

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption
of Rules of the State Department of
Public Safety Governing School Safety
Patrol Procedures at Street Crossings.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the State Department of Public Safety. The captioned rules were last amended July 5, 1983.

The need to adopt these rules arises because of the problems for schools and school patrol in complying with the rules in their present form. The proposed changes will more adequately meet the needs of schools and school patrols to protect them from potential legal action and maintain adequate protection for school children at street crossings.

Part 7415.0500D. The rule requiring a school patrol member to keep at least one foot on the curb or shoulder is changed to require the school patrol member to "remain as close as practicable to" the curb or shoulder. It is difficult from the standpoint of perceived performance and impossible in many instances for a school patrol member to keep one foot on the curb. A natural instinct for anyone attempting to control vehicular traffic for the protection of pedestrians is to occupy a portion of the roadway. This provides the patrol member a better view of the traffic lane and gives the approaching traffic a better opportunity to see and perceive the control situation.

Part 7415.0500F. The language allowing patrol members to step into the street, but not beyond the parked vehicles is stricken. This section is no longer needed because of the change in Part 7415.0500D which allows patrol members to step out from the curb. This provision was originally included to provide an exception to the rule that patrol members keep one foot on the curb.

Part 7415.0500H. The rule requiring at least two patrol members at each crossing is changed to one or more patrol. It is not possible for all schools to always have two members at each crossing. As a result, some schools are using only one patrol person at some of the crossings. The primary concern is the legal implication the regulation could have on the school patrol member, the school administration and the school board members. It is firmly believed that at low-volume, open intersections, one patrol member can adequately and safely assist children across the street. Requiring two patrol members at such intersections would mean that many others would be left unguarded. There are not a sufficient number of patrol members at most schools to have two members at all intersections where patrols are needed. The result would be children crossing on their own thus increasing the risk of an accident and injury.

Part 7415.0500I. This section is added to provide for those intersections that are high-volume or pose a greater risk. It provides that at least two or more patrol members shall be at a particular crossing when, in the opinion of local law enforcement officials, the traffic or other conditions are such that more than one is needed for the safety of the children.

Part 7415.0500J. This change corresponds to the change in Part 7415.0500D. requiring the patrol member to remain as close as practicable to the curb.

The department has considered the requirements of Minn. Stat. 14.115 and has determined that the proposed rules do not directly affect small businesses.

PAUL J. TSCHIDA
COMMISSIONER

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