



POLICY 7.16

4-A I recommend that the Board adopt the proposed revised Policy 7.16, entitled “Street Improvements.”

[Contact: Warren Haan, PX 21912.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on August 12, 2009.
- This revision addresses street improvements, including sidewalks, curbs, gutters, street paving and other improvements resulting from the facility's traffic.
- This revision seeks to coordinate with the applicable local government regarding funding allocations and maintenance, with the scope of improvements being determined from review of a current traffic study.
- This revision also updates statutory references.

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STREET IMPROVEMENTS

Streets, sidewalks and ~~the like special benefits~~ are proper and necessary parts of school plants when such improvements are made in connection with such plants and adjacent thereto for the safety and health of students and others using the facilities.

1. As a part of construction of major new or modified facilities such as new and replacement schools, transportation compounds and warehouses, the Board will include in its planning the financing of such improvements, as required by those facilities in accordance with State law. This includes the school, on not more than two sides of a school site for sidewalks contiguous to the school property, curbs, gutters, and one-half of street paving and improvements as approved by the School Board and resulting solely from the facility's traffic. For other roadway improvements and signalization, the staff will approach the applicable local government to request that the necessary improvements be programmed into their local Capital Plan funding allocations. The scope of such improvements shall be determined from review of a current traffic study procured by the District and discussions/negotiations between the District and the city, county and/or state government agency responsible for such improvements. All agreements shall be in compliance with current State law. Such improvements together with real property on which they are located will be dedicated to the governmental agency having jurisdiction for maintenance purposes and right-of-way.
2. On existing sites where such improvements are non-existent and a governmental agency having jurisdiction elects to provide these improvements, the School Board will participate in the cost therefore to the same extent as for new construction.
3. On existing sites where such improvements are already in existence, the School Board presumes the responsibility for maintaining ~~these~~ the improvements that are on School Board property. The maintenance of improvements that are not on School Board property shall be the responsibility of ~~lies totally with~~ the governmental agency having jurisdiction except in those instances where such improvements are damaged as a direct result of activities by the Board or its employees in which case the Board will participate in restoration to the extent that its action or those of its employees caused said damage.
4. When an existing hazard on or near a public sidewalk, street, or highway adjacent to a school site is identified and the hazard endangers the life or threatens the health or safety of students who walk or are transported, the Superintendent, on behalf of the School Board shall, within twenty-four (24) hours excluding Saturdays, Sundays and legal holidays, shall bring that hazard to the attention of the governmental entity which has jurisdiction over the location of said hazard.

40 STATUTORY AUTHORITY: Fla. Stat. §§ ~~4001.11; 230.22(2); 235.19~~ 1001.32(2);
41 1001.41(2); 1001.42(2), (10), (11), & (26); 1001.43(2) & (5); 1013.36
42 LAWS IMPLEMENTED: Fla. Stat. §§ ~~235.34~~ 1001.42(2), (10), (11); 1001.43(1)(f) & (4);
43 1013.36
44 HISTORY: 4/6/83; 12/1/08; ___/___2009

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.16 and finds it legally sufficient for development by the Board.

Attorney

Date