

California School Siting and Safety Initiative – Contra Costa County (rev: 12/1/14)

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 vulnerability of the student population. Currently, the process by which schools are located and designed can result in negative community development, environmental, and public health/safety outcomes. **Directly related to this issue is the well-known, often cited decline in K-12 walk/bike to school rates. This decline should not be accepted as inevitable, but rather as a problem to be reversed through a strategic public policy response.** The State acknowledged school siting issues in recent studies¹. The Governor intends on addressing school funding in 2015². Interested organizations will need to engage in the 2015 legislative and policy development process to ensure adequate reforms are included in the funding package. This paper provides an issues overview, 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 reports¹. Examples of poor school site function are:

- Inadequate or ill-conceived transportation infrastructure³ which causes avoidable congestion and/or chaotic circulation patterns both of which ultimately result in unsafe conditions.
- School locations that have limited or no access to critical municipal services (e.g., fire, sewer, water) and/or are too distant from the population served to support walking and biking⁴.
- 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. School districts do not have adequate policies, authority, or expertise to ensure that school sites have positive outcomes related to safe access and community development goals. It is the cities/counties, and the State that have this expertise:

- By statute, cities and counties have land use planning authority. Cities and counties cannot influence the selection and development of school sites as state law allows school districts to exempt themselves from this local authority⁶.
- Although the state has substantial statutes and policies⁵ in place that *should* inform school siting and design, school districts are not currently compelled to comply with those policies in their school siting and design decisions.
- Local school districts develop and design school sites independent⁶ of the aforementioned state and local land development policies. This *disconnect* is acknowledged by the state in their recent studies¹.

This disconnect can be addressed through regulations tied to anticipated revisions to the school construction funding process anticipated in the 2015-16 Budget. Implementing a solution using the budget as a mechanism was suggested by the State during their December 2012 Policy Symposium⁷ and contemplated in the Governor's 2013-14 Budget Proposal². The following are concepts to be considered in addressing school siting and design requirements attached to the proposed 2015 policy changes or with legislation developed in parallel:

- Limit the ability of school districts to preempt local zoning ordinances⁶. This could bring schools under the influence of SB375; ultimately it is the cities and counties that implement the sustainable communities strategy. *(next page)*

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

² Cabinet Report, 10/20/14 "*Brown's Plan for Fixing School Construction Funding*" and in 2014: 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.*"

³ Bicycle/pedestrian infrastructure is inadequate or not present, school sites in a cul-de-sac or with single points of access, safe roadway crossings are not considered, and no necessary improvements being funded or constructed by the schools.

⁴ "...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*"

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

⁶ Gov Code §53091(a)-53097.5: Allows school district preemption from zoning ordinances. Schools consistent with an SCS/PDA could be exempted.

⁷ 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.*"

- **Whether new school siting policies are advisory or prescriptive is critical.** Considering that there are *existing* advisory documents that *should* result in high quality school sites it suggests that new policies will need to be compulsory in order to be effective. Revised language could be implemented with revisions to the California Code of Regulations, Title 5.
- 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 development⁸ 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 restrictions related to the extension of municipal services 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 compulsory rather than mere guidance. [revisions are too voluminous to list in this paper]
- School districts, when approving a new site must **1)** make findings, w/substantial evidence in the record, that the decision is consistent with relevant requirements in statute, **2)** provide a full-cost accounting (off-site infrastructure [utility/ transportation] of facility development, 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 funds should be directed to modernization programs than to new construction⁷. Any 2015 school construction and modernization bond should be linked to a comprehensive effort to reverse the well-known decline in K-12 walking/bike rates which would include the following:

- **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 school access patterns and are not consistent with State policies. 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, and travel sheds, as established in a traffic study.
- **Pass and fund implementation of an Enhanced Penalty School Zone statute:** In 2002 AB 1886 was passed which implemented a double fine school zone as a pilot⁹. The statute was allowed to sunset in 2007. The County has proposed an alternative which increases points levied against a driver's license for speeding in a school zone.
- **Implement a Vulnerable Road User (VRU) Protection Law:** VRU 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 legislation¹⁰.
- **Implement and fund the bicycle and pedestrian safety curriculum developed by the State Health in All Policies Task Force and Strategic Growth Council:** The program would have dual benefit of decreased injuries/deaths and increased walking/biking. California already has numerous communities implementing such a program.
- **SR2S Funding Eligibility:** SR2S projects at existing schools should be an eligible use of bond funds.
- **Caltrans to conduct a study on auto speeds:** Given the significant¹¹ barrier that a speeding is to increases in K-12 walk/bike rates, this study would **1)** document any changes in automobile speeds over time due to vast improvements in vehicle technology, **2)** document how that change in speed has impacted other road users, and **3)** identify mitigations.

The concepts in this paper are for discussion purposes; they do not necessarily reflect adopted policy positions.

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

⁹ The AB 1886 post-mortem report was inconsistent in its findings and recommendations. The report 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.

¹⁰ 801.608 "Vulnerable user of a public way": 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

¹¹ U.S. Centers for Disease Control and Prevention. Barriers to Children Walking to or from School United States 2004, Morbidity and Mortality Weekly Report September 30, 2005. Available: www.cdc.gov/mmwr/preview/mmwrhtml/mm5438a2.htm - AND - Chauhan, C, Yeh J, Fox, P. The Safe Routes to School Program in California: An Update. American Journal of Public Health

<http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2012.300703> - AND - CCTA SR2S Master Plan 2011: Existing Conditions: Data Summary