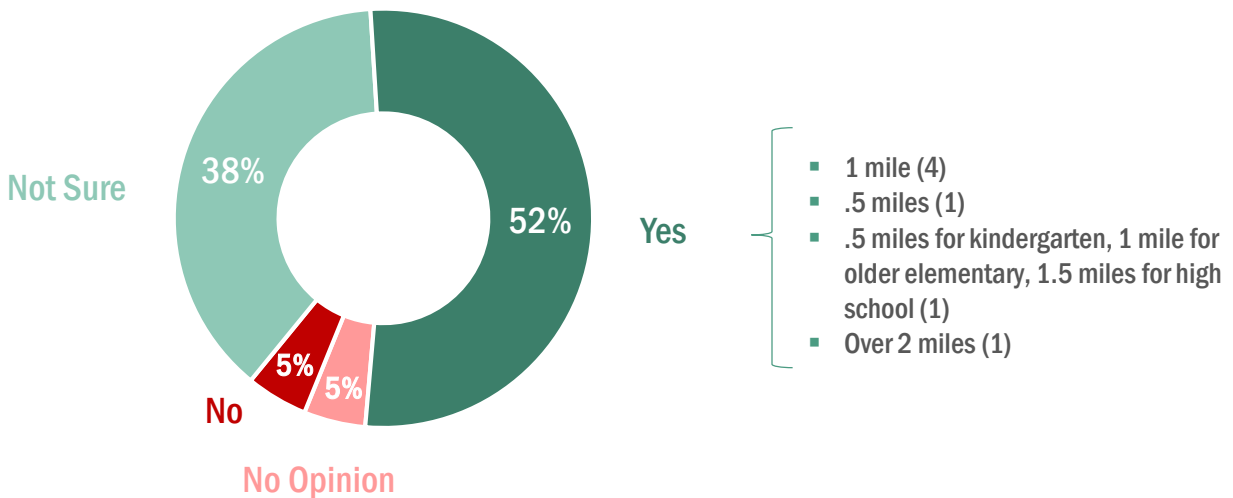
Over one-third of school districts and approximately one-half of MPOs responding to OPPAGA's survey reported that s. 1011.68(1)(a), *Florida Statutes*, should be modified to allow school districts to receive state-allocated transportation funding for transporting students who live closer than the current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

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

School Districts



MPOs



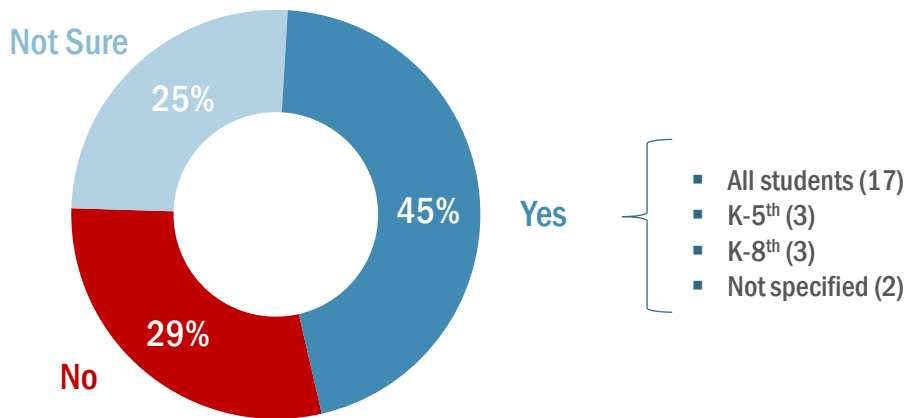
Source: OPPAGA analysis of school district and MPO survey responses.

Stakeholder-Suggested Changes: Grade Levels

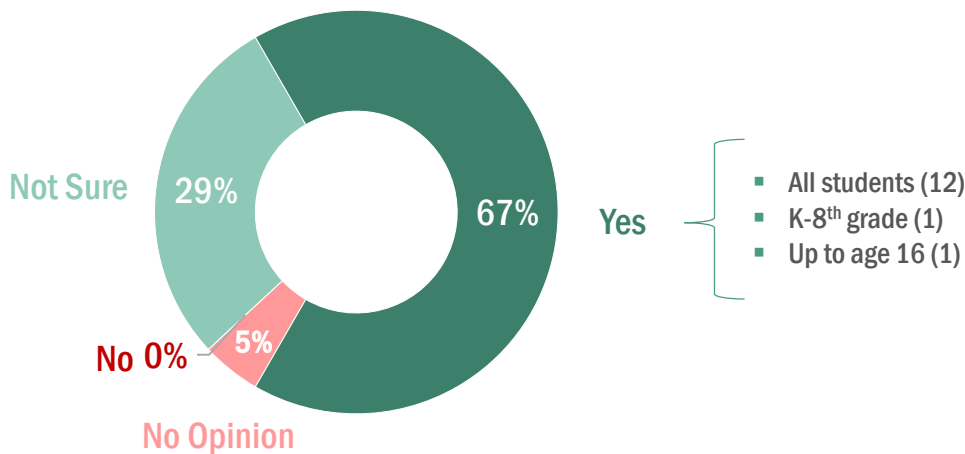
Almost one-half of school districts and two-thirds of MPOs responding to OPPAGA's survey reported that the K-6 grade levels in s. 1006.23(1), *Florida Statutes*, should be modified. The most frequent suggestion from both groups was to modify the law so that the hazardous walking conditions criteria apply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

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

School Districts



MPOs



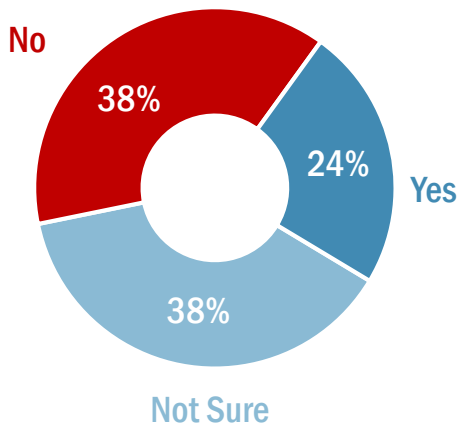
Source: OPPAGA analysis of school district and MPO survey responses.

Stakeholder-Suggested Changes: Walkways Parallel to the Road

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

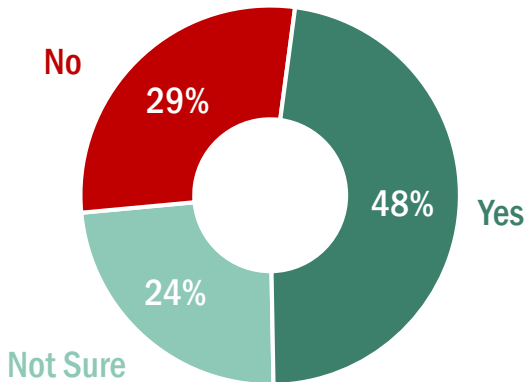
Should s. 1006.23(2)(a), *Florida Statutes*, pertaining to walkways parallel to the road, be modified?¹

School Districts



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

MPOs



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

¹ School districts and MPOs were permitted to suggest more than one modification for walkways parallel to the road. The suggested changes shown were the most frequently reported in each survey.

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

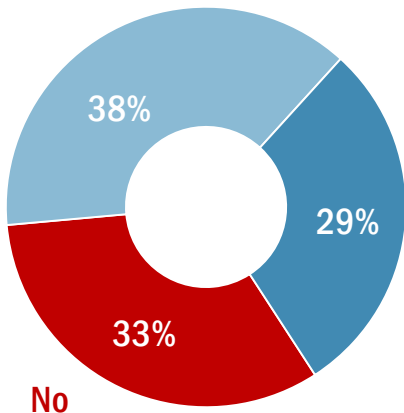
Stakeholder-Suggested Changes: Walkways Perpendicular to the Road

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

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

School Districts

Not Sure

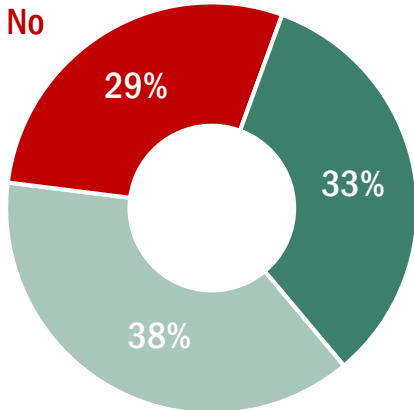


Yes

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

MPOs

No



Yes

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

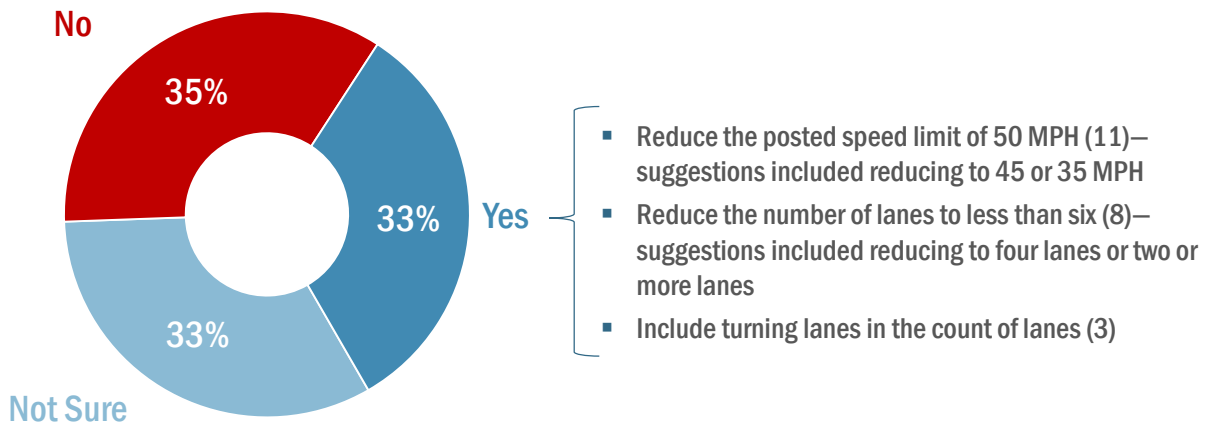
¹ School districts and MPOs were permitted to suggest more than one modification for walkways perpendicular to the road. The suggested changes shown were the most frequently reported in each survey. Source: OPPAGA analysis of school district and MPO survey responses.

Stakeholder-Suggested Changes: Crossings Over the Road

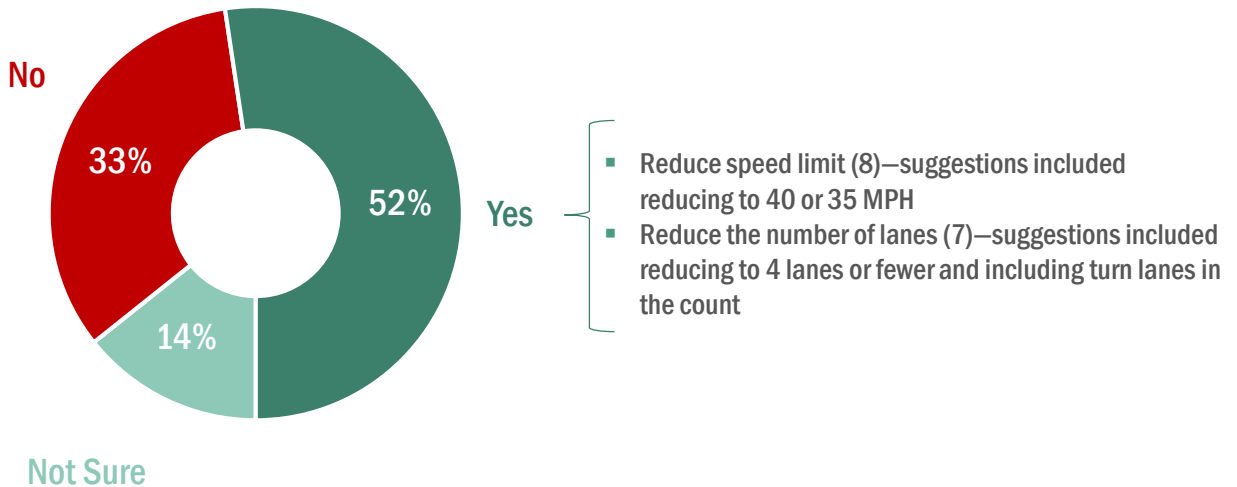
About one-third of school districts and over half of MPOs that responded to OPPAGA's survey said that the statutory criteria for crossing over the road in s. 1006.23(2)(c), *Florida Statutes*, should be modified. The most common suggested modifications from both groups surveyed were to reduce the speed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

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

School Districts



MPOs

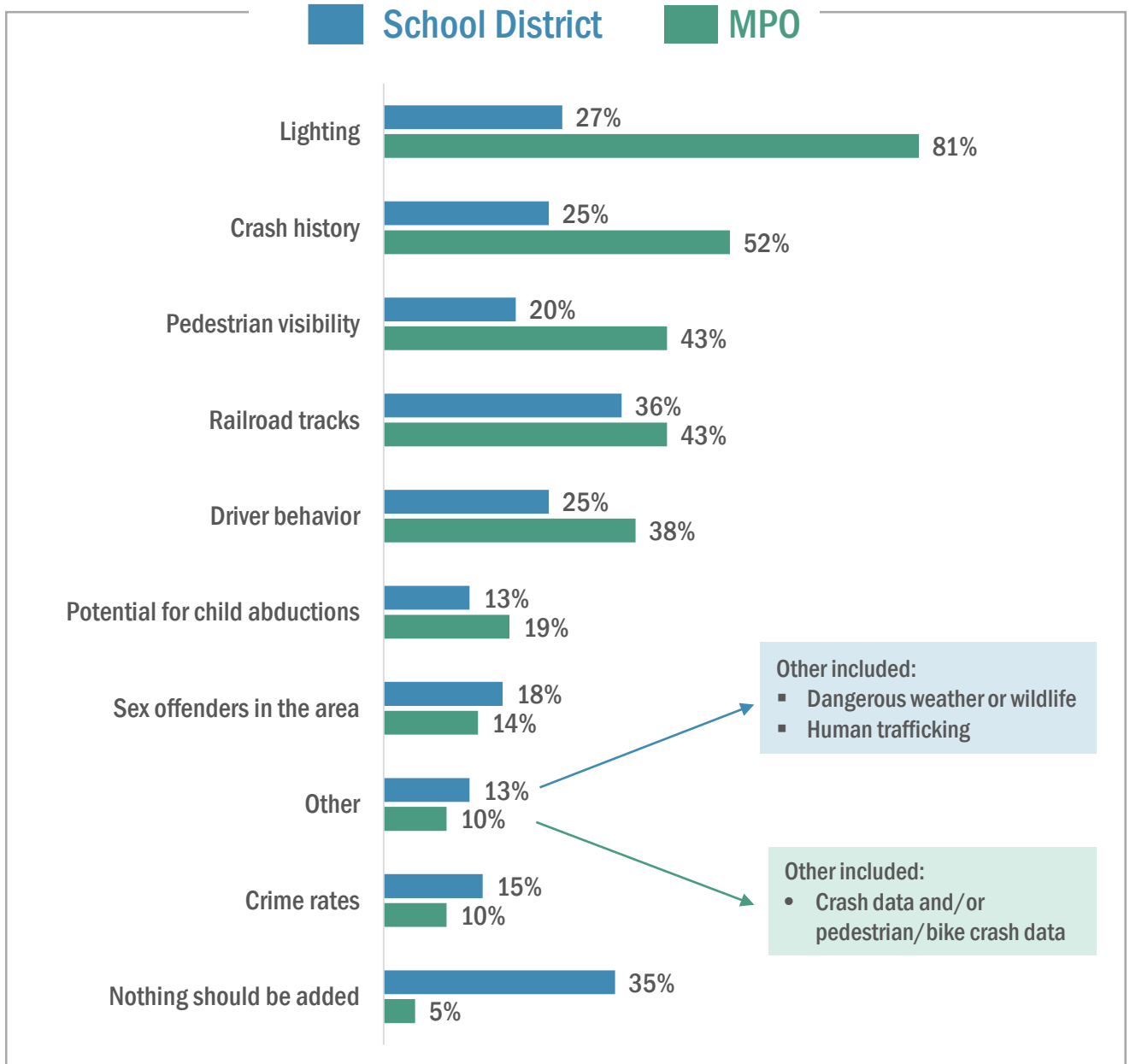


¹ School districts and MPOs were permitted to suggest more than one modification for walkways crossing over the road. The suggested changes shown were the most frequently reported in each survey. Source: OPPAGA analysis of school district and MPO survey responses.

Additional Stakeholder-Suggested Changes

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

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



¹ School districts and MPOs were permitted to select more than one criterion that should be added to s.1006.23(2), *F.S.*, for defining hazardous walking conditions.

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

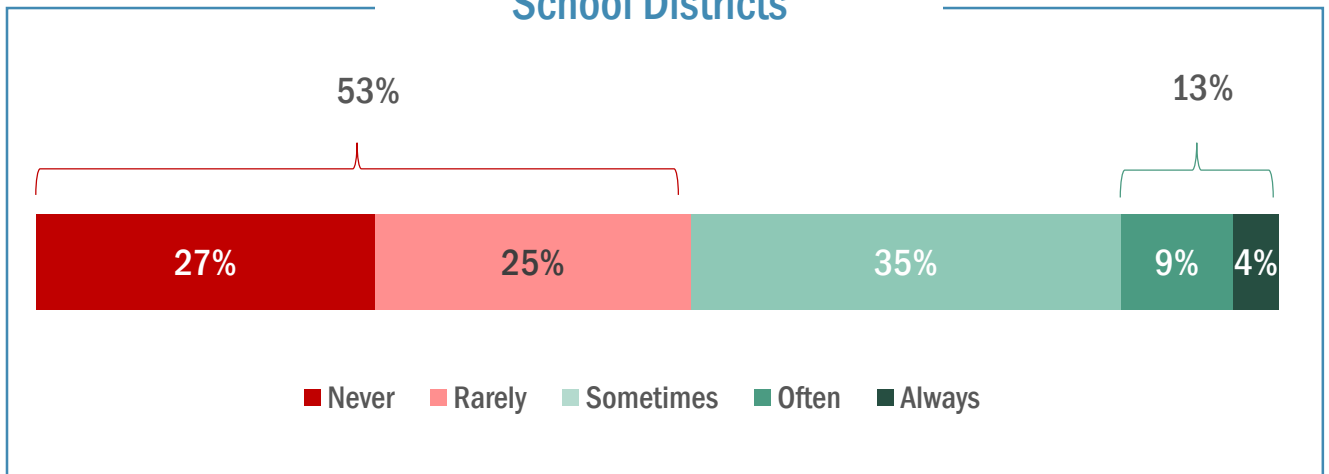
Stakeholder Feedback on Florida's Process to Correct Hazardous Walking Conditions

Frequency of Correcting Hazardous Walking Conditions

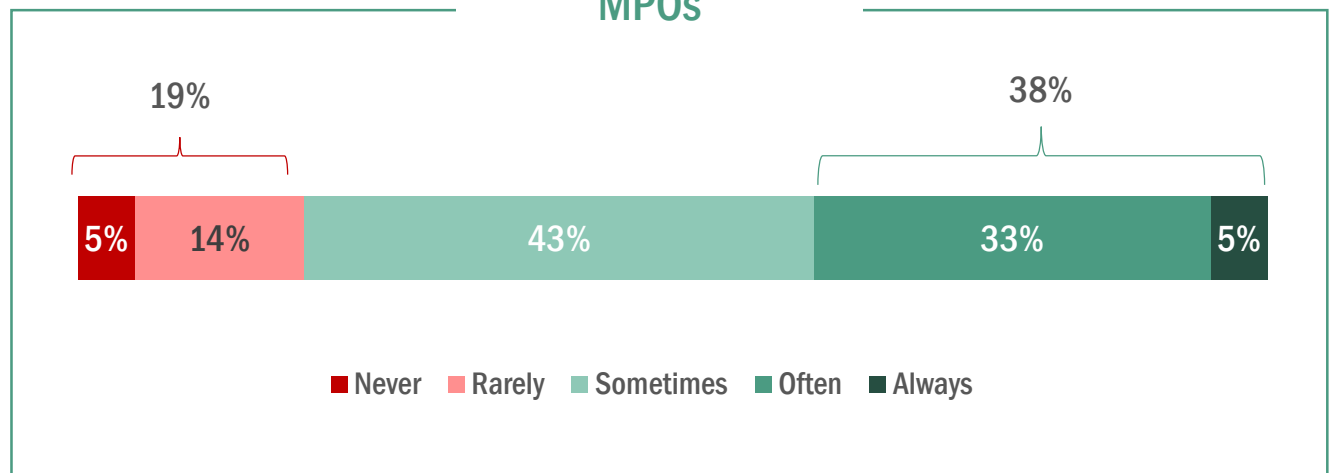
Perceptions varied between school district and MPO survey respondents regarding how often identified hazardous walking conditions are subsequently corrected. While over one-half of school districts reported that hazardous walking conditions never or rarely were corrected, less than 20% of MPOs reported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

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

School Districts



MPOs



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

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

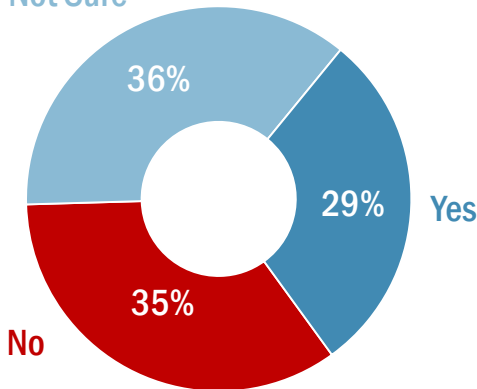
School Districts: Barriers to Correcting Hazardous Walking Conditions

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

School Districts¹

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

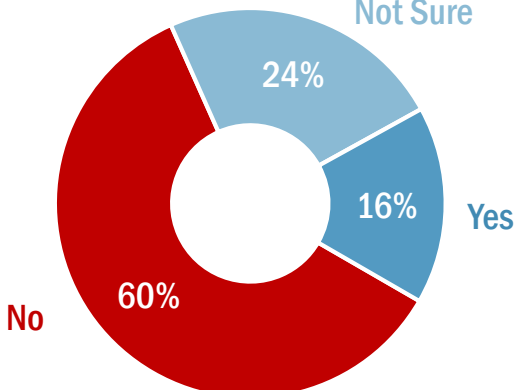
Not Sure



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

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

Not Sure



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

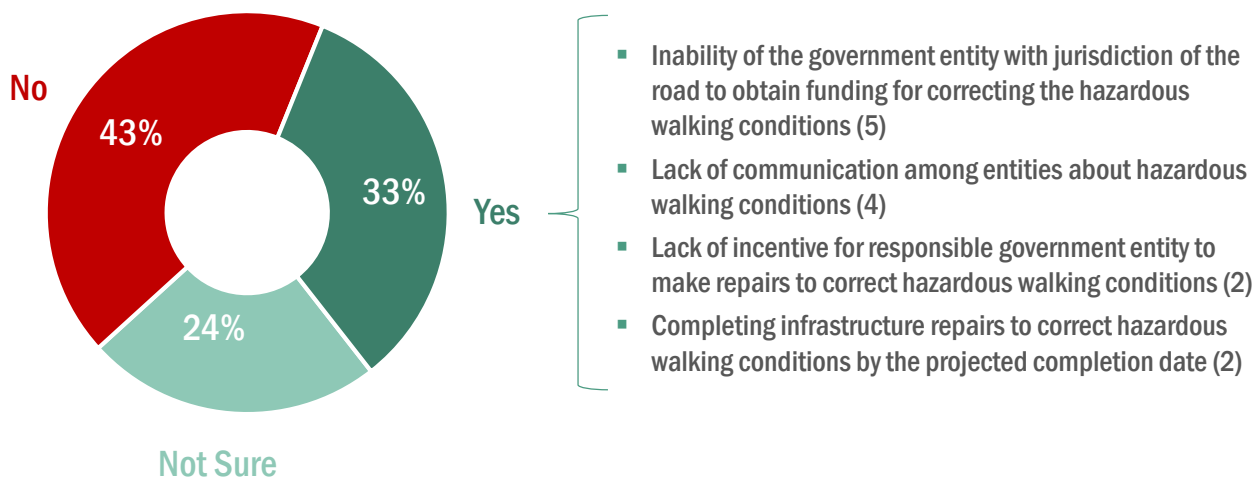
¹ School districts were permitted to select more than one barrier to correcting hazardous walking conditions. Source: OPPAGA analysis of school district and MPO survey responses.

MPOs: Barriers to Correcting Hazardous Walking Conditions

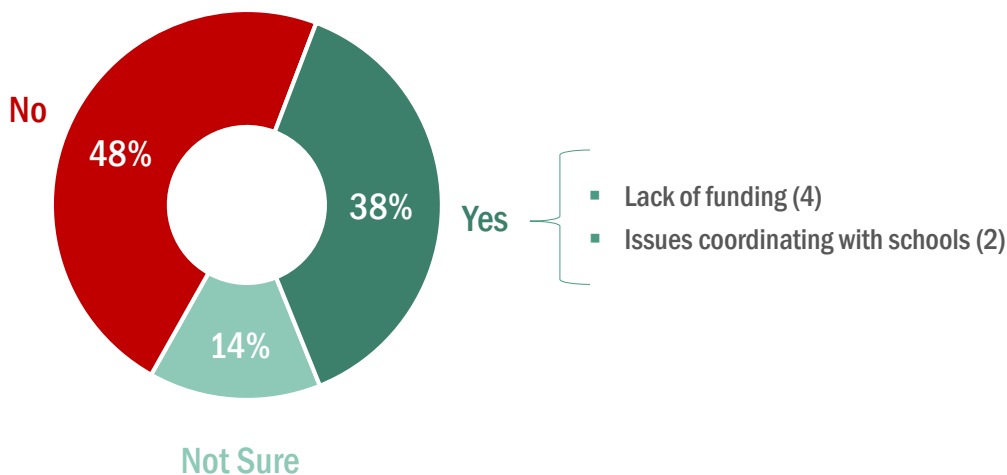
Approximately one-third of MPO survey respondents reported experiencing barriers to correcting hazardous walking conditions as prescribed in s. 1006.23(4) *Florida Statutes*. The most frequently cited barriers were the lack of funding needed to make the corrections and poor communication among entities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

MPOs

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



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



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

Source: OPPAGA analysis of MPO survey responses.

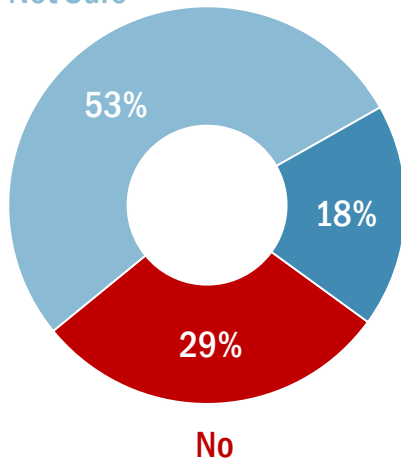
Stakeholder-Suggested Changes: Process for Correcting Hazardous Walking Conditions

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

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

School Districts

Not Sure

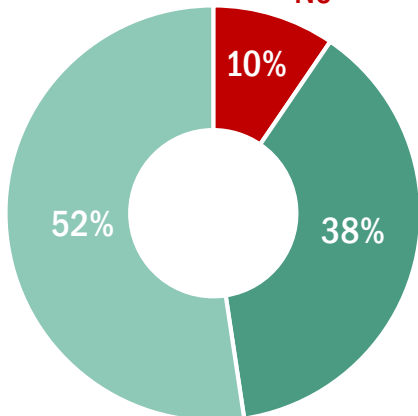


Yes

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

MPOs

No



Yes

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

Not Sure

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

Countermeasures and Related Funding Sources

Traffic Calming Measures

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

Island



- ✓ Helps to protect pedestrians from motor vehicles when crossing
- ✓ A spot island can cost between \$12,000 and \$17,000

- ✓ According to the U.S. Department of Transportation Federal Highway Administration, islands can reduce pedestrian crashes by 56%

Roundabout



- ✓ Reduces vehicle speed, helps traffic flow, eliminates angle collisions
- ✓ Cost can vary

from \$1,500,000 to \$2,100,000 depending on lane number

- ✓ According to the U.S. Department of Transportation Federal Highway Administration, roundabouts can reduce pedestrian crashes by 27%

Median



- ✓ Slows motor vehicle speeds
- ✓ Cost is \$12,000 for a median island and \$5,000 for a median extension

- ✓ According to the U.S. Department of Transportation Federal Highway Administration, medians can reduce pedestrian crashes by 25%

Raised Crossing



- ✓ Increases pedestrian visibility and forces slowness from motorists

- ✓ Two-lane raised crosswalk can cost \$414,000
- ✓ According to the U.S. Department of Transportation Federal Highway Administration, raised crossings can reduce pedestrian crashes by 30%

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

Source: University of North Carolina Highway Safety Research Center, "Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public." (October, 2013); Bushell, M. A., Poole, B. W., Zegeer, C. V., Rodriguez, D. A. "Costs for Pedestrian and Bicyclist Infrastructure Improvements." Accessed June 30, 2021.

https://www.pedbikeinfo.org/cms/downloads/Countermeasure%20Costs_Report_Nov2013.pdf; U.S. Department of Transportation Federal Highway Administration. "Toolbox of Pedestrian Countermeasures and Their Potential Effectiveness." Accessed February 21, 2022.

https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa18041/fhwasa18041.pdf; Florida Department of Transportation. "Where Would we Expect these Typical Treatments?"; Federal Highway Administration. "Synthesis of Methods for Estimating Pedestrian and Bicyclist Exposure to Risk at Areawide Levels and on Specific Transportation Facilities." Accessed April 4, 2022.

https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa17041/index.cfm#toc; National Transportation Safety Board. "Special Investigation Report: Pedestrian Safety" Accessed February 14, 2022. <https://www.nts.gov/safety/safety-studies/Documents/SIR1803.pdf>; U.S. Department of Transportation Federal Highway Administration. "Toolbox of Pedestrian Countermeasures and Their Potential Effectiveness for Pedestrian Crashes." Accessed June 30, 2021. https://safety.fhwa.dot.gov/ped_bike/tools_solve/ped_tctpepc/ped_tctpepc.pdf; and the Florida Department of Transportation.

Pedestrian Accommodations and Crossings

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

Lighting



- ✓ Protects both drivers and pedestrians
- ✓ Median cost for intersection lighting is \$43,000
- ✓ According to the U.S. Department of Transportation

Federal Highway Administration, overhead lighting can reduce pedestrian injury crashes by 23%

Overpass/Underpass



- ✓ Provides safe accommodation over impassable barriers, including highways and railways

- ✓ According to the U.S. Department of Transportation Federal Highway Administration, overpasses/underpasses provide an 86% decrease in all pedestrian crashes

Street Furniture



- ✓ Provides safety to pedestrians through a buffer between sidewalks and roadways
- ✓ Includes trees, benches, bus shelters, newspaper racks, and kiosks
- ✓ Creates a more pleasant and attractive environment for pedestrians

- ✓ According to the U.S. Department of Transportation Federal Highway Administration, costs can vary. A bench can cost \$1,155 and a bus shelter can cost \$99,000

Sidewalk



- ✓ Most basic pedestrian facility
- ✓ May vary in material and cost
- ✓ Cost can range from \$3,000 per 100 feet to fill gaps to \$6,000 per 100 feet to widen the sidewalk

- ✓ According to the U.S. Department of Transportation Federal Highway Administration, sidewalks can reduce all pedestrian crashes by 88%

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

Source: University of North Carolina Highway Safety Research Center, "Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public." (October, 2013); Bushell, M. A., Poole, B. W., Zegeer, C. V., Rodriguez, D. A. "Costs for Pedestrian and Bicyclist Infrastructure Improvements." Accessed June 30, 2021.

https://www.pedbikeinfo.org/cms/downloads/Countermeasure%20Costs_Report_Nov2013.pdf;

U.S. Department of Transportation Federal Highway Administration. "Toolbox of Pedestrian Countermeasures and Their Potential Effectiveness." Accessed February 21, 2022. https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwas18041/fhwas18041.pdf

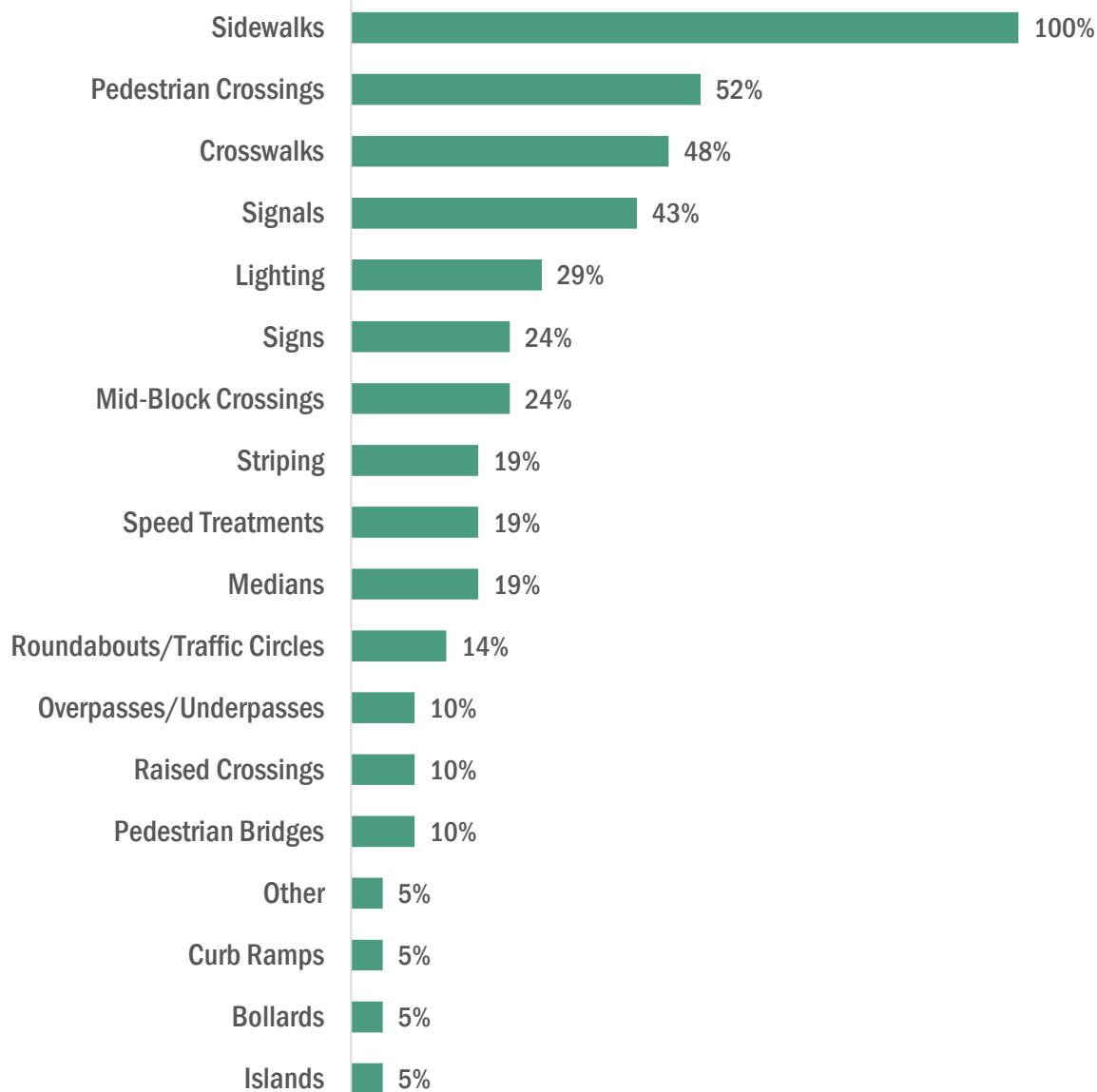
Florida Department of Transportation. "Where Would we Expect these Typical Treatments?"; and the Florida Department of Transportation.

Countermeasures Used

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

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

MPOs



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

Approaches to Funding Countermeasures

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

Federal Sources of Funding



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

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

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

State Sources of Funding



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

Local Sources of Funding



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

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

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

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

Safe Routes to School

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

Federal SRTS program

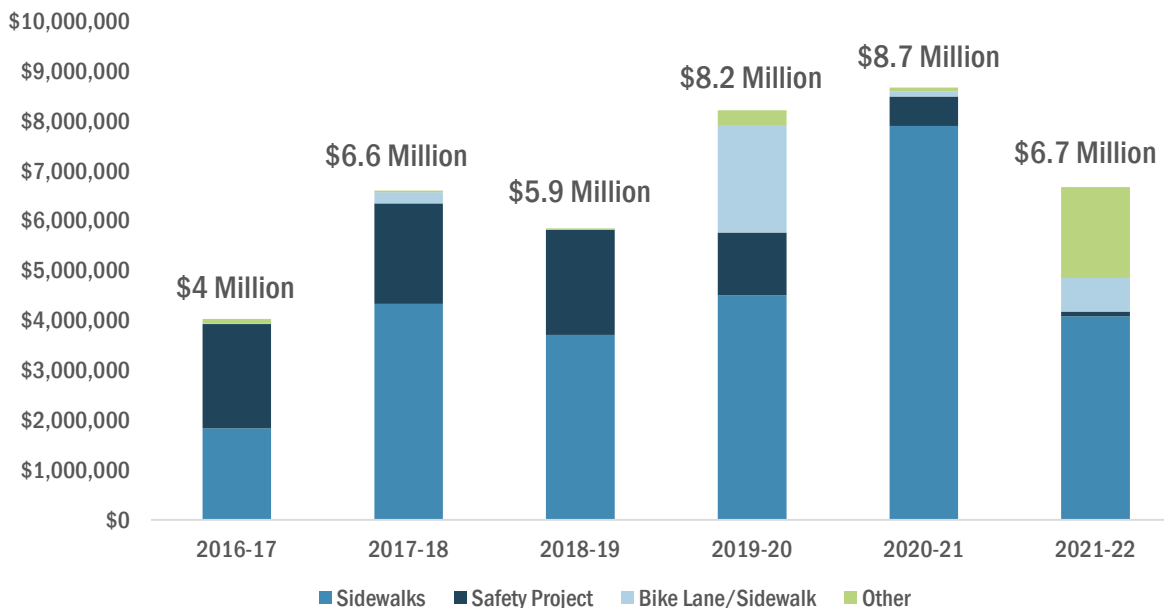
In 2005, Congress established the SRTS program to improve safety on walking and bicycling routes and encourage children and families to travel between home and school using these modes. The 2005 legislation provided funding to the program, but 2012 legislation eliminated the program's dedicated funding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

Projects in Florida

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

FDOT Allocations to SRTS

Most SRTS projects in Florida (71 of 109) are for constructing sidewalks²



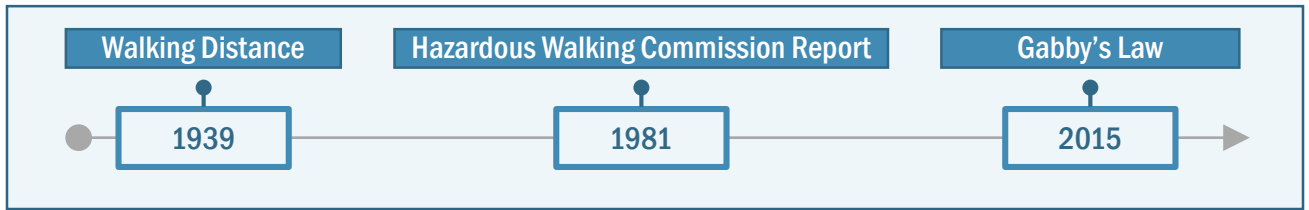
¹ The Safe Routes Partnership reports that SRTS activities are eligible for a variety of federal funding sources, including Transportation Alternatives, Highway Safety Improvement Program, Congestion Mitigation and Air Quality, and Surface Transportation Block Grant funds.

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

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

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

History of Hazardous Walking Conditions Statute



Distance

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

Initial Statutory Criteria

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

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

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

Statutory Updates

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

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

Contact Information

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FLORIDA LEGISLATURE OFFICE OF PROGRAM POLICY ANALYSIS AND GOVERNMENT ACCOUNTABILITY

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