

School zones on roads where traffic light is located

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Date: April 16, 2003

Subject:

School zones on roads where traffic light is located

The Honorable Mike Davis
Representative, District 101
1101 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

RE: SCHOOLS–TRAFFIC CONTROL–coexistence of traffic control device and designated school zone on road adjacent to school. S. 316.1895, Fla. Stat.

Dear Representative Davis:

You ask substantially the following question:

Does section 316.1895(8), Florida Statutes, prohibit the creation of a school zone on a road adjacent to an elementary or middle school where a traffic light exists?

You have been advised that local law enforcement in Collier County has taken the position that roads adjacent to schools that are served by traffic lights may not be designated as school zones in light of the provisions of section 316.1895(8), Florida Statutes. If such an interpretation is correct, you are interested in amending the statute to ensure that such school zones may be established.

Section 316.1895, Florida Statutes, relates to the establishment of speed zones. A school zone is an area designated for the purpose of establishing a reduced school zone speed limit that is in effect at the beginning and end of the regularly scheduled school day. Section 316.1895(5), Florida Statutes, provides:

"A school zone speed limit may not be less than 15 miles per hour except by local regulation. No school zone speed limit shall be more than 20 miles per hour in an urbanized area, as defined in s. 334.03. Such speed limit may be in force during those times 30 minutes before, during, and 30 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session."

Section 316.1895(1), Florida Statutes, authorizes the Department of Transportation to adopt a uniform system of traffic control devices and pedestrian control devices for use on the streets and highways of the state and to publish a manual containing the specifications and requirements of such devices. Each county and municipality is required to install and maintain

such traffic and pedestrian control devices in conformity with the uniform system.[1]

Subsection (8) of section 316.1895, Florida Statutes, provides:

"Nothing herein shall prohibit the use of automatic traffic control devices for the control of vehicular and pedestrian traffic at school crossings in lieu of permanent or portable school zone signs. The Department of Transportation shall establish standards for automatic flashing signals."

The above subsection only recognizes that automatic traffic control devices may be used instead of permanent or portable school zone signs. It does not prohibit the designation of a school zone where a traffic control device exists. In fact, the Department of Transportation's criteria and standards to be used in establishing school zones and school crossings state:

"School zones and signalized intersections should be independently justified control techniques, and the *use of one neither requires nor precludes use of the other*. When a school crossing is warranted, it should be located at a signalized intersection whenever possible." [2] (e.s.)

In addition, the department's manual further provides that "[u]pon a request from local government, a reduced speed zone may be used at school crossings at signalized intersections at locations adjacent or near school property." [3] Clearly, the Department of Transportation's standards recognize that reduced school speed zones may be designated in conjunction with traffic signals. [4]

In light of the above, I am of the opinion that section 316.1895(8), Florida Statutes, does not preclude the coexistence of a traffic control device and a designated school zone on a highway or street adjacent to a school. [5]

Sincerely,

Charlie Crist
Attorney General

CC/tall

[1] See s. 316.1895(3)(a)-(c), Fla. Stat., stating that the Department of Transportation is responsible for maintaining a school zone located on a state-maintained primary or secondary road, the county has the responsibility for maintaining school zones located outside of a municipality and on a county road, and a municipality is responsible for school zones located within the municipality.

[2] Department of Transportation Publication, Establishing School Zones and School Crossings, Procedure No. 750-010-027-g; s. 4.4 (March 23, 2001).

[3] Department of Transportation Publication, Establishing School Zones and School Crossings,

Procedure No. 750-010-027-g; s. 2.4 (March 23, 2001).

[4] *Cf. Padgett v. School Board of Escambia County*, 395 So. 2d 584 (Fla. 1st DCA 1981), held that section 316.184 (1975) (now section 316.1895) which places the duty of installing and maintaining school traffic devices upon the Department of Transportation and local authorities in no way preempts the school board from operating school traffic control devices. The court held a school board had the authority to operate school crossing lights under section 232.25, Florida Statutes, if it chose to do so.

[5] This office has contacted the staff of the Department of Highway Safety and Motor Vehicles and the Department of Transportation on this issue and has been advised that they concur that school speed zones may be co-located with signalized traffic devices.