

## **DRAFT Contra Costa County School Siting and Safety Initiative (12/17/13)**

Schools have a large and enduring effect on the character and safety of the surrounding community due to the intensity of activity at the site and the vulnerable nature of the population served. Currently, the process by which schools are located and designed can result in adverse safety, community development, and public health outcomes. The State has acknowledged some of these issues in recent studies<sup>1</sup> and intends on addressing them in 2014<sup>2</sup>. Interested agencies and organizations will need to engage in the 2014 legislative and policy development process in order to ensure reforms are adequate. This paper provides an overview of the issue, identifies existing processes, and potential reforms.

**The current process of selecting and developing new school sites in California has substantial flaws. This flawed process can result in poorly functioning school sites, some of which have been acknowledged by the state in recent reports<sup>1</sup>. Examples of poor school site function are:**

- Inadequate or ill-conceived transportation infrastructure<sup>3</sup> which causes avoidable congestion and/or chaotic circulation patterns both of which ultimately result in unsafe conditions.
- School locations that have no or limited access to critical municipal services (e.g., fire, sewer, water) and/or are too distant from the population served to support walking & biking<sup>4</sup>.
- School locations that undermine local/state policies such as sites that are outside urban limit line/urban growth boundary, in agricultural areas, preclude access by walking and cycling, undermine AB32/SB375 goals, etc.
- The safety and access issues mentioned above drain very limited Safe Routes to School (SR2S) funds, and
- Certain sites are contentious and strain relations between City Councils, Boards of Supervisors, and School Boards.

**The current process has local school districts largely responsible for school siting and design. Unfortunately, school districts have limited policies, authority, and expertise that would ensure that school sites have positive outcomes related to safe access and broader community development goals. It is the cities/counties, and the State that carry out these duties. In more detail:**

- The state has substantial statutes and policies<sup>5</sup> that *should* inform school siting and design but school districts are not compelled to reflect these policies in their school siting decisions.
- Under state law, cities and counties are granted land use planning authority. Currently, cities & counties have little ability to influence the selection and development of school sites as state law allows school districts to exempt themselves from local land use planning authority<sup>6</sup>.
- Local school districts develop and design school sites independent<sup>6</sup> of the aforementioned state and local land development policies. This *disconnect* is acknowledged by the state in their recent studies<sup>1</sup>.

**This *disconnect* can be addressed through regulations tied to a state school construction and modernization bond that is anticipated in 2014. This approach has been suggested by the State during their December 2012 Policy Symposium<sup>7</sup> and in the Governors 2013-14 Budget Proposal<sup>2</sup>. The following are draft concepts to be considered in addressing school siting and design requirements attached to the proposed 2014 bond or with legislation developed in parallel: (next page)**

<sup>1</sup> 2012 - *California's K-12 Educational Infrastructure Investments: Leveraging the State's Role for Quality School Facilities in Sustainable Communities*, Report to the CA Department of Education by UC Berkley Center for Cities and Schools, and **2011** - *Schools of the Future Report*, Tom Torlakson/State Superintendent of Public Instruction

<sup>2</sup> Governor's 13-14 Budget Report, "...now is an appropriate time to engage in a dialogue on the future of school facilities..." / "School districts and their respective localities should have appropriate control of the school facilities construction process and priorities."

<sup>3</sup> Little to no bicycle/pedestrian supportive infrastructure, school sites in a cul-de-sac or with single points of access, etc.

<sup>4</sup> "...studies show that the distance between home and school is the strongest predictor of whether students walk/bike to school." Institute of Transportation Engineers, 2012 "School Site Selection and Off-site Access"

<sup>5</sup> AB32/SB375, The Complete Streets Act, Safe Routes to School concepts, and the Health in All Policies Initiative

<sup>6</sup> Government Code §53091(a)-53097.5: This section allows school district preemption from local zoning ordinances.

<sup>7</sup> Partnering with K-12 in Building Healthy, Sustainable, and Competitive Regions: Policy Symposium: Proceedings Summary & Next Steps: "These efforts will inform the legislative debates over the possibility—and priorities—of a future statewide K-12 school construction bond."

- Limit the ability of school districts to preempt local zoning ordinances<sup>6</sup>. This would bring schools under the influence of SB375 given that the cities and counties ultimately implement the sustainable communities strategy.
- Whether new school siting policies are advisory or more prescriptive is critical. Considering that there are *existing* advisory documents that *should* result in high quality school sites (but don't) it suggests that new policies will need to be compulsory in order to have the desired effect.
- Coordination of attendance boundaries between school districts, cities/counties should be compulsory.
- Statutes for Local Agency Formation Commissions (LAFCOs) provide a role for LAFCOs in school site development<sup>8</sup> and could be expanded. At a minimum, **1)** school districts should be required to consult with LAFCO when a new school site is being proposed, and **2)** LAFCO should discourage the extension of municipal services to school sites located in agricultural and open space areas pursuant to LAFCO law. More prescriptive requirements should be considered in areas with an adopted Urban Limit Line or Urban Growth Boundary.
- Legislation should require revised *School Site Selection and Approval Guide* and *Guide to School Site Analysis and Development*. Critical revisions should be moved from guidance to statutes. [revisions are too voluminous to list here]
- School districts, when approving a new site must **1)** make findings, w/evidence, that the decision is consistent with relevant requirements in statute, **2)** provide a full-cost accounting (construction, land, off-site infrastructure [utility/transportation], costs borne by other agencies, community, etc.), of site options, and **3)** the approval must include a comprehensive (auto & active modes) circulation plan signed and stamped by a traffic engineer.
- The State acknowledges a greater share of bond proceeds should be directed to modernization programs than in new school construction<sup>7</sup>. Any 2014 school construction and modernization bond should be linked to a comprehensive **School Area Safety Initiative** and include the following which would modernize existing schools:
  - **SR2S<sup>9</sup> Funding Eligibility:** SR2S projects/programs at existing schools should be an eligible use of bond funds.
  - **Redefinition of School Zone in state law:** Currently, in the vehicle code, school zone signage is limited to 500' and 1000'. These limits are **not** reflective of actual pedestrian/bicycle access patterns at K-12 schools and inconsistent with SR2S funding/projects/concepts and the State's Health in All Policies Initiative. The prescriptive figures should be increased (1320' minimum) and local agencies should have discretion to further expand the zone based on knowledge of attendance boundaries, travel sheds, as established in a traffic study.
  - **Reauthorize and fund implementation of Double Fine School Zone (DFSZ) statute:** In 2002 AB 1886 was passed which implemented a DFSZ as a pilot in specified areas<sup>10</sup>. The statute was allowed to sunset in 2007.
  - **Implement a Vulnerable Road User (VRU) Protection Law:** VRU protection laws establish the concept "whoever can do the most damage has an obligation to be the most careful". Oregon has such a statute and the League of American Bicyclists has drafted model legislation<sup>11</sup>.
  - **Implement K-12 bicycle and pedestrian transportation safety curriculum:** Class material would meet Common Core State Standards and include in-class and in-field lessons with a dual benefit of decreased injuries/deaths and increased walking/biking. California already has numerous communities implementing this and would be a natural leader to implement a statewide effort.
  - **The State and Caltrans to conduct a study on automobile speeds:** The study will **1)** document the change in automobile speeds over the past four decades due to vast improvements in vehicle technology, and **2)** document how that (assumed) change in speed has impacted other road users.

<sup>8</sup> LAFCO mandate: 1) encourage orderly formation of local governmental agencies, 2) preserve agricultural land, 3) discourage urban sprawl.

<sup>9</sup> Safe Routes to School (SR2S) is typically a program that has a goal of making it safe and convenient children (K-12) to bicycle and walk to school. Strategies typically fall in to the "Five E's"; evaluation, education, encouragement, engineering and enforcement and can include capital projects (sidewalks/paths), bicycle safety/rules of the road training, increased police presence, crossing guards, etc.

<sup>10</sup> The post-mortem report to the legislature on the program (by CHP) did not endorse it and gave a negative review of the program. The lack of success was likely related to the fact that little to no resources were devoted to implementation.

<sup>11</sup> 801.608 "Vulnerable user of a public way": [http://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/2011ors801.html](http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2011ors801.html)  
[http://www.bikeleague.org/sites/bikeleague.org/files/bikeleague/bikeleague.org/action/images/vru\\_story.pdf](http://www.bikeleague.org/sites/bikeleague.org/files/bikeleague/bikeleague.org/action/images/vru_story.pdf)